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Animals and Fish - Historical Notes

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Unicoi County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1893, Chapter 59, made it unlawful to hunt, kill, or capture any wild deer in Unicoi, Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, DeKalb and Montgomery counties from December 1 to September 30 of each year. Each violation would be subject to a fine of not less than \$25 and not more than \$50.
2. Public Acts of 1899, Chapter 406, provided that all persons fishing in any of the streams in Unicoi County from July to November of each year by means of a basket, shall have the space between the slats of the basket no less than 1 ½ inches apart and not more than six feet in length. Violations were punished by a minimum fine of \$10 and ten days in jail at the discretion of the judge.
3. Acts of 1903, Chapter 384, made it lawful to catch fish in any stream in Unicoi County with traps and gigs, provided the slats were at least two inches apart and the dams so constructed that fish could pass safely up and down stream, and provided that the season would be closed from March 15 to June 1 of each year.
4. Private Acts of 1913, Chapter 271, made it unlawful in Unicoi and Washington counties to net, trap, shoot, or capture quail, or partridges, for a period of five years. The misdemeanor had a fine of \$5.00 to \$25 for the first offense, \$25 to \$50 for the second, plus imprisonment up to six months, all in the discretion of the court. Inquisitorial powers were given to the grand jury and the circuit and criminal court judges would charge this law to them.
5. Private Acts of 1915, Chapter 64, made it unlawful for bulls of the age of six months and boars of four months old, to run at large in Unicoi County when their owner willfully and knowingly permitted the same. Only a fine of not less than \$5 nor more than \$25 was established for violations.
6. Private Acts of 1915, Chapter 291, rendered it unlawful to net, trap, shoot, or in any way kill or capture quail, partridges, pheasants, turtle doves, field larks and wild turkeys for the next three years in Unicoi County, setting up a fine of \$5 to \$25 for each violation.
7. Private Acts of 1915, Chapter 593, made it a misdemeanor in Washington, Carter, Johnson and Unicoi counties for any person to shoot any fox or destroy the den of any young fox, or to catch, maim, or otherwise destroy or injure such fox by snare, trap or other device. However, one could place traps within 100 feet of their residence, barn or other out buildings, and this law would not apply if the animal were attacking chickens or other domestic stock. The fine prescribed was \$25 to \$100 for each violation.
8. Private Acts of 1915, Chapter 617, declared it unlawful to take or catch fish from any tributary of South Indian Creek by baited hook, and line, or with hands, traps, net or any other means or device whatever for the next five years. The prohibition did not apply to fishing in the mainstream of South Indian Creek by any legal means. The fine ranged from \$5 to \$25 with up to 30 days in jail.
9. Private Acts of 1921, Chapter 405, exempted a large number of counties from the provisions of Public Acts of 1919, Chapter 61, which was a statewide dog law. Unicoi was among those counties which exempted themselves.
10. Private Acts of 1923, Chapter 9, made it unlawful for the owner of a horse, cattle, sheep, hogs and other livestock to permit them to run at large in Unicoi County. The owner was declared liable for damages, and a lien upon the trespassing stock was granted to the damaged person in addition to all the other remedies available.
11. Private Acts of 1929, Chapter 207, made it unlawful to take, kill, wound or chase any male or female deer, or fawn, in Unicoi County.
12. Private Acts of 1929, Chapter 753, declared it unlawful in Unicoi County to shoot quail unless the ground was covered with snow, to shoot wild turkeys for the next two years, to shoot pheasants except from November 20 to December 20 each year, to bother any fur bearing animal other than coon, possum, and skunk, between October 15 and January 15, except that foxes may be chased by dogs at any time. Mink and muskrat could be sought between November 15 and February 15, if the traps were set under water, and squirrel had an open season from August 1 to January 1. None of these prevented anyone from killing them within 100 feet of their residence, barn, or

other out building.

13. Private Acts of 1978, Chapter 197, set the times in which it was legal to hunt bears with dogs. This act was repealed by Private Acts of 1988, Chapter 161.
14. Private Acts of 1991, Chapter 5, would have authorized Unicoi County to establish and support a dog and cat control program and to contract with local municipalities for such purposes, however, according to the Unicoi County Clerk's Office this act was not approved and therefore never became law.

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