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Chapter II - Animals and Fish

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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Chapter II - Animals and Fish

Fish Traps

Private Acts of 1829-30 Chapter 302

SECTION 1. That should it hereafter appear by satisfactory proof being made to the county courts of Washington and Greene County, or either of them, that the navigation of Nolichucky River is obstructed by fish traps and dams, it shall and may be lawful for each of said courts to appoint three commissioners that the navigation is obstructed by fish traps and dams, they shall give twenty days notice to the person or persons owning such traps and dams, to remove them, and any person or persons failing to comply with such notice, it shall be the duty of said commissioners to collect a sufficient number of hands to remove such obstructions, and any expense incurred by such removal shall be charged to the person owning such trap or traps, dam or dams, a true bill of which shall be made out and sworn to, at least by one of said commissioners, and shall be recovered in the same way other actions of debt of the same grade are recoverable by law.

Passed: January 13, 1830.

Fish

Private Acts of 1933 Chapter 886

SECTION 1. That it shall be lawful in all counties of this State having a population of not less than 35,100 nor more than 35,150, according to the Federal Census of 1930 or any subsequent Federal Census, to catch or take fish from the streams in said counties by the means of baskets and traps, constructed as hereinafter provided.

SECTION 2. That the traps to be used under the provisions of this Act shall have their slats at least two and one-half inches apart, and no trap placed in any running stream shall be so placed as to occupy the whole width of the stream or in such a way as to prevent the free passage of fish up and down the stream, and all baskets shall have slats at least two inches apart.

SECTION 3. That in case the person desiring to catch fish is not the owner of the land through which the stream runs, he shall be required to obtain permission from such land owner for placing his trap or basket in the waters, and in case the stream is the dividing line between two or more land owners, he shall be required to obtain permission from all such land owners.

SECTION 4. That one person shall not use at the same time more than one trap or basket.

SECTION 5. That the taking of fish by the means and methods above set out, shall be lawful between April 15, of each year and October 1 provided the person so taking the same has purchased his hunting and fishing license.

SECTION 6. That it shall be unlawful to take game fish by the above methods.

SECTION 7. That any person violating the provisions of this law shall be deemed guilty of a misdemeanor and punishable by a fine of not less than \$10.00 nor more than \$25.00.

SECTION 8. That all laws and parts of laws inconsistent with this Act, and the same are hereby repealed, and that this Act take effect from and after its passage, the Public Welfare requiring it.

Passed: April 22, 1933.

Foxes

Private Acts of 1953 Chapter 497

SECTION 1. That there shall be a closed season upon foxes at all times, and that foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 41,000 and not more than 41,500 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

“Should the Game and Fish Commission determine that there is need for an open season in any

such county or counties they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.”

SECTION 2. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1953.

Animals and Fish - Historical Notes

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 Greene 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 152, made it a misdemeanor to kill or capture any game bird from the first of February to the first of November of each year in Greene County.
2. Public Acts of 1899, Chapter 110, made it unlawful to net, trap, or capture quail or partridges in Greene County for five years after passage of this act.
3. Public Acts of 1899, Chapter 159, made it lawful to catch fish and baskets or bait nets in the streams of Greene County, but this was amended by Private Acts of 1901, Chapter 267, to make it unlawful to catch bass from March 1st to June 1st of each year and unlawful to catch trout from September 1st to March 1st. Almost immediately the legislature amended the amendatory act changing the closed season on bass to June 1st through August 1st, and providing that even during those dates, bass could be caught with hook and line.
4. Private Acts of 1901, Chapter 212, made it lawful to catch fish in the Nolichucky River by means of a fish trap except between March 15th and June 1st of each year. Four years later this act was amended by Acts of 1905, Chapter 502, to provide that there would be no closed season on fishing with fish traps in the Nolichucky River.
5. Acts of 1903, Chapter 205, was the first stock law for Greene County, applying to swine, sheep and goats. This law made it a misdemeanor to allow such animals to run at large, with damaged landowners given the right to impound wandering stock and a lien on them to secure payment of damages. This was repealed by Acts of 1905, Chapter 228.
6. Acts of 1903, Chapter 411, defined a lawful fence in Greene County as one built on good sized, substantial posts, set firmly in the ground not more than 11 feet apart, consisting of four barbed wires or four planks running horizontally and fastened firmly to the posts, set at distances of 12 inches apart.
7. Acts of 1905, Chapter 246, was the next stock law for Greene County which made it illegal for owners of horses, mules, cattle, sheep, goats, swine or other livestock to allow them to roam at large. This act gave damaged landowners the right to impound such wandering stock, provided that they gave notice to the stock owners, and also gave landowners a lien on such stock in order to secure payment of damages.
8. Private Acts of 1911, Chapter 50, enacted a fence law for Greene County.
9. Private Acts of 1911, Chapter 372, set the open season for fishing in Greene County from May 15th to November 30th of each year, and provided that fishing could lawfully be done by means of fish traps, baskets, nets, or seines.
10. Private Acts of 1917, Chapter 80, made it unlawful to shoot, trap, net, or in any way kill quail in Greene County from November 15, 1917, to November 15, 1922.
11. Private Acts of 1917, Chapter 135, made it unlawful to shoot any fox or destroy the den of any fox in Greene County.
12. Private Acts of 1919, Chapter 214, made it unlawful to hunt, kill, or net any game on the land of another without the written or verbal permission of the person in control of land.
13. Private Acts of 1919, Chapter 322, made it unlawful to trap, snare, spring-hole, dead fall, pen, or shoot with a gun any fur-bearing animal except during the open season on that animal.
14. Private Acts of 1921, Chapter 405, exempted Greene County from the general dog law of Tennessee.
15. Private Acts of 1927, Chapter 95, was a general fishing law for Greene County, setting the open season from April 1st to November 30th of each year. Fishing could be done by means of traps or baskets with slats 2" apart, and the permission of the owners of land bordering the streams had to be obtained before fishing. While an open season was declared by this act, there was a

- provision protecting black bass, rainbow trout, jack, wall-eyed pike and muskellunge, requiring that they be returned to the water if caught by any fisherman from a Greene County stream.
16. Private Acts of 1929, Chapter 753, was a general game law for Greene County, setting the open date on pheasants, quail, coon, skunk, mink, muskrat, and other types of wildlife found within the county.
 17. Public Acts of 1968, Chapter 550, regulated the training of coon dogs and that taking of raccoons in Greene County. This act was repealed by Public Acts of 1980, Chapter 496.
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