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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 Henry 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 1877, Chapter 25, made it unlawful in several counties, including Henry County, to take or catch fish with seines, nets, traps, gigs or by any means other than by angling with hook and line from the water of any running streams in the State. Any owner of the land, governing or adjoining the waters where a violation occurred, had an action against the violator. The provisions of the act were not applicable to navigable streams in the State below the point of navigation.
2. Public Acts of 1889, Chapter 179, made it unlawful in several counties, including Henry County, for any non-resident person of the State to hunt, shoot, kill, catch or carry away game of any kind. A violation of the act was a misdemeanor with a fine of not less than \$50, half to go the prosecutor and the other half to the county.
3. Private Acts of 1897, Chapter 194, amended Public Acts of 1889, Chapter 179, above, making it lawful for a non-resident of the State to hunt game in Henry County, if the owner of the land gave his permission.
4. Public Acts of 1899, Chapter 291, permitted fish to be caught in the North Fork of the Obion River in Henry County with baskets and nets, provided the meshes of the nets were at least 1 1/2 inches. Wing nets were prohibited. Catching fish other than by hook and line was prohibited between March 15 and June 1 of each year.
5. Acts of 1901, Chapter 211, made it unlawful for any person or persons to catch fish in any of the waters of the Big Sandy River or its tributaries in Henry and Benton Counties, except by hook and line. Any violator would be guilty of a misdemeanor and fined accordingly upon conviction.
6. Acts of 1903, Chapter 126, repealed Acts of 1901, Chapter 211, above, by returning to the citizens of Henry and Benton Counties the privilege of fishing in the waters of the Big Sandy River and its tributaries in any manner, except by use of poisons, dynamite or other explosives.
7. Acts of 1909, Chapter 267, prohibited any person, firm or corporation in Henry County from shipping, receiving or consigning any quail, dead or alive. This act did not apply to the transportation of birds or game for propagation purposes. The exposing or offering for shipment of any quail would be prima facie evidence of guilt subjecting the violator to a fine ranging between \$1 and \$5 for each quail involved. The act permitted the shooting, catching or killing of squirrels between June 1 and March 1 of each year and permitted the owner of property to kill squirrel on his property at any time.
8. Acts of 1909, Chapter 338, amended Acts of 1907, Chapter 489, by permitting fishing in the portion of Big Sandy River lying within Henry County and in the tributary known as "West" or "Little Sandy River", as far up as Britton's Ford in Henry County. The act permitted fishing in the area by any person during any month except April and May and in any manner except by use of poison, dynamite, other explosives, or by such net or trap that would obstruct the free passage of fish up and down streams. Acts of 1907, Chapter 489, was a general law that regulated the protection and preservation of fish in the State.
9. Private Acts of 1915, Chapter 228, made it lawful for resident citizens of Henry County to take and catch fish in the Tennessee River and all other streams in Henry County by trot line, giggering, bait or by net or seine with meshes of not less than one inch. The act further provided that no fees or licenses were to be charged by the Department of Fish and Game to any person fishing in the above described manner.
10. Private Acts of 1917, Chapter 35, made it unlawful for any person owning or in charge of horses, mules, cattle, sheep, swine, goats, geese or ducks to willfully or knowingly permit such stock to run at large. Any person damaged by said stock was granted a lien upon the trespassing animals for the satisfaction of damages. Fines for violation of the act ranged between \$5 and \$25, with each day the stock was at large constituting a separate and distinct offense.
11. Private Acts of 1917, Chapter 435, amended Public Acts of 1915, Chapter 152, Section 36, by making the open season for shooting and killing quail and partridges in Henry County to run from December 1 to February 1 of the each year. Public Acts of 1915, Chapter 152, was a general law that created a Department of Game and Fish for the State to regulate the protection and preservation of game and fish.

12. Private Acts of 1917, Chapter 521, permitted people of Benton and Henry Counties to take fish from the Tennessee River in any way or manner in the said counties for their own personal use, except by explosives or poison, the privilege having been conferred by virtue of Article XI, Section 13, of the Constitution of Tennessee.
13. Private Acts of 1921, Chapter 183, amended Public Acts of 1917, Chapter 95, Section 1, making it lawful for a person to hunt deer and other animals in Henry County, upon the enclosed land of another, when one had either written or verbal permission from either the owner or other person possessing the authority to grant such permission to hunt.
14. Private Acts of 1921, Chapter 249, amended Public Acts of 1915, Chapter 152, Section 36, established open season on squirrels in Henry County from January 1 through December 31 of each year, which, in effect, abolished any closed season provided in the public act.
15. Private Acts of 1927, Chapter 429, prohibited any person, firm or corporation from taking or attempting to take, catch or kill any fur-bearing animal by means of a snare, steel trap, deadfall or any other device in Henry County. Fines for violation of the act ranged from \$25 to \$50. Land-owners, tenants or farmers were exempted from the provisions of this act when said animals posed a menace to their crops or poultry.
16. Private Acts of 1931, Chapter 777, amended Public Acts of 1925, Chapter 151, Section 1, by making open season for hunting, taking, killing or attempting to kill opossums and raccoons by means of dogs or guns, to run from October 1 to February 15 of each year in Henry County.
17. Private Acts of 1935, Chapter 311, permitted the people of Henry and Benton Counties to take fish from the Tennessee River for their own personal use, except by poison and explosives. The act prohibited them from selling their catch.
18. Private Acts of 1937, Chapter 464, made it unlawful for any person, firm or corporation to take, catch, kill or attempt the same of any fur-bearing animal by means of a snare, bait trap, steel trap, deadfall or any other device. The act also prohibited the selling or offering for sale, and the purchasing or offering for purchase any live fox or fox pelt caught or killed in Henry County. The act did not prohibit the catching of raccoons, opossums and skunks with dogs in open season, nor did the act prohibit chasing foxes with dogs at any season of the year, so long as firearms were not used. The act specifically permitted the killing of foxes when the animals became a nuisance and menace to crops and poultry. Fines for violation of the act ranged from \$25 to \$50.
19. Private Acts of 1937, Chapter 681, authorized W. T. Wright to practice veterinary medicine and surgery in Henry County. The act directed the State Board of Veterinary Medical Examiners to issue W. T. Wright a license without examination and with all the privileges provided by law.
20. Private Acts of 1941, Chapter 57, repealed Private Acts of 1937, Chapter 464, above.

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