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Animals and Fish - Historical Notes

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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 Jefferson County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1899, Chapter 355, made it lawful to catch fish in baskets and nets in any of the streams of Jefferson County. All laws in conflict were repealed.
2. Private Acts of 1901, Chapter 209, was the legal authority for anyone in Jefferson County to fish in any of the streams of that County with gigs. It would be lawful for anyone owning both banks on any stream, or sluice, in Jefferson County to place traps in the stream but the slats in the traps had to be at least two inches apart and their positions were not to obstruct the navigation of the stream in any manner.
3. Private Acts of 1903, Chapter 246, declared it to be unlawful for livestock to run at large in Jefferson County but unfenced lands could be used lawfully for summer range without violating the terms of this Act. Fines imposed for non-compliance ranged from \$2.00 to \$10.00 for each offense. The damages done would be a lien on the trespassing stock which could also be taken up and cared for by third parties or the injured party and the cost of their care and keeping could be added to the amount of the lien. Nothing herein in this Act would affect any Act concerning the liability of railroads on this subject.
4. Private Acts of 1909, Chapter 187, made it unlawful for stock to run at large in Jefferson and Monroe Counties. The terms of this Act were the same as those in the 1903 Act above. There may be some doubt as to whether the General Assembly intended this Act to apply to Jefferson County since one similar to it in all respects was already in force.
5. Private Acts of 1911, Chapter 9, which in effect repeals the 1909 Act above if it did apply to Jefferson County, plus the 1903 Act, made it unlawful for any person owning, or controlling geese, horses, mules, cattle, sheep, goats, swine, or other livestock, to permit the same to run at large in Hamblen County and Jefferson County. The owner of these invading animals would be responsible in damages to anyone injured by them and the damaged parties would have a lien upon the trespassing beasts to that extent which could be enforced as any other lien. The damaged party could also impound the animals and add that cost to his damages and to the lien.
6. Private Acts of 1915, Chapter 651, required all the landowners in Jefferson County (identified by the quotation of the 1910 Federal Census figures) to construct and maintain a three wire fence around all their cultivated fields lying along a public highway unless these fields were otherwise fenced. In the event the fence was not built and maintained as specified, the owner could not recover for any damages done to those areas. There was nothing in this Act which would allow the owner of the stock to let their animals run at large in the County without a herder.
7. Private Acts of 1917, Chapter 658, declared it to be legal for residents of Jefferson County to fish in the Holston River and the French Broad River within the limits of the County with nets and baskets, provided, however, that the mesh on the nets and the slats on the baskets were no less than one and one-half inches apart.
8. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, which was a very restrictive general law of the State on the ownership, care and keeping of dogs, so as to remove Jefferson County and many other counties from the provisions of that law.
9. Private Acts of 1927, Chapter 257, was the legal authority for any person in counties other than Jefferson County, and nine other counties, to hunt, take, trap, snare, shoot, or kill by any means, rabbits, or hares, at all seasons and times of the year, but nothing herein would allow anyone to hunt upon the land of another without permission. It was also lawful to transport, sell, and ship rabbits, or hares, out of each of the Counties and State.
10. Private Acts of 1929, Chapter 4, amended Private Acts of 1927, Chapter 257, so as to remove Jefferson County from the provisions of the 1927 act with reference to the hunting and killing of rabbits, or hares. (According to our reading of the 1927 Act Jefferson County was exempted at that time. This Act might have been used to remove all doubt).
11. Private Acts of 1935, Chapter 627, applied to Jefferson County, and three other counties, and amended the general law to allow any person to catch fish, except large mouth and smallmouth bass, or Jack, from the streams, of the said counties by baskets, or traps, where the slats were at least 2 inches apart and the trap, or basket, was not placed so as to obstruct the stream. Only the people living alongside the stream could use the baskets, or traps. Any person doing so could

use the fish caught only for family consumption, or to give to the poor, and they could not be lawfully sold. No game fish were to be caught and all closed seasons set up by the Game and Fish Department were to be observed. Fines for violators ranged from \$10.00 to \$25.00.

12. Private Acts of 1951, Chapter 208, established the position of livestock inspector in Jefferson County.
13. Private Acts of 1955, Chapter 337, set up a season when red foxes could be killed in Jefferson County.

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