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Animals and Fish - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

1. Acts of 1901, Chapter 322, made it unlawful for any person to take fish, except minnows for bait, from the Roaring River, or its tributaries, in Jackson County, by any means other than angling with hook and line, and with trot lines. The fines to be assessed for violations ranged from \$10 to \$50, and a jail sentence, in addition, was placed within the discretion of the Judge.
2. Acts of 1909, Chapter 266, amended Acts of 1907, Chapter 489, by allowing seines with meshes not smaller than one and one-fourth inches in Jackson and several other counties except for the Roaring River and its tributaries in Jackson County.
3. Acts of 1909, Chapter 511, amended Section 7, Acts of 1907, Chapter 489, for Jackson County only, by providing that any resident of that County may fish in the Cumberland River in that County with lines, nets, and baskets, for sale to the residents of the county thereof, without being required to take out a license or pay a license fee of any sort to the State Game and Fish Commission, or to anyone else, Jackson County being hereby exempted from the provisions of Section 7.
4. Private Acts of 1913 (Ex. Sess.), Chapter 6, made it unlawful for any livestock, such as horses, mules, asses, cattle, sheep, goats, and hogs, to be allowed to run at large by the owner, or the custodian, on any public road or on any enclosed or unenclosed land, in Jackson County. Anyone doing so is guilty of a misdemeanor and may be fined from \$2 to \$10 for each offense. Any person so damaged by trespassing livestock has a lien upon the stock for his damages. He may take up, feed, and care for the invading livestock and add the cost of the same to his lien.
5. Private Acts of 1915, Chapter 531, declared it to be unlawful to take and catch fish by means of traps or nets, in the Cumberland River, and all its tributaries, running in Jackson County, if the river is rising at the rate of more than six inches per day. Violators could be fined from \$1 to \$25. This Act does not apply when the river is on a stand or falling.
6. Private Acts of 1917, Chapter 119, made it lawful for any bona fide citizen of Jackson County to hunt on any of the territory within Jackson County, or to catch, capture, or kill any animal recognized as game, or any birds defined by law as game birds, without having to procure a hunting license therefor, as now required by the law, provided, however, that no one shall hunt on the enclosed lands of another without first obtaining permission, and no animals or birds shall be hunted except in open season.
7. Private Acts of 1917, Chapter 137, made it legal for any bona fide resident of Jackson County to catch, capture, or kill fish in any manner and in any of the streams of the county for individual consumption except by the use of dynamite, or other explosives, or by stretching nets or seines across the said streams so as to prevent fish from passing up and down the stream.
8. Private Acts of 1917, Chapter 401, declared it to be lawful for all resident citizens of Pickett, Fentress, Overton, Clay, Jackson, and Macon Counties to hunt and kill squirrels at any season of the year on all unenclosed lands in the county, and on all enclosed lands with the written or verbal permission of the owner, without the necessity of procuring a license to do so.
9. Private Acts of 1919, Chapter 38, provided for an election to be held on Saturday, March 1, 1919, to ascertain the will of the people on whether or not livestock shall be allowed to run at large in Jackson County. The details of the manner in which said election shall be conducted are contained in the Act.
10. Private Acts of 1919, Chapter 449, declared it to be illegal for horses, mules, asses, cattle, sheep, goats, and hogs to be allowed to run at large by their owners, or custodians, on any public road, or the enclosed lands of another person, or on the unenclosed lands in the county. Any person willfully or negligently doing so, was subject to fines from \$2 to \$10 for each offense. The person damaged was given a lien for his damages against the stock trespassing which he could take up, feed, and care for, and add the cost of that to the lien, already granted.
11. Private Acts of 1935, Chapter 87, declared it to be unlawful in Jackson County, for any person, firm or corporation to set out traps unless said traps are legibly labeled with the name of the person so setting them out. Violations carried fines ranging from \$5 to \$25.
12. Private Acts of 1935, Chapter 443, was applicable to Jackson and Clay Counties, declaring it to be unlawful for any person to hunt and kill deer, wild turkeys, wild guineas, and pheasants. The fines

mentioned were \$50 minimum for killing deer, \$25 and \$10 for killing the others.

13. Private Acts of 1945, Chapter 247, stated that L. G. Reed, of Jackson County, has acquired many years of experience and expert knowledge in veterinary medicine and surgery, anatomy, physiology, and chemistry, and the community in which he lives has a great need for a veterinarian, this Act authorized the said L. G. Reed to practice veterinary medicine and surgery in Jackson County, any general law to the contrary notwithstanding.
14. Private Acts of 1945, Chapter 510, was the authority for Z. H. Smith to practice veterinary surgery in Jackson County without the necessity of having to obtain a license to do so from the State Board of Veterinary Examiners, provided, however, that nothing herein shall authorize the said Smith to prescribe narcotics.
15. Private Acts of 1953, Chapter 480, provided that any person who is a resident of Jackson County, and possess a regular hunting and fishing license may take rough fish for his own use and his family's from the Cumberland River by use of nets having a mesh no smaller than two inches, and provided that all game fish taken in such fashion shall be immediately returned to the water. This Act was repealed by Private Acts of 1973, Chapter 82.
16. Private Acts of 1957, Chapter 131, fixed a closed season on red foxes at all time, but red foxes may be chased by dogs at any time of the year except during such periods as may be fixed by the State Game and Fish Commission for the protection of the species in Jackson County. However, anyone may lawfully kill red foxes when they are a menace to crops, poultry, domestic fowls, or homes. The Game and Fish Commission was given the authority to open the season at any time they consider reasonable. This Act was rejected at the local level and therefore did not become a law under the Home Rule provisions of the State Constitution.

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