



November 22, 2024

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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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 Clay County. They are included herein for reference purposes.

1. Acts of 1889, Chapter 179, made it unlawful for any person who was a non-resident of the State to hunt, shoot, kill, catch, or carry away, game of any kind in several counties named in the act including Clay County.
2. Acts of 1893, Chapter 128, amends Chapter 179, Acts of 1889 by stating that nothing in the said Chapter shall apply to non-residents hunting on lands in Sullivan County at the request of and with the consent of the landowners.
3. Acts of 1897, Chapter 241, made it illegal to catch, kill, or wound fish in any stream or river in Clay, Fentress, Overton, and Pickett Counties by seine, trap, net, gun, gig, poison, dynamite, or in anyway except by rod and line, or by troutline, from January 1 until June 1 of each year. To build a dam, fishgate, or to obstruct any stream by this or other means was also declared to be a wrongful act. One could fish from June 1 to January 1 provided the mesh in the seine was one inch or larger. A schedule of fines was established for violations, all money collected thereby to go into the public school fund.
4. Acts of 1917, Chapter 46, made it lawful to catch fish in the Obeds River, and in all other streams in Clay County by hook and line, trotline, gigging, grabhooks, net, or fish basket without a license if the fish were for home consumption. It was unlawful to use a net or fish basket with mesh less than 1 1/4 inches, violators being subject to fines from \$10 to \$25. No trammel net would be set at the mouth of Obeds River at any time and could not be used at all anywhere from January 1 to June 1, and only with mesh larger than 1 1/4 inches during the season.
5. Acts of 1917, Chapter 401, declared it to be lawful for resident citizens in Pickett, Overton, Clay, Jackson, and Macon Counties to hunt and kill squirrels at any season of the year on unenclosed lands, or on all enclosed lands with the owner's written or verbal permission, without having to procure a license.
6. Acts of 1919, Chapter 162, authorized the holding of elections in Clay, Cannon, and Rutherford Counties to ascertain the feeling of the voters regarding the enactment of a "No Fence Law" for these counties. The elections would be held under the regular elections laws of the state, and the results certified to the General Assembly by the election commissions.
7. Acts of 1921, Chapter 405, was devoted entirely to counties which were exempting themselves from the provisions of Chapter 61, Public Acts of 1919, a statewide Dog Law. Clay County was among those which chose not to come under this act.
8. Private Acts of 1931, Chapter 131, made it legal to take, catch, and kill fish by means of gigs and fish baskets in any and all streams in Clay County provided that the season for gigging shall be between the months of October 1 of one year and March 1 of the following year. The slats on all fish baskets shall not be closed more than 1½ inches apart. The fee for the privilege of fishing with a gig was \$1.00 per year and for fishing with a basket \$2.50 a year, the proceeds of which would go into a fund to place young fish into the various streams of the county.
9. Private Acts of 1931 (2nd Ex. Sess.), Chapter 83, made it lawful to gig fish in Overton, Pickett, Fentress, and Clay Counties but in order to do so one must have the license as provided in Chapter 51, Public Acts of 1931. This act did not specifically repeal Chapter 131, Item 8 above, but would supersede it in so far as fishing with a gig in Clay County was concerned.
10. Private Acts of 1935, Chapter 443, made it illegal for any person to hunt or kill deer, wild turkeys, wild guineas, or pheasants in Jackson and Clay Counties. Violators would be fined a minimum of \$50 for deer, \$25 for wild turkeys, and \$10 to \$25 for guineas and pheasants.

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