



March 31, 2025

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 listing is of acts which no longer appear to have any effect on hunting, fishing, or animal control in Davidson County. They are included herein for reference purposes.

1. Public Acts of 1869-70 (2nd Sess.), Chapter 19, Page 35, prohibited the seining, netting (even with a dip net), basketing, or trapping in any stream, pond or reservoir in Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren, and Dickson Counties. The act specifically forbade the stretching of any net across the mouth of Stone's River. Fines for the first offense were set at from \$5.00 to \$20, and for the second offense from \$20 to \$50, one-half going to the informer and one-half to the State. Jurisdiction to try the offenses was placed in the Justices of the Peace of the respective counties. Public Acts of 1871, Chapter 9, repealed the act's application to Maury, Dickson, Warren, Marion, Benton, Humphreys and Cannon Counties.
2. Public Acts of 1873, Chapter 83, Page 121, made it unlawful in Montgomery, Robertson, Maury, and Davidson Counties for any person to hunt, kill, or capture from February 1 until September 1 of each year any songbird, or any game bird, or any bird that fed on insects which destroyed fruit trees. Violators of the act could be fined \$5.00 for each bird, nest, or egg so destroyed. Prosecution would be in the name of the County and the fines collected would be divided between the informer and the County equally.
3. Public Acts of 1875, Chapter 127, Page 213, declared it to be unlawful to hunt and kill deer from March 1 to September 1 of each year. Section 2 made it unlawful to hunt, kill, or capture from March 1 through September 15, or, at any time, a song bird, or any insect-devouring bird. A schedule of fines was provided for first offenders who would be prosecuted before Justices of the Peace in the name of the State. Fines would be divided equally between the informer and the State. This Act applied to Henry, Dyer, Giles, Maury, Davidson, Madison, Hamilton, Bedford, and Wilson Counties. The act made it unlawful to hunt or trap game on the land of another without permission.
4. Public Acts of 1879, Chapter 198, Page 241, applied to the Counties of Dickson, Houston, Cheatham, Davidson, Rutherford, Williamson, Shelby, Fayette, Tipton, and Carroll. The act made it a misdemeanor to take any fish in the waters of the named counties except by baited hook and line, or trot line except in the waters of the Cumberland River, the Tennessee River, and the Big Hatchie River. Fishing in any other manner than the ones specified could result upon conviction in fines ranging from \$25 to \$100. Private lakes and ponds were exempted from the terms of this act.
5. Public Acts of 1889, Chapter 171, Page 322, made it unlawful to kill deer for profit in the State, but all citizens were allowed to hunt and kill deer for their own consumption between the dates of August 1 and January 1 of each year. One could legally kill deer for profit on one's own land during that period of time. The same prohibition was placed on the hunting and killing of quail or partridges, except when done on one's own land, between November 1 and March 1, following. Constables and Justices of the Peace were designated as Game Wardens to enforce this law. Several counties saw fit to exclude themselves from the legislation, but Davidson County was included.
6. Private Acts of 1911, Chapter 224, Page 579, made it illegal in Davidson County to set any trap, snare, net, spring pole, or other device, or to bait the same, upon the lands of another or in the waters adjoining such land, for the purpose of catching or killing any fur or hair-bearing animal, without first obtaining the written consent of the owner of the land. Those persons guilty of violating the act could be fined from \$5.00 to \$25 and imprisoned for up to thirty days.
7. Private Acts of 1915, Chapter 347, Page 1231, applied only to Robertson, Shelby, and Davidson Counties, and made it unlawful for any person, more than 200 yards from his residence, to set a steel trap, a dead fall, or any other device, which was liable to cause lingering pain or suffering to any animal or person caught in it. The act was not intended to prevent a person from setting on his own land a steel trap or a pole more than four feet off the ground which was for the purpose of trapping hawks. Fines for violations ranged from \$25 to \$50.
8. Private Acts of 1915, Chapter 553, Page 1787, made it illegal for a person to allow geese, ducks, chickens, or other fowl to run upon the lands of another without the written consent of the owner or occupant of the land. If the owner of the fowl was known, the owner would be notified of the fact, and it would then be a misdemeanor to permit the fowl to continue being at large. Fines for violations ranged from \$2.00 to \$50. A defendant could be committed to the workhouse to work

out the amount of the fine if he failed to pay.

9. Private Acts of 1915, Chapter 691, Page 2213, declared it unlawful in Robertson, Shelby, and Davidson Counties, for any person to poison, or kill or attempt to do so, on the land of another person any beaver, muskrat, fox, mink, raccoon, skunk, opossum, or weasel, or to molest the den of the same, or to send such animals out of the County, between February 1 and September 1 of each year, or to sell, or offer to sell, such animals during that time. This act did not apply to animals consigned for zoological purposes. Fines from \$15 to \$25 were permitted to be assessed against offenders.
10. Private Acts of 1921, Chapter 564, Page 1761, amended Public Acts of 1915, Chapter 152, Section 49, by adding at the end of that Section a provision that the fishing for pleasure, and not for purposes of sale, in the Cumberland River in Davidson County and its tributaries was declared to be an exception to the provisions contained in the general law, and the taking of fish for pleasure in such streams could be lawfully done by trammel net, basket, dip net, set net, or any device, not over forty inches in length nor having meshes not less than one inch in width.
11. Private Acts of 1921, Chapter 929, Page 2860, stated that in Davidson County, it would be against the law to kill, or to attempt to kill, partridges, or quail, from March 1 until November 15 of each year, and any violation of the act would be punished by the levying of fines of \$5.00 to \$10.00 for each offense.
12. Private Acts of 1927, Chapter 257, Page 710, declared it to be lawful to hunt, take, trap, snare, shoot, or kill by other means, rabbits, or hares, at any and all seasons of the year, but the act did not authorize or permit one going upon the lands of another person to do so without first obtaining permission. Davidson County and nine other counties were expressly exempted from the operation of this section.
13. Private Acts of 1927, Chapter 554, Page 1710, made it unlawful for any person, firm, or corporation, to take, hunt, or kill, or to attempt to do so, by means of a trap, gun, or dog any fur bearing animal in Davidson County between November 15 and February 15 of each year. The use of snares and dead falls was prohibited at all times. Fines from \$25 to \$50 could be imposed upon offenders, but the Section was not intended to apply to the chasing of foxes and rabbits with hounds, and it was permissible to take coons, opossums, skunk, and mink by gun or dog from October 1 until January 1, each year. All covered acts were forbidden to take place on lands belonging to the State.
14. Private Acts of 1949, Chapter 633, Page 1858, regulated the keeping of dogs, and the vaccination, kenneling, and licensing of dogs. Any dog found running at large could be seized by the authorities, and failure of the owner to redeem the dog could result in its being destroyed.
15. Private Acts of 1955, Chapter 300, Page 1010, amended Private Acts of 1949, Chapter 633, above, to make it a misdemeanor to violate the section requiring owners of vicious dogs to keep them securely and the section requiring dog owners to refrain from allowing dogs to run at large.
16. Public Acts of 1998, Chapter 924, created a pilot project to investigate and record animal abuse complaints in Davidson County. The program created by this act would cease to exist July 1, 1999.

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