



November 19, 2024

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 Smith 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 1827, Chapter 109, declared that a certain deadly disease, called milk sickness, had killed people and animals along certain areas of Bledsoe and Goose Creeks in Smith and Sumner Counties. The act made it the duty of the people living in those areas to burn the carcasses of horses, cattle, swine, sheep, and goats wherever they were found, whether the animals had belonged to them or not. Violators of the act were subject to being fined.
2. Public Acts of 1889, Chapter 114, amended Milliken and Vertrees' Code of Tennessee, Section 2238, by repealing it as it applied to Smith County. The act provided that it would be unlawful for any explosive or poisonous substance to be used in the taking of fish and provided that it would be lawful to fish with a seine at any time of the year in Smith County.
3. Private Acts of 1897, Chapter 281, amended Public Acts of 1895, Chapter 127, to exclude Smith, Putnam, and Weakley Counties from its provisions except as it related to the killing of fish by poison, dynamite, or other explosive.
4. Acts of 1909, Chapter 197, made it unlawful in Smith County to allow livestock, such as cattle, horses, mules, hogs, sheep, and goats to run at large. A person in violation of the act would be guilty of a misdemeanor. The act granted a lien to persons damaged by trespassing stock and allowed them to take up, feed, and care for the stock and add the resulting costs to amount of the lien.
5. Private Acts of 1911, Chapter 57, made it unlawful in Smith County for the owner or custodian of livestock, such as cattle, horses, mules, asses, sheep, goats, and hogs to allow the animals to run at large. A violation of the act was declared a misdemeanor, punishable by fines. The act granted a lien to a person damaged by marauding animals. Costs of caring and feeding the animals could be added to the amount of the lien. The provisions of the act were not to operate to relieve a railroad company of any liability.
6. Private Acts of 1915, Chapter 244, declared it to be lawful, after passage of the act, for citizens of Smith County to take and catch fish from the Cumberland River and other streams in the county by trot line, seine, bait, or net. The mesh on a seine or net could be no smaller than one inch. No fees or licenses were required to fish as provided in the act. Conflicting provisions of Public Acts of 1907, Chapter 489, were repealed.
7. Private Acts of 1917, Chapter 162, allowed any citizen of Smith County to fish at any time in any of the streams of the county with hook, trot line, gig, bait, basket, seine, or net with a mesh of not less than 1" in width. It was declared unlawful to poison, shoot, or dynamite fish. No fees were to be charged to participate in lawful fishing. No person would be allowed more than three nets. Fines for violators ranged from \$5 to \$25.
8. Private Acts of 1917, Chapter 163, made it unlawful to kill a squirrel in Smith County in any way between March 1 and May 1 of each year, except squirrels eating or damaging crops. No fee or license would be required for squirrel hunting, but no one could hunt for squirrels on the land of another except by permission of the owner or occupant.
9. Private Acts of 1917, Chapter 693, declared it lawful to hunt and trap fur bearing animals from October 15 to the following February 15 in Smith County and declared it lawful to kill any fur bearing animal at any time if the same was disturbing or destroying crops, or property of anyone. The act repealed all conflicting acts.
10. Private Acts of 1925, Chapter 485, amended Public Acts of 1923, Chapter 102, by declaring that nothing in the amended act would apply to make it unlawful to fish in the rivers, streams, or ponds of Smith County between May 1 and August 31 with seines or with nets having a mesh of two inches or more, except that no seines or nets could be placed at or near the mouth of any creek, nor within three hundred feet of any lock or dam. All other provisions of the amended act were to remain applicable to Smith County.
11. Private Acts of 1929, Chapter 276, directed the election commissioners of Smith County to call an election, to be held in every civil district within thirty days, for the purpose of ascertaining the will of the voters with reference to a dog law for the County. The election would conform to the general election laws of the state and was to be paid for as was any other election.
12. Private Acts of 1929, Chapter 582, amended Private Acts of 1925, Chapter 485, above, by

- reducing the minimum size of the mesh in permissible seines and nets from two inches to one and one-half inches, and the act made it lawful in Smith County to grabble fish with the hands.
13. Private Acts of 1931, Chapter 45, declared it lawful in Smith and Wilson Counties to hunt with a gun or dog, and fish with hook and line or net during any season of the year except when doing so upon the lands of another, unless written consent from the proper party was obtained. Violators were subject to fines ranging from \$25 to \$50 and to possible jail sentences of up to thirty days. The act would not affect the general law that prohibited fishing with explosives, poisons, or trapping fish with nets. Fines from \$25 to \$50 would be imposed for trapping or shooting a red fox or killing quail earlier than November 25 or later than January 31 following.
 14. Private Acts of 1933, Chapter 515, made it lawful in Smith County for any resident to hunt, chase, trap, kill, catch, or take any wild animal, wild bird, wild fowl, or fish in the open seasons without being required to have a license to do so. These acts could be lawfully done on the lands of another if permission was granted. The provisions applied to the catching or taking of fish with a trot line, hook and line, set hook, and casting lines, nets, and baskets with one and one-half inch mesh or larger, and the provisions were applicable only to bona fide residents of the County. Non- resident lessees and tenants were to obtain a license costing \$10 per year. Fines ranged from \$5 to \$50 for violations.
 15. Private Acts of 1935, Chapter 824, stated that no license would be required of any resident of Smith County to hunt, kill, take, or trap any fur-bearing animal between November 1 and February 15, the season being open on all animals the fur of which was generally sold commercially. The use of one basket to catch fish without a license was lawful, provided the fish were not to be sold or disposed of for profit. Commercial fishermen were to pay \$2.00 for a license for each basket, but fees were not to exceed \$10. Mesh sizes on nets could not be less than one and one-half inch. Persons were allowed to hunt rabbits and squirrels in open season without a license, but were required to obtain permission to hunt and fish on the lands of another. The general game and fish laws of the State would apply in all other respects. Fines ranged from \$5 to \$50 for violations of this act.
 16. Private Acts of 1935 (Ex. Sess.), Chapter 149, amended Private Acts of 1935, Chapter 824, above, by adding a provision that nothing in the act would affect the closed season on red foxes in Smith County and by requiring any person hunting quail, doves, or any other edible game birds to pay the usual license fee as prescribed by the general law. The license requirement did not apply to non-game birds such as crows, hawks, sparrows, and starlings.
 17. Private Acts of 1937, Chapter 260, stated that J. G. Hale, a veterinary surgeon, had many years of practice and experience in the field of veterinary medicine and surgery; was over twenty-one years of age, of good moral character; was a bona fide citizen and resident of Smith County. The act authorized Hale to continue his practice in Smith County. Hale was required to file proof of the above facts with the State Board of Veterinary Examiners which would then issue him a proper license upon payment of the lawful fee.
 18. Private Acts of 1937, Chapter 261, recited with approval the background and credentials of Floyd Petty, a veterinarian in Smith County, and granted him the privilege to continue practice in the County and obtain a license from the State Board of Veterinary Examiners.
 19. Private Acts of 1937, Chapter 262, granted the privilege of securing a license to practice veterinary surgery and medicine to Hugh Whitefield, a veterinarian of Smith County for more than ten years.
 20. Private Acts of 1945, Chapter 552, granted to R. E. Tribble of Smith County the privilege of securing a license to practice veterinary medicine and surgery.
 21. Private Acts of 1988, Chapter 380, repealed Private Acts of 1953, Chapter 156, reprinted above, along with its amendatory acts. The act was not approved locally and did not become effective.

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