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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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Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8. 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 Benton County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1871, Chapter 9, repealed an Act passed on June 17, 1870, which prohibited the use of certain methods for catching fish in several counties, naming Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren, and Dickson. The methods prohibited were by seining, basketing, netting, and trapping in any stream in the counties mentioned. The repealing act names Benton County but no act could be found which added Benton County to the above list.
2. Public Acts of 1871, Chapter 31, specifically repealed an act passed June 16, 1870 which suppressed hunting or killing deer with dogs or guns, and of netting or seining of fish in Benton and Humphreys Counties.
3. Private Acts of 1897, Chapter 146, made it unlawful for any person to hunt, capture, or kill, any quail, or partridge, or squirrels in Benton County for the purpose of exporting the same from the County. The Act further declared that the buying of any of the above for the purpose of exporting was also unlawful and violators were subject to being fined.
4. Public Acts of 1901, Chapter 211, declared it to be unlawful for any person to catch fish in any of the waters of the Big Sandy River and its tributaries in Benton County and in Henry County. Failure to comply would be punished by a fine as in case of other misdemeanors.
5. Private Acts of 1911, Chapter 417, made it lawful after the passage of this Act for the citizens of Benton County to take and catch fish out of the Tennessee River by trot line, gigging, bait, or, by net with no fees or licenses to be charged when citizens are fishing in accordance with the terms of this Act. Those portions of Public Acts of 1907, Chapter 489, which regulated the taking of fish on a statewide basis, which were in conflict with the provisions of this Act, were repealed.
6. Private Acts of 1917, Chapter 521, declared it to be lawful for the people of Benton and Henry Counties to take fish from the Tennessee River in said Counties for their personal use by any means except by the use of explosives or poison, this privilege being conferred upon them under the provisions of Article Eleven, Section 13, of the Constitution of Tennessee.
7. Private Acts of 1919, Chapter 16, made it illegal to take or kill quail or partridges in Benton County, using the 1910 Federal Census figures, from February 1 to December 1 of each year. Fines for violations ranged from \$5.00 to \$15.
8. Private Acts of 1921, Chapter 405, was the means by which a great number of Tennessee Counties, including Benton County exempted themselves from the provisions of Public Acts of 1919, Chapter 61, which was a rather stringent law regulating the ownership care, and keeping of dogs throughout the State.
9. Private Acts of 1923, Chapter 128, made it the duty of the Election Commissioners of Benton County, Decatur County, Dickson County and Houston County, to hold an election within ten days from the passage of this Act to ascertain the will of the people of those counties on the question of whether to have a "stock law" or not. It was the duty of the Commissioners to certify the results of the elections to the delegation representing the county in the General Assembly within five days after being held.
10. Private Acts of 1925, Chapter 496, made it unlawful for any person owning, or having the charge of, any horses, mules, cattle, goats, sheep and swine to willfully, knowingly, or negligently, permit such stock to run at large in Benton County. All persons who were damaged because of trespassing stock were given a lien upon the said marauding beasts and could also take them up and care for them, adding these costs to the damages. In addition to the liens granted hereunder, the guilty person could also be punished by fines. This Act was held to be constitutional in the case of *Lindsey v. Aldrane*, 154 Tenn. 458, 285 S.W. 705 (1926).
11. Private Acts of 1935, Chapter 311, made it lawful for the people of Henry and Benton Counties to take fish from the Tennessee River in any way in these counties for their own personal use, but not to sell, except by the use of explosives or of poisons. This Act would be enforced under the provisions of Article Eleven, Section 13, of the Tennessee Constitution.
12. Private Acts of 1937, Chapter 539, provided that Bob Smith and O. P. Smith, who have been

practicing veterinary surgery and medicine in Benton County for the past twenty years, or longer, were hereby fully authorized to continue to do so without any further authority than this Act being required.

13. Private Acts of 1937, Chapter 642, conferred the same privilege to practice veterinary medicine upon G. T. Lashlee in Benton County and under the same conditions.

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