



May 17, 2024

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# Animals and Fish - Historical Notes

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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](http://www.ctas.tennessee.edu)

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## Animals and Fish - Historical Notes

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 Robertson 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 1807, Chapter 8, provided that every planter would have a sufficient fence about his cleared land in cultivation which must be at least five feet high and sufficiently close to keep hogs out. If a trespass occurred the damaged person could apply to any Justice of the Peace for compensation who could appoint two other land holders to get the amount of damages. This Act was applicable to several counties including Robertson.
2. Acts of 1870, Chapter 19, prohibited the seining, and netting, either with a dip net, set, or other devise, basketing or trapping, in any stream, pond or reservoir in the counties of Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren and Dickson. No seine could be stretched lawfully across the mouth of any river or stream. Fines for violations ranged from \$5 to \$20 for first offense and \$20 to \$50 for all subsequent violations, one-half to go to the informer and one-half to the State. Justices of the Peace had enforcement jurisdiction.
3. Acts of 1873, Chapter 83, made it unlawful in Montgomery, Robertson, Davidson, and Maury Counties to hunt, kill or capture from February 1 until September 1, any song-bird, as a mockingbird, any game bird, as quail, pheasant, or grouse, or any bird which feeds on insects as sparrows, cat-birds, blue birds, or woodpeckers. Any violator could be prosecuted in front of any magistrate and incur a fine of \$5 or each bird numbered among the above which was killed. All prosecutions would be in the name of the county and the fine would be divided between the county and informer equally.
4. Acts of 1877, Chapter 25, declared it illegal in the counties of Robertson, Montgomery, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Monroe, Hawkins, Henry and Crockett, to take, or catch fish with seines, nets, traps, gigs, or by any other means than by angling with hook and line, or trot line, from the waters of any running stream and the owner of land bordering a stream could have an action at law or equity. It was further unlawful to place a net, or a seine, across the mouth of any stream. This Act did not apply to minnow nets and the Grand Jury was given inquisitorial powers with reference to it.
5. Acts of 1879, Chapter 12, amended Acts of 1877, Chapter 25, so as to remove Franklin County from the purview of that law but the same would continue in force in the other counties.
6. Acts of 1879, Chapter 62, removed Hawkins County from the application of Acts of 1877, Chapter 25, above, by amending the act to that effect, all other terms remaining as is.
7. Acts of 1889, Chapter 171, was a general statewide game law to which many counties, including Robertson, excepted. The law made it unlawful to hunt, or kill, deer for profit but they could be slain for personal and family consumption. However, one could kill deer for profit on one's own land between August 1 and January 1. The same prohibition was effected against the killing of quail, or partridge, except the open season for killing for profit on one's land was from November 1 until following March 1. First offense fines were \$5 to \$25. Second offense punishments included fines from \$25 to \$50 and up to three months in confinement.
8. Acts of 1889, Chapter 211, amended Acts of 1873, Chapter 83, and Acts of 1877, Chapter 162, which contained references to Robertson County but the amendment would affect Lincoln County only.
9. Acts of 1895, Chapter 135, made it illegal to catch, kill, destroy or take fish except by angling.
10. Acts of 1897, Chapter 321, made it legal for any person of this State to catch fish for his own table, but not otherwise, in the Cumberland, Tennessee, Mississippi, Obion, Forked Deer, Big Sandy, and Duck Rivers by any means except poisons, or explosive but this Act did not apply to the portions of the Cumberland River located in Robertson County and in Montgomery County. (See *Freemon v. State*, 118 Tenn. 95, 100 S.W. 723 (1907).)
11. Acts of 1899, Chapter 337, stated that whoever in any place in the counties of Sumner, Trousdale, and Robertson, catches, kills, injures, or pursues any quail, partridge, grouse, or pheasant, for a period of five years from the passage of this Act would be guilty of a misdemeanor and subject to be fined up to \$25, or imprisoned up to thirty days. These birds could be hunted with a gun except on the enclosed lands of another between November 1, and January 1 of each year. To destroy the nest, or the eggs, of these birds was a further offense punishable by fines

- from \$5 to \$50 and possible confinement up to 30 days in jail.
12. Acts of 1901, Chapter 447, allowed no person to catch, kill, or injure, or pursue with such intention any ruffed grouse, or prairie chicken, or ringnecked pheasants, before November 15, 1908, or after that date, only between November 15 and the following January 15. It was likewise illegal to destroy the nests, or the eggs, of these birds. Penalties included fines of \$25 and a possible 30 day jail sentence for first offenders and fines, of \$50 and 60 days in jail for subsequent violations. This Act did not apply to the process of domestication of these birds in private pens, or enclosures.
13. Private Acts of 1903, Chapter 499, made it lawful for the owner, or any one having the custody and control, of hogs, sheep and goats to allow the same to run at large in Robertson County (identified by the use of the 1900 Federal Census figures). Any damage done to the property of others would constitute a lien on the trespassing animals to which could be added the expense of taking the animals up and caring for them. This Act was not to be construed as relieving any railroad of any liability heretofore imposed on them. This Act was repealed by Private Acts of 1905, Chapter 52.
14. Private Acts of 1903, Chapter 500, stated that four smooth, or barbed, wires fastened securely to posts and stays would constitute a legal fence in Robertson County, provided the posts were not more than 24 feet apart with a good stay, or brace, of wire, or wood, not more than six feet apart. The bottom wire would be fifteen inches high from the ground, the second one thirteen inches from the first, and the third and fourth would be spaced thirteen inches from the second. Wire could not be less than #10 wire. If ratchets were used in the fence the wire could be stapled. This Act was repealed by the one following.
15. Private Acts of 1905, Chapter 51, expressly repealed Private Acts of 1903, Chapter 500, above, a fence law for Robertson County.
16. Private Acts of 1905, Chapter 52, repealed Private Acts of 1903, Chapter 499, above, as the same was written and enacted as a stock law for Robertson County.
17. Private Acts of 1907, Chapter 16, made it lawful for the owner, or the custodian, of horses, cattle, sheep, swine and goats in Robertson County, to allow the same to run at large in the county but it was not in violation of the law to use unfenced land as a summer range. The owner of animals trespassing upon the land of another was liable in damages for which a lien would lie against the stock doing the damage, including the cost of taking them up and accruing for them until reclaimed by their owner. The violation was also a misdemeanor for which one could be fined.
18. Private Acts of 1915, Chapter 347, declared it to be contrary to the law in Robertson County, Davidson County, and Shelby County for any person to set, more than 200 yards from his residence, any still trap, a deadfall, or any other device liable to cause, or capable of causing, lingering pain, or suffering to any animal, beast, or person, but nothing in this Act would prevent anyone from setting traps, and the other devices, on his own land anywhere, and further, that a trip for hawks set four feet above the ground was permissible if the same were taken up and removed before 6:00 P.M. each day. Violators could be fined from \$25 to \$50.
19. Private Acts of 1915, Chapter 691, made it unlawful between February 1 and September 1 of each year in the counties of Robertson, Davidson, and Shelby, for any person upon the land of another to poison, or kill, or attempt to do so, any beaver, muskrat, fox, mink, raccoon, skunk, opossum, or weasel, or to molest, or destroy, the den of such animals. To sell, or purchase, the hides, or pelts, of these animals would also be a misdemeanor. This Act did not apply to the shipment, or the sending, or taking, of the said animals out of the counties to captivity at zoos, or geological gardens, or for exhibition for pay. Offenders were subject to fines from \$15 to \$25.
20. Private Acts of 1917, Chapter 124, amended Private Acts of 1915, Chapter 347, above, by removing Robertson County from its provisions thus repealing the law's effectiveness in that county.
21. Private Acts of 1921, Chapter 393, rendered it illegal in Robertson County (identified by the use of the 1920 Federal Census figures) for any person to shoot, kill or injure, any quail, or partridge except during the time from November 15 until the following February 1, but all furbearing animals could be killed at any time. It was also unlawful to gig, spear, shoot, or kill, any fish in any running stream, or river, by the use of dynamite, or other explosive, but it would be lawful to do those acts between June 15 and September 1 of each year. No license of any kind would be required but one must obtain the written permission from the owner to hunt and fish upon the lands of another.
22. Private Acts of 1921, Chapter 405, listed a large number of counties, including Robertson County,

- which exempted themselves from the operation of Public Acts of 1919, Chapter 61, a statewide law regulating the care and keeping of dogs.
23. Private Acts of 1923, Chapter 522, termed it a misdemeanor in Robertson County for one to kill, catch, or capture, fish except by hook and line, or trot line. Violators were subject to be fined from \$5 to \$100 with one-half going to the informant and the other one-half to the county.
  24. Private Acts of 1927, Chapter 655, established the open season on quail, or partridges, in Robertson County and during which these birds could be hunted with dogs and gun. The season would begin on November 15 and extend through the following January 31. The Act also set up an open season on opossums from October 1 until the following January 1 of each year.
  25. Private Acts of 1929, Chapter 7, amended Private Acts of 1927, Chapter 655, by changing the start of the open season on quail, or partridges, in Robertson County from November 15 to November 25.
  26. Private Acts of 1933, Chapter 137, declared it to be lawful to capture, kill or take all carp, suckers, buffalo and red and black horse fish, from the Red River in Robertson County by means of gig, grab-hook, snare, or a grabbing with hands, at any time during the year and there would be no closed season on these fish in Robertson County.
  27. Private Acts of 1933, Chapter 443, also made it legal in Robertson County for any citizen to take, kill, or capture, fish of all kinds under the regulation of this Act, without having to pay the \$2 license fee, or any other fee therefor. This Act, however, applied only to fishing by means of hook and line, trot line, bank pole, and then only when natural bait was used, and, provided further, that all other game and fish laws of the State would be enforceable in Robertson County.
  28. Private Acts of 1935, Chapter 55, rendered it unlawful hereafter in Robertson County for any person to gig fish at any time in any of the streams of the county. Anyone found guilty of doing so could be fined from \$2 to \$50 for each offense.
  29. Private Acts of 1935, Chapter 702, stated that any person who had heretofore engaged in the practice of veterinary medicine, with or without a license, in Robertson County for a period of fifteen years, or longer, next preceding the effective date of this Act, was authorized to continue to practice the same in that county provided he/she obtain from the county court clerk a certificate of good moral character and file the same with the State Board of Veterinary Examiners.
  30. Private Acts of 1937, Chapter 479, established the legality for any citizen in Robertson County to take, kill or capture fish of all kinds in any stream, creek, branch, lake or pond without the payment of any license fee therefor but the provisions of this Act applied only to fishing with hook and line, bank pole, and trout line, and only while using natural bait instead of artificial bait. Otherwise, all the regulations of the State and the Department of Game and Fish were applicable in Robertson County.
  31. Private Acts of 1945, Chapter 246, licensed Forest Ternary, of Robertson County, to practice veterinary medicine in that County without having to obtain a license to do so.
  32. Private Acts of 1945, Chapter 296, was the enabling legislation which permitted Frances J. Cotter, a resident of Robertson County to practice. This Act would serve as the legal authority for Cotter to continue.
  33. Private Acts of 1949, Chapter 775, stated that the County Court of Robertson County, under the provisions of Section 9, Article 11, of the State Constitution, as construed in the case of Mooney v. Phillips, 173 Tenn. 398, and in Henderson County v. Wallace, 173 Tenn. 184, and the cases cited therein in both decisions by the Supreme Court, was vested with the powers to pass ordinances and resolutions with regard to private and local powers to pass ordinances and resolutions with regard to private and local affairs by the affirmative vote of a majority of not less than two-thirds, a meeting to use those powers being called on notice given by the County Judge, or three members of the County Court. The required details for a valid ordinance were specified in Section 2, and, by virtue thereof, the Court could establish the office of Dog and Cat Rabies Technicians.

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