



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Lawful Fence Defined

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Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://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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# Lawful Fence Defined

## Private Acts of 1933 Chapter 285

**COMPILER'S NOTE:** Parts of this act may have been superseded by Tennessee Code Annotated Section 44-8-102, et seq.

**SECTION 1.** That in all counties in this State having a population of not less than Seventeen Thousand Five Hundred Forty-five (17,545), nor more that Seventeen Thousand Five Hundred Fifty-five (17,555) according to the Federal Census of 1930 or any subsequent Federal Census, the following shall be a lawful fence:

Any enclosure made by stretching not less than four strands of standard smooth or barbed wires tightly between posts set firmly in the ground not more than sixteen (16) feet apart, said wires to be securely fastened to the posts, the topmost wire to be not less than four and one-half feet (4 ½) feet, from the ground, and the bottom wire to be twenty inches (20) from the ground, the next wire from the bottom to be thirty inches (30) from the ground, and the Third wire to be forty inches (40) from the ground, such distances to be as nearly exact as practicable.

**SECTION 2.** That in such counties having a population as described in Section 1 of this Act it shall be unlawful for sheep, goats, swine, and geese to run at large.

**SECTION 3.** That any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$2.50 nor more than \$10.00.

**SECTION 4.** That any person or persons upon whose land such sheep, goats, swine, or geese shall be found running at large shall have the right to take up and confine them, giving the same reasonably good feed and attention, and shall be entitled to Fifty Cents (.50) per day for each as compensation for feeding and caring for the same, and shall have and is hereby given a lien upon said sheep, goats, swine, or geese to secure such compensation. Upon keeping said sheep, goats, swine or geese confined and caring for them as herein provided, after three (3) days, any person or persons upon whose lands they may have been found running at large may advertise and sell such sheep, goats, swine, or geese by posting five ten-day notices of the time, terms and place of sale, describing in such notice just what is to be sold and the fact that such sheep, goats, swine, or geese had been confined under authority of this act. One of the said notices shall be placed at the courthouse, one at the premises whereon such sheep, goats, swine or geese were found, the other three to be placed at conspicuous public places about the county. The person or persons making such sale may bid at the same and may credit himself with compensation herein provided.

**SECTION 5.** That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

**SECTION 6.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1933.

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