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Chapter II - Animals and Fish

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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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Chapter II - Animals and Fish

Dogs

Private Acts of 1951 Chapter 661

COMPILER'S NOTE: Parts of this act may have been superseded by the Tennessee Anti-Rabies Law, Tennessee Code Annotated Section 68-8-101 et. seq.

SECTION 1. That in Counties of this State having a population of not less than 27,200 nor more than 27,300, by the Federal Census of 1940, or any subsequent Federal Census, no owner or any dog more than three months of age shall permit such dog to run at large unless such dog shall at the time be wearing a leather or other type of collar to which shall be attached a tag of some indestructible substance bearing the name of the owner of such dog indelibly affixed thereto in such manner as to identify the dog's owner.

Likewise, no owner of any dog more than three months of age shall permit such dog to run at large unless the same has been inoculated within the 12 months period next preceding such running at large against rabies. Such inoculation shall be evidenced by a certificate to be furnished the owner of such dog by the person inoculating the same and shall be exhibited to any peace officer of said county upon demand.

SECTION 2. That the owners of all dogs permitted to run at large in counties to which this Act applies shall be liable for any and all damages to either persons or property occasioned by said dogs, whether or not the vicious tendency of such dogs had previously manifested themselves. Any person on discovering a dog running at large and molesting or killing livestock or poultry of any character may kill or destroy such dog while so engaged in the act of molesting stock or poultry without liability therefor to the owner of such dog. Any owner of a dog violating the provisions of this Act shall upon conviction, be fined fifty dollars (\$50.00).

As amended by:

Private Acts of 1967, Chapter 163

SECTION 3. That this Act shall take effect from and after July 1st, 1951, the public welfare requiring it.

PASSED: March 14, 1951.

Foxes

Public Acts of 1973 Chapter 158

COMPILER'S NOTE: This is special legislation and is not printed in the Tennessee Code Annotated. It is published here as a service to our readers.

SECTION 1. Chapter 4, Title 5I, Tennessee Code Annotated, is amended by adding the following new section:

Red fox pelts may be bought and sold in Lincoln County.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

Passed: April 30, 1973.

Livestock

Private Acts of 1955 Chapter 400

COMPILER'S NOTE: Parts of this act may have been superseded by Tennessee Code Annotated section 44-8-401 et seq.

SECTION 1. That it shall be unlawful for any person or persons owning or having the control and custody of horses, mules, donkeys, cattle, sheep, goats, swine, or other livestock to permit same to run at large in counties of this State having a population of not less than 27,200 and not more than 27,232, by the Federal Census of 1940, or any subsequent Federal Census.

SECTION 2. That the owner or owners of any livestock mentioned and included in Section 1 of this Act shall be liable for all damages that may be done to the property of any other person or persons by such livestock when allowed to run at large in violation of this Act, and the person or persons so damaged shall have a lien on the stock doing the damage, which may be enforced by attachment or by judgment and

execution to be levied on such livestock.

SECTION 3. That any person or persons on whose land livestock may be found trespassing in violation of this Act, or other person or persons having custody and control of such land, shall have the right to take up and confine such trespassing stock until the damage and the expense of feeding and keeping such livestock are paid, and for the feeding and keeping of such livestock there shall also be a lien on the stock, to be enforced as is provided for the enforcement of the lien for damages given in Section 2 of this Act.

SECTION 4. That any person or persons taking up livestock as authorized by this Act shall give immediate notice to the owner or owners of the stock so taken up, that such stock has been taken up, if such owner or owners be known to the person or persons taking up same.

SECTION 5. That nothing in this Act is intended to or shall be construed as amending or repealing the general railroad and stock law of the State.

SECTION 6. That any violation of Section 1 of this Act shall be a misdemeanor, and punishable by a fine of not less than \$5.00 nor more than \$50.00.

SECTION 7. That all laws and parts of laws in conflict with this Act be, and the same are repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

PASSED: February 14, 1941.

Minnows

Private Acts of 1955 Chapter 400

SECTION 1. That it shall be unlawful in Lincoln County for any person to catch or possess minnows for the purpose of sale, provided same were caught in any stream in Lincoln County.

SECTION 2. That it shall be unlawful in Lincoln County for any person to possess more than two hundred fifty (250) minnows, provided same were caught in any stream in Lincoln County.

SECTION 3. That violation of this Act shall be a misdemeanor, punishable by a fine not to exceed Twenty-five Dollars (\$25.00).

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: March 10, 1955.

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 Lincoln 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 1889, Chapter 198, exempted Lincoln County from the requirements of Chapter 143, Public Acts of 1887, which made it unlawful to take and catch fish by seine, or net, from March 15 to June 1, of each year, when the meshes of the nets were less than 1¼ in width, and prohibited the use of dynamite, other explosives, or poison.
2. Private Acts of 1889, Chapter 211, shortened the season in Lincoln County from the first day of February to the first day of September to the 15th day of March to the first day of September to hunt and kill songbirds, game birds, or any kind of bird which feeds on insects, as the same were specified in Chapter 83, Public Acts of 1873, which this act amends.
3. Private Acts of 1893, Chapter 15, made it unlawful for any person to kill, net, trap, or capture quail, or partridges, for pleasure, or profit on his own land or elsewhere in Gibson, Montgomery, Lincoln, and Giles County, at any season of the year other than from November 1 to March 1 of the succeeding year. It was unlawful to net quail, or partridge at any time. Violators would be fined from \$5.00 to \$25.00.
4. Private Acts of 1895, Chapter 42, removed Lincoln County from all the provisions of Private Acts of 1893, Chapter 15, Item 3, above.
5. Private Acts of 1897, Chapter 283, declared it to be lawful in Lincoln, Macon, Meigs, and Carroll counties to catch fish in every way and at all times except by the use of explosives and poison and by any device which would prevent the free passage of fish up and down the stream.
6. Private Acts of 1905, Chapter 309, repealed Subsection 7, Section 3, Chapter 169, Public Acts of 1903, known as the General Game Law, insofar as it applies to Lincoln and Bedford Counties so

- that squirrels may be killed in those counties at any time and during all seasons of the year.
7. Private Acts of 1909, Chapter 239, made it unlawful for any person having the ownership, control, of horses, mules, cattle, sheep, goats, swine, or other live stock, to permit such to run at large in Lincoln County. They shall be liable to all others who may be damaged by the stock running at large on which the damaged party may have a lien. The party damaged may also take up the animals, feed and care for them and add this cost to the lien, provided notice was given to the owner or custodian.
 8. Private Acts of 1911, Chapter 388, was almost an exact duplicate of the terms and conditions expressly placed upon the owner of the animals named therein, or the custodian, except that the act must be the result of negligence on their part for the damaged person to collect reparation or to enforce his lien.
 9. Private Acts of 1917, Chapter 85, declared it to be unlawful in Lincoln County, identified by the use of the 1910 Federal Census figures, for any person to shoot, take, hunt, kill, capture, or destroy by any means or methods, any quail, partridges, doves, wild turkeys, geese, brant, swan, ducks, and squirrels except within the seasons specified therein, which was for quail and partridges from December 1 to following February 15, for doves from September 1 to following February 15, for wild turkeys from November 1 to following March 1, for gobblers from April 1 to April 25, for ducks, geese, brant, and swans from October 1 to following February 1, for squirrels at any time of the year, there being no closed season on them. Violators could be fined from \$5.00 to \$25.00 for each occurrence.
 10. Private Acts of 1921, Chapter 736, amended Private Acts of 1917, Chapter 85, Item 9, above, by changing the open season on quails and partridges to run from November 15 to following February 1, and on doves to run from August 15 to the following February 1, thus moving both seasons back fifteen days.
 11. Private Acts of 1923, Chapter 672, stated that all persons in Lincoln County were required to give to the Tax Assessor, or to the County Trustee, a record of each dog, more than six months old which was kept, or harbored by them, and to pay a tax of \$1.00 on all males, and spayed females, and it was the duty of the Tax Assessor to assess and collect for each dog. The tax must be paid every year for which the Tax Assessor would keep accurate records in a well bound book and pay the money over to the Trustee who would keep the same in the "Sheep Fund" for owners of sheep which were killed, or maimed, by dogs. The sheep owner must file his claim with the Trustee who would pay the just ones. The conditions were defined under which a dog could be declared a nuisance, including females in heat. Violations of this act could be also punished by fines from \$10 to \$50. This act was repealed by Private Acts of 1935, Chapter 29, Item 22, herein.
 12. Private Acts of 1925, Chapter 207, amended Private Acts of 1923, Chapter 672, above, by increasing the tax to be paid by the owners of spayed female dogs from \$1 to \$3.
 13. Private Acts of 1927, Chapter 176, made it unlawful for any person in Lincoln County to set or place any steel trap upon lands, or in the waters adjoining lands for the purpose of catching any fur-bearing, or hair-bearing animal, unless that person has secured from the County Court Clerk the necessary license to set the said traps with the proper number painted on them. The license cost \$5 for the first trap and fifteen cents for each additional trap. The clerk would issue metal tags to be attached to the traps, and, if lost, must be replaced. Fines for non-compliance ranged from \$10 to \$25. This act was repealed by Item 16, below.
 14. Private Acts of 1927, Chapter 177, amended Private Acts of 1923, Chapter 672, Section One, by adding a kennel tax of \$8 per kennel, provided that the dogs are kept in the kennel when not on the chase, or going to or from the chase, and by reducing the tax on spayed female dogs from \$3.00 back to \$1.00. This act is cited in *Darnell v. Shapard* 156 Tenn. 568, 3 SW2 668 (1928).
 15. Private Acts of 1927, Chapter 815, declared it to be lawful to fish with hook and line, or trot line, in any month of the year and in any stream in Lincoln County. It was also permitted to take and catch fish in baskets when the slats were at least 1¼" apart, but was unlawful to take fish by any other type of basket, and it was likewise unlawful to sell fish baskets of any other kind in Lincoln County.
 16. Private Acts of 1929, Chapter 143, specifically and entirely repealed Private Acts of 1923, Chapter 677, Section One, by changing the wording so as to include all male and female dogs instead of just male dogs and spayed females for which licenses must be procured. The act stated Chapter 677, but obviously meant Chapter 672.
 17. Private Acts of 1929, Chapter 557, amended Private Acts of 1927, Chapter 176, Item 13, above,

- which regulated the setting of steel traps for fur or hair-bearing animals.
18. Private Acts of 1931 (2nd Ex. Sess.), Chapter 32, made it lawful in Lincoln County, using the 1930 Federal Census figures, to hunt, trap, and kill, all fur-bearing animals, including foxes, and to sell their fur between and including November 15 to February 15, following, which will be considered as the open season. This act was repealed by Private Acts of 1933, Chapter 818, below.
 19. Private Acts of 1933, Chapter 312, provided that every person owning, keeping, or harboring a dog shall pay \$1 for a license for the dog except that the head of a family with only one dog would be exempt. A kennel owner must pay a flat fee of \$10 instead of \$1 per dog. Landlords must report on the dogs of their tenants, the Tax Assessor must report on the dogs net during his work and every dog owner was mandated to report on his, or her dogs. There was a \$5 fine for a failure to report.
 20. Private Acts of 1933, Chapter 818, specifically repealed Private Acts of 1931 (2nd Ex. Sess.), Chapter 32, in its entirety.
 21. Private Acts of 1933, Chapter 821, established the open season for the hunting and trapping of fur-bearing animals, except foxes, between November 15 and February 15, in Lincoln County, provided that, in trapping, only Number One and Number Two steel traps may be used. No resident of the county needs to obtain a license to do this but one cannot go upon the lands of another for the purpose without having first obtained the owner's consent.
 22. Private Acts of 1935, Chapter 29, expressly and entirely repeals Private Acts of 1923, Chapter 672, which was the existing dog law for Lincoln County.
 23. Private Acts of 1935, Chapter 228, said that no license was required in Lincoln County for residents to hunt, fish or trap, however, it was unlawful to hunt, fish, or trap on the lands of another without written permission. Fines from \$50 to \$100 would be assessed against violators. It was lawful during February, March, and April to take fish with hook and line, with natural or artificial bait, or snatch hook. It was lawful in July and August to take fish with seines, or hands, but mesh on seines must be 1½" wide and trammel nets could not be used under any circumstances. It was unlawful to take rabbits, or squirrels at any time but was lawful to take fur-bearing animals, except red foxes, from December 1 to February 15. Sheriffs, deputies, and constables were designated as ex officio game wardens to help enforce this law.
 24. Private Acts of 1935, Chapter 792, made it lawful in Lincoln County for the owner of land to would or kill any dog found roving about the premises when the dog is unaccompanied by its owner or someone in charge. The owner of the slain dog could not collect over one cent in damages for the death or wounding of the dog. This act is not to apply to fox-hounds on the chase, or at any time unless they are near sheep or goats.
 25. Private Acts of 1935 (Ex. Sess.), Chapter 127, amended Private Acts of 1935, Chapter 228, in Section 2 by making it unnecessary to obtain "written" permission from an owner to hunt on his land, by striking out all of Section 3 relating to fishing by reducing the schedule of fines from \$50 to \$100 to \$10 to \$25.
 26. Private Acts of 1937, Chapter 624, declared that any person who has heretofore engaged in the practice of veterinary medicine and surgery in Lincoln County for a period of 15 years, or more, next preceding the passage of this act who is of good moral character, is authorized to continue the said practice, provided such person shall obtain from the county court a certificate of good moral character and file the same with the State Board of Veterinarian Examiners. The license granted herein shall be good only in Lincoln County.
 27. Private Acts of 1937, Chapter 747, stated that no license was required for any person to hunt, fish, or trap, or buy or sell furs of any wild animals in Lincoln County, except that one cannot do so on the lands of another without permission of the owner and occupant. The Sheriff, deputies, and constables were termed ex-officio game wardens to enforce this law and would receive the same fees. It was lawful to take fish at any time with hook and line, using natural or artificial bait and snatch hooks. It was lawful to hunt and trap for-bearing animals, except red fox, between December 1 and February 15 of the following year, and to shoot and kill rabbits and squirrels in any month of the year. This act was repealed by the one below.
 28. Private Acts of 1939, Chapter 61, expressly repealed Private Acts of 1939, Chapter 747, above, in its entirety.
 29. Private Acts of 1945, Chapter 509, stated that Thornton Taylor, of Lincoln County, has acquired by practice through the years a thorough knowledge of veterinary anatomy, pathology, and chemistry, and the community in which he resides is in desperate need for a veterinarian; therefore, the said Taylor is hereby authorized to continue the practice of all phases of veterinary

- surgery and medicine in Lincoln County, all laws to the contrary notwithstanding.
30. Public Acts of 1963, Chapter 377, set the season for hunting squirrels in Coffee, Moore, and Lincoln Counties, from October 1 to February 1 of the following year, and it is hereby determined to be unlawful to hunt the animals at any other time than that specified. This act was repealed by Public Acts of 1969, Chapter 10, Page 17.
 31. Public Acts of 1965, Chapter 311, amended Public Acts of 1903, Chapter 377, above, by taking Coffee County out from under its provisions.
 32. Public Acts of 1967-68, Chapter 193, amended Private Acts of 1951, Chapter 661, by deleting the last sentence in Section 2 which stated in substance "anyone violating this act would be guilty of a misdemeanor and punished accordingly" and substituted the sentence published herein.
 33. Public Acts of 1969, Chapter 10, specifically repealed Public Acts of 1963, Chapter 377, as amended by Public Acts of 1965, Chapter 311, in its entirety.
 34. Public Acts of 1969, Chapter 74, makes it unlawful to hunt deer in Lincoln County using anything other than a shotgun loaded with one solid ball or slug. This act was specifically repealed by Public Acts of 1978, Chapter 752.
 35. Public Acts of 1972, Chapter 621, was a special act amending Tennessee Code Annotated which allowed for an open season on red foxes in Lincoln county. This amendment was repealed by Public Acts of 1976, Chapter 621.

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