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Chapter II - Animals and Fish

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,

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

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Chapter II - Animals and Fish

Coon Dog Training

Public Acts of 1982 Chapter 923

SECTION 1. Tennessee Code Annotated, Section 51-441, is amended by deleting the word and punctuation "Jefferson," in the first and second paragraphs of the section.

SECTION 2. Tennessee Code Annotated, Section 51-441, is further amended by adding the following language immediately after the third paragraph: Provided, however, it shall be lawful in Jefferson County to have a jump-out training season during the period each year from October 9 through November 1, and notwithstanding other provisions of this section, it shall be lawful to train coon dogs in Jefferson County at any time of the year except during the period each year from March 1 to May 15, so long as coons are not taken except during open season thereon.

SECTION 3. Tennessee Code Annotated, Section 51-441, is amended by deleting the following language:

It shall be unlawful for any person to train coon dogs by chasing coons in Cocke County, except that it shall be lawful for licensed kennel clubs in Cocke County to conduct an unlimited number of field trials and all-night hunts for raccoons in Cocke County during the training season specified herein. The training season shall be each Friday and Saturday night of each week from sunset to sunrise on each night. The field trials and all-night hunts shall be chase only and no coons shall be taken except during open season in such county. and inserting instead the following new language:

Provided, however, it shall be lawful in Cocke County to have a jump-out training season during the period each year from October 9 through November 1, and notwithstanding other provisions of this section, it shall be lawful to train coon dogs in Cocke County at any time of the year except during the period each year from March 1 to May 15, so long as coons are not taken except during open season thereon.

SECTION 4. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 6, 1982.

Livestock Inspectors

Private Acts of 1951 Chapter 208

SECTION 1. That in counties of this State with a population of not less than 18,615, nor more than 18,630, by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of four years, not exceeding four animal inspectors.

It shall be the duty of such livestock inspectors to make an inspection and examination of the livestock in said counties and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infectious or contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in any amount not to exceed \$10.00 per annum for each inspector so appointed. Elections thereof may be made by the Quarterly County Court at any regular term or called session and the person or persons so elected shall hold office for a period of four (4) years from the date of such election and until their successor shall be duly elected and qualified. The said County shall not be liable for the default or negligence of any such livestock inspectors where the County Court has used care and caution in the selection thereof but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

Passed: February 15, 1951.

Red Fox Season

Private Acts of 1955 Chapter 337

SECTION 1. There shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish

Commission for the protection of the species in all counties of this State having a population of not less than 19,665 and not more than 19,670 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

It shall be lawful for any person to kill a red fox at any time in the county to which this Act applies when such fox is committing depredations upon livestock, domestic fowls, or crops. Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

SECTION 2. All laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, 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 Jefferson 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 1899, Chapter 355, made it lawful to catch fish in baskets and nets in any of the streams of Jefferson County. All laws in conflict were repealed.
2. Private Acts of 1901, Chapter 209, was the legal authority for anyone in Jefferson County to fish in any of the streams of that County with gigs. It would be lawful for anyone owning both banks on any stream, or sluice, in Jefferson County to place traps in the stream but the slats in the traps had to be at least two inches apart and their positions were not to obstruct the navigation of the stream in any manner.
3. Private Acts of 1903, Chapter 246, declared it to be unlawful for livestock to run at large in Jefferson County but unfenced lands could be used lawfully for summer range without violating the terms of this Act. Fines imposed for non-compliance ranged from \$2.00 to \$10.00 for each offense. The damages done would be a lien on the trespassing stock which could also be taken up and cared for by third parties or the injured party and the cost of their care and keeping could be added to the amount of the lien. Nothing herein in this Act would affect any Act concerning the liability of railroads on this subject.
4. Private Acts of 1909, Chapter 187, made it unlawful for stock to run at large in Jefferson and Monroe Counties. The terms of this Act were the same as those in the 1903 Act above. There may be some doubt as to whether the General Assembly intended this Act to apply to Jefferson County since one similar to it in all respects was already in force.
5. Private Acts of 1911, Chapter 9, which in effect repeals the 1909 Act above if it did apply to Jefferson County, plus the 1903 Act, made it unlawful for any person owning, or controlling geese, horses, mules, cattle, sheep, goats, swine, or other livestock, to permit the same to run at large in Hamblen County and Jefferson County. The owner of these invading animals would be responsible in damages to anyone injured by them and the damaged parties would have a lien upon the trespassing beasts to that extent which could be enforced as any other lien. The damaged party could also impound the animals and add that cost to his damages and to the lien.
6. Private Acts of 1915, Chapter 651, required all the landowners in Jefferson County (identified by the quotation of the 1910 Federal Census figures) to construct and maintain a three wire fence around all their cultivated fields lying along a public highway unless these fields were otherwise fenced. In the event the fence was not built and maintained as specified, the owner could not recover for any damages done to those areas. There was nothing in this Act which would allow the owner of the stock to let their animals run at large in the County without a herder.
7. Private Acts of 1917, Chapter 658, declared it to be legal for residents of Jefferson County to fish in the Holston River and the French Broad River within the limits of the County with nets and baskets, provided, however, that the mesh on the nets and the slats on the baskets were no less than one and one-half inches apart.
8. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, which was a very restrictive general law of the State on the ownership, care and keeping of dogs, so as to remove Jefferson County and many other counties from the provisions of that law.
9. Private Acts of 1927, Chapter 257, was the legal authority for any person in counties other than Jefferson County, and nine other counties, to hunt, take, trap, snare, shoot, or kill by any means, rabbits, or hares, at all seasons and times of the year, but nothing herein would allow anyone to

hunt upon the land of another without permission. It was also lawful to transport, sell, and ship rabbits, or hares, out of each of the Counties and State.

10. Private Acts of 1929, Chapter 4, amended Private Acts of 1927, Chapter 257, so as to remove Jefferson County from the provisions of the 1927 act with reference to the hunting and killing of rabbits, or hares. (According to our reading of the 1927 Act Jefferson County was exempted at that time. This Act might have been used to remove all doubt).
11. Private Acts of 1935, Chapter 627, applied to Jefferson County, and three other counties, and amended the general law to allow any person to catch fish, except large mouth and smallmouth bass, or Jack, from the streams, of the said counties by baskets, or traps, where the slats were at least 2 inches apart and the trap, or basket, was not placed so as to obstruct the stream. Only the people living alongside the stream could use the baskets, or traps. Any person doing so could use the fish caught only for family consumption, or to give to the poor, and they could not be lawfully sold. No game fish were to be caught and all closed seasons set up by the Game and Fish Department were to be observed. Fines for violators ranged from \$10.00 to \$25.00.
12. Private Acts of 1951, Chapter 208, established the position of livestock inspector in Jefferson County.
13. Private Acts of 1955, Chapter 337, set up a season when red foxes could be killed in Jefferson County.

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