



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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,

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Chapter II - Animals and Fish

Dog Law

Private Acts of 1921 Chapter 866

SECTION 1. That any person or persons owning, controlling or harboring any dog or dogs that shall chase, maim, worry or kill any sheep, goats, hogs, cattle or other animals, shall be absolutely liable for all damages caused or done by his or their dog, or dogs, and such claim for damages may be enforced as any other claim for damages is enforced in this State. A lien is also hereby declared to exist on any dog or dogs that shall chase, worry, main or kill any sheep, goats, hogs, cattle or other animal and in favor of the owner of such animal so chased, worried, maimed or killed for all damages sustained; and such lien may be enforced by attachment or judgment and execution.

SECTION 2. That any dog that is known to have chased, worried, maimed or killed any sheep, hogs, cattle or other animals unless accompanied by his master, or some other person having reasonable control over him, is hereby declared to be a public nuisance, and may be killed by any person without civil or criminal liabilities therefor; and any person who shall own, keep, or harbor any dog after he knows that such dog has chased, worried, maimed, or killed any sheep, goats, hogs, cattle or other animal, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars and not more than fifty dollars, by any Court having competent jurisdiction thereof.

SECTION 3. That it is hereby declared a misdemeanor for any person owning, controlling or harboring any female dog to permit such female dog to run at large during any period of rutting or when in heat, after he knows such dog to be in heat, and upon conviction thereof shall be fined not less than Ten Dollars and not more than Fifty Dollars by any Court having competent jurisdiction thereof.

SECTION 4. That if any clause, section or part of this Act shall be declared unconstitutional or unauthorized by law, by any court, such decision shall not effect the remaining clauses, sections and parts of this Act, but same shall remain in full force and effect.

SECTION 5. That this Act shall apply to and within all counties of the State of Tennessee which, according to the Federal Census of 1920 or any subsequent Federal Census, have a population of not less than 10,000 inhabitants and not more than 10,070 inhabitants, also a population of not less than 6,200 inhabitants and not more than 6,225 inhabitants.

SECTION 6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1921.

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 Houston 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 1903, Chapter 358, made it a misdemeanor for any person to allow hogs to run at large after January 1, 1904. This Act was repealed by Acts of 1905, Chapter 362.
2. Acts of 1905, Chapter 335, made it lawful for any "bona fide" citizen of Houston County to catch fish in any manner, except explosives, seines or nets.
3. Acts of 1909, Chapter 502, was a fence law for Houston County. It defined a lawful fence and made owners of trespassing livestock liable for the damage done by them. This Act was repealed by Private Acts of 1911, Chapter 363.
4. Private Acts of 1911, Chapter 625, was another fence law for Houston County. It defined a lawful fence and was applicable to sheep, hogs, goats, swine, geese and ducks.
5. Private Acts of 1917, Chapter 580, exempted Houston County from the general law requiring resident hunters to have hunting licenses.
6. Private Acts of 1921, Chapter 286, authorized an election to ascertain the will of the voters of Houston County on a "no fence" law.
7. Private Acts of 1921, Chapter 405, exempted Houston County from the general law regulating the harboring of dogs.

8. Private Acts of 1921, Chapter 503, set the hunting season on quail, partridge, doves, squirrels, rabbits, wild duck, wild geese, and other migrating birds. It required hunters to obtain the written permission of the landowner before hunting on private property.
9. Private Acts of 1921, Chapter 951, exempted Houston County from the 1909 general law which had created a State Department of Game, Fish and Forestry.
10. Private Acts of 1923, Chapter 128, provided for another election to ascertain the will of Houston County voters on a stock law.
11. Private Acts of 1925, Chapter 337, also called for Houston County voters to express their preference on the question of a stock law in the general election in August, 1926.
12. Private Acts of 1927, Chapter 52, was a stock law for Houston County. It made owners of livestock running at large liable for damages and gave the damaged landowners payment of damages, but specified that this act in no way affected the liability of railroads for damage to livestock.
13. Private Acts of 1927, Chapter 134, made the killing or capturing of foxes during any season of the year a misdemeanor in Houston County.
14. Private Acts of 1931, Chapter 728, made it lawful for landowners in Houston County to catch fish in streams on their land by means of a split basket, but only for personal use - not for sale.
15. Private Acts of 1931, Chapter 822, made it unlawful to fish in Houston County from December 1st to June 15th of each year. Private Acts of 1935, Chapter 800, was an Act to amend the Private Act (no chapter or year was specified) setting the open season on fishing in Houston County. This Act shortened the closed season, substituting June 1st for June 15th.
16. Private Acts of 1955, Chapter 274, closed the season on hunting coons in Houston County. Hunters were prohibited from chasing, trapping or killing coons from January 16th to September 14th; and from killing or trapping from September 15th to October 15th; though chasing was permissible during that month. This Act was repealed by Private Acts of 1963, Chapter 126.

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