



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Livestock - Fence Law

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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Livestock - Fence Law

Private Acts of 1947 Chapter 105

SECTION 1. That in all Counties of the State having a population of not less than 14,870 nor more than 14,873 by the Federal Census of 1940, or any subsequent Federal Census, it shall be unlawful for any owner or any agent or employee of any owner, having the control or management of horses, mules, cattle, sheep, swine, goats or other livestock, to permit or allow such livestock to run at large in such Counties.

SECTION 2. That the owner, or the agent or employee of such owner of such livestock who has violated the preceding section of this Act shall be liable in damages jointly for the value of any property destroyed or damaged by such livestock; and that to secure payment of the damages done by such livestock, the party damaged shall have, and is hereby expressly given, a lien on the animal or animals doing the damage and may enforce said liability and either by suit for damages against the owner and his agent or employee, or by attachment of stock, or both, before any Justice of Peace, or in a court of record in the Counties included in the provision of this Act.

SECTION 3. That any person upon whose lands, whether such lands shall be held by owner or tenant, such stock may trespass, shall have a right to take up and confine said livestock, giving it reasonably good food and attention, and be entitled to reasonable compensation for such food and attention, to be enforced and collected by a lien upon such stock, as hereinabove provided in Section 2, providing, however, any person so taking up and confining said livestock, belonging to another, shall, if the owner thereof is known by him, give such owner notice thereof within twenty-four hours, and if such owner is not known he shall publish notice thereof containing the description of such animal for three consecutive weeks in a local newspaper, such expense to be paid by the owner and secured in the same manner as other claims as provided herein.

SECTION 4. That where livestock running at large in violation of this Act are killed, maimed or injured upon the public highways while not in charge of the owner, his agents or employees, then and in either of these events, no claim for damages for the killing, maiming or injuring of said stock shall lie against any person, firm or corporation in any of the Courts of this State.

SECTION 5. That any person violating the provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 and not more than \$50.00 for every violation thereof, by any Justice of the Peace of the Counties aforesaid; said Justice of the Peace is hereby given jurisdiction to hear evidence and assess fines within the above limits in an amount which, in his judgment, the offense may merit, and an appeal shall lie from his judgment as in other cases to the Circuit Courts of the County. All fines collected under the provisions of this Act shall be and become a part of the elementary school funds of the County in which the offense is committed and the fine assessed.

SECTION 6. That all laws and parts of laws in conflict herewith be and the same are hereby repealed and that this Act shall take effect from and after the first day of October, 1947.

Passed: January 30, 1947.

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