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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

In Tennessee, the wildlife resources agency has exclusive jurisdiction of the duties and functions formerly held by the game and fish commission or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing. T.C.A. § 70-1-301. The general statutes dealing with wildlife resources are found in title 70 of the [Tennessee Code Annotated](#).

Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8.

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 Blount County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1893, Chapter 166, amended Public Acts of 1889, Chapter 171, so as make it unlawful for any person or persons to kill, net, trap, or capture quail or partridges in Blount County, however, it was legal for citizens of Blount County to kill and hunt quail or partridges for profit on his own land, but not elsewhere.
2. Private Acts of 1901, Chapter 194, made it lawful to catch fish in Blount County by any means except by explosives, poisons, wing nets or dams during the open season which was set from June 1st to April St. of each year.
3. Private Acts of 1901, Chapter 337, made it unlawful to hunt deer with dogs for five years after the passage of this act, with violation of this act constituting a misdemeanor punishable by a fine of \$5 to \$25.
4. Acts of 1903, Chapter 117, was the first attempt to enact a stock law or fence law for Blount County. Subject to voter approval, this act provided that it was illegal for owners of livestock of any kind to allow their stock to run at large, and damaged landowners were given a lien on the wandering livestock to insure payment of damages. The fine of not less than \$5 nor more than \$10 for violation of this act was to be placed in the public school fund of Blount County.
5. Acts of 1903, Chapter 129, was an act to regulate fishing in Blount County, making it unlawful to catch fish by means of seining, trapping, shooting, grabbling with hands, gigging, poison or dynamite. The only lawful methods of fishing were by rod or line or trot line. This law was not applicable to private ponds, nor to fishing for minnows. Violating the provisions of this act would result in a fine of not less than \$10 nor more than \$50, and if the violation involved the use of poison or dynamite, the guilty fisherman would spend six months in the county jail.
6. Acts of 1907, Chapter 195, was the next attempt to enact a stock law for Blount County. This act provided that anyone owning or having control of horses, mules, cattle, sheep, goats, swine or other livestock were not to permit them to run at large, but this act was amended by Private Acts of 1915, Chapter 172, to provide that it was lawful for stock to roam at large in civil districts with a population of less than 300 or districts with a population between 620 and 700.
7. Private Acts of 1911, Chapter 77, was another stock law for Blount County, providing that horses, mules, donkey, cattle, sheep, goats and swine were not permitted to roam at large, and damaged landowners were authorized to impound such wandering stock to prevent further damage.
8. Private Acts of 1915, Chapter 240, amended Acts of 1907, Chapter 489, a statewide fishing lunch law, by exempting Blount County from the provision of the law which prevented fishing by gig.
9. Private Acts of 1915, Chapter 289, made it unlawful to kill quail for three years after the passage of this act, and after 1918, the open season on quail was to be from December 15th to January 15th of each year. Violation of this act would result in a fine of \$25.
10. Private Acts of 1917, Chapter 79, exempted Blount County from the general law provision making it unlawful to gig fish.
11. Private Acts of 1917, Chapter 588, made it unlawful to allow hogs to roam at large in Blount County.
12. Private Acts of 1917, Chapter 594, made it unlawful to shoot or destroy foxes in Blount County, except within one hundred yards of a dwelling house or barn, traps could be set to protect livestock and property. This act also provided that foxes could be hunted with dogs but no guns could be used.
13. Private Acts of 1921, Chapter 405, exempted Blount County from the provisions of the general dog law.

14. Private Acts of 1929, Chapter 44, was another act to protect foxes in Blount County, making it unlawful to kill or capture foxes except for those actually destroying poultry or stock.
15. Private Acts of 1931, Chapter 829, was an act to protect foxes and other fur-bearing animals in Blount County, making it unlawful to kill or capture such animals by means of a snare, bait trap, steel trap, dead fall to other device, at any time of the year, but his act did not prohibit the catching of raccoons, opossums, and skunks with dogs during the open season or the chasing of foxes with dogs during any season. This act was amended by Private Acts of 1935, Chapter 255, to provide that snares, bait traps, steel traps, and dead fall could be set within the enclosure of a barn, chicken house or enclosed fields in which hogs or sheep were kept, as long as signs were posted giving notice to passersby that such traps has been set.
16. Private Acts of 1935, Chapter 648, made in lawful for citizens of Blount County to catch non-game fish, squirrels and rabbits without a license, if they obtained the permission of the owner, lessee or caretaker of the property on which they wished to hunt or fish.
17. Private Acts of 1937, Chapter 577, licensed W. E. Ballard to practice veterinary science in Blount and Sevier Counties only, since those counties had no licensed veterinarian, there was a great need for one, and Mr. Ballard was a graduate of the Ontario College of Veterinary Science.

Bangs Disease

Private Acts of 1945 Chapter 186

SECTION 1. That the County Court of any county in the State of Tennessee, having a population of not less than 41,100 nor more than 41,200, according to the Federal Census of 1940, or any subsequent census, is authorized to co-operate with the State of Tennessee Veterinarian and the United States Department of Agriculture in the eradication of Bangs Disease among cattle within the county.

SEC. 2. That the County Court of any county coming within the provisions of this Act is authorized to appropriate any sum of money up to Six Thousand (\$6,000.00) Dollars annually, to be used for the testing of cattle of the county and co-operating with the State of Tennessee Veterinarian and the United States Department of Agriculture in the eradication of Bangs Disease among cattle in such county.

SEC. 3. That when such appropriation shall have been made by the County Court of any such county, the County Court of such county shall be authorized to employ a veterinary inspector, or veterinary inspectors, who shall be a graduate, or graduates, of a veterinary college whose graduates are eligible to the position of veterinary inspector in the United States Bureau of Animal Industry, accredited, and licensed to practice veterinary medicine in the State of Tennessee. Said Inspector, or Inspectors, shall be paid such salary as shall be fixed by the County Court of Blount County, Tennessee, and in the performance of his duties, as hereinafter set out, he shall collaborate with the State Veterinarian and the Inspector in charge of the United States Bureau of Animal Industry within the State. His term of office shall be at the pleasure of the County Court of Blount County, Tennessee. He shall file monthly with the County Court Clerk of the county where employed, a sworn statement showing the number of days engaged and the amount of expenses incurred in the performance of his official duties, and the judge or chairman shall cause to be drawn a warrant on the county treasurer for the payment of his salary and expenses. Said Inspector shall be paid only for the number of days he is actually engaged in the performance of his duties under the provisions of this Act based upon a monthly salary and a thirty day month.

SEC. 4. That when the County Court makes the appropriation as hereinabove provided, and employs an inspector, as hereinabove provided, it shall become mandatory upon the owners of all the cattle within said such county to submit their cattle to a Bang's Disease test under the supervision of said Inspector.

SEC. 5. That the veterinary inspector, hereinabove provided for, is hereby empowered to enter upon any premises, barn, stable, shed or other place where cattle are housed or kept, for the purpose of applying tests for Bang's Disease to ascertain whether or not the animals so tested are affected with Bang's Disease; and the owners of such cattle shall render such reasonable assistance as may be required to enable the Inspector, or his agent or representative, to apply the test with accuracy and dispatch.

SEC. 6. That all cattle which hereafter react to a Bang's Disease test shall, immediately on such reaction, be marked by branding on the left jaw the letter "B", said letter to be not less than two (2) inches, or more than three (3) inches, in length; and such reactors shall be tagged in the left ear with a special tag approved by the State Veterinarian; and all cattle so identified shall be slaughtered within a period of thirty (30) days immediately following such reaction, such slaughter to be under the direction of the State Veterinarian or the County Inspector.

SEC. 7. That whenever the work of the Bang's Disease eradication and control shall have been undertaken in accordance with the provisions of this Act, the County Inspector shall issue, and cause to be enforced, such quarantining regulations as may be required to prevent the introduction into and the spread within such county of Bang's Disease. It shall be the duty of sheriffs, constables, prosecuting attorneys, and their deputies, within their respective jurisdiction, to render all necessary assistance to enable the State Veterinarian, or his duly authorized agents, to enforce the provisions of this Act.

SEC. 8. That it is not the intention of this Act to repeal or modify any general Act touching the subject matter herein stated, except insofar as the same may be in conflict, but this Act shall be construed to be supplementary to any general Act now existing, or which may hereafter be adopted upon the subject of Bang's Disease.

SEC. 9. That it shall be the duty of County Inspectors, selected under the provisions of this Act, to co-operate and collaborate with the State Veterinarian and the United States Department of Agriculture, and its representatives, in the control and eradication of Bang's Disease.

SEC. 10. That the violation of any of the provisions of this Act is hereby made a misdemeanor and shall be punishable by a fine of not less than Twenty-Five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail for not more than sixty (60) days, or by both fine and imprisonment for each offense.

SEC. 11. That this Act take effect from and after its final passage, the public welfare requiring it.

Passed: February 9, 1945.

Coon Dog Training

Public Acts of 1975 Chapter 189

SECTION 1. That it shall be unlawful to train raccoon dogs in Blount County by chasing raccoons except during the statewide open season and thirty days immediately prior thereto; provided, however, raccoon dog field trials may be held subject to rules and regulations promulgated by the Wildlife Resources Commission.

SECTION 2. That a violation of this Act is a misdemeanor.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: May 13, 1975.

Red Foxes

Private Acts of 1955 Chapter 298

SECTION 1. That 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 54,685 and not more than 54,695 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

It shall be lawful for the landowner or his agent to kill a red fox at any time in the county to which this Act applies when such fox is committing depredations upon live stock, 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. That 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, the public welfare requiring it.

Passed: March 10, 1955.

Animals and Fish - Historical Notes

Animals and Fish

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