



February 05, 2025

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## Chapter II - Animals and Fish

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## Chapter II - Animals and Fish

### Agricultural District

#### Private Acts of 1937 Chapter 284

**SECTION 1.** That the public policy and the public welfare, health and morals of the people requires that in counties of this State having a population of not less than Twenty-six Thousand Eight Hundred (26,800) nor more than Twenty-six Thousand Eight Hundred and Fifty (26,850), according to the Federal Census of 1930 or any subsequent Federal Census, Agricultural Districts be created and that the running at large of livestock in such Agricultural Districts be regulated.

**SEC. 2.** That in the county, or counties, of this State, within the population limits as prescribed in Section 1 of this Act, there shall be and a line is hereby fixed running parallel with the north side of Powell's Valley along the top of Walden's Ridge (or Little Cumberland Mountain) from the Claiborne County line to Red Ash, then running with the west side of Powell's Valley along the eastern base of Big Cumberland Mountain from Red Ash to the Anderson county line, and so as to exclude the town of Caryville and Red Ash form the effect of this Act, and that all the territory between said fixed line and the southern boundary of the county, or counties, affected by this Act shall be an Agricultural District and in said Agricultural District it shall hereafter be unlawful for any owner, or any person having control of live stock, including horses, mules, cattle, sheep, swine, and goats to permit the same to run at large.

That Chapter 284 of the Private Acts of 1937, the caption of which is quoted in the caption of this Act, be and the same is hereby amended so as to more clearly define the boundary line of said agricultural district at or near Caryville, so as to include the Caryville Park, which is being constructed by the Government, in said agricultural district.

As amended by: Private Acts of 1937 (3rd Ex. Sess.), Chapter 25

**SEC. 3.** That any person violating Section 2 of this Act in allowing such live stock to run at large in said Agricultural District, or Agricultural Districts, shall be liable for all damage done by such live stock; that a lien be created against such live stock for such damage, which damage shall be recovered and/or said lien enforced by attachment or by judgment and execution before any Justice of the Peace or other Court of competent jurisdiction.

**SEC. 4.** That the owner of any property, either in fee or as tenant, so damaged by any such trespassing live stock mentioned in Section 2 of this Act shall have the right to take up and confine the live stock doing such damage, give such live stock reasonably good feed, water, and attention, and such person so taking up and confining such live stock shall have a charge for the reasonable expense of such feed, water, and attention, which charge may be collected in the same manner as prescribed by Section 3 of this Act, there being also created here a lien against such live stock for such charge.

**SEC. 5.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 25, 1937.

### Livestock Inspector

#### Private Acts of 1953 Chapter 583

**SECTION 1.** That in counties of this State with a population of not less than 34,300 nor more than 34,400, by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of two years, not exceeding one animal inspector. It shall be the duty of such livestock inspector to make an inspection and examination of the livestock in said County 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 an amount not to exceed Ten (\$10.00) Dollars per annum for each inspector so appointed.

Elections thereof may be made by the Quarterly County Court at any regular term and the person so elected shall hold office for a period of two years from the date of such election. The said County shall not be liable for the default or negligence of any **such livestock inspectors where such 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.**

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1953.

## Animals and Fish - Historical Notes

### **Animals and Fish**

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 Campbell 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 1826, Chapter 157, made it lawful for George Sharp, Jacob Sharp, Martin Redenour, and Henry Redenour to build a fish trap on Powell River in Campbell County at the same place on the river where they previously had built a trap, provided, that the erection of the trap shall not at any time obstruct the navigation of the river.
2. Private Acts of 1827, Chapter 72, authorized William Long, Thomas Norton, John Stanly, Isaac Bledsoe, and Heseekiah Dauly to build a fish trap and dam across the Clinch River in Campbell County at the lower end of the first big shoal above what is called Clouds Ford, provided that it shall not impede or obstruct navigation, and if any boat or craft is delayed, or damaged by the fish trap the above named person shall be liable for the damages caused by reason thereof.
3. Private Acts of 1831, Chapter 132, stated that any citizen, resident or non-resident, of Claiborne and Campbell counties shall not drive or permit their stock of any kind or description, either whole or in part, to graze or range upon the lands of the counties mentioned. Anyone doing so in violation of this law shall forfeit the sum of \$100 to be recovered as an action of debt by anyone who will sue for it. This act shall not extend to Grainger or to Hawkins counties.
4. Acts of 1849-50, Chapter 133, declared it unlawful for any person other than a citizen of Cumberland, Fentress, Morgan, Scott, Campbell, Overton, Putnam, White, Roane, Rhea, Bledsoe, and Van Buren counties to hunt and kill deer, or any species of game, for profit in those counties. All citizens of Tennessee could, however, hunt and kill game in those counties for their own use. The fine was \$50 for the first offense, and \$100 for subsequent violations, half going to the prosecutor, and half to the county.
5. Public Acts of 1889, Chapter 171, was an act making it unlawful, among other things, to hunt and kill deer for profit in the State of Tennessee from which Campbell County, and several other counties, exempted themselves.
6. Public Acts of 1889, Chapter 179, declared that it was unlawful for a non-resident of the state to hunt, shoot, kill, catch, or carry away game of any kind in Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Cater, Sullivan, Meigs, and Claiborne counties.
7. Public Acts of 1893, Chapter 128, amended Public Acts of 1889, Chapter 179, above, by inserting a provision which made that act inapplicable to non-residents who were hunting in Sullivan County as the guest of, or at the request of, the owner of land.
8. Public Acts of 1895, Chapter 161, made it lawful for any person within five years from the passage of this act to chase deer with dogs, or with hounds, or to shoot, wound, capture, kill or attempt to do so, in Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, and Union counties. Fines for violations ran from \$5.00 to \$50.
9. Private Acts of 1897, Chapter 276, amended Section 1, Public Acts of 1895, Chapter 127, so as to make it legal to take fish from any of the streams, lakes, rivers, and ponds, in the counties of

Wayne, Perry, Humphreys, Marshall, Union, and Campbell counties, by grabbling, and by gig, except during the months of March, April, and May.

10. Public Acts of 1899, Chapter 33, amended Section 1, Private Acts of 1897, Chapter 276, so as to render it unlawful to take or catch fish in any of the lakes, streams, or ponds, except the Tennessee River, on which river the present existing fish laws in Perry and Humphreys counties shall govern, in any manner whatever except by hook and line and trot line. This act applied to Wayne, Perry, Humphreys, Marshall, Union, and Campbell counties.
11. Public Acts of 1899, Chapter 333, declared it to be unlawful for a period of ten years after the passage of this act to chase deer with dogs, or with hounds, or to shoot, wound, capture, or kill, or attempt to do so, in Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, Union and McNairy counties. The fines ranged from \$10 to \$50, and the Judges were required to charge this act to the grand juries.
12. Private Acts of 1915, Chapter 350, made it lawful to catch and take fish from any of the public streams in Campbell, Claiborne, Anderson, Hamblen, and Union counties by rod and line, trot line, basket, or net, if the meshes in the basket, or net, are at least a 1 3/4" square, and the slats in the basket, if used, be at least 1 1/2" apart. Shooting and gigging of fish were permissible in any stream from July 1 to the following April 1 but it was unlawful to take fish in any manner from April 1 to June 30 each year. No license would be required if a person were fishing in his home county and meeting the provisions of this act.
13. Private Acts of 1917, Chapter 141, made it unlawful to shoot, or kill, by any means, the bird known as quail, meaning the ordinary Bob White, or virginal partridge, from February 1, to December 1 of each year making open season to exist only from December 1 to February 1.
14. Private Acts of 1921, Chapter 91, provided that four barbed wire strands securely fastened to good and substantial posts, which were no more than forty feet apart, with a good stay, or brace, at least two inches thick and not more than eight feet apart, would constitute a lawful and acceptable fence in Campbell County. The first wire strand could be fifteen inches above the ground and the others twelve inches apart. All conflicts were repealed.
15. Private Acts of 1921, Chapter 92, made it unlawful for the owner of hogs or goats, to permit them to run at large in Campbell County, using the 1920 Federal Census figures. A fine for violation from \$5.00 to \$20.00 was specified. The damaged person was given a lien on the stock for 90 days from the day of damage or until the end of any suit brought within the 90 days, which could be enforced by; execution and attachment. Once damaged the person must notify the officers, or the constable, who would take the animals as soon as they were notified and, if the owner did not reclaim them, sell them at public outcry. The officer's fees were 25 cents per head for impounding and 20 cents per head per day for feeding. These fees, plus damages would be taken from the money realized first, then the remainder, if any, would be given to the owner. The owner of the land trespassed was not give any costs for feeding or keeping under this act thus encouraging the turning over to the officer.
16. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, which was a rather stringent regulatory act for dogs and which was statewide in its application, so as to exempt Campbell County, along with nearly every other county, from its provisions.
17. Private Acts of 1935, Chapter 123, declared it to be unlawful for the owner or custodian, of live stock, including horses, mules, cattle, sheep, swine, and goats, to permit the same to run at large in Campbell County. The owner was responsible for damages which might be caused while the stock was at large. The damaged person was granted a lien which might be enforced by judgment and execution before any justice of the peace. The damaged individual could also take up the animals, feed and care for them, and add this cost to his damages enforceable under the

same lien. In addition, there was a fine from \$5.00 to \$25 provided. This act was repealed by the one below.

18. Private Acts of 1937, Chapter 11, specifically and entirely repealed Private Acts of 1935, Chapter 123, above, which was to prevent the running at large of livestock in Campbell County.
19. Private Acts of 1939, Chapter 397, amended Private Acts of 1921, Chapter 92, which was concerned with the running at large of hogs, or goats, by exempting the sixth civil district from the provisions of that section pertaining to fences and declaring them to be unenforceable and out of any effect in that area.
20. Private Acts of 1939, Chapter 398, amended Private Acts of 1921, Chapter 91, Section 3, by exempting the sixth civil district from the provisions of that section pertaining to fences and declaring them to be of no effect and unenforceable in that area.
21. Private Acts of 1945, Chapter 299, allowed Lon Campbell to practice veterinary surgery and medicine in Claiborne, and adjoining counties, including Campbell County without the necessity of being licensed by the state board of veterinary examiners but this act was not to be interpreted as giving Campbell the authority to prescribe narcotics of any kind.
22. Public Acts of 1981, Chapter 267, was the enabling act which permitted counties, after an affirmative referendum vote, to levy a tax and expend the funds to secure humane treatment for animals not subject to the game and fish laws of the state.

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