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Chapter II - Animals and Fish

Dear Reader:

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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

Fence Law

Private Acts of 1919 Chapter 466

COMPILER'S NOTE: Provisions of this act which are not in conflict with the state law are presumably still in effect in the absence of a direct repeal.

SECTION 1. That it shall be unlawful for any owner or keepers of horses, mules, cattle, hogs, sheep, goats, or any other kind of livestock; to permit same to be or run at large in counties of this State, having a population of not less than 9000 nor more than 9010 according to the Federal Census of 1910 or any subsequent Federal Census, up to now.

SECTION 2. That any person wilfully, knowingly or negligently violating Section 1 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction, shall pay a fine of not less than two dollars, nor more than ten dollars.

SECTION 3. That there shall be a lien on all such livestock running at large in violation of Section 1 of this Act, whether with the knowledge of the owner or not, in favor of the person damaged by such animals, for all damage done to crops, property or premises, by such stock, so running at large, said lien to begin with the date of the damage and continue for ninety days, and until the termination of any suit commenced within ninety days from the enforcement of such lien.

SECTION 4. That the lien provided for in Section 3, of this Act, may be enforced by attachment of the stock so running at large, or by judgment and execution, either to be levied on such stock in whosoever possession it may be.

SECTION 5. That it shall be the duty of sheriffs, deputy sheriffs and constables, in counties where this Act applies to take up and impound all such stock as is set out in Section 1 of this Act, found or known to be running at large in violation of this Act, whether with the knowledge of the owner or not, and such officers shall proceed to this duty without delay upon knowledge of the fact, and especially upon being notified of the fact by any land owner or property owner, on whose premises such stock may be trespassing.

SECTION 6. That any such officer taking up and impounding stock under Section 5 of this Act, shall safely keep and properly care for, and feed and water same until called for by the owner; or if not called for by the owner within forty-eight hours after the taking up, the officer shall advertise said stock, by written posters, at the trading point nearest to where the stock is impounded, for ten days, and sell the same where impounded at public outcry, to the highest bidder for cash. Provided that if at or before the time of sale such stock shall be claimed by the owner and identified to the satisfaction of the officer, and the expense of impounding and feeding such stock shall be paid, such stock shall be delivered to the owner and not sold.

SECTION 7. That the officer proceeding under Section 6 of this Act, shall be entitled to receive out of the proceeds of the sale of the stock, or before the delivery of the stock up to the owner, the following compensation: For impounding each head of stock twenty-five cents, for keeping and caring for each head of horses, mules, or cattle, forty cents per day, for keeping and caring for each head of all other kinds of stock twenty-five cents per day, of twenty-four hours.

SECTION 8. That the remainder of the funds arising from the sales of stock under the provisions of this Act, after the expense of the officer has been paid, shall be paid to the owner of such stock, by the officer making the sale, and by settlement of same with the owner of the property sold.

SECTION 9. That any owner or proprietor of land on which stock may be found trespassing in violation of Section 1, of this Act, may take such stock up or cause it to be done and held until it can be turned over to an officer authorized under this Act, to impound it, but such owner or proprietor shall not be entitled to any compensation for the act of taking up the stock, and when said stock is so turned over to said officer, he shall proceed with the stock as if he had taken it up in the first instance.

SECTION 10. That this Act take effect thirty days after its passage, the public welfare requiring it.

Passed: April 1, 1919.

Red Foxes

Private Acts of 1955 Chapter 28

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 8,700 and not more than 8,725 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

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, public welfare requiring it.

Passed: January 27, 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 Clay County. They are included herein for reference purposes.

1. Acts of 1889, Chapter 179, made it unlawful for any person who was a non-resident of the State to hunt, shoot, kill, catch, or carry away, game of any kind in several counties named in the act including Clay County.
2. Acts of 1893, Chapter 128, amends Chapter 179, Acts of 1889 by stating that nothing in the said Chapter shall apply to non-residents hunting on lands in Sullivan County at the request of and with the consent of the landowners.
3. Acts of 1897, Chapter 241, made it illegal to catch, kill, or wound fish in any stream or river in Clay, Fentress, Overton, and Pickett Counties by seine, trap, net, gun, gig, poison, dynamite, or in anyway except by rod and line, or by troutline, from January 1 until June 1 of each year. To build a dam, fishgate, or to obstruct any stream by this or other means was also declared to be a wrongful act. One could fish from June 1 to January 1 provided the mesh in the seine was one inch or larger. A schedule of fines was established for violations, all money collected thereby to go into the public school fund.
4. Acts of 1917, Chapter 46, made it lawful to catch fish in the Obeds River, and in all other streams in Clay County by hook and line, trotline, gigging, grabhooks, net, or fish basket without a license if the fish were for home consumption. It was unlawful to use a net or fish basket with mesh less than 1 1/4 inches, violators being subject to fines from \$10 to \$25. No trammel net would be set at the mouth of Obeds River at any time and could not be used at all anywhere from January 1 to June 1, and only with mesh larger than 1 1/4 inches during the season.
5. Acts of 1917, Chapter 401, declared it to be lawful for resident citizens in Pickett, Overton, Clay, Jackson, and Macon Counties to hunt and kill squirrels at any season of the year on unenclosed lands, or on all enclosed lands with the owner's written or verbal permission, without having to procure a license.
6. Acts of 1919, Chapter 162, authorized the holding of elections in Clay, Cannon, and Rutherford Counties to ascertain the feeling of the voters regarding the enactment of a "No Fence Law" for these counties. The elections would be held under the regular elections laws of the state, and the results certified to the General Assembly by the election commissions.
7. Acts of 1921, Chapter 405, was devoted entirely to counties which were exempting themselves from the provisions of Chapter 61, Public Acts of 1919, a statewide Dog Law. Clay County was among those which chose not to come under this act.
8. Private Acts of 1931, Chapter 131, made it legal to take, catch, and kill fish by means of gigs and fish baskets in any and all streams in Clay County provided that the season for gigging shall be between the months of October 1 of one year and March 1 of the following year. The slats on all fish baskets shall not be closed more than 1 1/2 inches apart. The fee for the privilege of fishing with a gig was \$1.00 per year and for fishing with a basket \$2.50 a year, the proceeds of which

would go into a fund to place young fish into the various streams of the county.

9. Private Acts of 1931 (2nd Ex. Sess.), Chapter 83, made it lawful to gig fish in Overton, Pickett, Fentress, and Clay Counties but in order to do so one must have the license as provided in Chapter 51, Public Acts of 1931. This act did not specifically repeal Chapter 131, Item 8 above, but would supersede it in so far as fishing with a gig in Clay County was concerned.
10. Private Acts of 1935, Chapter 443, made it illegal for any person to hunt or kill deer, wild turkeys, wild guineas, or pheasants in Jackson and Clay Counties. Violators would be fined a minimum of \$50 for deer, \$25 for wild turkeys, and \$10 to \$25 for guineas and pheasants.

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