



November 22, 2024

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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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.

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