



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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

Fence Law

Private Acts of 1917 Chapter 33

SECTION 1. That hereafter it shall be unlawful for any person or persons owning, or having the custody and control of horses, mules, cattle, sheep, goats, swine, geese, and all domestic fowls instead of other livestock to permit or knowingly allow, such animal or animals, or livestock, to run at large in counties of this State having a population of not less than 19,390 nor more than 19,410 according to the Federal Census of 1910, or any subsequent Federal Census.

As amended by: Private Acts of 1921, Chapter 428

SECTION 2. That the owner of, or the person having custody and control of, said livestock mentioned in Sec. 1 of this Act shall be liable for all damages done to the property of other persons by said livestock while running at large in said counties, in violation of this Act, and the party so damaged shall have a lien on the animal or animals doing the injury to his property to secure such damages; and said lien may be enforced by attachment, or by judgment and execution, as in the case of landlord's lien for rent.

SECTION 3. That any person, his agent or tenant, upon whose land or property such livestock may be found running at large, shall have the right to take up and confine same, giving them reasonably good food and attention, and shall be entitled to a reasonable compensation therefor, and shall have, and is hereby given, a lien upon such stock so confined to secure such compensation, which lien may be enforced along with, and in the same manner as the lien prescribed in Section 2 above.

SECTION 4. That any person violating this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense.

SECTION 5. That nothing in this Act shall operate to annul or repeal or in any way change the railway stock and fence laws, and that the liability of railroads, operating in said counties, for damage to livestock shall in nowise be changed by this Act.

SECTION 6. That any and all laws, or parts of laws applicable to the counties set out in Sec. 1 of this Act, in so far as they are in conflict with this Act, are repealed.

SECTION 7. That if any section of this Act shall be held to be invalid for any reason, that fact shall not affect the validity of any other section, or sections.

SECTION 8. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 25, 1917.

Private Acts of 1919 Chapter 537

SECTION 1. That Chapter No. 33 of the Private Acts of 1917, passed January 25, 1917, and approved January 30, 1917, the caption of which Act is above stated, and which Act prohibits live stock from running at large in counties of this State having a population of not less than 19,390 nor more than 19,410 according to the Federal Census of 1910 or any subsequent Federal Census, be and the same is so amended as to require all adjoining land owners in said counties to build a wire fence forty-eight (48) inches high, of sufficient wire or a sufficient fence of any kind of material on a line between each owner's land at their joint expense; that each individual owning adjoining lands shall build one-half of said fence between farms, or bear one-half of the expense of the erection of such fence, unless they mutually agree not to have the fence between their lands, or dividing their lands.

SECTION 2. That any such person failing, refusing, or declining to join with his adjacent land owner in building said fence shall be subject to a fine of not less than \$50.00 nor more than \$100.00.

SECTION 3. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1919.

John Sevier Game Preserve

Private Acts of 1933 Chapter 638

SECTION 1. That there be, and is hereby created a State Game Preserve in Cocke County, Tennessee, consisting of all that territory or lands lying within the following described boundary:

Beginning at a point on the southern bank of the French Broad River where the Tennessee-North Carolina State lines cross the same near Paint Rock; thence with the Tennessee and North Carolina State lines in a southwesterly direction to the line of the Smoky Mountains National Park on the Tennessee side; thence with the line of said Great Smoky Mountains Park boundary in a northwesterly direction to the line between Cocke and Sevier Counties; thence with the Cocke and Sevier County line to where the same intersects or joins the Jefferson County line; thence with the line between Cocke and Jefferson Counties to where the same crosses the Newport-Sevierville highway; thence with said highway eastwardly via Clevinger's Cross roads and Wilsonville through Newport, along Church Street and continuing with the Newport-Asheville highway, State highway No. 9, to where the same crosses the French Broad River east of Bridgeport; thence with the southern bank of said French Broad River to the beginning, containing approximately 135,000 acres.

SECTION 2. That the ownership of and title to all wild animals, wild birds, wild fowl and fish within the boundaries of the game preserve hereby created, which are not individual property, is hereby declared to be in the State, and no wild animals, wild birds, wild fowls or fish shall be taken or killed in any manner or at any time except the person or persons so taking or killing the same shall consent that the title thereto shall be and remain the State for the possession, use and transportation thereof after such taking or killing provided for hereinafter, or provided for in the general laws of this State. Provided, it shall be unlawful for any person to hunt, kill, trap, ensnare, take or destroy any wild birds, wild fowl, wild animals or fish; except subject to the restrictions and by the means and devices, and at the time prescribed by the general laws of the land, or by this Act.

Provided, further, however, that this Act shall not repeal or interfere with any local Act or Acts with reference to the taking or killing of hawks and foxes, now in existence.

SECTION 3. That in all the territory embraced within the game preserve hereby created and established there shall be a closed season on (1) hunting, taking or killing deer, bear, wild turkeys, pheasants, and grouse for a period of five years from and after the passage of this Act, and, (2) on hunting, taking or killing quail and doves for a period of two years from and after the passage of this Act; and (3) on fishing for and/or taking from any of the streams in said game preserve territory, except Big Pigeon River, any game fish for a period of three years from and after the passage of this Act; except that the native residents may fish for and take and use for family consumption purposes, trout of the size permitted to be caught under the provision of general laws of the State, between April 1 and May 15 and between September 1 and October 15 of any year, but fishing in said streams by non-residents during said three-year period is strictly forbidden.

SECTION 4. That the control, management and supervision of the game preserve hereby created and established shall be and remain in the Department of Game and Fish of the State of Tennessee, subject to all rules and regulations of said department. And it shall be the duty of the State Game Warden, acting for and on behalf of the State Department of Game and Fish, to make a survey of the territory embraced within said game preserve hereby created, as promptly after the passage of this Act as possible, and thereafter he shall take such steps as are necessary toward stocking said territory, or the most suitable parts thereof, with such wild animals, wild birds, wild fowl and fish as are suitable to the needs and purposes of said game preserve, and shall appoint a competent deputy game warden or wardens to have charge and supervision of the enforcement of all laws enacted for the protection and preservation of wild life within the territory of said game preserve, all of which shall be paid out of funds now or hereafter on hands to the credit of the State Department of Game and Fish, but he shall not spend, for each of the next five years, a sum less than One Hundred (\$100.00) Dollars for purposes of propagation alone, exclusive of expenses of deputy game warden.

SECTION 5. That it is hereby declared to be the legislative intent that the game preserve hereby created shall be subject to the general laws of the land, except where the provisions of this Act conflict therewith and thereby repeal the same or parts thereof.

SECTION 6. That the game preserve hereby created and established shall be called, known and designated as "The John Sevier Game Preserve," in honor of Tennessee's first Governor and one of the early settlers of East Tennessee.

SECTION 7. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 22, 1933.

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 Cocke 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 1897, Chapter 288, closed the Nolachucky and French Broad Rivers to fishing in Cocke County, and this act also provided for a closed season on fishing in all other rivers and streams of the county, except by line and hook or trot line from April 1st to June 15th of each year.
2. Public Acts of 1899, Chapter 333, protected deer in Cocke County from hunting for ten years following the passage of this act. Hunting, chasing, trapping, killing or wounding deer was made a misdemeanor punishable by a fine of not less than \$10 nor more than \$50.
3. Public Acts of 1899, Chapter 387, was an act to protect fish in Cocke County by making it a misdemeanor to take anything except minnows from any of the waters in the county.
4. Acts of 1903, Chapter 150, was the first stock or "fence" law for Cocke County, applying to swine, sheep and goats.
5. Acts of 1903, Chapter 593, defined a lawful fence in Cocke County as a fence built on substantial posts, set firmly in the ground not more than fourteen feet apart with four barbed wires or four planks running horizontally and fastened firmly to these posts.
6. Private Acts of 1917, Chapter 249, made it lawful to gig or grabble fish in Cocke County, except when fishing for trout, bass or perch.
7. Private Acts of 1919, Chapter 14, protected quails and partridges in Cocke County for five years, but this act was repealed before it could have any effect, by Private Acts of 1919, Chapter 237.
8. Private Acts of 1919, Chapter 98, was an act to protect the fox population of Cocke County, making it a misdemeanor to kill, capture or wound foxes for five years after the passage of this act, except the catching, chasing and killing by fox dogs.
9. Private Acts of 1919, Chapter 124, authorized the county court clerk to give fifty cents for each hawk scalp was to be paid by the county court clerk out of the fish and game fees received by that office.
10. Private Acts of 1921, Chapter 405, exempted Cocke County from the general dog law of the state.
11. Private Acts of 1933, Chapter 72, provided that any person who killed a hawk in Cocke County be issued a certificate for one dollar by the county court clerk, which certificate was received by the county trustee of Cocke County from the holder there of as a payment on any taxes due to Cocke County by the holder. This was repealed by Private Acts of 1935, Chapter 337.
12. Private Acts of 1933, Chapter 73, declared a completely open season on foxes, with no hunting license required to kill them. This act was repealed by Private Acts of 1935, Chapter 479.
13. Private Acts of 1935, Chapter 627, made it legal to fish with baskets or traps in the waters of Cocke County, except for small mouth bass or jack.
14. Private Acts of 1937, Chapter 173, allowed all citizens of Cocke County to hunt and kill foxes at any time of the year.
15. Public Acts of 1979, Chapter 214, restricted the hunting of bear in Cocke County on the following dates: November 3-6 and December 1-4. This act was repealed by Public Acts of 1980, Chapter 583.

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