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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,

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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.

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