



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Animals and Fish - Historical Notes

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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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 Hamilton County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1893, Chapter 59, made it unlawful for any person to hunt, kill, capture any wild deer in several named counties, including Hamilton, from the first day of December to the thirtieth day of September of each year. The violation of the act was declared to be a misdemeanor. This act was repealed by Private Acts of 1978, Chapter 208.
2. Acts of 1905, Chapter 504, defined a lawful fence for Hamilton County including seven different types. The owners of trespassing livestock were declared liable for damages and the owner of damaged land was granted a lien upon trespassing stock for his damages if executed within three months from the time of the damages being inflicted.
3. Private Acts of 1911, Chapter 269, is almost identical to the above 1905 Act in defining lawful fences except that "stakes" are removed in this act from the fence described in the second portion and the population figures are changed.
4. Private Acts of 1917, Chapter 783, authorized the county court of Hamilton County to divide the county into two districts separated by the Tennessee River and by resolution prescribe the character of fence for each district.
5. Private Acts of 1919, Chapter 65, directed that an election be held in the second and third civil districts of the Hamilton County to ascertain the will of the people with reference to the enactment of a no-fence or stock law for the county. The act stated the details of the manner in which the election should be held.
6. Private Acts of 1919, Chapter 187, amended the above Chapter 65 by striking out "For a no-fence or stock law" and "Against a no-fence or stock law" on the ballot for the election and substituted "For a hog-proof fence law" and "For a no-fence law" and "For a four wire fence law."
7. Private Acts of 1919, Chapter 651, made some changes in the specifications of lawful fences in an act applicable to counties between 70,000 and 90,000 population, but did not impose liability on anyone for straying livestock. The act was the subject of litigation in Falkner v. Whitehurst, 144 Tenn. 62, 229 S.W. 146 (1920), in which the court upheld the constitutionality of the act and granted injunctive relief as prayed for by complainants.
8. Private Acts of 1921, Chapter 747, made it unlawful for any owner of hogs, sheep, or goats, to allow the same to run at large in Hamilton County. A lien for damages was granted to the aggrieved party who could also take up and confine said animals and be paid a reasonable amount for doing so.
9. Private Acts of 1921, Chapter 753, exempted Hamilton County by population figures from the provisions of Public Acts of 1919, Chapter 61, "An act to regulate the owning, keeping and harboring of dogs."
10. Private Acts of 1921, Chapter 774, in addition to the definitions of lawful fences then lawful, adds another description of a lawful fence and, probably due to the court decision on the previous act, made it the responsibility of the owner of livestock to keep them up, giving a damaged party a lien on the animals trespassing for the damages accrued if enforced within three months by attachment or judgement and execution.
11. Private Acts of 1927, Chapter 257, permitted the hunting and killing, buying, selling and shipping of rabbits throughout the year in several counties, including Hamilton. This act was amended twice in 1929 to exclude two counties neither of which was Hamilton. The state fish and game commission declare seasons, and creel limits for all sorts of wildlife now.
12. Private Acts of 1927, Chapter 212, was also a statute about livestock running at large broadening the term livestock to include horses, mules, sheep, cattle, swine and goats. The lien was granted to the damaged party who could further collect for the reasonable cost of upkeep. The offender was further subject to a fine for violation of the act. This act was attacked in Daughtery v. State, 159 Tenn. 574, 20 S.W.2d 1042 (1929), the basis being that the governor did not sign the bill in five days.
13. Private Acts of 1929, Chapter 679, also made the one having the control or management of the livestock liable for damages as well as the owner if the stock were negligently permitted to run at large.

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