



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

Red Foxes

Private Acts of 1955 Chapter 368

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 6,075 and not more than 6,083 inhabitants, according to the Federal Census of 1950 or any subsequent Federal Census; and in all counties of this State having a population of not less than 16,037 and not more than 16,045 according to the Federal Census of 1950 or any subsequent Federal Census.

It shall be lawful for any person to kill a red fox at any time in the counties to which this Act applies when such fox is committing depredations upon livestock, domestic fowls, or crops. 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 That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 17, 1955.

COMPILER'S NOTE: In accordance with a ruling from the office of the Attorney General, Senate Bill No. 889, which is Private Chapter No. 368, did not require local action in order to become operative.

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

1. Acts of 1875, Chapter 114, proclaimed it to be unlawful for anyone to catch fish with seines, nets, or traps, in waters covering the lands of another person in Rhea County, who may halt such actions by a suit at law or by injunction in equity. No one was allowed to place any net, or other obstacle, near the mouth of a stream which would hinder the progress and free passage of fish up and down the same.
2. Acts of 1879, Chapter 133, declared it to be illegal for anyone other than a resident of the counties named, among which was Rhea County, to hunt and kill deer, or any other animal, for profit in those counties, but, all citizens of the State could hunt and kill deer and other animals for their own consumption and use at any time. Fines for violation ranged from \$50 for the first offense to \$100 for second and subsequent offenses. The fines could be enforced before any Justice of the Peace.
3. Acts of 1883, Chapter 43, amended Acts of 1879, Chapter 133, above, by adding Carroll County to the number of counties coming under the provisions to protect game in that Act.
4. Acts of 1889, Chapter 171, was a general State law which outlawed the hunting, killing, and trapping of deer for profit except residents could kill them for their own use and consumption between August 1 and the following January 1 between which dates one could also lawfully kill deer for profit, but only on his own land and nowhere else. These same rules were to be applied to quail and partridges except that the open season on them would run between November 1 and the following March 1. Fines ran from \$5 to \$25 for first offenders and from \$25 to \$50 for others. Rhea County was numbered among those counties exempting themselves from the terms of this act.
5. Acts of 1889, Chapter 179, made it unlawful for any non-resident of the State to hunt, shoot, kill, catch, or carry away game of any kind in the counties of Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Carter, Sullivan, Meigs and Claiborne.
6. Acts of 1889, Chapter 244, also declared it to be illegal for any non-resident to hunt, kill, or to capture any wild deer, wild turkey, quail, or partridge, or any species of game, or fish, in Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van

Buren, Warren, and White counties. It was unlawful for anyone to kill for profit but citizens were allowed to kill for their own consumption and use. Fines were from \$25 to \$100 and a jail sentence could be imposed in the discretion of the Court.

7. Acts of 1893, Chapter 59, declared it to be against the law for any person to hunt, kill, or capture any wild deer in Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, Unicoi, DeKalb and Montgomery Counties from December 1 until September 30 of each year. It was further unlawful for anyone to hunt, kill, or capture, wild turkeys in Bledsoe, Rhea, Fentress, and White Counties from May 1 through October 1 of each year. One could be fined from \$25 to \$50 for non-compliance.
8. Acts of 1893, Chapter 128, amended Acts of 1889, Chapter 179, above, by adding after the word "Claiborne", a provision that nothing in that act shall apply to non-residents of the State hunting in lands in Sullivan County by invitation or permission of the owners.
9. Acts of 1897, Chapter 280, amended Acts of 1895, Chapter 127, a general law of the State, so as to allow people to fish with-nets, traps, baskets, and seines, in the counties of Roane, Scott, Anderson, Morgan, Rhea and McMinn, provided, however, that the mesh of the nets, and the slats on the traps, shall not be more than 1 1/2". No trap shall be constructed as to prevent the free passage of fish at any tide of water up and down the streams.
10. Acts of 1903, Chapter 177, declared it illegal for any owner of hogs, sheep, or goats, to allow the same to run at large in Rhea County, identified by the use of the 1900 Federal Census. Any damage done to another's property by these trespassing animals shall be alien upon them which may be enforced as is any other judgment and execution. The party damaged may also take up and care for these animals and add the expense of that to the damages. The Act is also a misdemeanor for which the guilty can be fined from \$2 to \$5.
11. Acts of 1903, Chapter 382, provided that, in addition to those fences heretofore declared to be lawful by State law, the following shall be also a lawful fence in Rhea County. Four barbed wires, rails, or planks, securely fastened to substantial posts, firmly stationed in the ground, the first wire, board, or rail up 14 inches off the ground, the second ten inches from the first, the third 12 inches from the second, and the fourth 14 inches from the third.
12. Acts of 1905, Chapter 310, amended Acts of 1903, Chapter 382, to provide that such fence laws are to be operative and effective in such counties as may adopt the same by a majority vote of the voters casting ballots which are to be plainly marked "For" and "Against".
13. Acts of 1905, Chapter 316, amended Acts of 1903, Chapter 177, Item 10, above, by striking Section 2 and providing that the Act shall apply only to such counties as may adopt the same by a majority vote of the legal voters at an election to be held by the Election Commission under the general election laws. The ballots shall be simply marked "For" or "Against".
14. Private Acts of 1911, Chapter 121, stated that in addition to the fences heretofore declared to be lawful by the general law of the State, the following shall also be a lawful fence in Rhea County; four barbed wires, rails, or planks, fastened to substantial posts securely imbedded in the earth. The first such wire, rail, or plank shall be 14 inches above the ground, the second 10 inches from the first, the third 12 inches from the second, and the fourth 14 inches from the third. If the fence is barbed wire, the posts shall not be more than 20 feet apart, 10 feet if the fence is a railfence, and only 8 feet if the fence is plank.
15. Private Acts of 1911, Chapter 122, made it unlawful for the owner of hogs, goats, or sheep, to allow the same to run at large in Rhea County. Any damage done shall be a lien on the stock causing it which shall be enforceable before any Justice of the Peace. The damaged party may take up, care for, and feed the trespassing animals and add these expenses to the claim for damages. Offenders may also be fined from \$2 to \$5.
16. Private Acts of 1917, Chapter 656, made it unlawful in Rhea County and Meigs County for any person to shoot any fox, or to destroy the den of any fox, or by means of any snare, trap, or other device, catch, maim, or otherwise injure any such fox. The Act did not prohibit the hunting, or chasing, of foxes with a dog, or dogs, whereby a fox is caught and killed by the dogs; nor shall the Act apply when the fox is a threat to or is injuring poultry or livestock.
17. Private Acts of 1921, Chapter 858, amended Public Acts of 1919, Chapter 61, which was a general state law regulating rather strictly the care and keeping of dogs, and requiring them to be registered, so as to exempt Rhea County from its terms and conditions.
18. Private Acts of 1925, Chapter 253, stated that in the days after the passage of this Act the Election Commission shall call for and hold an Election in Rhea County to find out the will of the people on the question of the enactment of a stock law for the county. The county will pay the

expense of the election, and all qualified voters may vote who have paid their poll tax. The Commissioners shall certify the results of the election within five days to the delegation representing Rhea County in the General Assembly.

19. Private Acts of 1925, Chapter 585, declared it unlawful in Rhea County for the owner, or keeper, of horses, mules, cattle, sheep, goats, or hogs, or any kind of livestock to run at large in the county, but this Act shall not apply to that portion of the County as much as 1800 feet above sea level in altitude. Offenders would be punished by fines running from \$2 to \$10. Any damage done would be a lien against the stock and any other expense incurred in taking up and caring for them could be added to the lien for damages.
20. Private Acts of 1927, Chapter 284, amended Private Acts of 1925, Chapter 585, immediately above, by striking out the figures 1800 in line 11, and inserting the figures 1200 instead which changed the altitude above which the Act would not be applicable.
21. Private Acts of 1929, Chapter 115, proclaimed it to be against the law in Rhea County for any person to shoot any fox, or to destroy the den of any fox, or to snare, trap, or injure foxes, but does not apply to chasing foxes with dogs or hounds, nor when foxes become a menace to one's home, crops, or poultry. It is likewise illegal to buy or sell the pelts of foxes in Rhea County for which the guilty could be fined from \$25 to \$100. This Act was repealed in Item 24, below.
22. Private Acts of 1929, Chapter 458, declared it unlawful in Rhea County for any owner, or keeper, of horses, mules, cattle, sheep, goats, hogs, or any other kind of livestock to allow such animals to run at large. The guilty were subject to fines from \$2 to \$10 and a lien for the damages done could be placed on the stock by the person damaged.
23. Private Acts of 1929, Chapter 616, amended Private Acts of 1929, Chapter 458, above, by making the provisions of that Act applicable to all the land area in Rhea County which was higher than 1200 feet above sea level.
24. Private Acts of 1949, Chapter 35, repealed expressly Private Acts of 1929, Chapter 115, Item 21, above.

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