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## Chapter II - Animals and Fish

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Dear Reader:

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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](http://www.ctas.tennessee.edu)

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## Chapter II - Animals and Fish

### Foxes

#### Private Acts of 1955 Chapter 265

**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 his [sic] State having a population of not less than 23,350 and not more than 23,400 according to the Federal Census of 1950, or any subsequent Federal Census. It shall be lawful for the Landowner or his Agent to kill a red fox at any time in the county to which this Act applies when such fox is committing depredations upon live stock, 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**SECTION 2.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.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 10, 1955.

#### Public Acts of 1970 Chapter 371

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** It is unlawful to use any electrical or electronic device for the purpose of calling foxes in Sevier County. Violation of this Act is a misdemeanor, punishable as provided by general law.

**SECTION 2.** This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: February 4, 1970

### 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 Sevier 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 1822 (Ex. Sess.), Chapter 61, made it the duty of the Ranger of Sevier County to receive from those who might take them up any estrays, the probate of them to be under the same rules, regulations and restrictions as now directed by law, and in the same manner as if the Ranger had been appointed by court. The law required also that those coming into possession of estrays should notify the Ranger of that fact promptly.
2. Acts of 1847-48, Chapter 153, made it legal for any person to build, construct and/or erect fish traps in the Little Pigeon River, in Sevier County, provided there would be no obstruction of the passage of boats on the river.
3. Acts of 1901, Chapter 217, declared that it was lawful to catch fish in Sevier County from April 1 to June 1 in any of its waters and by any means except poison, dynamite or other explosives, or by wing net or dam across any stream, or by trap. Violators would be fined from \$10 to \$25 for each offense.
4. Acts of 1903, Chapter 568, rendered it illegal for live stock of any description to run at large in Sevier County, using the 1900 Federal Census figures. Fines from \$5.00 to \$10.00 would be imposed upon violators which money would go into the public school fund. Any damage committed by trespassing live stock would be a lien against them, and the cost of taking up and caring for the stock could also be added to the damages. This Act must be approved in a referendum before it would become effective.
5. Acts of 1907, Chapter 146, provided that four barbed wires on good, substantial posts, set firmly in the ground, not more than fifteen feet apart with good, sound stays and braces no less than two inches thick, shall be considered to be a lawful fence in Sevier County. The wires would be placed twelve inches apart on the posts and the bottom one would be twelve inches above the

ground. Provisions for plank and rail fences were also included if the specifications stated in the Act were met. The Act further declared it unlawful for sheep, goats, swine and geese to run at large, subject to fines from \$2.50 to \$10.00 and the lien for damages and care given to the animals.

6. Private Acts of 1911, Chapter 91, pronounced it unlawful to permit horses, mules, donkeys, cattle, sheep, goats, hogs or geese to run at large. The owner, or person in charge, who allows same is liable in damages for which the damaged party has a lien for thirty days after trespass or until suit has been filed to enforce the law. Again, the trespassing animals, or fowl, could be taken up and one doing so could recover the expenses incurred thereby.
7. Private Acts of 1911, Chapter 161, amended Public Acts of 1907, Chapter 489, so as to exempt Sevier County from that provision in that law which prohibited fishing by gig. The above amended law was a statewide Act declaring that the title to all fish in the State rested in the State Government, not as a proprietor, but as the sovereign representing all the people.
8. Private Acts of 1919, Chapter 46, made it unlawful in Sevier County, using the 1910 Federal Census figures, for any person or persons, to shoot any fox or to destroy the den of any young fox, or by means of snare, trap or other device, catch, maim or otherwise destroy or injure said fox. This law did not apply around the dwelling, barn or out house of a person, nor did it prohibit the killing of these animals when they were a threat or menace to person, poultry, livestock or crops. The fines prescribed for violations ranged from \$25 to \$100.
9. Private Acts of 1921, Chapter 405, exempted several counties, including Sevier County, from the operation of the provisions of Public Acts of 1919, Chapter 61, which was a rather stern, statewide law regulating the keeping and movement of dogs.
10. Private Acts of 1929, Chapter 851, made it unlawful for the next five years after the passage of this law, for any person, firm or corporation, to hunt, shoot, trap or kill any red or gray fox. Nothing in the Act shall be construed to prevent the hunting or catching of foxes with dogs, or with traps, if such trap is set at least ten inches in a hole, or underground, so that it is not easily accessible to any dog which might be engaged in a fox hunt or chase. A pelt obtained in the above manner may be bought and sold but not otherwise. The fines ranged from \$5.00 to \$10.00.
11. Private Acts of 1931, Chapter 322, declared it to be unlawful in Sevier County for any person to kill any fox, or other fur-bearing animal, or to destroy the den of any fox, or by means of snare, steel trap or other device, catch, maim, or otherwise destroy or injure any fox, or other fur-bearing animals. It was lawful to chase them with hounds, and to catch raccoons, opossum and skunks with dogs during properly constituted open seasons. One was permitted to set traps under water for muskrat, mink and otter; but otherwise, furs and fur pelts could not be sold or bought in Sevier County.
12. Private Acts of 1931, Chapter 790, amended Private Acts of 1911, Chapter 91, by adding at the end of the sentence in Section One after "geese" the words, "and/or other animals," and by adding at the end of Section 3-A, a provision that any person who consistently permits his animals to run at large to the damage of others is guilty of a misdemeanor and subject to a fine of \$5.00 to \$50.00 which would be in addition to all other penalties. All Justices of the Peace would have original jurisdiction of violations of this Act with appeals therefrom going to the Circuit Court.
13. Private Acts of 1935, Chapter 480, amended Private Acts of 1931, Chapter 322, by setting the open season on foxes and other fur-bearing animals from November 15 to February 15 of the year following.
14. Private Acts of 1937, Chapter 597, stated in the preamble that, despite a great need, neither Sevier nor Blount County has a licensed veterinarian; that W. E. Ballard is a graduate of a veterinarian school of medicine and has accumulated several years of experience. The act declares that W. E. Ballard is entitled to practice veterinary medicine, and surgery, anywhere within the boundaries of Sevier and Blount Counties, and he is vested with all the powers and privileges of any other veterinarian as long as he confines his practice to those areas.
15. Private Acts of 1957, Chapter 176, provided for a closed season of all species of sucker and red horse fish in counties where hatcheries are maintained by local sportsmen for the purpose of stocking and restocking the streams with these fish. This Act was not approved by the Quarterly County Court and therefore did not become a law under the Home Rule Amendment to the State Constitution.