

3/19 110

ENROLLED BILL

House Bill No. 110.

(By Mr. Kenna)

Passed March 14, 1931

In Effect Ninety days from Passage

Originated in the House Takes effect immediately after final Passage.

Wm. H. H. H. Clerk of the House of Delegates.

 Clerk.

CORRECTLY ENROLLED

Chairman House Committee.

Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 110)

[Passed March 14, 1931; in effect ninety days from passage.]

AN ACT to amend and re-enact section forty-eight, of article three, of chapter sixty-one, of the code of West Virginia, prescribing penalties for the damaging or carrying away, without permission, of trees, flowers, etc., growing within one hundred yards of public roads.

Be it enacted by the Legislature of West Virginia:

That section forty-eight, of article three, of chapter sixty-one, of the code of West Virginia be amended and re-enacted so as to read as follows:

Section 48. It shall be unlawful to break, cut, take or carry
2 away, or in any manner to damage any of the trees, shrubbery
3 or flowers, including everything under the title of flora, whether
4 wild or cultivated, growing within one hundred yards on either
5 side of any public road in this state, without the permission in
6 writing of the owner or owners of record, the agent, or tenants,
7 of the land upon which such trees, shrubbery or flowers, includ-
8 ing everything under the title of flora, shall be growing.

CORRECTLY ENROLLED

Joseph D. Smith

Chairman Senate Committee.

Samuel M. Anderson

Chairman House Committee.

9 It shall be unlawful for any person wilfully or knowingly to
10 have in his possession, or to haul along any public road in this
11 state, any trees, shrubbery or flowers, including everything under
12 the title of flora, which are protected by this section, unless such
13 person so having in his possession or hauling the same shall
14 have permission in writing so to do from the owner, agent or
15 tenant of record of the land from which the same have been
16 taken.

17 Nothing herein contained shall be construed as affecting the
18 right of public service companies operating under franchise,
19 their agents or employees, to keep the railroad tracks, lines,
20 wires or other equipment free from interference in the satisfac-
21 tory operation of their properties, or the right of the public au-
22 thorities in the maintenance of the public roads under their juris-
23 diction and control.

24 Any person who shall violate any of the provisions of this
25 section shall be guilty of a misdemeanor, and, upon conviction
26 thereof, for the first offense shall be fined not more than fifty
27 dollars, and for subsequent offenses shall be confined in the
28 county jail for not more than three months, or fined not more
29 than fifty dollars, or both, for each offense. Justices of the peace

CORRECTLY ENROLLED

Enrolled H. B. No. 110]

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30 shall have concurrent jurisdiction with the circuit and criminal

31 or intermediate courts of offenses under this section.

James D. Smith
Chairman Senate Committee.

Charles C. Meadows
Chairman House Committee.

J. Alfred Taylor
Speaker of the House of Delegates.

R. H. Mason
Clerk of the House of Delegates.

W. B. White
President of the Senate.

W. S. Hodges
Clerk of the Senate.

The within is *approved*
this *20th* day of *March* 1931.

W. C. Cawley
Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 21 1931
GEORGE W. STARR,
Secretary of State.