ENROLLED BILL

House Bill No. 110

(By Mr. Kenna)
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 away, or in any manner to damage any of the trees, shrubbery or flowers, including everything under the title of flora, whether wild or cultivated, growing within one hundred yards on either side of any public road in this state, without the permission in writing of the owner or owners of record, the agent, or tenants, of the land upon which such trees, shrubbery or flowers, including everything under the title of flora, shall be growing.
9 It shall be unlawful for any person wilfully or knowingly to have in his possession, or to haul along any public road in this state, any trees, shrubbery or flowers, including everything under the title of flora, which are protected by this section, unless such person so having in his possession or hauling the same shall have permission in writing so to do from the owner, agent or tenant of record of the land from which the same have been taken.

17 Nothing herein contained shall be construed as affecting the right of public service companies operating under franchise, their agents or employees, to keep the railroad tracks, lines, wires or other equipment free from interference in the satisfactory operation of their properties, or the right of the public authorities in the maintenance of the public roads under their jurisdiction and control.

24 Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, for the first offense shall be fined not more than fifty dollars, and for subsequent offenses shall be confined in the county jail for not more than three months, or fined not more than fifty dollars, or both, for each offense. Justices of the peace
30 shall have concurrent jurisdiction with the circuit and criminal
31 or intermediate courts of offenses under this section.

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[Signature]
Chairman Senate Committee.

[Signature]
Speaker of the House of Delegates.

[Signature]
Clerk of the House of Delegates.

[Signature]
President of the Senate.

[Signature]
Clerk of the Senate.

The within is... approved
this... day of... March... 1931.

[Signature]
Governor.

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