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147

ENROLLED BILL

House Bill No. 147

(By Mr. Mott.)

Passed March 12, 1931

In Effect Ninety days from Passage

Originated in the House
.....
Clerk.
.....
Takes effect thirty days from passage.
.....
Clerk of the House of Delegates.

CORRECTLY ENROLLED

Chairman House Committee.
.....
Chairman Senate Committee.
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ENROLLED BILL

(H. B. No. 147)

[Passed March 12, 1931; in effect ninety days from passage.]

AN ACT to amend and re-enact section eight of article three, sections three and five of article four, section six of article five and sections two and eight of article seven, all of chapter twenty of the code of West Virginia, relating to the powers of the game, fish and forestry commission, open season on game and fees for hunting licenses.

Be it enacted by the Legislature of West Virginia:

That section eight of article three, sections three and five of article four, section six of article five and sections two and eight of article seven, all of chapter twenty of the code of West Virginia, relating to the powers of the game, fish and forestry commission, open season on game and fees for hunting licenses, be amended and re-enacted so as to read as follows:

ARTICLE 3.

Section 8. The commission shall have the power, by a proper

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order made and entered in its record book, to limit or suspend for a fixed and definite period, or change the dates of the open seasons for the catching of fish in any stream or part of a stream in this state. The order shall definitely fix such stream by a proper description and shall state therein the period of such suspension. Before such suspension shall become effective, the commission shall give notice thereof by the publication of such order once a week for two successive weeks in the newspapers of the county, or each county wherein such stream is located.

The commission shall have the power by a proper order made and entered in its record book, to limit or suspend for a definite and fixed period, the open season for the killing of any game animals or birds, mentioned in this chapter, in any county in this state. Such order shall state the period of such suspension and name the birds and animals, the killing of which is prohibited. Before such suspension shall become effective, the commission shall give notice thereof by the publication of such order, in two newspapers of general circulation throughout the state, at least once a week for two successive weeks before the date of the beginning of such suspension.

The commission shall also have the power by a proper order

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23 made and entered in its record book, when it is deemed necessary
24 to protect game animals, fur bearing animals, fish and frogs,
25 game birds and fowls and forests, to modify and change the bag
26 limits on game animals, birds, fish and frogs. Before any such
27 change in the open season or bag limits is made effective, the
28 commission shall give notice thereof by publication of such
29 order, in two newspapers of general circulation throughout the
30 state, at least once a week for two successive weeks, the last
31 publication to be not later than two weeks in advance of the date
32 the change shall become effective.

33 When the commission shall have entered any such order and
34 given the notice required herein, then anyone fishing in such
35 stream, or hunting or killing in such county any of the animals
36 or birds the killing of which is prohibited, or fishing or hunting
37 in violation of such changes made in the open seasons and bag
38 limits, shall be guilty of a misdemeanor and upon conviction
39 thereof shall be punished as provided in section fourteen of this
40 article.

ARTICLE 4.

Sec. 3. No person shall hunt, capture or kill any deer in this
2 state at any time before the first day of December, one thousand

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3 nine hundred and thirty, after which it shall be lawful to hunt,
4 capture or kill any buck deer with one or both horns branched,
5 from the first day of December to the tenth day of December,
6 both inclusive, of each year: *Provided*, That the state game,
7 fish and forestry commission may at any time open or close
8 the season against the killing of all deer in manner and form
9 as provided in this chapter: *Provided further*, That the owner
10 of any deer which shall be kept in any park or field sufficiently
11 enclosed to reasonably prevent its escape therefrom shall have
12 the right to kill any such deer.

13 No person shall kill more than one deer in any one season
14 of each year; nor shall any person at any time hunt, pursue,
15 shoot at or kill any fawn, doe or any other deer than bucks with
16 one or both horns branched, or have the fresh skin or any other
17 part of any doe or fawn or illegally killed buck in his possession.
18 No person shall chase or hunt deer with dogs in this state at
19 any time, nor permit his dogs to hunt or chase deer; nor shall
20 any person kill any deer that has been chased by dogs. No per-
21 son shall at any time catch, capture or kill any deer by means of
22 any poison, bait, salt lick, natural or artificial, trap or snare,
23 or like device of any kind. No person shall hunt, pursue, catch

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24 or kill any deer between nightfall on one day and daylight of
25 the next day, and no one shall kill or wound any deer while the
26 said deer is in any stream, lake or pond in this state: *And pro-*
27 *vided further*, That no person shall hunt, capture or kill any
28 deer in the counties of Mingo, Marion, Marshall and Mercer
29 in this state until the first day of December, one thousand nine
30 hundred and thirty-four, and that on and after said date the
31 provisions of this chapter shall govern the hunting, capturing
32 or killing of deer in said counties.

33 Any person killing a deer in this state in any season when it is
34 lawful so to do shall, within twenty days thereafter, inform the
35 commission in writing of such fact, and shall also specify in writ-
36 ing the date and place of such killing, the person by whom
37 killed, the person or persons hunting with him at such time, the
38 length and branching of its horns or antlers, and what was done
39 with such deer.

40 Any person violating any provision of the first two para-
41 graphs of this section shall be guilty of a misdemeanor, and,
42 upon conviction thereof, shall be fined not less than one hun-
43 dred nor more than three hundred dollars and confined in the
44 county jail not less than thirty nor more than sixty days. Any

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45 person violating any provision of the third paragraph of this
46 section shall be guilty of a misdemeanor, and, upon conviction
47 thereof, shall be punished as provided in section fifteen of this
48 article.

Sec. 5. No person shall hunt, capture or kill any gray, black,
2 or fox squirrel between the first day of December and the four-
3 teenth day of October of the following year, both inclusive. No
4 person shall kill more than six squirrels in any one day nor
5 more than thirty in any one open season.

ARTICLE 5.

Sec. 6. No person shall hunt, pursue, catch, capture or kill
2 any quail or Virginia partridge between the first day of December
3 and the fourteenth day of October of the following year, both
4 inclusive. No person shall kill more than eight quail in one day
5 nor more than fifty quail in any one open season.

ARTICLE 7.

Sec. 2. A district resident hunting and fishing license shall
2 entitle the licensee to hunt and fish in the county in which the
3 licensee is a resident and all counties bordering on the county in
4 which such district resident hunting and fishing license is is-
5 sued.

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6 The fee for such license shall be one dollar.

7 A state-wide resident hunting and fishing license shall entitle
8 the licensee to hunt and fish in all counties in this state. The fee
9 for such license shall be three dollars.

10 A non-resident hunting and fishing license shall entitle the
11 licensee to hunt and fish in all counties of the state. The fee for
12 such license shall be fifteen dollars.

13 A non-resident fishing license shall entitle the licensee to fish
14 in all counties of the state. The fee for such license shall be five
15 dollars.

16 The commission is empowered to issue courtesy hunting and
17 fishing license for which there shall be no charge, to members
18 and agents of the United States Biological Survey and Bureau
19 of Fisheries and to members of state Game, Fish and Forestry
20 Commission^{or} or conservation commissions of states extending sim-
21 ilar courtesies, for the purpose of scientific research: *Provided,*
22 *however,* That such courtesy license shall not exceed twenty-five
24 in one year.

Sec. 8. No person shall carry any uncased gun in any of the
2 fields or woods of this state, between the thirty-first day of

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3 December and the fifteenth day of October of the following year,
4 unless he shall have received a special permit in writing from
5 the local game warden setting forth the purpose of carrying such
6 gun, which in no case shall be for the purpose of killing game
7 birds or game animals. The bona fide owner of such field or
8 woods, or his child, tenant or lessee, shall not be prohibited from
9 carrying a gun on his own land.

10 All acts or parts of acts inconsistent with these acts are here-
11 by repealed.

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Jacob D. Smith
Chairman Senate Committee.

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

J. Alfred Taylor
Speaker of the House of Delegates.

M. J. White
President of the Senate.

M. S. Hodges
Clerk of the Senate.

The within is *Approved*
this *19th* day of *March* 1931.

W. E. Bailey
Governor.

Charles W. Meadors
Chairman House Committee.

Filed in the office of the Secretary of State
of West Virginia **MAR 20 1931**
GEORGE W. ESSE,
Secretary of State.