ENROLLED BILL

House Bill No. 43.

(By Mr. Rife)
Passed March 13, 1931

In Effect Ninety days from Passage
ENROLLED BILL
(H. B. No. 43)

[Passed March 18, 1931; in effect ninety days from passage.]

AN ACT to protect and to close the hunting, killing, taking and trapping of red foxes in the counties of Wayne, Tyler, Logan, Wood, Hardy, Mercer, Marion, Preston, Wetzel, Kanawha, Putnam, Nicholas, Hancock, Pleasants, Ritchie, Lincoln and Calhoun, in the state of West Virginia.

Be it enacted by the Legislature of West Virginia:

Section 1. It shall be unlawful for any person to catch, kill or injure by means of a gun, snare, trap or poison, or by any other means any red fox or to have in his possession any live red fox or any raw fur of red fox in Wayne, Tyler, Logan, Wood, Hardy, Mercer, Marion, Braxton, Preston, Wetzel, Kanawha, Putnam, Nicholas, Hancock, Pleasants, Ritchie, Lincoln and Calhoun counties on and after the passage of this act: Provided, That nothing herein shall prohibit a landowner from killing otherwise than by poison any red fox actually seen by him in wounding or killing any chickens or other domestic fowls while
11 on the enclosed lands of said owner: *Provided further, That*
12 nothing herein shall prevent or inhibit the chasing of red fox by
13 dogs for sport and without any intent to kill or capture red fox,
14 nor prevent the purchase, propagation, or possession of red foxes
15 in Wayne, Logan, Wood, Hardy, Mercer, Marion, Braxton, Preston,
16 Wetzel, Kanawha, Putnam, Nicholas, Hancock, Pleasants,
17 Ritchie, Lincoln and Calhoun counties for the purpose of raising
18 and turning loose red fox within the limits of said counties.

Sec. 2. It shall be unlawful for any person to set steel traps,
2 deadfalls, snares or other traps which would endanger the lives
3 and limbs of red foxes and dogs on any open land in Wayne,
4 Logan, Wood, Hardy, Mercer, Marion, Braxton, Preston,
5 Wetzel, Kanawha, Putnam, Nicholas, Hancock, Pleasants,
6 Ritchie, Lincoln and Calhoun counties, but nothing herein
7 shall prevent an owner of real estate from setting traps in
8 holes or dens of wild animals or in and about his house and barn
9 or other outbuildings or in places on his land where the lives and
10 limbs of red foxes and dogs would not be endangered thereby.

Sec. 3. It shall be unlawful for any person to promiscuously
2 put out poison bait or poison food in Wayne; Logan, Wood,
3 Hardy, Mercer, Marion, Braxton, Preston, Wetzel, Kanawha,
Sec. 4. Any person violating section one of this act shall be guilty of a misdemeanor and upon conviction thereof shall for each offense be fined not less than one hundred dollars nor more than three hundred dollars or confined in the county jail not less than thirty days nor more than six months or both fined and imprisoned, in the discretion of the court within the limits aforesaid and the justices of the peace of Wayne, Logan, Wood, Hardy, Mercer, Marion, Braxton, Preston, Wetzel, Kanawha, Putnam, Nicholas, Hancock, Pleasants, Ritchie, Lincoln and Calhoun counties shall have concurrent jurisdiction as to such offenses with the circuit courts of said counties.

Any person violating any provision of sections two and three of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars or confined in the county jail not less than ten days nor more than thirty days, or both fined and imprisoned, in the discretion of the court within the limitations aforesaid.
TO THE HONORABLE JUDGE OF EASE: 

You are hereby requested to submit to the Clerk of the House of Delegates the following bill: House Bill No. 43, disapproved for the following reasons: 

First: It is my opinion that the bill is unnecessary, as the law is already sufficiently provided for the protection of domestic fowl and other injured from the depredations of foxes. It is not desirable to add this legislation to the book of laws, as it will be difficult to enforce and will result in confusion. 

Second: The bill is not desirable from the point of view of public policy. The hunting of foxes is a matter of private concern, and the Bill seeks to regulate an activity that is already subject to state laws. 

March 17, 1931

[Signature] Speaker of the House of Delegates.

[Signature] Clerk of the House of Delegates.

[Signature] President of the Senate.

[Signature] Clerk of the Senate.

[Signature] Governor.

This bill has been signed by the Governor of West Virginia and approved.

Pledged in the office of the Secretary of State of West Virginia.

[Signature] Secretary of State.

Date: MAR 18 1931