

Rec., Mar. 11, 1933

138

ENROLLED BILL

Regular Session

SENATE BILL NO. 138

By Mr. White, of Hampshire

PASSED March 11, 1933

IN EFFECT from PASSAGE

Originating in the
Senate

Takes effect
From

Passage

Clerk

Clerk of the House of Delegates

Clerk

Chairman House Committee

Clerk

Chairman Senate Committee

ENROLLED BILL

(S. B. No. 138)

[Passed March 11, 1933 ; in effect from passage.]

AN ACT to amend and reenact section one, article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to lawful fences.

Be it enacted by the Legislature of West Virginia:

That section one, article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

- Section 1. Every fence of the height and description herein-
- 2 after mentioned shall be deemed a lawful fence as to any horses,
- 3 mules, ass, jennet, cattle, sheep, swine or goats, which could not
- 4 creep through the same, that is to say:
- 5 (a) If built of common rails, known as the worm fence, four

James D. Smith

Chairman Senate Committee.

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Chairman House Committee.

James D. Smith

6 and one-half feet high;

7 (b) If built with posts and rails, or posts and plank, or pick-
8 ets, four feet high;

9 (c) If built with stone, two feet wide at base, and three and
10 one-half feet high;

11 (d) If a hedge fence, four feet high. If any hedge fence be
12 built upon a mound, the same from the bottom of the ditch
13 shall be included in estimating the height of such fence;

14 (e) If built with posts and wire, or pickets and wire, four
15 feet high, and shall consist of not less than six strands, the first
16 strand five inches, the second strand ten inches, the third strand
17 seventeen inches, the fourth strand twenty-five inches, the fifth
18 strand thirty-six inches, and the sixth strand forty-eight inches
19 from the ground; and if with more than six strands, the space
20 between the strands shall in no case be greater than hereinbe-
21 fore provided. The space between the posts shall, in no case,
22 be greater than sixteen feet.

23 All fences heretofore built under the existing law and in com-
24 pliance therewith shall be and remain and may be kept up as
25 lawful fences.

CORRECTLY ENROLLED

James O. Hays
Chairman Senate Committee.

Wm. Spruiell
Speaker of the House of Delegates

Geo. S. Hays
Clerk of the House of Delegates.

A. G. M. Atkins
President of the Senate.

James D. Smith
Chairman House Committee.

Paul Smith
Clerk of the Senate.

The within is.....

this.....day of....., 1933.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1933**
Wm. S. O'BRIEN,
Secretary of State

Governor.