ENROLLED BILL

Regular Session

SENATE BILL NO. 138

By Mr. White, of Hampshire

PASSED March 11, 1933

IN EFFECT FROM PASSAGE
S. B. No. 138

ENROLLED BILL

Passed March 11, 1971; in effect from passage.

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

Be it enacted by the Legislature of West Virginia:

Section 1. Every fence of the height and description hereinbefore mentioned shall be deemed a lawful fence as to any horses, mules, ass, cattle, sheep, swine or goats, which could not creep through the same, that is to say:

3
2
1

(a) If built of common rails, known as the worm fence, four

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(a) If built of common rails, known as the worm fence, four
6 and one-half feet high;

7 (b) If built with posts and rails, or posts and plank, or pickets, four feet high;

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

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

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

23 All fences heretofore built under the existing law and in compliance therewith shall be and remain and may be kept up as lawful fences.
Enrolled S. B. No. 138

[Signature]
Speaker of the House of Delegates

Clerk of the House of Delegates.

[Signature]
President of the Senate.

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.