

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 14

(By Mr. Moler )



PASSED March 10<sup>th</sup> 1937

In Effect From Passage

**ENROLLED**

**Senate Bill No. 14**

(BY MR. MOLEB)

---

[Passed March 10, 1937; in effect from passage.]

---

AN ACT to amend and reenact section five, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended by section five, article six, chapter five, acts of the Legislature, regular session, one thousand nine hundred thirty-three, relating to unlawful devices and methods of fishing.

*Be it enacted by the Legislature of West Virginia:*

That section five, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended by section five, article six, chapter five, acts of the Legislature, regular session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 5. It shall be unlawful for any person to kill,  
2 catch or attempt to kill or catch, any fish in this state,  
3 at any time, by means of seines, nets, or traps, or devices  
4 of like nature, unless written consent shall have been given  
5 by the commission for the use of such seines as hereinafter  
6 provided; or by draining water out of any pool, pond or  
7 stream, with the intent to take or injure the fish therein,  
8 or by the use of dynamite, or any like explosive or other  
9 explosive mixture, or any poisonous drug or substance; or  
10 by the use of electricity or lime; or by the use of a gun,  
11 rifle, pistol or any other like weapon; or by any other  
12 means whatsoever, except by rod, line and hook or hooks  
13 with natural or artificial lures: *Provided*, That any person  
14 may employ a seine not more than six feet in length for  
15 the purpose of securing minnows other than salmon, bass,  
16 shad, pike, perch and trout for use in angling. It shall be  
17 unlawful for any person, firm or corporation to sell any  
18 seine more than six feet in length without immediately re-  
19 porting same to the commission, giving the name and address  
20 of the purchaser: *Provided further*, That any person may  
21 catch or attempt to catch other than game fish by means

22 or use of a dip net or may engage in the practice of dipping  
23 for other than game fish in all of the streams in Jefferson  
24 and Berkeley counties directly tributary to the Potomac  
25 river, with a dip net having a mesh of not less than one and  
26 one-quarter inches by one and one-quarter inches: *Provided*  
27 *further*, That the commission may at any time catch fish  
28 with nets, seines, or otherwise for the purpose of propaga-  
29 tion and protection of the fish of this state. It shall be un-  
30 lawful for any person at any time to kill or catch any  
31 game fish by gigging, snaring, spearing, gaffing or grappling,  
32 but the commission may, upon application by petition signed  
33 by two hundred citizens of any county showing the reason  
34 or necessity therefor, permit gigging of non-game fish in  
35 any stream or part of such stream in said county, provided  
36 said petitioners are holders of fishing license, except that no  
37 person shall gig during April, May and June.

I certify that the foregoing act,  
having been presented to the Governor for  
his approval, and not having been returned  
by him to the House of the Legislature in  
which it originated within the time pre-  
scribed by the constitution of the state, has  
become a law without his approval.

This the 19<sup>th</sup> day of March,  
1937.....

  
SECRETARY OF STATE

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Carl Blalock*

Chairman Senate Committee

*Wesley Baker*

Chairman House Committee

Originated in the.....

Takes effect..... passage.

*Chambliss*

Clerk of the Senate

*W. S. Hall*

Clerk of the House of Delegates

*Chas. E. Hays*

President of the Senate

*J. K. Thomas*

Speaker House of Delegates

The within.....this the.....

day of....., 1937.

Governor

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

MAR 19 1937

Wm. S. O'BRIEN, Secretary of State