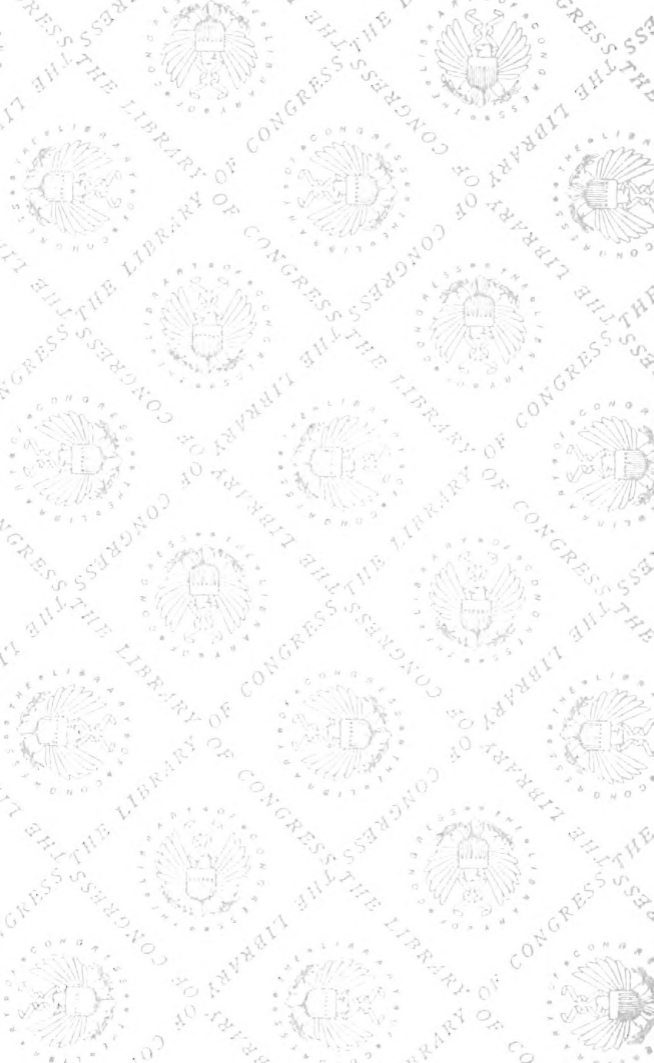
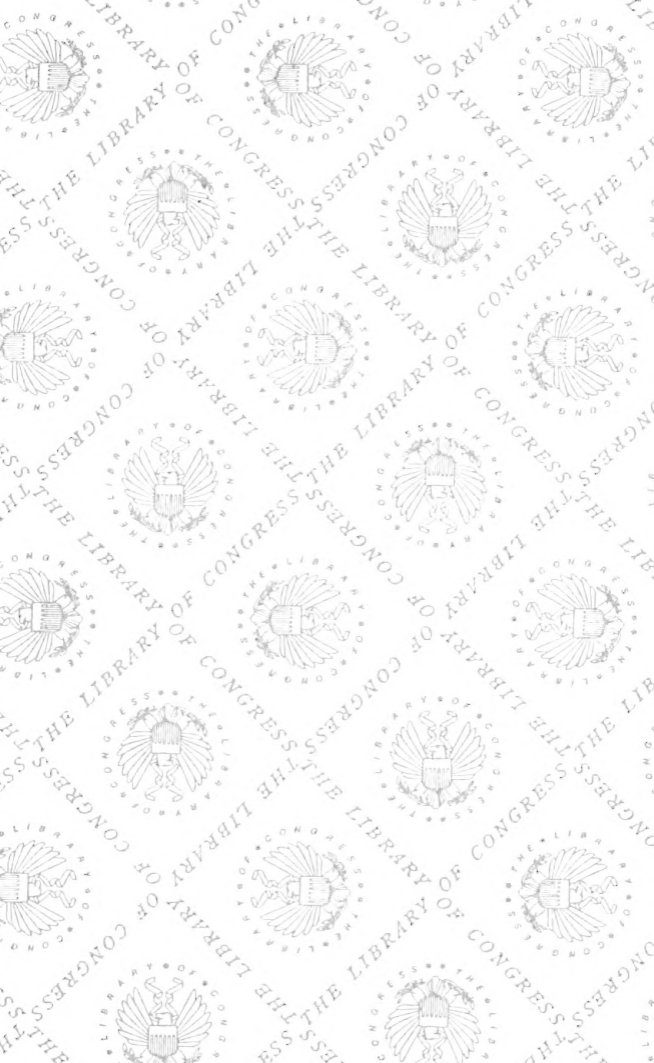


**SK 461**

**.A5**

**1919**







# FOREST, GAME AND FISH LAWS

1919 EDITION

Turkey, season closed until 1921



WARDEN  
CLARE W. HARDING  
ELKINS



West Virginia Laws, statutes etc

# FOREST, GAME AND FISH LAWS

302

1919 EDITION



WARDEN  
CLARE W. HARDING  
ELKINS

SK461  
A5  
1919



TRIBUNE PRINTING CO., CHARLESTON, W. VA.

n. of D.  
MAR 15 1920

1920

1920



7 Mar. Apr. 16, 1920

## TABLE OF CONTENTS

---

### SEC.

1. Forest, Game and Fish Warden—Appointment—Term of office—Removal—Compensation and mileage—Chief deputy wardens—Appointment—Term of office—Compensation and mileage—Deputy wardens—Appointment — Terms of office—Compensation—Ex-officio deputy wardens—Compensation.
2. Same—Duties and powers.
3. Chief deputy wardens and deputy wardens—General powers and duties—Compromise or settlement of prosecutions—Punishment.
4. Arrests for violation of game, fish or forest laws— Power to make—Neglect to cause offenders to be apprehended—Punishment.
5. Seizure of game, fish or birds.
6. Bonds of warden and chief deputy wardens.
7. Sheep-chasing dogs.
8. Same.
9. Same—Duty of keeper or owner of dog.
10. Printing, blanks, stationery and postage for warden.
11. Institution of proceedings for violations of game, fish, bird and forest laws—Employment of attorneys, when.
12. Searches and seizures—Powers and duties of warden and deputy wardens.
13. Same—Issuance of search warrants—Sale of property seized.
14. Arrests, and searches and seizures—Summoning aid.
15. Reports by deputy wardens, ex-officio wardens, criminal and circuit clerks and justices—Contents.
16. False returns of moneys collected or disbursed—Punishment.

## SEC.

17. Hindering, obstructing or interfering with warden or deputy wardens—Punishment.
18. Title to wild game, fish and birds to be in state.
19. License to hunt—How to proceed—License fees—To whom paid—Penalty for failure to procure license—Penalties for violation of section—Consent of guardian required for minors.
21. Sale or transfer of license or tag—Punishment.
22. Close season and close time—Open season and open time.
23. Game animals and game birds—What are.
24. Same—Buying, selling or having in possession or transporting or receiving for transportation certain animals, birds and fish—Exceptions—Punishment.
25. Elk and deer—Provisions concerning hunting and killing of same—Having certain game birds, animals and fishes in possession for transporting outside of state—Punishment.
26. Closed season on birds and animals—Bag limit—punishment.
27. Use of seine or trap to catch birds.
28. Same—Hunting on Sunday—Punishment.
29. Prosecution for violation of this chapter—To be in name of state—Jurisdiction—Fee for prosecuting attorney.
30. Same—Witnesses—Privileges and competency.
31. Moneys collected—Disposition of.
32. Requisitions and extraditions.
33. Killing, catching, having in possession, or selling, or transporting certain birds—Selling or having in his possession plumage, etc., of certain birds—Game birds defined.
34. Unlawful to take nests or eggs of wild birds—Exceptions.
35. Transportation of certain birds.
36. Penalties for violation of sections 33, 34, 35.

## SEC.

37. Taking birds, nests or eggs for scientific purposes.
38. Same—Certificate to collect—To and by whom issued—Fee for—Taking birds, etc., for other than scientific purposes—Forfeiture of certificate and punishment.
39. Same—Certificate to collect—Expiration—Transfer.
40. Birds not protected by chapter.
41. Wild non-game birds as domestic pets.
42. Negligently shooting or killing human being or live stock while hunting—Punishment.
43. No open season for certain birds—Killing, etc.—Punishment.
44. License to fish—Of whom required—How Procured—How fish may be taken—Open seasons—Lawful length of various kinds of fish—Fishing in private pounds, etc.—Unlawful to let water out of ponds, etc.—Trespass notices—Penalties for violaton of section.
45. Nets, traps, etc.—Lawful to destroy—All dams, etc., to be provided with fishways—Time allowed for completion or same—Penalties for violation of section.
- 45-a. Depositing matter in streams deleterious to propagation of fish—Coal mine drainage—State Board of health to have authority to investigate—Written consent of Forest, Game and Fish Warden required before any prosecutions are instituted—Penalties—Repeal.
46. Employment of persons to unlawfully take, etc., game, birds or fish—Serving game, birds, etc., at hotels, etc.—Punishment.
47. Use of explosives, drugs or electricity to take fish—Prima facie evidence—Punishment.
48. Sale or gift of explosives, etc., to take fish—Punishment.
49. Shooting, hunting, fishing, fowling, camping, peeling trees, cutting timber, building fires, etc., on enclosed or improved lands of another without permission—Punishment—Arrest of violators.

## SEC.

50. Shooting across public road, or near schoolhouse or on lands of another appurtenant to or near occupied dwelling—Punishment.
- 50-a. Bounties paid for certain birds and animals—How procured—False statements to secure bounty—Punishment.
- 50-b. Game refuges—Unlawful to hunt on same—Penalty.
51. Forest, Game and Fish Warden to be ex-officio warden—Forester—Duties—Special deputies and inspectors—Special deputy fire wardens—Powers and duties.
52. Deputy wardens compensation at forest fires—To be charged against county—Forest, Game and Fish Warden to audit report of forest fires—Submitment to county court for payment—Penalty for false report as to forest fires.
53. Negligent building or use of, or failure to extinguish fire—Punishment—Notice to adjoining land owners of intention to burn trash, etc.
54. Removal of inflammable material from railroad rights of way—Spark extinguishers on engines—Prevention of escape of fire from engine ash pans and furnaces—Punishment for violation of section.
55. Forest fires—Recovery of expense of extinguishment—Recovery of damages.
56. State forest reserves.

# Forest, Game and Fish Laws

---

Sec. 1. Forest, Game and Fish Warden—Appointment—Term of office—Removal—Compensation and mileage—Chief Deputy Wardens—Appointment—Term of office—Compensation and mileage—Deputy Wardens—Appointment—Term of Office—Compensation—Ex-officio Deputy Wardens—Compensation.

## CHAPTER 62.

Section 1. Forest, game and fish warden; deputies.

The governor shall between the first day of June and the first day of July, one thousand nine hundred and nine, appoint some person, a citizen of this state, whose term of office shall begin on the first day of July, one thousand nine hundred and nine, to the office of forest, game and fish warden. Said warden shall hold his office for four years and until his successor has been appointed and qualified, unless sooner removed for cause by the governor. He shall receive for his services the sum of eighteen hundred dollars per annum, to be paid out of the treasury, quarterly, after being duly audited; and shall be allowed mileage of three cents a mile while traveling by railroad or steamboat, and ten cents a mile while traveling otherwise than railroad or steamboat, for the distance necessarily traveled while actually in the discharge of his official duties as such

---

warden. Provided, however, that the mileage expenses of said warden shall be reported quarterly under oath to the governor and approved by him; and provided, further, that such mileage expenses shall not, in any one year exceed five hundred dollars. Said warden shall devote all his time to the discharge of the duties of his office, imposed upon him by law. Said warden shall appoint two persons who are citizens of this state and one of whom shall reside in the eastern section of the state, chief deputy wardens of forests, game and fish, said chief deputies shall hold their office at the pleasure of the warden appointing them. Said chief deputies shall each receive for their service, the sum of nine hundred dollars a year, to be paid out of the treasury quarterly after being duly audited; and shall be allowed mileage of three cents a mile while traveling by railroad or steamboat, and ten cents a mile while traveling otherwise than by railroad or steamboat, for the distance necessarily traveled for the purpose of performing the duties imposed upon them by law, and they shall devote all their time thereto, such mileage expense of either of said chief deputies, shall be reported quarterly under oath to the warden and approved by him, and forwarded to the governor and approved by him; provided, however, that said mileage in any one year, shall not exceed four hundred dollars to each chief deputy warden. The warden shall appoint such persons as he may deem fit, who are citizens of this state, to act as deputy wardens in the several counties of this state. Said deputy wardens shall hold their office at the pleasure of the forest, game and fish warden. The sheriffs, deputy

sheriffs and constables in the several counties of this state shall be ex-officio deputy wardens therein, and the chiefs of police of the cities, towns and villages of this state shall be ex-officio deputy wardens therein and their jurisdiction shall extend no further than their respective counties, cities, towns and villages. All said deputy wardens, either appointed or ex-officio, shall receive for their services one-half of the fines imposed by any justice or court having jurisdiction, and collected in each prosecution instituted by any such deputy warden, and the other half of such fine shall be paid to the forest, game and fish warden who shall pay the same over to the treasurer of the state, to be credited by him as other fines are credited; but no fees or moneys shall be paid any deputy for services rendered as such deputy warden, out of the treasury of this state, and in any prosecution under this chapter, section two of chapter thirty-six of the code of one thousand eight hundred and ninety-nine and section one thousand one hundred and fifty-nine of the code of one thousand nine hundred and six shall not apply to any warden. (Acts 1897, c. 13; 1901, c. 93; 1909, c. 60.)

**Sec. 2. Same; duties and powers.**

The forest, game and fish warden shall have general charge of the following public matters, and necessary powers therefor. The collection and diffusion of such statistics, literature and information as he may deem useful in regard to the protection of forest and the protection and propagation of game and fish, the publishing thereof, and the taking charge of and keeping all reports, books, papers and documents which shall, in the discharge of his duties, hereunder,

come into his possession and control, and the institution of all proper legal proceedings to enforce the provisions of law, now in force, or hereafter enacted, in reference to forests, game and fish. Said warden shall, on or before the first day of January, one thousand nine hundred and eleven, and biennially thereafter, submit to the governor, a detailed report showing what has been done by him during the preceding biennial period, the amount of all moneys received by him and from what sources, in detail, a complete inventory of all game and other property seized and sold, and the amount received therefor, and the amount of disbursements in detail. The books and vouchers of said warden shall be subject to examination by the auditor of the state at all times. (Acts 1909, c. 60.)

**Sec. 3.** The chief deputy and deputy wardens shall act and be under the direction and supervision of said forest, game and fish warden. Said chief deputy and deputy wardens shall have authority, and it shall be their duty to enforce the game, fish and forest laws of this state, now in force or hereafter enacted, for the protection of forests and protection, preservation and propagation of game, fish and birds, and shall be immediately responsible to the warden, and shall report all matters under their jurisdiction, whenever requested by him and receive instructions from him. It shall be unlawful for any deputy warden, either appointed or ex-officio, to settle, compromise or adjust any prosecution under this chapter and to receive moneys from any violator or alleged violator of any of the provisions thereof unless the same are moneys received in the payment of fines



imposed in due process of law by a justice or court having jurisdiction of the offense charged, and if any such deputy warden shall receive any moneys from any such violator or alleged violator, either as such settlement and compromise or to prevent any prosecution therefor, such deputy warden shall be guilty of a felony and upon conviction thereof, shall be confined in the penitentiary not less than one nor more than five years. (Acts 1897, c. 13; 1901, c. 93; 1909, c. 60.)

#### **Sec. 4. Arrests for violations of chapter.**

The forest, game and fish warden, and appointed deputy wardens shall have full power to execute and serve any warrant or process of law, issued by any justice of the peace or by any court having jurisdiction under the law, relating to game, fish, birds and forests, in the same manner as any constable or sheriff might serve or execute such process, and may arrest on sight without a warrant, any person or persons, detected by them, actually violating any of the provisions of the laws of this state relating to the game, fish, birds and forests, and may take such person or persons, so offending, before any court, or justice of the peace, having jurisdiction of the offense, and make proper complaint before such court, or justice, which shall proceed with the case in the manner as provided by law. Any such appointed warden, who on receiving information from a reliable person, of the violation of the game, fish or forest laws, neglects or refuses to thoroughly investigate such alleged violation, and apprehend or attempt to apprehend the offender, shall be guilty of a misdemeanor, and upon conviction thereof, shall

be fined not less than ten dollars nor more than fifty dollars for each offense. (Acts 1897, c. 13; 1901, c. 93; 1909, c. 60.)

**Sec. 5. Seizure of game.**

The warden and deputy wardens shall seize and take possession of, on sight and without process, any fish, game or birds, found in the possession of any person or persons, or corporation which is so in possession contrary to law. (Acts 1897, c. 13; 1901, c. 93; 1909, c. 60.)

**Sec. 6. Bonds of wardens.**

The forest, game and fish warden and the chief deputy wardens, shall each, before entering upon the discharge of their respective duties, execute a bond in the penalty of three thousand five hundred dollars, with security therein to be approved by the governor, and conditioned for the faithful performance of their duties, and to account for and pay over all moneys and property coming into their hands, due and belonging to the state, and also conditioned according to the requirements of the present law with reference to the carrying of revolvers, which said bonds, after having been approved by the governor, shall be deposited with the auditor. (Acts 1909, c. 60; 1915, c. 14.)

**Sec. 7. Sheep-chasing dogs.**

Any person may kill any dog that he may see chasing, worrying, wounding or killing any sheep, lambs, goats or kids outside of the enclosure of the owner of such dog, unless the same be done by the direction of the owner of such sheep, lambs, goats or kids. (Acts 1875, c. 32, sec. 1; 1882, c. 89; 1907, Extra Sess. c. 14.)

**Sec. 8.** If any dog shall have killed or assisted in killing, wounding or worrying any sheep, lambs, goats or kids out of the enclosure of the owner of such dog, the owner or keeper of such dog shall be liable to the owner of such sheep, lambs, goats or kids in the amount of the damages sustained, to be recovered in action before any court or justice having jurisdiction of such action; and it shall not be necessary to sustain such action, to prove that the owner or keeper of such dog, knew such dog was accustomed to do such worrying, killing or wounding; but a recovery under this section shall bar and preclude the owner of such sheep, lambs, goats or kids from obtaining compensation from the county court, and when compensation is obtained from the county court under any law which is now or may hereafter be in force, then the county wherein the payment is made, is authorized to sue under this section, and recover as the owner of the sheep, lambs, goats or kids, might have done, and the amount so recovered shall be paid into the county treasury; but no suit shall be commenced unless authorized by the county court. Any person who shall harbor or secrete or aid in secreting any dog which he knows or has reason to believe has worried, chased or killed any sheep, lambs, goats or kids, not the property of the owner of such dog, out of his enclosure, or knowingly permit the same to be done on any premises under his control, shall be guilty of a misdemeanor, and upon conviction thereof before any court or justice having jurisdiction thereof, in the county in which the offense is committed, be fined not less than ten dollars, nor more than fifty dollars, and at the dis-

cretion of the court or justice, imprisoned in the county jail not more than thirty days; and each day that such dog is harbored, kept or secreted, shall constitute a separate offense. (Acts 1875, c. 32; sec. 2; 1882, c. 89; 1907, Extra Sess., c. 14.)

**Sec. 9.** The owner or keeper of any dog that has been worrying, wounding, chasing or killing any sheep, lambs, goats or kids, not the property of such owner or keeper, out of his enclosure shall, within forty-eight hours after having received notice thereof in writing from reliable and trusty source, under oath, cause such dog to be killed; if the owner or keeper refuse to kill said dog as hereinbefore provided, any justice of the peace upon information, shall summon the owner or keeper of said dog, and after receiving satisfactory proof that his dog did the mischief, shall issue a warrant on application being made by the owner of the sheep, lambs, goats or kids killed, and give it into the hands of the constable, special constable or sheriff, who shall kill the dog forthwith; the cost of said proceedings shall be paid by the owner of the dog so killed, including a fee of fifty cents to the officer killing the said dog; the owner of said dog so killed, shall in addition to the costs, be liable to the owner of the sheep, lambs, goats or kids, or to the county court for the value of the sheep, lambs, goats or kids so killed or injured. (Acts 1875, c. 32, sec. 3; 1882, c. 89; 1905, c. 57; 1907, Extra Sess., c. 14.)

**Sec. 9-a. Dog tax.**

(Acts 1875, c. 64; 1881, c. 23; 1882, c. 62; 1907, c. 14; 1908, c. 29.) For county adoption. Local. Omitted.

**Sec. 10. Stationery for warden.**

The forest, game and fish warden shall be allowed all necessary printing, printed blanks, stationery and postage; but before he shall incur any expense for printing, he shall first make requisition therefor upon the governor, who, in his discretion, approving the same, shall issue his warrant to the warden for said printing, the cost and expense thereof to be paid out of the state treasury. (Acts 1909, c. 60.)

**Sec. 11. Prosecutions by wardens; searches and seizures; arrests.**

The forest, game and fish warden and deputy wardens may make complaint and cause proceedings to be instituted against any person or persons, or corporation, for the violation of any of the game, fish, bird and forest laws, without the sanction of the prosecuting attorney of the county wherein such proceedings are instituted; and in all such cases they shall not be required to give security for costs. Any of said officers may also appear in any court of competent jurisdiction in this state, in any case for violation of any of the laws for the protection of forests, or the protection, preservation and propagation of game, fish and birds and prosecute the same in the manner and with the same authority, as the prosecuting attorney of the county in which such proceedings are had. And in such cases they may, in the event of the refusal or neglect of the prosecuting attorney to act, employ an attorney of their choice, and to such attorney, or to the prosecuting attorney if he shall act, there shall be taxed in the costs, upon conviction, a fee of ten

dollars, in such case. (Acts 1897, c. 13; 1901, c. 93; 1909, c. 60.)

**Sec. 12.** The forest, game and fish warden and deputy wardens, shall have the power to search any person and examine any boat, vehicle, conveyance, express car, railroad car, fish box, fish basket, game bag or game coat, or any other receptacle in which game, birds or fish could be placed, concealed or conveyed, whenever they have reason to believe that they will secure or discover evidence of a violation of the game and fish laws of this state; and any hindrance or interference, or attempt to hinder or interfere, with such search or examination, shall be prima facie evidence of a violation of the law by the person or persons who hinder or interfere, or attempt to hinder or interfere, with such search and examination. Said officer, or officers, shall, at any and all times, seize and take possession of any and all game, fish, birds and animals, which have been caught, taken or killed at any time, in any manner or for any purpose, or had in possession or under control or have been shipped, contrary to any of the laws of this state. Such search and seizure may be made without warrant; and the warden or deputy wardens shall not be liable for false seizure of such birds, game or fish. (Acts 1897, c. 13; 1901, c. 93; 1909, c. 60.)

**Sec. 13.** That any justice or court having jurisdiction of the offense, upon receiving information of probable cause for believing that any game, birds or fish, caught, taken, killed, had in possession, under control, or shipped, or about to be shipped contrary to, or in violation of any of the laws of this state, shall issue a search warrant, and cause a search to

be made, in the manner provided by law, in any place, and to that end may cause any building, dwelling house, enclosure, or car to be entered forcibly, if necessary, and any apartment, chest, barlocker, refrigerator, crate, basket or package, broken open and the contents thereof examined by the forest, game and fish warden or deputy wardens. All game, fish or birds, seized by any of said officers, shall be sold under the direction of the justice, or court before whom the offense is tried, or search warrant issued, and the proceeds of all sales shall be paid into the treasury of the state. (Acts 1897, c. 13; 1901, c. 92; 1909, c. 60.)

**Sec. 14.** Any of the officers herein, whose duty it is to enforce the game, fish, bird and forest laws of this state, shall have the same right and power as sheriffs to summon aid in making arrests, seizures, or executing any process; and any person, or persons, so summoned, and refusing to act, shall be liable, upon conviction, to the same fines and penalties, the same as if summoned by a sheriff. Such arrests may be made on a Sunday, in which case the person, or persons arrested shall be taken before a justice, having jurisdiction, and proceeded against as soon as may be on a week day following such arrest. (Acts 1897, c. 13; 1901, c. 93; 1909, c. 60.)

**Sec. 15. Quarterly reports of deputy wardens.**

The appointed deputy wardens shall, on the first of the months of January, April, July and October of each year make a report under oath to the forest, game and fish warden, which reports shall show in detail the work done by them severally during the three months next preceding. The forest, game and

fish warden shall furnish the deputy wardens all necessary blank forms and stationery for making said reports. All such reports shall show an account of the suits commenced, the justice or court before whom such proceedings were had, the number and kinds of game, fish, birds and property seized, and what disposition was made of the same, the amount of proceeds of sale, and the amount of money, if any, received by him for fines imposed, or from any other source provided for by this chapter. All ex-officio deputy wardens shall make a report to the forest, game and fish warden on the first day of January, April, July and October of each year if they have instituted any proceedings or collected any moneys under the provisions of this chapter during such preceding three months, and all deputy wardens shall within thirty days after its receipt pay over to the forest, game and fish warden the fines collected by him, and the bonds of all ex-officio wardens shall be liable for any such moneys received by them. All justices and clerks of circuit and criminal courts before whose courts any case under this chapter comes, shall, on the first day of January, April, July and October, of each year, if there has been before this court any case under this chapter, report to the state forest, game and fish warden all money collected by him and the status of all cases pending or started in his court. (Acts 1897, c. 13; 1901, c. 93; 1909, c. 60; 1915, c. 14.)

**Sec. 16. Failure of wardens to account for moneys.**

The forest, game and fish warden and deputy wardens, or any other officer who shall make any false return as to moneys collected or disbursed



by him, as provided for in this chapter or does not pay over to the proper officer as provided in this chapter, moneys collected by him for fines, shall be deemed guilty of a felony, and upon conviction thereof shall be confined in the penitentiary not less than one year nor more than five years. (Acts 1901, c. 93; 1909, c. 60.)

**Sec. 17. Obstructing wardens.**

Any person who hinders, obstructs or interferes with, or attempts to hinder, obstruct or interfere with, the forest, game and fish warden and deputy wardens in the discharge of their respective duties herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than two hundred dollars, together with the costs of the prosecution, and in default of payment thereof shall be confined in the county jail until said fines and costs are paid; provided, however, that such imprisonment shall not exceed ninety days. (Acts 1897, c. 13; 1901, c. 93; 1909, c. 60.)

**Sec. 18. State title to game and fish.**

The ownership of, and the title to, all wild game, wild birds, both resident and migratory, and all fishes in the state of West Virginia, are hereby declared to be in the state, and no such game, birds, or fishes shall be taken or killed in any manner, or at any time, except the person so taking or killing the same, shall consent that the title thereto shall be and remain in the state of West Virginia, for the purpose of regulating the use and disposition of the same after such taking or killing. The taking or killing

of wild game birds or fishes, at any time or in any manner or by any person, shall be deemed a consent of such person that the title thereto shall be and remain in the state, for the purpose of regulating the use, and disposition of the same. (Acts 1907, Reg. Sess., c. 57; 1909, c. 60.)

**Sec. 19.** No person not a citizen of the United States of America shall at any time hunt, pursue, kill or catch any wild animals, or wild birds in this state, or have in his possession firearms of any kind for the purpose of hunting.

No person shall, at any time, hunt, pursue, kill or catch any wild animals, or wild birds in this state, without first having secured a license so to do, as herein provided, and then only during the respective periods when it shall be lawful to hunt such game, animals and game birds. Such license may be procured in the following manner, to wit: The applicant shall go before the clerk of the county court of the county of his residence and fill out a blank application, stating his citizenship, name, age, occupation, or profession, weight, height, place and county residence, color of hair, eyes and complexion; the application shall be subscribed in ink and sworn to by the applicant that his statements are correct and true to the best of his knowledge and belief before the county clerk issuing said license. If the applicant be a citizen of any state or territory of the United States of America, and a non-resident of this state, such application may be made and the license issued by the clerk of the county court in any county in the state, and such non-resident applicant shall pay to the clerk of the county court before receiving the

---

license the sum of eighteen dollars as a license tax for a hunting license permitting him to hunt any of the wild animals or wild birds in this state. All non-resident members of any club or organization owning or leasing a game or fish preserve in this state, shall be required to secure a non-resident license to hunt or fish.

If the applicant be a bona fide resident of this state he shall make application for a hunting license to the clerk of the county court of the county of his residence, which application shall be the same as above described, and in the manner so described; or if applicant is a bona fide resident and citizen of this state, he may fill out said application and swear to the same before some one authorized to administer oaths and send the same to the county clerk of the county of his residence together with the amount of license tax herein prescribed and sufficient postage for the return of the license, and such clerk shall thereupon issue and send him such license; but before issuing the said license, the applicant shall in all cases, pay to the clerk of the county court the sum of one dollar as a license tax; provided, that a bona fide resident land owner or his children, or his bona fide tenant may, on his own land, hunt any of the game animals or game birds mentioned in this chapter during the hunting season without obtaining a license so to do. No person to whom such license has been issued shall be entitled to hunt, pursue or kill game in this state, unless at the time of such hunting, pursuing or killing of game animals, or game birds, he shall have such license in his actual possession; and he shall exhibit the same to any

---

officer of this state or to the owner, tenant or leasee on any land on which he is hunting on demand. Such license shall be good anywhere in this state to permit the holder thereof to hunt in any of the counties of this state, but only during the period of time in which it is lawful to hunt for any of the game birds or game animals; and such license shall be good and valid until the end of the calendar year in which the same is issued. Said license shall be signed by the clerk of the county court and bear the name of the county, and the seal of the county court of the county in which same is issued, and shall bear a number according to the serial order in which it was issued, and the clerk shall be allowed to deduct twenty-five cents from such license tax paid him under this section, as a fee for his services for filling out, acknowledging affidavit and issuing said licenses. At the same time that such a clerk issues such a license to the applicant he shall also deliver to him a tag bearing in figures the name and number of his license, and the name of the county wherein the same was issued, and if the same was issued to a non-resident of this state, the said tag shall also bear the words, "non-resident."

The form of said license to be issued hereunder, and the said affidavits to be made by the applicants therefor, and the tag hereinbefore required to be delivered to the applicant, shall be designed and supplied to the clerk by the state forest, game and fish warden, and such tag shall at all times be worn on the arm of the licensee, prominently exhibited, while hunting under the authorship of said license.

---

Said clerks shall keep an accurate list of all such licenses issued by them and shall pay into the treasury of the state of West Virginia on the first day of each month all such license taxes collected by them for the month next preceding, except his fees.

The carrying of any uncased gun in any of the fields or woods of this state by any person not having a right to hunt, pursue or kill game birds, or animals in such fields or woods, shall, as to such person, other than the bona fide owner or owners of such fields or woods, his or their child or children, tenants or leasees be deemed prima facie evidence of a violation of this section; and any person claiming to hold a license to hunt in this state, having in his possession any gun or other hunting paraphernalia in such woods, or fields, shall on failure to produce such license for inspection to any warden of this state or to any officer or owner or agent of the owner of such woods and fields, on demand, or upon failure, at all times to wear, as herein required, the tag while in such woods or fields, or who shall transfer or attempt to transfer any license mentioned in this section, or who shall hunt or attempt to hunt with or under such transferred license, be deemed guilty of a misdemeanor, and on conviction be punished as herein provided. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than one hundred dollars for each and every offense, including the cost of prosecution and a fee of ten dollars to the attorney prosecuting the case, and in addition thereto may be confined in the

county jail for a period not exceeding sixty days, in the discretion of the court or justice trying the case, and upon failure to pay said fine and costs, the person convicted shall be confined in the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for any one offense. No hunters' license shall be issued to any minor under the age of fifteen years without the consent in writing from the parent or guardian of such minor, such consent to be filed with the clerk issuing the license and by him preserved, but such infant may hunt on his own land or that of his parents or guardian.

**Sec. 21.** Any person who shall, at any time, alter or change in any manner, or loan, sell or transfer to another any license or tag provided for in this chapter, or any person who shall buy or borrow such license or tag shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty nor more than fifty dollars in addition thereto may be confined in the county jail not more than thirty days. (Acts 1909, c. 60; 1915, c. 14.)

**Sec. 22.** Meaning of "Close" or "Open Season" or "Time."

The words "close season" and "close time," shall mean the time or period during which it is unlawful to hunt, pursue, catch, shoot, wound, trap or destroy any bird or animal, or to fish for or catch any fish, and the words "open season" and "open time," shall mean the open time or period during which it shall be lawful to take these animals, birds and fish, as specified and limited by law. (Acts 1909, c. 60.)

**Sec. 23. What are game animals or birds.**

For the purposes of this chapter the following are considered game animals, to wit: Elk, deer, rabbits and squirrels. And the following shall be considered game birds, to wit: The anatadae, commonly known as ducks, geese, swan and brant; the rallidae, commonly known as mud hens, rails, coots and gallinules; the limicolae, commonly known as shore birds, plover, snipe, woodcock, tattlers, curlews, ortolan, sandpiper; and gallinae, commonly known as wild turkey, ruffed grouse or pheasant, quail or bob white. (Acts 1909, c. 60; 1915, c. 14.)

**Sec. 24. Unlawful possession or sale of game.**

It shall be unlawful for any person to buy, sell or have in possession any of the animals, wild fowl or birds mentioned in section twenty-three of this chapter, at any time when the killing, trapping, netting and snaring of such animals, wild fowl or birds shall be unlawful, or which shall have been killed, trapped, netted or snared contrary to the provisions of this chapter. And it shall further be unlawful for any person, or persons, firm or corporation, at any time, to purchase or offer to purchase, or to sell or expose for sale, or have in his, or their possession for the purpose of selling, any quail, ruffed grouse, or pheasant, woodcock, wild turkey, wild geese, swan, brant, wild ducks of any kind, plover, snipe, sandpiper, squirrel, deer, or venison; trout of any species, salmon of any species, pike, bass or silver perch or any of the birds, fish or game prohibited to be caught or killed at any time by the provisions of this chapter, and it shall be unlawful for any person or per-

---

sons, firm or corporation, or common carrier, to receive for transportation, or to transport, carry or convey, any quail, ruffed grouse or pheasant, woodcock, wild turkey, wild geese, swan, brant, wild ducks of any kind, plover, snipe, sandpiper, squirrel, deer or venison or game fishes mentioned in this section, that shall have been caught, snared, taken, trapped or killed at any time, within the limits of this state, knowing, or having reason to believe, the same had been sold, or to transport, carry or convey the same outside of this state for any purpose; provided, that it shall be lawful to have any such game animals, birds or fishes in possession for a period not exceeding twenty days after the open season thereof is ended and the close season thereon has begun. Any person, or persons, firm or corporation, guilty of violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and the costs of the prosecution. And in default of the payment of such fine and costs shall be confined in the county jail until the same is paid, not to exceed, however, the period of sixty days. The selling, exposing for sale, having in possession for sale, transporting or carrying and conveying, contrary to the provisions of this section, of each and every animal, fish or bird mentioned in this section, shall constitute a separate offense.

**Sec. 25.** No person shall hunt, chase, wound or kill any elk in this state at any time for a period of eight years from and after the passage of this act;



provided, that the owner of any elk, which shall be kept in any park or field sufficiently inclosed to reasonably prevent their escape therefrom, shall have the right to kill any elk of his own; provided, further, that such owner may pursue, recapture or kill any of his elk that may escape from his inclosure. No person shall hunt, chase, wound or kill any deer in this state at any time for a period of three years from and after the passage of this act; provided, that the owner of any deer, which shall be kept in any park or field sufficiently inclosed to reasonably prevent their escape therefrom, shall have the right to kill any deer of his own; provided, further, that such owner may pursue, recapture or kill any of his deer that may escape from his inclosure.

No person shall chase, wound or kill any wild turkey in this state at any time for a period of two years from and after the passage of this act. No person or persons shall chase or hunt deer with dogs in this state at any time. Any person violating any provisions of this paragraph shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary not less than six months nor more than five years.

No person shall hunt, chase, kill or wound any deer after the year one thousand nine hundred and twenty-one, from the first day of December until the fifteenth day of October following, of any year except tame deer owned by the person owning same; nor shall any person kill more than one deer in any one season. No person shall at any time kill any fawn, doe, or any other deer than bucks with horns or antlers over four inches in length, or have the fresh

skin of any doe or fawn in his possession. No person shall at any time kill or have in his possession any deer, quail, pheasant or ruffed grouse, wild turkey, squirrel, or any part of the same, or game fishes with the intention of sending or transporting the same or having the same sent or transported beyond the limits of this state. Any person violating any provisions of this paragraph shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five nor more than fifty dollars for each and every deer unlawfully hunted, chased, wounded, or killed, and for each doe or fawn's skin had in his possession and not less than twenty-five dollars nor more than fifty dollars for each and every quail, ruffed grouse or pheasant, wild turkey or any part of the same, for each and every game fish and for each deer, or part of a deer, killed or had in possession with the intention of sending or transporting the same, or having sent or transported beyond the limits of this state. And in addition to the fine or fines prescribed in this paragraph, the person or persons convicted may be confined in the county jail not to exceed sixty days for each and every offense; and upon default of the payment of the fine and costs shall be confined in the county jail until the same are paid, but not to exceed a period of sixty days.

**Sec. 25-c. Hunting skunks.**

(Acts 1901, c. 90; 1903, c. 44.) For county adoption. Local. Omitted.

**Sec. 26.** It shall be unlawful for any person to catch, kill or injure, or pursue with intent to catch,

kill or injure any ruffed grouse, or pheasant or wild turkey between the first day of December and the fifteenth day of October of the following year; or any quail or Virginia partridge between the first day of December and the first day of November following. Nor shall any one person kill more than twelve quail or five ruffed grouse, or two wild turkeys in any one day, and no more than sixty quail or twenty ruffed grouse, or five wild turkeys in any one open season. No person shall kill any wild ducks, goose, or brant between the first day of January and the first day of October; provided, that the wood duck shall not be killed at any time within this state; woodcock between the thirtieth day of November and the first day of October following; plover, ortolan, or sandpiper between the fifteenth day of December and the first day of September following; or any snipe between the fifteenth day of December and the fifteenth day of October following; nor any gray, black, fox or red squirrel between the first day of December and the fifteenth day of September of the following year. Nor shall any person kill more than ten squirrels in any one day, nor more than seventy during any open season.

It shall be unlawful for any person to catch, kill or injure or pursue with intent to catch, kill or injure any rabbit between the first day of January and first day of October following; provided, it shall be lawful for any person or any of his children or agents to catch, kill or pursue at any time any rabbit upon his own land or upon any land upon which he may be an actual bona fide tenant or resident and also for the bona fide agent of the owner of such

land to hunt, and kill any rabbit thereon by the direction of such owner otherwise than by the use of a ferret; but for the protection of orchards, gardens and young fruit, trees or vines, rabbits may be lawfully hunted with ferrets by the owners thereof or their agents.

It shall be unlawful for any person to catch, kill or injure by means of a gun, snare, trap or poison any red fox, or skunk between the first day of February and the first day of December following, except in the following named counties: Pocahontas, Randolph, Fayette, Pendelton, Monroe, Jefferson, Hardy, Wayne, Wood, Marshall, Mason, Güimer, Hancock, Lincoln, Hampshire, Braxton, Raleigh, Webster, Putnam, Preston, Lewis, Jackson, Marshall, Mercer, Greenbrier, Berkeley, Tyler, Boone, Kanawha, Logan, Barbour, McDowell, Tucker and Calhoun; provided, however, that it shall be lawful for any person at any time or by any means to catch, kill or pursue any red fox or skunk upon his own land, or on any lands upon which he may be an actual bona fide tenant or resident, and also for the agent of the owner or tenant of such land to so hunt and kill any red fox or skunk thereon by the direction of such owner or tenant. It shall be unlawful for any person at any time to set or maintain any snare upon the improved or inclosed lands of another without the express permission of the owner or tenant of such lands, or at any time to set or maintain any steel or spring bear trap upon any lands not his own.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-

five dollars and no more than fifty dollars for each offense, and in the discretion of the justice or court trying the case, be imprisoned in the county jail for a period not exceeding thirty days for each offense, and the unlawful catching, killing or injuring of each and every wild game bird, or wild game animal hereinbefore mentioned in this section, shall be deemed a separate offense, and in default of the payment of the fine and costs, the persons convicted shall be confined in the county jail for a period not exceeding thirty days, unless such fine and costs be sooner paid; provided, however, that the forest, game and fish warden or deputy warden or other persons under the direction of a warden may capture by any means any of the game birds or game animals to keep them alive for propagation purposes. And provided, further, that the warden may give written permission to any responsible person as provided by section thirty-eight of this chapter.

**Sec. 27. Use of seine, or trap, to catch birds.**

It shall be unlawful for any person at any time to catch by seine, net, bait, trap or snare of any kind or device, any wild turkey, ruffed grouse or pheasant or quail. (Acts 1875, c. 117, sec. 2; 1877, c. 15; 1882, c. 89; 1887, c. 47; 1890, c. 14; 1897, c. 30; 1899, c. 22; 1903, c. 46; 1909, c. 60.)

**Sec. 28. Same; hunting on Sunday.**

It shall be unlawful to hunt, catch, kill or injure or pursue with intent to hunt, catch, kill or injure any wild animals or birds, or fish, on the first day of the week, commonly known as Sunday. Any person violating any of the provisions of this section or section

twenty-seven hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars, nor more than twenty-five dollars, and in default of the payment of fine and costs, be committed to the county jail for a period of not more than thirty days, unless said fine and costs are sooner paid. (Acts 1875, c. 177, sec. 2; 1877, c. 15; 1882, c. 89; 1887, c. 47; 1890, c. 14; 1897, c. 30; 1899, c. 22; 1903, c. 46; 1909, c. 60.)

### **Sec. 29. Jurisdiction of offenses.**

All prosecutions under this chapter shall be in the name of the state of West Virginia, before any court or justice having jurisdiction, and the justice shall have concurrent jurisdiction with the circuit and other courts in all misdemeanors, and in any case in which the prosecuting attorney appears, a fee of ten dollars shall be allowed him, to be taxed as a part of the costs of the case, and collected off the defendant in case he is convicted. (Acts 1875, c. 117, sec. 7; 1882, c. 89; 1897, c. 30; 1899, c. 22; 1909, c. 60.)

### **Sec. 30. Witnesses.**

Every person called as a witness in any case for the violation of any of the provisions of this chapter, shall be compelled to testify fully; but his testimony shall not be given in evidence against him in any prosecution for such offense; and no person against whom such witness shall so testify, shall be competent as a witness for the state, in the prosecution against such witness for the same offense or matters to which said witness so testified, nor for any violation of any provisions of this chapter, alleged to have been committed before

the commencement of the prosecution in which he is examined as such witness. (Acts 1875, c. 117, sec. 7; 1882, c. 89; 1897, c. 30; 1899, c. 22; 1909, c. 60.)

**Sec. 31.** All moneys collected for fines, license taxes or otherwise and due the state, under and by virtue of the provisions of this chapter, shall be disposed of as follows: The net proceeds of all fines collected from convictions for the violation of any section of this chapter, shall, after the payment of the amount fixed by this chapter to the proper deputy warden and the cost as provided by law, be paid into and credited to "the school fund" of this state, as provided by the constitution; all other moneys due the state by virtue of any provision of this chapter, as now amended, shall be paid into the state treasury and credited to the "forest, game and fish protective fund." and the same shall be applicable to the payment of the expense of inaugurating, carrying out and maintaining any and all of the purposes set forth in this chapter, as now amended, and of any other law relating to protection of forest or the protection and propagation of game and fish, and shall be paid out upon the requisition of the game and fish warden, approved by the governor, for which purpose said fund is hereby appropriated.

And the forest, game and fish warden shall annually out of the forest, game and fish protective fund stock the streams of this state with trout, bass and any other proper fish to the extent of twenty per cent of the annual income of such fund, but such expenditure shall be with the consent of the governor. And the forest, game and fish warden is

hereby empowered, when so approved by the governor, to offer reasonable rewards for the arrest and conviction of persons violating the provisions of this chapter, and also to employ and pay persons to assist in arresting or procuring evidence for the conviction of persons violating the provisions of this chapter, or any law for the protection of game and fish in this state, all of which shall be paid out of the said forest, game and fish protective fund.

**Sec. 32. Expenses of extradition.**

In all cases where any person has been indicted for the violation of any of the provisions of this chapter, and has escaped or removed to another state, all costs of requisition and extradition papers and all other costs and expenses of securing and bringing such person back into this state, shall be charged as a part of the costs of prosecution against such person; and if such costs of requisition and extradition papers and expenses cannot be secured from such person, they shall be paid out of the "forest, game and fish protective fund." (Acts 1909, c. 60.)

**Sec. 33. Killing or possession of non-game birds.**

That no person shall, within the state of West Virginia, kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird; or purchase, offer or expose for sale, transport or ship within or without the state, any such wild bird after it has been killed or caught, except as permitted by this chapter. No part of the plumage, skin, or body of any bird protected by this section shall be sold or had in possession for sale irrespective of whether said bird was captured or killed within or



without the state. For the purpose of this chapter all the birds and species of birds named in section twenty-three of this chapter only, shall be considered game birds. (Acts 1869, c. 96; 1875, c. 117, sec. 1; 1882, c. 89; 1897, c. 30; 1903, c. 46; 1907, c. 57; 1909, c. 60.)

**Sec. 34. Taking or destroying birds' nests or eggs.**

No person, except the game warden, or his deputies, by his direction, shall within the state of West Virginia, wantonly take or destroy, or attempt to take or destroy, the nest or the eggs of any wild bird, except that of the English or European house sparrow, owl, hawk, eagle, crow and the kingfisher, or have such nest or eggs in his possession. (Acts 1869, c. 96; 1875, c. 117; 1882, c. 89; 1897, c. 30; 1903, c. 46; 1907, c. 57; 1909, c. 60; 1915, c. 14.)

**Sec. 35. Transportation of non-game birds.**

No person or persons or any corporation acting as a common carrier, its officers, agents or servants, shall ship, carry, take or transport, either within or beyond the confines of the state, any resident or migratory wild non-game bird. (Acts 1907, c. 57; 1909, c. 60.)

**Sec. 36. Punishment for violations of secs. 33-35.**

Any person violating sections thirty-three, thirty-four and thirty-five shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten nor more than fifty dollars and may be confined in the county jail at the discretion of the court or justice, for a period of not more than thirty days. (Acts 1869, c. 96; 1875, c. 117, sec. 1; 1882, c. 89; 1897, c. 30; 1903, c. 46; 1907, c. 57; 1909, c. 60.)

**Sec. 37. Taking birds, nests or eggs for scientific purposes.**

Sections thirty-three, thirty-four and thirty-five of this chapter, shall not apply to any person holding a certificate giving the right to take birds, their nests, or eggs for scientific purposes only, as provided for in section thirty-eight of this chapter. (Acts 1907, c. 57; 1909, c. 60.)

**Sec. 38.** Certificate may be granted by the forest, game and fish warden, to any properly accredited person of the age of fifteen years or upwards, permitting the holder thereof to collect birds, their nests, or eggs for scientific purposes only; the applicant for same must present to said officer, written testimonials from two well-known ornithologists, who must be residents of West Virginia, certifying to the good character and fitness of said applicant to be entrusted with such privilege; must pay said officer one dollar to defray the necessary expenses attending the granting of such certificate, on proof that the holder of such certificate has killed any bird or taken the nest of any bird for other than strictly scientific purposes, his certificate shall become void and he shall be liable to a fine not exceeding one hundred dollars or imprisonment not exceeding thirty days or both, at the discretion of the court. (Acts 1907, c. 57; 1909, c. 60.)

**Sec. 39.** The certificates authorized by section thirty-seven of this chapter, shall expire on the thirty-first day of December of the year issued, and shall not be transferable. (Acts 1907, c. 57; 1909, c. 60.)

**Sec. 40.** The English or European sparrow, owls, hawks, eagles, crows, king fishers, and the common black bird, sometimes called the "crow" black bird, are not included among birds protected by this chapter.

**Sec. 41. Birds as domestic pets.**

Nothing in this chapter shall prevent a citizen of West Virginia from taking or keeping any wild non-game bird in a cage as a domestic pet; provided, that such bird shall not be sold or exchanged, or offered for sale or exchange, or transported out of this state. (Acts 1907, c. 57; 1909, c. 60.)

**Sec. 42. Killing person or live stock while hunting.**

Whoever, while engaged in hunting or pursuing wild game or game birds, negligently or carelessly shoots or wounds or kills any human being, or any live stock, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding one thousand dollars, and, in the discretion of the court trying the case, be confined in the county jail for a period of not exceeding one year. (Acts 1909, c. 60.)

**Sec. 43. Birds for which no open season.**

There shall be no open season on the following named game birds: Hungarian partridge, Reeve's pheasant, English pheasant, Lady Amherst's pheasant, Chinese pheasant, caporcailzie or any other foreign game birds introduced into this state, by the wardens or any person or persons, or association. It shall be unlawful for any person to catch, kill or injure, or pursue with intent to catch, kill or injure, any of the

species of the game birds mentioned in this section. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars nor more than fifty dollars, and, in the discretion of the court or justice trying the case, be confined in the county jail for a period of not more than sixty days; and upon default of the payment of fine and costs, he shall be confined in the county jail not less than twenty days, unless said fine and costs are sooner paid. Each bird shall constitute a separate offense. (Acts 1909, c. 60.)

**Sec. 44.** It shall be unlawful for any person not a citizen of the United States of America, or not a bona fide resident of this state, or any corporation doing business in this state to catch or **destroy any** of the fish in creeks or rivers of this state, or subject to the jurisdiction thereof, without first having obtained a license so to do, and then only by the means whereby and during the respective periods when it shall be lawful to do so. Such license shall be procured in the following manner, to wit: The applicant shall go before the clerk of the county court of some county of this state and fill out a blank application, to be provided by the forest, game and fish warden, stating his name, age, occupation, weight, height, place of residence, and color of hair, eyes and complexion; said application shall be subscribed by the applicant in ink, and sworn to by the applicant before said clerk, and shall aver that his statements made therein are true, and correct to the best of his knowledge and belief; the applicant shall thereupon pay to said county clerk the sum of five

or keeping any such dam or other thing, shall be allowed six months from the time this act shall take effect in which to comply therewith. And it shall be the special duty of said forest, game and fish warden, upon the information of the violating of this pro-dollars as a license tax. The said clerk shall there-upon issue to such applicant a license of the form to be furnished by the said warden, entitling such applicant to catch and take fish according to law from any of the creeks or rivers in this state; provided, however, that such applicant may fill out said application and sign and swear to the same before some notary public or justice of the peace of the county wherein such application is made and send the same to said clerk, together with the amount of said license tax, and such clerk shall send him such license. Such license shall be signed by said clerk and shall bear the seal of the county court of the county in which the same is issued and for his services in issuing same the clerk shall receive the sum of twenty-five cents. All such license taxes shall be paid by the said clerk to the said treasury on the first day of each month for the month next preceding, except his fees. No person to whom such license has been issued shall exercise the privilege thereby conferred without at the same time having such license in his actual possession, and he shall exhibit the same on demand to any officer of this state, or owner, tenant or lessee of any land upon which such person is fishing; provided, howefer, that nothing herein contained shall be construed to require the non-resident owner of any lands in this state, or his children, to obtain such license in order to lawfully fish upon such land.

It shall not be lawful for any person to have in his possession or to set or maintain anywhere in this state, or on any water subject to the jurisdiction thereof any seines, net or traps or devices of like nature, whereby fish may be taken or caught. Nor shall it be lawful for any person to catch or have in his possession any jack salmon, commonly called jack fish, or any white salmon less than seven inches in length, any pike or pickerel of less than ten inches in length, any black bass less than eight inches in length, or any trout less than six inches in length, or to catch or kill by use of gig or spear any black bass or trout, or have in his possession any black bass or trout so caught or killed, or any fish caught out of season or caught or taken in any manner prohibited by law. All fish less than the length prescribed herein shall be returned to the water immediately with as little injury as possible.

And the measurement of the fish shall be taken from the end of the nose to the center fork of the tail. It shall be unlawful to take or destroy any jack salmon, jack fish, or white salmon in any manner between the first day of April and the first day of June of each year; or to catch or destroy any trout or landlock salmon in any manner between the first day of September and the first day of May following. It shall be unlawful for any person to catch any black bass, green bass, willow bass, rock bass, pickerel, or wall-eyed pike between the first day of April and the first day of June of each year.

It shall not be lawful for any person to catch or destroy fish in any dam or pond, the property of any person, except with the consent of the owner of such

---

dam or pond, unless such dam or pond be in some of the rivers of this state. But nothing in this chapter shall be so construed as to prevent the catching of minnows or other fish, except salmon, bass, shad and trout, by means of hands or nets to be used for angling or scientific purposes; nor to prevent the warden of the state or his deputies or any person with their or his consent from catching any fish at any time with nets or seines for the purpose of propagation or stocking other waters, nor to prevent any person from taking in any way fish from his private dam, spring or pond at any time.

Any person who shall knowingly and willfully let the water out of any pond mentioned herein, with the intent to take or injure the fish therein, shall be guilty of a misdemeanor, and shall be punished, upon conviction, by imprisonment in the county jail, not less than one month nor more than six months, or by fine of not less than fifty nor more than two hundred dollars, or by both fine and imprisonment.

The owners or those in control of lands or rights in land; in or bordering upon any pond designated in this act, shall have erected and maintained in a conspicuous place along these ponds when they are unenclosed, a sign at least a foot square and which shall have thereon the name of the party in control, and the words "trespassers warned off under penalties of the law." Any person who shall wilfully and wrongfully tear down, deface or injure the boards provided for in this section, shall be guilty of a misdemeanor and liable to a penalty as hereinafter provided.

Any person violating any provision of this section,

except as otherwise herein provided, shall be guilty of a misdemeanor, and for every conviction thereof shall be fined not less than ten dollars, nor more than one hundred dollars, and may, at the discretion of the court or justice trying the case be confined in the county jail not exceeding thirty days.

**Sec. 45. Destruction of fish nets or traps; obstruction of passage of fish in stream.**

It shall be lawful for any person at any time to remove or destroy any nets, traps or other devices placed in any creeks, runs or rivers within this state, and the persons claiming ownership or possession of such nets, seines or other devices shall have no recourse at law against the party destroying the same. Any person violating any of the above provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than ten dollars nor more than fifty dollars or be confined in the jail not exceeding thirty days. And no person, firm or corporation shall build, erect, keep or maintain any dam or anything in any river, creek or water course in this state, which shall in any way or manner prevent or obstruct the free and easy passage of fish up or down such river, creek or other water course, without placing, building and maintaining on such dam or other thing, a good and sufficient ladder or way, so planned or built as to allow all fish to easily ascend or descend the same; and said ladder or way shall be constructed upon plans and in a manner and at a place satisfactory to the forest, game and fish warden of the state of West Virginia. Any person, firm or corporation violating this provision shall be guilty of a misdemeanor and



upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars; and each week shall constitute a separate offense; provided, that any person, firm or corporation now maintaining vision, to immediately investigate the same, and cause this provision to be fully carried out. (Acts 1867, p. 172; 1882, c. 89; 1897, c. 30; 1899, c. 22; 1901, c. 94; 1903, c. 47; 1909, c. 60; 1915, c. 14.)

**Sec. 45-a. Depositing in streams matter injurious to fish; drainage of water from mines.**

It shall be unlawful for any person, firm or corporation to throw, discharge or cause to enter into any stream, water-course or water in this state saw-dust or other matter deleterious to the propagation of fish. It shall be lawful, however, to drain or cause to be drained from any mine in the state by the owner or operator thereof the water that naturally collects in such mine and the water from any coal washery, and to discharge the same into any stream, water-course or water in the state; provided, however, that any mine from which the water is so discharged or drained shall be kept in a sanitary condition and the water draining or flowing from such mine, and from such washery, shall, while in the mine and on the premises of the mine owner or operator, be kept free from pollution by human or animal excrement or substance deleterious to health. And the state board of health, its agents, employees and servants shall at all seasonable times have authority to enter upon the premises and into any such mine in order to see that the same is kept in a sanitary condition and that the waters draining therefrom are free from the objectionable substance named herein; with the right

to the state board of health to prevent any mine owner or mine operator who fails to comply with the provisions of this act from draining or discharging the water or waters from his or its mine into any stream, water or water-course in the state; provided, further, that any mine owner or operator having one suitable, convenient and sufficient outlet for the water from his or its mine into one stream shall not cause the same to be drained into any other stream. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and fined not less than fifteen nor more than one hundred dollars for each and every such offense; provided, that no prosecution to enforce this section shall be instituted or conducted without the consent and approval of the forest, game and fish warden; such consent to be evidenced in writing and filed and entered of record in the court or before the justice and in his docket, in which or before whom the prosecution is begun or pending. (Acts 1903, c. 47; 1915, 2d Ex. Sess., c. 5.)

**Sec. 46. Employment of person to violate chapter; unlawfully serving game at hotel.**

It shall be unlawful for any person, firm or corporation to employ or hire, or in any way, directly or indirectly or by the use of money or other thing of value, to induce or persuade any other person, firm or corporation to kill, catch or deliver to such first named or any other person, firm or corporation, any deer, wild turkey, quail, pheasant or ruffed grouse, or any other wild game or wild birds, or trout, bass, salmon or any other game fish, the sale of which game, birds or fish is prohibited by this chapter, and

the serving of any such birds, game or fish killed or caught in this state by any hotel, restaurant or other licensed place where meals are furnished for pay, shall be deemed a sale of such birds, game or fish. And it shall be unlawful for any person, firm or corporation to kill, catch or deliver for money or other thing of value, either directly or indirectly, any such game, birds or fish. Any person, firm or corporation violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than fifty dollars and may be confined in the county jail at the discretion of the court or justice, for a period not exceeding thirty days, and each animal, bird or fish so served, killed, caught or delivered, shall constitute a separate offense. (Acts 1909, c. 60.)

**Sec. 47.** It shall be unlawful for any person to kill or attempt to kill any fish by the use of dynamite, or other explosive mixture or by the use of any poisonous drugs, substance, bait or food; or by the use of electricity, lime or any other thing of like nature. And the placing of any such articles or substances in any stream, pond or lake, shall be deemed and taken to be prima facie proof of intention to violate this section. It shall be unlawful for any person to kill or take, or attempt to kill or take, any fish by shooting with any gun, rifle, pistol or other device of like nature. Any person violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be confined in the county jail for a period of not less than two months, nor more than twelve months, and shall, at the discretion of the court, be fined not less than twenty-five dollars nor more than \$100;

but upon conviction of the same person for the second offense in this state, he shall be guilty of a felony and be confined in the penitentiary not less than one nor more than three years.

**Sec. 48.** It shall be unlawful for any person, firm or corporation to sell, give or furnish directly or indirectly, any dynamite or any other explosive or killing mixture or any poisonous drug, bait or food to any person, when such person, firm or corporation knows or has reason to believe that such dynamite or other explosive or killing mixture or poisonous drug, bait or food are intended to be used for the purpose of killing fish. Any person, firm or corporation violating this section shall be guilty of a misdemeanor and upon conviction thereof, shall for each offense, be fined not less than twenty-five nor more than one hundred dollars, and may at the discretion of the court be confined in the county jail not exceeding thirty days. (Acts 1909, c. 60.)

**Sec. 49. Hunting or camping on enclosed lands.**

It shall be unlawful for any person to shoot, hunt, fish or fowl upon the enclosed or improved lands of another person, or to camp, peel trees, cut trees or timber, build fires or do any other act or thing thereon in connection with or auxiliary to shooting, hunting, fishing or fowling on the lands of another person without permission in writing from the owner, lessee or other person entitled to the possession of such lands, or the tenant or agents of such owner, lessee or person entitled to the possession thereof, duly authorized to give such written permission, and every person hunting, fishing, shooting or fowling

upon such lands shall have such written permission, with him when so doing. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars and may in the discretion of the court or justice, be confined in the county jail not more than thirty days; and if any person be convicted a third time of such offense, he shall be confined in the county jail for a period of not less than three nor more than thirty days in addition to any fine imposed, and in all cases he shall be confined in the county jail until the fine and costs are paid; provided, that such time shall not exceed thirty days. It shall be lawful for the owner, lessee, or the person entitled to the possession of such lands or the agent thereof, to arrest any such person found violating this section and immediately take him before a justice of the peace for trial, and such owner, lessee, person or agent, is hereby vested with all the powers and rights of a deputy game warden for such purpose; and it is hereby made the duty of the warden and all deputies to see that this section is enforced, if requested so to do by such owner, lessee, person or agent, but not otherwise. (Code Va. 1860, p. 499; Acts 1882, c. 89; 1887, c. 47; 1901, c. 89; 1909, c. 60; 1911, c. 47.)

**Sec. 50. Shooting across public road or near school house or dwelling.**

It shall be unlawful for any person to shoot or discharge any firearms in or across any public road in this state at any time or within four hundred feet of any school house or shoot or discharge any firearms on the lands of another on any lawn or orchard or

on any pleasure ground or other ground, which is directly appurtenant to or within six hundred feet of an occupied dwelling house. Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars or at the discretion of the court or justice, be imprisoned not more than thirty days. (Acts 1875, c. 117, sec. 4; 1882, c. 89; 1901, c. 89; 1909, c. 60.)

**Sec. 50-a.** From and after the time this act shall take effect an award or bounty shall be paid out of the "forest, game and fish protective fund" created by this act, for the killing within this state only of the following animals and predatory birds, to wit: For each lynx, wild-cat, bob-cat, or catamount, the sum of five dollars; for each hawk, except the sparrow or mouse hawk, the sum of twenty-five cents; for each great-horned owl, the sum of twenty-five cents; and for each crow, the sum of ten cents. The payment of such award or bounty may be obtained by the person killing any such animal or bird in the following manner and not otherwise. He shall produce such killed animal, or bird within thirty days from the killing thereof, before the justice of the peace of the county in which such animal or bird is killed, and make an affidavit before such justice that he killed the same, stating distinctly the time and place of such killing, and that such place was within the state of West Virginia. Upon the production of such animal, or bird, and the making of such affidavit, the said justice shall in the presence of the party making such affidavit and at least one reputable witness residing in said county, cut off the head of such

animal or bird and destroy the same by burning; and he shall not charge any fee for any service required of him hereby. Upon the destruction of such head, such justice of the peace shall endorse upon said affidavit and sign a certificate of such fact, and deliver said affidavit to the affiant, who shall present or mail the same to the forest, fish and game warden, and he shall thereby upon delivery, mail to said affiant a check for the amount of the said bounty or reward, and charge the same against the funds out of which said bounty or award is hereby made payable; provided, however, that no more than ten per cent of the amount derived from the license taxes collected in any one year under the provisions of this act, shall be applicable to the payment of such bounty or award claimed during the succeeding calendar year, and in the event the amount of such bounties or rewards so claimed in any calendar year should equal in the aggregate the sum of ten per centum of such license taxes, the game warden shall immediately thereupon give notice of such fact in two papers representing two different political parties published at the seat of government, and thereafter no further bounties or rewards for any such birds killed during such calendar year shall be paid; and all claims for bounties or rewards made as aforesaid shall be paid in the order in which they are received by the forest, game and fish warden.

**Sec. 50-b. State game refuge.**

From and after the time that this act takes effect there shall be a perpetual closed season for game of all kinds, and wild birds found upon such tracts of land in this state as may be set apart by the forest,

---

game and fish warden as sanctuaries or refuges for game of all kinds, and wild birds, under the provisions of this act; provided, the said tracts of land, if wild or unimproved land, shall be surrounded by a well defined fire line or cleared strip of land, and by at least one wire extending around the boundary thereof, and whether it be such wild land, or improved or cultivated land, the same shall be surrounded with notice, reading: "State Game Refuge. Hunting is Unlawful," posted on said boundary at conspicuous places; and, provided, further, that the combined area of such tracts of land in any one county shall not exceed ten thousand acres; and for the purpose of creating such state game sanctuaries or refuges, the forest, game and fish warden is authorized to secure supervisory control of any tracts of land which he may deem suitable for such purpose, and to prohibit all hunting thereon, and provide for the placing of game and wild birds thereon for the purpose of breeding and propagating the same, and protecting them from injury or molestation from any person, or predatory animal or bird.

Any person who shall by any means hunt, kill, injure, disturb or molest any game or wild birds found upon such tract of land otherwise than by the direction of the forest, fish and game warden for the purpose of destroying such predatory animal or bird as is not protected by this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars, and at the discretion of the court or justice trying the case may be imprisoned in the county jail not exceeding thirty days. (Acts 1915, c. 14.)



---

**Sec. 51. State forester and fire warden; deputies; duties.**

The forest, game and fish warden shall be ex-officio fire warden of the state of West Virginia, and shall appoint some suitable person of sufficient education, training and practical experience in forestry, as state forester, who shall work under direction of the forest, game and fish warden, and assist him in formulating the best methods of re-foresting cutover and denuded lands, preventing the destruction of forests by fire, administering the forests on forestry principles, instructing and encouraging private owners in preserving and growing timber for commercial and manufacturing purposes, establishing, equipping and maintaining patrol routes and lookout stations, and securing the aid and co-operation of individuals, companies, organizations and the federal government. Before entering upon the discharge of his duties, the said state forester, shall execute a bond in the penalty of three thousand five hundred dollars, with security therein, to be approved by the forest, game and fish warden, and conditioned for the faithful performance of his duties, and to account for and pay over all moneys coming into his hands due and belonging to the state, and also conditioned according to the requirements of the present law, with reference to the carrying of revolvers, which said bond, after having been approved by the warden, shall be deposited with the auditor. All deputy forest, game and fish wardens shall also be deputy fire wardens for their respective counties in which they may reside, and shall have jurisdiction in the adjoining counties thereto in case of emergency or where their

---

services may be required. The forest, game and fish warden may also appoint such special deputies and inspectors as are necessary to meet the conditions and requirements of the federal government in securing federal co-operation under the provisions of the Weeks' law, and may appoint special deputy fire wardens for each county, whose duty it shall be to assist in preventing and controlling forest fires, who shall be vested with the same authority with regard to such fires and be paid in the same manner as is provided for the deputy forest, game and fish wardens. In case of fire in or threatening to forest or woodlands, the deputy fire wardens, shall upon receiving notice thereof, forthwith attend and use all necessary means to confine and extinguish the same. He may destroy fences, plough land or, in an emergency, set back fires to check fire. He may hire volunteers or summon any resident of his county to assist in putting out fires. Any person summoned, who is physically able, and refuses to assist, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than ten, nor more than fifty dollars, and in the discretion of the court or justice trying the case, be confined in the county jail for a period of not more than sixty days; and upon the default of the payment of fine and costs, he shall be confined in the county jail for not less than twenty, nor more than thirty days, unless said fine and costs are sooner paid. An action of trespass shall not lie against persons crossing or working upon lands of another to extinguish fire. (Acts 1909, c. 60; 1915, c. 15.)

**Sec. 52.** Deputy wardens shall receive the sum of two dollars per day for the time actually employed at forest fires, and all persons employed or summoned by them, not to exceed the sum of one dollar and fifty cents per day for their services. All services so rendered shall be a charge against the county, and each deputy warden shall within twenty days after such fire render to the forest, game and fish warden a sworn report in duplicate, giving the location and area burned over, the quantity of timber, wood, logs, bark or other forest product, and of fences, bridges and buildings destroyed, with an estimate of the value thereof, the time used by him, the names and post office address of all persons hired or summoned by him, who assisted him thereat, together with the time each worked. Any deputy warden who shall make any false statement in his said report, hereinbefore required to be made to the forest, game and fish warden, as to the time used by him, the names of the persons so hired or summoned by him and who assisted him in fighting such fire, or as to the time of any such person working thereat, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars, and for such cause shall be removed from office by the said forest, game and fish warden. It shall be the duty of the forest, game and fish warden to carefully audit such report, and after having satisfied himself of the correctness of same, he shall approve said report and certify same to the county court of the county wherein the fire occurred for payment, which amounts shall be paid to the parties entitled thereto,

out of the county funds, at the first session of said court thereafter. (Acts 1909, c. 60; 1915, c. 15.)

**Sec. 53. Unlawful fires.**

Whoever by himself, or by his servants, agent or guide or as the servant, agent or guide of any other person, shall build any fire, or use an abandoned fire in a field, public or private road, or adjacent to, or in any woods or forest in this state, shall, before leaving such fire, totally extinguish the same, and upon failure to do so, if failure to do so shall cause damage to any property within, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars and the costs of the prosecution, and upon default in paying said fine and costs shall be confined in the county jail not more than ninety days unless said fine and costs be sooner paid. If any person, or persons, negligently set on fire, any woods, fields or lands within this state, so as thereby to occasion loss, damage or injury to any other person, he shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars, and in the discretion of the justice or court trying the case, be imprisoned in the county jail not to exceed one year. If any person unlawfully and maliciously set fire to any woods, fence, grass, straw or other inflammable material which may spread fire on lands, he shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary not less than one year nor more than two years, and shall moreover be liable to any person injured thereby, or in consequence

thereof, for double the amount of damages sustained by such person. It shall be unlawful for any person or corporation as land owner to set, or procure another to set fire to any woods, brush, logs, leaves, grass or clearing upon their own land, unless they shall have previously given notice of their intention of firing such lands, to adjoining land owners and taken all possible care and precaution against the spread of such fire to other lands not their own, by previously having cut and piled the same, or carefully cleared around the land which is to be burned, so as to prevent the spread of such fire. The setting of fire contrary to the provisions of this section, or allowing it to escape to the injury of adjoining lands, shall be prima facie proof of willfulness or neglect, and the land owner from whose land the fire originated shall be liable in a civil action for damages for the injury resulting from such fire and also for the cost of fighting and extinguishing the same. (Acts 1909, c. 60; 1915, c. 15.)

**Sec. 54. Fires on railroad right of way.**

Every railroad company shall, on such part of its road as passes through forest land or lands, subject to fires from any cause, cut and remove from its right of way along such lands, at least twice a year, all grass, brush and other inflammable materials, and employ in seasons of drought and before vegetation has revived in the spring, sufficient trackmen to promptly put out fires on its right of way; and every person, firm or corporation operating any locomotive steam engine in this state shall provide the same with netting of steel or iron wire so constructed, and

at all such times maintained as to prevent the escape of fire and sparks from the smoke stacks thereof, and with adequate devices to prevent the escape of fire from ash pans and furnaces which shall be used on such locomotives.

No railroad company or employee thereof shall deposit fire coals or ashes on its track or right of way near such lands. In case of fire on its own or neighboring lands, the railroad company shall use all practicable means to put it out. Engineers, conductors or trainmen discovering or knowing of fires in fences, or other material along or near the right of way of the railroad in such lands shall report the same at the first station to the station agent, and such station agent shall forthwith notify the nearest fire warden and use all necessary means to extinguish the same. And any railroad company or officer, or employee thereof, and any person, firm or corporation operating any such locomotive steam engine who shall violate any provisions of this section, shall each be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not less than twenty nor more than two hundred dollars. (Acts 1909, c. 60; 1915, c. 15.)

**Sec. 55. Recovery by warden of expense of extinguishing fires; as bar to action for damages.**

The forest, game and fish warden in the name of the county in which any forest fire has occurred, and which has been extinguished or suppressed by his efforts, shall recover from the person or persons, firm or corporation, giving origin to such fire, the amount so expended in extinguishing said fire and the

cost thereof, and the same shall not bar the rights of damage between the parties thereto. (Acts 1909, c. 60; 1915, c. 15.)

#### **Sec. 56. State forest reserves.**

The forest, game and fish warden, by and with the consent of the governor, shall have the power to purchase lands in the name of the state, suitable for forest culture and reserves, at a price which shall not exceed five dollars per acre, using for such purchase any surplus money not otherwise appropriated which may be standing to the credit of the forest, game and fish protective fund; and to make all rules and regulations governing state reserves; and is hereby authorized by and with the consent of the governor, to accept gifts of land to the state, the same to be held, protected and administered by the forest, game and fish warden as state forest reserves, and to be used so as to demonstrate the practical utility of timber culture and as a breeding place for game. Such gifts must be absolute, except for the reservation of all mineral and mining rights over and under said lands, and a stipulation that they shall be administered as state forest reserves, and the attorney general of the state is directed to see that all deeds to the state of lands mentioned above are properly executed before the gift is accepted. All acts and part of acts in conflict with this act are hereby repealed. (Acts 1915, c. 15.)

#### **SYNOPSIS OF GAME AND FISH LAWS**

You cannot hunt, fish or fowl upon the enclosed or improved lands of another, without permission in writing from the owner or his agent.

The carrying of any uncased gun in the woods or fields of this state by any person not having the lawful right to hunt shall be prima facie evidence of a violation of the law.

It is a violation to alter or change in any manner or to borrow, loan, sell or transfer any hunting or fishing license.

It is unlawful to have in your possession, with the intention of transporting same or having same transported beyond the limits of the state, any game animals (except rabbits), game fish or game birds.

It is a felony to chase, pursue, kill or injure any elk, or to chase any deer with dogs.

It is unlawful to hunt, or fish on Sunday.

There is no open season on the following game birds: Hungarian partridge, Reeve's pheasant, English pheasant, Lady Amherst pheasant, Chinese pheasant, caporcailzie or any foreign game bird.

The English sparrow, owls, hawks, eagles, crows, and the black bird, commonly known as the "crow black bird," and king fishers may be killed at any time.

It is unlawful to catch or kill any wild non-game bird protected by the laws of this state or to take or destroy the nest or eggs of any wild bird, or have same in your possession, except as provided by law.

A fine of \$1,000 and a jail sentence may be imposed upon you if you negligently or carelessly wound or kill any human being or live stock while hunting.

You cannot sell or buy any game animals, game birds or game fish.



You cannot shoot or discharge any firearms in or across any public road or within four hundred feet of any school house or on the lands of another, or any lawn or orchard or on any pleasure ground or other ground which is directly appurtenant to or within six hundred feet of an occupied dwelling house.

It is unlawful to have in possession, set or maintain anywhere in this state, or on any water subject to the jurisdiction thereof, any seine, trap or device whereby fish may be taken or caught, or to catch any game fish except by hook and line, or with trot line the hooks on which are at least two feet apart.

It is unlawful at any time to set any snare on the enclosed or improved lands of another, without the express permission of the owner or tenant of such land. It is unlawful at any time to set or maintain any steel or spring bear trap upon any lands not his own.

You cannot at any time catch by seine, net, bait, trap or snare, of any kind or device, any wild turkey, ruffed grouse, pheasant or quail.

The red fox, raccoon, mink and skunk may be killed by the property owner, his bona fide tenant or agent, on his own premises at any time in any way.

You cannot kill more than 12 quail, 5 ruffed grouse, 2 wild turkeys, or 10 squirrels in a day, or more than 60 quail, 20 ruffed grouse, 5 wild turkeys, or 70 squirrels in any open season.

It shall be unlawful for any person to catch, kill or injure or pursue with intent to catch, kill or injure any rabbit between the first day of January and the

first day of October following, except any person or any of his children or agents can catch, kill or pursue at any time any rabbit upon his own land, or upon any land upon which he may be an actual bona fide tenant or resident, and also the bona fide agent of the owner of such land, may hunt and kill any rabbit thereon by the direction of such owner, otherwise than by the use of a ferret; but for the protection of orchards, gardens and young fruit trees or vines, rabbits may be lawfully hunted with ferrets by the owners thereof or their agents.

You cannot hunt the various birds and animals or catch any fish except during the respective open seasons, which are as follows:

Animals:

No person shall hunt, chase, wound or kill any elk in this state at any time for a period of eight years from and after the passage of this act, provided, that the owner of any elk which shall be kept in any park or field sufficiently enclosed shall have a right to kill any elk of his own, or to pursue or capture or kill any of his elks that may have escaped from his enclosure.

No person shall hunt, chase, wound or kill any deer in this state, at any time for the period of three years after the passage of this act, except the owner of any deer shall have the right to kill same, or pursue and capture or kill any deer that may have escaped from his enclosure.

No person shall chase or hunt deer with dogs in this state at any time.

No person shall hunt, chase, kill or wound any deer after the year one thousand nine hundred and

twenty-one from the first day of December until the 15th day of October following, except tame deer killed by the person owning them; nor shall any person kill more than one deer in any one season. No person shall, at any time kill any fawn, doe or other deer than bucks with horns or antlers over seven inches in length, or have in his possession the fresh skin of any doe or fawn.

It shall be unlawful for any person to catch, kill or injure by means of a gun, snare, trap or poison any red fox or skunk between the first day of February and the first day of December following; except in the following counties: Pocahontas, Randolph, Fayette, Pendleton, Monroe, Jefferson, Hardy, Wayne, Wood, Marshall, Mason, Gilmer, Hancock, Lincoln, Hampshire, Braxton, Raleigh, Webster, Putnam, Preston, Lewis, Jackson, Mercer, Greenbrier, Berkeley, Tyler, Boone, Kanawha, Logan, Barbour, McDowell, Tucker and Calhoun; provided, however, that it shall be lawful for any person at any time or by any means to catch, kill or pursue any red fox or skunk upon his own land or lands upon which he may be an actual bona fide tenant or resident, and also for the agent of the owner or tenant of such lands, to hunt and kill any red fox and skunk thereon by the direction of such owner or tenant.

#### Birds:

Quail (Virginia partridge), November 1st to December 1st; pheasant (ruffed grouse), wild turkey, October 15th to December 1st; wild duck, goose or brant, October 1st to January 1st; woodcock, Octo-

ber 1st to November 30th; plover, Ortolan or sand-pipe, September 1st to December 15th; snipe, October 15th to December 15th.

Fish:

Jack salmon, jack fish or white salmon (minimum length 7 inches), first day of June to first day of April of the following year; trout or land-lock salmon (minimum length 6 inches), May 1st to September 1st; pike or pickerel (minimum length 10 inches), black bass (minimum length 8 inches), green bass, willow bass, rock bass, first day of June to first day of April the following year.

34,77-170  
Lot-X

100-X  
345A-110

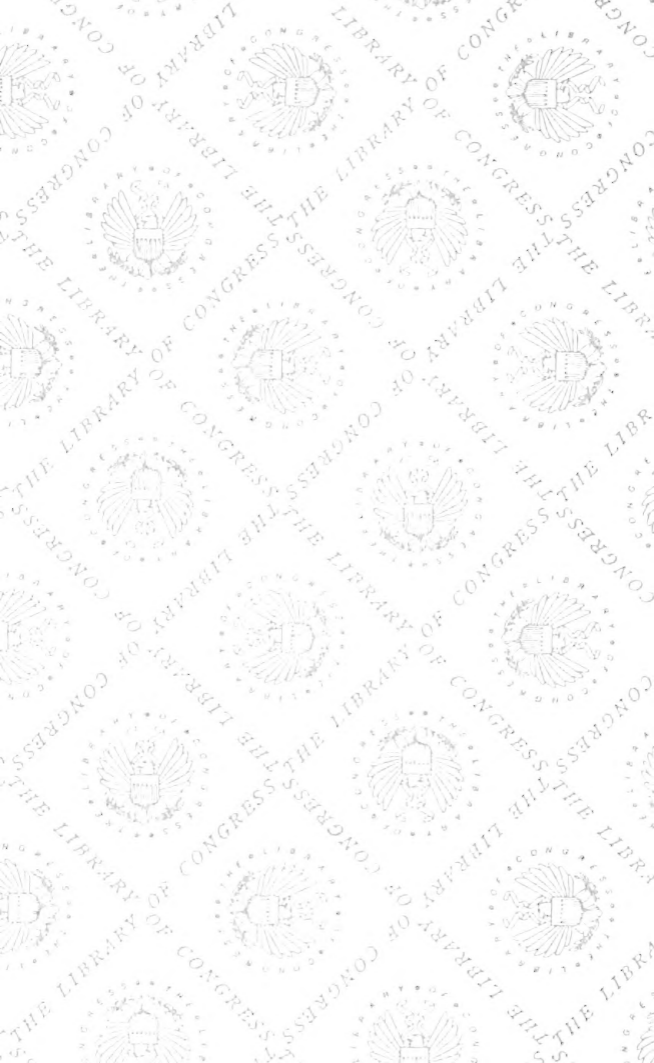


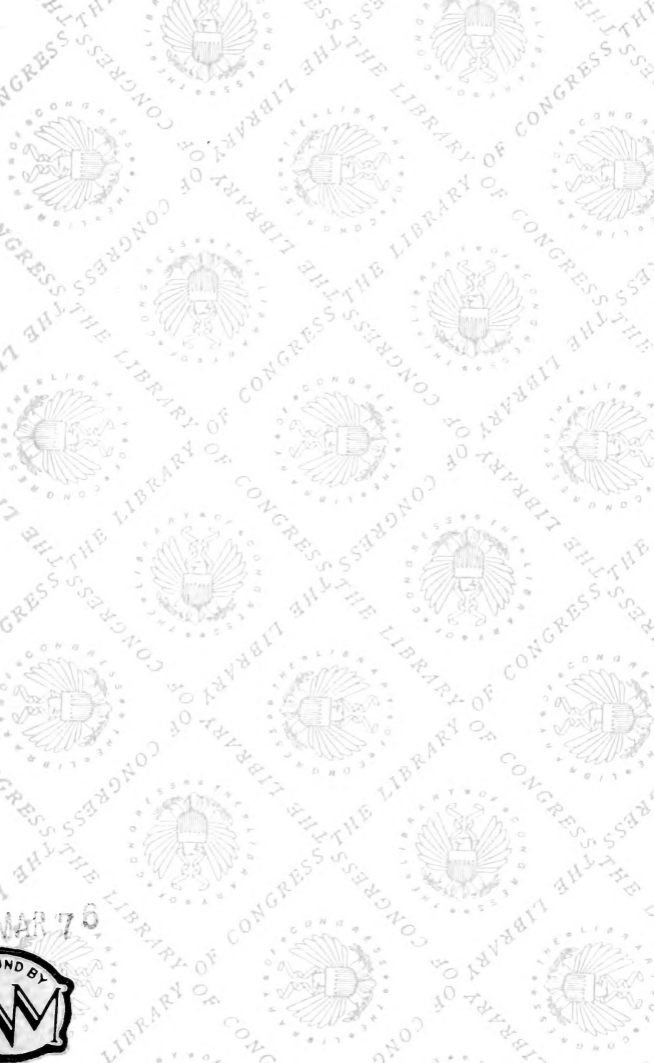


1857, Boston closed until 1860









MAR 70



LIBRARY OF CONGRESS



0 002 876 259 8