

1874 Utah Fishing Law

CHAPTER XX.

An Act for the protection of Fowl and Fish, and for other purposes.

(Approved February 20th, 1874.)

Imported fowl and fish not to be killed for five years.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That it shall not be lawful to kill or destroy quails, nor any kind of wild fowls or their progeny that have been or may be imported into the Territory, for the term of five years from the passage of this act.

Penalty for killing certain birds or robbing their nests. One half of fine to informant and one half to school fund.

SEC. 2. Removed not applicable.

Dams across public streams prohibited.

SEC. 3. No person or company shall place dams in any public streams in any manner that will obstruct the free migration of fish to or from their spawning grounds, unless the parties constructing said dams shall provide a good and sufficient fishway as hereinafter described.

Fishways to be placed in dams already constructed

SEC. 4. Owners of dams that are already constructed, having no fishways over them, are hereby required to construct such fishways as are hereinafter described, within eight months from the passage of this act: Provided, no such fishways are required upon such streams as are not generally occupied by lake or brook trout for spawning purposes.

Directions how to construct fishways. Fifty dollars fine for non compliance with this section.

SEC. 5. A lawful fishway may be made of plank in the form of a box and open at both ends, four feet wide and three feet high, one end of the box to be fastened at the top of the dam, the other end extending to and fastened in the pool below the dam, at an angle of not more than thirty-five degrees. Inside of the box and fastened on its bottom pieces of plank four feet apart placed transversely, to cause riffles about one foot high. Those pieces of plank do not extend from side to side of the box, but only two thirds across. To illustrate: If the first piece is fastened on the right side of said box at right angles to its side, it will extend thirty inches across the box, the next piece of plank four feet above will be fastened on the left side of the box and extend thirty inches across it, and so on alternately, until the top is reached. This to be a pattern for the largest streams, and smaller in proportion to the size of the stream; other patterns may be used, if in the judgment of the selectmen considered equivalent to this. Any person or company failing to provide a fishway as herein contemplated, shall forfeit and pay a fine of not less than fifty dollars (\$50), nor more than five hundred dollars (\$500) and costs. It shall be considered a violation of this act, hereafter to construct any dam without fishways, as herein contemplated and subject to the penalties aforesaid, to be recovered by any court having competent jurisdiction. Said

fishways to be constructed and maintained to the acceptance of the selectmen of the respective counties.

Seines, Traps, and dip nets prohibited at certain seasons. Seines how to be made. Penalty.

SEC. 6. All persons are prohibited from taking lake or brook trout by seines, traps, dip-nets, or other devices, from the first day of April until the first day of September in each year, except with hook and line. The meshes in all seines used in the public waters shall be not less than one and a half inches square for seventy yards of the centre, balance not less than two inches square; any person violating this section, or accessory thereto, may be fined by any court having competent jurisdiction, not less than fifty dollars, nor more than five hundred dollars.

Lime, powder and drugs forbidden. Turning water from Channel.

SEC. 7. Any person placing in any stream, lake or pond, any lime or other deleterious substance with intent to injure fish, or any drug, medical bait, or giant or electric powder, with intent to poison or catch fish, or to cause a useless destruction of fish by leaving them out of the water, or by turning the water out of its channel, except for irrigation or mechanical purposes, shall be deemed guilty of a misdemeanor, and any person violating this section may be fined by any court having competent jurisdiction, not less than twenty dollars, nor more than two hundred dollars for each offense.

Shad and certain other fish not to be taken for five years.

SEC. 8. Shad, salmon, blackbass, silvereels or any other fish that have been or may be imported or their progeny, shall not be taken from any public waters in this Territory for the space of five years from the passage of this act, under a penalty of one dollar for each fish taken.

Individual and corporate fisheries how established and controlled. Private fisheries exempt from taxation.

SEC. 9. Any individual or corporate company has a right to establish fisheries and places for the propagation of fish upon their own lands, and for this purpose may control ponds or small streams: Provided, That the waters so used are not directed from their channels to the injury of irrigation or mechanical purposes, and all such persons have a right to procure fish in any way they please from any public waters at any time of the year, exclusively for artificial cultivation or propagation. And all such fish ponds are declared private property, and all property invested in fish culture, or in the introduction and propagation thereof, shall be exempt from taxation for the period of five years from the passage of this act.

Trespass and fine for injuring dams, gates, or other property.

SEC. 10. Any person who shall injure any dam, hoist any gate belonging to any private fish pond or stream, or any way interfere with the same, or take gates, or other any fish therefrom without the consent of the owner, property. shall be deemed guilty of a trespass, and shall be liable for all damage done, and be fined in any sum not to exceed one hundred dollars for each offense.

Oysters to be protected for owners.

SEC. 11. Any person who shall import oysters and plant the same in any waters in this Territory, for the purpose of propagation, shall be protected therein, and it shall not be lawful for any person to take any owners. oysters from any bed planted in this Territory without the consent of

the owner, or in any way injure or interfere with any such oyster bed. Any person so offending, shall be liable for all damage, and may be fined by any court having jurisdiction in any sum not less than fifty dollars nor more than one hundred dollars.

Fines go to school fund and informers

SEC. 12. All fines which may be collected according to the provisions of this act, shall be paid one-half to the complainant, and the other half shall be paid into the County Treasury for the benefit of common schools.

Rich County exempted from operations of this act

SEC. 13. The provisions of this act so far as relate to sections three, four, five and six, are hereby suspended so far as they apply to Rich County, until concurrent legislation can be had with Wyoming and Idaho Territories.

Fish Commissioners to report to Legislative Assembly.

SEC. 14. The Selectmen of each county are hereby constituted Fish Commissioners for their respective counties, whose duty it shall be to see that the provisions of this act are carried out, and shall make reports to the Legislature during the first week of its regular sessions, of their doings with such suggestions or recommendations as to them may seem proper.

ACT repealed.

SEC. 15. An Act entitled "An Act for the protection of fowl and fish, and defining the duties of the County Courts in relation thereto," approved February sixteenth, eighteen hundred and seventy-two, is hereby repealed.

Secretary of the Territory to forward copies of this act to the governors of Wyoming and Idaho.

SEC. 16. The Honorable Secretary of the Territory is hereby authorized and requested to forward that portion of this act necessary to secure concurrent legislation to the Governors of Wyoming and Idaho.

Indians excepted in certain cases

SEC. 17. The provisions of this act shall not be construed to apply to Indians, nor to their mode of taking fish in any of the public waters in this Territory.

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