

1890 Utah Fishing Law

CHAVIER XXIX.

FISH AND GAME COMMISSIONERS.

AN ACT to provide for the protection of Fish and for the appointment of Territorial and County Commissioners.

Appointment. Term of office.

SECTION 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the governor of the Territory shall nominate and by and with the advice and consent of the Legislative Council appoint a territorial fish and game commissioner who shall be a resident citizen of this Territory, whose term of office shall be four years and until his successor is appointed and qualified: Provided, that when a vacancy occurs in the office of said commissioner and the Legislative Council is not in session the governor shall have power to fill such vacancy.

Salary. Bond.

Sec. 2. The said territorial commissioner shall receive an annual salary of five hundred dollars He shall before entering upon the duties of his office, take and subscribe to an oath of office and give a bond in the penal sum of five thousand dollars for the faithful performance of his duties. Such bond shall be approved by and filed with the secretary of the Territory.

Duties of Territorial Commissioner. Statement.

Sec. 3. The territorial commissioner shall have control and supervision of the public waters for the collection, propagation, culture and distribution of fish in Utah Territory and shall distribute all fish, fish fry and spawn coming into his hands, fairly and equitably among the several counties or otherwise as the said commissioner and the county commissioners may determine. He shall have full control of all property of the Territory obtained or held for the purpose contemplated by this act. He shall receive all fish, fish fry and spawn donated to this Territory from any source, whatever and also all fish, fish fry and spawn that may be purchased by this Territory. He may establish hatching boxes for the preservation and hatching of spawn and in the most economical and practical manner procure and distribute fish and fish fry to the public waters of this Territory. He shall make a detailed statement or report of his official transactions, including expenditures and the purpose for which the same were made, Statement also the number and kinds of fish distributed and the locality and names of the streams, ponds or lakes where the same have been placed and submit such report to the Legislature during the first week of its regular session.

Appointment of County Commissioners. Bond. Compensation. Duties. Reports. Fines.

Sec. 4. The county court of each county of this Territory shall appoint a fish and game commissioner, whose term of office shall be four years, and until his successor shall be appointed and qualified. Said county commissioner shall before entering upon the duties of his office, take and subscribe to an oath of office, and give a bond in the penal sum of one thousand dollars for the faithful performance of his duties, said bond shall be approved by the probate judge and filed in the office of the clerk of the county court. The county commissioner shall

receive such compensation as shall be determined by the county court, to be paid out of the county treasury, and shall perform his duties under Duties. the direction of the county court. It shall be the duty of the county commissioner to see that all laws of this Territory for the protection of fish and game are faithfully enforced and shall report his doings to the county court semi-annually. All fines and forfeitures for violations of the provisions of this act shall be paid into the county treasury of the county wherein the offence shall have been committed.

Fish may be taken for propagation. Reports.

Sec. 5. The said commissioners by authority of the territorial commissioner may take or cause to be taken from the public waters within their respective counties at any time or in any manner any kind of fish for the purpose of propagation or inspection. Each of said county commissioners shall make a detailed report of his official doings to the territorial commissioner during the first week of December of each year.

Fishways may be ordered,

Section 6. The owner or owners of any dam erected across any of the streams in this Territory, shall if required by the said county commissioners build, erect and maintain at all times at his or their expense suitable fishways to allow the free and uninterrupted passage of fish up and down such stream.

Imported fish protected for four years.

Sec. 7. It shall be unlawful for any person or persons to catch, kill or take any imported fish from the public waters in any county of this Territory for the period of four years from the passage of this act, unless duly authorized by the joint concurrence of the territorial commissioner and the commissioner of said county.

Trout, when and how they may be caught. Proviso.

Sec. 8 It shall be unlawful for any person to take any trout from the public waters of this Territory by any means or device whatsoever except by means of hook and line commonly known as angling and that only between the fifteenth day of June of each year and the fifteenth day of February following, Provided, that where the waters of any river or mountain stream are diverted from the natural channel of such river or stream into a canal or irrigation ditch for the purpose of irrigating lands, the taking of fish from such canal or ditch shall not be unlawful.

Trout less than six inches long must not be taken.

Sec. 9. It shall be unlawful for any person to sell, take, kill destroy or have in his possession any trout less that six inches long, or any trout whatever that is taken unlawfully.

Unlawful killing of fish. Seines may be used in certain places.

Sec. 10. It shall be unlawful for any person to kill or take any fish from the public waters of this territory by the use of any poison, deleterious drug, or by the use of giant powder, quick lime, or any other explosive substance, or by the erection of any weir, dam or other artificial obstruction or by the use of any net, sieve or device whatsoever which can or may be used for the unlawful taking of fish Provided, that seines not more that two hundred yards long and twelve feet wide with meshes not less that one and one-half inches square for fifty yards in the centre and meshes not less than two inches square in the wings thereof may be used in Green River at all seasons of

the year and in Bear and Utah Lakes between the first day of October of each year and the first day of March following.

Seines, etc., for unlawfully taking fish shall be destroyed.

Sec. 11. All seines, nets, boats or tackle of any kind found in possession of any person who may be found unlawfully taking fish from any of the public waters of this Territory, shall be seized by the officer making the arrest and, if it appears from the evidence before the magistrate trying the cause that the seines, nets, boats or tackle were used or wore about to be, or intended to be used for the unlawful taking of fish, the same are hereby confiscate and shall be by the order of the magistrate taken and destroyed.

Fish must not be exported from the Territory.

Sec. 12. It shall be unlawful for any person to export dead or living fish caught in any of the public waters of this Territory to any point outside of this Territory for either consumption or sale.

Appropriation for commissioner's salary.

Sec. 13. The sum of one thousand dollars is hereby appropriated out of any money in the territorial treasury not otherwise appropriated to pay the salary of the said territorial commissioner for the years 1890 and 1891.

Appropriation for fish hatcheries, etc.

Sec. 14. The sum of five thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the territorial treasury not otherwise appropriated to be expended by the territorial fish and game commissioner fish for the purchase of a suitable site for establishing and maintaining a territorial fish hatchery, hatching boxes, nursery and breeding ponds and to pay the contingent expenses of the office of the territorial fish and game commissioner for the years 1890 and 1891.

Penalties

Sec. 15. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Disposal of fines collected.

Sec. 15. One half of all fines collected under the provisions of this act shall be paid into the county treasury of the county in which trial may be had and the other half paid to the officer making the arrest.

Sec. 17. All laws in conflict with this act are hereby repealed.

Sec. 18. This act shall take effect upon its approval.

Approved March 11, 1890.

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