

Utah Fishing Law 1894

Chapter LXXVIII.  
FISH AND GAME.

*AN ACT to Provide for the protection of Fish and Game and for the appointment of Territorial and County Commissioners.*

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

**Territorial fish and game commissioner.**

SEC 1. That the Governor of the Territory, by and with the advice and consent of the Legislative Council, shall appoint a Territorial fish and game commissioner, who shall be a resident citizen of this Territory, whose term of office shall be two 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 and bond of Territorial Commissioner.**

SEC 2. The Territorial commissioner. shall receive an annual salary of two hundred and fifty 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 one thousand dollars for the faithful performance of his duties. Such bond shall be approved by and filed with the Secretary of the Territory.

**Powers of Territorial Commissioner.**

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 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 fish, fish-fry and spawn that may be purchased by this Territory. He shall make a detailed statement of his official transactions, including the number and kinds of fish distributed, and the locality and name of the streams, ponds or lake where the same have been placed, and submit such report to the Legislature during the first week of its regular session.

**County fish and game Commissioner.**

SEC. 4. The county court of each county of this Territory. may appoint a fish and game commissioner, whose term of office shall be two 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 the direction of the Territorial fish and game commissioner; it shall be the duty of the county commissioners and Territorial commissioner and each of them, to see that all laws of this Territory for the protection of fish and game are faithfully enforced, and it shall be the duty of the county commissioner to report his doings to the county court annually.

**Commissioner may take fish.**

SEC. 5 The said commissioners, by authority of 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 in each year.

**Appropriation of salary.**

SEC. 6. The sum of five hundred 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 1894 and 1895.

**Maintenance of fishways.**

SEC. 7. The owner or owners of any dam erected across any of the streams in this Territory shall, if required by the said county commissioner, 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, provided that the requirements of this section shall not apply to cases where all the waters are required and used for irrigation purposes.

**Taking Fish**

SEC 8. It shall be unlawful for any person to take any fish, except carp, chubs and suckers, from any 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, except as hereinafter provided.

**Taking fish.**

SEC. 9. It shall be unlawful for any person to sell, take, kill, destroy or have in his possession at any time in any year any fish less than (6) six inches long or any fish whatever that is taken unlawfully, or to sell, take, kill, destroy or have in his possession any trout whatever, at any time between February fifteenth and June fifteenth following, in any year.

**Unlawful devices for taking fish.**

SEC. 10. It shall be unlawful for any person to kill or to take any fish from the waters of this Territory by the use of any poison or deleterious drug, or by erection of any weir, dam, or other artificial obstruction, or by the use of any net, seine, set lines, sieve, spear or gun or any other device whatsoever, which can or may be used for the unlawful taking of fish; Provided, that seines not more than two hundred yards long and twelve feet wide, with meshes not less than one

and one-half inches square for fifty yards in the center, and the 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 Lake and Utah Lake between the fifteenth day of June of each year and the fifteenth day of February following; and, Provided further, that before any person shall use seines in Utah Lake, such person shall each year make application to the county court of Utah County for a license for that purpose, and shall pay five dollars therefor, and shall give bonds with two sureties, to be approved by the county court, in the sum of five hundred dollars, conditioned on the faithful observance of the law for the protection of fish and game, and he shall notify the county fish and game commissioner whenever he intends to make a haul so that the said commissioner can be present, either in person or by deputy, when the haul is made; any licensee who shall make a haul without the presence of the commissioner or his deputy shall, upon conviction thereof, be fined in any sum less than three hundred dollars for each offense; it is hereby made the duty of the county commissioner to respond to the notice of such licensee and attend in person or by deputy at the time of hauling to which he is notified, and see that the provisions of the law for the protection of fish and game are observed; said licensee shall pay said commissioner compensation not to exceed two and half dollars a day for such services.

#### **Confiscation of fishing tackle, etc.**

SEC. 11. All seines, nets, tackle, powder, explosives, lime, poison, drugs and other means and devices for taking or killing fish of any kind, found in the possession of any person who may be found unlawfully taking fish from any of the 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, powder, explosives, lime, poison, drugs and other means and devices for taking or killing fish were used, or were about to be used or intended to be used for the unlawful taking of fish, the same are hereby confiscated and shall be, by the order of the magistrate, taken and destroyed subject to the right of appeal as in other cases.

#### **Explosives forbidden in taking fish**

SEC. 12. It shall be unlawful for any person to kill or take any fish from any of the waters of the Territory by the use of giant powder, quick lime, or any explosive substance, or to place or use in or on the surface of such waters any giant powder, quick lime or explosive substance, or to have knowingly in his possession any fish killed or taken by the use of giant powder, quick lime or any explosive substance. Any person found guilty of violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 13. through 19. Removed not dealing with birds and game and not applicable.

#### **Disposal of fines.**

SEC. 20. 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 complaining witness or witnesses.

SEC. 21. Removed. Dealing with birds and not applicable.

SEC. 22. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 23. All acts and parts of acts heretofore passed relating to fish and game and birds are hereby repealed.

SEC. 25. This act shall take effect from and after its approval.

Approved March 8th, 1894.

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