

1903 Utah Fishing Law

CHAPTER 116

FISH AND GAME.

*AN ACT to amend sections 8, 16, 21, 23, 27 and 29 of chapter 26 of the Session Laws of Utah, 1899, relating to fish and game, and sections 10, 12, 14, 19 and 24 of the said chapter 26, as the same were amended by chapter 133 Of the Laws of Utah of 1901 relating to fish and game and providing for a non-resident's gun license.*

Be it enacted by the Legislature of the State of Utah:

SECTION 1. That sections 8, 16, 21, 23, 27 and 29 of chapter 26 of the Laws of Utah of 1899, and sections 10, 12, 14, 19 and 24 of the said chapter 26 as the same were amended by chapter 133 of the Laws of Utah of 1901, be, and the same are hereby amended to read as follows.

**8. Fishways, unlawful dam, sawdust in stream.**

The owners of any dam not exceeding twenty-five feet in height, across any of the streams of this State shall, if required by the county fish and game warden under his direction, erect and maintain at all times and at the expense of said owner or owners, suitable fishways to allow the free and uninterrupted passage of fish up and down the streams; provided, that this provision shall not apply to reservoir dams when the waters are held back for irrigation purposes. It shall be unlawful and a misdemeanor for any person or persons, corporations or companies to build or maintain any dam that will be the means of killing or destroying the fish passing up or down said stream. And it shall be unlawful and a misdemeanor for any person or persons, corporation or company owning or operating any sawmill in this State, to cause or permit any sawdust or other refuse matter from said sawmills to be washed, dumped or placed in any of the streams or waters of this State, or to place such sawdust or refuse matter in such close proximity to any stream that the same might be washed into said stream by rains; provided, that nothing in this act shall be so construed as to interfere with acquired rights to use water in this State.

**10. Taking fish, how and when unlawful.**

It shall be unlawful and a misdemeanor for any person to fish for or take any fish from any of the waters of this State, except the Grand and Colorado rivers by any means or device whatever, except by means of hook and line, commonly known as angling, and in that way, only between the 14th day of June of each year and the 15th day of December following; provided, that only in Utah Lake and Provo river below the Oregon Short Line railway bridge at Provo city, and in Bear river below the county bridge at Bear River city, carp, suckers, chubs, bullhead catfish, mullet and mountain herring, may be caught with hook and line commonly known as angling, at any time; and provided further, that it shall be unlawful and a misdemeanor to take any fish whatever from the waters of Fish lake or its tributaries, or from Seven Mile creek below Fish lake at any time in the year except only between the 20th day of July and the 15th day of December following; and provided further, that it shall be unlawful and a misdemeanor for any

person to take or have in possession at any time of any year any trout, black bass, mountain herring less than seven inches long; and provided further, that the word "angling," as used in this act, is defined to be fishing with a fishing rod or pole held in the hand or hands, the rod or pole to have only one line attached thereto and the line to have attached thereto artificial fly hooks not exceeding two in number or, one baited fish hook with no more than one gang if no more than three hooks, or one trolling spoon with no more than one gang of no more than three hooks.

## **12. Other fish, when held unlawful.**

It shall be unlawful and a misdemeanor for any person to sell or offer or expose for sale at any time any eastern brook trout, rainbow trout, grayling trout, native black spotted or mountain trout, or any other species of trout or landlocked salmon, taken from any of the streams or waters of this or any other State, and in prosecutions hereunder it shall be sufficient to alleged generally that such fish were unlawfully held and proof of the sale or of the offering or exposing for sale of any of such varieties or species of fish, shall be prima facie evidence that they were unlawfully held. It shall be a misdemeanor for any person to take, catch or have in possession more than twenty pounds of any one or more of said varieties or species of fish on any one day, for domestic use or any other purpose; and in prosecutions hereunder it shall be sufficient to allege generally, that such fish were unlawfully held and proof of the taking or catching or having in possession on any one day of more than twenty pounds of any one or more of such varieties or species of fish, shall be prima facie evidence that such fish were unlawfully held; provided, that between the 14th day of June and the 15th day of December following of each year it shall be lawful to take, only with hook and line commonly known as angling, and between the same dates, to sell, any number of pounds per day, of black bass from Utah, Bear and Sevier lakes only. It is further provided that any kind of trout propagated and raised in private ponds situate in this State, may be sold or exposed for sale at any time, but in prosecutions for the violation of any of the matters or things hereinbefore prohibited or declared unlawful in this section, it shall not be necessary for the State to negative either in the complaint or on the trial this proviso. It is further provided, that the owner or owners of said private fish ponds, as well as all vendors of such fish shall, before selling any fish from said ponds, procure from the county clerk a separate license to sell said fish from said private ponds, which license shall be non-assignable and the pond owner or owners shall make out and sign a certificate of sale or transfer in duplicate for each consignment of such fish sold from such private ponds, and shall deliver said certificates in duplicate at the time of sale, as follows, to-wit:---One duplicate thereof to the buyer, who must produce it in evidence upon any request; and the other duplicate to the county fish and game warden for his use as a means of identification. Each certificate and the duplicate must contain the name of the vendee or transferee; the character and weight of the fish sold, and the date of transfer. All owners of private ponds, selling trout therefrom, shall further, place upon some part of each trout so sold or offered for sale a private mark, the mark and place where same shall be so affixed upon each trout to be designated by the county fish and game warden; and if any wholesale or retail vendor, hotel boarding house or restaurant keeper shall at any time have in his possession or sell or offer for sale or furnish to any customer, any trout without said mark so affixed or without the exhibition of the aforesaid certificate of sale, or if any person shall at any time have in his possession any trout claimed to have been taken from a private pond without said designated mark so affixed, then he shall be guilty of a misdemeanor. Any person failing to comply with or who violates any of the provisions of this section shall be guilty of a misdemeanor.

- 19. Removed not applicable. Lawful and unlawful killing.
- 21. Removed not applicable. Protection of birds.
- 23. Removed not applicable. Ducks, geese, etc.
- 24. Removed not applicable. Unlawful gun.

**27. Penalties.**

Except as otherwise provided in this act, all persons adjudged guilty of a violation of or failure to comply with any of the enactments or provisions of this act shall be fined not less than ten dollars for each offense, and all fines and forfeitures collected under the provisions of this act shall be paid into the county treasury of the respective counties.

**29. Shipment of game forbidden.**

It shall be unlawful for any person or persons at any time to ship or cause to be shipped, carried or transported out of this State, any of the animals, birds or fish, or any part thereof, mentioned in this act. Any person or persons found guilty of violating any of the provisions of this section shall be fined in a sum not less than one hundred dollars.

Sec. 2. Removed not applicable. Gun license for non-resident.  
 Approved this 17th day of March, 1903

To the State Fish and Game Commissioner,  
 For salary for the years 1903 and 1904..... 2,000.00  
 To the office of State Fish and Game Commissioner,  
 For necessary traveling and contingent expenses for  
 the years 1903 and 1904 or so much thereof as may be  
 necessary ..... 600.00  
 To the office of State fish and game commissioner,  
 For salary of special deputy fish and game commissioners  
 for the years 1903 and 1904, or so much thereof  
 as may be necessary..... 4,000.00  
 To the office of State Fish and Game Commissioner,  
 For salary of Superintendent of Fish Hatchery for  
 the years 1903 and 1904, or so much thereof as may be  
 necessary.. ..... 1,200.00  
 To the office of State Fish and Game Commissioner,  
 For assistance to the Superintendent of Fish Hatchery  
 for the years 1903 and 1904, or so much thereof as  
 may be necessary..... 960.00  
 To the office of the State Fish and Game Commissioner,  
 For maintenance of sub-hatching stations at Fish and  
 Panguitch lakes, in Sevier and Garfield counties for  
 the years 1903 and 1904 or so much thereof as  
 may be necessary..... 1,000.00  
 To the office of State Fish and Game Commissioner,  
 For repair of dam and improvement of grounds at Burrison

State fish pond, Juab county..... 300.00  
To the office of State Fish and Game Commissi6ner,  
For purchase of eggs, distribution of fry, construction  
of ponds, equipment and improvement of grounds,  
fish food and fuel, and improvement of State Fish  
Hatchery for the years 1903 and 1904 or so much  
thereof as may be necessary..... 1,900.00

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