

1909 Utah Fishing Law

CHAPTER 53.

FISH AND GAME.

*An Act Providing for the Protection of Fish, Game and Birds; for the Appointing of a Fish and Game Commissioner, Chief Deputy, Chief Wardens, Hatchery Superintendents and Special Deputies; Prescribing their Powers and Duties, Providing for Fish and Game Licenses, and a fish and, game Fund; providing for the building of Fish Hatcheries; and Providing Penalties for the Violation of this Act, and Repealing Chapters 1 and 2, Title 25, Compiled Laws of Utah, 1907, and all Acts or Parts of Acts In Conflict Herewith.*

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

**SECTION 1. State Fish and Game Commission. Term. Qualifications. Vacancies.**

That the Governor of the State of Utah by and with the consent of the Senate shall appoint a State Fish and Game Commissioner, hereafter called the State Commissioner, who shall be a resident citizen of the State of Utah, and who shall not be a member of any hunting, shooting or fishing club, 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 the State Commissioner and the Legislature is not in session, the Governor shall have the power to fill such vacancy, until the next regular session of the Legislature, and he shall have the power to remove the State Commissioner at any time for cause.

**Sec. 2. Powers of Commissioner.**

The State Commissioner shall have control and supervision of the waters of the State for the collection, propagation, culture and distribution of fish and game in the State, and shall receive and distribute all game, fish, fish-fry and spawn coming into his hands fairly and equitably among the several counties, of the State. He shall have full control of all property of the State obtained and held for the purposes contemplated by this Act.

**Sec. 3. Id.. Report.**

It shall be lawful for the State Commissioner, or any person appointed by him in writing so to do, to take fish and game of any kind, dead or alive, or in any manner for the purpose of inspection, cultivation, propagation, scientific or other purposes deemed by him to be in the interest of the fish and game industry of the State. He shall make a detailed report of his official transactions, including the number and kinds of fish and game distributed, and the locality, and the names of the streams, ponds, and lakes where the same have been placed, and submit such report to the Legislature during the first of its ensuing regular session.

**Sec. 4. Appointments.**

The Commissioner may appoint by and with the approval of the Governor, and keep in service one chief deputy, six chief wardens, one hatchery superintendent for each hatchery, and one

clerk, who shall be residents and citizens of the State, such appointments to be filed with the State Auditor.

**Sec. 5. Salaries. Expenses.**

The State Commissioner shall receive an annual salary of eighteen hundred dollars per annum and actual and necessary traveling and contingent expenses not to exceed two thousand dollars per annum.

The chief deputy shall receive twelve hundred dollars per annum, and actual and necessary traveling expenses not to exceed six hundred dollars per annum. The hatchery superintendents and the six chief wardens shall each receive one thousand dollars per annum, and actual and necessary traveling expenses not to exceed six hundred dollars per annum; the clerk shall receive a salary of nine hundred dollars per annum.

For the proper enforcement of this Act, the State Commissioner shall appoint deputy game wardens at a compensation not to exceed three dollars per day each while actually engaged in duty, which shall be full pay for services and ordinary expenses. The State Commissioner may also appoint special game wardens to serve without pay, who shall have the same powers as deputy wardens. The State Commissioner may revoke, at any time, the commission of any warden and by and with the approval of the Governor appoint his successor. The State Commissioner may also authorize certain individuals to sell licenses.

**Sec. 6. Bonds of Commissioner, Deputies and Wardens.**

The State Commissioner before entering upon the duties of his office shall give a bond in the penal sum of five thousand dollars, for the faithful performance of his duties, which bond shall be approved by the State Board of Examiners and filed with the Secretary of State. The chief deputy, each of the hatchery superintendents and the six wardens, shall give a bond in the sum of two thousand dollars. The clerk and all other wardens under pay from the State shall give a bond in the sum of one thousand dollars for the faithful discharge of their duties and the prompt accounting for the payment of any moneys coming into their hands by virtue of the office. Such bond shall run to the people of the State with sureties to be approved by the State Commissioner.

**Sec. 7. Duties of Commissioner and Wardens. Id. Sheriffs and Constables.**

It shall be the duty of the State Commissioner, chief wardens, and other wardens to see that all the laws of the State for the protection of fish and game are faithfully enforced throughout the State, and for this purpose they are respectively and severally given the same power and authority granted by the law to, and exercised [by] sheriffs and constables. The State Commissioners, each of the chief and other wardens throughout the State, and every sheriff and constable in the State are authorized and required to enforce this Act, and seize any game or fish taken or held in violation of this Act, and shall have the full power and authority, and it shall be the duty of each and every officer, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof and if without a warrant to hold him until a warrant can be procured, to open, enter and examine all cars, stages, packs, warehouses, stores, outhouses, boxes, barrels and packages where he has reason to believe any game or fish is taken or held in violation of this Act is to be found, and to seize the same; provided, that if such search or seizure be without a warrant, the officer making the same must procure a warrant therefor as

soon as possible during or after the search or seizure if demanded; and, provided further, that a dwelling house actually occupied can be entered for examination only on pursuance of a warrant. It shall be the duty of the chief wardens to report annually their official acts in detail to the State Commissioner. during and not later than the second week in November, and oftener if so requested by the State Commissioner.

#### **Sec. 8. Duties of Warden.**

It shall be the duty of the game warden to take or cause to be taken in the best practical manner any imported fish, mountain trout, bass, or herring found in pools or other places where receding waters from rivers, streams, canals, or other waterways have left them and which are likely to, become dry, and to make the best disposition of the dead fish in the interest of the State fish and game fund, and to carefully put back the live fish into State waters. All persons, corporations, or companies owning, or controlling irrigating canals, ditches, or mill-races for irrigation, or operating mill or power plants of any kind, before draining any such canal, ditch, or mill-race for any known purpose shall give notice to a. game warden at least five days prior to such draining's. Upon failure to comply with the provisions of this section it shall be deemed a misdemeanor and punishable by a fine of not less than twenty-five dollars.

#### **Sec. 9. Fishways. Sawdust in Streams.**

The owners of any dam across any of the public streams in this State either now in use or hereafter built shall, if so required by the State Commissioner or a game warden and under his supervision, erect suitable fish-ways to allow the free and uninterrupted passage of fish up and down the streams, said fishways to be built and maintained by the owner of said dam. It shall be a misdemeanor for any person or persons, corporation or corporations, or companies to build or maintain any dam that will be the means of killing or destroying the fish passing up and down the streams. And it shall be a misdemeanor for any person or persons, corporations, or companies owning any mill, factory or reduction works in this State to cause or permit any refuse matter from: said mills, factories or reduction works to be washed, dumped, or placed in any of the streams or waters of this State, or to place such refuse matter from said mills, factories or reduction works in such close proximity to any of the streams that the same might be washed into said streams by rains. Any person or persons found violating the provisions of this section shall be guilty of a misdemeanor and fined not less than one hundred, dollars for such violation, and each day shall constitute a separate offense.

#### **Sec. 10. Screens. Penalty.**

It shall be unlawful for any person or persons, corporation or company, to take any water from State streams, lakes, or reservoirs for power plant purposes or water works, without first furnishing and maintaining suitable screens or other devices to prevent fish from entering said power-plant, mill-race or water-works system, said screens or other devices to be built and maintained when required under the direction of the State Commissioner or his deputy and at the expense of the said owner or operator; provided that said screen shall not interfere with the operation of any power plant by materially obstructing the flow of water used for power purposes. And it shall be a misdemeanor punishable by a fine of ten dollars per day for each day after notice has been given to said owner or owners of said mill-race, power plant or water-works system, to take effect ten days from date of service of notice.

**Sec. 11. Devices in Irrigation Canals.**

It is hereby made the duty of the Chief Warden of each district, to see that all irrigation canals when deemed necessary by the State Commissioner are properly protected by some device (which will not be the means of obstructing the flow of water into such canals), so that no fish may enter said ditches between June 1st and September 15th of each year; said device to be provided and maintained out of the fish and game fund.

**Sec. 12. Taking Fish. When and How Lawful.**

It shall be a misdemeanor for any person or persons to fish for, or take any fish from any waters of the State by any device or means whatever, except by means of hook and line, commonly known as angling, and in that way only between the 14th day of June each year and the 1st day of December following, and it shall be a misdemeanor for any person to take, or have in his possession at any time, any bass less than eight inches long, or any trout, mountain herring, or any other game fish less than six inches long; provided, that the word "angling" as used in this Act is defined to be fishing with a rod or pole held in the hand or hands, the rod or pole to have attached thereto only one line and the line to have attached thereto artificial fly hooks not exceeding two in number, or two baited hooks or one baited fish hook with not more than one gang of not more than three hooks or one trolling spoon with no more than one gang of not more than three hooks. Any violation of this section shall be punishable by a fine of not less than twenty-five dollars, for each offense. Sec. 13. Unlawful to Sell Trout, or Bass. Limit of Catch, It shall be a misdemeanor for any person to sell, offer or expose for sale at any time, eastern brook trout, rainbow trout, grayling trout, native trout, black spotted or mountain trout, or any other species of trout or landlocked salmon or black bass taken from any of the public streams or waters of this State, and in prosecutions hereunder it shall be sufficient to allege generally that such fish were unlawfully held and proof of sale or offering for sale or exposing for sale any variety or species of said fish, shall be prima facie evidence of guilt. It shall be unlawful for any person to catch more than fifteen pounds of any or all of said variety or species of fish in any one day and possession of more than fifteen pounds thereof, when the party in possession fails to make satisfactory explanation, shall be deemed prima facie evidence of guilt. It shall be a misdemeanor for any person to fish for or take any fish at any time or by any device whatever from between the crest of the dam of the Hercules Power Co. plant, in Logan River, and the Logan City Power House, on the bank of said Logan River, and also between the crest of the dam of Logan City Power House, in Logan River, and the mouth of Spring Creek where it empties into Logan River. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not less than twenty-five dollars.

**Sec. 14. Private Ponds.**

The owner or owners of private fish ponds shall, before selling any fish from the same, make application, showing to the State Commissioner, by affidavit describing accurately such pond, where located, when such pond was started and stocked with fish, from where the fish were procured, the kind of fish to be sold or shipped, the railroad station from where he desires to ship such fish, and upon satisfactory showing being so made to the State Commissioner that such private pond is in fact a private pond, and the fish desired to be shipped have been raised in said pond, and upon the payment of ten dollars the State Commissioner shall issue to the owner or owners of such private ponds a permit to sell or ship such fish. Said permit must contain the date

when issued, to whom issued, the number, the name and location of the pond from where the fish are to be shipped, and also the station from which the shipments are to be made.

All permits shall continue in force from the date of issuance until the 31st day of December following their issue. Such permit shall be issued in triplicate, one copy to be given to the shipper, one to the railroad or express agent at station from which the shipments are to be made, and the third copy to be placed on file in the office of the State Commissioner. A copy of the bill of lading for each and every shipment must be delivered or mailed to the State Commissioner on the day of shipment is made, by the shipper.

**Sec. 15. Unlawful for Common Carriers to Transport Fish. When.**

It shall be a "misdemeanor for any express company, railroad company, or other transportation company or other common carrier of any kind to receive any fish of any kind whatever for shipment, unless, they have in their possession a duplicate of such shipping permit above described. And it shall be a misdemeanor to take fish or spawn from any of the lakes or streams of this State and place them in private ponds at any time of the year except as provided in Section 3 of this Act, and it shall be a misdemeanor for any person or persons to sell or offer for sale any fish not propagated or grown in a private pond; provided, that carp, suckers, chub, mullet and catfish may be sold at any time; provided that nothing in this Act shall apply to fish raised outside of this State except trout.

**Sec. 16. Use of Explosives or Drugs.**

It shall be a felony for any person to kill or take any fish from any of the waters of this State by use of any poison, deleterious or stupefying drug, giant powder, or quick lime, or any explosive substance whatever, or to place or use in or on the surface of such waters any gihnt powder, quick lime, or explosive substance, or any poison, deleterious or stupefying drug, or to have in his possession any fish killed or taken by the use or aid of any of these substances.

**Sec. 17. Use of Seines, Traps, Etc.**

It shall be a misdemeanor for any person to take any fish from the waters of the State by the erection of any weir, dam, fence, wheel, basket, net, seine, setline, sieve, gun or grabbling hook, or by any other device whatever that may be used in the unlawful catching of fish; provided, that for the purpose of catching carp<sup>5</sup>, chubs, mullets, bullheads, catfish or suckers, and for these fish only, 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 with meshes not less than two inches square in the wings thereof may be used in the following named waters only: Bear Lake, the Sevier River from Sevier Lake to the mouth of the Sevier Bridge reservoir, the Colorado, Green, Grand, and San Juan Rivers, in the Gunnison Reservoir, Sanpitch River, in Redmond Lake, Burville Reservoir and. Sevier Rivers from. the Black Knolls Creamery north to the County line between Sanpete and Sevier County; The Otter Creek Reservoir to include the Otter Creek as far north as the old reservoir in the narrows about six miles below Greenwich, the mouth of the canal that empties into the said Otter Creek Reservoir from the east fork of the Sevier River, and the east fork of the Sevier River from its junction with the waters of Otter Creek one fourth of a mile below the said Otter Creek Reservoir, and in Price River from Spring Glen to Green River, Carbon County, in Weber River below its junction with the Ogden River, in Bear River below Deweyville, and in Utah Lake, and Jordan River at any time, except Utah

Lake, where it shall be unlawful to use seines from June 1st to September 1st and then only in the presence of a game warden who shall be paid not to exceed three dollars per day by the party drawing the seine; provided, that before any person shall use a seine in the waters named in this section, such persons shall procure a seiner's license, which can be procured from the State Commissioner on payment of one dollar; provided further, that before any person shall use a seine in any of the waters of this state, except Utah Lake, they shall give a bond to the State in the penal sum, of five hundred dollars, conditioned that no fish protected by the laws of this State from seining will be taken, and that diligence will be used by them to prevent the death of any of said fish, which bond to [be] approved by and filed with the State Commissioner. The State Commissioner shall furnish blanks for said bonds, and said commissioner shall furnish to the County Clerk of each County of the State blanks to be given to persons desiring to give bonds as herein provided. When the bond is prepared, it shall be delivered to the State Commissioner, or to a chief warden or a county clerk, who shall forward it at once to the State Commissioner. Upon approval by the State Commissioner he shall file the same in his office and issue to the person giving such bond, upon the payment of the license fee provided by law, a seiner's license. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and fined not less than fifty dollars for each offense. It shall be lawful to use spears with or without a torch or lamp-light for the taking and killing of carp and suckers, only, at any time, and it shall be lawful to take carp, suckers, chubs, mullets and catfish, at any time, with hook and line commonly known as angling from the above waters. It shall be lawful to use gill nets not exceeding two hundred yards long and ten feet-wide, with meshes not less than two and one-fourth inches square, in Bear Lake only, between July 15th and April 15th of the year following; provided, that said net shall not be used within a distance of four hundred yards .of the mouth of any stream flowing into said lake.

**Sec. 18. Id.**

It shall be unlawful to use seines in Spring Creek Lake, which runs into Utah Lake, or within one-half mile from the mouth of any stream flowing into said Utah Lake.

**Sec. 19. Unlawful to Fish from the Back of a Horse, or by Fire or Lamplight.**

It shall be a misdemeanor to fish from the back of a horse, or to travel up or down any stream on horseback while fishing for trout or mountain herring; or to fish by fire or lamp light at night.

**Sec. 20. Seizure.**

All seines, guns, nets, tackle, powder, explosives, lime, poison, drugs, and other means and devices for the unlawful taking of fish or game of any kind found in the possession of any person who may be detected in unlawfully taking of fish from any of the waters of the State or killing of any kind of game shall be seized by the officer making the arrest, and if it appears from evidence before the Magistrate trying the case that the guns, seines, nets, tackle, powder, lime, poison, drugs, or other means and devices for the taking and killing of game were used for the unlawfully taking of fish or game, the same shall be confiscated and sold at public auction by the State Commissioner, and the proceeds therefrom turned into the fish and game fund.

Sec. 21. Removed not applicable. Unlawful to Kill Deer, Etc. Penalty.

Sec. 22. Removed not applicable. Use of Dogs in Hunting.

Sec. 23. Removed not applicable. Prairie Chicken, Grouse, Quail, Etc.

Sec. 24. Removed not applicable. Insectivorous and Song Birds. It shall be a misdemeanor  
Sec. 25. Removed not applicable. Ducks, Geese, Etc.

**Sec. 26. Unlawful Possession of Fish or Game.**

Any person who shall have in his possession any game, fish or birds unlawfully taken is guilty of a misdemeanor. All fish and game unlawfully taken, or held unlawfully, or shipped, or consigned for shipment out of this State, shall be seized by the State Commissioner or Game Warden, and disposed of to the best interest of the Fish and Game Fund. Provided, that any person, after procuring a non-resident license, may take out of the State the amount of one day's limit, by permission of the State Commissioner, after first being inspected and marked by a game warden; provided further, that nothing in this section shall apply to fish shipped from private ponds. The possession of any animal, fish or bird or any part of the remains thereof, within the time or period within which the taking and killing or possession of the same is prohibited, shall be prima facie evidence of such unlawful taking or killing or possession.

It shall be unlawful to kill, catch, or otherwise take, or destroy, and to leave to waste, or in any manner to cause or suffer to be wasted, any bird, animal or fish in this act mentioned, or any useful part or parts thereof except mullet, suckers and carp. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars for each offense.

**Sec. 27. Reservation of Waters for Propagation of Fish.**

For the better advancement of the fish interest of the State, the State Commissioner may select and reserve one stream, lake or pond for the period of four years, in each county, for the purpose of planting, breeding and propagation of the fish. And it shall be a misdemeanor for any person or persons to fish in any stream, lake, or pond, while so reserved. When any stream, lake or pond is selected for such a purpose, the State Commissioner shall forthwith post, or cause to be posted and maintained, conspicuous notices thereof along the banks or shores of such streams, lake or pond at points not over one mile apart and advertise in the newspaper issued and published nearest to the lake, stream or pond for two weeks prior to the closing of such stream, pond or lake to public fishing. Any person found violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not less than twenty-five dollars for each offense.

**Sec. 28. License to Hunt and Fish.**

It shall be a misdemeanor for any person or persons to hunt for any kind of game, except rabbits, or fish for any kind of fish, whether protected or not, until a license is first procured, and upon request of the State Commissioner or a game warden such license must be produced for inspection at the time when the request is made. Any bona fide male citizen of the State of Utah, over the age of twelve years, upon payment of one dollar and twenty five cents to any Justice of the Peace, or the State Commissioner, or any warden, or anybody that may be appointed or authorized to sell licenses, by the State Commissioner, shall be entitled to receive from the officer to whom such payment is made, a hunting and fishing license, which shall permit such person to pursue, hunt, or kill any of the animals, or birds mentioned in this act, during the time when it shall be lawful to kill the same, in any of the counties of this State, subject to the

limitations as to number of each kind of animals, or birds herein provided, and to catch such numbers and varieties of fish according to the provisions of this act.

Such license shall state the name and place of residence of the person holding the same, and shall not be transferred to any other person. Any person who is a non-resident of the State of Utah, who is a citizen of the United States, shall, upon payment to any Justice of the Peace, or the State Commissioner, or any person authorized by him to issue licenses, the sum of five dollars, be entitled to receive from the officer to whom, such payment is made, a non-resident license, which shall permit the person to pursue, hunt and kill such number of each kind of animals, birds, or fish as provided in this act during the time when it shall be lawful to kill such animals, birds or fish. Such license shall state the place of residence of the holder thereof and shall not be transferred to any other person. Aliens or non-citizens, of the United States can procure a license, only, upon payment of one hundred dollars. All of said licenses, except as otherwise provided, shall be substantially in the following form, to-wit:

License No .....The holder hereof ..... whose residence is ..... County of ..... State of ..... is hereby permitted to pursue, hunt and fish within the State of Utah, subject to the limitations and restrictions of the game laws of the State of Utah.  
Receipt of \$...for this license is hereby acknowledged.. The holder is ..... years of age, is ..... feet ..... inches tall, weighs ..... pounds, is ..... complexion and has ..... hair and ..... eyes. Dated at ..... this ..... of ..... 19..  
Officer's Address. Officer's Signature.

Such license shall be printed as directed by the State Commissioner, with two stubs, which shall contain the name and residence of the person to whom issued, the number and date and the amount paid therefor, one stub to be retained by the Justice of the Peace, or deputy warden, or authorized person issuing the license, and one stub with any mutilated license with all money received from such license shall be remitted to the State Commissioner on the first day of each month, except fees of the person issuing the license, and in case no licenses have been issued, such officer, or authorized person, must report in writing to the State Commissioner that no licenses have been issued by him. Any person -authorized to issue licenses shall retain ten per cent of the money collected as their fees, except. Persons receiving salary from the State. Such license shall have printed on the back a short synopsis of this act; provided, that all female persons residents of the State of Utah, and children under the age of twelve years, may take game or fish under the provisions of this act without procuring a license as provided in this act. All the licenses issued under the provisions of this act shall expire on the thirty-first day of December next following the date of their issue. Any person found hunting or fishing without a license as provided in this act shall be guilty of a misdemeanor and fined not less than ten dollars.

**Sec. 29. Penalty.**

Any person found guilty of violating any of the provisions of this act shall have his license revoked and shall not. have another issued for the balance of the year.

**Sec. 30. Commissioner to Provide Blank Licenses. License Fees.**

It is hereby made the duty of the State Commissioner, immediately after the passage of this act, to prepare and cause to -be printed suitable forms of licenses as provided in this act, and sent by



registered mail, or deliver in person, taking receipt therefor, to each game warden of the State, such licenses as he may deem necessary, and to send by registered mail or deliver in person, taking receipt therefor, to the various Justices of the Peace such licenses as he may deem necessary, and it shall be the duty of the Wardens and Justices of the Peace to issue such licenses as applied for. And the State Commissioner shall supervise the selling of licenses throughout the State. Each Justice of the Peace or other person authorized under this act to issue fishing and hunting licenses shall make a report to the State Commissioner stating the number of resident licenses issued at one dollar and twenty five cents, the number of seiner's licenses at one dollar, the number of non-resident licenses sold at five dollars, and the number of aliens licenses issued at one hundred dollars; and he shall deposit with the State Commissioner all moneys from the sale of licenses, fines or other moneys belonging to the State Fish and Game Fund, on the first day of each month, and on the fifteenth day of each month the State Commissioner shall make a report to the State Auditor showing the number of licenses issued at one hundred dollars; and he shall deposit with the received by him belonging to the Fish and Game Fund. Any officer who shall refuse or neglect to turn over any, moneys collected for the licenses issued as herein provided, excepting his, fees, shall be guilty of a felony, and upon conviction thereof shall immediately be removed from office and be liable to criminal prosecution.

**Sec. 31. Fish and Game Fund Created.**

A Fish and Game Fund is hereby created, and all moneys collected for fish and game licenses, except fees to persons issuing licenses, and the net moneys collected from the fines and forfeitures for violation of the fish and game laws, shall be paid to the State Commissioner. All moneys so paid to the State Commissioner shall be and are hereby constituted a State Fish and Game- Fund, said fund to be drawn upon only for payment of expenses of the State Fish and Game Department.

**Sec. 32. Id. Moneys Now Standing to Credit of Fish and, Game Fund. Use of Same.**

There is hereby appropriated all money now standing to the credit of the State Fish and Game Fund and all money which -may be received under the provisions of this act, for the purpose of paying the salaries of the various officers provided by this act; for paying the traveling expenses provided for in this act, for the expenses of the office of the State Fish and Game Commissioner, for building and maintaining of hatcheries, and for importing, propagating and protecting fish and game.

**Sec. 33. New Hatcheries. Improvement of Burraston Ponds.**

The State Commissioner is hereby authorized and directed to erect and maintain at least three more hatcheries in this State for the purpose of artificial propagation and, distribution of food fishes, and for the purpose of raising and distributing game birds that can be reasonably raised on the premises occupied by the hatcheries. One hatchery to be built at or near Springville,. Utah County; one at or near Fish Lake, Sevier County, and one at or near Panguitch Lake, Garfield County: The State Commissioner is also directed and authorized to make needed improvements on the present hatchery and grounds; to erect and maintain other hatcheries as soon as sufficient money, not otherwise provided for, is created in the fish and game fund; and he is authorized and directed to expend one thousand dollars, or so much thereof as may be necessary on the Burraston ponds and grounds in Juab County to put them in good condition.

**Sec. 34. Shipping Fish or Game Out of State Unlawful.**

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, birds, fish or game, or any part or parts thereof, dead or alive, mentioned in this act; provided, that carp, suckers, mullet and chubs may be shipped after being first inspected by a Fish and Game Warden or his deputy; and such Fish and Game Warden or his deputy shall attach to each parcel or package of such shipment a statement that the same has been inspected, and giving the kind of fish and the weight thereof, which statement must be signed by the Fish and Game Warden or his deputy, making such inspection. And it is further provided that it is a misdemeanor for any railroad company, express company, or other transportation company, or common carrier of any kind, to receive any common fish without such inspection certificate attached thereto; provided, that nothing in this section shall apply to fish shipped from private ponds.

Sec. 35. Repeal. That chapters 1 and 2, Title 25, Compiled Laws of Utah, 1907, and all acts and parts of acts in conflict herewith, are hereby repealed.

Sec. 36. This act shall take effect upon approval.  
Approved March 11th, 1909.

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