

1919 Utah Fishing Law

LAWS OF UTAH.

CHAPTER 47.

House Bill No. 133. Compiled Laws, 1917, p. 589.

(Passed March 13, 1919. Approved March 13, 1919. In effect March 13, 1919.)

FISH AND GAME.

An Act providing for the protection of fish, game, and birds; the appointment of a Fish and Game Commissioner, one chief deputy, and hatchery superintendents, and prescribing their powers and duties; providing for fish and game licenses, and a fish and game fund; providing for the building of fish hatcheries; providing for penalties for the violation of this Act relative to the protection of fish, game, and birds; prescribing certain rules of pleading and evidence; and authorizing the State Fish and Game Commissioner under the Board of Examiners to procure and set aside certain lands as public hunting grounds and certain lands as bird and game sanctuaries, providing for State game preserves, and prescribing rules and regulations under which hunting may be permitted and protection may be given to said sanctuaries and preserves; also providing regulations with reference to fishing and hunting; and repealing Sections 2615-2648, inclusive, Compiled Laws of Utah, 1917, and all Acts and parts of Acts in conflict herewith.

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

SECTION 1. Commissioner-qualifications-term-vacancy-removal.

The Governor of the State of Utah by and with the consent of the Senate shall appoint a State Fish and Game Commissioner, hereinafter called the State Commissioner, who shall be a resident and citizen of the State of Utah. He shall not be a member of any hunting, shooting or fishing club. His 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 for cause.

Sec. 2. **Bonds of Commissioner and deputies.**

Before entering upon the duties of his office, the State Commissioner shall execute and deliver a surety bond to the State of Utah in the penal sum of \$10,000. The chief deputy hereinafter provided for shall, before entering upon his duties, execute and deliver a surety bond in the penal sum of \$5,000, and each other deputy, excepting only special deputies, shall execute and deliver a surety bond in the penal sum of \$1,000, all of which shall be conditioned for the faithful performance of the duties of the office. The premiums upon said bonds shall be paid by the State of Utah.

Sec. 3. Powers of Commissioner-deputies-assistants.

The State Commissioner shall have control and supervision of the waters, forests, and lands of the State for 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 and in the various streams of the State. He shall have full control of all property of the State obtained and held for the purposes contemplated by this Act; and he is hereby empowered to appoint, with the consent of the Governor, one chief deputy and such other deputies as may be necessary 'for the performance of the duties imposed by this Act. And in addition thereto the State Commissioner may, with the approval of the Governor, appoint one special deputy from each county, and the special deputies so appointed shall constitute an Advisory Board. The special deputies shall serve without pay, provided that when acting under the direction and by authority of the State Commissioner, they shall receive expenses actually and necessarily incurred.

Sec: 4. Official duties-arrests--search-procedure.

The Commissioner and his duly appointed and qualified deputies are authorized and required to enforce the provisions of this Act; to seize fish and game when taken or held in violation, of law; to arrest and hold with or without warrant any person whom the Commissioner, or any deputy, has reason to believe to be guilty of a violation of this Act, if arrested or held without warrant, to hold the person so arrested until a warrant can be procured; to open, enter, and examine motor cars, trucks, vehicles, stages, packs, warehouses, stores, outhouses, boxes, barrels, and packages, where the State Commissioner or any deputy has reason to believe game or fish taken or held in violation of law may be found; and to seize any fish or game unlawfully taken or held; provided that a dwelling house actually occupied shall not be entered or searched except pursuant to the mandate of a search warrant regularly issued by a court of competent jurisdiction. All fish and game seized pursuant to this Act shall be sold, and the proceeds thereof deposited in the fish and game fund.

Sec. 5. Compensations.

The State Commissioner shall receive as compensation the sum of \$2400 a year, and the chief deputy shall receive as compensation the sum of \$1500 a year. Each additional deputy, excepting only special deputies, shall receive such compensation as the State Commissioner by and with the approval of the Governor may fix. In addition to the compensation herein specified, said State Commissioner and his deputies shall receive actual and necessary expenses incurred in the performance of their duties.

Sec. 6. Licenses-period-seining-sales-penalty for violation.

No person shall at any time fish for any variety of fish, or shoot at, kill, or take any game or game birds of any kind without first procuring and having in his possession a fish and game license as herein provided.

The license year shall begin January 1st and end December 31st of each year, excepting that for the year 1919, the license year shall begin June 1st, and end December 31st.

First - A general hunting and fishing license shall entitle the person therein named to hunt for and, take game; to fish for and take fish during the open seasons thereof, and within limits prescribed.

Second - Any male person who is sixteen years of age and over (excepting aliens) by making application to the license agents appointed by the State Commissioner, or to County Clerks, or to Justices of the Peace, and upon the payment of \$2.00, may receive a license to hunt for game and angle for fish within the State of Utah. Provided, that the license fee to women, and boys between the ages of twelve and sixteen shall be \$1.00.

Third - No person shall seine for fish in the waters of this State without first applying for, and securing a license as herein provided. The State Commissioner may issue a license upon application made in accordance with the requirements of this Act and the rules and regulations prescribed by the State Commissioner, and the payment of a fee of \$25.00, to seine for Carp, Suckers, Mulletts, Bull Head or Mudcat and Chubs, in Utah Lake; and upon the payment of a fee of \$5.00, to seine in such other waters as may be designated by the State Commissioner. Any person who shall seine for fish or catch fish with a seine without first applying for and securing a license herein required, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00. And the court may, in addition thereto, enter judgment, forfeiting to the State of Utah all seines, boats, and fishing equipment.

Fourth - No person shall sell or offer for sale fish taken from private ponds without first securing a license to sell such fish as herein required. Such license shall be procured by making application in writing to the State Commissioner. Such application shall contain the number and location of the pond or ponds from which the fish are to be taken; the kind of fish to be sold, offered for sale, or shipped, and if to be shipped, the railroad station to which the said fish are to be delivered for shipping, and shall be accompanied with a fee of \$1.00. Upon receipt of such application and fee provided, it shall be the duty of the State Commissioner by investigation to ascertain whether or not the pond or ponds described in the application are private ponds, and if the fish which the applicant seeks to sell were in fact propagated and grown in said pond or ponds. And if it be found that the said pond or ponds are private, and that the said fish were so propagated and grown, it shall be the duty of the State Commissioner to issue a license permitting the applicant to sell said fish. Such license shall be issued in triplicate and contain the following statements of fact:

- (a) The date when issued.
- (b) The person to whom issued.
- (c) The number and location of the pond or ponds from which the fish are to be taken.
- (d) The station from which the shipments are to be made, if to be shipped.
- (e) The place at which the fish are to be sold if not shipped:

Said license shall authorize the sale of fish from private ponds under rules and regulations prescribed by the State Commissioner from date of issuance to, and including the 31st day of the succeeding December. One copy of the said license shall be retained in the office of the State Commissioner, one shall be delivered by the licensee to the railroad or express company accepting fish from said pond or ponds for shipment. Any person selling, offering for sale, or exposing for sale, or shipping fish taken from private ponds, without first securing and being in possession of the license herein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00.

Sec. 7. License agents-powers-reports-forfeiture.

The State Commissioner shall designate State license agents and provide the agents so designated by him with the forms of licenses herein authorized, and agents so designated shall be authorized to sell and deliver licenses to all applicants excepting only applicants for licenses to seine, and to make collection of license fees herein fixed. License agents shall receive for all services rendered, ten cents for each license issued. Said agents shall report all sales to the Commissioner on or before the 10th day of each calendar month, and shall accompany said report with all money received from the sale of licenses, excepting only the said fee of ten cents for each license. Any agent failing or neglecting to report sales and to pay to the State Commissioner license fees collected as herein required shall be guilty of a misdemeanor and forfeit his agency to sell such licenses. The State Commissioner is authorized to institute proceedings in any court of competent jurisdiction for the collection of money received by any agent for the sale of licenses and for the return of any licenses not issued, as herein provided.

Sec. 8. Permits for scientific purposes.

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, in any manner, under the direction of the Commissioner, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to 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 names of streams, ponds, and lakes where the same have been placed, and submit such report, together with such recommendations as are deemed necessary by him for the future benefit of the fish and game of the State, to the Governor and Legislature not later than December 31st, preceding each regular session.

Sec. 9. Removal of game fish for preservation.

It shall be the duty of the State Commissioner to take or cause to be taken in the most practical manner any game fish found in pools or other places where receding waters from rivers, lakes, canals, or other waterways have left them, and are likely to become dry, and to make the best disposition possible of the dead fish in the interests of the fish and game fund, and to place the live fish back in State waters.

Sec. 10. Notice of intention to drain waterways-time.

Any person, corporation, or company owning, or controlling any irrigation canal, ditch, reservoir, mill race or other waterway leading from or into any State waterway known to contain game fish, who shall desire to drain any such irrigation canal, ditch, reservoir, mill race or other waterway, shall give a written notice to the State Commissioner or one of his deputies, and on the same date shall mail a copy thereof to the State Commissioner, at least five days prior to such draining. Failure to comply with the provisions of this Section shall be deemed a misdemeanor and shall be punishable by a fine of not less than \$100.00.

Sec. 11. Erection of dam-fishways.

The owners of any dam across any of the public streams in this State, either in use now or hereafter built, shall, if so required by the State Commissioner or by his deputies, and under his, or their direction and supervision, erect suitable fishways to allow the free uninterrupted passage

of fish up and down streams. The fishways shall be built and maintained by the owner of said dam. It shall be a misdemeanor for any person, persons, or corporation to construct or maintain any dam that will be the means of killing or destroying fish passing up or down streams. Any person, persons, company, or corporation violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 for each violation, and each day during which such violation continues shall constitute a separate offense.

Sec. 12. Unlawful to permit refuse to flow into waterways.

It shall be unlawful for any person, company, corporation, or association owning or operating a saw mill, reduction works, smelters, refining or concentration works or other industry to cause or permit any sawdust, chemicals, silt, tailings, or other substances detrimental or injurious to fish or game to accumulate near or to seep or flow into the waters or waterways of the State. Any person, persons, company, or corporation violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 for such violation ; and each day during which such violation continues shall constitute a separate offense.

Sec. 13. Screens to be maintained-penalty for failure.

It shall be unlawful for any person or persons, company or corporation to take any water from State streams, lakes or reservoirs for power plant, irrigation purposes, or for water works, without first furnishing and maintaining suitable screens or other devices to prevent fish from entering said power plants, mill races, irrigation ditches or water works systems; said screens or other devices to be built and maintained under the direction of the State Commission and at the expense of the said owner or operators. The failure of any person or persons, company or corporation to install a screen or device within thirty days after notice in writing has been given by the State Commissioner, shall constitute a misdemeanor, and upon conviction thereof such person, firm, or corporation shall be fined not less than \$25.00 for such violation; and each and every day such violation continues after due notice has been given shall constitute a separate offense, provided, further, that it is hereby made the duty of the Fish and Game Commissioner to see that all irrigation canals when deemed necessary, by the State Commissioner are properly protected by some device, which shall not be the means of materially obstructing the flow of water into such canal, so that no fish may enter said ditches between April 1st and October 15th of each year, said device to be provided and maintained out of the fish and game fund.

Sec. 14. Regulations as to angling-dates-localities defined.

It shall be lawful for any person holding a license as herein provided to angle for common fish with not more than three hooks and one line at any time of the year. Provided, however, that it shall be lawful to angle for trout of any variety, Black Bass or Mountain Herring between the 15th day of June and the 30th day of November following, both dates included. Provided, further, that it shall be lawful to angle fish from Strawberry reservoir or tributaries between July 1st and October 31st, and from Fish Lake, Sevier county, between June 15th and October 31st, following. Provided further, that when in the opinion of the Fish and Game Commissioner it is necessary for the best interests of the fish to postpone opening *dates in any of the waters of the State containing game fish, the State Commissioner shall cause notice to be given and notices shall be posted in conspicuous places of the closing of such waters to later dates, and said notices

shall state date when it shall be lawful to take fish from said waters. Provided, that it shall be unlawful for any person to fish for or take fish from any of the waters of this State at any time between the hours of 9 o'clock p. m. and 4 o'clock a. m. or to have in his possession at any time any Bass less than eight inches in length, or any Trout or Mountain Herring less than seven inches in length. The word angling for game fish as used in this Act is defined as fishing with a rod or pole held in the hand or hands. Such rod or pole to have fastened a line having attached thereto not more than two artificial fly or bait hooks, or one trolling spoon with not more than one gang of not more than three hooks; provided, further, that in Fish Lake, Sevier county, and Strawberry reservoir trolling with either copper or other lines maybe permitted, but one person may not use at one time more than one line. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 and shall forfeit his license for the remainder of the year.

Sec. 15. Limitations as to catch and sales.

It shall be unlawful for any person to sell, offer for sale, expose for sale, or have in his possession with intent to sell or offer for sale any variety of Trout, Mountain Herring, Whitefish or Black Bass taken from any of the public waters of this State. In prosecutions under this Section, it shall be sufficient to allege generally that said fish were unlawfully sold, offered, exposed or held for sale, and. proof of sale or offering or exposing for sale shall be prima facie evidence of guilt. Provided, however, it shall be lawful for any person duly licensed and subject to the regulations herein prescribed to catch not more than ten pounds, or if after catching in weight less than ten pounds a fish weighing more than the required weight to make ten pounds shall be caught, the person catching such fish shall be entitled to possession of said fish. This shall constitute one day's limit of catch, and it shall be unlawful to have in possession at any time more than twenty-five pounds of any or all varieties or species of game fish. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less Than \$25.00.

Sec. 16. Operation of private ponds.

It shall be unlawful for any person, firm, or corporation to operate a private pond in this State without erecting and maintaining sufficient screens, approved by the State Commissioner, at the point where the water enters such pond from any State waters, and also at the point where the waters leave such pond, so as to effectually prevent any fish from entering or leaving such pond. Any corporation, person, or persons violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than \$50.00.

Sec. 17. Permits for shipments.

It shall be unlawful for any express company, railroad company, stage line, or other transportation company or common carrier of any kind to receive for shipment or to transport any fish or game without first receiving and holding in possession a permit issued by the Fish and Game Commissioner. Any violation of this Section shall be deemed a misdemeanor and upon conviction any transportation company or common carrier found guilty shall be fined not less than \$25.00.

Sec. 18. Use of hooks, seines and spears-classification of fish and waters.

Carp, Chubs, Bull Catfish, Mulletts or Suckers, may be caught with seines by persons duly licensed and under regulations prescribed by the State Commissioner, provided, that seines shall not be more than three hundred yards in length and twelve feet in width, 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, in the following named waters and no others, to wit: Sevier River from Sevier Lake to the mouth of the Sevier Bridge reservoir; the Colorado, Green, Grand and San Juan Rivers; the Gunnison reservoir; Sanpitch River, Redmond Lake; Burville Reservoir; Sevier River. from the Black Knolle Creamery north to the county line between Sanpete and Sevier counties; the Otter Creek reservoir, including Otter Creek as far north as the old reservoir in the narrows, about six miles between Greenwich and the mouth of the canal that empties into Otter Creek reservoir from the east fork of the Sevier River; 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; Price River from Spring Glen to Green River, Carbon county; San Rafael from Orangeville to Green River, Emery county; Weber River from Devil's Gate to mouth of River; Bear River below the Idaho line, and in Utah Lake, but not including Spring Creek Lake, or within one-half mile of the mouth of any stream flowing into Utah Lake. Provided that in Utah Lake it shall be unlawful to use seines from June 1st to September 1st, or at any time, without the presence of a deputy, who shall be paid not to exceed \$3.00 per day by the person holding the license, and such deputy shall give a bond of \$250.00 for the faithful performance of his duties, payable to the State of Utah, to be filed with the State Commissioner. Provided further, that before any person shall use a seine in any of the waters of this State, except Utah Lake, he shall give a bond with two sufficient sureties to the State in the penal sum of \$500.00, conditioned that no fish protected. by the laws of this State from seining will be taken, and that diligence will be used by him to prevent the death of any of said fish, which bond shall be approved by and filed with the State Commissioner. The State Commissioner shall furnish blanks for said bonds. When a bond is prepared, it shall be delivered to the State Commissioner, or to a deputy, 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 a license to the person giving such bond. It shall be lawful to use spears for the taking and killing of carp only, at any time, and 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, and from the waters of Sevier River between the mouth of Clear Creek Canyon in Sevier county and the Otter Creek reservoir in Piute county, and in Weber River. Provided, further; that suckers may be taken by grappling hooks between April 1st and May 20th, both dates included, in Provo. River, between Utah Lake and State Road Bridge northwest of Provo; in Spanish Fork River, between the San Pedro, Los Angeles and Salt Lake Railroad bridge across said river and Utah Lake; and in Hobble Creek, between Main Street, Springville City, and Utah Lake. Any seiner who shall take game fish or shall in any manner violate the fish and game laws of this State shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00; and boats seines, and other fishing equipment used in violation of this Act shall be confiscated for the benefit of the fish and game fund, and licenses to do business as seiners in any of the public waters of the State shall be canceled and withheld in the discretion of the Fish and Game Commissioner.

Sec. 19. Limitation as to manner of fishing.

It shall be unlawful 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 firelight or any artificial

light at night. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00.

Sec. 20. Special opening and closing of waters.

When in the opinion of the Fish and Game Commissioner it shall be deemed prudent to take common fish from any of the waters of the State to furnish food for any locality, he is hereby empowered to open any of the streams, lakes or other waters of the State for catching and disposition of fish for the benefit of the people, provided, such taking and distribution shall be done under the supervision of the Commissioner or his deputies, and he is hereby authorized to open or close any portion of any stream, lake, or other waters of the State at any time for the better protection and development of the fishing interests.

Sec. 21. Permit for guides.

The State Commission is hereby authorized to issue permits to guides on the Strawberry reservoir and Fish Lake, Sevier county, and such permit shall be good only for the season for which it is issued. The State Commissioner shall collect \$5.00 for each such permit. Guides holding permits may place boats and instruct persons unfamiliar with the methods of catching fish, and may charge for their services, not to exceed 50c per hour per person. No person shall act as guide without first procuring a permit as herein provided and violation of this Section shall constitute a misdemeanor punishable by a fine of not less than \$100.00. The State Commissioner shall revoke the permit of any guide who shall violate any of the provisions of the fish and game laws of this State.

Sec. 21. (a) Manner of angling in Fish Lake.

It shall be unlawful for any person to fish in Fish Lake, Sevier county, in any other manner than by inducing or trying to induce a fish to take into its mouth a baited or other hook; provided, further, that it shall be unlawful for any person to fish in Fish Lake, Sevier county, with a baited hook from an anchored boat. Any person or persons violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than \$25.00.

Sec. 22. Taking of fish and spawn-distribution.

It shall be unlawful for any person or persons to take fish or spawn from any of the public waters of the State for the purpose of placing the same in any private pond. Provided, however, that the State Fish and Game Commissioner, or his deputies, or anyone appointed by him may take fish or spawn from any of the waters of the State, other than private ponds; and may dispose of any surplus fish-fry or spawn to the best interests of the fish and game department. Any person or persons violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than \$100.00.

Sec. 23. Seizure of devices for unlawful taking of fish.

All seines, guns, nets, tackle, powder, explosives, lime, poison, drugs, and other means or devices for the unlawful taking of fish or game of any kind, found in the possession of or used by any person unlawfully taking fish or game of any kind shall be seized by the officer making the arrest, and upon a finding by a court of competent jurisdiction that the said seines, guns, nets, tackle, powder, explosives, lime, poison, drugs or other means or devices were used in the

unlawful taking of fish or game the same shall be confiscated and sold at public auction by the Fish and Game Commissioner and the proceeds therefrom covered into the fish and game fund.

Sec. 24. Specification and limitations as to bait.

It shall be unlawful for any person or persons to use for bait at any time salmon eggs or fish eggs or spawn in Fish Lake, Sevier county or Strawberry reservoir, and it shall be unlawful to use spawn of any fish for the purpose of inducing to gather in schools whereby they may be taken with snag or other legal or illegal tackle any varieties of Trout or Mountain Herring, or to use in any manner trout spawn or eggs for the taking of said varieties of fish. Violation of this Section shall constitute a misdemeanor punishable by a fine of not less than \$15.00 nor more than \$50.00.

Sec. 25. Removed not applicable. Prohibitions as to game animals.

Sec. 25. Removed not applicable. (a) Private game farms-license-penalty for violation.

Sec. 26. Removed not applicable. Coursing prohibited. (dogs chasing deer)

Sec. 27. Removed not applicable. Prohibitions as to hunting game birds.

Sec. 28. Removed not applicable. Game laws not applicable to game preserves.

Sec. 29. Removed not applicable. State game preserves.

% **Editors note, I deleted most of this section but I'm leaving the names of the preserves for reference.

1. Dixie State Game Preserve.
2. Fish Lake State Game Preserve.
3. Heaston State Game Preserve.
4. Cache State Game Preserve.
5. Strawberry State Game Preserve.

Sec. 30. Removed not applicable. Regulations as to game preserves.

% ** Editors note found this section interesting. Everything else is removed.

and it shall be unlawful for any person or persons to carry a firearm of any description within the limits of said game preserves except upon the State highways.

Sec. 31. Removed not applicable. Water fowl-permits-time.

Sec. 32. Removed not applicable. Limitations as to land birds.

Sec. 33. Removed not applicable. Unprotected birds.

Sec. 34. Removed not applicable. Unlawful to sell game birds.

Sec. 35. Possession or shipment of prohibited game.

Any person who shall have in his possession any game, fish, or birds, unlawfully taken, is guilty of a misdemeanor, and all fish and game unlawfully taken, held unlawfully, shipped or consigned for shipment, may be seized by the State Commissioner or his deputies, and sold, and the proceeds deposited in the fish and game fund. Provided, that a nonresident, after procuring a license, shall be permitted to ship out of the State, in any one calendar week during the open season thereof, 25 ducks, after the same have been examined by the State Commissioner or one of his deputies, and a written permit issued. Provided, further, that nothing in this Section shall apply to fish shipped from private ponds. The possession of any animal, fish, bird, or any part of

the remains thereof within the time or period within which taking and killing or possession of the same is prohibited, shall be prima facie evidence of such unlawful taking, killing or possession. Any person or persons violating any of the provisions of this Section shall be guilty of a misdemeanor and, upon conviction shall be punishable by a fine not less than \$100.00 for each offense.

Sec. 36. Form of license.

Each license permitting the hunting and killing of the game animals or birds of this State, shall be of the form prescribed by the State Fish and Game Commissioner, who shall cause the same to be printed and distributed to the officers authorized by law to issue such licenses. Every act of pursuing, hunting or killing any of the game animals or birds of this State without a license shall be considered a distinct and separate offense.

Sec. 37. Fish and game fund.

A fish and game fund is hereby created and all moneys collected from the sale of fish and game licenses, and the net moneys collected from fines and forfeitures for violation of the fish and game laws shall be paid to the State Fish and Game Commissioner; all moneys paid into the game fund in this Section provided for shall be covered into the State treasury and shall constitute a State fish and game fund, which shall be drawn upon for the payment of salaries and expenses of the State fish and game department, and for no other purposes.

Sec. 38. Construction of hatcheries and spawning ponds.

The State Commissioner is hereby authorized and directed to maintain and make needed improvements on the State hatcheries and spawning ponds and grounds connected therewith, and, to construct and maintain such other hatcheries and spawning ponds as may be provided for.

Sec. 39. Shipment of game out of the State.

It shall be unlawful for any person or persons at any time to ship or cause to be shipped, carried or transported out of the State of Utah, birds, fish, or game, or any part or parts thereof, dead or alive, except as provided in this Act. Provided, that carp, suckers, mullets, and chubs, may be shipped after being first inspected by the State Commissioner; and such State Commissioner shall attach to each parcel or package of such shipments a certificate of inspection, giving the kind of fish and the weight thereof. It shall be a misdemeanor for any railroad, express company, stage, or other transportation company, or common carrier to receive any common fish without a certificate attached thereto. Any person, company, or corporation violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than \$25.00.

Sec. 40. Removed not applicable. Public hunting grounds-game sanctuaries.

Sec. 41. Sections repealed. Secs. 2615 to 2648, Title 34, Compiled Laws of Utah, 1917, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 42. This Act shall take effect upon approval.
Approved March 13, 1919.

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