FISH AND GAME LAW.

Provisions in This State Regarding the Waters and Forests

Wherein Dwell Wild Animals, Birds or Fish of the State.

Following is the fish and game law as amended by the last Legislature, and as it is now in force in this State:

AN ACT to the Protection of Fish, Game and Birds; for Appointment of State and County Wardens and Prescribing their Duties; to Provide Penalties for the Violation of this Act, and to Repeal all Acts and Parts of Acts inconsistent herewith.

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

SECTION 1. That the Governor of the State, by and with the consent of the Senate, shall appoint a State Fish and Game Warden, who shall be a resident citizen of the State, 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 Warden and the Legislature is not in session, the Governor shall have power to fill such vacancy until the next regular session of the Legislature, and he shall have power to remove the State warden at any time for cause.

Sec. 2. The State warden shall receive an annual salary of $900. 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 $2,000 for the faithful performance of his duty. Such bond shall be approved by and filed with the Secretary of State.

Sec. 3. The State warden shall have control and supervision of the waters of the State for the collection, propagation, culture and distribution of fish in the State and shall receive and distribute all fish, fish fry and spawn coming into his hands fairly and equitably among the several counties. He shall have full control of all the property of the State obtained or held for the purpose contemplated by this act, and he shall have power to appoint special deputies without pay to assist in enforcing the provisions of this act.

Sec. 4. It shall be lawful for the State Fish and Game Warden, 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, under the direction of the county fish and game warden, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes, destined by him to be in the interests of the fish and game industry of the State. He shall make a detailed report of his official transactions, including the number of kinds of fish distributed and the locality and name of streams, ponds or lakes where the same have been placed, and submit such report to the Legislature during the first week of its ensuing regular session.

Sec. 5. At their first session after the passage of this act the county commissioners of each county of the State shall appoint a county fish and game warden, whose term of office shall be two years and until his successor shall be appointed and qualified. Said county warden 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 $1,000 for the faithful performance of his duty; said bond shall be approved by the county commissioners and filed in the office of the county clerk. The county warden shall receive adequate compensation for his services, to be determined and paid by the county commissioners out of the county treasury, and shall perform his duties under the direction of the State warden and the county commissioners, and may be removed for cause by the State warden, with the consent of the county commissioners.

Sec. 6. It shall be the duty of the county wardens to see that all laws of the State for the protection of fish and game are faithfully enforced in their respective counties, and for this purpose they, together with the State warden and his deputies are hereby given the same authority exercised by sheriffs and constables. It shall be the duty of the county warden to report his official acts to the county commissioners of his county annually.

Sec. 7. The said county wardens, by authority of the State warden, may take or cause to be taken from the waters within their respective counties, at any time or in any manner, any kind of fish for the purpose of inspection or propagation; and the county wardens shall make detailed reports of their official doings to the State warden during the first week in December of each year.

Sec. 8. It shall be the duty of the county 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 in which receding waters or the rivers, streams, canals or other waterways have left them, and which are likely to become dry, and to carefully put the live fish thus taken into main bodies of water, and to make the best disposition of the dead fish in the interest of the county treasury.

Sec. 9. The owners of any dam across any of the streams of this state shall, if required by the county fish and game warden, and under his direction, erect and maintain at all times at the expense of said owner or owners, suitable fishways to allow the free and uninterrupted passage of fish up and down the stream; Provided, that nothing in this act shall be so construed as to interfere with acquired rights to the use of water in this state.

Sec. 10. It shall be unlawful for any person or persons operating any mill, factory, power plant or other manufacturing concern run by water-power and having either bend or tail races, without first furnishing and maintaining suitable screens or other device to prevent the fish from entering therein; said screens to be built and maintained under the direction of the county warden and at the expense of said owner or owners or operators of said mill, factory, power plant, or other manufacturing concern; Provided that the wooden turbine race at Provo, Utah County, this State, through which fish reach Spring Lake, be made an exception to these obligations; and, Provided, further, that the owner or owners or operators of said woolen factory or other factories or mills situated upon said race, furnish and maintain at all times and at their own expense, suitable screens to prevent fish from entering the said factories and water pipes of said factories or mills; said screens to be built and maintained under the direction of the county warden.

Sec. 11. It shall be unlawful for any person to take any fish, except carp, chubs, suckers and mullet, from any of the waters of this State, by any means or device whatever, except by means of hook and line, commonly known as angling, and that only between the 15th day of June of each year and the 15th day of December following.

Sec. 12. It shall be unlawful for any person to sell, kill, destroy or have in his possession any fish whatever at any time after the 15th day of December and before the 15 h day of June following.

Sec. 13. It is hereby made unlawful for any person to take, kill or have in his possession any catfish, perch, rockbass, crappie, rainbow-trout, goldfish, silverfish, or silver-eels, taken from the waters of the State for a period of two years after the passage of this act.

Sec. 14. It shall be unlawful for any person to fill or take any fish from the waters of the State by means of any poison, deleterious or stupefying drug, giant powder, or quicklime, or any 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. Any person found guilty of violating any of the provisions in this section shall be fined in any sum not less than one hundred dollars for each offense, or imprisoned in the county jail not less than twenty nor more than one hundred and twenty days, or by both such fine and imprisonment.

Sec. 15. It shall be unlawful for any person to take any fish except carp, chubs and suckers, from the public waters of the State, by the erection of any weir, dam, fence, wheel, basket, trap, net, seine, set-line, sieve, spear or gun, or any other device who-soever which can only be used for the unlawful catching of fish; Provided, that for the purpose of catching carp, chubs, mullets or suckers, and those 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 meshes not less than two inches square in the wings thereof, may be used in Utah and Sevier lakes, and in the Colorado, Green and Grand rivers between September 1st and May 15th following. This act is exclusive; Provided, that before any person shall use seines in the waters above mentioned, such person shall secure the presence of either the county warden or his deputy, who shall be paid not to exceed $2 per day by the party drawing the seine.

Sec. 16. It shall be unlawful to use seines within one-half mile from the mouth of any stream flowing into Utah Lake or the mouth of Sorine Creek connects with Utah Lake, or within one-half mile from the mouth of any public stream or body of water connecting two other bodies of water in this State; Provided, that seines may be used in Bear Lake only between the 15th day of May and the 15th day of July for the purpose of catching carp, chubs, suckers, and mountain herring, and these fish only.

Sec. 17. It is hereby made the duty of the warden of each county, on the recommendation of the board of county commissioners, to see that all irrigation canals when deemed necessary in the judgment of the county warden 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 after May 15th of each year; said device to be provided and maintained by the county commissioners for each county.

Sec. 18. It shall be the duty of the owners or operators of any reservoir to furnish and maintain at all times a suitable screen at the head of their reservoirs, such as will effectually prevent fish from any waters of the State from passing into the reservoirs, the same to be maintained under the direction and approval of the county warden, when directed so to do by the board of county commissioners.

Sec. 19. All seines, net, tackle, powder, explosive, lime, poisons, drugs and other means or devices for unlawfully taking or killing fish of any kind found in the possession of any person who may be detected in unlawfully taking fish from any of the waters of the State, shall be seized by the officer making the arrest, and if it appears from the evidence before the magistrate trying the case that the seines, nets, powder, explosive, lime, poisons, 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 order of the magistrate, taken and disposed of in the interest of the county treasury.

Sec. 20. It shall be unlawful for any person to kill wound, ensnare or trap within this State after November the first and before the 1st day of September, the following year, any elk, deer, buffalo, bison, antelope or mountain sheep, or any hens or young of any of said animals, and it shall be unlawful for any person or persons at any time to have any female elk, deer, buffalo, bison, antelope or mountain sheep, or any hens or young of any of said animals in their possession, and the possession of the whole or any part of the carcass of any of said animals shall be prima facie proof of such unlawful taking or killing.

Sec. 21. It shall be unlawful for any person or persons, to molest, kill or wound dog or dogs any of the animals mentioned in Section 20 of this act.

Sec. 22. It shall be unlawful for any person to kill, destroy, net or ensnare or have in his possession within the State any partridge, pheasant, prairie chicken or grouse after the 1st day of December and before the 1st day of September following of any year; or to rob or destroy the nest, eggs or young of any of the birds mentioned in this section.

Sec. 23. It shall be unlawful for any person to kill or have in his possession any sagehen after the first day of February and before the 1st day of August following in any year.

F. W. KAISER,
State Warden.

C. W. MORRIS,
Attorney for Trustee.

RECEIVER'S SALE.

NOTICE IS HEREBY GIVEN THAT PURSUANT to the decree of the Third District Court in the matter of the Receivership of Fred Kaiser, late of Salt Lake, in the case therein pending, in which Fred Kaiser is plaintiff, by John Kaiser, Margaretha Wagner, the Wagner Brewing Company, a corporation, the Salt Lake Brewing Company, a corporation, the Schmidt Brewing Company, a corporation, the Schmidt-Gregory Company and Brigham Young Jr., defendants, I will on the 15th day of June, 1897, at the hour of one o'clock p. m. of said day, at the front door of the Court House in the City and County of Salt Lake, in the State of Utah, or on such other day and at such place as may be appointed in the notice of such sale, thirty days after the publication of this notice of sale, at public auction, to the highest bidder for cash, all of the above described property, for the purpose of satisfying the amount due upon said promissory note, the costs and expenses of said sale and the receiver's fees and cost of executing said trust.

F. W. KAISER,
Trustee