

THE  
FISH AND OYSTER LAWS  
OF TEXAS

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W. W. BOYD, Commissioner

S. C. TISDALE, Chief Deputy



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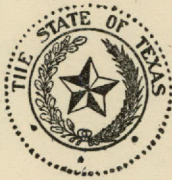


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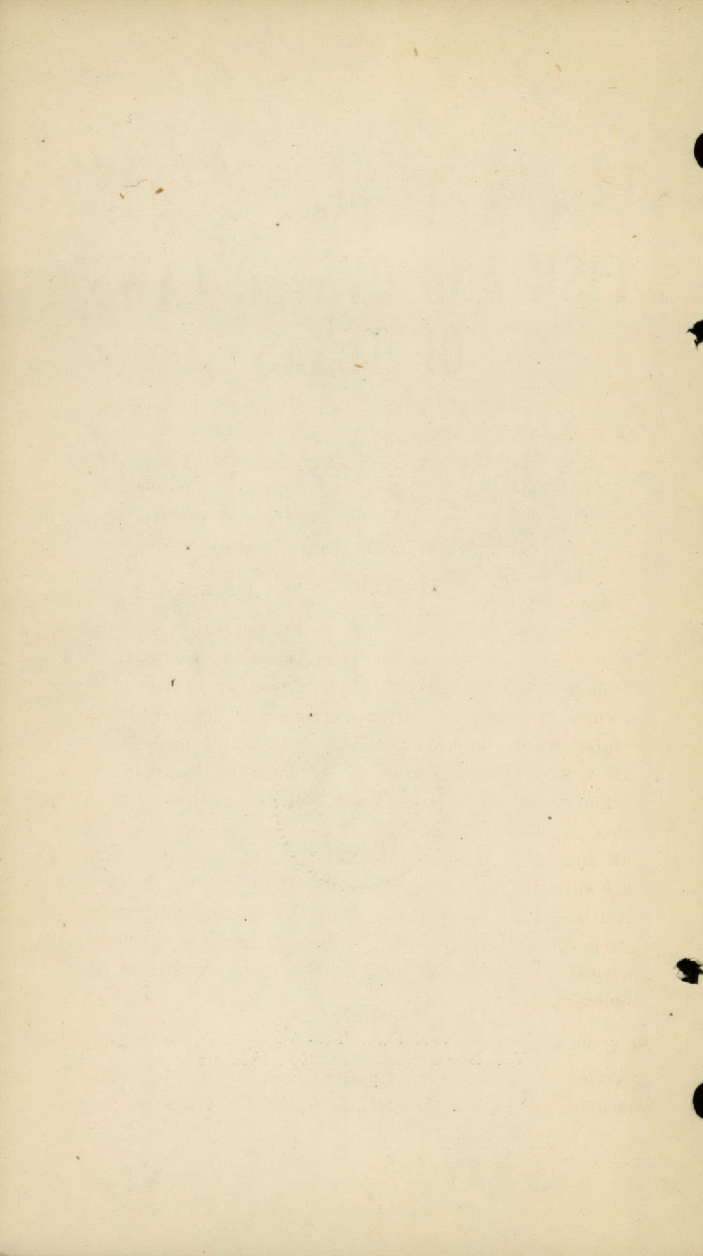
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# THE FISH AND OYSTER LAWS OF TEXAS.

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S. B. No. 107.

A BILL

To Be Entitled

An Act creating the office of Game, Fish and Oyster Commissioner; providing for his appointment; prescribing his qualifications; defining his duties; authorizing the appointment of deputies; prescribing their qualifications, defining powers and duties; and for the protection of fish, oysters, turtle, terrapins, shrimp, crabs, clams, mussels, lobsters and all other kinds and forms of marine life in the public fresh water, tidal and coast waters of the State and to protect the natural oyster beds and reefs and to provide for the location of private beds, prescribing the terms, tax and conditions upon which fish, shrimp, crabs, clams, turtle, terrapin, mussels, lobsters and all other forms and kinds of marine life may be taken from the waters of this State; providing that this Act shall be construed to be a continuation of all former laws upon the subject; and providing that all suits now pending involving laws affected by this Act shall not abate but shall be prosecuted under such former laws and under this Act; fixing the penalties for violations of the Act and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Article 1. The office of Game, Fish and Oyster Commissioner is hereby created and the Governor of the

State is authorized to appoint a competent person as Game, Fish and Oyster Commissioner of the State of Texas.

Art. 2. The person appointed to the office of Game, Fish and Oyster Commissioner shall be a citizen of the United States and of the State of Texas.

Art. 3. The Game, Fish and Oyster Commissioner shall have his office in the State Capitol in the City of Austin, Texas, during his term of office which shall be two years.

Art. 4. The Game, Fish and Oyster Commissioner shall file with the Secretary of State a good and sufficient bond, to be approved by that official, in the sum of ten thousand dollars with two or more good and sufficient sureties conditioned that he will faithfully perform the duties of this office. He shall take the oath prescribed for sheriffs and when he shall file said bond and take said oath, he shall enter on the duties of his office. Said bond shall not be void on the first recovery but may be sued on from time to time in the name of the State or any person injured until the whole amount has been recovered.

Art. 5. The Game, Fish and Oyster Commissioner shall have a seal on which shall be a five pointed star and the words "Game, Fish and Oyster Commissioner of Texas," and which seal he shall use in issuing commissions to deputies in his department and in other official acts.

Art. 6. The duties of the Game, Fish and Oyster Commissioner shall be in the execution of the Game,

Fish and Oyster Laws of the State and such further duties as may be imposed upon him by legislation. In the execution of these laws he shall exercise the power and authority given to the sheriffs of the State.

Art. 7. All of the public rivers, bayous, lagoons, creeks, lakes, bays and inlets in this State, and all that part of the Gulf of Mexico within the jurisdiction of this State, together with their beds and bottoms, and all of the products thereof, shall continue and remain the property of the State of Texas, except in so far as the State shall permit the use of said waters and bottoms, or permit the taking of the products of such bottoms and waters, and in so far as this use shall relate to or affect the taking and conservation of fish, oysters, shrimp, crabs, clams, turtle, terrapin, mussels, lobsters and all other kinds and forms of marine life or relate to sand, gravel, marl, mudshell and all other kinds of shell, the Game, Fish and Oyster Commissioner shall have jurisdiction over and control of, in accordance with, and by the authority vested in him by the laws of this State.

Art. 8. All oyster beds shall be public or private; all not designated private shall be public. All natural oyster beds and oyster reefs of this State shall be deemed public, and a natural oyster bed shall be declared to exist when as many as five barrels of oysters may be found therein within twenty-five hundred square feet of any position of said reef or bed; and any lands covered by water containing less oysters than the above amount shall be subject to location at the discretion of the Game, Fish and Oyster Commis-

sioner, but this shall not apply to a reef or bed that has been exhausted within a period of eight years.

Art. 9. Whenever any creek, bayou, lake or cove shall be included within the metes and bounds of any original grant or location of land in this State, the lawful occupant of such grant or location shall have the exclusive right to use said creek, lake, bayou or cove for gathering, planting, or sowing oysters within the metes and bounds of the official grant or patent of said land. Provided, that the Game, Fish and Oyster Commissioner may require the owner of oysters produced on such lands, when such oysters are offered for sale to make an affidavit that such oysters were produced on his land. And the failure of the person claiming that such oysters were produced on his private oyster bed or bottoms, to have and to show such affidavit to the Game, Fish and Oyster Commissioner, or one of his deputies, or to the person to whom he offers such oysters for sale shall be presumptive that such oysters were taken from a public bed and on prosecution for the same it shall devolve on the defendant to show that such oysters were taken from his private bed, or bottom of oysters. No person shall locate water or ground covered with water for planting oysters along any bay shore in this State, nearer than 100 yards from the shore.

Art. 10. There shall be and is hereby levied a tax of not less than one-fifth of one per cent per pound on all fish, and shrimp, taken and sold or offered for sale in this State, and not less than two cents a barrel on all oysters, sold or offered for sale in this State, whether from private or public beds, and offered for



sale or shipment, and not less than one-half a cent per pound on all turtles, and not less than twenty-five cents on each terrapin offered for sale and shipment. Such tax shall be paid under such rules and regulations as the Game, Fish and Oyster Commissioner shall prescribe. For all purposes mentioned in this Title or Section, a barrel of oysters shall be deemed and taken to consist of three boxes of oysters in the shell, said boxes to be of the following dimensions: ten inches wide by twenty inches long and thirteen and one-half inches in depth. In filling such boxes for measurement, such oysters shall not be placed or deposited in such box in a way that will make them fill the box more than two and one-half inches in the center above the height of the box. Provided that two gallons of shucked oysters without their shells shall be considered and deemed by this Act as equal to one barrel of oysters in the shell. It is hereby specially provided that the title to the shells, from which oysters are taken, shall remain in the State and the Game, Fish and Oyster Commissioner is directed to handle, control or sell same under the same rules and regulations as fixed by law, or may hereafter be fixed by law, for the handling, control or sale of other shells or mudshell taken from the tidal waters of the State.

Art. 11. The Game, Fish and Oyster Commissioner is hereby authorized and empowered to collect all taxes and licenses, fines and forfeitures and all money due said department, by deputies or persons specially employed for that purpose.

Art. 12. Any person who shall use any measurement other than that established in Article 10 of this

Act for the measurement of oysters in the purchase and sale of oysters, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum of not less than ten and not more than twenty-five dollars, and any person who shall fill the measuring box, as adopted in Article 10 of this Act, in the buying and selling of oysters, higher than two and one-half inches in the center of such measuring box, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than ten nor more than twenty-five dollars.

Art. 13. Any person who shall not pay, or who shall refuse to pay the tax imposed on the purchase and sale of fish, oysters, turtle, terrapin and shrimp, as imposed in Article 10 of this Act, or who shall not pay or shall refuse to pay the taxes established and fixed by the Game, Fish and Oyster Commissioner in Article 10 of this Act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty nor more than one hundred dollars, and if such person shall be a licensed fish dealer or fisherman, or oysterman, his license as a fish dealer or fisherman shall be cancelled and not reissued for a period of three years.

Art. 14. Any person who is a citizen of the United States wishing to use a boat in catching or taking fish, green turtle, terrapin or shrimp or gathering oysters or other marine life for market in public waters of this State, in accordance with the provisions of the fish and oyster laws of this State, shall apply to the Game, Fish and Oyster Commissioner or his deputies for permission to do so. Such applicant shall furnish

said officer under oath his name, place of residence, the name and kind of boat to be used by him, together with the number of men to be employed by him. Thereupon the officer shall register such boat which register number shall be distinctly painted, as the Game, Fish and Oyster Commissioner may designate, on such boat, for which registration he shall pay the said officer one dollar and fifty cents and the said officer shall furnish the applicant with a certificate of such registration, such certificate shall be for twelve months from date of issuance.

Art. 15. Any captain or master of any boat wishing to engage in the business of catching or taking any fish, turtle, terrapin, shrimp, or oysters or other marine life from the waters of the State for market shall, before engaging in such business secure from the Game, Fish and Oyster Commissioner, or one of his deputies, a license granting to him permission to take from the waters of the State, fish, turtle, terrapin, shrimp, or oysters; provided, that the licensee in exercising the privilege named in this license, shall at all times be governed by the fish and oyster laws of this State. For the purposes of obtaining this license the person desiring same must make written application to the Game, Fish and Oyster Commissioner, or one of his deputies in which he, the applicant shall set forth under oath, that he is a citizen of the United States and the name, class and register number of his boat. If the application be for a license to use seines and nets, the applicant shall state the number, class and length of the seines and nets to be used by him, and if the application be for a license to gather oys-

ters he must state the number of tongs to be used by him, and the applicant shall also agree that because of the privilege he shall receive from the State of Texas, of taking fish, turtle, terrapin, shrimp or oysters from her waters, or the marine life, all such products at all times shall be subject to inspection by the Game, Fish and Oyster Commissioner, or any of his deputies, and that said applicant shall authorize said Commissioner, or any of his deputies, to enter at any time the boat or any house or place, where he, the applicant, may have such products stored and inspect same; and he, the applicant, shall further agree to pay to the State of Texas a special tax provided for in Article 10 of this Act. This application having been duly executed and handed to the Game, Fish and Oyster Commissioner, or any of his deputies, accompanied by the applicant's registration certificate and the fee for the license applied for, it shall thereupon be the duty of the Game, Fish and Oyster Commissioner, or the deputy receiving same, to issue to the applicant a license to engage in the business set forth in his application, and the license shall be subject to such limitations and control as herein prescribed and as is or may be prescribed by the laws of this State. Said license must be signed by the Game, Fish and Oyster Commissioner, or his deputy, stamped with the seal of office and state the name of the licensee, name and class of his boat and the date of issuance. Such license shall be for twelve months, if for fishing for fish, turtle, or shrimp, and from September the first to April the first, following the date of license, if for gathering oysters and from November the first to Feb-

ruary the first, inclusive, if granted for the purpose of catching terrapins, and for said license the applicant shall pay the sum of one dollar. The license so issued shall be kept on the boat subject to the inspection of the Game, Fish and Oyster Commissioner or any of his deputies, and it shall not be good for any other person or any other boat than the original named therein without the consent of the Game, Fish and Oyster Commissioner, or one of his deputies, having first been had, which consent or assignment shall be written across the face of said license; provided, that if at any time such licensed captain or master of a boat shall violate any of the fish and oyster laws of this State, or shall at any time refuse to comply with any provision made in his application for license, the Game, Fish and Oyster Commissioner is authorized to cancel said license and the boat registration certificate, notice of which shall be given by the Fish and Oyster Commissioner in writing and delivered to the licensee, and such license to such captain and the registration of such boat shall not be renewed for three years. Any person wishing to engage in the taking or catching of any fish, turtle, terrapin, shrimp, or oysters for market as the employee of the owner or as a part of the crew of any registered boat, shall procure a license in the name and manner and character as the captain or master of any registered boat engaged in taking or catching fish, turtle, terrapin, shrimp, or oysters, or other marine life, for market; provided that one license so issued under this Article shall authorize the licensee to engage in taking or catching any of the products named herein.

Art. 16. For the protection of the fish and oyster industry, any individual, firm or corporation engaged in, or who may engage in, the business of a wholesale dealer or dealers in fish and oysters, shall secure from the Game, Fish and Oyster Commissioner, or one of his deputies, a license granting such individual, firm or corporation, permission to engage in said occupation for one year. For the purpose of obtaining this license the applicant desiring same must make written application to the Game, Fish and Oyster Commissioner, or one of his deputies, in which he (the applicant) shall set forth under oath, if required, that he is a citizen of the United States by birth or not being so shall state that he has been granted full naturalization papers and by what court and at what time they were granted. Where a corporation applying for permit to conduct a wholesale business in fish, oysters and other marine products as mentioned, contains foreigners, it shall conform to the foregoing provision as applied to individual applicants. He shall also agree that, because of the privilege which he applies for from the State of Texas, that all products handled by him shall, at all times be subject to the inspection of the Game, Fish and Oyster Commissioner, or any of his deputies; and in said application he shall authorize said Commissioner or any of his deputies to enter his place of business, or any place where he may have such products stored, and inspect same. He shall also agree to keep a correct record of all fish, oysters, shrimp and other taxed marine life handled by him under this law in a book to be furnished by the Game, Fish and Oyster Commissioner; and further, that failure on his part to keep a correct record shall be grounds

for the forfeiture of his license granted him under the application aforesaid. This application, having been duly executed and delivered to the Game, Fish and Oyster Commissioner, or any of his deputies, together with a fee of ten dollars for same, it shall be the duty of the Game, Fish and Oyster Commissioner, or his deputy to issue to the applicant a license to engage in the business set forth in the application. Said license must be signed by the Game, Fish and Oyster Commissioner, or one of his deputies, stamped with the seal of his office, and state the name of the licensee, place of business and the kind of license applied for, and shall be good for twelve months following the date of issuance. For such license the applicant shall pay one dollar for each one thousand pounds of fish handled by him, and a tax of one cent per barrel on oysters handled by him, which tax shall be paid monthly, the tax to be paid on the first of each month, which may be due upon the said product handled during the preceding month as shown by the record books hereinbefore mentioned. And any person, firm or corporation or association of persons, or any officer, agent or employe of any company, corporation or association of persons, who shall engage in the business of a wholesale dealer in fish and oysters or either, without procuring a license to follow said business or without paying the tax and fee required by this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars; and each day such business may be engaged in, in violation of this article, shall constitute a separate offense, and upon conviction for pursuing said occupation without payment of the tax

and fee required by law or for any other violation of the game, fish and oyster law, the license of such dealer shall be forfeited. A wholesale dealer in the meaning and definition of this Act is any person, corporation or firm or partnership engaged in the business of buying and selling fish, oysters, shrimp, turtle, terrapin, crabs, clams, lobsters or other commercial marine life, in quantities of ten pounds or more to any customer during the same day, or whose daily sales, or whose sales for any one day, amount to more than the aggregate of one hundred pounds of above mentioned marine products.

Art. 17. The applicant for any license under this Act, based upon fish and oysters handled, shall upon the issuance of such license, deposit with the Game, Fish and Oyster Commissioner, if required to do so by such officer, an amount of money, to be fixed by the said Commissioner, in addition to the ten dollars required of him as a wholesale dealer as defined in Article 16, sufficient to cover the estimated amount of tax that would be due by applicant upon monthly business of applicant, and against which deposit the tax due may be charged by the Commissioner, and said applicant shall make additional deposits in sufficient amounts to at all times maintain a deposit sufficient to cover the estimated tax that may be due by applicant, which additional deposit shall be made upon request of the Game, Fish and Oyster Commissioner.

Art. 18. Any person who is a citizen of the United States, or any corporation having been chartered in this State shall have the right of obtaining a location for planting oysters and making private oyster beds within



the public waters of this State, by making written application to the Game, Fish and Oyster Commissioner, or his deputy, describing the location desired. A fee of twenty dollars cash must accompany such application.

Art. 19. When the application and fee provided for in Article 18 has been placed in the hands of the Game, Fish and Oyster Commissioner, it shall then be the duty of the Game, Fish and Oyster Commissioner, or his deputy, to examine thoroughly the location desired, as soon as practicable, with tongs, dredge, or any other efficient manner; and, if the same be not natural oyster bed or reef, and exempt from location by any section or article of this Chapter, he shall have the location surveyed by a competent surveyor. In making said location, said surveyor shall plant two iron stakes or pipes on the shoreline nearest to the proposed location, one at each end of the proposed location, which said stakes or pipes shall be not less than two inches in diameter and be set at least three feet in the ground. Said stakes or pipes shall be placed with reference to bearings of not less than three natural permanent objects or land marks. And the locator shall place and maintain under the direction of the Game, Fish and Oyster Commissioner, or his deputy, a buoy at each corner of his oyster claim farthest from the land. All locations for private oyster beds shall be made outside of the riparian limits as defined in the laws relating thereto.

Art. 20. The Game, Fish and Oyster Commissioner, or his deputy, shall give the locator a certificate signed by the Game, Fish and Oyster Commissioner and

stamped with the seal of his office; such certificate shall show the date of application, date of survey, number, description of metes and bounds with reference to the points of the compass and natural and artificial objects by which said location can be found and verified. And the locator shall before such certificate is delivered to him, pay the Game, Fish and Oyster Commissioner, or his deputy, surveyor's fees, and all other expenses connected with establishing such location. If such sums, as costs of the location and the establishment of the claim, are less than twenty dollars paid to such Commissioner, or deputy, the difference in amount shall be returned to such locator by the Commissioner or deputy. If such expenses amount to more than twenty dollars the deficit shall be paid to the Game, Fish and Oyster Commissioner by the locator.

At any time not exceeding sixty days after the date of such certificate of location, the locator must file the same with the county clerk of the county in which the location is situated, who shall record the same in a well bound book kept for that purpose, and the original with a certificate of registration shall be returned to the owner or locator; the clerk shall receive for the recording of such certificate the same fee as for recording deeds; the original or certified copies of such certificate shall be admissible in evidence under the same rule governing the admission of deeds or certified copies thereof.

Art. 21. Any person so locating, shall be protected in his possession thereof against trespass thereon in like manner as freeholders are protected in their possessions as long as he maintains all stakes and buoys

in their original and correct position and complies with all laws, rules and regulations governing the fish and oyster industries.

Art. 22. No person, firm or corporation, shall ever own, lease or otherwise control more than one hundred acres of land covered by water, the same being oyster locations under this chapter, and within the public waters of this State; and any person, firm or corporation that now holds more than one hundred acres of oyster locations, shall not be permitted hereafter to acquire, lease or otherwise control more; provided that no corporation shall lease or control any such lands covered by water unless such corporation shall be duly incorporated under the laws of this State.

Art. 23. Any person, firm, or corporation who has secured, or may hereafter secure a location for a private oyster bed in this State, shall keep the two iron stakes or pipes and buoys as provided for in Article 19, in place, and shall preserve the marks so long as he is the lessee of said location, and this shall apply also to any person, firm or corporation acquiring any location by purchase or transfer of any nature, and said locator or the assignee of any locator shall have the right to fence said location or any part thereof; provided, that said fence does not obstruct navigation through or into a regular channel or cut leading to other public waters.

Art. 24. The owner or locator of private oyster beds under provisions of the foregoing articles shall not be required to pay any rentals on such locations for a period of five years, or until such time as he shall begin to market or sell oysters from such loca-

tion or bed. When such locator shall begin to sell or market oysters from such location he shall pay the State one dollar and fifty cents per acre per annum and two cents a barrel or such tax as may be imposed under Section 10 of this Act on oyster sales, and failure to pay such rental by the 1st day of March each year shall annul and be a forfeiture of his lease. And if oysters are not marketed or sold from such location within five years from the date of location, such location shall become void.

Art. 25. Any person who is a citizen of the State of Texas, or any corporation chartered by the said State of Texas, to engage in the culture of oysters or transact business in the purchase and sale of oysters and fish and composed of American citizens, wishing to plant oysters on their own oyster locations or to take oysters from oyster reefs and public waters of the State of Texas for the purpose of preparing them for market, shall make application to the Game, Fish and Oyster Commissioner for permission to do the same. In such application the applicant shall set out distinctly the purpose for which he desires such oysters, and also the amount or number that he desires to take from the beds and waters mentioned. The Game, Fish and Oyster Commissioner may grant such permit or he may refuse to do so. But if he should grant such permit he shall require the applicant to take the oysters he is authorized to take from beds or reefs designated by such Commissioner and name them in the permit; he shall mark off the exact area of such beds or reefs from which such oysters shall be taken; he shall designate the bottoms on which such oysters shall be deposited, if they are taken to be prepared for mar-

ket; he shall require the applicant to cull the oysters taken on the grounds where they are to be located; he shall state what implements, such as tongs and dredges shall be used in taking such oysters and he shall make and enforce all the other regulations he may think necessary to protect and conserve the oysters on the reefs and beds from which the applicant hereinbefore mentioned is permitted to take oysters, When any person or corporation takes oysters, under the provisions of this Act from the public reefs for planting purposes and places them on his or its own private bed or reef, or takes oysters from such public reefs or beds for the purpose of preparing them for market, and places them on such beds or bottoms designated by the Game, Fish and Oyster Commissioner, where they may be prepared for market, such oysters shall become the personal property of the person or corporation planting them, in the first instance, or depositing them in the second instance. Provided, that the person or corporation planting the oysters or depositing them for preparation for market shall, by buoys or stakes or by fencing, clearly and distinctly mark the boundaries of the bed planted or the boundaries of the deposit of oysters made for preparation for market; and no prosecution of any one shall be permitted for taking such oysters unless the boundaries of the private beds and the boundaries of the deposit for the market preparations are established and maintained.

Art. 26. Any person taking the oysters placed on private reefs or any persons taking oysters from beds or deposits made for the purpose of preparing them for market, without the consent of the owner of the

private reef or the owner of the oysters who has deposited them to prepare them for market, under the provisions of the foregoing Article 25, shall be deemed guilty of theft and on conviction shall be punished by confinement in the penitentiary for a term of not less than one and not more than two years.

Art. 27. Any person who is an American citizen desiring to fish in the public waters of this State, or fish for oysters, fish, shrimp, turtle, terrapin, clams, crabs or other marine animal life, for the purpose of selling them shall procure from the Game, Fish and Oyster Commissioner, or his deputy, a license to do so, and such person shall pay the fee of one dollar for such license, which shall be for one year from the date thereof and obligate the holder to observe all the laws of the State enacted to conserve the marine life of such public waters. Any person who fishes in the public waters of this State for oysters, fish, shrimp, turtle, terrapin, crabs, clams and other marine life for market or sell such product of such waters, without first procuring a license to do so shall be deemed guilty of a misdemeanor and on conviction shall be fined in a sum of not less than ten and not more than fifty dollars.

Art. 28. It shall be the duty of any person fishing for market or for the sale of the marine life set forth in Article 27, in the waters of this State to carry with him the license to do so as issued him as provided in said Section 27, and shall show it to the Game, Fish and Oyster Commissioner when requested to do so. And any person having such license and refusing to show it to the Commissioner or his deputy as aforesaid,

when requested to do so, shall on conviction, be fined in a sum of not less than five nor more than twenty-five dollars.

Art. 29. Any person who shall deface, injure or destroy or remove any buoy, markers or fence or any parts thereof, used to designate or enclose a private oyster bed or a location where oysters have been deposited to be prepared for market, without the consent of the owner thereof, any buoy, marker, or sign placed or used by the Game, Fish and Oyster Commissioner for the purpose of designating any waters closed against fishing or oyster taking, without the consent of the Game, Fish and Oyster Commissioner shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than fifty nor more than two hundred dollars.

Art. 30. It shall be unlawful for any person to catch or attempt to catch any fish, green turtle, loggerhead, terrapin, or shrimp in any of the bays or navigable waters of this State, within the limits or within one mile of the limits of any city or town in this State, with seines, drags, fykes, set nets, trammel nets, traps, dams or weirs. A town or city in the meaning of this Act shall be a collection of one hundred families within an area of one square mile. Any one violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty-five nor more than two hundred dollars. In all prosecutions under the provisions of this Act, the identification of the boat from which such violation or violations occur shall be prima facie evidence against

the owner, lessee, person in charge or master of such boat. It shall be the duty of such town to establish and maintain the buoys, stakes or other marks designating the limits of the one mile within such seines shall be hauled and such nets set.

Art. 31. The mesh of all seines and nets used for taking fish in the salt waters of this State, not including the bag, shall not be less than one and one-half inch square mesh. The mesh of the bags and for fifty feet on each side of the bags, shall not be larger than a one inch square mesh. No seine of over fifteen hundred feet shall be dragged or pulled in the salt water of this State, and any person dragging such seine or dragging two seines which are connected or tied together to secure a longer haul than fifteen hundred feet, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than twenty-five, nor more than one hundred dollars. And the Game, Fish and Oyster Commissioner shall destroy such seines of illegal length or tied together or connected for unlawful use, as a nuisance and no suit shall be maintained against him therefor.

Art. 32. All seines and nets used in the salt waters of this State shall be examined by the Game, Fish and Oyster Commissioner or one of his deputies to see that they conform to the requirements of this law as to length and size of mesh, and if they are found to conform to such requirements the Game, Fish and Oyster Commissioner shall tag such seines or nets with a metal tag on which shall be indented the number of such seine and net; the cost of such tag, twenty-five cents, to be paid by the owner of such seine or net.



The Game, Fish and Oyster Commissioner shall then issue to the owner of it, a permit to use such seine or net for one year from the date of such permit. And such permit shall state the name of the owner of such net, the date on which it was issued, the size of the mesh and the length and kind of such net. The Game, Fish and Oyster Commissioner shall keep a record book in which the date of the issuance of such permit, the name of the owner, the number of the tag, the size of the mesh and the length of such seine or net shall be kept. It shall be the duty of the owner of the seine or net to keep the tag attached to such seine or net, and where a seine or net is used without such tag being attached, it shall be prima facie evidence that such net is an unlawful seine or net and is hereby declared to be a nuisance and the Game, Fish and Oyster Commissioner shall abate and destroy the same and no suit for damages for such destruction shall be brought against him therefor. Any person who shall drag, haul or set any net in the salt waters of this State without first having such net examined by the Commissioner aforesaid, and tagged and a permit as provided for in this Article issued by the Game, Fish and Oyster Commissioner or his deputy, shall be deemed guilty of a misdemeanor, and on conviction he shall be fined in a sum of not less than twenty dollars and not more than one hundred dollars, and the seine or net shall be destroyed as herein provided as a nuisance.

Art. 33. Any person leasing an oyster claim or oyster reef in waters where seining is prohibited may apply to the Game, Fish and Oyster Commissioner for permission to seine for drum fish in such waters. In his application he shall make oath that the drum fish

are seriously damaging his oysters, and that if he is permitted to seine for such drum fish in such waters, he will not take or destroy any other food fish, but will throw them back into the water. If the Commissioner is satisfied that such damage is being done he may grant such permission to the person applying for it, specifying in such permit the length of time in which it is to be used, and the claim or reef on which it is to be used. And such Commissioner shall assign a deputy fish and oyster commissioner to superintend such seining and no seine shall be dragged except in his presence, and for which a person obtaining the permission to seine, as set forth above, shall pay to the Game, Fish and Oyster Commissioner \$2.50 per day, to be placed in the special fish and oyster fund, for such services. The person granted such permission shall board the deputy fish and oyster commissioner during his superintendency of such seining. If the person obtaining the permission shall violate any of the provisions of this Act he shall be prosecuted and punished under the criminal laws of this State applicable in such cases.

Art. 34. Any person who shall take, catch, ensnare or entrap any fish by means of nets or seines or by poisoning, polluting or by use of any explosives, or by muddying, ditching or draining in any lake, pool or pond in any county within this State without the consent of the owner of such lake, pool or pond, shall be deemed guilty of a misdemeanor and on conviction shall be fined in a sum of not less than ten and no more than one hundred dollars, and, in all prosecutions under this law, the burden of proof of such consent of the owner shall devolve and be upon the defendant.

Art. 35. The catching, taking or killing of fish, green turtle or terrapin in any of the salt waters or fresh waters, lakes or streams in the State by poison, lime, dynamite, nitroglycerine, giant powder or other explosive, or by the use of any drugs, substances or thing deleterious to fish life, is hereby prohibited; and any person offending against this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two hundred dollars, and by confinement in the county jail not less than thirty nor more than ninety days.

Art. 36. It shall be unlawful for any transportation company operating within this State, its officers, agents or employes, to receive for shipment, or to ship, within the boundaries of this State, from the first day of May to the first day of September of any year, any oysters from any public bed or reef, for depositing or for marketing; provided that nothing in this chapter shall be so construed as to prohibit any such transportation company, its officers, agents or employes, from shipping, or receiving for shipment, any oysters taken from a private bed located under the laws of this State, offered for shipment by the owner or owners, locator or locators, of such bed; such fact to be established by the written affidavit of the person or persons offering such oysters for shipment, made before any officer authorized to take oaths. Any officer, agent or employe of such transportation company violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined for each offense not less than ten nor more than one hundred dollars.

Art. 37. It shall be the duty of every person, firm or corporation, municipal or private, who has heretofore erected, or who may hereafter erect any dam, water weir, or other obstruction, on any regular flowing stream within this State, on the written order of the court of county commissioners in the county in which such dam, weir or other obstruction has been erected or constructed, to build, construct and keep in repair fish ways, or fish ladders, at such dam, water weir, or obstruction, at the discretion of the Game, Fish and Oyster Commissioner so that at all seasons of the year fish may ascend above such dam, weir or obstruction, to deposit their spawn. Any person, firm or corporation, whether private or municipal, who shall erect such dam, weir or obstruction, or any firm, person or corporation, whether private or municipal, who shall own or maintain any such dam, obstruction or weir, who shall fail or refuse to build, construct and keep in repair such fish way, or fish ladder, within 90 days after having been notified by the Game, Fish and Oyster Commissioner of this State to do so, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$500.00; provided, that each week after the expiration of 90 days after receiving notice, as herein provided that such persons, firm or corporation, municipal or private, shall fail or refuse to build, construct and keep in repair, such fish ladder, shall constitute a separate offense.

Art. 38. It shall be unlawful for any person to fail or refuse to scatter the culls of such oysters as he may take from the oyster reefs as directed by the Game, Fish and Oyster Commissioner, and any person

so failing or refusing to scatter such culls, as directed by the Commissioner, shall be deemed guilty of a misdemeanor and on conviction he shall be fined in a sum not less than ten nor more than one hundred dollars. And on such conviction the Game, Fish and Oyster Commissioner may cancel the license of the captain of the boat on which such person is employed or for which he is gathering oysters, and he shall also cancel the license to gather oysters of such persons offending, and no new license shall be issued to such captain or to such person convicted for a period of three years.

Art. 39. It shall be unlawful for any person to catch any fish in the tidal or coastal waters of the State during the months of June, July and August of each year by the use or employment of any drag seine or net or to drag any seine or net or other device, except a minnow seine for catching bait of not more than twenty feet in length or a shrimp seine as hereinafter provided in Article 50 of this Act, in such coastal and tidal water; and it shall be unlawful for any person at any time to place or set or drag any net or seine or use any other device or method for taking fish, other than with the ordinary pole and line or cast net, or minnow seine for catching bait of not more than twenty feet in length within the waters of San Luis Pass, which leads from Matagorda Bay to the Gulf of Mexico; Brown's Cedars Pass, which leads from Matagorda Bay to the Gulf of Mexico; Pass Cavallo, which leads from Matagorda Bay to the Gulf of Mexico, between the town of Matagorda and the mouth of Caney Creek; Cedar Bayou, which leads from Mesquite Bay to the Gulf of Mexico; Aransas Pass,

which leads from Aransas Bay to the Gulf of Mexico; Corpus Christi Pass, which leads from Corpus Christi Bay to the Gulf of Mexico; and all other passes connecting the bays and tidal waters of the State with the Gulf of Mexico, or within one mile of such passes, or within the waters of any pass, stream or canal leading from one body of Texas bay or coastal waters into another body of such water. And the Game, Fish and Oyster Commissioner, whenever he has reason to believe it is best for the protection and conservation and increase of fish life, or to prevent their destruction in the bays or parts thereof, or such tidal waters of the State, to close such bays or parts thereof, or such tidal waters against all forms and kinds of seining or netting or using gigs, spears and lights, he is hereby authorized to close such waters against fishing with any seine, net, spears, gigs, lights or other devices, except with a hook and line or cast net or minnow seine of not more than twenty feet in length. But before such closing of bays or parts thereof, or of other tidal waters against such seining and netting, and the using of gigs, spears and lights, the Game, Fish and Oyster Commissioner shall give notice of his intention to close such bays, or parts thereof, of such tidal waters for two weeks prior to such closing by posting notices near such waters and after the date set for such closing and which shall appear in such notices of the proposed closing of such waters, it shall be unlawful to drag a seine, or set a net or use a gig, spear or lights in taking fish in such bays and parts of bays and such tidal waters for that period of time that the said Commissioner shall, in such notice, declare they shall be closed. Any person who shall drag any

seine or set any net or use any gig or spear or light to take fish in such closed waters, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than twenty-five nor more than two hundred dollars, and shall be confined in the county jail for a term of not less than thirty nor more than ninety days, and any net, seine or boat used or employed in the violation of this Act shall be and is hereby declared a nuisance and the Game, Fish and Oyster Commissioner or his deputy shall abate and destroy the same and no suit shall be maintained in the courts against him for such abatement and destruction.

Art. 40. Any person who shall carry on, or over, or into the waters of such passes leading from the inland bays or tidal waters of this State to the Gulf of Mexico, any seine or net except a cast net used for catching bait, or a minnow net not exceeding twenty feet in length, or shall carry by vehicle or in any other way, any seine or net except a cast net used for catching bait or a minnow seine not exceeding twenty feet in length, to any point or place within one mile of such passes, or shall have in his possession within one mile of such passes any net or seine except a cast net for catching bait, or a minnow seine not exceeding twenty feet in length, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in a sum not less than twenty-five dollars and no more than two hundred dollars, and shall be confined in the county jail for not less than thirty nor more than ninety days. And any boat or vehicle used in carrying any seine or net except a cast net used for catching bait, or a minnow seine more than twenty feet in length,

into or on or over waters of such passes, and any seine or net carried into or found within one mile of such passes, or found in the possession of any one within one mile of such passes, shall be and is hereby declared a nuisance, and it shall be the duty of the Game, Fish and Oyster Commissioner, or his deputies, to abate and destroy the same and no suit shall be maintained in the courts against them for such abatement and destruction. Provided nothing in this law shall apply to the carrying of nets and seines over closed waters within one mile of any town.

Art. 41. Nothing in the foregoing articles shall apply to vessels engaged in carrying freight or passengers, and engaged as seagoing vessels in coast and foreign trade, and licensed and recognized as such by the Federal Government. And provided further, that the Game, Fish and Oyster Commissioner may grant permits to persons desiring to fish, to carry their boats, nets and seines, and vehicles into, over and on such passes or closed waters or on land to within the mile limits of such passes, and at what time such boats, vehicles, nets and seines shall be taken away from such mile limit and such passes.

Art. 42. In all prosecutions under Articles 39 and 40 of this Act, the identification of the boat or vehicle or the seine or net by which or from which the violation of the law occurred, shall be prima facie evidence against the owner or party last in charge of such boat or against the owner of the vehicle or seines or net.

Art. 43. The Game, Fish and Oyster Commissioner is hereby authorized to permit the use of any shrimp seine or other device for catching shrimp in the tidal



waters of this State. Any person desiring to use such seine shall apply to the Game, Fish and Oyster Commissioner, or his deputy, for a permit to use such seine, net or other contrivance for catching shrimp and such Commissioner or his deputy shall fix and establish the mesh, construction, depth and length of such seines or net or other contrivance so that it shall not be used for other purposes than in taking shrimp, and he shall tag such seine officially and issue such permit, he shall state in what waters and localities such seines or nets shall be used. And any person using such shrimp seine or other contrivance for catching shrimp in the tidal waters of this State without the permit herein provided for, or who shall use any seine or contrivance or net in any waters or locality other than that stated in such permit, shall be guilty of a misdemeanor and on conviction shall be fined in a sum of not less than twenty-five nor more than two hundred dollars and such nets and seines or contrivances thus used in violation of this article shall be and is hereby declared a nuisance and the Game, Fish and Oyster Commissioner or his deputy shall abate and destroy the same and no suit shall be maintained in the courts for such abatement and destruction.

Art. 44. Any person offering for sale, or who shall sell, any cargo of oysters which shall contain more than five per cent young oysters, shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not less than ten dollars, nor more than two hundred dollars. Any oyster that measures less than three and one-half inches from hinge to mouth shall be deemed a young oyster for the purpose of this and the preceding article. The Game, Fish and Oyster Com-

missioner is authorized to permit the taking of oysters from any reef he may designate, of less size than three and one-half inches, but it shall be unlawful to take oysters from reefs other than those designated by such Commissioner, and any one taking such oysters smaller in measurement than three and one-half inches from hinge to mouth from other than such reefs as designated by the Commissioner, shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in a sum of not less than twenty-five nor more than two hundred dollars.

Art. 45. It shall be unlawful for any person to take or catch oysters from any public beds or reefs, for sale or for market, from the first day of April to the first day of September of each year. Any person offending against this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than two hundred dollars, and each day shall constitute a separate offense; provided, that part of Laguna Madre, south and west of Baffin's Bay be excepted and exempted from the operation of this article.

Art. 46. It shall be unlawful for any person gathering oysters for planting or depositing for preparation for market, on locations obtained from the State, or on private property, to sell, market or in any way dispose of oysters so gathered at the time of gathering, for any other purpose than planting, or preparing for market; provided, this shall not be considered as meaning the right to dispose of a location or oyster bed. Any person offending against this article shall be deemed guilty of a misdemeanor and, upon conviction,

shall be fined in any sum not less than fifty nor more than two hundred dollars.

Art. 47. It shall be unlawful for any person, firm, corporation or joint stock company, to gather seed oysters for planting without having first obtained a permit or license to do so from the Game, Fish and Oyster Commissioner, or his deputy, said permit or license to designate the reef or beds from which the applicant is allowed to gather seed oysters, or oysters to be prepared for market as provided in Article 25 of this Act and any person, agent, employee or officer of a firm, corporation or joint stock company gathering or having gathered oysters for planting or oysters to be prepared for market, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars, nor more than two hundred dollars.

Art. 48. If any person shall refuse to pay any tax provided in this Act on any fish, oysters, shrimp, turtle, terrapin, clams, crabs or other marine life which he has sold he shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined in a sum of not less than ten nor more than one hundred dollars.

Art. 49. Whenever the Game, Fish and Oyster Commissioner believes that any public reef is being overworked or damaged in any way, or where such reef has been worked under his supervision, he may close such reef against any one taking oysters from it, but before he closes such reef he shall give two weeks' notice of such closing by posting notices in such fish houses as are in two towns nearest such reefs. In such notices he shall state the date of closing and the

time for which such reefs shall be closed, and any person taking oysters from such reefs within the time closed by such Commissioner he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than twenty-five nor more than two hundred dollars.

Art. 50. Whenever the Game, Fish and Oyster Commissioner believes that an oyster bed can be improved by the use of dredges he may grant the use of such dredges on such reefs, but only under the superintendence, supervision, and in the presence of a deputy fish and oyster commissioner. And the Game, Fish and Oyster Commissioner is authorized to purchase boats and implements and employ labor to work such public oyster reefs and beds as he thinks can be improved thereby, the expense of which shall be paid from the Fish and Oyster Fund of the State on warrants issued by the Comptroller on the sworn statement as to the correctness of such expense by the Game, Fish and Oyster Commissioner.

Art. 51. Complaints against any person for the violation of the game, fish and oyster law of this State may be made before any justice of the peace of the county in which the offense is charged to have been committed, and he shall have jurisdiction to try and dispose of the case; provided the penalties prescribed for such offenses are within the jurisdiction of justices of the peace.

Art. 52. Any court, office or tribunal having jurisdiction of the offense set forth in this chapter, or any district or county attorney may subpoena persons and compel their attendance as witnesses to testify as to

violations of any of the provisions of this law; and any person so summoned and examined shall not be liable to prosecution for any of the violations of this law about which he may testify; and a conviction of said offense may be had upon the unsupported evidence of an accomplice or participant.

Art. 53. It shall be unlawful for any person to sell or offer for sale or to have in his possession for sale, or to have in any mercantile business establishment, or in any market where merchandise is disposed of, any redfish or channel bass of greater length than thirty-two inches or less than fourteen inches; any salt water or speckled sea trout of less length than twelve inches; any sheephead of less than nine inches in length; any flounder of less than twelve inches in length; any pompano of less than nine inches in length; any Spanish mackerel of less than fourteen inches in length. Any person violating any of the provisions of the above part of this article shall be deemed guilty of a misdemeanor and on conviction shall be fined in a sum of not less than ten dollars nor more than fifty dollars. The place of sale or offering for sale shall for the purpose of this Act to establish venue be either the place from which such fish are shipped or where the fish are found or offered for sale; and it shall be unlawful in selling or offering for sale any fish mentioned in this article, to sever the head from the body, and all fish marketed or sold, as mentioned in this article, must be weighed and sold with the head attached, and any person selling or offering for sale any fish hereinbefore mentioned, shall be deemed guilty of a misdemeanor and on conviction

shall be fined in a sum of not less than twenty-five dollars and no more than one hundred dollars.

Art. 54. All United States Coastal Survey Charts covering the coast of Texas shall be admissible as evidence in all prosecutions under this Act.

Art. 55. It shall be unlawful for any person to take or kill or have in his possession at any time within five years from the passage of this Act, any sea turtle, known as the green turtle, and it shall be unlawful to destroy or take the eggs of such turtle and any person who shall take, kill or have in his possession within such five years, or shall destroy or take the eggs of such turtle shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than fifty nor more than one hundred dollars.

Art. 56. It shall be unlawful for any person to take, kill, or have in his possession any salt water terrapin except during the months of November, December, January and February, and any person killing, taking or having in his possession any salt water terrapin at any time except during the months of November, December, January and February, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than fifty nor more than one hundred dollars.

Art. 57. It shall be unlawful to enter or trespass on any State fish hatchery or reservation set apart for the propagation or keeping of birds, fowls and animals of the State, and any person so entering and trespassing on the grounds of such hatcheries or on the grounds set apart by the State for the propagation and keep-

ing of birds and animals, without the permission of Game, Fish and Oyster Commissioner, or Deputy Game, Fish and Oyster Commissioner in charge of such reservation, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the sum of not less than ten nor more than twenty-five dollars, and such trespasser as mentioned may be summarily ejected from such hatcheries, or grounds. Any person who shall take, injure or kill any fish kept by the State in its hatcheries, or any bird or animal kept by the State on its reservation grounds or elsewhere for propagation or exhibition purposes, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than fifty nor more than two hundred dollars.

It shall be unlawful to bring into or keep on any fish hatchery or reservation for the propagation or exhibition of any birds, fowls or animals, any cat, dog, or other animal calculated to kill or injure any fish, bird or animal, and any cat, dog, or other predacious animal found on the grounds of such hatcheries or reservations as mentioned, is hereby declared to have become nuisances by their presence on the grounds of such hatcheries and reservations as mentioned, and the Game, Fish and Oyster Commissioner or his Deputy in charge as aforesaid shall abate and destroy them as nuisances and no suit for damages shall be maintained against such officials therefor.

Art. 58. It shall be unlawful for any person, firm or corporation to ship, sell or have in his possession for the purpose of sale any oysters or other fish taken from insanitary or polluted oyster reefs or beds. For the purpose of this Act, any reef or bed of oysters

which have been declared by the Food and Drug Commissioner of this State as insanitary or polluted, shall be within the meaning of this Act insanitary and polluted. Any person or firm or corporation, who or which shall sell or have in his possession for the purpose of sale, oysters from such insanitary and polluted reefs shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than twenty-five and not more than two hundred dollars.

Art. 59. Any container or receptacle for oysters which has not been thoroughly cleaned before oysters are placed in it, is hereby declared to be insanitary, and any such persons selling oysters from such receptacle or shipping oysters in such receptacle shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than twenty-five nor more than one hundred dollars. It shall be unlawful for any person, firm or corporation to ship into or in this State, sell or have in his possession for the purpose of sale, any oysters or other shell fish in which any formaldehyde or other preservative has been placed, or any oysters or other shell fish which have been subjected to "floating," "drinking," or "bloating" in water containing less salt than that in which they are grown, or oysters or other shell fish to which water has been added either directly or indirectly or in the form of melted ice. Provided, that unpolluted salt, cold or ice water may be used in washing shucked or shelled oysters or other shell fish, if the washing does not continue any longer than the minimum time necessary for chilling and any person who engages in "floating," "drinking" or "bloating" oysters in this State, or who ships into or in this State such oysters or who has in



his possession, sells or offers to sell any such oyster is guilty of a misdemeanor, and on conviction shall be fined in the sum of not less than twenty and no more than two hundred dollars.

Art. 60. It shall be unlawful for any person to set or drag in any of the public waters of this State, any net or seine made of wire or other metallic substance and any one so setting or dragging any net or seines made of wire or other metallic material, shall be declared guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than fifty and no more than one hundred dollars. And the Game, Fish and Oyster Commissioner shall destroy such nets and seines as nuisances wherever found.

It shall be unlawful for any person to take or catch fish in the public fresh water rivers, creeks, lakes, bayous, pools, lagoons or tanks in this State, by any other means other than by the ordinary hook and line or trot line, or by a set or drag net or seine, the meshes of which are less than three inches square, or trammel net, the meshes or any part of which are less than three inches square, or by a minnow seine of more than twenty feet in length, and it shall be unlawful for any person to place in the public fresh water rivers, creeks, lakes, bayous, pools, lagoons or tanks of this State any net or other device or trap for taking or catching fish other than a set or drag net or seine the meshes of which are less than four inches square. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

Provided, that the Game, Fish and Oyster Commissioner is authorized to close any of the water mentioned in this Section against the use of nets or seines or any particular kind of such nets and seines whenever he thinks that such closing is necessary or best to protect and conserve the fish in such waters. But before closing such waters against the use of seines or nets or any particular kind of seine or net, he shall give notice by posting his intentions for two weeks, at not less than three stores or other places in proximity to such waters.

Any person who shall fish with a net or seine in such closed waters or who shall use such particular kind of net or seine, as forbidden in such waters, after the notice given as above required, shall be deemed guilty of a misdemeanor and on conviction shall be fined in a sum of not less than twenty-five and no more than one hundred dollars.

Art. 61. All fresh water rivers and streams in this State, and all lakes, lagoons and bodies of rivers, except tidal bays or coastal waters, such as bays and gulfs, shall be and are hereby declared to be fresh water streams and rivers to their mouths, for the purposes of this Act, and it shall be unlawful to set nets or drag seines or fish in other ways in such streams, rivers and their connecting lakes, lagoons and bodies of water mentioned, except in conformity with the laws herein acted to govern, apply and control in fresh water fishing.

Art. 62. Any person dragging a seine or engaging in taking fish in a set net shall return to the water all fish under and above size according to the measure

or weight herein established, and all other fish except sharks, gars, rays, turtle and terrapin, sawfish and catfish, except the gaff-topsail cat, which may be retained, and any person not returning such fish to the water as required by this article, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than fifty and no more than one hundred dollars.

Art. 63. Whenever a net described or mentioned in this law as a trammel, strike, gill, hoop, pound, purse or other kind of a net, the standard net of such variety or kind or the usual or ordinary kind of such net as manufactured and sold as in or to the trade is meant. No strike or gill net shall be licensed or permitted in the tidal coastal or fresh waters of this State with a lead line of over three-sixteenths of an inch in diameter. And any person using or having in his possession any gill or strike net which has on it a lead line of more than three-sixteenths of an inch in diameter, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five and no more than one hundred dollars.

Art. 64. It shall be unlawful for any person to catch any fish in the public fresh waters of this State with any seine or net other than a minnow seine, not exceeding twenty feet in length, or to drag any seine, except such specified minnow seine, or to set any net, in the public fresh waters of this State during the months of March and April, or to fish with any artificial bait or line of any kind in the fresh public waters of this State during the months of March and April. And any person who shall catch any fish with a seine

or net in the public fresh waters of this State or who shall drag or set any net for the purpose of catching fish in the fresh public waters of this State, or shall use an artificial bait or line in fishing in such public fresh waters in this State during the months of March and April, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than twenty-five dollars, and not more than one hundred dollars. Provided, that where a city, town or other municipality owns any reservoir, lake or other pool of water, it shall exercise all control over it in regard to the taking of fish from it and this Article shall not apply to such waters as mentioned.

Art. 65. Any person who shall take or catch from the public waters of this State or have in his possession any bass of less length than eleven inches or any white perch or crappie of less length than seven inches, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than ten nor more than one hundred dollars.

Art. 66. In all prosecutions for the sale of fish of unlawful size, the place of such sale is hereby established for the purpose of venue to be either at the place of such shipment or at the place of the receipt of such shipment or in any county through which such shipment may pass at the discretion of the State.

Art. 67. Out of any available funds, the Game, Fish and Oyster Commissioner and his chief deputy, and all other deputy fish and oyster commissioners and employes of the Game, Fish and Oyster Commission, shall be paid their salaries and expenses monthly upon approval of the Game, Fish and Oyster Commissioner;

the Comptroller drawing his warrant in favor of each of said persons on the special funds appropriated for said purposes as follows: Game, Fish and Oyster Commissioner, three thousand dollars per annum; Chief Deputy Game, Fish and Oyster Commissioner, twenty-five hundred dollars per annum; deputies on boats, one hundred and twenty-five dollars per month; mates on boats, eighty dollars per month; shore deputy at Corpus Christi, sixty dollars per month; shore deputy at Rockport, sixty dollars per month; first deputy at Caddo Lake, one hundred dollars per month; assistant deputy at Caddo Lake, seventy-five dollars per month; deputy at Medina Lake, one hundred dollars per month; deputy at Galveston, one hundred and twenty-five dollars per month; shore deputy at Houston, one hundred and fifty dollars per month; deputy at fish hatchery, one hundred and fifty dollars per month; three workmen at hatchery, seventy-five dollars per month. It shall be the duty of the Game, Fish and Oyster Commissioner to collect all taxes, licenses and fines as imposed by law, and to enforce their payment, to inspect all products so taxed, and to verify the weights and measures thereof, to collect license fees, to collect all rents on locations for planting oysters, to examine, or have examined, all streams, lakes, or ponds, when requested to do so, for the purpose of stocking such waters with fish, best suited to such locations and he shall superintend and have control in the propagation of fish in the State fish hatchery and the distribution of such fish, and he shall have superintendence and control of the propagation and distribution of birds and game in the State reservations over which he may have control, or which may be established for such propagation.

He shall also be allowed a sum not to exceed fifteen hundred dollars per annum for traveling and other expenses, to be paid on vouchers approved by the Governor, showing that such amounts have actually been expended in the performance of his duties of said office, and he shall be allowed all stationery, books, blanks, tags, State laws and charts necessary to the execution of the duties of his office.

Art. 68. The Game, Fish and Oyster Commissioner shall keep an account with each and every person, firm or corporation holding certificates for the location of private oyster beds in this State, showing the amounts received as rents, etc.

Art. 69. The Game, Fish and Oyster Commissioner shall make on the thirty-first day of August of each year, or as soon thereafter as practicable, not later than October 1st, of each year, a report to the Governor, showing the conditions of the fish and oyster industry. The report shall show the special taxes collected, the number and class of all boats engaged in the fish and oyster trade, the number of licenses issued and license fees collected, the number, place and acreage of private oyster beds and rents received therefor, and all other amounts collected from whatever source, and the disbursements therefor, as provided for in this chapter with such observations and remarks as pertain to the industry. The report shall also contain a statement of all stock fish furnished, to whom furnished, the cost of same, the streams, lakes or ponds stocked, the number and kind of fish used in each, and the condition of such plants, with any other data he may obtain on the subjects. The Governor shall order

a sufficient number of copies of such report to be printed and filed in the Secretary of State's office for the purpose of free distribution to parties interested therein. Failure to make such report within the time specified the said Commissioner may, in the discretion of the Governor, be dismissed from his office.

Art. 70. The Commissioner shall be responsible, on his bond, for the official acts of his deputies.

Art. 71. The Game, Fish and Oyster Commissioner shall keep a record book, which shall be well bound, and in which shall be recorded all special taxes collected, all licenses issued and license fees collected, all certificates issued for locations of private oyster beds, showing the date of certificate and application, when and how the applications were executed and the manner in which the bottoms were examined and rents collected for such locations, showing also all stock fish furnished, to whom furnished, and the cost of same, the streams, lakes or ponds stocked, number and kinds of fish used in each and showing all collections, and disbursements in and from his office.

The Game, Fish and Oyster Commissioner is authorized to appoint deputies for each of the vessels owned by the State and employed in the Fish and Oyster Department. Such boat deputies shall have and exercise the same powers and duties as the Game, Fish and Oyster Commissioner and execute a good and sufficient bond, with two or more sureties, that such deputies shall at all time be subject to the orders of the Game, Fish and Oyster Commissioner.

The Game, Fish and Oyster Commissioner is authorized to appoint such other shore and interior deputies

as he may deem necessary for the enforcement of the law. And such shore deputies and interior deputies shall have and exercise the same powers and duties as the Game, Fish and Oyster Commissioner in the enforcement of the game, fish and oyster laws, and be at all times subject to his orders.

No person shall hold the office of deputy fish and oyster commissioner who is not a citizen of the United States and of the State of Texas. All deputies shall hold their office at the pleasure of the Game, Fish and Oyster Commissioner.

Art. 72. Before entering upon the duties of his office each deputy fish and oyster commissioner shall file with the Fish and Oyster Commissioner a good and sufficient bond, with two or more sureties, in the sum of one thousand dollars, and take the same oath of office as the Game, Fish and Oyster Commissioner, and said bond and oath shall be governed by the provisions of Article 4.

Art. 73. Each deputy fish and oyster commissioner shall be ex-officio game commissioner, and shall exercise the duties and powers of game commissioner under the direction of the Game, Fish and Oyster Commissioner.

Art. 74. All deputy fish and oyster commissioners shall make a monthly report to the Game, Fish and Oyster Commissioner of all funds collected by them, remitting along with said report all sums of money collected by them during the said month.

Art. 75. It shall be unlawful for any person, firm or corporation to take from the public waters of this



State for sale, any mussels, clams or naiad or shells thereof without first obtaining a license from the Game, Fish and Oyster Commissioner, said license shall be in such form as may be determined by the said Commissioner but shall state the waters in which the licensee may operate. The applicant shall pay to the said Commissioner, as a license fee, the sum of ten dollars and in addition thereto the sum of twenty-five dollars for permission to use a dredge. Said license shall expire one year from the date of issuance. Any person violating any of the provisions of this article shall, upon conviction, be fined not less than ten dollars nor more than one hundred dollars.

Art. 76. It shall be lawful for the Game, Fish and Oyster Commissioner of the State and his deputies or the United States Commissioner of Fisheries and his duly authorized agents to take at any time and in any manner from the public fresh waters of this State all brood fish required by them in operation of the State and Federal hatcheries.

Art. 76a. If any section of this bill shall be held unconstitutional it shall not affect any other section of this bill, and all sections save the one that may be declared unconstitutional shall continue to be in full force and effect.

Art. 77. This Act shall be construed to be a continuation of all former Acts upon the subject, and any and all suits instituted under any former Act shall not abate, but prosecutions thereof shall continue under the provisions of such former Acts or under this Act.

Art. 78. The fact that the present laws upon the subject are insufficient to adequately protect the subject matter of this bill and the further fact that the near approach of the end of the present session of the Legislature create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

## PRESERVATION OF FISH IN MEDINA LAKE.

## CHAPTER 81.

Section 2. It shall be unlawful for any person who shall fish in any water which is located in the valley of the Medina river, where the lower or diversion dam above the town of Castroville crosses the Medina river in Medina county, Texas, to a point on the Medina river in Bandera county, Texas, which, by following the meanders of the river, upward towards its source, a distance of twenty-five miles, or in any water which is impounded in Medina county, Texas, by said lower or diversion dam, or in any water which is impounded in Medina county, Texas, and in Bandera county, Texas, by what is known as the upper or main dam which crosses the Medina river, a distance of about four miles above the said lower or diversion dam, to catch and retain, or have in his possession any bass or other fish of the bass species, which are less than eleven inches in length, or catch or retain or have in his possession, in any one day, more than a total aggregate of ten bass or other fish of the bass species; or to catch or retain or have in his possession in any one day a total aggregate of more than twenty perch, crappie, or sun fish, or other fish of the perch, crappie or sun fish species, which shall be smaller than two inches long.

Section 3. It shall be unlawful for any person to sell, or offer for sale, or to buy any fish caught in any of the waters described in Section 2 hereof.

Section 4. Any person violating any provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 nor more than \$15.00 for each violation of the law, and each fish caught or sold in violation of this Act shall be deemed a separate violation hereof, and a separate offense, and he may be prosecuted either in the county where the fish are caught or where he is found with them in his possession, or where the fish are sold, or bought, or where they are offered for sale.

Section 5. This special law is meant to be cumulative of the general law of the State of Texas, and is not meant to repeal the general law of the State of Texas.

Section 6. Nothing in this Act shall prohibit the catching of more than twenty perch or sun fish to be used for bait, provided none of the perch or sun fish so caught to be used for bait shall be larger than two inches in length.

The above law was passed by the Thirty-fifth Legislature.

SPECIAL FISH LAW FOR SMITH COUNTY.

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Section 1. It shall not hereafter be unlawful for any person to catch or take fish from any publicly owned river, lake or creek in Smith county, Texas, with hook and line, trot line, seine or net, except as hereinafter provided.

Sec. 2. No person shall catch more than fifty pounds of fish for sale in any one day, nor shall any person use a net or seine with meshes less than three inches in diameter or four inches in square or diamond form.

Sec. 3. Any person who shall violate any of the provisions of Section 2 of this Act shall be deemed guilty of a misdemeanor and on conviction thereof may be fined in any sum of not less than ten dollars, nor more than fifty dollars.

The above law was passed by the Thirty-third Legislature.

EXEMPTING HOOD AND SOMERVELL COUNTIES  
FROM LAW REGULATING TAKING OF FISH  
FROM FRESH WATERS.

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CHAPTER 187.

Article 923f. It shall be unlawful for any person to take or catch any fish in the public fresh water rivers, creeks, lakes, bayous, pools, lagoons or tanks of this State by any other means than ordinary hook and line or trot line, or by set or drag net seines the meshes of which are less than three inches square, or trammel net, the meshes of any part of which are less than four inches square, or by a minnow seine of more than twenty feet in length, and it shall be unlawful for any person to place in the public fresh water rivers, creeks, lakes, bayous, pools, lagoons or tanks of this State any net or other device or trap for taking or catching fish other than a set or drag net or seine, the meshes of which are less than four inches square. Any person violating any provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined any sum not less than twenty-five nor more than one hundred dollars. All fresh water streams or bayous emptying into the tidal waters of this State are, for the purpose of this Act, hereby declared fresh water streams to their mouths; provided, that the counties of Hood and Somervell shall be exempt from the provisions of this article, as to the waters of the Brazos river, and as to the waters of Paluxy creek from the first day of July to the first day of January of each year, and provided that gigging and grabbling is and shall be prohibited in both streams at all times.

SPECIAL FISH LAW FOR WOOD COUNTY.

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Section 1. It shall not hereafter be unlawful for any person to catch or take fish from any publicly owned river or creek in Wood county, Texas, with hook and line, trot line, seine or net, except as hereafter provided.

Sec. 2. No person shall catch more than fifty pounds of fish for sale in any one day, nor shall any person use a net or seine with meshes less than three inches in diameter or four inches in square or diamond form.

Sec. 3. Any person who shall violate any of the provisions of Section 2 of this Act shall be deemed guilty of a misdemeanor and on conviction thereof may be fined in any sum not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

The above law was passed by the Thirty-fifth Legislature.

SPECIAL FISH LAW FOR TOM GREEN COUNTY.

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Section 1. If any person shall sell or offer for sale any bass or white perch or crappie, or channel catfish taken from any of the public fresh waters of the county of Tom Green, State of Texas, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

Sec. 2. Any person who shall use any dynamite, powder or other explosive or poison of any kind in any of the fresh water streams of the county of Tom Green, State of Texas, and shall destroy any fish thereby, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one hundred (\$100.00) dollars nor more than one thousand (\$1000.00) dollars, and shall be imprisoned in the county jail for any time not exceeding one year.

Sec. 3. It shall be unlawful for any person to take or catch any fish in the public fresh waters, creeks, lakes, bayous, pools, lagoons or tanks in the county of Tom Green, State of Texas, by any other means than by ordinary hook and line held in hand or artificial bait, and it shall be unlawful for any person to place in the public fresh water rivers, creeks, lakes, bayous, pools, lagoons or tanks of the county of Tom Green, State of Texas, any seine, net or other device or trap for taking or catching fish; provided, however, that persons may use a minnow seine which is not more than ten feet in length for the purpose of catching



minnows for bait. Provided that in seining for minnows for bait as herein permitted all fish and minnows more than three inches in length shall be returned to the water at once while alive. No person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait.

It shall be unlawful for any person to take from the public fresh waters of the county of Tom Green, State of Texas, more than twenty-five of any kind of fish in any one day.

Any person violating any provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined any sum not less than ten (10.00) dollars nor more than one hundred (\$100.00) dollars.

Sec. 4. It is made the duty of the district judge of the judicial district in which Tom Green county is situated to give a special charge upon this law to the grand juries of Tom Green county.

The above law was passed by the Thirty-fifth Legislature.

## SPECIAL FISH LAW FOR CORYELL COUNTY.

Section 1. If any person shall sell or offer for sale any bass or white perch, or crappie taken from any of the fresh waters of the county of Coryell, State of Texas, he shall, upon conviction, be deemed guilty of a misdemeanor and fined in any sum not less than \$10.00 nor more than \$50.00.

Sec. 2. Any person who shall use any dynamite, powder or other explosive in any of the fresh water streams of the county of Coryell, State of Texas, and shall destroy any fish thereby, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars, and may be imprisoned in the county jail for any time not exceeding one year.

Sec. 3. It shall be unlawful for any person to take or catch any fish in the public fresh waters, creeks, lakes, bayous, pools, lagoons, or tanks in the county of Coryell, State of Texas, by any other means than by the ordinary hook and line or trot line; and it shall be unlawful for any person to place in the public fresh waters, rivers, creeks, lakes, bayous, lagoons, ponds, or tanks in the county of Coryell, State of Texas, any seine, net, or other device or trap for taking or catching fish; provided, however, that persons may use a minnow seine which is not more than ten feet in length, and the meshes of which are not less than one-fourth inch square, for the purpose of catch-

ing minnows for bait. No person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait. It shall be unlawful for any person to take from the public fresh waters of the county of Coryell, State of Texas, more than twenty-five of any kind of fish in any one day. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

Sec. 4. It is made the duty of the district judge of the judicial district in which Coryell county is situated to give a special charge upon this law to the grand juries of Coryell county.

Sec. 4a. This law shall be cumulative of all general laws and shall not be construed as repealing or affecting any general law relating to the subject matter of this Act.

The above law was passed by the Thirty-fifth Legislature.

CATCHING OF FISH, ETC., IN COUNTIES OF  
MONTGOMERY AND NEWTON.

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Article 877. It shall be unlawful for any person in the counties of Montgomery and Newton, in the State of Texas, at any time during the year, to take, catch, ensnare or entrap any fish by means of nets, traps, poison or dynamite, or in other manner than with the ordinary hook and line or trot line, in any of the fresh waters, lakes or streams of this State in said counties; and any person violating the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars and not more than one hundred dollars; provided, that this article shall not be construed to prevent the catching of fish by nets in any of the lakes in said counties, except Grand Lake. (Act 1909, p. 133.)

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NATURAL FLOW OF WATERS NOT TO BE OB-  
STRUCTED.—PENALTY.

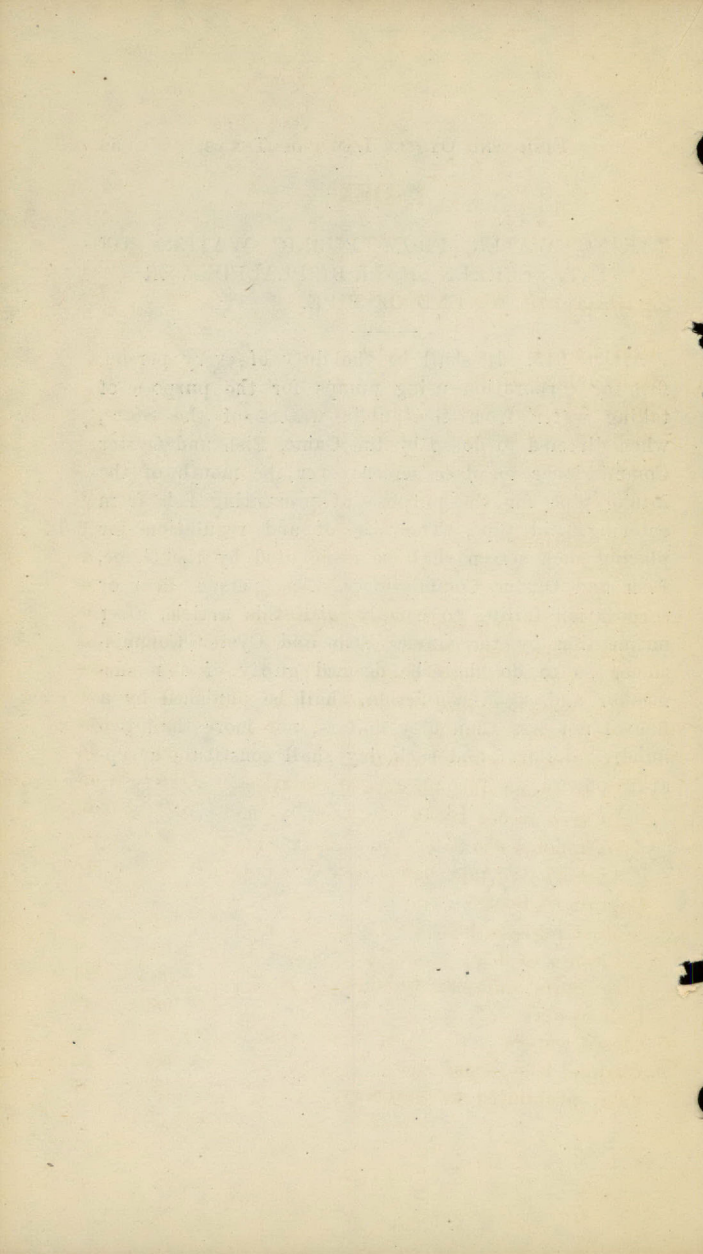
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Article 923j. It shall be unlawful for any person to wilfully obstruct the natural flow of waters into any of the public waters of this State or to wilfully divert the waters from any of the public lakes, streams or ponds of this State, except for domestic or other necessary uses, or for irrigation purposes, and any person so offending shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than fifty nor more than one hundred dollars.

TAKING WATER FROM PUBLIC WATERS OF  
STATE; SCREEN SHALL BE PLACED OVER  
END OF PIPE.

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Article 915. It shall be the duty of every person, firm or corporation using pumps for the purpose of taking water from the public waters of the State, when directed to do so by the Game, Fish and Oyster Commissioner to place screens over the mouth of the intake pipe for the purpose of preventing fish from entering said pipe. The size of and regulation for placing such screen shall be designated by the Game, Fish and Oyster Commissioner. Any person, firm or corporation failing to comply with this article, after notification by the Game, Fish and Oyster Commissioner so to do, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars; and each day shall constitute a separate offense.



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## TO FISHERMEN.

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Each small fish left on the beach to die diminishes the future supply, so if you expect to fish next year it is to your interest to preserve the young fish this year.