



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Dean Cauldin
Criminal District Attorney
Criminal Courts Building
Dallas 2, Texas

Attention: Mr. Angelo Piranio

Dear Sir:

Opinion No. O-6593
Re: Clarification of Senate
Bill No. 93, as pertains
to the use of nets and
seines and maximum possession
limit.

Your recent request for this department's opinion reads,
in part, as follows:

"Several questions have arose in regard to Senate
Bill No. 93, which became effective February 27, 1945.
As you know, this bill pertains to fishing season and
possession and size of fish.

"It fails to state in this bill the number of fish
that a person might have in his possession at one time,
whether it be one day's limit, two day's limit or more.

"Also in certain counties nets and seines are per-
mitted to be used during certain seasons but in the
above mentioned bill it fails to set out whether or
not these nets and seines may be used in these differ-
ent counties outside the fishing seasons as provided
by the Statutes.

"We would appreciate an opinion from you on the
above questions in order that we might know how to
proceed with prosecution in regard to these matters."

After a careful consideration of the above request we
have concluded that your first question is answered by Sections
3 and 5 of Senate Bill No. 93, Acts of the 49th Legislature, ap-
pearing as Article 927a in the April, 1945, Cumulative Pamphlet
of Vernon's Annotated Texas Statutes Service; Section 3 reading
as follows:

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"Sec. 3. It shall be unlawful for any person in any one day to catch and retain, or to place on or in any device or container for holding same while he is fishing, any fish that is taken from the public fresh waters of this state in excess of the following limits: large-mouth black bass, small-mouth black bass, spotted bass, or any sub-species of the same, singly or in the aggregate, fifteen (15) of which not more than ten (10) shall be of greater length than eleven (11) inches; white bass, twenty-five (25); blue catfish, channel catfish and yellow catfish single or in the aggregate, twenty-five (25); crappie or white perch, twenty-five (25)." (Emphasis added)

It shall be noted that previous to the passage of Senate Bill No. 93, the law provided under Article 952f-1 of Vernon's Annotated Penal Code for a maximum possession limit at any time in Dallas County; said provision read, in part, as follows:

"* * *, it shall be unlawful for any one person to have in his or her possession at any time more than thirty (30) bass, thirty (30) crappie or white perch, seventy (70) bream, or seventy (70) goggle eyed perch, caught or taken from the fresh water, rivers, lakes, ponds or lagoons of this state, * * *."

Section 5 of Senate Bill No. 93 repealed the above quoted article and reads, in part, as follows:

"Sec. 5. All laws or parts of laws, local, general or special, insofar as they provide a closed season or period of time when it is unlawful to take, or catch fish or to use artificial lures, or insofar as they provide a size limit, possession limit or daily catch limit, or otherwise conflict with any provision of this act, shall be and are hereby repealed; * * *." (Emphasis ours)

Thus it is seen that the above quoted section of Senate Bill No. 93 repeals all laws or parts of laws, local,

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general or special, insofar as they provide for a possession limit. Accordingly, the answer to your first question is that under the present law no person is limited in his possession of fish to any maximum number of day's catch.

In answer to your second question, we direct your attention to the enclosed Opinion No. O-6541, passed by this department May 9, 1945, which we trust satisfactorily answers your inquiry.

Yours very truly

ATTORNEY GENERAL OF TEXAS

Eugene Alvis

Eugene Alvis
Assistant

By

Bob D. Maddox

Bob D. Maddox

APPROVED JUN 19 1945

Carl P. ...
FIRST ASSISTANT
ATTORNEY GENERAL

BDM:zd
Encl.

