

II. And be it further enacted by the Authority aforesaid, That when any person or persons shall be convicted before any Court of Quarter Sessions in this Province, of any assault or misdemeanor, such person or persons so convicted, shall pay the costs of such conviction and prosecution, that shall be allowed and taxed by the said Court; and when such defendant or defendants shall be acquitted; the prosecutor, unless it shall appear to the said court that there were reasonable grounds for prosecuting, to be certified by the chairman, by indorsement on the back of the indictment, in open court, shall pay such costs of prosecution, as shall be allowed and taxed as aforesaid; *Provided nevertheless*, that when any defendant or defendants shall be tried on a presentment of the grand jury, and shall be acquitted, the costs shall be paid out of the district treasury; ; *Provided nevertheless*, that nothing in this Act shall be construed to extend to deprive the clerks of the peace of such fees as are allowed by any Act of Parliament for other services.

Costs to be paid at the quarter sessions by persons convicted.

In what cases prosecutors shall pay cost.

When costs shall be paid by the district.

C H A P. XII.

An Act for the preservation of Salmon.

[Passed 10th March, 1807.]

WHEREAS it is found necessary to make provision for the preservation of Salmon, in the Rivers and Creeks of this Province; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, "an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, no person or persons in the Home or Newcastle Districts, shall be allowed by setting any net or nets, wear, or other engines, to take any salmon or salmon fry, in any river or creek, or at the mouth or near the mouth of any river or creek in the said Districts.

Preamble.

II. And be it further enacted by the authority aforesaid, That if any person or persons in either of the districts aforesaid, shall take or catch or attempt to take or catch by setting any net or nets, wears or other engines, any salmon or salmon fry, in any of the creeks or rivers, or at the mouth or near the mouth of any creek or river in the aforesaid Districts, such person or persons shall forfeit and pay the sum of five pounds for the first offence, and double that sum for every subsequent offence, or in default of payment, shall be committed to the common gaol of the District in which the offence is committed, for the space of one month. *Provided* always, that nothing in this Act shall be construed to prevent persons at any time from taking salmon with a spear or hook and line.

Penalties for taking &c. by nets, wears, or other engines, in the Home or Newcastle districts, salmon or salmon fry.

Salmon may be taken with spear or hook and line.

Penalties how
to be recovered

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any one of his Majesty's Justices of the Peace, upon the oath of any one credible witness, to hear and determine the matter in complaint, and on conviction under his hand and seal, to cause to be levied of the goods and chattels of such offender or offenders as are herein before mentioned, the sum of five pounds for the first offence, and double the sum for every subsequent offence, committed contrary to the intention of this Act, or in default of payment, to commit the offender to the common gaol of the District for one month.

Penalties how
to be distributed
and applied.

IV. *And be it further enacted by the authority aforesaid,* That one half of every fine levied, or to be levied, by virtue of this Act, shall be given to the informer, and the other half shall be paid into the hands of his Majesty's Receiver General, to and for the public uses of this Province.