

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

five pounds, shall receive from the plaintiff five shillings weekly, so long as he shall be detained in prison for such debt.

cution issued, and make oath, that he or she, is not worth five pounds, the plaintiff, at whose suit he, or she is detained, shall be ordered by the said Court, by rule, to be served on the plaintiff, or the attorney, to pay to the defendant in execution, the sum of five shillings, weekly maintenance, so long as he, or the shall be detained in prison, at the suit of the plaintiff, and that such payment shall be made in advance, to the prisoner or gaoler, for his or her use, on Monday in every week; on failure of which, the Court from whence the execution issued, shall order the defendant to be released. *Provided always*, That the plaintiff shall not be obliged to make such payment, if he can prove, to the satisfaction of the Court, that the defendant has secreted, or conveyed away, his or her effects, to defraud his or her creditors.

CHAP. VIII.

An ACT to regulate the Curing, Packing, and Inspection of Beef and Pork.

[Passed 2d March, 1805]

Preamble.

WHEREAS by a law of the Province of Lower Canada, it has become necessary for such persons in this Province, as may deem it proper to cure and pack Beef and Pork, for foreign markets, to have the same cured and packed, under the authority of a law of this Province; Be it 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, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, '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 it shall and may be lawful, for the Governor, Lieutenant Governor, or person administering the Government, from time to time, as to him may seem reasonable, to appoint one or more capable persons in each of the districts of this Province, to be Inspector, or Inspectors, of Beef and Pork, who shall thereupon be the Inspector, or Inspectors, for putting this Act in execution, with all the powers, and subject to all the penalties herein after described, and each of the Inspectors, before he enters upon the execution of his office, shall take, and subscribe, an oath before one of his Majesty's justices of the peace, in and for the district in which he shall reside, which oath, the said justice is hereby authorized to administer, in the words following viz. "I do solemnly swear, that I will faithfully, truly, and impartially, to the best of my judgment, skill, and understanding, execute, do, and perform, the office and duty of an Inspector, packer, and repacker, of Beef and Pork, according to the true intent and meaning of an Act, intituled, "An Act to regulate the curing, packing, and Inspection of Beef and Pork," and that I will not, directly, or indirectly, brand or suffer any Cask of Beef or Pork to be branded, but what shall be found and good," which oath he shall file, or cause to be filed, in the office of the Clerk of the Peace, for the district in which he shall be appointed Inspector, and the

Appointment of Inspectors of Beef and Pork.

Oath of the Inspectors.

Inspector

Inspector, or Inspectors of each and every District in this Province, in the month of June, in every year, shall make a return to the Governor, Lieutenant Governor, or person administering the Government of this Province, of the whole number of barrels of Beef and Pork Inspected by him, or them, according to the direction of this Act, during the year preceding, designating the different sorts of Beef and Pork, and the District in which the same was Inspected.

II. *Provided always, and be it further Enacted by the Authority aforesaid,* That no person to be hereafter appointed an Inspector of beef or of pork, under the authority of this Act, shall deal in, buy, barter, or exchange any beef or pork, by him inspected, or to be inspected, under pain of the commission under which he acts, being null and void, except such beef or pork, as may be necessary for the consumption of his own family.

Inspector not to be a dealer in beef or pork.

III. *And be it further Enacted by the Authority aforesaid,* That no beef shall be hereafter packed or repacked in barrels, for foreign markets, unless it be of fat cattle, not under three years old, and that all such beef shall be cut in square pieces, as near as may be, not exceeding twelve pounds weight, nor less than four pounds weight; and that all beef which the said inspectors shall find, on examination, to have been killed at a proper age, to be fat and merchantable, shall be sorted and divided in three different sorts, for packing and repacking in barrels, to be denominated *mess*, *prime*, and *cargo*; *mess* beef shall consist of the choicest pieces of oxen, cows or steers, well fattened; the shin, shoulder and neck, shall be taken from the fore quarters, and the legs and leg rounds from the hind quarters; and each barrel containing beef of this description, shall be branded on one of the heads with the words, *Mess Beef*; that *prime* beef shall consist of choice pieces of oxen, steers, cows and heifers, amongst which there shall not be more than half a neck, and one flank, with the hock cut off; and one of the heads of all barrels containing beef of this description, shall be branded with the words *Prime Beef*; that *cargo* beef shall consist of fat cattle of all descriptions, of three years old and upwards, with not more than half a neck, and three flanks without the hocks in each barrel, and shall be otherwise merchantable, and such barrel shall be branded on one of the heads with the words, *Cargo Beef*; and every barrel of beef shall be well salted, with not less than forty pounds of clean Saint Ubes, Isle of May, Lisbon, Furks Island salt, or other salt of equal quality, exclusive of a pickle, made as strong as salt will make it, and to each barrel of beef shall be added, not less than two ounces of saltpetre.

Quality of the beef to be packed.

Manner of sorting it.

Barrels to be branded.

Manner of pickling of beef.

IV. *And be it further Enacted by the Authority aforesaid,* That from and after the passing of this Act, every barrel, in which beef shall be packed, or repacked, shall be made of good seasoned white oak staves and heading, free from every defect, and shall contain two hundred pounds weight of beef, and shall not be of a larger guage than thirty gallons, and shall be hooped with fourteen good ash, hickory, or oak hoops, the heads to be made of good thick stuff, the hoops to be well set and drove.

Quality and size of the barrels for packing of beef.

V. *And be it further Enacted by the Authority aforesaid,* That one head of every barrel, in which beef or pork is packed, or repacked for foreign market, shall be branded with the weight it contains, the inspector's name, who shall

Manner in which barrels of beef & pork shall be branded.

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have inspected the same, with the name of the District where it was inspected, and also the addition of Upper Canada, in legible letters.

No inspector to act out of his District.

VI. *And be it further enacted by the Authority aforesaid,* That no inspector appointed by virtue of this Act, shall inspect, or brand any cask of beef or pork, out of the limit or district for which he shall be appointed, under the penalty of twenty shillings.

Penalty of refusing or neglecting to inspect.

VII. *And be it further Enacted by the Authority aforesaid,* That if any inspector of beef or pork, not then employed in the inspection and examination of beef or pork, according to the duties prescribed by this Act, or who shall not be incapacitated by sickness, shall, on application, on lawful days, and reasonable hours, to him made, for the examination of any beef or pork as aforesaid, refuse, neglect, or delay to proceed to such examination and inspection, for the space of two days after such application so made to him, the inspector so refusing, neglecting, or delaying to make such examination and inspection, shall, for each offence, forfeit the sum of forty shillings, current money of this Province, to the use of the person or persons injured by such delay.

Fees of the inspector.

VIII. *And be it further Enacted by the authority aforesaid,* That every inspector shall receive one shilling and six-pence, current money of this Province, for each barrel of beef or pork he shall salt, pack, inspect and pickle, exclusive of cooperage; and for every mile the said inspector shall travel, he shall be intitled to receive the sum of six-pence, all which salting, packing, inspecting, pickling, and travelling, shall be paid by the person or persons by whom he shall be employed.

Penalty for negligence or fraud in inspecting.

IX. *And be it further enacted by the authority aforesaid,* That if any of the inspectors appointed by virtue of this Act, shall be guilty of any neglect or fraud, in inspecting any beef or pork, contrary to the true intent and meaning of this Act, or shall brand any cask containing beef or pork, which has not been actually inspected agreeable to this Act, he or they, shall, for every such offence, forfeit a sum not exceeding forty shillings, current money of this Province, in case of neglect, and shall forfeit the sum of twenty pounds of like money, and be dismissed from his office, in case of fraud.

Penalty for intermixing beef or pork after branded.

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall intermix, take out, or shift any beef or pork, out of any cask inspected or branded; as by this Act is required, or put in any other beef or pork for sale, contrary to the intention of this Act, the person or persons so offending, shall, for every such offence, forfeit the sum of ten pounds, current money of this Province.

Penalty for counterfeiting brand marks.

XI. *And be it further enacted by the authority aforesaid,* That if any person or persons, shall counterfeit any of the aforesaid brand-marks, or impress, or brand the same on any cask, or casks of beef, or pork, he, she, or they, being thereof legally convicted, shall forfeit the sum of twenty pounds, current money of this Province.

Quality and size of the barrels for packing of pork.

XII. *And be it further enacted by the authority aforesaid,* That from, and after the passing of this Act, every barrel, in which pork shall be packed, or re-packed

packed for foreign markets, shall be made of good, seasoned, white oak staves and heading, free from every defect, and each barrel shall contain two hundred pounds weight of pork, and shall not be of a larger guage than thirty gallons, and the said barrels, in every respect, shall be hooped, and made in the same manner as in this Act provided, for barrels for packing and repacking beef.

XIII. And be it further Enacted by the Authority aforesaid, That there shall be two qualities of Pork, known, and distinguished by the names of Mefs, and Prime Pork, Mefs Pork shall consist of the rib p good, fat hogs, only, barrels containing such pork, shall be branded on one of the heads, with the words, Mefs Pork; Prime Pork shall consist of the next best pi-ces, with not more than six shoulders, or legs, with the shanks cut off, in one barrel, and one of the heads of every such barrel, shall be branded with the words, Prime Pork; and the pork so to be packed, shall be cut in pieces, as nearly square as may be, provided that all mefs pork, and prime pork, shall be cut, as nearly as possible, in pieces of four pounds wei ht, and that each barrel of pork shall be salted, with not less than fifty pounds of the same quality of salt, and the same kind of pickle, and to each barrel of pork shall be added, not less than two ounces of salt petre, as in this Act is provided, for packing and inspecting of beef, and that each bariel of pork, when so inspected and packed, shall be branded in the same manner, as in this Act is provided, for branding of beef, designating the different qualities; or denominations herein described.

Quality of the pork to be packed, and manner of sealing it.

Manner of pickling it.

XIV. And be it further Enacted by the authority aforesaid, That for all beef and pork, that shall be inspected in this province, the inspector who shall have inspected the same, shall give unto the owner, or his agent, a certificate, under his hand and seal certifying, that such beef or pork is in every respect, packed and branded agreeable to the laws of the Province of Upper Canada, which certificate may be in the following form :

Certificates to be given by the Inspector.

“ I do hereby certify, that I have inspected barrels of Cargo, Mefs, or Prime Beef, cr Mefs, or Prime Pork, as the case may be, the property of and that the said Mefs, Prime or Cargo Beef, Mefs or Prime Pork, is in every respect packed, and branded, agreeable to the laws of the Province of Upper Canada.

XV. And be it further Enacted by the authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to compel any person or persons, who may export beef, or pork from this province, to have the same Inspected, unless he, or they shall think proper so to do.

No person compelled to have his Beef or Pork inspected.

XVI. And be it further Enacted by the authority aforesaid, That all the fines and forfeitures, by this Act imposed, shall be recoverable with costs, in a summary way, to be proceeded upon, and be examined into, heard

Fines and forfeitures under this act, how recoverable, & in what manner disposed of.

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adjudged, and determined, by the Magistrates, in Quarter Sessions assembled, and in order thereto, it shall and may be lawful, to, and for any one of his Majesty's justices of the peace, within the district wherein the offence has been committed, to summon any person or persons to appear at the next General Quarter Sessions of the peace, to be holden in and for such district, and the magistrates in Quarter Sessions assembled, are hereby fully authorized, empowered, and required upon the appearance, or default, of such person or persons, to be summoned, to examine into the cause of such complaint, and thereupon, to proceed to give judgment, the one moiety of all such fines and forfeitures (except such as are herein before otherwise applied) when recovered, shall be immediately paid into the hands of the Receiver General, for the use of his Majesty, towards the support of the Government of this province, and shall be accounted for to his Majesty, through the Commissioners of his Majesty's Treasury, for the time being, in such manner and form, as his Majesty shall direct, and the other moiety, to the Inspector, or person who shall sue for the same.

Limitation of time for commencing of actions for any thing done in pursuance of this act.

XVII. *And be it further enacted by the authority aforesaid, That if any action or suit, shall be commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit, shall be commenced within the space of six calendar months next after the offence shall have been committed, and not afterwards; and the defendant or defendants, may give this Act, and the special matter, in evidence, at the trial to be had thereupon, and that the same was done in pursuance, and by authority of this Act; and if it shall appear so to have been done, then the Court shall find for the defendant or defendants, and if the plaintiff shall be non-suited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff, the defendant or defendants shall, and may recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.*

## CHAP. IX.

*An ACT for applying a certain sum of money therein mentioned, to make good certain monies issued, and advanced by His Majesty, through the Lieutenant Governor, in pursuance of two addresses.*

[Passed the 2d March, 1805.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**W**HEREAS in pursuance of an address, of your Commons House of assembly, to Peter Hunter Esquire, Lieutenant Governor, of your Majesty's Province of Upper Canada, bearing date on the second