

The Provincial Statutes of Lower-Canada, Being the fifth session of the Third Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1804.

44 George III – Chapter 9

An Act to regulate the Curing, Packing and Inspection of Beef and Pork to be exported from the Province of Lower Canada. (2d. May,1804.)

Whereas Beef and Pork are articles of increasing consequence in the exports from this Province, and it would tend to the improvement of the quality thereof, and have other beneficial effects, that the same should be ascertained previous to their being shipped for the exportation: 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 Lower 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 it is hereby enacted by the authority of the same, that from and after the first day of November next no person or persons whatever shall ship or export from this Province and Beef or Pork, except in Barrels and half Barrels of the quality and dimensions herein after provided, and the contents thereof inspected and packed, and the Casks containing the same are Branded agreeable to the directions of this Act.

II. And be it further enacted by the authority aforesaid, 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 Cities of Quebec and Montreal, 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 Court of King's Bench of this Province, in the words following, viz. "I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgement, 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 to be exported from the Province of Lower Canada;' 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 or Clerks of the Court of King's Bench of the District in which he shall reside; and the Inspector of each City, in the Month of June in every year, shall make a return to the Person administering the Government of this Province of the whole number of Barrels and half Barrels of Beef and Pork inspected according to the directions by this Act by him, the year preceding, designating the different

sorts of Beef and Pork, and the City and County in which the same was packed and inspected.

III. 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 or 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.

IV. And be it further enacted by the authority aforesaid, that no Beef which shall be killed after the first day of November next, shall be packed or repacked in Barrels or half Barrels for exportation, unless it be of fat Cattle not under three years old, and that all such Beef shall be cut in square pieces as nearly 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 and half 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, clod and neck shall be taken from the fore-quarters, and the legs and leg rounds from hind-quarters, and each Barrel or half Barrel containing Beef of this description shall be branded on one of the heads with the words, Mess Beef: 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 shank with the hock cut off, and one of the heads of all Barrels or half 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 shanks without hocks in each Barrel or half Barrel in proportion, and to be otherwise merchantable, shall be Branded on one of the Heads with the word Cargo Beef: and every Barrel of Beef shall be well salted with seventy five Pounds of Clean St. Ubes, Isle of May, Lisbon or Turk's 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 four ounces of Salt-petre, and each half Barrel of Beef shall be salted with one half of the quantity and of the same quality Salt mentioned and two ounces of Salt petre.

V. And be it further enacted by the authority aforesaid, that from and after the first day of November next every Barrel and half 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 each Barrel shall contain two hundred Pounds weight of Beef, the Barrels to measure sixteen inches and a half between the chimbs, and to be twenty eight inches long, to be hooped with fourteen good white ash, hickory or oak hoops, the heads to be made of good thick stuff, the hoops to be well set and drove; the half Barrels to contain not less than fifteen nor more than sixteen Gallons, and hooped in the same manner as the whole Barrels, and to contain one half the quantity of Beef as the whole Barrels.

VI. And be it further enacted by the authority aforesaid, that one head of every Barrel and half Barrel in which Beef or Pork is packed or repacked for exportation shall be Branded the weight it contains with the initial letters of the Inspectors name who shall have inspected the same, with the name of the City where it was inspected in legible letters, also the addition of L. Canada.

VII. 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 City or District for which he shall be appointed, under the penalty of five Pounds Current money of this Province.

VIII. 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, 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 four hours 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 twenty Shillings Current money of this Province, to the use of the person or persons so delayed.

IX. And be it further enacted by the authority aforesaid, that every Inspector shall receive one Shilling and three Pence Current money of this Province for each Barrel, and nine Pence like money, for each half Barrel of Beef or Pork he shall salt, pack, inspect and pickle, exclusive of Cooperage; all which salting, packing, inspecting and pickling shall be paid by the owners or possessors thereof.

X. And be it further enacted by the authority aforesaid, that if either 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 Casks containing Beef or Pork which had not been actually inspected agreeable to this Act, he or they shall, for every such offence, forfeit a sum not exceeding Ten Pounds Current money of this Province in case of neglect, and shall forfeit the sum of Fifty Pounds of like money, and be dismissed from his office in case of fraud.

XI. 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 of any Cask inspected or branded as by this Act is required, or put in any other Beef or Pork for sale or exportation contrary to the intention of this Act, the person or persons so offending shall for every such offence forfeit the sum of Twenty Pounds Current money of this Province.

XII. 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 Fifty Pounds Current money of this Province.

XIII. And be it further enacted by the authority aforesaid, that from and after the first day of November next every Barrel and half Barrel in which Pork shall be packed or repacked 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 less guage than thirty nor more than thirty one gallons, and each half Barrel shall contain one hundred Pounds of Pork, and shall not be of less guage than fifteen nor more than sixteen gallons, and that the said Barrels and half Barrels shall, in every respect be hooped and made in the same manner as is in this Act provided for Barrels and half Barrels for packing and repacking of Beef.

XIV. And be it further enacted by the authority aforesaid, that there shall be three qualities of Pork known and distinguished by the names of Mess, Prime and Cargo Pork. Mess Pork to consist of the rib pieces of good fat Hogs only; Barrels or half Barrels containing such Pork shall be branded on one of the heads Mess Pork: Prime Pork to consist of the next best pieces with not more than three shoulders in one Barrel which shall contain no legs nor more than twenty Pounds of head, that shall have the ears cut off and the snouts above the tusks, and the brains and bloody grizzle taken from out of the heads, and one of the heads of every such Cask shall be branded Prime Pork: and the third quality of Pork shall be denominated Cargo Pork in which there shall not be more in one Barrel than four shoulders without the legs as aforesaid, and not more than two heads with ears and snouts cut off, and brains and bloody grizzle taken out as aforesaid, which heads shall not exceed twenty five Pounds weight, and shall be otherwise fat merchantable Pork, and shall be branded on one head of each such Barrel Cargo Pork: and every half Barrel of Mess, Prime or Cargo Pork shall contain one half of the quantity of the different kinds and qualities of Pork of a whole Barrel, and the Pork so to be packed shall be cut in pieces as nearly as square as may be, Provided that Mess Pork shall be cut as nearly as possible into pieces of four Pounds weight, and that Prime and Cargo Pork shall not exceed twelve nor be under four Pounds weight, and that each Barrel and half Barrel of Pork shall be salted and pickled with the same weight and quality of Salt and the same kind of Pickle as in this Act provided for packing and inspecting of Beef, and that each Barrel and half Barrel of Pork when so inspected and packed shall be branded in the same manner as in this Act provided for branding Beef, designating the different qualities or denominations herein described.

XV. And be it further enacted by the authority aforesaid, that nothing in this Act shall prevent the exportation of rounds of Beef in kegs or tubs as is now practiced.

XVI. And be it further enacted by the authority aforesaid, that all Beef and Pork that shall be brought into this Province from the Province of Upper Canada, and shall be branded and packed agreeable to the Laws of the said Province of Upper Canada, shall not be subject to re-inspection in this Province, but may be Sold in and Shipped from this Province: Provided always, that such Beef or Pork comes accompanied with a Certificate from the Inspector of the City or County which such Beef or Pork may be shipped for this Province certifying that

such Beef or Pork is in every respect packed and branded agreeable to the Laws of the said Province of Upper Canada.

XVII. And be it further enacted by the authority aforesaid, that upon any Inspector making oath before any of his Majesty's Justices of Peace, which oath the said Justice is hereby authorized to administer, that he has reason to believe that Beef or Pork is shipped or shipping on board any vessel or vessels for exportation out of this Province without having been inspected, such Justice shall and he is hereby required immediately to grant a Warrant to the said Inspector, under his hand and seal, authorizing the said Inspector to take a Constable or other Peace Officer, and in the day time to enter on board any such vessel or vessels whatsoever lying or being in the harbour or harbours of the City, Town or Place where such Inspector is authorized to inspect, and if the said ship or vessel may not then be regularly cleared out by the Collector or other proper Officer of His Majesty's Customs, to search for and make discovery or any Beef or Pork shipped or shipping on board any such vessel or vessels for exportation out of this Province without having been inspected, and if such Inspector shall, on search, discover and Cask or Casks of Beef or Pork not branded as herein before directed, he shall and may seize and bring the same on shore, and the person or persons so shipping or having shipped the same shall forfeit all and every such Cask or Casks of Beef or Pork so shipped or shipping and not Branded in the manner herein before directed, and the Master or Commander of any such vessel who shall receive any such Casks of Beef or Pork not Branded as aforesaid, shall forfeit the sum of Five Pound, Current money of this Province, and if any Master of any vessel or any of his Seamen or Servants shall obstruct or hinder the said Inspector, on producing such Warrant, from making search as aforesaid every Person so offending, shall, for every such offence, forfeit the sum of Fifty Pounds Current money of this Province, over and above every other Penalty or Punishment he or they may be adjudged to bear and suffer by reason of his or their resisting or obstructing the legal execution of any Warrant of search as aforesaid; And in case any person shall wilfully make any false Oath touching the matters aforesaid, and be thereof lawfully convicted, he shall be liable to the Pains and Penalties inflicted on the crime of wilful and corrupt perjury by the Statute passed in the fifth year of the Reign of Queen Elizabeth.

XVIII. 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 the same manner as other debts of the same value are recoverable in this Province by suit, bill, plaint or information, the one moiety of all which 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 officer or person who shall sue for the same.

XIX. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced against any person or persons for anything 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, in such action or suit, may plead the general issue and give this Act and the special matter in evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the 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 Judgement 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.