

TOBACCO INSPECTED.

Officer of the Customs in the intended Port; and the Third kept in his Office. *Ibid.* §. 35.

11. No Commander of any Tobacco Ship shall remove Freight Tobacco from any Warehouse, in order to be put on board his Ship or Vessel, in any open Boat, or undecked Vessel, without sufficient Covering to secure such Tobacco against Rain, &c. under Penalty of 1600*l* Tobacco for every Offence, to be recovered in any Court of Record: One Half to the Informer, the other Half to defraying the Charges of putting this Act in Execution. *Ibid.* §. 139.

12. All Penalties under this Act, and not particularly appropriated, shall be recovered in his Lordship's Name: One Moiety towards defraying the County Charge, the other Half to the Person informing or suing, where such Penalty exceeds 600*l* Tobacco: But, if not exceeding that Sum, then before a Single Magistrate. Provided such Prosecutions be commenced within One Year after the Offence committed. *Ibid.* §. 86.

See *Inspectors*, per Tot.

TOBACCO Inspected above Three Years. See *Inspectors*, 42, 43.

TOBACCO PAYMENTS.

N. B. *The following Articles contain the Laws for Regulating Tobacco Payments, which were in Use before the Introduction of Inspection Laws, but must continue Obsolete during the Existence of those Acts, which admit of no other Tender than that made in Inspectors Notes. See Tobacco Debts.*

1. On Refusal or Neglect of any Creditor to receive Tobacco tendered in Payment, the Debtor may (at any Time between the 1st November and 10th May, yearly) apply to the next Justice; who, upon Oath made of such Tender, &c. shall appoint Two indifferent Freeholders to view and examine such Tobacco, who shall take an Oath well and truly to try and examine, &c. And if upon such View, the Tobacco shall be found clean, sound, and merchantable, &c. they shall mark the same in Hogheads, upon the Head and Bulge, for such Creditor, and weigh the same, and signify the Weight to the said Justice. Which Tobacco shall thence forward be deemed the proper Goods of the Creditor, and in absolute Discharge of so much of the Debt as the Tobacco shall weigh; provided each Hoghead weigh 500*l* Neat, or upwards. 1713, *ch.* 3, §. 2; and 1724, *ch.* 6, §. 2.

2. The Creditor shall have Notice of such intended View; and if he come not to the Place, and make known the Circumstances of the Contract, &c. by producing the Specialty, &c. if the Tobacco be found clean, sound and merchantable, it shall be marked in Discharge of the Debt, be the same of what Nature soever. 1713, *ch.* 3, §. 3. But no Creditor shall be obliged to receive Tobaccos of less Weights or worse Quality, than the Debtor contracted to pay, any Thing in this, or the former Act, notwithstanding. 1724, *ch.* 6, §. 3.

3. Tobacco to be paid the Sheriff for Public and other Dues, &c. may be viewed in the Manner prescribed by the Act of 1713, *ch.* 3. And any Sheriff executing such Party, without suffering such View, and allowing a reasonable Time (not exceeding Ten Days,) for the same, shall have no Fees, shall be liable to Action of false Imprisonment, and pay double Damages and Costs of Suit to the Party grieved. 1724, *ch.* 6, §. 4.

4. Good Tobacco, clear of Trash, &c. in Hogheads of 500*l* Neat, being tendered and refused, (the Debtor having the same ready to pay,) the Plaintiff, on Suit commenced afterwards, shall lose his Costs, and the Defendant's Costs to be deducted out of the Debt, and the Plaintiff to have Judgment for the Balance. And in case of such Recovery, if the Plaintiff refuse, on Tender of the Tobaccos, to receive

TOBACCO PAYMENTS.

the same, and sue out Execution, whereby the Defendant is taken and imprisoned, any Friend of the Defendant may demand a Certificate of the Sheriff, at whose Suit, and for what Sum the Prisoner is in Execution: Which Certificate the Sheriff shall make out within Five Hours after Demand, on Penalty of 2000*l* Tobacco in Cask: One Half to the Support of Government, the other to the Party grieved. Which Certificate, any Friend of the Prisoner, may carry to the next Justice; who (upon such Friend's averring that the Prisoner hath Tobacco ready, and that he will open and shew it,) shall either go in Person, or send Two Sworn Freeholders to view and weigh the same: And if the Tobacco be found, &c. and of sufficient Weight to discharge the Debt, &c. the Justice shall give Notice to the Sheriff, that if he doth not come and shew Cause to the contrary, he will cause the Tobacco to be marked on the Creditor's Risque: And, if Cause be not shewn within 48 Hours, the Justice shall cause the Tobacco to be Marked and Numbered, and send the Sheriff a Certificate of the Marks, Numbers, and Place where it lies, on the Creditor's Account. And in case the Prisoner be not in Custody on any other Account, the Sheriff shall suffer him (on paying or securing his Fees) to go at large, or be answerable for False-Imprisonment. 1713, *ch.* 3, §. 4.

5. Steelyards for receiving Tobaccos shall be Tried, Stamped and Numbered, yearly, by the Standard-keeper of the County, who shall have One Shilling Fee. And Persons receiving Tobacco by Steelyards which have not been so Tried and Stamped, forfeit 500*l* Tobacco. 1715, *ch.* 10, §. 3 and 5.

6. Any Person refusing to pay Tobacco by Steelyards so Stamped, &c. within the Year, and insisting on their being Tried again, shall pay for such new Trial and Stamping if they be found True; otherwise the Owner of the Steelyards shall pay. *Ibid.* §. 6.

7. Every Tobacco Plantation shall have a good Tobacco-house built on it, with Door, Lock and Key, sufficient to contain the Tobacco made thereon. 1715, *ch.* 22, §. 1.

8. Every Planter paying any Tobacco to a Merchant or other Person, shall keep and secure the same as he would his own proper Goods, for one whole Year from the Time such Tobacco was received. And if any Damage or Imbezzlement happen for want of such House (*see* Art. 7,) he shall make Satisfaction to the Person who received the same. But he shall not be answerable for Damage happening thro' any other Casualty whatsoever. *Ibid.* §. 2, 3.

9. In Case that Tobacco received and marked by any Creditor, in Satisfaction for any Debt (for which the Creditor hath given up the Bills or other Security, or given Discharges) so lying in the Tobacco-house of the Debtor, shall be seized by the Sheriff, and the Debtor refuse to make any other Satisfaction; any two Justices, on Proof thereof, may award Execution, (with Costs, not exceeding 100*l* Tobacco) on Request of the Creditor, against the Body, Goods, and Chattels of such Debtor, to be executed by the Sheriff, in Satisfaction of the Debt and Cost, in as ample a Manner as if the Debt was recovered by due Course of Law. *Ibid.* §. 4.

10. Altering the Marks, or Quality of Tobacco, in Hogheads so received, without lawful Warrant under the Hand of the Person receiving, or for whose Use the same was received, shall be adjudged Felony. And Persons convicted hereof shall restore Four-fold to the Party grieved, and stand in the Pillory in Court-Time, two Hours, with the Offence written on Paper placed on their Backs. Provided the Prosecution be commenced within a Year and a Day. *Ibid.* §. 5 and 6.

11. Persons guilty of false Packing (*i. e.* using any fallacious, fraudulent or deceitful Means to conceal or hide any frost-bitten, trashy Ground Leaves, or small dull Scrubs, or any Stalks, Stems, Wood, Stones, Dirt, or any other Manner of Trash, or old decayed Tobacco