

unmerchantable, he shall make immediate application to any justice of the peace of the county where such warehouse shall be, at which the tobacco so refused shall be offered in payment, who is no ways related to the parties, nor concerned in interest; and the said justice, by warrant under his hand, shall immediately appoint three persons, well skilled in tobacco, and no ways related to the parties, nor concerned in interest, to view and inspect the said tobacco, which said three persons so appointed, shall immediately, under the penalty of twenty dollars each, repair before some justice, and take an oath or affirmation, (as the case may be,) which the said justice is hereby empowered and required to administer, that they will carefully uncase, break, view and examine, the tobacco they are called upon to view and inspect, and that they will not pass any tobacco that is not, in their judgment and conscience, of the quality expressed in the note given for the same, and that they will do their duty without fear, favour, affection, malice or partiality; and afterwards they shall, under the like penalty, forthwith repair to the warehouse where such tobacco shall be offered to be delivered, and shall carefully view and examine the said tobacco, and if two of them shall adjudge such tobacco, or any part thereof, to be unmerchantable, they shall cause the same to be immediately burnt, unless the inspector or inspectors who passed the said tobacco shall desire to pick the same, in which case, the persons chosen to view such tobacco as aforesaid shall cause the said inspector or inspectors to pick the same, and shall cause the unmerchantable tobacco therein to be burnt, and for their trouble, the said three persons who shall be present at such view shall be paid, by the inspector or inspectors who offered such tobacco, one dollar each; and if the said persons, or any two of them, shall adjudge such tobacco to be merchantable, and of the like quality as expressed in the note, according to the directions of this act, the said persons so attending shall be paid, by the party desiring such view, one dollar each as aforesaid; and when any tobacco shall be offered as aforesaid by any inspector or inspectors, and refused, the said inspector or inspectors shall not be at liberty to offer, nor the person demanding the same to receive, any tobacco in lieu thereof, before such tobacco first offered shall have been viewed as herein before directed, but the person refusing shall immediately mark the same; and if any inspector or inspectors shall tender any tobacco in lieu of the tobacco so refused, before the same shall have been viewed as aforesaid, or shall not produce the same tobacco so refused, to the said viewers, in either case it shall be taken for a conviction that the tobacco first tendered was not of the quality expressed in the note, and the said inspector or inspectors shall forfeit and pay one hundred dollars each for every such offence;

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