

ver, brought to be touched, assayed or marked, shall not be respectively stamped with the initials of the name of the worker or maker thereof, that then, or in either case, it shall be lawful for the assay officer to refuse to assay, try or mark, all or any of the plate of such person or persons neglecting to pay or mark as aforesaid, until such prices, sums of money, or rewards as aforesaid, shall be actually paid, or until such silver plate, or manufactures of silver, shall be respectively stamped with the initials aforesaid.

SEC. 8. *And be it enacted*, That when any parcel of silver plate, or any manufacture of silver, brought to be touched, assayed, and marked as aforesaid, be found to be of a coarser alloy than the standard aforesaid, it shall be the duty of the assayer to cut, break or deface, such silver work or manufacture so brought to be touched, assayed and marked, and shall return the same so cut, broken or defaced, to the worker or maker of the same, and shall make an entry in his books of the species and weight of each parcel so cut and defaced by him, and the name or names of the person or persons to whom such silver plate or manufacture did belong, and there shall nevertheless be paid for the assaying of the same, such rates or *pieces* as are herein before limited for assaying and marking, as if such parcel of plate had been really marked.

Alloyed plate may be defaced by assayer.

SEC. 9. *And be it enacted*, That if any person or persons, bodies politic or corporate, shall at any time or times be sued, molested or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter or thing, herein contained, such person or persons, and bodies politic or corporate, shall or may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become non-suited, then such defendant or defendants shall have treble costs awarded to him, her or them, against such plaintiff or plaintiffs.

Suits being instituted, special matter may be given in evidence.

SEC. 10. *And be it enacted*, That nothing contained in this act shall be construed to affect the sale or disposition of silver plate, or manufactured silver, of the estate of any deceased person or persons, which shall have been used by such deceased person or persons in his, her or their life-time.

Plate now in use not to be affected by this act.

SEC. 11. *And be it enacted*, That all fines not exceeding fifty dollars, incurred under the provisions of this act, shall be recovered before a justice of the peace as small debts are recoverable, in the name of the mayor and city council of Baltimore, the one-half thereof to the said mayor and city council of Baltimore, for the use of the city, and the other half for the use of the informer; and all fines exceeding fifty dollars imposed by this act, shall be recovered by action of debt in the county court

Fines, how to be recovered.