

№ 87. *An Act, Ascertaining the Gauge and Tare of Tobacco Hogsheads; and to prevent Cropping and Defacing Tobacco taken on Board Ships or Vessels upon Freight; and for laying Impositions on Tobacco by the Hogshead, for the Support of Government; and for the Encouraging Settlements in this Province, by Ascertaining the Manner of Paying the Alienations, Fines, and Quit Rents, to the Lord Proprietary of this Province, on the Conditions therein mentioned.*

FORASMUCH as the Laws heretofore made for Ascertaining the Gauge of Tobacco Hogsheads, have in great measure proved ineffectual, either for want of laying sufficient Penalties upon the Offenders, or of proper Methods to inflict them, but more especially, as it seems to this present General Assembly, by requiring a Compliance with such a Gauge, as has been found by Experience to tend to the Ruin of such Traders as were strict Observers of it, the Generality of our Tobacco being of so light and chaffy a nature, that it has been found wholly impracticable, and in a manner impossible to pack or prize so much of it into a Hogshead of the late Gauge of Thirty Inches in the Diameter of the Head, as would suffice for the Payment of Freight, and other Charges arising thereon, the Freighters of such small Hogsheads having been frequently brought in Debt by the Smallness of the Quantity of Tobacco contained therein, to the great Damage of the Tobacco Trade, particularly of the Fair Traders therein, which seems in a manner to have brought the latest of the afore-mentioned Laws almost into a general contempt, it being rather more Mischievous to the Freighters to be brought in Debt by their strict Observance of that Gauge, than to lose their Tobacco here for exceeding it: For Remedy whereof for the future; Be it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of His Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That from and after the Twenty ninth Day of *September* next, it shall and may be lawful for any Person or Persons whatsoever, suspecting, discovering, or knowing of any Hogshead or Hogsheads of Tobacco, that shall exceed Forty eight Inches in the Length of the Stave, or Thirty two Inches in the Diameter of the Head, within the Croze, or that shall exceed Thirty seven Inches Diameter in the Bulge, on any Accident or Pretence whatsoever, (Thirty six Inches Diameter in the Bulge being supposed a competent Gauge) to call to his Assistance any Justice of the Peace, Sheriff, Vestryman, or Church-Warden, living or residing within the County where such Tobacco shall be suspected, known, or discovered, and to enter into any House, Ware-house, Ship, Boat, or other Vessel, and there, in the Presence of such Justice, or other Officer aforesaid, who are hereby required to be present, aiding, and assisting to such Informer therein, to seize and mark with a Broad Arrow every such Hogshead or Hogsheads of Tobacco as such Informer shall request such Justice or other Officer to view, on Suspicion of exceeding the Gauge aforesaid; and also that such Justice or other Officer, on Request of such Informer, and is hereby required to proceed in such manner, as he shall think most proper to examine the Gauge thereof, so as no Hogshead or Hogsheads of Tobacco, stowed away on Board of any Ship or other Sea-Vessel, shall on such Information be unstowed, unless such Hogshead or Hogsheads appear in View: And if upon such Examination any Hogshead or Hogsheads shall be found by such Justice or other Officer aforesaid to exceed the Gauge aforesaid, it shall be lawful then, and not otherwise, for such Justice, or other Officer, immediately to condemn the same to the Use of such Informer, who shall there-
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