

U. H. Journal
1659-98

ered in this house, Together with a Bill Entituled an Act for the Better Security of Orphans Estates

The Papers relating to Prior they say have past the Examination of their house and they referr the further Consideration thereof wholly to this house to do therein what they shall See fitt: They return to their house

His Honour the Secretary returns from the Lower house

The Bill Prohibiting unreasonable Tares of hogsheads and for punishing false Package of Tobacco again taken into Consideration by this house and the result of this house Drawn up as followeth to be Transmitted to the Lower house Viz^t

Upper house of Assembly 8th May 1682

This house have again taken into their Debate the Act by them drawn up Prohibiting unreasonable Tares of Hogsheads &^t as conceiving the Designe thereof to be of great Moment and Concern to this Province and upon due Consideration thereof had do think fitt to amend the Same Viz^t

1st The Tares of Hogsheads not to Exceed 90^{ll}

2 The Penalty laid on false package in manner as the said Bill doth Express being (besides the loss of the hogshead of Tobacco so false packed) the forfeiture of one thousand pounds of Tobacco, This house also think too grievous, and do propose in stead thereof the loss of the hhd to be burnt as aforesaid and four hundred pounds of Tobacco more forfeiture—

3 That for Evidence in Such Cases this house think it unreasonable the Merchant himself or Person to whom the Tobacco is due should be allowed of as Witness for himself; but do conceive that the Receiver or party Employed to receive the Same together with one more not Interested may be good Evidence—

4 That the Draughts taken out of the hogshead by the Receiver shall forthwith be carried before two of the next Iustices of the County and proved before them by the Oaths of the Receiver and one more as aforesaid, which shall be Sufficient to Convict the Party Delinquent—

5 That if the Breach of this Act shall appear to be Committed through the Wilfullness Remisness or Negligence of the Overseer or other hyreling, Such Overseer or hyreling shall make Good the Damages Sustained by the Owner out of his own Crop or other his own private Estate, So farr forth as the Same will amount to, and if done by a Servant or Slave he shall receive Corporall Punishment for the Same at the next Provincial or County Court according to his Meritt at the Discretion of the Iustices