

Lib. L. L. ffactor or Attorney shall have notice thereof by the said debtor
 No. 64. & if he do not Come to the place & make known by shewing
 the Contract or Obligation the Circumstance or nature of the
 Contract or Obligation, if the tob^o viewed as afd be Cleane
 from trash sound and merchantable it shall be marked and
 weighed in discharge of such debt be the same of what nature
 soever and the pson in whose houses the tob^o Lyes or shall
 Lye shall take Care of & pserve the same for one whole year
 as they are obliged to do tobacco Actually received by any
 Creditor Merch^t or others any Law Statute or Usage to the
 Contrary Notwithstanding.

And be it further Enacted by the Authority Advice and
 Consent afd that if any Debtor who hath tendered Tob^o to his
 Creditor w^{ch} is in very good Condition Clear of all manner of
 Trash according to the Ten^r of the Specialty afd & well packt
 in good Seasoned hogheads and w^{ch} hogsheads of tobacco
 Containe five hund^d pounds of neat tobacco at the least and
 w^{ch} the Creditor refused & hath such tob^o ready to Tender
 and pay to his Creditors, be yet Notwithstanding sued & pse-
 cuted at Law in order to recover such tob^o as he shall be
 indebted to his Creditor if at the Tryall the Deft shall make
 appear by one Sufficient Evidence th^t he Tendered to the
 Plaintiff such his Debt in such Tobacco qualified as afd haveing
 the tob^o ready and full packt in hogheads before the Plaintiffe
 purchased his writt that then and in every such Case the
 p. 325 Plaintiffe shall not recover any Costs of Suite Against the
 Defendant but shall pay to the Defend^t what Cost the Defend^t
 hath in that Cause Expended to be Deducted out of the
 Plaintiffs Debt by the Court before whom such suit shall be
 and the Plaintiffe shall have Judgment for what shall be remain-
 ing due to him after such deduction made as afd.

And in Case any Plaintiff after such recovery had of any
 quantity of Tobacco against any Defendant haveing tob^o packt
 in hogsheads and qualified as afd shall refuse upon The Defen-
 dants Tendering such tob^o to receive the same but shall sue out
 Execution against the defend^t whereby the Defendant is taken
 in Execution and imprisoned then & in such Case any friend of
 the said Defendants so Imprisoned may on behalf of such
 Prisoner go to the high Sherriffe & require him to Certify to
 the next Justice of peace at whose Suit and for what sune the
 said prisoner is in Execution w^{ch} Certificate the Sherriff shall
 make Gratis and give to such pson requiring the same within
 five hours after such Demand under penalty of two thousand
 pounds of tob^o in Casq. to be forfeited by the high Sherriffe if
 he willfully refuse to make the same the one half thereof to her
 Maj^{ty} her heires and Successors for the Support of Governm^t
 the other half to the party grieved to be recovered by accon of