

and pay after the rate of four hundred Pounds of Tobacco for every hundred Weight of such Tobacco upon every such Refusal to be recovered as the Case may require before a single Magistrate or in the County Court by Action of Debt or Indictment the one half to him or them that shall sue or inform concerning the same and the other half to the Use of the County where such Offence shall be Committed to be applied towards defraying the Charge of Inspection as aforesaid and in Case neither of the Inspectors attending that House shall happen to be present then the said Person stopping and seizing the said Tobacco is hereby directed to summon one or both of the Inspectors immediately to attend at such Warehouse to receive and secure the same and the Inspector or Inspectors so attending shall search View and examine the same and proceed in such Case in like Manner as he or they are directed with Regard to Trashy or unmerchantable Tobacco which shall be found in any Tobacco House Store House Warehouse Barn or other Outhouse Ship or other Vessel Inclosure or other Place whatsoever not burthening the Party who Carries the same or the Owner thereof with any Charge for Carriage and then after such Inspection made as aforesaid the Person or Persons so stopping and seizing such Tobacco shall immediately repair to some Magistrate and inform him that he hath seized and secured such Tobacco in Manner aforesaid and the Magistrate shall and he is hereby authorized and required to proceed therein with respect to the fining or binding over (as the Case shall require) such Offender or Offenders and he she or they so offending shall be Liable to the same Penalties and be under the same Mode of Prosecution for the recovery thereof as is before directed by this Act

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[Penalty on  
Refusal].

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Provided always that in all Cases where any such Tobacco under Carriage shall be seized and carried to any Inspection House as aforesaid if the Person or Persons carrying or Claiming the same shall prove by his her or their own Oath or Affirmation if a Quaker or the Oath or Oaths or Affirmation if a Quaker of any other credible Person which Oath or Affirmation any Magistrate is hereby authorized and required to administer that such Tobacco so taken under Carriage was at such Time carrying to be inspected at some Inspecting House agreeable to the Directions of this Act such Proof shall exempt the Person Carrying or Owner or Claimer of such Tobacco from the Penalties other than the Loss and Burning of such Trashy Tobacco

[Proviso.]

And be it enacted that if any Person or Persons shall remove any Tobacco which shall be stopped or seized as aforesaid other than such Person or Persons who shall so seize the same or some other by his or their Order or who shall rescue or attempt to rescue any Tobacco which shall be so stopped and seized as aforesaid such Person or Persons so offending shall forfeit and pay two thousand

[Penalty on  
Persons res-  
cuing, &c.  
seized  
Tobacco]