

C. H. A. P. III.

An ACT for Relief of Debtors; and ascertaining the Manner of Tenders in Tobacco. *Lib. LL. N^o 4. fol. 75.* Passed 14th Nov. 1713.

N. B. The Use of this Act is at present suspended by the Inspection Law, 1763, *ch.* 18.

WHEREAS several honest Persons within this Province being indebted in Tobacco to divers Persons, Merchants, and others; and well disposed to pay the same, taking Care therefor, by providing the Tobacco; but oftentimes it so happens, that because an Opportunity or Conveniency doth not offer to the Creditor to dispose thereof, they do frequently refuse, neglect and delay to receive the said Tobacco in Discharge of the Debts; whereby the Debtor remains in Debt, and the Tobacco by him procured to pay the said Debts, remains in his Hands, subject to all Casualty on the Debtor's Account, and which he dares not make Use of for Fear of his Creditor's demanding and suing after for the Debt: For Remedy whereof for the future;

Preamble.

II. *Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same,* That any Person or Persons whatsoever, inhabiting within this Province, and now being, or that hereafter shall be indebted to any Merchant or Others, either resident in or trading to this Province, that hath Tobacco ready, according to the Nature of the Debt he owes, and is willing to pay the same, and hath offered it to his Creditors, his Factor or Attorney, and by him or them refused, neglected, or delayed to be received as aforesaid, it shall and may be lawful to and for such Debtor or Debtors, * at any Time between the first Day of *November*, and the last Day of *March*, in every Year, during the Continuance of this Act, and at no other Time, to repair to the next Justice of Peace, and there before him, upon making Oath of such Tobacco being already tendered, and neglected, refused or delayed to be received, the said Justice shall, and is hereby impowered and required to appoint two sufficient Persons, being Freeholders in the Neighbourhood, (not being of Kin either to the Debtor or Creditor) where such Debtor shall dwell, to view, search and look upon such Tobacco so ready to be paid in Discharge of the Debt, and tendered as aforesaid: Which two Persons so appointed shall take their Oaths, to be administered by the Justice aforesaid, well and truly to try and examine into the Matter aforesaid, and make Report to the Justice aforesaid. And if upon viewing the same, it be found that the Tobacco aforesaid is clean, sound and merchantable, and fit to be paid in Discharge of the Debt aforesaid, they shall, and are hereby authorized and impowered to mark the said Tobacco in Hogsheads upon the Head and Bulge, for such Creditor as aforesaid, and weigh the same, and signify the neat Weight thereof unto the Justice aforesaid. Which Tobacco, so tendered, and refused to be received, being viewed, marked and weighed as aforesaid, shall for ever after be esteemed and taken as the proper Goods and Tobacco of the Creditor, and in absolute Discharge of the Debt aforesaid, or of so much thereof as the same Tobacco shall weigh. Provided, each Hoghead weighs Five Hundred neat, or upwards.

Tobacco refused by the Creditor when tender'd in Payment, shall be viewed by two sworn indifferent Freeholders,

to be appointed by a Magistrate.

In what Manner they shall proceed.

* The Time herein limited being found too short, is extended to the last of *May*, by 1724, *ch.* 6. See the said recited Act, §. 3.

III. *And* because many Contracts, Bills and Bonds may be of different Nature and Circumstances, *It is hereby further Declared and Enacted,* That upon every such Viewing as aforesaid, the Creditor, his Factor or Attorney, shall have Notice thereof by the said Debtor, and if he do not come to the Place, and make known, by shewing the Contract or Obligation, the Circumstances or Nature of the Contract or Obligation, if the Tobacco viewed as aforesaid, be clean from Trash, sound and merchantable, it shall be marked

The Creditor to have Notice of such View; that he may attend, &c.