

CHAP. 63.

carry out of this state, by land or by water, any tobacco, unless in hogsheads, which shall be inspected, passed and marked, at some public warehouse, agreeably to the directions of this act, except any tobacco inspected before the passage of this act, may be exported in manner herein prescribed; (a) and if any person shall export by water out of this state any tobacco contrary to this act, or shall lade any tobacco on board any vessel for exportation out of this state, contrary to this act, such person shall forfeit and pay the sum of five hundred dollars for every such offence, to be recovered in any court of law in this state, the one half for the use of the state, the other half to the use of the informer; and every captain of a ship or other vessel taking in tobacco for exportation, shall receive none on board without a manifest, signed by the inspector or inspectors of the warehouse from whence the same was brought, all of which original manifests, so signed by the inspectors, he the said captain, upon his clearing out, shall deposite with the collector of the United States of the port from which he sails, and he the said captain, or his mate, shall make oath, that no more tobacco, from any part of the state of Maryland, has been received on board than what is expressed in the said manifests; and if any person shall carry any tobacco by land out of this state, contrary to this act, or shall lade or put in any wagon, cart or other carriage, any tobacco, with intent to carry the same out of this state, contrary to this act, such person shall forfeit one hundred and fifty dollars for every hogshead of tobacco, if in hogsheads, or twelve and one half cents, if not in hogsheads, for every pound of tobacco, so carried out, or laden or put in any carriage, with intent to carry the same by land out of this state, and the tobacco so laden, together with the wagon, cart or other carriage, and the horses, oxen or other beasts, employed in such service, shall be forfeited, one half to the state, and the other half to the informer; and it shall be lawful for any person to seize any tobacco which he shall discover laden or put in any wagon, cart or other carriage, with intent to be carried out of this state, contrary to this act, and the carriage and horses, oxen or other beasts, employed in such service, and the property thereof, shall be vested, on seizure, in the person making the same, who, if sued for such seizure, may give this act and the special matter in evidence; and if it shall appear that such seizure is made for a breach of this law, the court before whom such suit is tried shall direct the jury to find for the defendant, for whom they shall find accordingly, and thereupon the property of the thing seized shall be vested in the defendant; and the governor and the council may, in their discretion, from time to time, appoint fit and active persons at the Head of Elk, and near the division line between this state and Delaware and Pennsylvania, and at other proper places, to prevent any violation of this act, and to seize any tobacco, carriages and beasts, liable to be forfeited and seized in virtue of this act.

(a) By 1802, ch. 27, permission is given to export tobacco to the county of Washington, in the District of Columbia, and fines released, except the part to the informer.

Levy court to determine at what places warehouses shall be kept, and the number of inspectors at each.

3. AND BE IT ENACTED, That the justices of the levy court, or a majority of them, for the several counties of this state, except Washington, Frederick, Cecil, Kent, Caroline, Harford,