

CHAP. 63.

To give receipts

19. AND BE IT ENACTED, That the several inspectors appointed in virtue of this act are hereby required, that when tobacco in hogsheads shall be brought to him or them for inspection which shall not be clear of trash, but shall be in good order and merchantable only, to give a receipt therefor, expressing the number, gross, tare and net weight of the same, and that the tobacco is of the second quality, and shall also mark the number, gross, tare and net weight thereof, on the head and bulge of the hogshead, with marking irons, and the said receipt shall be obligatory on the said inspector or inspectors for a delivery of the said tobacco, in the same manner and conditions as any note issued by him or them in virtue of this act.

Receipts not to be a tender for payment of any tobacco contract.

20. AND BE IT ENACTED, That the said receipts shall not be a tender for the payment of any tobacco contract, unless the said contract shall have been for tobacco of the second quality, and expressly mentioned in the said contracts, any thing in the said act to the contrary notwithstanding.

Hogsheads to be opened and reweighed if required—In case of persons refusing tobacco justice to issue warrant to three persons to view it—if adjudged unmerchantable, to be burnt.

21. AND BE IT ENACTED, That when any person shall be entitled to receive tobacco by virtue of any inspector or inspectors note or notes, the inspector or inspectors shall, if required, open the hogshead, and shew such tobacco to the person demanding the same, and shall also reweigh the same if required, and if such person shall refuse to accept of such tobacco as unmerchantable, he shall make immediate application to any justice of the peace of the county where such warehouse shall be, at which the tobacco so refused shall be offered in payment, who is no ways related to the parties, nor concerned in interest; and the said justice, by warrant under his hand, shall immediately appoint three persons, well skilled in tobacco, and no ways related to the parties, nor concerned in interest, to view and inspect the said tobacco, which said three persons so appointed, shall immediately, under the penalty of twenty dollars each, repair before some justice, and take an oath or affirmation, (as the case may be,) which the said justice is hereby empowered and required to administer, that they will carefully uncase, break, view and examine, the tobacco they are called upon to view and inspect, and that they will not pass any tobacco that is not, in their judgment and conscience, of the quality expressed in the note given for the same, and that they will do their duty without fear, favour, affection, malice or partiality; and afterwards they shall, under the like penalty, forthwith repair to the warehouse where such tobacco shall be offered to be delivered, and shall carefully view and examine the said tobacco, and if two of them shall adjudge such tobacco, or any part thereof, to be unmerchantable, they shall cause the same to be immediately burnt, unless the inspector or inspectors who passed the said tobacco shall desire to pick the same, in which case, the persons chosen to view such tobacco as aforesaid shall cause the said inspector or inspectors to pick the same, and shall cause the unmerchantable tobacco therein to be burnt, and for their trouble, the said three persons who shall be present at such view shall be paid, by the inspector or inspectors who offered such tobacco, one dollar each; and if the said persons, or any two of them, shall adjudge such tobacco to be merchantable, and of the like quality as expressed in the note, according to the directions of this act, the said persons so attending shall be paid,