

manifest, or by springing a leak, or other accident, it may be necessary to reland the same, in such cases it shall and may be lawful to ship the said tobacco, or any part thereof, on board any other vessel the owner thereof shall think fit, or if there be no vessels to receive the said tobacco, then it shall and may be lawful for the master of the first mentioned vessel to put the said tobacco in the nearest warehouse to the place where such vessel shall ride, and the inspector or inspectors of the warehouse where such tobacco shall be delivered, shall receive, from the person relanding the same, two shillings current money for every hoghead so landed, and shall give a receipt for the same, and shall cause the said tobacco to be safely lodged and delivered to the owner, or his order, when required, without any other fee or reward; and one half of the money so received shall be paid to the owner of the warehouse, and the other half may be retained by the inspector or inspectors for his or their trouble.

C H A P.
XXVI.

XXXV. And, for preventing the packing of tobacco in unfizable casks, **Be it enacted**, That no tobacco shall be passed or accounted lawful tobacco, except tobacco in parcels, unless the same shall be packed in hogheads not exceeding forty-eight inches in the length of the stave, and seventy inches in the whole diameter within the staves at the crose and bilge; and the owner of tobacco packed in any hoghead of greater dimensions, shall repack the same in fizable hogheads, as herein before expressed, at his own expence, before the same shall be passed.

Tobacco not to be passed unless packed in fizable casks, &c.

XXXVI. And be it enacted, That if any person shall forge or counterfeit any manifest or note of any inspector or inspectors, or alter the quantity of tobacco expressed in such manifest or note, or shall offer, or cause to be offered, in payment, any such forged, counterfeited, or altered manifest or note, knowing the same to be forged, counterfeited or altered, and shall be thereof convicted in the general court, or any county court, or shall refuse to plead, he shall be publicly whipped, not exceeding thirty-nine lashes, or fined in any sum not exceeding one hundred pounds, or shall be sentenced to hard labour for any term not exceeding seven years, or all of them, in the discretion of the court.

Penalty for forging manifests, &c.

XXXVII. And be it enacted, That if any person shall export, or cause to be exported, any hoghead of tobacco stamped with a forged or counterfeited stamp, or demand tobacco of any inspector or inspectors upon any forged, counterfeited, or altered manifest or note, knowing such manifest or note, or such stamp, to be forged, counterfeited or altered, every person so offending, and being thereof convicted, shall receive thirty-nine lashes on his or her back, or be sentenced to hard labour not exceeding four years, or be fined not exceeding one hundred pounds current money, or all, in the discretion of the court; and if any person shall put or pack any tobacco into any hoghead stamped by any inspector or inspectors, in lieu of tobacco inspected, or shall draw or take out any stave, plank, or heading board, of any hoghead of tobacco, after it shall be delivered out from any public warehouse, unless it be for the purpose of examining the quality of the tobacco by a person intending to purchase the same, every person so offending, upon conviction, shall be fined a sum not exceeding thirty pounds current money, if free, and if a servant or slave, shall be whipped not exceeding twenty lashes, and in all such cases the testimony of the inspector or inspectors may be admitted as evidence.

And for exporting tobacco with a forged stamp, &c.

XXXVIII. And be it enacted, That if any note of any inspector or inspectors be lost, mislaid or destroyed, the person entitled to receive the tobacco by virtue of any such note, shall make oath or affirmation, as the case may be, before a justice of the peace of the county where the same is payable, to the mark, number and date, of such note, to whom and where payable, and for what quantity of tobacco the same was given, and that such note is lost, mislaid or destroyed, and the time when the discovery of such note being lost, mislaid or destroyed, was first made by the party, and that such person, at the time such note was lost, mislaid or destroyed, was lawfully and justly entitled to receive the tobacco therein mentioned, and shall take a certificate thereof from such justice; and upon producing such certificate to the inspector or inspectors

Persons losing notes may receive the tobacco on making oath, &c.