

in hoghead) or one shilling like money, if not in hoghead, 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 waggon, cart, or other carriage, and the horses, oxen, or other beasts, employed in such service, shall be forfeited, one half to the informer, and the other half to the use of the state; and it shall be lawful for any person to seize any tobacco which he shall discover laden or put in any waggon, 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 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.

III. **Provided always, and be it enacted,** That on any libel in the admiralty court for the forfeiture of any vessel, evidence may be received to prove that the tobacco on board such vessel, contrary to this act, was taken on board without the knowledge and privity of the owner, or of the master or commander, or chief mate, of such vessel, and without any wilful neglect, or want of reasonable care in the master or commander; and if the judge of the court of admiralty shall be fully satisfied, from the smallness of the quantity on board, and from other circumstances of the case, that no fraud was intended, such vessel shall not be forfeited for or on account of any small quantity of tobacco being on board such vessel, contrary to this act.

In case of libel evidence may be received, &c.

IV. **And be it enacted,** That the commissioners of the tax, or the major part of them, for the several counties of this state, except Frederick and Washington counties, be authorized and required to meet at the place where their respective county courts are held, between the first and tenth day of April next, and then and there determine at what place or places, on or near navigable water, in their respective counties, public warehouses shall be kept for the receipt and inspection of tobacco, agreeably to this act, and the number of inspectors proper at each place; and they shall enter the place, and the number of inspectors at each place, in a book to be provided and kept for that purpose only; and the place or places, and warehouse or warehouses, appointed by the said commissioners, shall be the place or places, and warehouse or warehouses, for the receipt and inspection of tobacco in their county, during the continuance of this act.

Commissioners to meet and fix the places for warehouses, &c.

V. **And be it enacted,** That the said commissioners, or the major part of them, be authorized and required to meet at the place where their respective county courts are held, between the fifteenth and twentieth day of April next, and then proceed to nominate and recommend to the governor and the council three or five persons, each of them having assessed property in the state to the value of three hundred pounds current money, and well skilled in the curing and packing tobacco, and the order, quality, and condition thereof, and well qualified and capable from his integrity, reputation and diligence, to execute and discharge the office and duty of an inspector.

And recommend inspectors, &c.