

CHAP.
LXI.
Oath of com-
missioner, &c.

VI. And be it enacted, That every commissioner, before he votes for any public warehouse, or for any person as inspector, shall take an oath, or affirmation, as the case may be, (which any one of the said commissioners may administer,) that he will, without favour, affection, partiality or prejudice, appoint such place and public warehouse for the receipt and inspection of tobacco in his county, as he in his judgment and conscience believes most proper for that purpose; and that he will nominate and recommend such person to be inspector, as he shall in his judgment and conscience believe well skilled in the curing and packing tobacco, and the order, condition, and quality thereof, and well qualified and capable, from his integrity, reputation and diligence, to execute and discharge the office and duty of an inspector; and every commissioner, on voting for any public warehouse to be fixed or built at any particular place, or for any inspector or inspectors, for the inspecting, safe keeping, and delivering of tobacco at the said warehouse, shall declare in writing in a book to be kept by the clerk of the said commissioners for that purpose only, his choice of such warehouse, and of the name or names of the inspector or inspectors, for whom he hath voted, and shall subscribe his name to the said declaration in writing, and the said commissioners shall immediately thereafter deliver a copy thereof, under their hands, to the sheriff of their county, who shall forthwith transmit the same to the governor, who, with the advice of the council, is hereby authorized and requested to appoint and commission two persons out of the five, or one person out of the three, recommended as before directed, to be inspector or inspectors, as the case may require.

Penalty on
commissioners
for neglect,
&c.

VII. And be it enacted, That every commissioner who shall neglect (not being prevented by sickness, or some other unavoidable accident,) to meet according to the directions of this act to appoint public warehouses, or to nominate and recommend inspectors as directed by this act, or being met, shall neglect to appoint warehouses, or to nominate and recommend inspectors, in pursuance of this act, shall forfeit and pay the sum of twenty pounds current money for every such neglect.

Who are not
to be appoint-
ed inspectors.

VIII. And be it enacted, That no member of the general assembly, or the council, clergyman, practising attorney or physician, sheriff, clerk of the general, or any county court, or any commissioner of the tax, shall be nominated or appointed an inspector.

How vacan-
cies are to be
filled.

IX. And be it enacted, That if any inspector shall refuse to act, or after acceptance shall resign, die, remove out of the county, or be rendered incapable to act, the governor, with the advice of the council, is hereby authorized and requested to appoint and commission any other person mentioned in the last recommendation from the commissioners of the tax, in the place of the person who shall refuse, resign, die, remove, or be incapable to act, for the residue of the year, and if it should happen that so many of the persons recommended should refuse, die, resign, remove, or be incapable to act, so as not to leave a choice out of such recommendation, the governor, with the advice of the council, is hereby authorized and requested to appoint and commission such person as they may think proper for the residue of the year.

What vessels
shall not be
cleared out,
&c.

X. And be it enacted, That no vessel of less burthen than eighty-five tons, and having tobacco on board, shall be cleared out at any naval office for any port or place in Europe.

No vessel shall
be cleared out,
unless navi-
gated by citi-
zens, &c.

XI. And be it enacted, That no vessel, if owned by any citizen of this state, and having tobacco on board, shall be cleared out at any naval office for any port or place in Europe, unless navigated by the master or

com-