

property within the state, the court before whom such person shall be convicted, shall issue execution against his property, in the name of the proprietor of such forged or counterfeited manifest or note, for the value of the tobacco therein expressed, such value to be estimated by the said court; and if such convicted person shall have no property, and shall be sold as herein before directed, the owner of such forged or counterfeited manifest or note shall receive the value of such tobacco (to be determined by the court) out of the sale of such person, and the money arising from such sale, above what may be necessary to satisfy the party grieved, shall be applied to the use of the county where such person is convicted, if tried in a county court, or to the state if tried in the general court; and it is declared to be the duty of every person into whose hands any counterfeited, forged or altered, manifest or note, of any inspector or inspectors shall come, forthwith to deliver the same to some judge or justice, who shall endorse the name of such person, and safely keep such manifest or note, to be produced if necessary; and every person into whose hands any counterfeited, forged or altered, manifest or note, of any inspector or inspectors shall come, knowing the same to be counterfeited, forged or altered, and who shall refuse or neglect to deliver the same within ten days after the receipt thereof to some judge or justice as aforesaid, and at the same time give information of the person from whom he received it, and the circumstances of the case, shall for every such neglect or refusal, on conviction thereof, pay the sum of one hundred pounds current money.

XXXVI. 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, and stand in the pillory for the space of two hours, or be fined not exceeding one hundred pounds current money, or both, 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.

Penalty on exporting tobacco with a forged stamp, &c.

XXXVII. 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 or 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 who signed such note, and lodging the same with him or them, the said inspector or inspectors, if the said tobacco in the said note or notes hath not been delivered by virtue of said note or notes, shall deliver to the person obtaining such certificate a new note or notes, with the marks, numbers,

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