

C H A P.
LXIII.

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 county for that purpose, 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 justices 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 authorised and required 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.

Inspectors oath
of office.

VI. AND BE IT ENACTED, That every inspector, before he acts as such, shall, under the penalty of three hundred dollars, take the following oath or affirmation of office, (as the case may be,) to wit: "I, A. B. appointed inspector at — warehouse, do swear, or solemnly, sincerely and truly declare and affirm, that I will diligently and carefully uncase, break, or cause the same to be done in my presence, and will examine, all tobacco which I shall be called upon to view and inspect at the said warehouse, or at any other public warehouse, and that I will not receive any tobacco that is not, in my judgment and conscience, sound, clean, in good order and condition, and merchantable, and that I will not receive, pass or mark, any hogshead of tobacco prohibited by this act, and that I will receive, pass and mark, all tobacco that is, in my judgment and conscience, sound, clean, in good order, condition, and merchantable, and that I will in all things well and faithfully discharge my duty in the office of an inspector, according to the best of my skill and judgment, and according to the directions of this act, without fear, favour, affection, malice or partiality; so help me God;" which oath or affirmation any justice of the peace may administer.

They shall enter
into bond,
&c.

VII. AND BE IT ENACTED, That every inspector, before he executes any part of his duty under this act, shall, under the penalty of eight hundred dollars, enter into bond before one of the justices of the peace for his county, with good and sufficient securities, having property within the state assessed to two thousand five hundred dollars, such as the said justice shall approve, in the penalty of three thousand dollars, payable to the state, with condition, that he will diligently and carefully uncase and break, or cause the same to be done in his presence, view and examine, all tobacco brought to the warehouse at which he is inspector, which he shall be called upon to view and inspect at the said warehouse, or any other public warehouse, and that he will not receive, pass or mark, any tobacco, or hogshead of tobacco, prohibited by this act, and that he will in all things well and faithfully execute and discharge his duty in the office of an inspector, according to the best of his skill and judgment, and according to the directions of this act; and the said justice shall immediately cause the said bond to be proved by the witnesses thereto, and shall forthwith endorse the probat on the back thereof, and transmit the said bond to the clerk of the county court within ten days, who shall record the same, with the endorsement thereon, and transmit it to the clerk of the general court, who shall immediately record the same bond and endorsement aforesaid, and immediately afterwards deliver the original bond to the register of the chancery court, to be by him safely kept in the chancery-office, and an attested copy of the said bond and probat, from either of the said records, shall be as good evidence in law to maintain an action of debt for any breach of the condition of the said bond, as if the same was actually produced and proved in court; and the same bond may be sued by any person entitled as holder of any note of such inspector, for the non-payment or not delivering the tobacco mentioned in such note, and on nonsuit, or judgment for defendant, the person suing such bond shall be liable for costs, and any person bringing suit on such bond may be compelled by the court in which such suit may be instituted to give security for costs; and if the same person be continued inspector, he shall, on every appointment, give bond as aforesaid.

Justices to ascertain
their
salaries, &c.

VIII. AND BE IT ENACTED, That the justices of the levy court, or a majority of them, shall, at the time of making their county assessment, ascertain the salaries of the inspectors, so that the same shall not exceed three hundred dollars for each inspector within their county; and if the sum allowed by this act for inspection shall not be sufficient to satisfy the said salaries and warehouse rent, and other charges of the inspection-houses within their counties, the said justices shall assess in their county assessment a sum of money sufficient to discharge the same.

Inspectors not
to buy tobacco,
&c.

IX. AND BE IT ENACTED, That no inspector shall, directly or indirectly, during his continuance in the said office, buy, or receive any tobacco by way of barter, loan or exchange, or any way intermeddle with or busy himself in procuring tobacco to be sold or consigned to any merchant,