

XXI. AND BE IT ENACTED, That when any person shall be entitled to receive tobacco by virtue of any inspector or inspectors note or notes, the inspector or inspectors shall, if required, open the hogshead, and shew such tobacco to the person demanding the same, and shall also reweigh the same if required, and if such person shall refuse to accept of such tobacco as unmerchantable, he shall make immediate application to any justice of the peace of the county where such warehouse shall be, at which the tobacco so refused shall be offered in payment, who is no ways related to the parties, nor concerned in interest; and the said justice, by warrant under his hand, shall immediately appoint three persons, well skilled in tobacco, and no ways related to the parties, nor concerned in interest, to view and inspect the said tobacco, which said three persons so appointed, shall immediately, under the penalty of twenty dollars each, repair before some justice, and take an oath or affirmation, (as the case may be,) which the said justice is hereby empowered and required to administer, that they will carefully uncase, break, view and examine the tobacco they are called upon to view and inspect, and that they will not pass any tobacco that is not, in their judgment and conscience, of the quality expressed in the note given for the same, and that they will do their duty without fear, favour, affection, malice or partiality, and afterwards they shall, under the like penalty, forthwith repair to the warehouse where such tobacco shall be offered to be delivered, and shall carefully view and examine the said tobacco, and if two of them shall adjudge such tobacco, or any part thereof, to be unmerchantable, they shall cause the same to be immediately burnt, unless the inspector or inspectors who passed the said tobacco shall desire to pick the same, in which case, the persons chosen to view such tobacco as aforesaid shall cause the said inspector or inspectors to pick the same, and shall cause the unmerchantable tobacco therein to be burnt, and for their trouble, the said three persons who shall be present at such view shall be paid, by the inspector or inspectors who offered such tobacco, one dollar each; and if the said persons, or any two of them, shall adjudge such tobacco to be merchantable, and of the like quality as expressed in the note, according to the directions of this act, the said persons so attending shall be paid, by the party desiring such view, one dollar each as aforesaid; and when any tobacco shall be offered as aforesaid by any inspector or inspectors, and refused, the said inspector or inspectors shall not be at liberty to offer, nor the person demanding the same to receive, any tobacco in lieu thereof, before such tobacco first offered shall have been viewed as herein before directed, but the person refusing shall immediately mark the same; and if any inspector or inspectors shall tender any tobacco in lieu of the tobacco so refused, before the same shall have been viewed as aforesaid, or shall not produce the same tobacco, so refused, to the said viewers, in either case it shall be taken for a conviction that the tobacco first tendered was not of the quality expressed in the note, and the said inspector or inspectors shall forfeit and pay one hundred dollars each for every such offence; and if the person who shall refuse any hogshead of tobacco as aforesaid shall accept and receive another hogshead of tobacco in lieu of that refused, before such hogshead so refused shall be viewed as aforesaid, he shall forfeit and pay one hundred dollars for every such hogshead.

C H A P.
LXIII.
If required, to
open hogs-
heads, &c.

XXII. AND BE IT ENACTED, That where there are two inspectors in the same inspection, and they shall have disagreed in opinion to the passing of any hogshead of tobacco, and a review shall be afterwards required, and such hogshead, or any part thereof, shall be by such reviewers adjudged unmerchantable, and burnt agreeably to the directions of this act, that in such case the inspector who shall have disagreed to the passing such tobacco shall not be burthened with making satisfaction for the same, or any part thereof, but in such case the inspector who would have passed the same shall make satisfaction for the whole; and where any tobacco on review shall be adjudged unmerchantable, the inspector or inspectors who passed such tobacco shall immediately pay the owner one other hogshead of the same weight and quality, and thereupon the note for the tobacco adjudged unmerchantable as aforesaid shall be delivered up to the inspector or inspectors to be destroyed, and if the inspector or inspectors shall refuse or neglect, he or they shall be answerable for the full value of the tobacco, at the price thereof at the time; and the inspector or inspectors, or his or their bonds, with his or their sureties, may be sued, at the election of the party; and every inspector shall deliver the identical hogshead of tobacco expressed in the note, and no other, to the person holding the same, under the penalty of twenty dollars, and no person shall receive any other hogshead of tobacco than the very hogshead for which the note is given, in lieu of the same, under the penalty of twenty dollars, except only in the case where the tobacco, for which the note is given, shall, on review, be adjudged unmerchantable, of a quality different from that expressed in the note.

One not to be
burthened, &c.

XXIII. AND BE IT ENACTED, That no inspector or inspectors shall hereafter, on any pretence, give out any note for tobacco, unless he or they shall have actually received and passed the full quantity

Not to give
notes, &c.