

C H. A. P.
XVIII.and the Per-
son Seizing
the same shall
apply to a
Magistrate,
&c.

or both of the Inspectors, immediately to attend at such Warehouse, to receive and secure the same, and the Inspector or Inspectors so attending, shall search, view, and examine the same, and proceed in such case in like Manner, as he or they are directed with regard to trashy or unmerchantable Tobacco which shall be found in any Tobacco-house, Store-house, Warehouse, Barn, or other Out-house, Ship or other Vessel, Inclosure, or other Place whatsoever, not burthening the Party who carries the same, or the Owner thereof, with any Charge for Carriage; and then after such Inspection made as aforesaid, the Person or Persons so stopping and seizing such Tobacco, shall immediately repair to some Magistrate and inform him, that he hath seized and secured such Tobacco in manner aforesaid, and the Magistrate shall, and he is hereby authorized and required to proceed therein, with respect to the Fining or Binding over (as the Case shall require) such Offender or Offenders and he, she or they so offending, shall be liable to the same Penalties, and be under the same Mode of Prosecution for the Recovery thereof, as is before directed by this Act.

Proviso, as to
Tobacco un-
der Carriage
going to an
Inspecting
House.

CXXXV. Provided always, That in all Cases where any such Tobacco under Carriage, shall be seized and carried to any Inspection House as aforesaid, if the Person or Persons carrying or claiming the same, shall Prove by his, her, or their own Oath, or Affirmation if a Quaker, or the Oath or Oaths, or Affirmation if a Quaker, of any other credible Person, which Oath, or Affirmation, any Magistrate is hereby authorized and required to administer, that such Tobacco so taken under Carriage, was at such Time carrying to be inspected at some Inspecting House agreeable to the directions of this Act, such Proof shall exempt the Person so carrying, or Owner or Claimer of such Tobacco, from the Penalties, other than the Loss and Burning of such trashy Tobacco.

Such Tobac-
co not to be
removed af-
ter Seizure,
or Rescued.

Penalty.

CXXXVI. And be it further Enacted, That if any Person or Persons shall Remove any Tobacco which shall be stopped or seized as aforesaid, other than such Person or Persons who shall so Seize the same, or some other by his or their Order, or who shall rescue, or attempt to rescue, any Tobacco which shall be so stopped and seized as aforesaid, such Person or Persons so offending, shall forfeit and pay Two Thousand Four Hundred Pounds of Tobacco for every Hoghead or Parcel of Tobacco so removed, rescued, or attempted to be rescued, as aforesaid, to be recovered in the Court of the County where such Offence shall be committed, or the Party or Parties reside, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than one Imparance shall be allowed, for the Use of the Person or Persons making such Seizures as aforesaid.

Persons Sued
for any thing
done by vir-
tue of this
Act, may
plead the Ge-
neral Issue,
&c.

CXXXVII. And be it further Enacted, That if any Person or Persons shall be Sued, Prosecuted, or Impleaded, for any Matter or Thing by him, her, or them done, pursuant to and in execution of this Act, such Person or Persons so Sued, Prosecuted, or Impleaded, shall be at Liberty to plead the General Issue, and give this Act and the special Matter in Evidence, and if the Plaintiff or Informer shall be Non-suit, discontinue his Suit, or a Verdict be had against him, then, and in either of these Cases, the Defendant or Defendants shall not only be acquit thereof, but shall by Judgment recover against such Plaintiff or Informer treble Costs.

Informations
to be made in
3 Months.

CXXXVIII. Provided always, and it is hereby Enacted and Declared, That every Information to be made in pursuance of this Act, shall be made within Three Months next after the Offence committed, and not after.

CXXXIX. And be it further Enacted, That no Master or Commander of any Ship or other Vessel, taking Tobacco on Freight, shall remove or transport any Freight-Tobacco from any Warehouse, in order to be put on board his Ship