

TOBACCO PAYMENTS.

Tobacco in the inward Part of any Hoghead, when the Generality of such Tobacco as shall be packed in the outward Parts is good, sound, and merchantable, or that it shall be deemed by the Court or Jury before whom tried, that such false Packing falls within the ancient common received Notion of false Packing) and offering any Hoghead or Cask so packed in Payment, shall, for every such Hoghead, forfeit 1000^{lb} good Tobacco in Cask; One Half towards the County Charge, the other Half to the Party grieved: But if such Party do not prosecute within Three Months after Notice of the Fraud, then to the Informer. *Ibid.*

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12. But Persons packing up small, dull, scrubby Tobacco, and Ground Leaves, in Cask by itself, and declaring the Quality thereof to the Purchaser before Sale, shall not incur the Penalties in this Act imposed. *Ibid.* §. 8.

13. No Sheriff, or his Deputy, shall Seize any Tobacco unstript; or already received, marked and nailed for any Merchant or other; except for Public Levies, or the 40 per Poll. In which case he may break Locks. But shall not Seize or Mark any Hoghead containing more than what is justly due for such Levies, &c. without Satisfaction to the Owner for the Overplus, on Penalty of 2000^{lb} Tobacco; One Half to the Support of Government, the other to the Party grieved. 1715, *ch.* 46, §. 1.

14. In case of Breaking a Hoghead on such Seizure, the Party that hath the greatest Share of the Tobacco shall have the Cask. *Ibid.* §. 2.

TOBACCO PLANTS.

Persons cutting or destroying, or causing to be cut or destroyed, or exciting others to cut or destroy, any Tobacco or Tobacco Plants belonging to others, shall forfeit 100^{l.} Sterling to the Party grieved, and suffer Six Months Imprisonment without Bail, &c. and also remain in Prison, as in Execution, till the said Sum be satisfied, if able to pay: If not, then to remain in Prison one whole Year, without Bail, &c. And the Party grieved shall have Action of Trespas, &c. for Recovery of Damages against the Offender. 1744, *ch.* 5, §. 2.

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1. No Person shall transport out of this Province, by Land or Water, any Tobacco, without first entering the same, according to Law, with the proper Officers; on Penalty of 10^{l.} Sterling, for every Hoghead or other Package of such Tobacco; and the like Penalty for every Parcel of 500^{lb} Weight, and so in Proportion for a greater or lesser Quantity: One Half to his Lordship, the other to the Informer. 1722, *ch.* 16, §. 2.

2. Tobacco put on board any Boat, &c. in any River or Creek from whence Tobacco hath been usually carried into any neighbouring Colonies; or laden in any Cart, &c. in Places usual or convenient for carrying the same by Land to Delaware Bay or River, without a Permit first obtained from the proper Officer, shall be forfeit, with the Vessel, Cart, Horses, &c. And any Person whatsoever is impowered to Seize the same: One Half of which Forfeiture to his Lordship, the other Half to the Person seizing the same. *Ibid.* §. 3.

3. Persons abusing or resisting Officers or other Persons in the Execution of this Law, shall forfeit 10^{l.} Sterling, to be applied as aforesaid. *Ibid.*

4. All Officers of the Customs, Magistrates, Sheriffs, Vestrymen, Church-wardens and Constables, are impowered and required to put this Act in Execution, and assist Persons informing, or seizing, on Forfeiture of 5^{l.} Sterling for every Neglect or Omission. *Ibid.* §. 4.

5. Persons sued for putting this Act in Execution, may plead the General Issue, &c. And on Non-suit,

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or Discontinuance of Action, shall recover full Costs. *Ibid.* §. 5.

6. For preventing the Running of Trash Tobacco into the neighbouring Colonies, no Tobacco whatsoever of the Growth, &c. of this Province, shall be transported by Land or Water into Virginia, Pennsylvania, or other Ports or Places whatsoever, till the same has been first viewed, &c. at some Inspecting-house; nor till due Entry thereof be made with the Officers of the Customs in the District wherein the Owner of the Tobacco shall reside, and a Permit obtained from them for that Purpose: And any Person carrying, or causing to be transported, any Tobacco, before Inspection and Permit, obtained as aforesaid, to Virginia, &c. shall forfeit 800^{lb} Tobacco for every Hoghead, &c. and 160^{lb} Tobacco for every 100^{lb} Tobacco, in Bulk or Parcels, so carried out, contrary to this Act. 1763, *ch.* 18, §. 57.

7. All Sheriffs, and Under-Sheriffs, shall, at the Time of their being sworn into the said Office, and all Inspectors and Constables, at the first County Court after their Appointment, (or at the same Court, if there sworn into their Offices,) take the Oath prescribed in this Section, (for which see the Act,) with regard to the Running of Tobacco, and obtain a Certificate thereof; on Penalty, for Default hereint, of 800^{lb} Tobacco to the Informer; to be recovered with Cost, by Action of Debt or Information, in any Court of Record. *Ibid.* §. 58.

8. Any neighbouring County Magistrate, on Application, shall issue his Warrant to the Sheriff or Constable, who shall thereupon Enter and Search any Ship, Sloop, Boat, or other Vessel, and Seize any Tobacco laden on board contrary to this Act: And the same being seized, shall be brought on Shore, and carried before the same, or any other Justice, who shall cause the same to be weighed, and if trashy or bad, to be immediately burnt; if good, to be carried to the Inspecting-house, there to be Inspected and Sold for the Use of the County. Persons resisting the Officer in the Execution of such Warrant, shall forfeit, *viz.* if a Master, Owner, or Commanding Officer of a Ship, 8000^{lb} Tobacco; if a Skipper of a Sloop or Boat, &c. a Sailor, or other Person whatsoever, 3200^{lb} Tobacco; to be recovered by Action of Debt, &c. in any Court of Record: One Half to the Informer, the other Half towards defraying the County Charge accruing by the Execution of this Act. And any Magistrate, or other Officer, sued for any Thing done in the Execution of this Act, may plead the General Issue, &c. and on Non-suit, &c. shall recover double Costs. *Ibid.* §. 59.

See Tobacco Duties, 2. Tobacco Trashy, 6, 8.

TOBACCO TRASHY.

1. No Person shall buy, sell or barter, or offer to Sale, either directly or indirectly, any Trashy or unmerchantable Tobacco, (except such as hath been heretofore lodged in some legal Inspecting-house, under any former Law) on Penalty of 4^{lb} Tobacco for each Pound so bought, sold, &c. to be recovered, where the Penalty shall not exceed 600^{lb} Tobacco, before a single Magistrate; and, where it exceeds that Sum, in the County Court: One Moiety to the Informer, or Person suing for the same; together with such Person's legal Allowance, for Attendance as an Evidence; the other to the County Charge. Where such Penalty shall arise by Prosecution on Indictment, if the Informer shall not, upon Conviction, make his Claim (to be entered on the Clerk's Docket) to the Moiety, in open Court, the whole shall go to the Use of the County. 1763, *ch.* 18, §. 131.

2. If either Buyer or Seller shall prosecute the other offending Party to Conviction (to which Purpose either of the said offending Parties shall be good Evidence,) the Party so prosecuting shall not only be indemnified from any Prosecution for the said Offence, but shall also