

Authority of the same, That any Person or Persons whatsoever, inhabiting within this Province, and now being, or that hereafter shall be indebted to any Merchant, or others, either resident in, or trading to this Province, that hath Tobacco ready, according to the Nature of the Debt he owes, and is willing to pay the same, and hath offered it to his Creditor, his Factor, or Attorney, and by him or them refused, neglected, or delayed to be received, as aforesaid, it shall and may be lawful to and for such Debtor or Debtors, at any Time, between the First Day of *November* and the last Day of *March* in every Year, during the Continuance of this Act, and at no other Time, to repair to the next Justice of Peace, and there before him, upon making Oath of such Tobacco being already tendred and neglected, refused or delayed to be received, the said Justice shall, and is hereby impowered and required to appoint Two sufficient Persons being Freeholders in the Neighbourhood (not being of Kin either to the Debtor or Creditor) where such Debtor shall dwell, to view, search, and look upon such Tobacco, so ready to be paid in Discharge of the Debt, and tendred, as aforesaid; which Two Persons so appointed shall take their Oaths, to be administered by the Justice aforesaid, well and truly to try and examine into the Matter aforesaid, and make Report to the Justice aforesaid; and if, upon Viewing the same, it be found that the Tobacco aforesaid is clean, sound, and merchantable, and fit to be paid in Discharge of the Debt aforesaid, they shall and are hereby authorized and impowered to mark the said Tobacco in Hogsheds upon the Head, and bulge for such Creditor, as aforesaid, and weigh the same, and signifie the Neat Weight thereof unto the Justice aforesaid; which Tobacco so tendred, and refused to be received, being viewed, marked, and weighed, as aforesaid, shall, for ever after, be esteemed and taken as the proper Goods and Tobacco of the Creditor, and in absolute Discharge of the Debt aforesaid, or of so much thereof as the same Tobacco shall weigh (provided each Hoghead weighs Five hundred Neat, or upwards.)

AND because many Contracts, Bills, and Bonds, may be of different Nature and Circumstances, It is hereby further Enacted and Declared, That upon every such Viewing, as aforesaid, the Creditor, his Factor or Attorney, shall have Notice thereof by the said Debtor; and if he do not come to the Place, and make known, by shewing the Contract or Obligation, the Circumstances or Nature of the Contract or Obligation, if the Tobacco viewed, as aforesaid, be clean from Trash, sound, and merchantable, it shall be marked and weighed in Discharge of such Debt, be the same of what Nature soever; and the Persons in whose Houses the Tobacco lies, or shall lie, shall take Care of and preserve the same for One whole Year, as they are obliged to do Tobacco actually received by any Creditor, Merchant, or others; Any Law, Statute, or Usage to the contrary notwithstanding.

AND be it further Enacted by the Authority, Advice, and Consent aforesaid, That if any Debtor, who hath tendred Tobacco to his Creditor, which is in very good Condition, clear of all manner of Trash, according to the Tenor of the Specialty aforesaid, and well packed in good seasoned Hogsheds, and which Hogsheds of Tobacco contain Five hundred Pounds of Neat Tobacco at the least, and which the Creditor refused, and hath such Tobacco ready to tender and pay to his Creditor, be yet notwithstanding sued and prosecuted at Law, in order to recover such Tobacco, as he shall be indebted to his Creditor, if at the Trial the Defendant shall make appear by Two sufficient Evidences that he tendred to the Plaintiff such his Debt in such Tobacco, qualified as aforesaid, having the Tobacco ready and full packed in Hogsheds before the Plaintiff purchased his Writ, then and in every such Case the Plaintiff shall not recover any Cost of Suit against the Defendant, but shall pay the Defendant what Cost the Defendant hath in that Cause expended, to be deducted out of the Plaintiff's Debt by the Court, before whom such Suit shall be; and the Plaintiff shall have Judgment for what shall be remaining