

*An ACT for Relief of Debtors, and ascertaining the Manner of Tenders in Tobacco.*

**W**HEREAS several honest Persons within this Province, being indebted in Tobacco, to divers Persons, Merchants and others, and well-disposed to pay the same, taking Care therefore by providing the Tobacco; but often Times it so happens, that because an Opportunity or Conveniency doth not offer to the Creditors to dispose thereof, they do frequently refuse, neglect and delay to receive the said Tobacco in Discharge of the Debts, whereby the Debtor remains in Debt, and the Tobacco by him procured to pay the said Debts, remains in his Hands, subject to all Casualty on the Debtors Account, and which he dares not make Use of, for fear of his Creditors demanding and suing after for the Debt: For Remedy whereof for the Future,

The honest  
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Misfortune,

Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council and Assembly of this Province, and the 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 tendered and neglected, refused or delayed to be received, the said Justice shall and is hereby empowered 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 tender'd 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 empowered to mark the said Tobacco in Hogheads upon the Head and Bulge, for such Creditor as aforesaid, and weigh the same, and signify the neat Weight thereof unto the Justice aforesaid; which Tobacco so tendered, 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, as aforesaid, or of so much thereof as the same Tobacco shall weigh; provided each Hoghead weighs Five Hundred neat, or upwards.

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To discharge  
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