

be so on their oath by them found, that the said lessor or lessors had been in possession of the lands, &c. as aforesaid, and that he, she, or they, had demised, &c. them as aforesaid, that the said lease or estate is fully ended and expired, that due notice to quit as aforesaid had been given to the said tenant or tenants in possession, and that he, she or they, refused to do, then the said justices thereupon shall award restitution of the possession of the said lands, &c. and shall forthwith issue their warrant, under their hands and seals, to the sheriff directed commanding him forthwith to deliver to the said lessor or lessors his, her or their heirs, &c. the possession of the said lands, &c. in as full and ample a manner as the said lessor or lessors were possessed of the same at the time when the said lease was made and executed; and the said justices, in such case, shall give judgment for costs against said tenant or tenants so holding over, and thereupon to issue execution, if required by the said lessor or lessors, his, her or their heirs or assigns.—1793, c. 43.

2. But if the said tenant in possession shall alledge, that the title to the said lands, &c. is disputed and claimed by some other person or persons whom he shall name, in virtue of a right or title accrued or happening since the commencement of said lease, by descent, deed, or under the last will and testament of the said lessor or lessors, and if thereupon the person so claiming as aforesaid shall forthwith appear, or upon a summons, immediately to be issued by said justices, and returnable in 6 days next following, shall appear before the said justices, and shall on oath or affirmation, by the said justices to be administered, declare, that he verily believes that he is entitled in manner aforesaid to the said lands, &c. in question, and shall, with 2 sufficient sureties, enter into bond to the lessor or lessors, his, her or their heirs or assigns, in such sum as the said justices shall think proper, not less than 300*l.* to prosecute his, her or their claims at the next county court which shall be held in and for said county thereafter, that then, and not otherwise, the said justices shall forbear to award restitution of the possession, and cease to give judgment for the costs; but if the said claim shall not be prosecuted, the said justices shall proceed to award restitution of the possession, and issue their warrant, and give judgment and issue execution for the costs, within 10 days after the end of said court, in the same manner as herein before enjoined and directed. *ibid.* See *valuation of real & personal property*, 12.

## TOBACCO INSPECTED.

1. **I**T shall not be lawful for any person to export, or carry out of this state, by land or water, any tobacco, unless in hogheads, to be inspected, passed, marked, stamped and branded, at some public warehouse, agreeably to this act; on forfeiture of 200*l.* current money for every such offence, one half to the state, the other to the informer.—1789, c. 26, § 3.