

convicted, shall receive 39 lashes on his or her back, or be sentenced to hard labour not exceeding 4 years, or be fined not exceeding 100l. current money, or all, in the discretion of the court; and any person who shall put or pack any tobacco into any hoghead stamped by any inspector or inspectors, in lieu of tobacco inspected, or shall draw or take out any stave, plank, or heading board, of any hoghead, after it shall be delivered out from any public warehouse, unless it be for the purpose of examining the quality of the tobacco by a person intending to purchase the same, upon conviction, shall be fined not exceeding 30l. current money, if free, and if a servant or slave, shall be whipped not exceeding 20 lashes, and the testimony of the inspector or inspectors shall be evidence.—*ibid.* § 37.

9. If any person shall bring any hoghead or hogheads of tobacco to any of the warehouses appointed to receive the same, and shall offer them, or any of them, to the inspector or inspectors, to be by him or them received and inspected, and shall refuse to receive the same, or shall direct the said hoghead or hogheads to lie, and the owner or owners of the same, or any other person or persons by his, her or their privity, consent or procurement, shall either secretly or openly carry the said tobacco, or any part thereof, away from the said warehouse before viewed and passed according to law, or if refused to be passed, shall attempt secretly or openly as aforesaid to carry the same, or any part thereof, away, the said owner or owners shall forfeit 20l. current money for every hoghead of tobacco so carried away.—*ibid.* § 53.

10. If any action shall be commenced against any person for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence at the trial, and that the same was done in pursuance and by authority of this act; and if it shall appear to have been done, then the court shall direct the jury, and they shall accordingly find for the defendant, and if the plaintiff be non-suited, or discontinue his action, or if judgment shall be given upon demurrer or verdict against the plaintiff, the defendant shall recover double costs.—*ibid.* § 62.

11. Nothing in this act is meant to prevent any persons, in the said counties of Frederick and Washington, from carrying their tobacco to any public warehouse for inspection, fixed upon navigable water, within this state.—*ibid.* § 72.

So much of the inspection law, as extends to Harford county, is repealed, by 1793, c. 47, § 7. See Special bail, 14.

TOBACCO PLANTS AND TOBACCO HOUSES.

1. **P**ERSONS cutting or destroying, or causing, or exciting others to cut or destroy, any tobacco or tobacco plants belonging to others, shall