

county, parish, or for the forty per poll to the minister; and the several sheriffs are hereby empowered to break the lock of any tobacco-house, or other houses where tobacco is or shall be secured with design to prevent the said sheriff from seizing such tobacco for levies and dues as aforesaid; and any sheriff so seizing or marking any hoghead or hogheads of tobacco containing more than what is justly due for levies and dues as aforesaid, without satisfaction to the person to whom such tobacco doth belong, as by giving credit, or suffering him to take the overplus out of such hoghead of tobacco, at the choice of the party paying or owing the same, shall pay, for every such default the sum of two thousand pounds of tobacco, one half to his majesty, his heirs and successors, for support of government, the other half to the party grieved, to be recovered in any court of record of this province by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

II. AND, If it shall so happen that at any time any sheriff shall seize any hoghead of tobacco which shall weigh more than such levy or levies or dues as aforesaid shall amount unto, if the remaining part due to the party or parties from whom they shall receive such levy or levies or dues aforesaid be the greater quantity, then, and in every such case, the sheriff or sheriffs shall take out of the said hoghead such quantity or quantities of tobacco due to him for such levy or levies, or dues as aforesaid, and the said hoghead, and the remaining part of the tobacco, shall be and remain with the party or parties paying the same, but if the remaining part of such hoghead of tobacco, so seized as aforesaid, and belonging to the party or parties paying the same, shall be the less quantity than is due to the said sheriff or sheriffs as aforesaid, then, and in every such case, the owner or owners of such tobacco shall take out of the overplus of such tobacco, and the hog head, with the remaining part, shall belong to such sheriff or sheriffs receiving the same.

Party entitled to the greatest share to have the cask.

The first and second sections of this act were of no use during the continuance of the inspection law of 1763, ch. 18, and different provisions have since been made for the collection of public dues.

III. AND, whereas many litigious persons have, and for the future may commence actions of trespass upon the case, rather out of spite and malice than any real cause of action, and although they set not forth in the original writ the cause of such action, yet lay their damage to a vast sum, to deter persons from being bail; for prevention whereof for the future, BE IT ENACTED, by the authority, advice and consent aforesaid, That in all actions of trespass upon the case, where damages are laid to be above four thousand pounds of tobacco, if no declaration be sent with the writ, expressing the true cause of action, the sheriff shall not require a bail bond exceeding the sum of eight thousand pounds of tobacco, although the damages be marked on the writ for any greater sum whatsoever; and any sheriff offending herein shall forfeit the sum of four thousand pounds of tobacco, the one half thereof to his majesty, his heirs and successors, for the support of government, the other half to the party grieved, to be recovered in any court of record of this province, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law to be allowed.

Bail bond not to exceed 8000 pounds of tobacco, &c.

IV. AND, to the end that public creditors may be speedily satisfied their debts due from the public, BE IT ENACTED, by the authority, advice and consent aforesaid, That every public creditor within this province, shall be at his election to make application to the governor (a) of this province for the time being to put such sheriff's bond or bonds in suit, or otherwise may immediately have an action of debt against such sheriff, in any court of record within this province, for such public tobacco as shall be due to such creditors.

Public creditors may apply, &c.

(a) Suits may now be brought on sheriffs bonds without such application.

V. AND, to the end that no officer, or other person, may be surpris'd or unjustly molested, either upon the account of payment or collection of public dues, BE IT LIKEWISE ENACTED, by the authority aforesaid, by and with the advice and consent aforesaid, That any person or persons having public tobacco due to them, or fees in any sheriff's hands to collect, and that do not signify to such sheriff or sheriffs their dependence and resolution of making use of the same, on or before the twenty-fifth day of December in the year the same shall be due to him or them, shall not have, take or demand, any benefit or advantage by this act allowed for that present year, and so every year successively, nor shall the sheriff of any respective county levy, by way of execution, any public dues or officers fees upon the body, goods or chattels of any the inhabitants of this province, except they have made a demand thereof at or before the twentieth day of February for that present year, and so every year successively.

When public dues are to be demanded, &c.

The provisions in this section have been altered by the act for the regulation of officers fees.

VI. AND BE IT ALSO ENACTED, by the authority, advice and consent aforesaid, That any sheriff within this province, having in his hands public officers fees to collect, shall not presume to levy, by execution, upon the body, goods and chattels of any the inhabitants of this province, any fees to him committed

No sheriff shall execute, &c.