

C H A P.
XXVI.

to the directions of this act; and if any person shall export by water out of this state any tobacco contrary to this act, or shall lade any tobacco on board any vessel for exportation out of this state, contrary to this act, such person shall forfeit and pay the sum of two hundred pounds current money for every such offence, to be recovered in any court of law of this state; the one half shall be for the use of the state, and the other half to the use of the informer; and every captain of a ship or other vessel taking in tobacco for exportation, shall receive none on board without a manifest, signed by the inspector or inspectors of the warehouse from whence the same was brought, all of which original manifests so signed by the inspectors, he the said captain, upon his clearing out, shall deposit with the collector of the United States of the port from which he sails, and he the said captain, or his mate, shall make oath, that no more tobacco, from any part of the state of Maryland, has been received on board than what is expressed in the said manifests; and if any person shall carry any tobacco by land out of this state, contrary to this act, or shall lade or put in any waggon, cart or other carriage, any tobacco, with intent to carry the same out of this state contrary to this act, such person shall forfeit fifty pounds current money for every hoghead of tobacco, if in hogheads, or one shilling like money, if not in hogheads, for every pound of tobacco so carried out, or laden or put in any carriage, with intent to carry the same by land out of this state; and the tobacco so laden, together with the waggon, cart or other carriage, and the horses, oxen or other beasts, employed in such service, shall be forfeited, one half to the state, and the other half to the informer; and it shall be lawful for any person to seize any tobacco which he shall discover laden or put in any waggon, cart or other carriage, with intent to be carried out of this state contrary to this act, and the carriage and horses, oxen or other beasts, employed in such service, and the property thereof shall be vested, on seizure, in the person making the same, who, if sued for such seizure, may give this act and the special matter in evidence; and if it shall appear that such seizure is made for breach of this law, the court before whom such suit is tried, shall direct the jury to find for the defendant, for whom they shall find accordingly, and thereupon the property of the thing seized shall be vested in the defendant; and the governor and council may, in their discretion, from time to time, appoint fit and active persons at the Head of Elk, and near the division line between this state and Delaware and Pennsylvania, and at other proper places, to prevent any violation of this act, and to seize any tobacco, carriages and beasts, liable to be forfeited and seized in virtue of this act.

Justices to
meet, &c.

IV. AND BE IT ENACTED, That the justices of the peace, or any three or more of them, for the several counties (a) of this state, except Frederick and Washington counties, be authorized and required to meet at the place where their respective county courts are held, between the fifteenth and twenty-fifth day of January next, and then and there determine at what place or places, on or near navigable water in their respective counties, except Frederick and Washington counties, warehouses shall be kept for the receipt and inspection of tobacco agreeably to this act, and the number of inspectors proper at each place, and they shall enter the place, and the number of inspectors at each place, in a book to be provided and kept for that purpose only, and the place or places, and warehouse or warehouses, for the receipt and inspection of tobacco in their county, during the continuance of this act.

(a) By section 67, the justices of Cecil county are not obliged to meet for appointing warehouses, &c. unless it shall appear necessary for preventing frauds in the exportation of tobacco.

By 1795, ch. 71, the justices in the several counties, (except Washington, Frederick, Cecil, Caroline, Harford and Allegany,) are directed to meet annually, and determine at what places their warehouse shall be kept, the number of inspectors, &c. and are empowered to sell any warehouse belonging to the county that has been discontinued, with the scales, weights, &c.

And recom-
mend inspec-
tors, &c.

V. AND BE IT ENACTED, That the said justices be authorized and required to meet at the place where their respective county courts are held between the fifteenth and twenty-fifth day of January next, (b) and then proceed to nominate and recommend to the governor and council three or five persons, each of them having assessed property in the state to the value of three hundred pounds current money, and well skilled in the curing and packing tobacco, and the order, quality and condition thereof, and well qualified and capable from his integrity, reputation and diligence, to execute and discharge the office and duty of an inspector.

(b) By 1790, ch. 55, section 4, the justices to meet at the said time and nominate inspectors annually. By 1790, ch. 55, section 4, where the same person is nominated who was inspector the preceding year, he may continue to act without a new commission, on giving bond, &c. otherwise he shall be recommended and commissioned as directed by this act.

Who shall take
an oath, &c.

VI. AND BE IT ENACTED, That every justice, before he votes for any public warehouse, or for any person as inspector, shall take an oath or affirmation, as the case may be, (which any one of the said justices may administer,) that he will, without favour, affection, partiality or prejudice, appoint such place and public warehouse for the receipt and inspection of tobacco in his county, as he in his judgment and conscience believes most proper for that purpose, and that he will nominate and re-commend