

XXVI. AND BE IT ENACTED, That the property of the scales, ropes, blocks, branding and marking irons and weights, belonging to any warehouse established by this act, shall be so far vested in the inspector or inspectors for the time being, as to punish any trespass or felony thereof.

C. H. A. P.
XXVI.
Scales, &c. vest-
ed, &c.

Inspectors to
deliver printed
notes, &c.

XXVII. AND BE IT ENACTED, That the inspector or inspectors who shall pass any tobacco shall deliver as many printed notes, under the hands of the said inspectors or inspector, to the owner, and in his name, as shall be required, in which note or receipt shall be expressed the place and time of reception, the maker's mark, the warehouse number, and the gross, tare and net weights, for all tobacco inspected and passed, and also in the note shall be expressed, whether coloured or leaf; and the said notes shall be payable to the said owner, or bearer, and shall be current and received in payment of all debts and contracts for tobacco, or judgments and decrees on contracts for tobacco, according to the terms and intention of the contract, judgment or decree, as the case may be, and shall be transferrable from one person to another, and shall be paid, upon demand, by the inspector or inspectors who signed the same; and no tender of any debt or contract for tobacco, or judgment or decree on any contract for tobacco, shall be accounted lawful, unless payment of the same shall be tendered in inspector or inspectors note or notes.

XXVIII. AND BE IT ENACTED, That when any person shall be entitled to receive tobacco by virtue of any inspector or inspectors note or notes, the inspector or inspectors shall be obliged, if required, to open the hoghead, and shew such tobacco to the person demanding the same, and shall also reweigh the same, if required; and if such person shall refuse to accept of such tobacco as unmerchantable, he shall make immediate application to any justice of the peace of the county where such warehouse shall be, at which the tobacco so refused shall be offered in payment, who is no ways related to the parties, nor concerned in interest; and the said justice, by warrant under his hand, shall immediately appoint three persons, well skilled in tobacco, and no ways related to the parties, nor concerned in interest, to view and inspect the said tobacco, which said three persons so appointed shall immediately, under the penalty of five pounds current money each, repair before some justice, and take an oath or affirmation, as the case may be, which the said justice is hereby empowered and required to administer, that they will carefully uncase, break, view and examine, the tobacco they are called upon to view and inspect, and that they will not pass any tobacco that is not, in their judgment and conscience, found clean, unmixed with trash or bad tobacco, and in good order and condition, and merchantable, and that they will do their duty without fear, favour, affection, malice or partiality; and afterwards they shall, under the like penalty, forthwith repair to the warehouse where such tobacco shall be offered to be delivered, and shall carefully view and examine the said tobacco; and if two of them shall adjudge such tobacco, or any part thereof, to be unmerchantable, they shall cause the same to be immediately burnt, unless the inspector or inspectors who passed the said tobacco shall desire to pick the same, in which case the persons chosen to view such tobacco as aforesaid shall cause the said inspector or inspectors to pick the same, and shall cause the unmerchantable tobacco therein to be burnt; and for their trouble, the said three persons who shall be present at such view, shall be paid, by the inspector or inspectors who offered such tobacco, six shillings and eight pence current money each; and, if the said persons, or any two of them, shall adjudge such tobacco to be merchantable, according to the directions of this act, the said persons, so attending, shall be paid by the party desiring such view six shillings and eight pence current money each as aforesaid; and when any tobacco shall be offered as aforesaid by any inspector, and refused, the said inspector shall not be at liberty to offer, nor the person demanding the same to receive, any tobacco in lieu thereof, before such tobacco first offered shall have been viewed as herein before directed; but the person refusing shall immediately mark the same; and if any inspector shall tender any tobacco in lieu of the tobacco so refused, before the same shall have been viewed as aforesaid, or shall not produce the same tobacco so refused to the said viewers, in either case it shall be taken for a conviction that the tobacco first tendered was unmerchantable, and the said inspector shall forfeit and pay thirty pounds current money for every such offence; and if the person who shall refuse any hoghead of tobacco as aforesaid shall accept and receive another hoghead of tobacco in lieu of that refused, before such hoghead so refused shall be viewed as aforesaid, he shall forfeit and pay thirty pounds current money for every such hoghead.

When persons
are entitled to
receive tobacco,
inspectors to o-
pen hogheads,
&c.

XXIX. AND BE IT ENACTED, That where two inspectors, in the same inspection, cannot agree to pass any hoghead of tobacco, and a review shall be afterwards required, and such hoghead, or any part thereof, shall be by such reviewers adjudged unmerchantable, and burnt agreeably to the directions of this act, that in such case the inspector who was against first passing such tobacco shall not be burthened with making satisfaction for the same, or any part thereof, but in such case the inspector who would have passed the same shall make satisfaction for the whole; and where any to-

When two in-
spectors disa-
gree, one not to
be burthened,
&c.