

G. H. A. P.
XXVI.

bacco, on review, shall be adjudged unmerchantable, the inspector or inspectors who passed such tobacco shall immediately pay the owner one other hoghead of the same weight and quality, and thereupon the note for the tobacco adjudged unmerchantable as aforesaid shall be delivered up to the inspector or inspectors to be destroyed; and if the inspector or inspectors shall refuse or neglect, he or they shall be answerable for the full value of the tobacco, at the price thereof at the time; and the inspector or inspectors, or his or their bonds, with his or their sureties, may be sued, at the election of the party; and every inspector shall deliver the identical hoghead of tobacco expressed in the note, and no other, to the person holding the same, under the penalty of five pounds current money; and no person shall receive any other hoghead of tobacco than the very hoghead for which the note is given, in lieu of the same, under the penalty of five pounds current money, except only in case where the tobacco, for which the note is given, shall, on review, be adjudged unmerchantable.

Inspectors not
to give notes in
certain cases,
&c.

XXX. AND BE IT ENACTED, That no inspector or inspectors shall hereafter, on any pretence, give out any note for tobacco, unless he or they shall have actually received and passed the full quantity of tobacco for which such note shall be given, under the penalty of thirty pounds current money for every such offence.

Tobacco in
parcels to be
viewed, &c.

XXXI. AND BE IT ENACTED, That where any tobacco shall be brought in parcels to any warehouse in this state, appointed in consequence of this act for the reception and inspection of tobacco, the inspector or inspectors are hereby directed carefully to view and examine the same, and if found to be sound, clear of trash, (a) in good condition and merchantable, to weigh, and render to the owner thereof as many transfer notes as he or she may require, to the amount of the quantity so examined and weighed; which notes shall be current, and received in payment and satisfaction of all contracts for tobacco, and judgments and decrees on contracts for tobacco, subject to the deduction of six per cent. when paid or received in lieu of crop tobacco, and of ten per cent. when paid or received in lieu of crop tobacco clear of cask, according to the terms and intention of the contract, judgment or decree, as the case may be, and shall be transferrable from one to another in all such tobacco payments, and shall be paid and satisfied by the inspector or inspectors who signed the same upon demand; and the said inspector or inspectors shall and are hereby obliged to make every hoghead of tobacco, by him or them paid away in discharge of such transfer notes, to contain nine hundred pounds of net tobacco at least; and for every such hoghead of tobacco, by him or them paid away, well lined and nailed, in fit order for shipping, there shall be paid, by the person receiving such hoghead, the sum of seventeen shillings and six pence current money for the hoghead, packing, prizing, and finding nails for lining the same; and the person demanding or receiving tobacco in discharge of transfer notes as aforesaid, shall allow the inspector or inspectors two pounds of tobacco per hundred; and so *pro-rata*, for shrinkage and waste, if the said tobacco be paid at any time within two months after the date of the note or notes given for the same, and one pound of tobacco for every hundred for every month in which the same shall be unpaid after the said allowance, so as all such allowances for shrinkage and waste do not exceed, in the whole, six pounds for every hundred pounds of tobacco; and if any inspector or inspectors, by whom such notes for tobacco as aforesaid shall be signed, shall refuse or delay to pay and satisfy the same when demanded, every inspector, so refusing or delaying, shall forfeit and pay to the party injured double the value of the tobacco so refused or delayed to be paid; to be recovered in the county court, with costs, if the note or notes so refused or delayed to be paid exceed five hundred pounds of tobacco, and if the note or notes do not exceed five hundred pounds of tobacco, double the value shall and may be recovered before a single magistrate.

(a) By 1790, ch. 55, section 5, the inspectors are required to burn all unmerchantable and trash tobacco offered for inspection in parcels, and no persons are allowed to carry away such tobacco, after having offered it for inspection, under the penalty of £. 5 0 0, to be recovered before a single magistrate for the use of the informer.

Owner of any
transfer note
may receive
hogheads, &c.

XXXII. AND BE IT ENACTED, That the owner of any transfer note may, at any time, receive and mark hogheads of tobacco for satisfying such notes, and the inspector or inspectors shall take in his or their former notes, and deliver crop notes and receipts for such hoghead, and shall be answerable for the safe keeping thereof in the same manner as they are for crop tobacco, but the person receiving such hoghead shall pay to the inspector or inspectors the sum of seventeen shillings and six pence (b) current money for the cask, nails and prizing, and the inspector or inspectors shall sell all transfer tobacco which shall not be so received and marked, on the second day of holding the court, if fair weather, if not, on the first fair day thereafter, of the court of their respective counties in the months of September and November on the western shore, and in the months of October and November

(b) By 1790, ch. 55, section 6, the allowance to the inspectors for nails, prizing, &c. is increased to twenty shillings.