

C H A P.
XXVI

ceeding thirty pounds current money, if free; and if a servant or slave, shall be whipped, not exceeding twenty lashes, and in all such cases the testimony of the inspector or inspectors may be admitted as evidence.

Persons losing
notes to make
oath, &c.

XXXVIII. AND BE IT ENACTED, That if any note of any inspector or inspectors be lost, mislaid or destroyed, the person entitled to receive the tobacco by virtue of any such note shall make oath or affirmation, as the case may be, before a justice of the peace of the county where the same is payable, to the mark, number and date, of such note, to whom and where payable, and for what quantity of tobacco the same was given; and that such note is lost, mislaid or destroyed; and the time when the discovery of such note being lost, mislaid or destroyed, was first made by the party, and that such person, at the time such note was lost, mislaid or destroyed, was lawfully and justly entitled to receive the tobacco therein mentioned, and shall take a certificate thereof from such justice; and upon producing such certificate to the inspector or inspectors who signed such note, and lodging the same with him or them, the said inspector or inspectors of the said tobacco in the said note or notes shall deliver to the person obtaining such certificate a new note or notes, with the marks, numbers, weights and dates, corresponding with the former note or notes lost or mislaid; and shall be thereby discharged from all actions and demands on account of such notes; and if any person shall be convicted of taking a false oath or affirmation, he shall suffer as in case of wilful and corrupt perjury, and shall forfeit and pay to the party grieved five pounds current money for every hundred pounds of tobacco specified in such certificate, and so in proportion for a less quantity; and any person selling or producing a forged certificate, knowing the same to be forged, in the case aforesaid, shall, upon conviction, be fined a sum not exceeding fifty pounds current money, or shall stand in the pillory not exceeding two hours, or both, in the discretion of the court, and shall pay to the party grieved five pounds current money for every hundred pounds of tobacco specified in such certificate; provided always, that no person shall be entitled to receive a new note in lieu of any note lost, destroyed or mislaid, as aforesaid, unless he or she shall advertise the same within ten days after such note is first discovered to be lost, mislaid or destroyed, at the court-house door of the county, and the warehouse at which such tobacco was inspected.

Persons may
make use of
prizes, &c.

XXXIX. AND BE IT ENACTED, That if any hoghead of tobacco shall be brought to any warehouse for inspection, and the inspector or inspectors shall refuse to pass the same, and the owner, or other person bringing such tobacco, will undertake to pick and separate the good from the bad, the said inspector or inspectors shall allow the use of one or more of their prizes for prizing such tobacco so separated and repacked in the said hoghead; and if there shall be several hogheads of tobacco, belonging to several owners, to be picked, repacked and prized, at any public warehouse, the owner, or other person bringing the same, whose tobacco shall be first examined and refused, shall be first permitted to make use of such prize or prizes, and the same rule shall be observed in the prizing all tobacco which shall be picked, repacked and prized, as aforesaid.

Inspectors not
to convert sam-
ples to their
own use, &c.

XL. AND BE IT ENACTED, That no inspector or inspectors shall take or convert to his or their own use, or otherwise dispose of, any draughts or samples of tobacco drawn out of any hoghead, but the same, if fit to pass, shall be carefully returned and replaced; under the penalty of five shillings current money.

Justices to hear
complaints, &c.

XLI. AND, for the detection and removal of inspectors who shall not do their duty, BE IT ENACTED, That the justices of the county courts shall hear and determine all complaints against any inspector, in a summary way, and if found guilty of any breach of duty required by this act, they shall remove any such inspector, and immediately after transmit a copy of the complaint, and of their proceedings thereon, to the governor and the council; and if the inspector shall think himself injured by the judgment of removal, he may appeal therefrom to the governor and the council, and they may, in a summary way, rehear the case, and displace such inspector, or continue him in his office, and if removed, he shall pay the expences of any witnesses; and the person complaining of the conduct of such inspector, if the justices shall not remove him, may appeal from their judgment to the governor and the council, who are hereby empowered to summon and compel the attendance of such witnesses as may be necessary, and they may rehear and review the case, and continue or displace such inspector, and if not displaced, the person so appealing shall pay the costs of the witnesses; and in all cases of removal, the governor, with the advice of the council, may appoint and commission some other person out of the last recommendation for the residue of the year; provided always, that the inspector complained against shall be summoned to appear and make his defence, but in case he shall not appear, his default shall be taken for a confession, without some reasonable excuse be given for the same.

XLII. AND