

matter in evidence at the trial, and that the same was done in pursuance and by authority of this act, and if it shall appear to have been so done, then the court shall direct the jury, and they shall accordingly find for the defendant, and if the plaintiff be nonsuited, or discontinue his action, or if judgment shall be given upon demurer, or verdict against the plaintiff, the defendant shall recover double costs.

C H A P. XXVI.

LXIII. AND BE IT ENACTED, That all prosecutions and actions for the recovery of any penalty or damages for any breach of this act, shall be commenced within one year after the offence committed, or damage done, and not afterwards; and all actions commenced against any person or persons making any seizure under this act, or doing any thing in consequence of the provisions in this act, shall be brought within one year after the seizure made, or act done, and not afterwards.

Actions, when to be commenced, &c.

LXIV. Whereas, since the expiration of the act to prevent the exportation of unmerchantable tobacco, the inspectors at several of the warehouses established in virtue thereof continue to view and receive such tobacco as was offered to them for that purpose, and took the oath prescribed by that act to be taken by inspectors, and there may be now remaining in the said warehouses tobacco which hath been viewed and received by such late inspectors acting as receivers, **BE IT THEREFORE ENACTED,** That all such tobacco as shall be remaining in any of the said warehouses at the commencement of this act, which has been viewed and received by receivers who have taken the oath prescribed by the said act to prevent the exportation of unmerchantable tobacco, may be delivered for exportation, agreeably to the directions of this act, without being subjected to be viewed and received by the inspectors appointed in virtue of this act, and the said receivers are hereby declared to be liable to the owners of such tobacco, as to the quality, in the same manner as inspectors are to be liable for the quality of tobacco viewed and received by them in virtue of this act, and the same proceedings shall be had in cases of a review being had on any of the said tobacco as are directed and prescribed by this act; and when at any of the said warehouses other inspectors shall be appointed in virtue of this act, then those who viewed and received as receivers such tobacco as may be remaining in the said warehouses, they are hereby required to make out manifests thereof, and they and the said receivers are hereby required and authorized to proceed agreeably to the directions of this act respecting the manner of delivering tobacco remaining in the warehouses by old inspectors to new ones appointed in their places.

1785, ch. 6r.

Certain tobacco may be exported, &c.

LXV. AND BE IT ENACTED, That if any tobacco offered for inspection at any of the warehouses in this state shall, after packing, repacking, and finally determining on the same, be in the judgment and opinion of the inspector or inspectors of such warehouse unmerchantable, such tobacco shall be consumed by fire in the presence and under the direction of such inspector or inspectors, and totally destroyed; and if any inspector shall refuse to destroy by fire such tobacco, or shall wilfully or negligently permit such tobacco to be taken out of the inspection-house to which he is appointed, every such inspector shall forfeit and pay for every such offence twenty pounds current money, and shall be discharged from his said office of inspector, and never after be qualified to hold the office of inspector of tobacco in any of the warehouses in this state.

Tobacco to be burnt, &c.

LXVI. AND BE IT ENACTED, That the justices, or any three or more of them, of Frederick and Washington counties, may and they are hereby authorized, empowered and directed, upon application made to them by any person or persons, to determine and fix upon the most proper place in their county to prepare or build and erect a warehouse for the reception and inspection of tobacco as soon thereafter as may be necessary, and to appoint an inspector or inspectors for their said warehouse; provided such person or persons making such application shall prepare, or build and erect the same at his or their own expence, so that the same be sufficient to contain and secure all the tobacco offered for inspection at said warehouse, and furnishing scales, weights, prizes, and all other things that shall be necessary for that purpose; and that such person or persons preparing or erecting said warehouse, be and are hereby empowered and authorized to levy and receive from the owner or owners of tobacco two shillings and six-pence per hoghead for all tobacco by him or them received, kept and delivered, in good order within one year, and three-pence for every month thereafter they shall take care of said tobacco after the expiration of said one year, until the same be delivered in good order, agreeably to the regulations of this act.

Places for warehouses to be fixed, &c.

LXVII. AND BE IT ENACTED, That the inspector or inspectors appointed at such warehouse shall take an oath or affirmation, as the case may be, as in other cases is required by this act, and shall give bond, with security to be approved by the said justices, to be recorded in the county court, for the faithful performance of his trust; and the person or persons preparing or building such warehouse

Inspectors to take an oath, &c.

shall