

C H A P.
LVII.

tains, and in the vicinity thereof, that from their local situation they find it expensive and inconvenient to carry their tobacco to Frederick-town, where the only warehouse in the county is established, or to George-town, in Montgomery county, which is the nearest warehouse on navigable water; and that there is a town laid out by Leonard Smith, and now improving, on the banks of the Patowmack river, between the aforesaid mountains, called and known by the name of Berlin, very conveniently situated for a warehouse, where there is a good landing and safe harbour, and from whence the navigation of the river is already open almost to George-town; that boats have already been employed there for a considerable time, in carrying their tobacco and other produce down the river, and that they find, by experience, this mode of conveyance equally safe, and attended with much less expence than any other, and that the proprietor will erect a warehouse at his own expence at the place aforesaid; and it appearing to this general assembly that the aforesaid facts are true, and that the establishing a warehouse at Berlin will be of great utility to the petitioners, and promote the tobacco trade,

Commissioners
to fix upon a
place, &c.

II. BE IT ENACTED, by the General Assembly of Maryland, That the commissioners of the tax for Frederick county, or any three or more of the justices, in case no commissioners be appointed for the county aforesaid, shall and may, and they are hereby authorized and required, upon application made to them by any person or persons, to determine, fix upon and lay out, the most proper place in the town of Berlin, whereon shall be built a warehouse for the reception and inspection of tobacco, and also to appoint an inspector or inspectors at and for the same warehouse; provided, that the aforesaid Leonard Smith shall build and erect the same at his own expence, and that the same warehouse shall be sufficiently roomy to contain four hundred hogheads, the said Leonard Smith furnishing weights, scales and prizes, and all other things that shall be necessary for the purposes aforesaid; and that the same sums of money be paid at the said warehouse as at other warehouses in Frederick county.

Inspector to
take an oath,
&c.

III. AND BE IT ENACTED, That the inspector or inspectors, to be appointed in virtue of this act, shall take such oath or affirmation as is required by the act for an inspection of tobacco in Frederick-town, in Frederick county; and the said Leonard Smith shall give bond with good security, to be approved by the commissioners of the tax for his county, with condition to perform his contract to build the said warehouse, and keep the same in repair, and also to provide weights, scales, prizes, and other things necessary for the inspection of tobacco at said warehouse, which said bond shall be approved and recorded as is directed by the act for the inspection of tobacco at Frederick-town, in Frederick county.

Notes not to be
a payment, &c.

IV. AND BE IT ENACTED, That the tobacco notes to be passed for tobacco delivered at said warehouse shall not be a payment or discharge of any tobacco debt, unless by consent or contract of the parties to that purpose.

Persons to
make oath, &c.

V. AND, to prevent and detect deception and fraud in exchanging any of the said tobacco, when received from the said warehouse to be carried to any port for exportation, BE IT ENACTED, That any person or persons who shall receive any tobacco at said warehouse to be carried by land or water to any port or landing for exportation, shall make oath or affirmation, describing the number and marks of the hoghead or hogheads, that the identical tobacco, so to be carried, shall be delivered at the port or landing intended, accidents from weather or water, if waterborne, excepted, in the same good order in which he received the same from the inspector or inspectors of said warehouse, and that the same hath not been altered, changed, diminished, or wilfully damaged, since the same was received from the warehouse aforesaid; and such tobacco may, at his own expence, or the expence of the vender if the same prove unmerchantable, be reviewed by the purchaser, or his order, in the manner directed by the aforesaid act for the inspection of tobacco at Frederick-town, in Frederick county, at the port or place of delivery on navigable water, and not elsewhere.

Inspectors to be
appointed, &c.

VI. AND BE IT ENACTED, That the inspector or inspectors to be appointed for said warehouse at Berlin, shall be appointed by the commissioners of the tax for Frederick county, or any three or more of the justices in case no commissioners be appointed for the county aforesaid, in the same manner as is directed in the supplement to the act, entitled, An act to prevent the exportation of unmerchantable tobacco, passed November session, seventeen hundred and eighty-five, and shall be subject to the same rules and regulations, and shall receive the same reward and fees for his or their services, as in the said act is expressed.

This act is continued, with the act of 1789, ch. 26, and in the same manner, to 30th October, 1805, &c. The several continuances are noted under the principal act.

C H A P.