

May, Yearly, during the Continuance of this Act; and shall make such Distinction in the List of Taxables, by him returned, of the Persons not prohibited by this Act to tend Tobacco.

*And be it further Enacted, by the Authority aforesaid,* That each Person to be appointed, in Pursuance of this Act, to examine and number Plants, as aforesaid, who shall plant and tend more Tobacco-plants, on any Plantation or Plantations to him belonging, than is herein before allowed, shall, for every such Offence, forfeit and pay One Thousand Pounds of Tobacco for every Person above Twelve Years of Age, on his Plantation, that shall be employed in making Tobacco. And if any Master, Mistress, or Overseer, shall refuse to give a just and true Account, or shall deliver a false Account of the Names of the several Persons by this Act allowed to tend Tobacco on their said Plantation or Plantations, and to shew all the Tobacco planted thereon, or remaining in any Tobacco-beds or Plant-patches, to the Persons appointed to view the same; every Master, Mistress, or Overseer, so refusing, or giving a false Account, shall forfeit and pay One Thousand Pounds of Tobacco for every Person above Twelve Years of Age, employed in making Tobacco on any such Plantation that Year.

*And be it further Enacted, by the Authority aforesaid,* That where any Suit shall be brought for the Penalties in this Act contained; for Entering or Listing any Person under Sixteen Years of Age, a Taxable, or that is under Twelve Years, to be above that Age, the Age of the Person so Listed, shall be proved and determined by the Parish Register, or by the Order of the Court, in case the Age of such Person hath been formerly judged there; or by the Inspection of the Court, upon the Trial, and not otherwise.

*And be it further Enacted, by the Authority aforesaid,* That no Person or Persons whatsoever, shall transfer or make over, to any other Person or Persons, any Tobacco-plants, which he, she or they shall have growing on his, her or their Plantation or Plantations, above the Quantity or Quantities allowed by this Act to be tended; or shall be allowed to tend, for any labouring Taxable, or Worker in Tobacco, any Number of Tobacco-plants whatsoever, in any other Precinct than where such Taxable or Worker in Tobacco was listed.

*And be it further Enacted,* That all Penalties and Forfeitures in this Act; shall be applied to the Uses, and recovered in the Manner following, that is to say, The Moiety of all the Penalties to him or them that will prosecute or sue for the same; and the other Moiety to defray the County Charge where the Offence shall be committed. And that all Penalties, not exceeding Four Hundred Pounds of Tobacco, shall be heard, try'd and determin'd by a Justice of the Peace, as in case of small Debts. And that all Penalties and Forfeitures exceeding Four Hundred Pounds of Tobacco, shall be recoverable in the respective County Courts, where the Offence shall be committed, by Action of Debt, Bill, Complaint, or Information, Presentment or Indictment; wherein no Essoyn, Protection, or Wager of Law, shall be allowed.

*And be it further Enacted,* That the Magistrates of the County-courts, shall give in Charge to the several Grand-Juries, to inquire into the Behaviour of all Persons appointed to put this Act in Execution; and the Court may, upon any Presentment by the Grand-Jury, if they think fit, oblige the Party presented, to answer such Presentment, without any formal Indictment; and that if upon Confession or Verdict, the Party shall be convicted, or that if the Party shall be convicted on any Action, Bill, Complaint, Information, or Indictment, the Court shall proceed to Judgment, which Judgment shall be final; and no Writ of Error or Appeal allowed therein, nor any Advantage taken or allowed, for any Defect, or Want of an Indictment, or any other Form in the Proceedings; any Law, Usage or Custom to the contrary, notwithstanding.

And