

July 1732

(14)

of his Lordship's Provincial Court, judicially sitting, ordered and adjudged; which said Justices are hereby, upon Complaint made to them, required, after a summary Manner, to proceed to Judgment thereon.

PROVIDED always, That the Secretary shall not be obliged to answer any Damages or Costs to any Person, by Virtue of this Act, unless Orders in Writing, for transmitting the Records, as aforesaid, be left with the Clerk of the Provincial Court, at least Thirty Days before the Beginning of the Assizes, on the Shore where the Issue is to be tried.

PROVIDED also, That the Records being lodged with the Clerk of Assize, after the Manner aforesaid, shall not empower the Judges to compel a Trial, against the Will of the Plaintiff, unless, where the Record is taken out, at the Request of the Defendant, in order for Trial, by Proviso.

THIS Act to continue for Three Years, and to the End of the next Session of Assembly that shall happen after the said Three Years.

An ACT to prevent cutting up Tobacco Plants, destroying of Tobacco and Tobacco Houses; and for ascertaining the Punishment of Criminals guilty of the said Offences.

WHEREAS, several evil-minded Persons, have of late gone about, in many Places, in great Numbers, and violently cut up the Tobacco Plants growing on several Plantations, and seduced several honest People to countenance their outrageous Proceedings: Some of which evil-minded Persons have given out, in threatening and menacing Speeches, that Peoples Houses and Tobacco shall be burnt and destroyed. For the preventing of such Outrages, and punishing such as shall be guilty thereof,

BE it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Person or Persons, who shall, after the End of this present Session of Assembly, cut or destroy, or cause to be cut or destroyed, any Tobacco Plants belonging to any other Person or Persons, or by Threats, Menaces, or other sinister Means, shall cause or excite any Person or Persons to cut up or destroy any Tobacco or Tobacco Plants, belonging to any other Person or Persons, and shall be thereof convicted by due Course of Law, shall forfeit and pay unto the Party grieved, One Hundred Pounds *Sterling*, and suffer Six Months Imprisonment, without Bail or Mainprize; and shall also remain in Prison, as in Execution, until the said Sum be satisfied, in Case the Offender be of sufficient Ability to pay the same: And if the Offender shall not be of sufficient Ability, then, and in every such Case, the Offender shall remain and continue in Prison for the Space of One whole Year, without Bail or Mainprize.

PROVIDED also, That the Party grieved, shall and may have and maintain his or her Action of Trespas, or other proper Action at Law, for Recovery of Damages against the Offender; any thing herein contained to the contrary, notwithstanding.

AND