

July 1732.

(36)

shall request such Justice, or other Officer, to view, on Suspicion of exceeding the Gauge aforesaid: And also, that such Justice, or other Officer, shall, on Request of such Informer, and is hereby required to proceed in such Manner as he shall think most proper, to examine the Gauge thereof, so as no Hogshead or Hogsheads of Tobacco stowed away on Board any Ship, or other Sea Vessel, shall, on such Information, be unstowed, unless such Hogshead or Hogsheads appear in View; and if, upon such Examination, any Hogshead or Hogsheads shall be found by such Justice, or other Officer, as aforesaid, to exceed the Gauge aforesaid, it shall and may be lawful then, and not otherwise, for such Justice, or other Officer, immediately to condemn the same to the Use of such Informer, who shall thereupon be immediately vested with the Property thereof, and may convert the same to his own Use accordingly; and the Judgment of such Justice, or other Officer, therein shall be Final. And if the Tobacco so seized and condemned, as aforesaid, should happen to be packed and paid away by any other Person than the Party grieved, so losing such Tobacco, that then, and in all such Cases, the Person or Persons, by whose Order the same was packed and paid away, and condemned, as aforesaid, shall satisfy and pay to the Party grieved, the like Quantity of Tobacco so seized and condemned, as aforesaid: To be recovered in the County Court where such Person or Persons shall actually reside, who shall pack and pay away such Tobacco, seized and condemned, as aforesaid, together with the Plaintiff's real Cost expended thereon.

BUT in Case such Hogshead or Hogsheads be not found to exceed the Gauge aforesaid, then such Mark of Seizure shall be struck out by such Justice, or other Officer aforesaid, and the Seizure be thereby released: But in Case any Person or Persons whatsoever, shall have Sight of any Hogshead or Hogsheads of Tobacco, that he or they shall suspect to exceed the Gauge aforesaid, it shall and may, in such Case, be lawful for such Person or Persons immediately to seize and mark the same, although no such Justice, or other Officer, as aforesaid, be present: Of which Seizure, such Informer shall forthwith give Information to some Justice, or other Officer aforesaid, living and residing in the County where such Hogshead or Hogsheads shall be so marked or seized, who shall be by this Act obliged to go with the Informer, to view and examine the Gauge of such Hogshead or Hogsheads, as aforesaid; and shall, in all Things, proceed to the Viewing, Examination, or Condemnation, of such Hogshead or Hogsheads of Tobacco, after the same Manner, and to the Uses aforesaid, or to releasing the Seizure thereof, as herein before directed. And every such Informer or Seizer, shall pay to the Justice, or other Officer aforesaid, making such View or Condemnation aforesaid, the Sum of Ten Shillings Current Money, for every such Hogshead that such Justice, or other Officer, shall be requested to view or examine, by such Informer, whether the Hogshead or Hogsheads so viewed, be condemned, or not: To be recovered, according to Act of Assembly of this Province, for speedy Recovery of small Debts, out of Court, before a single Justice.

AND be it further Enacted, That in Case any of the Justices of the County Courts, any Sheriff, Coroner, or Vestrymen, or Churchwarden, who upon Application made by any Informer, shall, without lawful Excuse or Impediment, refuse or delay to perform what is required by them by this Act, the Justice or Officer so refusing, shall forfeit and pay the