

fer: And if such Person shall refuse to accept of the Tobacco offered or tendered in Payment, as bad, unsound, and unmerchantable; such Person so refusing and not accepting thereof, shall make immediate Application to any One Justice of the Peace, in the County where such Warehouse shall be, at which the Tobacco so refused shall be offered or tendered in Payment, who is no ways related to the Parties, nor concerned in Interest; and the said Justice, by Warrant under his Hand, shall immediately appoint Three of the most able Planters, well skilled in Tobacco, and who are no ways related to the Parties, or concerned in Interest, to view and examine the said Tobacco; which said Three Planters so as aforesaid appointed, shall immediately repair before some Justice, and shall take an Oath, or Affirmation if a Quaker, before such Justice, (which Oath, or Affirmation, such Justice is hereby empowered and required to administer), carefully to view and examine the said Tobacco, and to the best of their Skill and Judgment, not to pass any Tobacco that is not found, well-conditioned, merchantable, and clear of Trash, according to the Directions of this Act; and that they will therein do their Duty, according to their Judgment and Conscience, without Fear, Favour, Affection, Malice, or Partiality: Which said Three Planters, so sworn, are hereby directed, empowered, and required, upon such Application, to repair to the Warehouse, where such Tobacco shall be offered or tendered in Payment, and carefully to view and examine the same, in such Manner as they shall think fit: And if any Two of them shall adjudge the Tobacco, or any Part thereof, so tendered or offered in Payment, to be bad, unsound, or unmerchantable, to cause the same to be immediately burnt, unless the said Inspector or Inspectors shall desire to pick the same; in which Case the said Three Planters, chosen to view such Tobacco as aforesaid, shall cause the said Inspector or Inspectors to pick the same, and shall cause the bad, unsound, and unmerchantable Tobacco therein, to be burnt. And for their Trouble, the said Three Planters, who shall be present at such View, shall be paid by the Inspector or Inspectors, who offered the same in Payment, Forty Pounds of Tobacco each. And if the said Planters, or any Two of them, shall adjudge the Tobacco, so offered or tendered in Payment, to be good, sound, and merchantable, according to the Directions of this Act, the said Planters so attending shall be paid by the Party desiring such View, Forty Pounds of Tobacco each, as aforesaid. And when any Tobacco shall be tendered or offered in Payment by any Inspector, and refused, the said Inspector or Inspectors shall not be at Liberty to tender or offer in Payment, nor the Person demanding the same to receive, any Tobacco in lieu thereof, before such Tobacco shall have been viewed as aforesaid; but the Person refusing shall immediately mark the same. And if any Inspector shall offer or tender in Payment any Tobacco, in lieu of the Tobacco so refused, before the same shall have been viewed as aforesaid, or shall not produce the same Tobacco so refused, to the said Viewers, in either Case, it shall be taken for a Conviction, that the Tobacco first tendered in Payment was bad, unsound, and unmerchantable: And moreover, the said Inspectors shall forfeit and pay Sixteen Hundred Pounds of Tobacco for every such Offence. And if the Person, who shall refuse any Hoghead of Tobacco as aforesaid, shall accept and receive another Hoghead of Tobacco, in lieu of that refused, before such Hoghead so refused shall be viewed as aforesaid, he shall forfeit and pay Sixteen Hundred Pounds of Tobacco for every Hoghead.

C H A P. I.
the same to be decided by 3 skilful Planters appointed by a Magistrate.

The 3 Planters to be sworn.

The Judgment of 2 of them to determine.

Their Fees, by whom paid.

Tobacco offered, and refused, not to be changed without being viewed, under a Penalty.

LXIII. Provided always, and be it Enacted, That where Two Inspectors in the same Inspection, shall disagree as to the Quality of any Hoghead or Hogheads of Tobacco, and that a Review shall be required, and such Hoghead or Hogheads, or any Part thereof, shall be by such Reviewers adjudged unmerchantable, or be burnt by the Directions of this Act, that then, and in such Case, the Inspector who was against first passing such Tobacco or Tobaccos, shall not be burthened with making Satisfaction for the same, or any Part or Parcel thereof; but then, and in such Case, the other Inspector

In Case Inspectors disagree in Opinion.

who