

C H A P.

I.

Trashy Tobacco under Carriage to be Seiz'd, and carried to an Inspecting House.

**CXXXIV.** And be it likewise Enacted, That where any Person or Persons whatsoever, shall discover under Carriage, any trashy or unmerchantable Tobacco, he or they so discovering, shall be, and they are hereby authorized and required, to stop and seize such trashy or unmerchantable Tobacco, then and there found, and the same shall convey, or shall direct and require the Party or Parties so carrying the same as aforesaid, to carry such Tobacco, to the next, or any other convenient Inspecting House, and that such Party or Parties refusing to carry the same, shall forfeit and pay, after the Rate of Four Hundred Pounds of Tobacco for every Hundred Weight of such Tobacco, upon every such Refusal, to be recovered as the Case as aforesaid may require, before a single Magistrate, or in the County Court, by Action of Debt, Presentment, or Information, the one Half whereof to him or them that shall sue or inform concerning the same, and the other Half to the Use of the County where such Offence shall be committed, to be applied towards defraying the Charge of Inspection as aforesaid; and in case neither of the Inspectors attending that House, shall happen to be present, then the said Person stopping and seizing the said Tobacco, is hereby directed to Summons one or both of the Inspectors, immediately to attend at such Warehouse, to receive and secure the same; and the Inspector or Inspectors so attending, shall search, view, and examine the same, and proceed in such case in like Manner as he or they are directed, with regard to trashy or unmerchantable Tobacco which shall be found in any Tobacco-house, Store-house, Warehouse, Barn, or other Out-house, Ship, or other Vessel, Inclosure, or other Place whatsoever, not burthening the Party who carries the same, or the Owner thereof, with any Charge for Carriage, and then after such Inspection made as aforesaid, the Person or Persons so stopping and seizing such Tobacco, shall immediately repair to some Magistrate and inform him, that he hath seized and secured such Tobacco in manner aforesaid, and the Magistrate shall, and he is hereby authorized and required to proceed therein, with respect to the Fining or Binding over (as the Case shall require) such Offender or Offenders and he, she, or they so offending, shall be liable to the same Penalties, and be under the same Mode of Prosecution for the Recovery thereof, as is before directed by this Act.

Proviso, as to Tobacco, under Carriage going to an Inspecting House.

**CXXXV.** Provided always, That in all cases where any such Tobacco under Carriage, shall be seized and carried to any Inspection House as aforesaid, if the Person or Persons carrying or claiming the same, shall Prove by his, her, or their own Oath, or Affirmation if a Quaker, or the Oath or Oaths, or Affirmation if a Quaker, of any other credible Person, which Oath, or Affirmation, any Magistrate is hereby authorized and required to administer, that such Tobacco so taken under Carriage, was at such Time carrying to be inspected at some Inspecting House agreeable to the directions of this Act, such Proof shall exempt the Person so carrying, or Owner, or Claimer of such Tobacco, from the Penalties, other than the Loss and Burning of such trashy Tobacco.

Tobacco not to be removed after Seizure, except, &c.

**CXXXVI.** And be it further Enacted, That if any Person or Persons shall Remove any Tobacco which shall be stopped or seized as aforesaid, other than such Person or Persons who shall so Seize the same, or some other by his or their Order, or who shall rescue, or attempt to rescue, any Tobacco which shall be so stopped and seized as aforesaid, such Person or Persons so offending, shall forfeit and pay Two Thousand Four Hundred Pounds of Tobacco for every Hoghead or Parcel of Tobacco so removed, rescued, or attempted to be rescued, as aforesaid, to be recovered in the Court of the County where such Offence shall be committed, or the Party or Parties reside, by Action of Debt, Bill, Complaint or Information, wherein no Essoin, Protection, Wager of Law, or more than one Imparance shall be allowed, for the use of the Person or Persons making such Seizures as aforesaid.

CXXXVII. And