

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.

LXXV. 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.

LXXVI. And be it 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.

LXXVII. And be it enacted, That if any Suit or Action shall be commenced against any Person for what he shall do in pursuance of this Act, such Action shall be commenced within Six Months after the Fact committed, and not afterwards, and the Person so sued may file common Bail, or enter a common Appearance and plead the general Issue, and may give this Act and the special Matter in Evidence; and if the Plaintiff or Prosecutor shall be non-suit, or discontinue his Suit, or if a Verdict be had against him, or if, upon Demurrer, Judgment be given against him, the Defendant shall recover treble Costs.

LXXVIII. And be it enacted, That no Master or Commander of any Ship, or other Vessel, taking Tobacco on Freight, shall remove or transport any Freight Tobacco from any Warehouse, in order to be put on board his Ship or Vessel, in any open Boat or undecked Vessel, or on the Deck of any Vessel, without such good and sufficient covering as will secure such Tobacco against Rain, under Penalty of Three Thousand Pounds of Tobacco for every Offence.