

ance, so as such allowance for shrinkage and wasting does not exceed in the whole six pounds of tobacco for every hundred pounds of tobacco; and if any inspector or inspectors, by whom any such notes for tobacco as aforesaid shall be signed, shall refuse or delay to pay and satisfy the same, when demanded, every inspector, so refusing or delaying, shall forfeit and pay to the party injured double the value of the tobacco so refused or delayed to be paid, to be recovered with costs, if the note or notes, so refused or delayed to be paid, exceed six hundred pounds of tobacco, and if the note or notes do not exceed six hundred pounds of tobacco, double the value aforesaid shall and may be recovered before any justice of the peace of the county wherein the warehouse shall be, at which the note or notes ought to be paid.

XXXIV. And be it enacted, That during the continuance of this act, no tender of any debt or duty, payable in tobacco for any contract for tobacco, or judgments or decree on any contract for tobacco, or for any such public or county charge, as aforesaid, shall be accounted lawful, unless payment of the same shall be tendered in inspector or inspectors notes or receipts; on all which receipts for crop tobacco shall be allowed in such payments after the rate of four pounds of tobacco for every hundred pounds of net tobacco therein contained.

Tenders in tobacco not lawful, unless in inspectors notes, &c.

XXXV. And be it enacted, That when any person shall be entitled to receive a hoghead of tobacco, by virtue of any inspector or inspectors notes or receipts, the inspector or inspectors shall be obliged to open the hogheads, and shew such tobacco to the person demanding the same; and shall also reweigh the same, if required, whether such tobacco be crop or transfer; and if such person shall refuse to accept of the tobacco offered or tendered in payment, as unmerchantable, such person so refusing, and not accepting thereof, shall make immediate application to any one justice of the peace, of 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, nor 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, menonist, or dunker) 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 sound, 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 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 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

When persons are entitled to receive tobacco by virtue of notes, inspectors to open hogheads, &c.

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