

be merchantable, according to the directions of this act, the said persons, so attending, shall be paid by the party desiring such view, six shillings and eightpence current money each as aforesaid; and when any tobacco shall be offered as aforesaid by any inspector, and refused, the said inspector shall not be at liberty to offer, nor the person demanding the same to receive, any tobacco in lieu thereof, before such tobacco first offered shall have been viewed as herein before directed, but the person refusing shall immediately mark the same; and if any inspector shall tender 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 was unmerchantable, and the said inspector shall forfeit and pay thirty pounds current money 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 thirty pounds current money for every such hoghead.

C. H. A. P.
XXVI.

XXIX. **And be it enacted,** That where two inspectors, in the same inspection, cannot agree to pass any hoghead of tobacco, and a review shall be afterwards required, and such hoghead, or any part thereof, shall be by such reviewers adjudged unmerchantable, and burnt agreeably to the directions of this act, that in such case, the inspector who was against first passing such tobacco, shall not be burthened with making satisfaction for the same, or any part thereof, but in such case, the inspector who would have passed the same shall make satisfaction for the whole; and where any tobacco, on review, shall be adjudged unmerchantable, the inspector or inspectors who passed such tobacco, shall immediately pay the owner one other hoghead of the same weight and quality, and thereupon the note for the tobacco adjudged unmerchantable as aforesaid, shall be delivered up to the inspector or inspectors to be destroyed; and if the inspector or inspectors shall refuse or neglect, he or they shall be answerable for the full value of the tobacco, at the price thereof at the time; and the inspector or inspectors, or his or their bonds, with his or their sureties, may be sued, at the election of the party; and every inspector shall deliver the identical hoghead of tobacco expressed in the note, and no other, to the person holding the same, under the penalty of five pounds current money; and no person shall receive any other hoghead of tobacco than the very hoghead for which the note is given, in lieu of the same, under the penalty of five pounds current money, except only in the case where the tobacco, for which the note is given, shall, on review, be adjudged unmerchantable.

When two inspectors disagree, one not to be burthened, &c.

XXX. **And be it enacted,** That no inspector or inspectors shall hereafter, on any pretence, give out any note for tobacco, unless he or they shall have actually received and passed the full quantity of tobacco for which such note shall be given, under the penalty of thirty pounds current money for every such offence.

Inspectors not to give notes in certain cases, &c.

XXXI. **And be it enacted,** That when any tobacco shall be brought in parcels to any warehouse in this state, appointed in consequence of this act for the reception and inspection of tobacco, the inspector or inspectors are hereby directed carefully to view and examine the same, and if found to be sound, clear of trash, in good condition and merchantable, to weigh, and render to the owner thereof as many transfer notes as he or she may require, to the amount of the quantity so examined and weighed; which notes shall be current, and received in payment and satisfaction of all contracts for tobacco, and judgments and decrees on contracts for tobacco, subject to the deduction of six *per cent.* when paid or received in lieu of crop tobacco, and of ten *per cent.* when paid or received in lieu of crop tobacco clear of cask, according to the terms and intention of the contract, judgment or decree, as the case may be, and shall be transferable from one to another in all such tobacco payments, and shall be paid and satisfied, by the inspector or inspectors who signed the same, upon demand; and the said inspector or inspectors shall and are hereby obliged to make every hoghead of tobacco, by him or them paid away in discharge of such transfer notes,

Tobacco in parcels to be viewed, &c.