

C H A P.
LXIII

notice, under the penalty of one hundred and fifty dollars, to cause such chimney to be pulled down and demolished; and the inspector or inspectors of the several warehouses shall, under the penalty of sixty dollars, give notice to the sheriff of their respective counties of any chimnies being erected, or already built, contrary to the provision in this act, as soon as may be after such chimney may be discovered.

Special bail
may be award-
ed, &c.

XLIII. AND BE IT ENACTED, That in all actions founded on this act against any person or persons about to depart the state, it shall and may be lawful for the court in which such action shall be commenced, upon affidavit of the plaintiff, or other evidence of the fact, and his cause of action given to the satisfaction of the court, to award special bail against any defendant in such action, and for default of such bail to commit such defendant until he shall put in such special bail.

Justices may
purchase land,
&c.

XLIV. AND, whereas some of the warehouses rented and used under former laws for the inspection of tobacco may have been employed and used by the owners thereof to other purposes, and they may be now unwilling to rent them for the use of the public: And whereas it may be necessary to erect new warehouses at some of the places to be appointed in virtue of this law; BE IT ENACTED, That the justices of the levy court, in all such cases, shall and they are hereby authorised and required to agree for and purchase a quantity of land, not exceeding two acres, the most convenient and proper for the erection of warehouses; and in case the owner or owners of such land shall refuse to make sale of so much of the said land as the said justices shall think necessary for the purposes by this act directed, at a reasonable price, or be under any disability of making sale thereof, then the said justices shall be, and they are by virtue of this act, authorised and required to issue their warrant to the sheriff of such county, requiring and commanding him to summon and return a jury of good and lawful men of his county, not less than twelve, inhabitants within such county, and not interested in, or related to the owner of, such land, to be and appear before the said justices on the premises, upon a certain day to be by them limited and appointed in such warrant, which jury, upon their oath, to be by any one of the said justices to the said jurors administered, shall inquire who is or are the owner or owners of the said land, what is the value thereof, and what damages such owner or owners will sustain; and the sum of money the said jurors shall adjudge to the owner or owners of such land shall be assessed by the justices of such county at the time of the making their next county assessment, and shall be collected by the sheriff or collector of such county in the same manner as the county assessment, and the sheriff or collector shall tender or pay the same to the owner or owners of such land; and the said justices shall, immediately after such valuation by the jury, cause such land to be surveyed and laid out by the surveyor of such county, with good and sufficient boundaries, and a certificate thereof to be returned and recorded in the county records; and the justices of the said county, and their successors, shall be and are hereby vested with an estate in fee-simple in the said land, for the use of such county for ever; and the said justices, or any two of them, shall and they are hereby authorised and required to treat and agree with workmen to build and finish good, necessary and convenient warehouses on such land, and to purchase all necessaries and conveniencies to carry this act into execution, and the expences for the same shall be assessed and collected on and from the inhabitants of such county in the same manner as the county assessment, and shall be paid by the sheriff or collector to the order of the said justices, or any three of them.

Act to be given
in charge, &c.

XLV. AND BE IT ENACTED, That the justices of the several county courts be authorised and required, at their respective county courts, to give this act in charge to the grand jury, and to direct them to make diligent inquiry into any breaches of this act, and particularly into the conduct of the inspectors in their county.

Justices to in-
quire, &c.

XLVI. AND BE IT ENACTED, That the justices of the levy court are hereby authorised and required to inquire into the number of warehouses in their county, the quantity of tobacco inspected at each warehouse within the year, the number of inspectors at each warehouse, and the annual expence of, and receipts at, each warehouse, and after full inquiry, and mature consideration of all these circumstances, and the situation and convenience of the inhabitants of their county who carry tobacco for inspection, to determine whether any warehouse or warehouses appointed in their county in virtue of this act ought to be discontinued and suppressed, and also whether the number of inspectors at any warehouse ought to be increased or diminished, and the said justices shall enter their determination in the records of the minutes of their proceedings, and shall transmit a copy thereof to the governor and council; and if the said justices shall declare that any warehouse or warehouses is unnecessary, they shall, by virtue of such order, be discontinued, and if belonging to the county, the warehouse or warehouses, with the ground be-
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