

Proceeds of
condemned
vessels and
goods, how
applied and
distributed.

VI. All goods, vessels, and boats condemned as forfeited under this Act shall, by direction of the principal Officer of the Provincial Revenue, where the seizure shall have been secured, be sold at public auction, and the produce of such sale shall be applied as follows: the amount chargeable for the custody of the property seized shall first be deducted, and paid over for that service; one half of the remainder shall be paid to the officer or person seizing the same, without deduction; and the other half, after first deducting therefrom all costs incurred, shall be paid into the Treasury of this Province; but the Lieutenant Governor in Council may nevertheless direct that any vessel, boat, or goods seized and forfeited, shall be reserved for the public service, or destroyed.

Penalties and
forfeitures,
&c.

VII. All penalties and forfeitures imposed by this Act shall be prosecuted and recovered in the Supreme Court.

Vessels and
goods deliver
ed on security

VIII. If any goods, vessel, or boat shall be seized as forfeited under this Act, the Judge of the said Court with the consent of the persons seizing the same, may order re-delivery thereof, on security by Bond to Her Majesty, to be made by the party claiming the same with two sureties. In case the property is condemned, the value thereof shall be paid into the Court, and distributed as above directed.

Suits, how
brought.

IX. All suits for recovery of penalties or forfeitures shall be in the name of Her Majesty, and shall be prosecuted by the Attorney General, or in his absence, by the Solicitor General. If a dispute arise whether any person is authorized to seize under this Act, oral evidence may be heard thereupon.

Proof to rest
with claimant.

X. If any seizure take place under this Act, and a dispute arise, the proof touching the illegality shall be upon the owner or claimant.

Claim for pro-
perty seized to
be under oath.

XI. No claim to anything seized under this Act, and returned into said Court for adjudication, shall be admitted unless the claim be entered under oath, with the name of the owner, his residence and occupation and the description of the property claimed, which oath shall be made by the owner, his attorney, or agent, and to the best of his knowledge and belief, before any Justice of the Peace.

Security

XII. No person shall enter a claim to anything seized under this Act, until security shall have been given in a penalty not exceeding sixty pounds, to answer and pay costs occasioned by such claim, and in default of such security, the things seized shall be adjudged forfeited, and shall be condemned.

Month's no-
tice to officer
before action.

XIII. No writ shall be sued out against any officer or other person authorized to seize under this Act, for anything done thereunder, until one month after notice in writing delivered to him or left at his usual place of abode by the person intending to sue out such writ, his attorney, or agent; in which notice shall be contained the cause of action, the name and place of abode of the person who is to bring the action, and of his attorney, or agent; and no evidence of any cause of action shall be admitted, except such as shall be contained in the notice.