

Proviso.

Canadian Government vessel, from on board of which the seizure was made, as he thinks right,—reserving to the Crown and paying over to the Minister of Finance and Receiver General, at least one-fourth of such net remainder, to form part of the Consolidated Revenue Fund of Canada; but the Governor in Council may, nevertheless, direct that any goods vessel or boat, and the tackle, rigging, apparel, furniture, stores and cargo seized and forfeited, shall be destroyed or be reserved for the public service. 34 V., c. 23, s. 2.

Forfeiture,
how enforced.

7. Every penalty or forfeiture under this Act may be recovered or enforced in any court of vice-admiralty within Canada. 31 V., c. 61, s. 7.

Vessel, &c.,
may be
released on
security being
given.

8. The judge of the court of vice-admiralty may, with the consent of the person who seizes any goods, ship, vessel, or boat and the tackle, rigging, apparel, furniture, stores and cargo, forfeited under this Act, order the re-delivery thereof, on security by bond to be given by the party, with two sureties, to the use of Her Majesty; and if any goods, ship, vessel or boat, or the tackle, rigging, apparel, furniture, stores and cargo so re-delivered are condemned as forfeited, the value thereof shall be paid into court and distributed as hereinbefore directed. 31 V., c. 61, s. 8.

Value to be
distributed in
case of con-
demnation.

Attorney
General of
Canada to
sue.

9. The Attorney General of Canada may, in Her Majesty's name, sue for or enforce any penalty or forfeiture incurred under this Act. 31 V., c. 61, s. 9.

As to proof of
legality of
seizure.

10. If a dispute arises as to whether any seizure has or has not been legally made or as to whether the person who seized was or was not authorized to seize under this Act, oral evidence may be taken and the burden of proving the illegality of the seizure shall lie upon the owner or claimant. 31 V., c. 61, s. 10.

Claims must
be made on
oath.

11. No claim to anything seized under this Act and returned into any court of vice-admiralty for adjudication shall be admitted unless the claim is 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. 31 V., c. 61, s. 11.

And security
must be
given.

12. No person shall enter a claim to anything seized under this Act until security is given, in a penal sum not exceeding two hundred and forty dollars, to answer and pay costs occasioned by such claim: and in default of such security, the things seized shall be declared forfeited, and shall be condemned. 31 V., c. 61, s. 12.

Protection of
officers, &c.,
acting under
this Act.

13. No writ shall be sued out against any officer or other person authorized to seize under this Act for anything done