

the Sessions of the Peace in Lower Canada, making any seizure under the ninth section of this Act, to make application with due diligence to any one of the Justices of any of the Superior Courts of this Province, or to any Police Magistrate or to the Judge of the County Court of the County in which such seizure may be made, or to the Recorder of any City, in which the seizure may be made, or to any Judge of the Sessions of the Peace in Lower Canada, for a warrant to justify the detention of the property so seized, which warrant shall be granted only on oath or affirmation shewing that there is probable cause for believing that the property so seized is intended to be used in a manner contrary to the provisions of this Act, and if no such warrant shall be issued within ten days after any such seizure, the said property shall be restored to the owner, but if such warrant shall be issued, then the property seized shall be detained by the officer until the Governor shall order it to be restored, or until discharged by due course of law.

Superior or County Judges, &c., for a warrant to be granted on oath, &c., to justify the detention of the property seized.

11. The owner or claimant of any property seized under the eighth and ninth sections of this Act in Upper Canada, may file his petition, setting forth the facts of the case, in any of the Superior Courts in Upper Canada, or in the County Court of the County in which such seizure was made; and the owner or claimant of any property seized under the said sections in Lower Canada may file his petition in the Superior Court or Circuit Court of Lower Canada, setting forth the facts of the case, and thereupon such Court shall proceed with all convenient despatch, after causing due notice to be given to the officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorized by this Act; and the Superior, Circuit and County Courts shall have jurisdiction, and are hereby vested with full power and authority to try and determine all cases which may arise under the said sections of this Act; and in Upper Canada all issues of fact, arising under it shall be decided by a Jury, in the manner now provided by law.

Owner of property seized may file his petition to Superior or County Court, &c., where seizure made; and power given to Court to try case, &c.

12. Whenever the officer making any seizure under the ninth clause of this Act shall have applied for and obtained a warrant for the detention of the property, or the claimant shall have filed a petition for its restoration and failed to obtain it, it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and detained, with at least two sureties, to be approved by the judge granting the warrant or refusing restoration, with a condition that the property when restored shall not be used or employed by the owner or owners thereof, or by any other person or persons with his or their privity, in carrying on any such military expedition, raid, enterprise or operations as aforesaid, and thereupon the said officer, so detaining the said property, shall restore the same to the owner or claimant thus giving bond; Provided that such restoration shall not prevent

Whenever the officer shall have obtained a warrant for the detention of property seized, or the claimant shall not have obtained its restoration by petition, claimant may file a Bond, &c.

Proviso.

seizure