

accrues, or to that where the seizure is made, at election of the seizor or prosecutor.

Bail may be given for the goods or ships seized.

LXV. *And be it further enacted,* That if any goods, or any ship or vessel, shall be seized as forfeited under this Act, or any Act hereafter to be made, and detained in any of the British Possessions in America, it shall be lawful for the Judge or Judges of any Court having jurisdiction to try and determine such seizures, with the consent of the Collector and Controller of the Customs, to order the delivery thereof on security by bond, with two sufficient sureties, to be first approved by such Collector or Controller, to answer double the value of the same in case of condemnation; and such bond shall be taken to the use of His Majesty, in the name of the Collector of the Customs in whose custody the goods, or the ship, or vessel may be lodged, and such bond shall be delivered and kept in the joint custody of such Collector and his Controller; and in case the goods, or the ship, or vessel shall be condemned, the value thereof shall be paid into the hands of such Collector, who shall thereupon, with the consent or privity of his Controller, cancel such bond.

Suits to be commenced in the name of Officers of Customs, &c.

LXVI. *And be it further enacted,* That no suit shall be commenced for the recovery of any penalty or forfeiture, under this Act, except in the name of some superior Officer of the Customs or Navy, or other person, employed as hereinbefore mentioned, or of His Majesty's Advocate or Attorney General for the place where such suit shall be commenced; and if a question shall arise, whether any person is an Officer of the Customs or Navy, or such other person, as aforesaid, *viva voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

Onus Probandi to lie on party.

LXVII. *And be it further enacted,* That if any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise whether the duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the Officer who shall seize and stop the same.

Claim to thing seized to be entered in name of the owner.

LXVIII. *And be it further enacted,* That no claim to any thing seized under this Act, and returned into any of His Majesty's Courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his Attorney or Agent, by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty