

## PENALTIES NOT TO BE REMITTED.

77. No Police Magistrate, or Justice or Justices of the Peace, License Commissioner or Inspector, or Municipal Council or Municipal Officer, shall have any power or authority to remit, suspend or compromise any penalty inflicted under this Act.

## PROSECUTIONS.

78. Any person may be prosecutor or complainant in any prosecution under this Act.

79. All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing (within ninety days after the commission of the offence, or after the cause of action arose, and not afterwards) before any Justice of the Peace for the County or District in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof, and the same may be according to the form of the third Schedule to this Act, or to the like effect.

80. No License Commissioner or Inspector who is a Justice of the Peace shall try or adjudicate upon any complaint for an infraction of any of the provisions of this Act committed within the limits of the License District for which he is a License Commissioner or Inspector.

81.—(1). All prosecutions for the punishment of any offence against any of the provisions of Sections 43, 44, 48, 53, 58, 62 and 70 of this Act, or any section for the contravention of which a penalty or punishment is prescribed by Section 62, whether the prosecution is for the recovery of a penalty or for punishment by imprisonment, may take place before any Police or any Stipendiary Magistrate, or any two of Her Majesty's Justices of the Peace having jurisdiction in the County or district in which the offence is committed.

(2) The Justices shall in all cases reduce to writing the evidence of the witnesses examined before them, and shall read the same over to such witnesses, who shall sign the same.

82. All prosecutions under this Act, other than those mentioned in the preceding section, whether for the recovery of a penalty or otherwise, may be brought and heard before any one or more of Her Majesty's Justices of the Peace in and for the County where the forfeiture took place, or the penalty was incurred, or the offence was committed, or wrong done.

83. In all cases where the Board of License Commissioners passes a resolution in pursuance of the powers conferred upon them by Section 22 of this Act, and in and by any such resolution penalties are imposed for the infraction thereof, such penalties may be recovered and enforced by summary proceedings before any Justice of the Peace having jurisdiction, in the same manner as any other offence punishable by summary conviction is prosecuted for and punished.

84. In all cases of conviction or orders made under and in pursuance of Sections 57, 64, 66, 67 and 69 of this Act, the Justice or Justices making the same may, in his or their discretion, award and order, in and by the conviction or order, that the defendant shall pay to the prosecutor or complainant such costs as to the said Justice or Justices seems reasonable in that behalf, and not inconsistent with the fees established by law to be taken on proceedings had by and before Justices of the Peace.

## PROCEDURE IN CASES WHERE PREVIOUS CONVICTION IS CHARGED.

85. The proceedings upon any information for committing an offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, shall be as follows:—

(1) The Justices or Police Magistrate shall, in the first instance, inquire concerning such subsequent offence only, and if accused be found guilty thereof he shall then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; but if he denies that he was