

to within two months after the seizure, to the satisfaction of the officer who issued the warrant under which said liquor was seized, then the said officer may at any time after the period of two months order and direct that the said constable or any other peace officer shall destroy the said liquor and the vessels in which it is kept, and the latter shall thereupon forthwith destroy the said liquor accordingly, and in the event of the death, resignation, absence or incapacity of the officer who issued the warrant under which said liquor was seized, any two justices of the peace or magistrate having the jurisdiction of two justices of the peace may make such order. 5

Section 114 amended.

6. Section 114 of the principal Act, as amended by section 13 of the amending Act, is amended by adding thereto the following subsection:—

Witness compellable.

“2. Upon the trial of any offence against the provisions of 15 the second part of this Act any witness shall be compelled to give all the evidence within his knowledge tending to establish such offence or any other offence against the provisions of the Act, and to identify the offender.”

Section 115 amended.

7. Paragraph (a) of section 115 of the principal Act is 20 amended by adding the following words at the end thereof:—  
“If the accused is not present, the justices or magistrate or other officer shall proceed in the same manner as if he were present and denied that he was so previously convicted.”

If accused is absent.

Evidence of identity.

2. Paragraph (b) of the said section is amended by adding 25 the following words at the end thereof: “A certificate showing the conviction of a person of the same name as the accused shall be *prima facie* evidence of the identity of the accused with the person previously convicted as set out in such certificate.” 30

Subsequent offences.

3. Paragraph (c) of the said section is amended by adding the following words at the end thereof:—“Neither shall a conviction for a second or for any subsequent offence be a bar to a subsequent conviction or convictions for other second or other subsequent offences, and all offences other than those laid as 35 first or second offences, may be described and disposed of as third offences.”

Conviction for first offence upon charge of second offence.

4. The said section is further amended by adding thereto the following paragraph:—

“(g.) Upon an information laid for a first, second or third 40 offence, as the case may be, a conviction may be had if the evidence shows a violation of the Act, as for a first, second or third offence, notwithstanding there has been a previous conviction or convictions for a first, second or third offence, whether the accused is or is not present at the trial.” 45

Section 119 amended.

8. Sub-section 1 of section 119 of the principal Act is amended by adding thereto the following paragraph:—

Affidavit in case of no jurisdiction.

“(a.) Whenever, by reason of want of jurisdiction in the person making it, any conviction, judgment or order is sought to be removed by *certiorari* or otherwise, the person convicted 50 shall first make and file an affidavit that he did not, by himself, his servant, clerk or agent, violate any of the provisions of the second part of this Act as charged in the information; and such affidavit shall negative the charge in the terms used