

sued for and recovered by any person or persons who shall sue for the same before any two Justices of the Peace having jurisdiction within the County, Riding, City or Place in which the offence shall have been committed, and that the amount of the fines, penalties and other punishments to be inflicted upon any such offenders, shall, within the limits hereinbefore prescribed be in the discretion of such Justice, or, in cases of misdemeanor, of the Court before which the offence may be tried; and in case of a second offence against this Act, it shall be sufficient evidence of the previous conviction and offence if a certificate signed by the Clerk of the Peace, or of the Recorder's Court, or other officer having the custody of the record of such previous conviction, shall be produced before the said Justices enquiring of such second offence, in which certificate shall be stated, in a compendious form, the general nature of the offence for which such previous conviction was had and the date of such previous conviction, and so in like manner upon the trial of any indictment or information for any such misdemeanor as aforesaid, it shall be sufficient evidence of such second conviction for a like offence, if a certificate thereof signed by the Clerk of the Peace, or of the Recorder's Court, or other officer having the custody of the record of such second conviction in such form as aforesaid, be produced to the Court or Jury: Provided always, that no person shall be punished as for a second offence under this Act, unless *ten days* at the least shall have intervened between the conviction of such person for the first and the conviction of such person for the second offence, but each separate offence committed by any such person before the expiration of the said term of *ten days*, shall be punishable by a separate penalty, as though the same were a first offence; and that no person shall be convicted as for a third offence under this Act, unless *ten days* at the least shall have intervened between the conviction of such person for the second and the conviction of such person for the *third* offence, but each separate offence committed by any such person before the expiration of the said term of *ten days*, shall be punishable by a separate penalty as though the same were a second offence: and that the fourth or any subsequent offence which may be committed by any such person against this Act, shall be enquired of, tried and punished in the manner hereinbefore provided in respect of any third offence; and that if the person or persons preferring any such information shall not be able or shall not see fit to produce evidence of any such previous conviction or convictions as aforesaid, any such offender as aforesaid shall be punished for each separate offence by him committed against the provisions of this Act, by an equal number of distinct and separate penalties, as though each of such offences were a first or second offence as the case may be, and that no person shall be proceeded against or punished as for a second or as for a third offence, at the distance of more than two years from the commission of the next preceding offence.

X. And be it enacted, That it shall be lawful for any one Justice of the Peace, in all cases where any information or complaint shall be made as aforesaid, and he is hereby authorized and required, at the request in writing of any of the parties to the said complaint, and on the oath of the informer or complainant or of the person informed or complained against, that he believes that the attendance of any person or

Justice may compel the attendance of witnesses.