

scription by misrepresentation, he shall likewise be deemed guilty of a violation of said sections, and upon conviction thereof shall be subject to the same fine as the physician who shall violate the same, and said violators shall be committed to the county jail of said county until such fine and costs are paid; but nothing herein shall be construed to prohibit a sale by a pharmacist or druggist in case of extreme illness, when delay may be dangerous to the patient.

P. L. L. (1888), Art. 3, sec. 147. 1884, ch. 359. B. Co. C. (1908), sec. 250.  
1916, sec. 370. 1928, sec. 449.

**449.** All prosecutions for violations of the three preceding sections, which are hereby declared to be criminal offenses, may be either upon presentment and indictment, or trial before a justice of the peace, who shall have jurisdiction original and concurrent with the Circuit Court for said county; and the said justice shall have power to issue all process and to do all acts which may be necessary to the exercise of his said jurisdiction, and may try and determine all cases whereof he may have jurisdiction, and may pronounce judgment and sentence therein in the same manner and to the same extent as the Circuit Court for said county could do in such cases, if such cases were tried before said court without the intervention of a jury; provided, however, that if any person, when brought before any such justice having jurisdiction of the case, shall, before trial for the alleged offense, pray a jury trial, or if the State's Attorney for said county shall, before trial of such alleged offense, pray a jury trial on the part of the State, it shall be the duty of any such justice to commit such alleged offender for trial, or to hold him to bail to appear for trial in the Circuit Court at its then session, if it be in the session, or at its next session, if it be not in session, and to return said commitment or recognizance with the names and residences of the witnesses for the prosecution endorsed thereon forthwith to the clerk of said court, and the justice before whom the case is brought shall in every such case inform the person charged of his right to a jury trial.

P. L. L. (1888), Art. 3, sec. 148. 1884, ch. 359. B. Co. C. (1908), sec. 251.  
1916, sec. 371. 1928, sec. 450.

**450.** The State's Attorney and justices of the peace having knowledge of any previous conviction of any person accused of violating the provisions of Sections 446, 447 and 448 in preparing warrants, presentments and indictments shall allege such previous conviction thereon, and it shall be the duty of the clerk of the Circuit Court to furnish such information to the State's Attorney and grand jury, but it shall not be necessary to set forth particularly in any such presentment or indictment the record of a former conviction, but it shall be sufficient to allege briefly that said person, corporation, company or association has been convicted of a violation of any of the provisions of said sections, and any such indictment or proceeding may be amended at any stage of the proceeding, before final judgment, and as a matter of right.

See *Goeller v. State*, 119 Md. 61