

prisonment in jail or in the Maryland House of Correction, all of which acts or omissions are hereby declared to be criminal offenses; and the said Justice shall have power to issue all process, and to do all acts which may be necessary for the exercise of their said jurisdiction, and may pronounce judgment and sentence in all such cases coming before them, in the same manner, and to the same extent as the Circuit Courts for said Counties could, if such cases had been tried before said Courts; provided, however, that the accused, when brought before any such Justice, on being informed by him of his right to trial by jury, freely elects to be tried before such Justice, and provided, further, that a jury trial be not prayed in such case on the part of the State by the State's Attorney. If after a trial before the Justice either party shall feel aggrieved by his judgment there shall be a right of appeal within ten days to the Circuit Court for the County in which the alleged offense is charged to have been committed, and in all cases where a jury trial is prayed by the State, or the accused elects to be tried by jury, or appeals from the judgment of the Justice, the Justice shall take from the accused his recognizance with sufficient surety conditioned for his personal appearance to answer said charge at the then session (if there be a session) of the Circuit Court of their respective Counties, or the next session of said Court, if it be not then in session; and in default of the accused entering into such recognizance the Justice shall commit him to jail for his appearance at such Court to answer such charge, and shall at once return the recognizance, if there be one, and all papers and proceedings in such case, including a copy of his judgment (in appeal cases) together with the name and residence of the witnesses for the prosecution to the Clerk of said Court, who shall place such case on the appeal docket of said Court and issue subpoenas for the witnesses named by the Justice only upon the written order of the State's Attorney, and the case shall be then tried in said Court on the information or warrant. When an appeal shall be taken by the accused after the execution of sentence has begun, by confinement in jail or the Maryland House of Correction, the Justice, on sufficient surety being given for the accused's appearance at Court as hereinbefore required, shall at once transmit an order reciting this fact to the officer in whose custody he may be, and directing his discharge, and in default of such surety being given, the Justice shall send a commitment to the Sheriff of the County, commanding him to receive the prisoner and hold him for his appearance at Court to answer said charge; and on the presentation of a copy of such commitment by the Sheriff to the officer in whose custody the prisoner may be, such officer shall at once deliver the prisoner to the Sheriff, and it shall be the duty of the Sheriff of the several Counties of this State, upon receipt of such commitment, to forthwith obtain such prisoner if he be not in his custody.

Where traverser's counsel says that he will have no investigation before the justice, but will try the case in court, and traverser is held for court upon his recognizance with sureties, it is not necessary that he should have been previously and expressly informed that he had a right to jury trial. Where circuit court has jurisdiction to try a case of this character, no appeal lies. Practice in raising the question of jurisdiction of a court. Although warrant under this section is issued by one justice of the peace, accused may be tried by another. *Green v. State*, 113 Md. 454; *Starliper v. State*, 126 Md. 297.

This section was intended to confer additional jurisdiction, and not to include all criminal jurisdiction of justices. The rights conferred by this section are limited to jurisdiction conferred by it. *State v. Ward*, 95 Md. 122.

Act of 1878, ch. 415, sec. 10 (conferring jurisdiction upon magistrates to try vagrants and habitually disorderly persons and commit them to house of correction), held valid. *State v. Glenn*, 54 Md. 572; *Baum v. Warden of Jail*, 110 Md. 583 (involving also sec. 724 of Baltimore City charter).