

person for whom it is made is actually sick, and such liquor is absolutely necessary as a medicine; any physician who shall make or sign any prescription for such liquor except as aforesaid, shall be deemed guilty of a violation of said sections, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars for the first offence, and not less than two hundred dollars nor more than five hundred dollars for each subsequent offence; and if the buyer shall obtain a prescription 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, the one-half of said fine to be paid to the informer, and the residue to the board of school commissioners of said county, for the benefit of the public schools thereof; 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.

1894, ch 359.

147. All prosecutions for violations of the three preceding sections, which are hereby declared to be criminal offences, 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 offence, pray a jury trial, or if the State's attorney for said county shall, before trial of such alleged offence, 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 session,