

before justices of the peace, who shall have jurisdiction, original and concurrent, with the circuit court of said county; provided that in all cases where justices of the peace have jurisdiction as aforesaid, either party may have a jury trial, provided the same is filed before trial before the justice of the peace.

Allege previous conviction.

SEC. 5. *And be it enacted*, That State's attorneys and justices of the peace having knowledge of any previous conviction of any person accused of violating the provisions of this act, in preparing warrants, presentments and indictments, shall allege such previous conviction therein; and it shall be the duty of the clerk of the Circuit Court to furnish such information to the State's attorney and grand juries; 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 had been convicted of a violation of any particular provisions of this act; and any such indictment or proceeding may be amended at any stage of the proceedings before final judgment, and as a matter of right.

How construed.

SEC. 6. *And be it enacted*, That nothing herein contained shall be construed to prevent the sale of intoxicating liquors for medicinal purposes; but no sale of such prohibited liquors shall be deemed a sale for medicinal purposes unless the buyer presents the prescription of some respectable physician, or unless the seller be a physician, in which case he shall take the buyer's certificate of the facts upon which he acts, said prescription and certificate to be preserved by the seller for his vindication; and the said prescription and certificate, in all cases, shall be proof of bona fides on the part of the seller, unless collusion be shown; and if it be shown the buyer procured a prescription by misrepresentation, or subscribed a false or fraudulent certificate, he shall be guilty of a misdemeanor, and on conviction shall be punished in the same manner and to the same extent as the seller would have been had he been found guilty of a violation of the provisions of this act; and no such physician shall give a prescription