

Prosecutions—
how conducted.

Proviso.

Right to jury
trial.

SEC. 4. *And be it enacted*, That all prosecutions for violations of the provisions of this act, and 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 of 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 as if such cases were tried before said court without the intervention of a judge; 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 the said offender to bail to appear for trial, in the circuit court for the county in which the offense was committed at its then session, if it be in 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; provided, the justice before whom the case is tried shall inform the person charged of his or her right to a jury trial, and which in every such case the said justice is hereby required to do.

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 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 or persons, corporation, company or association had been convicted of a violation of any of the pro-