

the right of appeal to the Circuit Court of the county in which the offence is committed, within sixty days, and on such appeal being prayed the justice of the peace shall cause the said party or parties to give bail for his or their appearance at the next term of said Circuit Court of the county in a sum double the amount of the fine or fines imposed where the said party or parties shall be tried *de-novo*, and if convicted shall suffer the same penalties as those imposed by said justice of the peace with costs; and provided further whenever said bail is given the party or parties shall be set at liberty, and all fines collected under this act shall be applied to the repair of the roads of the county in which the conviction takes place.

Give bail.

SEC. 4. *And be it enacted*, That this act shall not be construed to interfere with the right of any citizen or citizens in the aforesaid counties to take the young of the birds mentioned in this act; provided he or they make oath in due form of law before some justice of the peace of the county in which he or they reside, that such young birds taken are intended for his or their true and *bona-fide* use, and not for the purpose of sale or barter; and provided further, that this act shall not embrace or include any bird of which any person may own or be in possession of at the time this act shall take effect.

Not be construed.

Proviso.

SEC. 5. *And be it enacted*, That the oath mentioned in the preceding section may be made before or at the time of trial, but shall only be *prima facie* evidence of innocence.

May be made.

SEC. 6. *And be it enacted*, That this act shall take effect from the date of its passage.

In force.

Approved March 25, 1876.