

as to prevent any person or corporation from having in his or its possession, at any time, any live birds or game animals, for the purpose of stocking lands in this State.

The act of 1898, ch. 206, is a valid exercise of the police power, though it applies to game brought from another state. It is not unconstitutional as embracing more than one subject, nor because it is made applicable only in certain portions of the state. Indictment under this section, held sufficient. *Stevens v. State*, 89 Md. 672; *Mt. Vernon Co. v. Frankfort Co.*, 111 Md. 568; *Windsor v. State*, 103 Md. 614; *Rice v. State*, 89 Md. 768; *Tyler v. State*, 93 Md. 311.

Prior to the act of 1898, ch. 206, the law had no application to game killed in another state. Construction of the act of 1894, ch. 404. *Dickhaut v. State*, 85 Md. 460; *Stevens v. State*, 89 Md. 671.

Cf. art. 39, sec. 85, and art. 72, sec. 9, and notes.

1904, art. 99, sec. 21. 1898, ch. 206, sec. 15 H.

28. No person shall in this State, at any time shoot or in any manner catch or kill, expose for sale, sell or buy, or have in possession, alive or dead, any turkey buzzard, wren, sparrow, bluebird, humming-bird, blue jay, migratory or other thrush, wood-robin, red-breasted robin, martin, mocking-bird, catbird, swallow, oriole, redbird, lark, indigo-bird, joe wink, pewitt, sapsucker, whippoorwill, goldfinch, yellow-breasted chat, cedar bird, herring gull or mackerel gull, or gull of any description, under a penalty of not less than one (\$1) dollar nor more than five (\$5) dollars for each such bird so shot, caught, killed, exposed for sale, sold, bought or had in possession; and no person shall under like penalty, have in his or her possession, offer for sale or wear the skins, plumage, wings or feathers of any of the birds, the catching or killing of which is prohibited by this section; provided however, that nothing herein contained shall be so construed as to make it unlawful to shoot, catch or kill, or in any manner destroy at any time any hawk or other birds destructive to domestic poultry, or any English sparrow, or crow or blackbird; provided that this section shall not apply to St. Mary's county and Calvert county; provided that it shall be lawful to have mocking birds or red birds, or other song birds in cages or stuffed specimens of any said birds in educational institutions, or public or private museums.

Ibid. sec. 22. 1898, ch. 206, sec. 15 J.

29. No person shall at any time, in this State shoot at or kill any of the birds or game animals permitted to be shot or killed under this sub-title, with any other kind of gun than such as is habitually raised at arm's length from the shoulder, under a penalty of not less than five (\$5) dollars nor more than twenty-five (\$25) dollars for every such bird or game animal so shot at or killed, and under a further penalty of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each offense, and every gun which is not so habitually fired from the shoulder, as aforesaid, shall be liable to seizure by any State or county officer authorized to execute warrants and the forfeiture and destruction by any justice of the peace before whom such gun shall be produced.