

the means and instruments made use of to accomplish the criminal act are matters of pleading, and when they are matters of proof. *State v. Falkenham*, 73 Md. 465.

As to "Live Stock" and offenses in connection therewith, see article 58.

As to "Sheep and Dogs" and offenses in connection therewith, see article 86.

1904, art. 27, sec. 58. 1890, ch. 198, sec. 2.

64. The words "torture or cruelty" shall be held to include everything whereby unjustifiable physical pain, suffering or death is caused or permitted, and the word animal shall be held to include every living creature except men.

Ibid. sec. 59. 1892, ch. 340, sec. 1.

65. Justices of the peace shall have jurisdiction concurrent with that of the courts of criminal jurisdiction to try and determine all cases in relation to cruelty to animals and to pronounce sentence of fine and imprisonment, or either, in the same manner as said courts; but if either the parties accused or the State's attorney shall elect to have the case tried before court, it shall be the duty of the justice of the peace to give a preliminary hearing, except in cases where such hearing is waived by the accused, and if there be a probable cause of guilt, to commit or bail the accused for the action of the court having jurisdiction.

Ibid. sec. 60. 1892, ch. 340, sec. 2. 1900, ch. 462.

66. Whenever a fine is imposed in any such case by any court or justice of the peace, one-half thereof shall be paid to the Maryland Society for the Prevention of Cruelty to Animals of Baltimore city; in case there shall be no society of similar character in the county, city or town where the offense shall have been committed, in which latter event the said one-half of the fine shall be paid to the said local society; and any officer of said society, or any society or association incorporated for the prevention of cruelty to animals, duly incorporated under the laws of this State, shall upon his own view of any misdemeanor in relation to cruelty to animals make arrests and bring before any magistrate or justice of the peace offenders found violating the laws of this State in relation to cruelty to animals.

Ibid. sec. 61. 1892, ch. 340, sec. 3. 1914, ch. 669.

67. The justice of the peace before whom any party accused shall be brought for his action under the provisions of Sections 63 to 67 of Article 27 of the Code of Public General Laws of Maryland, shall, before proceeding to try and determine the case, inform such party of his or her right to a jury trial.

Ibid. sec. 62. 1894, ch. 142, sec. 1.

68. It shall be unlawful for any person or persons to shoot or otherwise kill or maim any Antwerp or homing pigeon, commonly called and known by the name of "carrier pigeon," either while in flight or at rest.