

BIRDS AND GAME.

1876, ch. 128.

32. It shall not be lawful for any person in the counties of Calvert, Charles, Kent and St. Mary's, to shoot, kill or in any manner take, trap, encage, barter or sell any English mocking birds, old or young, or wilfully destroy the eggs or nests of said birds.

Ibid.

33. The possession by any person in the aforesaid counties of any birds mentioned in the preceding section shall be *prima facie* evidence of a violation of such section.

Ibid.

34. The justices of the peace for the above-named counties shall have jurisdiction over and may take cognizance of all cases of persons violating the provisions of section 32 within their respective counties; and any person convicted before any justice of the peace of the county in which the offence is committed, of violating the provisions of said section, shall be fined by said justice of the peace in a sum of not less than five dollars nor more than twenty-five dollars for each and every offence, with costs; and on the failure or refusal of such person to pay said fines, or give security therefor, the said justice of the peace shall commit him to the county jail for a period of not less than five nor more than twenty-five days; provided, the party so convicted before any justice of the peace shall have the right of appeal to the circuit court for 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 to give bail for his appearance at the next term of said circuit court of the county, in a sum double the amount of the fines imposed, where the said party 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, that whenever said bail is given, the party shall be set at liberty, and all fines collected under said section shall be applied to the repair of the roads of the county in which the conviction takes place.