

mocking-bird, swallow, oriole, redbird, catbird, sparrow, whippowil, wren, pewit, goldfinch, sapsucker, hanging bird or woodpecker; *provided*, that nothing <sup>Proviso.</sup> contained in this Act shall be so construed as to prevent the killing or capture of crows, blackbirds, or birds of prey.

SEC. 2. *And be it enacted*, That it shall be unlawful <sup>Eggs not to</sup> for any person knowingly and unnecessarily to destroy <sup>be destroyed.</sup> or disturb the eggs of any of the birds protected by the provisions of this Act.

SEC. 3. *And be it enacted*, That any person violating <sup>Persons</sup> any of the provisions of this Act shall, on conviction <sup>violating.</sup> thereof, be fined in any sum not less than two dollars, and not more than ten dollars for each offence, with costs of prosecution; and all prosecutions under this Act shall be in the name of the State, before <sup>Penalty for.</sup> any Justice of the Peace of the election district in which such violation may occur, and all fines, when collected under this Act, one-half thereof shall be paid to the informer, and the other half to the School Commissioners of the county in which the offence is committed, to be applied by them to the support of the public schools of said county.

SEC. 4. *And be it enacted*, That the possession, by <sup>Possession</sup> any person within said counties, of any of the birds <sup>prima facie</sup> protected by this Act, as shot, killed, or otherwise <sup>evidence.</sup> destroyed, shall be "*prima facie*" and sufficient evidence to make such person liable for the fine for the violation of the provisions of this Act, and it shall be the duty of all constables of said counties to arrest all persons they may detect in, or who may be charged with the violation of any of the provisions of this Act, and take them before the nearest Justice of the Peace, to be dealt with as directed by this Act.

SEC. 5. *And be it enacted*, That this Act shall take <sup>In force.</sup> effect, and be in operation from the date of its passage.

Approved April 1, 1872.