

Justice of the
Peace.

Penalty—how
recovered.

and all such commissions held by sheriffs or deputy sheriffs shall after that date become null and void.

2. Any sheriff or deputy sheriff acting as a Justice of the Peace in violation of this act shall for each offence forfeit the sum of twenty pounds, to be recovered by any one who will sue for the same as a private debt.

CHAP. 35, ACTS 1861.

An Act to prevent the destruction of the smaller kinds of Birds.
[Passed the 15th April, 1861.]

Preamble.

Whereas the killing of small birds, which are of little value for food, and are effectual helpers of the farmer and gardener, by destroying injurious insects, is a wanton and prejudicial extinction of life among a most beautiful and useful class of the Creator's works.

Be it therefore enacted by the Governor, Council, and Assembly, as follows :

Killing, &c.,
unlawful

1. The killing of robins, swallows, sparrows, and other small birds, and birds of song, which frequent the fields and gardens, and the selling and offering for sale, and the having in possession of such birds, when killed, shall hereafter be unlawful.

Penalty.

2. Every person offending against this act, by the killing of any such birds, or the selling, or offering for sale, or having in possession, of the dead bodies of any such birds, shall, for each offence, forfeit one dollar, in addition to the sum of ten cents, for each of such birds killed, sold, offered for sale, or had in possession, to be recovered by any one who will sue for the same, in the same manner as debts of a similar amount are now recoverable, and to be appropriated to the use of the prosecutor.

Recovery of, &c.

Exceptions.

3. This act shall not apply to birds killed for preservation, as specimens of natural History.

CHAPTER 2.

An Act to amend Chapter 111 of the Revised Statutes, (third series), "Of Estates Tail."

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

Estates Tail
abolished.

1. All Estates Tail are abolished, and every estate which hitherto would have been adjudged a Fee Tail, shall hereafter be adjudged a Fee Simple, and may be conveyed and devised or descend as such.