

with the provisions and requirements of section twenty, of chapter one hundred and ninety of the revised statutes of this state; and when the fine imposed is more than five dollars and less than fifteen dollars, such commitment shall terminate and such defendant shall be discharged at the end of forty days, upon his complying with the provisions and requirements of section twenty of chapter one hundred and ninety aforesaid; or the justice shall enter a judgment that the defendant be imprisoned in the county jail for a term not less than five nor more than forty days, and shall forthwith commit for the term fixed by such judgment; and in all cases of conviction of offences of which justices of the peace and justices' courts have final jurisdiction, where the judgment shall be that the defendant be imprisoned in the county jail, the justice may, at his discretion, enter a further judgment, that the defendant pay the costs of the prosecution and that he be held in imprisonment, in said county jail, until such costs be paid."

SECTION 2. Chapter 821 of the laws of 1860, entitled "an act to amend chapter 121 of the revised statutes, entitled 'of the jurisdiction of justices in criminal cases, and of the proceedings therein,'" is hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 143.

[Published March 14, 1868.]

AN ACT to amend section 20, chapter 121, and section 16, chapter 176 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 20 of chapter 121 of the revised statutes, entitled "of the jurisdiction of justices in criminal cases and of the proceedings therein," is hereby Section twenty amended.

amended by inserting after the word "jury" in the eighth line of said section, the words, "and the fees of witnesses," so that the section shall read, when amended, as follows: "Whenever the accused, tried under the preceding provisions of this chapter, either by the court or by a jury, shall be acquitted, he shall be immediately discharged; and if the court before whom the trial is had shall certify in his docket that the complaint was willful and malicious and without probable cause, it shall enter a judgment against the complainant to pay all the costs that shall have accrued to the court and sheriff or constable and jury, and the fees of witnesses, in the proceedings had upon such complaint. The complainant may stay such judgment for thirty days, by giving satisfactory security by bond to the state, with one or more sureties, conditioned for the payment of such judgment at the expiration of thirty days; but if the complainant shall neglect to give such security, or shall neglect to pay such costs, then in such case the court, before whom such cause is tried, may issue execution on such judgment, against the person of the complainant in the same manner and to the like effect as is now provided by law, in cases where execution may issue against a defendant in actions founded in tort."

If complaint willful complainant to pay costs.

Section sixteen amended.

SECTION 2. Section sixteen of chapter 176 of the revised statutes, entitled "of the arrest and examination of offenders committed for trial and taking bail," is hereby amended by adding at the end thereof the following clause: "and in case the magistrate before whom the proceeding was had, shall, upon the discharge of the prisoner, certify in his docket that the complaint was willful and malicious and without probable cause, he shall forthwith enter judgment against the complainant for all of the costs of the proceeding, including witness fees. The complainant may stay such judgment for thirty days, by giving a bond to the state, with one or more sureties to be approved by the justice, conditioned for the payment of such judgment at the expiration of the thirty days; but if the complainant shall neglect to pay said judgment, or to give such security, then the magistrate shall forthwith issue execution on such judgment against the person of the complainant, which execution shall have the same force and effect as is now provided by law in cases where execution may issue against a defendant in actions founded in tort."

Complainant may stay judgment.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 144.

[Published March 16, 1868.]

AN ACT to authorize the state treasurer to close up the circulation of certain banks, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The state treasurer is hereby authorized to give notice in accordance with the provisions of the banking law, for the redemption of the circulating notes of the twenty-one banks assigned to the state under the provisions of chapter 282 of the general laws of 1865.

Treasurer may give notice for redemption.

SECTION 2. To carry out the provisions of section one of this act, the state treasurer is hereby authorized to withdraw from the bank comptroller the state bonds now on deposit to secure said circulating notes, and deposit with the bank comptroller in lieu thereof a certificate of indebtedness equal to the amount of said circulating notes outstanding, and from time to time pay such sums of money thereon as may be necessary to redeem what circulating notes may be presented, and at the expiration of the time for the redemption of said circulating notes the bank comptroller shall surrender to the state treasurer said certificate of indebtedness, and all funds then remaining in his hands for the redemption of said circulating notes, on receipt of the state treasurer.

Treasurer may withdraw bonds.

SECTION 3. There is hereby appropriated from any funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.