

all orders and notices required to be served shall be served on such general guardian.

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

Approved March 1, 1880.

[No. 27, S.]

[Published March 4, 1880.]

CHAPTER 66.

AN ACT in relation to proceedings in criminal cases in justices' court, and amendatory of section four thousand seven hundred and sixty of chapter one hundred and ninety-four of the revised statutes.

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

SECTION 1. Section four thousand seven hundred and sixty of the revised statutes is hereby amended by adding after the word "may," in the fourteenth line of said section, the following: "In case the complainant shall have given security for costs in the manner provided in section four thousand seven hundred and seventy-one, issue execution on said judgment against both the complainant and the surety, and if the complainant do not satisfy the execution, and the officer cannot find sufficient property belonging to him upon which to levy, he shall levy upon the property of the surety; and in case the complainant has not given such security for costs, the court before whom the cause is tried may," so that said section will read, when so amended, as follows: Section 4760. Whenever the accused, tried under the 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 said security, or shall neglect to pay such costs, then, in such case, the court before whom the cause is tried may, in case the complainant shall have given security for costs in the manner provided in section four

Amendment.

In case of acquittal.

Willful and malicious complaint.

Neglect of complainant to give security.

Right of appeal.

thousand seven hundred and seventy-one, issue execution on said judgment against both the complainant and the surety, and if the complainant do not satisfy the execution, and the officer cannot find sufficient property belonging to him upon which to levy, he shall levy upon the property of the surety; and in case the complainant has not given such security for costs, the court before whom the case is tried may issue execution on said judgment against the person of the complainant, in the same manner and to the like effect as is now provided by law in cases when execution may issue against a defendant in actions founded in tort; but the defendant in such judgment shall have the right of appeal therefrom as in civil cases tried before a justice of the peace, and the case shall be tried and determined by the court on such appeal upon the records and evidence in the case duly certified and returned by the magistrate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 48, S.]

[Published March 4, 1880.]

CHAPTER 67.

AN ACT to amend section four thousand four hundred and fifteen, revised statutes of 1878, relating to punishment for larceny.

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

Wherein larceny is punishable by imprisonment in the state prison.

SECTION 1. Section four thousand four hundred and fifteen of the revised statutes of the state of Wisconsin is hereby amended by adding the words "state prison or county jail" in the thirteenth line of said section, so that said section, when so amended, shall read as follows: Any person who shall commit the crime of larceny by stealing of the property of another, any money, goods, or chattels, or any bank note, bond, promissory note, bill of exchange, order, certificate, book of account, conveyance of real estate, bill of sale, mortgage, valuable contract, receipt, release, defeasance, railroad passenger ticket, ticket of admission to any place, or any writ, process or public record, or any instrument in writing whereby any demand, right or obligation is created, increased, diminished or extinguished, or any personal property whatever, if the value thereof shall exceed the sum of one hundred dollars, shall be punished by imprisonment in the state