

return a detailed account of his disbursements to the governor at the end of each quarter.

SEC. 2. This act shall take effect and be in force from <sup>11</sup> Take effect. and after its passage.

Approved March 17, 1859.

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[Published April 4, 1859.]

### CHAPTER 153.

AN ACT in relation to the jurisdiction of justices of the peace in certain cases.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any justice of the peace shall have juris- Jurisdiction. diction in his own county of any offence mentioned in section fifty-six (56), of chapter one hundred and sixty-five (165), of the revised statutes of this state, where the value of the trees, wood, timber, mineral, earth or stone, shall be alleged not to exceed the sum of one hundred dollars, and in such cases the punishment shall be by fine not exceeding one hundred dollars, nor less than ten dollars; and in all such cases where judgment for fine and costs of prosecution is rendered, the defendant shall Commitment. stand committed to the county jail until the judgment is satisfied, or until he be discharged therefrom by due course of law; saving to every person who may be convicted before the justice the right to appeal as in other cases.

SEC. 2. This act shall take effect and be in force from Take effect. and after its passage.

Approved March 17, 1859.

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[Published April 4, 1859.]

### CHAPTER 154.

AN ACT relating to judgments in certain cases.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In actions for the recovery of money in Actions for which the defendant in his answer shall have stated new recovery of matter constituting a counter claim if the amount of such money. counter claim duly established, at the trial be equal to

the plaintiff's claim as established at the trial, judgment shall be entered that the plaintiff take nothing by his action. If such counter claim be less than such claim of the plaintiff's, the plaintiff shall have judgment for the balance, and if in such action a balance is found to be due from the plaintiff to the defendant, judgment shall be entered in favor of the defendant for the amount thereof.

**Set-offs.**

SEC. 2. Set-off shall be hereafter regarded by the courts of this state as a species of counter claim, and the same shall be regulated and governed in all actions by the rules of practice, and pleading applicable to counter claims.

**Take effect.**

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

Approved March 17, 1859.

[Published April 4, 1859.]

## CHAPTER 155.

AN ACT in relation to appeals and writs of error in certain cases.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**Dismissal of appeal.**

SECTION 1. Whenever an appeal shall be taken to the supreme court from the judgment or order of an inferior court, and security has been given to stay the proceedings on such appeal, or when a writ of error has been issued upon a judgment in a civil action, and proceedings stayed by giving bond or an undertaking as now required by law, the appellant or plaintiff in error shall not be allowed to dismiss the appeal or writ of error upon his own application, except upon the payment of all the costs of appeal or writ of error and proceedings thereon, and upon such other terms as the court may impose and order; and in all cases of such dismissal, the bondsmen and sureties given on taking such appeal, or in issuing such writ, shall be liable for the payment of all such costs and additional sums of money as may be imposed by the court on the dismissal, to be recovered by action on their bond or undertaking, as in other cases.

**Costs to be paid.**

**Take effect.**

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

Approved March 17, 1859.