

CHAPTER 32.

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-SEVEN (157) CHAPTER SIXTY-FIVE (65) OF THE GENERAL STATUTES A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878).

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one hundred and fifty-seven (157) of chapter sixty-five (65) of the General Statutes of A. D. one thousand eight hundred and seventy-eight (1878), be amended to read as follows: Whenever the accused, tried under the provisions of this chapter, either by 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 proceeding had upon such complaint. The complainant may stay such judgment for thirty (30) 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 (30); 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 the cause is tried, may issue execution on said judgment therefor, 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.

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

Approved November 22, 1881.

Willful and
malicious com-
plaints.