

## CHAPTER 274.

[Published April 16, 1861.]

AN ACT to allow the party defendant to testify in his own behalf, in certain criminal actions.

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

Assault, or assault and battery

SECTION 1. In all trials in criminal actions in which the party defendant is charged with having committed an assault, or an assault and battery, such party defendant shall have the right and be permitted to be examined as a witness in his own behalf, in all cases in which the person upon whom the assault or assault and battery, is alleged to have been committed, shall be examined as a witness on the part of the prosecution.

Judgment against defendant or person alleged to have been assaulted, or both.

SECTION 2. On the trial of any action founded on a complaint for an assault, or an assault and battery, in which trial the person upon whom the assault, or assault and battery, is alleged to have been committed, shall be examined as a witness on the part of the prosecution, it shall be lawful for the justice, or if said action be tried by a jury, then for said jury, to find either the defendant in such action or the person upon whom the assault is alleged to have been committed, or both, as the testimony shall warrant, guilty of an assault, or assault and battery, (as the case may be,) and the justice before whom such trial shall be had, shall render judgment against the person or persons so found guilty.

Appeal.

SECTION 3. Any party against whom a judgment shall be rendered, under the provisions of this act, shall have the right of appeal, and upon the trial of such appeal, either party or both parties may be sworn upon said trial, and judgment shall be rendered in accordance with the provisions of this act.

Approved April 13, 1861.