

CHAPTER 101.

[Published March 10, 1868.]

AN ACT to amend section twelve of chapter 132 of the revised statutes entitled "of issues, mode of trial and judgment in civil cases."

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

Amended.

Judge shall reduce his charge to writing.

SECTION 1. Section twelve of chapter one hundred and thirty-two of the revised statutes, is hereby amended so that the same shall read as follows: "Section 12. Upon the trial of any cause, civil or criminal, in any of the circuit courts of this state, it is hereby made the duty of the judge presiding in such court to reduce his charge to the jury empaneled in such cause to writing, before giving the same to such jury, and if any such judge shall give any charge to a jury, or make any comments upon the law or facts, to the jury on the trial of any cause, without the same being reduced to writing before it is given, any judgment which shall be rendered upon the verdict of such jury shall be reversed upon appeal or writ of error to the supreme court, upon the fact appearing: *provided, further*, that such judge shall give each instruction asked by counsel on the trial of a cause to the jury, without change or modification, the same as asked, or shall refuse each in full: *provided, further*, that in case a jury, after they have once gone out, shall return to the court for further or other instructions, the judge of such court shall not further charge or instruct such jury without the same being in writing as hereinbefore required: *and provided, also*, that a charge in writing may be waived by counsel at the time of the commencement of the trial".

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

Approved March 4, 1868.