

[Published March 22, 1877.]

## CHAPTER 285.

AN ACT to authorize the tender of judgment in justices' courts, in actions on contract, or for involuntary trespass, after the commencement of the action.

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

SECTION 1. In all actions hereafter commenced in justices' courts, founded upon contract, or for the recovery of damages for any involuntary trespass, the defendant may, at the time of joining issue in the action, offer in writing to permit the plaintiff to take judgment against such defendant for the sum, damages or thing stated in said offer with costs.

Right of defendant to permit judgment to be taken.

SECTION 2. If the plaintiff accepts the offer so made by the defendant, he shall make such acceptance in writing, and the same, together with the offer of the defendant, shall be filed with the justice before whom the action is pending; and thereupon the said justice shall enter judgment accordingly; *provided*, that before entering any such judgment, the justice shall be satisfied that the action was brought in good faith, and without collusion by the parties thereto, and for that purpose he may examine the parties, or either of them, upon oath, and witnesses.

When plaintiff accepts, offer and acceptance to be filed with justice and judgment entered.

SECTION 3. If the plaintiff do not accept the offer of the defendant, made as provided in the first section of this act, the offer shall be deemed to be withdrawn; and for the purpose of determining the rights of the parties upon the trial, shall not be considered in any manner whatever by the justice or jury before whom the action shall be tried; and if the plaintiff fail to recover a more favorable judgement than he would have done by accepting the offer of the defendant, he shall not recover any costs made after the making of such offer, but shall pay costs made subsequently thereto to the defendant.

When offer to be deemed withdrawn.

When plaintiff liable for costs.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1877.