

CHAPTER 99.

[Published April 3, 1872.]

AN ACT relating to attorneys' fees in justices' court, and amendment of section two, chapter one hundred and forty-two, general laws of 1871.

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

SECTION 1. Section two of chapter one hundred and forty-two of the general laws of 1871, entitled "an act to amend sections six, eight and nine of chapter one hundred and twenty of the revised statutes, entitled of courts held by justices of the peace," approved March 24, 1871 is hereby amended so as to read as follows: Amended.

SECTION 2. No attorneys' fees shall be allowed in any action before a justice of the peace, except in civil actions, when an attorney of a court of record has appeared therein for the party obtaining judgment, and the plaintiff shall only recover such costs, where the defendant or defendants have appeared and put in an answer or demurrer; and if on the return day of the summons, or the day to which the action may be adjourned before issue, the defendant shall by answer, tender the plaintiff judgment for a specified amount, the plaintiff shall not recover attorney fees nor any other costs made subsequent to such tender unless he shall recover on the trial of the action, a greater sum than tendered, but the defendant shall recover against the plaintiff, costs made subsequent to such tender, including attorney fees, to be deducted from the plaintiff's judgment, or enforced by execution. Allowance of attorneys' fees.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 22, 1872.