

3050 CONTRACTS: SUBSEQUENT CONSTRUCTION BY PARTIES

Whether the parties to a contract gave it a particular construction is to be regarded by you in giving effect to the provisions of the contract. The subsequent acts of the parties, showing the construction that they themselves have put upon the agreement, are to be considered by you for the purpose of assisting you in arriving at a determination of what the arrangement was between the parties.

COMMENT

This instruction and comment were approved by the Committee in 1975. Editorial changes were made in 1993 to address gender references in the instruction. No substantive changes were made to the instruction.

Nelsen v. Farmers Mut. Auto Ins. Co., 4 Wis.2d 36, 90 N.W.2d 123 (1958).