

Legislative Council Note, 1959: As to (1): Restatement of present law except for the inclusion of the family court commissioner. (Bill 151-A)

247.38 History: R. S. 1849 c. 79 s. 31; R. S. 1858 c. 111 s. 31; R. S. 1878 s. 2375; Stats. 1898 s. 2375; 1917 c. 619; 1925 c. 4; Stats. 1925 s. 247.38; 1959 c. 345.

247.39 History: 1959 c. 595 s. 72; Stats. 1959 s. 247.39; 1963 c. 429.

Legislative Council Note, 1959: Present s. 249.39 relating to cohabitation after divorce is repealed. (See note to s. 247.37 (3)) Proposed s. 249.39 incorporates supreme court rule 43a (s. 251.431) which provides that alimony or allowances pending appeal to the supreme court shall be decided upon motion in the trial court. (Bill 151-A)

CHAPTER 248.

Actions Abolished.

Legislative Council Note, 1959: The entire chapter is new. It abolishes the common law action for breach of promise (s. 248.01). Existing causes of action may be filed for 6 months after the effective date of the proposed law (s. 248.04). Thereafter such filing is unlawful (s. 248.03). Contracts arising from claims due to breach of promise are declared void as being contrary to public policy (s. 248.05). However, recovery of property procured by false representations of intention to marry is permitted. (s. 248.06) The chapter provides penalties (s. 248.07) and is to be liberally construed. (s. 248.08)

The action for breach of promise encourages marriages that should not take place and its abolishment is in keeping with the philosophy that legislation should be designed to promote stability in marriage. As a remedy which permits monetary recovery the action sanctions conduct that borders on extortion. An action for deceit may be brought where there has been intentional misrepresentation resulting in monetary loss. (s. 248.06) (Bill 151-A)

Editor's Note: Citations of reports of illustrative cases are as follows: Giese v. Schultz, 69 W 521, 34 NW 913; Salchert v. Reinig, 135 W 194, 115 NW 132; Hanson v. Johnson, 141 W 550, 124 NW 506; Falkner v. Schultz, 160 W 594, 150 NW 424; and Klitzke v. Davis, 172 W 425, 179 NW 586.

248.01 History: 1959 c. 595 s. 73; Stats. 1959 s. 248.01.

Abolition of breach-of-promise actions in Wisconsin. Ninneman and Walther, 43 MLR 341.

248.02 History: 1959 c. 595 s. 73; Stats. 1959 s. 248.02.

248.03 History: 1959 c. 595 s. 73; Stats. 1959 s. 248.03.

248.04 History: 1959 c. 595 s. 73; Stats. 1959 s. 248.04.

248.05 History: 1959 c. 595 s. 73; Stats. 1959 s. 248.05.

248.06 History: 1959 c. 595 s. 73; Stats. 1959 s. 248.06.

248.07 History: 1959 c. 595 s. 73; Stats. 1959 s. 248.07.

248.08 History: 1959 c. 595 s. 73; Stats. 1959 s. 248.08.

CHAPTER 250.

Court of Impeachment.

250.01 History: 1853 c. 22 s. 1; R. S. 1858 c. 114 s. 1; R. S. 1878 s. 2395; Stats. 1898 s. 2395; 1925 c. 4; Stats. 1925 s. 250.01.

Revisers' Note, 1878: Section 1, chapter 114, R. S. 1858, amended so as to be limited to the case of the senate acting as a court. Provisions for administration of oaths, etc., in the senate, as the legislative body is made in the chapter on the legislature.

250.02 History: 1853 c. 22 s. 2; R. S. 1858 c. 114 s. 2; R. S. 1878 s. 2396; Stats. 1898 s. 2396; 1925 c. 4; Stats. 1925 s. 250.02.

Revisers' Note, 1878: Section 2, chapter 114, R. S. 1858, verbally amended in last clause.
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CHAPTER 251.

Supreme Court.

251.01 History: 1875 c. 218 s. 5; R. S. 1878 s. 2397; Stats. 1898 s. 2397; 1919 c. 362 s. 31; 1925 c. 4; Stats. 1925 s. 251.01; 1953 c. 606.

251.02 History: 1852 c. 395 s. 5; R. S. 1858 s. 1044; R. S. 1878 s. 2399; Stats. 1898 s. 2399; 1925 c. 4; Stats. 1925 s. 251.02.

251.03 History: 1917 c. 353; Stats. 1917 s. 2399a; 1925 c. 4; Stats. 1925 s. 251.03; 1955 c. 204 s. 70a.

251.035 History: 1959 c. 516; 1959 c. 659 s. 73, 74; Stats. 1959 s. 251.035.

Comment of Interim Committee on State Publications, 1959: Old 35.71 renumbered 251.035 (1). Old 35.72 is renumbered 251.035 (2). Old 35.73 is renumbered 251.035 (3) with a minor verbal change. These sections do not belong in ch. 35. [Bill 617-S]

251.04 History: 1876 c. 284; R. S. 1878 s. 2400; 1885 c. 182; Ann. Stats. 1889 s. 2400; 1895 c. 187; 1897 c. 241; Stats. 1898 s. 2400; 1907 c. 466 s. 3; 1911 c. 580; 1911 c. 664 s. 128; 1913 c. 772 s. 117, 118; 1925 c. 4; Stats. 1925 s. 251.04; 1929 c. 482 s. 9; 1947 c. 9 s. 31; 1947 c. 571; 1959 c. 659 s. 79; 1959 c. 691; 1965 c. 240; 1969 c. 154.

251.05 History: 1868 c. 147; R. S. 1878 s. 2401; Stats. 1898 s. 2401; 1911 c. 107; 1913 c. 722 s. 117; 1925 c. 4; Stats. 1925 s. 251.05.

251.055 History: 1951 c. 319 s. 220; Stats. 1951 s. 251.055.

251.06 History: 1875 c. 218 s. 1; R. S. 1878 s. 2402; Stats. 1898 s. 2402; 1925 c. 4; Stats. 1925 s. 251.06; 1943 c. 571.

251.07 History: 1853 c. 105 s. 1; R. S. 1858 c. 115 s. 2; 1875 c. 218 s. 2; R. S. 1878 s. 2404;