

recover his costs. State ex rel. Jones v. Jenkins, 46 W 616, 1 NW 241.

CHAPTER 295.

Contempts in Civil Actions.

295.01 History: R. S. 1849 c. 115 s. 1; R. S. 1858 c. 149 s. 1; 1866 c. 99 s. 1; R. S. 1878 s. 3477; 1885 c. 369 s. 2; Ann. Stats. 1889 s. 3477; Stats. 1898 s. 3477; 1925 c. 4; Stats. 1925 s. 295.01; 1947 c. 143; 1969 c. 255.

Attachment for contempt should be issued or withheld, sustained, modified or set aside by direct order of the court. Geisse v. Beall, 5 W 224.

Where the supreme court issues a writ of prohibition in aid of a writ of assistance from the circuit court it will issue an attachment for contempt against a party who disobeys or interferes with the requirement of the writ of prohibition. State ex rel. Cushing v. Hungerford, 8 W 345.

An order adjudging defendants guilty of contempt for violating an injunction can be reviewed only upon appeal. Shannon v. State, 18 W 604.

One in contempt is entitled to notice of adverse proceedings and may resist them. After judgment, in case of failure to appear and defend through mistake or excusable neglect and when there is reason to believe injustice may have been done, judgment may be vacated. Mead v. Norris, 21 W 310.

Strictly regular service of an injunctive order is not necessary to entitle plaintiff to proceed against defendant as for contempt. Ramstock v. Roth, 18 W 522; Mead v. Norris, 21 W 310.

See note to 292.01, citing *In re Perry*, 30 W 268.

Ch. 115, R. S. 1849, was a substantial transcript of the statute of New York on the subject. Poertner v. Russel, 33 W 193, 201.

The party against whom an injunctive order has been issued is bound to abstain from violating it from the time he knows of its issue without service, and is bound to use his best efforts to prevent its violation by his agents or servants. Poertner v. Russel, 33 W 193.

In general a party to a suit will not be adjudged in contempt therein for any act or omission which occurred before the suit was commenced, or before service of the process alleged to have been disregarded. Witter v. Lyon, 34 W 564.

Where the amount of a debt might have been made by levy at the time directed and a few days thereafter the judgment debtor was declared bankrupt, the sheriff, on being adjudged guilty of contempt, may be required to pay the judgment creditor's claim and be subrogated to his judgment rights. State ex rel. Mann v. Brophy, 38 W 413.

The circuit court may punish disobedience of a lawful order of a court commissioner. Nieuwankamp v. Ullman, 47 W 168, 2 NW 131.

Obedience to a void order of a court commissioner, in disobedience of a valid order of another court commissioner, though honestly made, is contempt. Nieuwankamp v. Ullman, 47 W 168, 2 NW 131.

The circuit court of any county may punish

persons subpoenaed to testify in an action pending therein before a court commissioner in another county for disobeying a summons or refusing to be sworn or to answer. State ex rel. Lanning v. Lonsdale, 48 W 348, 4 NW 390.

A deputy sheriff who receives a process for service and fails to serve or to make due return is punishable and proceedings need not be against the sheriff. Where service has been made the officer is bound to make return showing the fact; and if the cause is triable in the court in which papers are entitled proceedings against him will be in that court even if the service was not such as gave it jurisdiction. Heymann v. Cunningham, 51 W 506, 8 NW 401.

The words "or triable therein" are intended to cover cases which are not covered by the words "pending in such court," and extend the statute. Heymann v. Cunningham, 51 W 506, 8 NW 401.

An attorney was not guilty of any contempt in obtaining an injunctive order which ran counter to a prior injunctive order issued by a court commissioner. Wisconsin C. R. Co. v. Smith, 52 W 140, 8 NW 613.

It is unjust to require one to indemnify a plaintiff for violating an injunction which never ought to have been granted and for obtaining which the plaintiff would be liable to defendant in damages. Kaehler v. Dobberpuhl, 56 W 497, 14 NW 631.

Under ch. 150, R. S. 1877, a court may punish its clerk for refusing to obey an order directing him to tax costs. State v. Reesa, 57 W 422, 15 NW 383.

The fact that an injunction issued by a court having jurisdiction was erroneous affords no justification or excuse for its violation; but such fact may properly be taken into consideration in awarding punishment for its breach. State ex rel. Fowler v. Circuit Court, 98 W 143, 73 NW 788.

"The punishment inflicted, even in civil contempts, where indemnity to another party is the dominant purpose, nevertheless rests upon the power of the court to vindicate its own authority, and to punish for defiance thereof, but to adjust that punishment so as to protect or enforce private rights." *In re Meggett*, 105 W 291, 298, 81 NW 419, 422.

Ch. 150, Stats. 1898, authorizes the court to punish by fine and imprisonment all acts of misconduct coming within it, though the misconduct may not pertain to the performance of a duty still within the powers of the contemnor to perform and although it may produce no actual loss or injury. The proceedings seek to accomplish a 2-fold purpose: To enforce obedience of the decrees of the court; and to indemnify parties to the action for their actual loss or injury and to compel the performance of duties still within the contemnor's power. Emerson v. Huss, 127 W 215, 106 NW 518.

A proceeding seeking to punish a party to an action, under sec. 3477 (3), Stats. 1898, for disobedience of a lawful order of the court, is brought for the primary purpose of protecting the rights of the opposite party, and is a civil proceeding. Vilter Mfg. Co. v. Humphrey, 132 W 587, 112 NW 1095.

The wilful disobedience of an order of the court by a party to the action may constitute either a civil or criminal contempt, and the form of the action in which it is brought determines its character. *Vilter Mfg. Co. v. Humphrey*, 132 W 587, 112 NW 1095.

A person brought into this state by extradition cannot be arrested for contempt of court on the ground that he left the state in violation of an order of the court. *State ex rel. Hattabaugh v. Boynton*, 140 W 89, 121 NW 887.

Violations of an injunctive order are not punishable under secs. 3477, 3489 and 3490, Stats. 1898, unless they were calculated to or did prejudice the rights of a party to an action; and the court should so adjudge before imposing any fine and should also adjudge whether actual loss resulted. But failure to find these essential facts is not prejudicial error under sec. 3072m, if the record shows that the misconduct found was in fact calculated to prejudice the rights of a party and that he suffered loss in consequence. *Stollenwerk v. Klevenow*, 151 W 355, 139 NW 203.

See note to sec. 6, art. V, citing *State ex rel. Rodd v. Verage*, 177 W 295, 187 NW 830.

Where the court expressly ruled that a contempt proceeding was civil and found that defendant's misconduct was calculated to and actually did impede and prejudice plaintiff's rights and remedies and did impede and interfere with justice and sentenced him to imprisonment, there was a judicial determination that the proceeding was civil and not criminal, and that the nature of the imprisonment was remedial and not punitive, and, such determination not having been reviewed or reversed, was conclusive. *State ex rel. Rodd v. Verage*, 177 W 295, 187 NW 830. See also *Upper Lakes Shipping v. Seafarers' Int. Union*, 22 W (2d) 7, 125 NW (2d) 324.

See notes to 256.03, citing *Wetzler v. Glassner*, 185 W 593, 201 NW 740.

A court is presumed to act within the limit of its jurisdiction until the contrary appears, and has power to punish not only parties and counsel but "all other persons," which includes witnesses. *Langen v. Borkowski*, 188 W 277, 206 NW 181.

An order of the trial court setting aside a previous valid order vacating a judgment, and adjudging a party guilty of contempt for disobedience of the judgment, entered after the expiration of the term at which the order vacating the judgment was made and after the expiration of the year during which the court had control of the judgment, is void as the action is still pending and undetermined, and the judgment for the disobedience of which the party was adjudged in contempt had no existence. *Seyfert v. Seyfert*, 201 W 223, 229 NW 636.

A sheriff did not return unsatisfied until almost 7 months after delivery to him an execution, made returnable in 60 days, where the debtor owned an undivided interest in personal property at the time the execution was issued and for several months thereafter, and during this period the attorneys for the judgment creditor had notified the sheriff of such interest. He was guilty of contempt for failure to perform his duties. *Cordts v. Reuter*, 223 W 518, 271 NW 39.

Contempt will not lie for failure to pay a gross sum awarded a wife as alimony by a final judgment of divorce, since execution may be had for such sum. *Zuehls v. Zuehls*, 227 W 473, 278 NW 880.

To constitute a civil contempt, the act of disobedience to an injunctive order must tend to defeat, impair, impede or prejudice the rights or remedies of a party in an action or proceeding. Civil contempt is not limited to cases of failure to act but is maintainable for positive acts in violation of a restraining order where these evidence a purpose or have a tendency to defeat or impair the rights of a party to the action. *Wisconsin E. R. Board v. Allis-Chalmers W. Union*, 249 W 590, 25 NW (2d) 425.

Inability of an alleged contemnor to obey a judgment, if not brought on himself, may be a defense to a charge of contempt. *State ex rel. Ignasiak v. Franklin*, 268 W 295, 67 NW (2d) 308.

A refusal to pay in accordance with the provisions of a divorce decree is contumacious only when brought about wilfully and with intent to avoid payment, and imprisonment should not be ordered if it is made to appear that the default is the result of inability to pay. Even though there was enough in the record to suggest that the defendant may have been guilty of wilfully refusing to comply with an order, the trial court was not justified in finding the defendant guilty of contempt and ordering his imprisonment without first granting to him the right to explain that his failure to pay had been caused by his inability to do so. *Howard v. Howard*, 269 W 334, 69 NW (2d) 493.

It is essential in contempt cases that the thing ordered to be done be within the power of the person; however, in the particular case whether or not the thing ordered is within the capability of the person so ordered is a question of fact for the trial court to be decided upon evidence presented as in any other case. In re *Voluntary Assignment of Adam's Rib, Inc.* 39 W (2d) 741, 159 NW (2d) 643.

A divorced person's remarriage outside the state without court permission did not constitute a basis for finding him in contempt under a divorce judgment which merely explained the terms of the statute (245.10) and did not specifically order or adjudge that defendant could not remarry unless court permission was granted, for such part of the judgment was not an order of the court which could be the basis for a finding of contempt. *Hunter v. Hunter*, 44 W (2d) 618, 172 NW (2d) 167.

A federal court has no jurisdiction to punish for contempt under state statutes even if proceedings were pending in a state court for that purpose when the cause was removed to the federal court. *Kirk v. Milwaukee Co.* 26 F 501.

Proceedings and punishment for contempt. *Cordes*, 13 MLR 150.

Contempt of court. *Beilfuss*, 31 WBB, No. 2.

Contempt. *Stone*, 9 WLR 166 and 278.

295.02 History: R. S. 1849 c. 115 s. 2; R. S.

1858 c. 149 s. 2; R. S. 1878 s. 3478; Stats. 1898 s. 3478; 1925 c. 4; Stats. 1925 s. 295.02.

A judgment debtor who refuses to make discovery of his property in an action brought for that purpose and disobeys oral orders of the court made during the trial in open court, and when he is present, may be punished summarily under sec. 3478, R. S. 1878. In re Rosenberg, 90 W 581, 63 NW 1065, 64 NW 299. See also Warren v. Rosenberg, 94 W 523, 69 NW 339.

Under 295.02, Stats. 1961, summary punishment for civil contempt is permissible only if the misconduct occurs in the presence of the court, and in the immediate view of the court; and alleged misconduct committed in the presence of a deputy sheriff at a distance away from the courthouse did not so occur and would not permit of summary punishment. Upper Lakes Shipping v. Seafarers' Int. Union, 22 W (2d) 7, 125 NW (2d) 324.

Where one refuses to obey the specific directions of the court, his misconduct is committed in the presence of the court within the intendment of 295.02, and summary punishment is then permissible. In re Voluntary Assignment of Adam's Rib, Inc. 39 W (2d) 741, 159 NW (2d) 643.

295.03 History: R. S. 1849 c. 115 s. 4; R. S. 1858 c. 149 s. 4; 1866 c. 99 s. 2; R. S. 1878 s. 3479; Stats. 1898 s. 3479; 1907 c. 481; 1913 c. 472; 1925 c. 4; Stats. 1925 s. 295.03; 1961 c. 336.

One committed under sec. 4, ch. 149, R. S. 1858, for refusing to pay money pursuant to an order was entitled to jail liberties after the enactment of ch. 483, Laws 1864. In re Gill, 20 W 686.

Under sec. 4, ch. 149, R. S. 1858, costs imposed by an order of court could be collected of a natural person who was a defendant; but the remedy given thereby was not available against a town. Damp v. Dane, 33 W 430.

Imprisonment for contumaciously refusing to pay instalments of money in accordance with a final judgment for divorce is not necessarily limited to 6 months under sec. 3479, R. S. 1878, but may be under sec. 3492. Staples v. Staples, 87 W 592, 58 NW 1036.

A foreclosure defendant may be punished for breach of an injunction restraining him from collecting rents. Sec. 3479, Stats. 1898, is summary in itself, and assumes that the party will theretofore have had his opportunity to show cause why the peremptory order should not be made. Ability to comply with an order to pay money is not a jurisdictional fact necessary to be shown. In re Meggett, 105 W 291, 81 NW 419.

Absolute motion costs allowed to plaintiffs under sec. 2924, Stats. 1915, on striking out an answer as frivolous could not properly be included in a judgment rendered for plaintiffs upon defendant's failure to amend the answer. Payment of such costs should be enforced under sec. 3479. Holmes v. Webb, 166 W 280, 164 NW 1007.

Failure to make a demand for payment in compliance with the court's order and to file an affidavit showing failure to comply with the demand is nothing more than an irregularity or error, and an order to show cause

serves the purpose of a personal demand. Langen v. Borkowski, 188 W 277, 206 NW 181.

295.04 History: R. S. 1849 c. 115 s. 3, 5; R. S. 1858 c. 149 s. 3, 5; R. S. 1878 s. 3480; Stats. 1898 s. 3480; 1925 c. 4; Stats. 1925 s. 295.04.

Revisers' Note, 1878: Sections 3 and 5, chapter 149, R. S. 1858, so amended as to permit the court in all cases to proceed by an order to show cause or by attachment, in its discretion, but leaving it imperative that it shall do so in all cases except those mentioned in the preceding section; and also so amended as to permit the order to show cause to be made or the writ of attachment to be issued by any judge in vacation, but requiring the same to be made returnable to the court. This, in many cases, will be a great convenience, and there does not appear to be any good objection to proceeding in that way.

Sec. 3480, R. S. 1878, authorizes the complaining party, in the first instance, to take an order upon the accused party to show cause why he should not be punished; and it is not necessary first to take an order upon him to perform the duty. Heymann v. Cunningham, 51 W 506, 8 NW 401.

295.05 History: R. S. 1878 s. 3481; Stats. 1898 s. 3481; 1925 c. 4; Stats. 1925 s. 295.05.

Revisers' Note, 1878: This section is new and is intended to direct in what cases an order to show cause can be made, and to confine that method of proceeding to some violation of or refusal to perform the processes or judgments or orders made in an action or proceeding. And in such cases the proceeding for contempt will be a proceeding in the action or proceeding. The section also directs that, when the proceeding is by attachment, it shall be considered a new proceeding, and shall be prosecuted in the name of the state.

The contempt proceeding is to be entitled in the action out of which it arose. The statement to the contrary in Haight v. Lucia, 36 W 355, was at variance with many well considered cases and the doctrine there laid down was done away with by the subsequent enactment of sec. 3481, R. S. 1878. Emerson v. Huss, 127 W 215, 106 NW 518.

295.06 History: R. S. 1849 c. 115 s. 10; R. S. 1858 c. 149 s. 10; R. S. 1878 s. 3482; Stats. 1898 s. 3482; 1925 c. 4; Stats. 1925 s. 295.06.

Where attachment may issue without a special order of the court, the commissioner may fix the amount of bail. Haight v. Lucia, 36 W 355.

Where the condition of a bond was that the party would appear on return of the attachment against him and abide the order of the court, and on the return day the court set aside the order of attachment and subsequently vacated the last order and granted leave for further prosecution of contempt proceedings, the order vacating the attachment released the sureties and their liability could not be restored without their consent. Lamonte v. Ward, 36 W 558.

295.07 History: R. S. 1849 c. 115 s. 12, 33; R. S. 1858 c. 149 s. 12, 33; R. S. 1878 s. 3483;

Stats. 1898 s. 3483; 1925 c. 4; Stats. 1925 s. 295.07.

In proceedings for civil contempt where an attachment has been issued, the defendant is not entitled to be released on bail unless the court issuing the attachment has indorsed thereon the amount of such bail pursuant to 295.06. Where no bail is thus provided for or no recognizance is given by defendant, the sheriff is required to hold defendant in custody pending return date of the attachment, pursuant to 295.07, but is not required to keep him physically imprisoned. In case a warrant or attachment for contempt is returnable forthwith and no bail is given the sheriff is required to take the prisoner before the court as soon as he reasonably can, and unreasonable delay may constitute false imprisonment. 30 Atty. Gen. 199.

295.08 History: R. S. 1849 c. 115 s. 13; R. S. 1858 c. 149 s. 13; R. S. 1878 s. 3484; Stats. 1898 s. 3484; 1925 c. 4; Stats. 1925 s. 295.08; 1935 c. 483 s. 174.

295.09 History: R. S. 1849 c. 115 s. 7, 9; R. S. 1858 c. 149 s. 7, 9; R. S. 1878 s. 3485; Stats. 1898 s. 3485; 1925 c. 4; Stats. 1925 s. 295.09.

295.10 History: R. S. 1849 c. 115 s. 16; R. S. 1858 c. 149 s. 16; R. S. 1878 s. 3486; Stats. 1898 s. 3486; 1925 c. 4; Stats. 1925 s. 295.10.

295.11 History: R. S. 1849 c. 115 s. 17, 18; R. S. 1858 c. 149 s. 17, 18; R. S. 1878 s. 3487; Stats. 1898 s. 3487; 1925 c. 4; Stats. 1925 s. 295.11.

295.12 History: R. S. 1849 c. 115 s. 19; R. S. 1858 c. 149 s. 19; R. S. 1878 s. 3488; Stats. 1898 s. 3488; 1925 c. 4; Stats. 1925 s. 295.12.

Revisers' Note, 1878: Section 19, chapter 149, R. S. 1858, amended so as to make the section applicable to a case where the defendant is brought into court on a writ of habeas corpus.

A party may be examined on interrogatories where proceedings are commenced by an order to show cause and no attachment has been issued. *Poertner v. Russel*, 33 W 193.

If the facts stated in the order are admitted interrogatories need not be filed. *State ex rel. Mann v. Brophy*, 38 W 413.

An affidavit under 295.04 and interrogatories under 295.12 are both jurisdictionally required, even though defendant is brought before the court pursuant to an order to show cause, but defendant can waive both by failing to demand them or apply for postponement for this purpose. *Upper Lakes Shipping v. Seafarers' Int. Union*, 23 W (2d) 494, 128 NW (2d) 73.

In a civil contempt proceeding in which the contemnor was found guilty of violating a temporary injunction which enjoined certain unions, named individuals, their agents, servants, employes, and persons acting in concert with them from engaging in recognition picketing of vessels of a foreign corporation, the trial court's finding of contumacious conduct was supported by credible evidence. *Upper Lakes Shipping v. Seafarers' Int. Union*, 23 W (2d) 494, 128 NW (2d) 73. See also *Sivyer Steel Co. v. American Steel & Pump Corp.* 32 W (2d) 555, 146 NW (2d) 476.

295.13 History: R. S. 1849 c. 115 s. 20; R. S. 1858 c. 149 s. 20; R. S. 1878 s. 3489; Stats. 1898 s. 3489; 1925 c. 4; Stats. 1925 s. 295.13.

An order adjudging a person in contempt and imposing a penalty need not specify particulars of the violation of the order or judgment or the manner of plaintiff's injury. Such order is not irregular because it directs that in case of nonpayment of sums ordered to be paid defendants shall be imprisoned until the same are paid. *Poertner v. Russel*, 33 W 133.

It is essential that the court determine whether the misconduct was calculated to or actually did defeat, impede or prejudice the rights of a party to the action, and if it is so found then a determination must be made as to whether or not an actual loss or injury resulted to any of the parties from such misconduct. If no such loss or injury resulted then a fine or imprisonment must be imposed as punishment, but if it is adjudged that the loss or injury did result, then no fine or imprisonment could be imposed but the court must order the payment of an indemnity to the person injured. Where the order of the court omits to find these things it is erroneous and no punishment for contempt can be had under it. *Emerson v. Huss*, 127 W 215, 106 NW 518.

Employes who disobeyed a judgment giving effect to an order of the employment relations board, relating to picketing, could not purge themselves of the contempt for disobeying such judgment, and the circuit court, making findings as to the conduct of each defendant, and imposing punishment by fine as to some and by imprisonment as to other defendants, acted within its jurisdiction and power. *Wisconsin E. R. Board v. Allis-Chalmers W. Union*, 252 W 43, 30 NW (2d) 183.

See note to 256.06, citing *State ex rel. Jenkins v. Payne*, 24 W (2d) 476, 129 NW (2d) 147.

295.14 History: R. S. 1849 c. 115 s. 21, 22; R. S. 1858 c. 149 s. 21, 22; R. S. 1878 s. 3490; Stats. 1898 s. 3490; 1925 c. 4; Stats. 1925 s. 295.14.

One who takes property protected by injunction is liable for its value less the cost incurred in manufacturing it. *In re Day*, 34 W 638.

The loss or injury for which compensation may be awarded is a pecuniary loss or injury for which the party injured might recover damages. *State ex rel. Lanning v. Lonsdale*, 48 W 348, 4 NW 390.

The power to award indemnity to an injured party, in a summary proceeding rests upon statute. *State ex rel. Lanning v. Lonsdale*, 48 W 348, 4 NW 390.

A party may be punished for the wilful violation of an injunctive order, although it ought not to have been granted, but he cannot be compelled to pay indemnity to the opposite party. *Kaehler v. Dobberpuhl*, 56 W 497, 14 NW 631; *Kaehler v. Halpin*, 59 W 40, 17 NW 868.

In cases of civil contempts punishable under ch. 150, Stats. 1898, where actual loss or injury results from the alleged misconduct, instead of imposing a fine the proper procedure is to order a sum to be paid to the aggrieved party to indemnify him for such loss or injury. *Emerson v. Huss*, 127 W 215, 106 NW 518.

The provisions of ch. 150, Stats. 1898, governing civil contempts, warrant the imposition of a fine or imprisonment, or both, in cases where no actual loss or injury is shown; and when a fine is so imposed it is in the nature of a penalty, and is to be paid into the state treasury to the credit of the school fund. *Emerson v. Huss*, 127 W 215, 106 NW 518.

Costs are recoverable in a case brought to obtain an injunction and punish for contempt for violation thereof, although no actual loss or injury to plaintiff was shown. *My Laundry Co. v. Schmeling*, 129 W 597, 109 NW 540.

In an action for the partition of personal property, where defendant refused to comply with an order turning over such property, he was not aggrieved by the entry of a judgment against him rather than an award in contempt proceedings under sec. 3490, Stats. 1898, where the amount recoverable in contempt proceedings would have been larger than the judgment. *Laing v. Williams*, 135 W 253, 115 NW 821.

A sentence requiring payment of indemnification, attorney's fees and costs was proper in case of a violation of an injunction prohibiting picketing. *Upper Lakes Shipping v. Seafarers' I. Union*, 23 W (2d) 494, 128 NW (2d) 73.

Contempt proceedings may be terminated by a separate judgment. The proceedings can be commenced by affidavit and order to show cause without a summons and may include persons not parties to the original judgment. *Novo Industrial Corp. v. Nissen*, 30 W (2d) 123, 140 NW (2d) 280.

295.15 History: R. S. 1849 c. 115 s. 23, 24; R. S. 1858 c. 149 s. 23, 24; R. S. 1878 s. 3491; Stats. 1898 s. 3491; 1925 c. 4; Stats. 1925 s. 295.15.

Secs. 23 and 24, ch. 149, R. S. 1858, applies only to cases in which the misconduct complained of consists in the omission to perform some act or duty which it is yet in the power of the defendant to perform. *Poertner v. Russel*, 33 W 193. See also *Heymann v. Cunningham*, 51 W 506, 8 NW 401.

Where the misconduct complained of consists of an omission to perform an act or duty which is within the power of the defendant to perform, she may be committed until she performs such act or duty irrespective of whether or not she is adjudged to pay a fine. *Dovi v. House*, 245 W 59, 13 NW (2d) 590.

Provisions in a contempt judgment imposing imprisonment for 30 days without qualification for failure to make payments or submit records as directed, are modified, since it appears that the contemnor had it within his power to perform those parts of the enforcement judgment, and the court should have ordered any imprisonment for these failures only until the contemnor performed the required acts or duties. *Wisconsin E. R. Board v. Mews*, 29 W (2d) 44, 138 NW (2d) 147.

295.16 History: R. S. 1849 c. 115 s. 25; R. S. 1858 c. 149 s. 25; R. S. 1878 s. 3492; Stats. 1898 s. 3492; 1925 c. 4; Stats. 1925 s. 295.16.

An order directing imprisonment until the person in contempt makes discovery of his property by doing a specified act "or until

the further order of the court" is not indefinite. In *re Rosenberg*, 90 W 581, 63 NW 1065, 64 NW 299.

Where a fine is imposed the order may provide for imprisonment until payment of such fine be made. *Schlitz Brew. Co. v. Washburn Brew. Asso.* 122 W 515, 100 NW 832.

A sentence of 30 days for failure to discharge an employe without affording the contemnor opportunity to purge himself on that count was warranted, where it appeared that as a result of such defiance rights had been adversely affected. *Wisconsin E. R. Board v. Mews*, 29 W (2d) 44, 138 NW (2d) 147.

295.17 History: R. S. 1849 c. 115 s. 26; R. S. 1858 c. 149 s. 26; R. S. 1878 s. 3493; Stats. 1898 s. 3493; 1925 c. 4; Stats. 1925 s. 295.17.

295.18 History: R. S. 1849 c. 115 s. 27; R. S. 1858 c. 149 s. 27; R. S. 1878 s. 3494; Stats. 1898 s. 3494; 1925 c. 4; Stats. 1925 s. 295.18.

295.19 History: R. S. 1849 c. 115 s. 28, 29; R. S. 1858 c. 149 s. 28, 29; R. S. 1878 s. 3495; Stats. 1898 s. 3495; 1925 c. 4; Stats. 1925 s. 295.19.

295.20 History: R. S. 1849 c. 115 s. 30, 31; R. S. 1858 c. 149 s. 30, 31; R. S. 1878 s. 3496; Stats. 1898 s. 3496; 1925 c. 4; Stats. 1925 s. 295.20.

295.21 History: R. S. 1849 c. 115 s. 32; R. S. 1858 c. 149 s. 32; R. S. 1878 s. 3497; Stats. 1898 s. 3497; 1925 c. 4; Stats. 1925 s. 295.21.

CHAPTER 296.

Disposition of Lands of Wards; Specific Performance; Change of Names; Establish Heirships.

296.01 History: R. S. 1849 c. 84 s. 40, 47; R. S. 1858 c. 96 s. 1, 24; R. S. 1878 s. 3498; Stats. 1898 s. 3498; 1925 c. 4; Stats. 1925 s. 296.01; 1929 c. 270 s. 2.

Editor's Note: Ch. 296 and related provisions of the statutes were thoroughly revised by ch. 270, Laws 1929. The bill was No. 188-S, and, by way of introduction, had a long note stating the general scope and purpose of the revision and pointed to the abuses sought to be prevented. That note was primarily an argument to the legislature in support of the bill and has accomplished its purpose. That note has little current value and is not printed in this volume. It is printed in *Wis. Annotations*, 1930, pp. 1376-7.

296.02 History: R. S. 1849 c. 84 s. 49, 72; R. S. 1858 c. 96 s. 3, 26; R. S. 1878 s. 3499; Stats. 1898 s. 3499; 1925 c. 4; Stats. 1925 s. 296.02; 1929 c. 270 s. 3; 1953 c. 440.

Editor's Note: 316.52, Stats. 1953, created by ch. 440, Laws 1953, superseded so much of 296.02, Stats. 1951, as empowered a circuit or county court to authorize or compel the specific performance of any contract made by any person who died before the performance thereof.

296.03 History: R. S. 1849 c. 84 s. 70, 71; R. S. 1858 c. 96 s. 2, 24, 25; R. S. 1878 s. 3500;