

3065 IMPOSSIBILITY: SUPERIOR AUTHORITY

If performance of a promise is prevented by the act of a superior authority such as legislative enactment or a judicial, executive, or administrative order duly made, the duty to perform the promise is discharged.

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.

Restatement, Contracts § 458; Hess Brothers v. Great Northern Pail Co., 175 Wis. 465, 185 N.W. 542 (1921).