

**3066 IMPOSSIBILITY: ACT OF GOD**

If the intervention of unforeseen and uncontrollable superior agencies such as storms or drought render performance impossible, 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.

1 Am. Jur. 2d Act of God § 12; 17 Am. Jur. 2d Contracts §§ 404, 410; Jennings v. Lyons, 39 Wis. 553 (1876); Gill v. Benjamin, 64 Wis. 362, 25 N.W. 445 (1885).