

advanced to E & R for Engrossment.

PRESIDENT: Senator Higgins.

SENATOR HIGGINS: Is this debatable at this time, Mr. President?

PRESIDENT: This is debatable, yes.

SENATOR HIGGINS: Thank you then. I assume you are recognizing me for that purpose.

PRESIDENT: Senator Higgins, I am glad to recognize you. You have the floor.

SENATOR HIGGINS: Thank you, Mr. President. Senator Haberman, nice to see you. Inasmuch as I was absent when this bill first came up, I have been reading some letters from constituents of mine and other people. I've also been listening, as usual, to Senator Chambers and his explanation about women being the property of men. Evidently, the person who wrote this letter knew something about it because he said both causes of action originated in the common law of England, involved compensation to an injured spouse for the third party's interference in a marriage relationship; that is to say compensation for the humiliation, emotional injury, et cetera, suffered by a spouse whose marriage was interfered with by a third party. Then he goes on to explain that both arose as property causes of action. The reason was not because the marriage partner was considered property, but because of the stringent nature of filing lawsuits in England. We remember good old England and Queen Victoria. A property cause of action was the only means available for filing such claims. Today we call such actions common law torts. There is no notion of any property right involved. I think what gets me is the second page of this person's letter where they say reasons given to abolish these causes are marriage relationships involving two adults. These causes of action can only arise in cases where the marriage was on the rocks anyway. Marriage is a private relationship that should not be protected by the civil law. Then this woman goes on to say, none of these reasons are valid. The causes of action, which LB 877 seeks to eliminate, are only successful, are only successful when a jury, looking at the facts of a particular case, finds that the marital relationship was good before the