

shall be privileged from arrest in all cases except treason, felony, and breach of the peace, during their attendance at the session of their respective houses; and in going to and returning from the same, and from being questioned in any other place, for any speech or debate in either house.

SECTION 3. This act to take effect and be in full force from and after the time of its passage.

P. H. ENGLE,

Speaker of the house of representatives.

HENRY S. BAIRD,

President of the council.

H. DODGE.

Approved, Nov. 12, 1836.

No. 2.

AN ACT to establish the judicial districts of the territory of Wisconsin, and for other purposes.

WHEREAS, by an act of congress, approved on the 20th day of April, 1836, entitled "an act to establish the territorial government of Wisconsin," it is provided that the territory of Wisconsin shall be divided into three judicial districts: therefore,

Judicial districts.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin*, that the counties of Crawford and Iowa, shall constitute the first judicial district; that the counties of Dubuque and Des Moines, shall constitute the second judicial district and that the counties of Brown and Milwaukee, shall constitute the third judicial district.

How judges assigned to districts.

SECTION 2. That Charles Dunn, chief justice of the supreme court of the territory of Wisconsin, shall perform district duties in the first judicial district; that David Irvin, associate judge of said court, shall perform district duties in the second judicial district; and that William C. Frazer, associate judge of said court, shall perform district duties in the third judicial district.

Vacancy, how filled.

SECTION 3. That in case of a vacancy in either of the districts aforesaid, by death, resignation or other-

wise, that such successor in office as shall be appointed shall perform the duties in the district of the judge or justice so succeeded.

SECTION 4. That the chief justice and associate judges of the supreme court, may interchange and hold each other's district courts as often as they may agree to do the same; and in case of the absence of one of the district judges from the territory, it shall be in the power of the judge of the adjoining district (considering the first to be adjoining to the third and the second to be adjoining to the first) to perform district duties in the place and during the absence of the proper judge of the district; and the said chief justice and associate judges of the supreme court, may award writs of habeas corpus, ne exeat, certiorari, and injunction, which said writs shall run and have force in each other's district, as if such acts and writs were done and issued by the proper judge of the district: *provided always*, that any duty to be performed by a judge, in any adjoining district, shall not conflict or interfere with the proper duties of his own district.

Judges may exchange districts.

Absence of judge, how remedied.

Either of judges to issue writs of habeas corpus, &c.

SECTION 5. If the chief justice, or any of the associate judges, shall fail to attend in any county, in their respective districts, on the day appointed for commencing the term of the district court therein, as required by law, the court shall be adjourned from day to day, not exceeding five days; and if the judge shall fail to attend by 4 o'clock in the afternoon of the fifth day of the term, the court shall stand adjourned until the next succeeding term of the court, and all writs, process, indictments, recognizances and other proceedings shall stand continued over until the next term of the court as effectually as if the same had been continued by order of the court.

Court adjourned for 5 days, on failure of attendance of judge.

SECTION 6. There shall be two terms of the district courts held annually in each of the counties, now organized in the territory, at the court house thereof, or place provided for holding court, which term shall commence at the respective times hereinafter specified, which said terms shall be commenced and held at the respective times, following to wit:—In the county of Crawford, on the first Monday in May and September, and in the county of Iowa, on the third Monday in May, and first Monday in October; in the county of Dubuque, on the first Monday in May and second

Terms of courts, where and when.

Monday in October; in the county of Des Moines, on the first Monday in April, and first Monday in September; in the county of Brown, on the fourth Monday in May, and second Monday in October; in the county of Milwaukee, on the second Monday in June, and first Monday in November.

Clerks of district courts to take charge of records, &c. from county and circuit courts.

SECTION 7. It shall be the duty of the clerks of the several district courts established by this act, immediately upon assuming the duties of their respective offices, to take into their charge the records of all writs, process and proceedings, and all indictments and informations which were undetermined on the 3d day of July last, in the several county courts of the counties of Crawford, Brown, Iowa, Dubuque, Milwaukee and Des Moines; and the circuit courts of the counties of Iowa, Crawford and Brown, and transfer the same into the several district courts, which may include the said counties respectively, where the same shall be heard, tried and determined; and to take possession of and preserve all records, books, papers, process and proceedings, as may appertain to any former suit or proceedings in the said county or circuit courts, whether determined or undetermined; and the clerks of the said county or circuit courts, or any of them, or any other person who may have possession of the same, who shall refuse or neglect to deliver the same, upon application of the clerk of the district of the proper county, are hereby declared guilty of a misdemeanor, and liable to be punished by fine and imprisonment.

SECTION 8. This act to be in force and take effect from and after the passage hereof.

P. H. ENGLE,

Speaker of the house of representatives.

HENRY S. BAIRD,

President of the council.

H. DODGE.

Approved Nov. 15, 1836.