

LAWS OF WISCONSIN, 1903.

No. 6, S.]

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CHAPTER 1.

AN ACT to repeal the acts establishing a superior court for Milwaukee county and providing for the transfer of causes and proceedings pending therein to the circuit court for the second judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Division of actions from superior to circuit courts. SECTION

1. On and after the first Monday in May, 1903, all actions, causes, pleadings, process and proceedings which may be pending in the superior court for Milwaukee county shall be divided as follows: All of said actions, causes, pleadings, process and proceedings which bear or have an even record number shall on said day be transferred, returnable and continue to and become actions and proceedings in the circuit court of the second judicial circuit and all such actions and proceedings shall on and after that date be deemed and treated as pending in said circuit court for all purposes, to the same extent and with the same effect as if such actions and proceedings had been originally commenced and had in said circuit court; and all motions, orders, writs and proceedings then pending in said superior court in any such actions or proceedings bearing an even record number shall be heard, executed and disposed of in and by said circuit court, which court shall also have power and authority to issue writs of execution and other final process and make such orders and exercise and use such other powers and proceedings as may be in accordance with law, to enforce the previous orders and judgments of said superior court in any such actions

or proceedings. All other actions and proceedings pending in said superior court except only those bearing and having an even record number shall continue and remain in said superior court together with all new actions commenced therein on or after the first Monday in May, 1903, and be subject to the jurisdiction thereof.

Superior court presided over by one judge. SECTION 2. All of the provisions of law relating to the practice in and power, authority and jurisdiction of the superior court for Milwaukee county or the judge thereof, and the power, authority and jurisdiction of said court and the judges thereof as heretofore exercised are hereby continued in full force except only that said superior court on and after the first Monday in May, 1903, shall be presided over by but one judge, which judge shall be the one whose term commenced on the first Monday in January, 1900. It being the true intent and meaning of this act that on and after the first Monday in May, 1903, the power, authority and jurisdiction of the superior court for Milwaukee county shall remain and be vested in and said court shall be presided over by one judge only. The jurisdiction, power and authority of both of the judges of the superior court to continue, however, until the first Monday in May, 1903.

Time of expiration of. SECTION 3. Upon the expiration of the term of the judge of said superior court which expires on the first Monday in January, A. D. 1906, the said superior court shall cease to exist and all acts or parts of acts or provisions of law relating thereto shall be and hereby are repealed, such repeal to take effect from and after the day of the expiration of said term.

Transfer of actions, etc., to circuit court. SECTION 4. On and after the first Monday in January, A. D. 1906, all actions, causes, pleadings, process and proceedings which may be pending in the superior court for Milwaukee county and the jurisdiction of said court whether original or appellate shall on said day be transferred, returnable and continue to, and become actions and proceedings in the circuit court of said second judicial circuit and all such actions and proceedings shall on and after that day be deemed and treated as pending in said circuit court for all purposes to the same extent and with the same effect as if such actions and proceedings had been originally commenced and had in said circuit court; and all motions, orders, writs and proceedings then pending in said superior court in

any and all actions and proceedings shall be heard, executed and disposed of in and by said circuit court, which court shall also have power and authority to issue writs of execution and other final process and make such orders and use such other powers and proceedings as may be in accordance with law to enforce the previous orders and judgments of said superior court in any such actions or proceedings.

Appeals from justice courts, where tried. SECTION 5. On and after the first Monday in January, A. D. 1906, all writs to or appeals from courts held by justices of the peace in Milwaukee county in civil actions and proceedings shall be returnable to and be heard, tried and determined by the circuit court for said second judicial circuit, and all such appeals pending, or returnable before the superior court for Milwaukee county shall be transferred and returnable to said circuit court.

Intent of law. SECTION 6. All acts or parts of acts in conflict with the provisions of this act are hereby repealed. It being the true intent and meaning of this act that on and after the first Monday in January, A. D. 1906, the superior court for Milwaukee county shall cease to exist, and all of its jurisdiction, power and authority and all matters pending therein shall on said day be transferred to continue in and become actions and proceedings in the circuit court for Milwaukee county and subject to the authority and jurisdiction of said court.

Vacancy, how filled. SECTION 7. No election for a judge of the superior court for Milwaukee county shall be held after the passage and publication of this act. In case of a vacancy occurring in the office of judge of said court such vacancy shall be filled by appointment by the governor of Wisconsin to fill the unexpired term of the present incumbent or incumbents of the office of judge of said court.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 16, 1903.