

ness, principal and interest, or may hereafter so fail, but such municipality has received or shall receive the consideration of such indebtedness, and the same has been or shall be applied to its use and benefit, it may refund any such indebtedness, or such portion thereof as may remain unpaid, by the issue of new evidences thereof, at the same or a less rate of interest, and exchange the same for evidences for such former indebtedness; or may issue negotiable bonds therefor at the same or a smaller rate of interest, running not to exceed twenty years, and may substitute said bonds for said indebtedness, or sell the bonds and pay the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9th, 1903.

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No. 422, A.]

[Published March 13, 1903.

## CHAPTER 10.

AN ACT to submit to the people an amendment to the constitution, relating to the number of justices of the supreme court and to provide for elections to fill vacancies in the office of justice of the supreme court.

**Preamble.** Whereas, The legislature of this state at the biennial session for the year 1901, proposed and adopted by a vote of the members elected to each of the two houses, an amendment to the constitution of this state (the same being in fact an amendment to section 4, of article 7 thereof as amended in 1877), the proposed amendment being in the following language:

Resolved, by the assembly, the senate concurring, That section 1 of article VII of the constitution be amended so as to read as follows:

**Provisions of amendment.** SECTION 1. The chief justice and associate justices of the supreme court shall be severally known as the justices of said court, with the same terms of office of ten years respectively as now provided. The supreme court

shall consist of seven justices, any four of whom shall be a quorum, to be elected as now provided, not more than one each year. The justice having been longest a continuous member of said court, or in case two or more such senior justices shall have served for the same length of time, then the one whose commission first expires shall be ex-officio, the chief justice.

**Preamble.** Whereas, The foregoing proposed amendment to the constitution was duly ratified and agreed to by the legislature of this state for the year 1903; and,

**Preamble.** Whereas, It is provided by section 9, of article 7 of the constitution that vacancies in the office of justices of the supreme court shall be filled by appointment of the governor, which shall continue until a successor is elected and qualified; therefore,

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

**When to be submitted to people.** SECTION 1. The proposed amendment to the constitution of this state shall be submitted to the people at an election to be held on Tuesday, the 7th day of April, 1903, and if the people shall approve and ratify said amendment by a majority of the electors voting thereon such amendment shall become a part of the constitution of this state.

**Notice of submission, etc., to be as provided by law.** SECTION 2. Notice of the submission of said question, the form of ballot, the conduct of the election and the canvass of the votes shall all be as provided in chapter 5 of the Wisconsin statutes of 1898, entitled "Caucuses, Electors and General Elections" and the submission and canvass shall be particularly as provided in section 39, 94d and 94t, as the last chapter was amended by chapter 97 of the laws of 1899.

**Terms of additional justices.** SECTION 3. In the event of the ratification of said proposed amendment by the people, one of the additional justices provided for shall be elected at the judicial election in April, 1904, and his term shall commence on the first Monday of January, 1905. The other additional justice provided for by the proposed constitutional amendment shall be elected at the judicial election in April, 1906, and his term shall commence on the first Monday of January, 1907.

**Vacancy, how filled.** SECTION 4. In the event that said proposed constitutional amendment shall be adopted and ratified by the people, section 94s, of the Wisconsin statutes of 1898, as amended by section 1 of chapter 7 of the laws of 1899, shall be amended by striking out in the seventh line thereof the words "justice of the supreme court or" and by adding at the end of said section 1 of chapter 7, the following: "In all cases of vacancy in the office of justice of the supreme court, the person appointed to fill such vacancy shall continue to hold his office until an election can be had in some year in which no other justice is elected pursuant to the constitution and laws of the state, and until his successor has been duly elected and qualified;" so that said section 94s shall in that event when so amended read as follows:

Section 94s. In all cases of vacancy in the office of circuit judge or county judge, the election to fill such vacancy shall be held on the first Tuesday of April next after the vacancy shall happen, in case such vacancy shall happen twenty days before such day; and if no election shall then be held for such purpose, or if the vacancy shall happen within twenty days next before said first Tuesday, then the election shall be held on the first Tuesday of April next thereafter. In all cases of vacancy in the office of justice of the supreme court, the person appointed to fill such vacancy shall continue to hold his office until an election can be had in some year in which no other justice is elected pursuant to the constitution and laws of the state and until his successor has been duly elected and qualified.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1903.