

No. 7, S.]

[Published March 3, 1903.

## CHAPTER 2.

AN ACT to provide for two additional circuit judges for the second judicial circuit.

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

**Election authorized.** SECTION 1. The election of two additional circuit judges in and for the second judicial circuit is hereby authorized.

**Special election.** SECTION 2. A special judicial election shall be held in and for Milwaukee county on the first Tuesday of April, A. D. 1903, according to law for the election of one of said additional circuit judges.

**Extent of term—compensation.** SECTION 3. Such additional circuit judge then elected shall enter upon the discharge of his duties as such and hold his office for a term commencing on the first Monday in May, 1903, and ending on the day preceding the first Monday in January, A. D. 1910, and his successors shall be elected at the regular judicial election held in the last year of the preceding term and shall hold office for the term of six years, such term to commence on the first Monday in January succeeding such election. Such additional circuit judge shall receive the same compensation now received by the judges of the second judicial circuit, payable in the same manner as provided by chapter 377 of the laws of Wisconsin of 1897.

**Additional judge.** SECTION 4. The election of the other of said additional circuit judges hereby authorized shall be had at a judicial election to be held in Milwaukee county on the first Tuesday of April, A. D. 1905, according to law for the election of circuit judges.

**Term and compensation.** SECTION 5. Such other additional circuit judge so elected shall enter upon the discharge of his duties as such and hold his office for a term of six years, commencing on the first Monday in January, A. D. 1906, and his successor shall be elected at the regular judicial election held in the last year of the preceding term and he shall hold office

for the full term of six years, such term to commence on the first Monday of January succeeding such election; the additional circuit judge hereby authorized to be elected shall receive the same compensation now received by the judges of the second judicial circuit, payable in the same manner, as provided by chapter 377 of the laws of Wisconsin of 1897.

**Court rooms, deputy, sheriffs and clerks provided.** SECTION 6. The board of supervisors of Milwaukee county shall provide court rooms and suitable offices wherein each of said judges may discharge his duties as a judge at chambers. The sheriff of said county shall provide deputy sheriffs whose duty it shall be to preserve order in the court held by each of said additional circuit judges and such other duties as are usually required of deputy sheriffs, and the clerk of the circuit court for Milwaukee county shall furnish such court with a sufficient number of deputy clerks to keep the minutes of such court and do such other acts as are usually done and performed by deputy clerks, and said sheriff and clerk are hereby authorized to appoint such deputies not exceeding one to each of said judges, and such deputies shall be compensated the same as other deputies assigned to the performance of like duties.

**Provisions of law to apply.** SECTION 7. The provisions of chapter 2, laws of Wisconsin for 1899, shall apply hereto so far as the same are applicable.

**Judges may act together; the presiding judge; majority to determine.** SECTION 8. All of the circuit judges of said circuit may act together or separately as they may determine, and may divide and apportion the cases upon the calendar of the circuit court of said county in such manner as they may determine is best calculated to insure justice to the parties and expedite the business of said court; a majority of said judges shall have authority to apportion and divide the business of said court. In the event of said judges sitting in banc upon the trial or hearing of any case, proceeding or motion, the judge of said court having been longest a continuous member of said court shall be ex officio the presiding judge. The decision of a majority of the judges so sitting shall determine the ruling decision or judgment of said court, and in case of an equal division between said judges the relief prayed or asked shall be denied.

**Prejudice, in event of.** SECTION 9. In the event of the filing of an affidavit of prejudice of one or more of said judges in

any action or proceeding, pursuant to section 2625 of the Wisconsin statutes of 1898 as amended, the trial or hearing of any such action or proceeding and all proceedings therein shall be had before some one of the other of said judges of said circuit court against whom the cause complained of does not exist, if such there be. If there be no such judge of said circuit court, then some other judge may be called in or an order may be made changing the place of trial or hearing of said action or proceeding to some other county, as now by law provided.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 16, 1903.

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No. 4, S.]

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### CHAPTER 3.

AN ACT authorizing cities of the first class to acquire easements for viaducts, bridges, etc., by gift, grant or purchase and to provide for a joint use of the same.

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

**Easements acquired for viaducts and bridges.** SECTION 1. Every city of the first class is hereby authorized and empowered to acquire easements for viaducts, bridges, subways and tunnels by gift, grant or purchase and by contract to provide for a joint use of the surface of the ground included within such easement with the owners thereof.

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

Approved Feb. 28, 1903.