

No. 7, A.]

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CHAPTER 7.

AN ACT to repeal chapter 218, laws of 1899, section 15a (3) as created by chapter 26, laws of 1947; to amend chapter 218, laws of 1899, section 8, as amended by chapter 271, laws of 1937 and chapter 26, laws of 1947, and section 16, as amended by chapters 485 and 702, laws of 1913, chapter 20, laws of 1925 and chapter 513, laws of 1935; to repeal and recreate chapter 218, laws of 1899, section 3, as amended by chapter 485, laws of 1913 and chapter 62, laws of 1933, and section 15a (1), as created by chapter 271, laws of 1937; and to create chapter 218, laws of 1899, section 2m, relating to the district court of Milwaukee county.

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

SECTION 1. Chapter 218, laws of 1899, section 2m is created to read:

(Chapter 218, Laws of 1899) Section 2m. There is hereby created and established in and for the county and city of Milwaukee an additional branch of the district court which shall be known as district court branch 2, or the traffic court. The primary purpose of creating branch 2 of the district court is to establish a traffic court. It shall be the duty of the judge of branch 2 to devote his time primarily to traffic cases. It shall be the duty of the clerk of the municipal and district courts to return all district court processes relating to traffic violations to branch 2 of the district court. The existing district court shall be known as district court branch 1. It shall be the duty of the clerk of the municipal and district courts to return all district court processes other than traffic violations to branch 1 of the district court. Unless otherwise specified, the words "district court" or "district judge", as used in this act, shall include both the judges and the courts of district court branch 1 and district court branch 2. For the purpose of this act, the words "traffic violation" shall mean every violation against the state, city or county traffic laws wherein are involved devices in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices moved by human power or used exclusively upon stationary rails or tracks, and it shall also include the licenses for the same and licenses for the operators of the same. Nothing herein contained shall be construed to deprive any justice of the peace of any town, or any city or village justice in any incorporated village or city in Milwaukee county, except only in the city of Milwaukee, of jurisdiction to hear, try and determine complaints for the violation of any such town, city or village ordinance, or for the violation of any rule, regulation or ordinance, or for the violation of any rule, regulation or ordinance of any board of health of any town, city or village.

SECTION 2. Chapter 218, laws of 1899, section 3, as amended by chapter 485, laws of 1913, and chapter 62, laws of 1933, is repealed and recreated to read:

(Chapter 218, Laws of 1899) Section 3 (1). The election for the judge of the district court branch 1 shall be held on the first Tuesday of April, 1949, and on the same day of the same month each 6 years thereafter, and said district court judge of branch 1 shall hold his office from the first Monday of January next succeeding his election and until his successor shall have been elected and qualified. The election for the judge of the district court branch 2 shall be held on the first Tuesday of April, 1949, for a term commencing on the first day of May, 1949, or as soon thereafter as the city and county of Milwaukee shall suitably furnish some courtroom in some suitable place in said city, and ending on the day preceeding the first Monday in January, 1955, and his successor shall be elected at a judicial election to be held on the first Tuesday of April, 1954, and every 6 years thereafter, and shall hold office for the term of 6 years, from the first Monday of January next succeeding his election until his successor shall have been elected and qualified.

(2) Said district court judge shall be a resident of said county and an attorney admitted to practice for more than 5 years in the circuit court of Milwaukee county and shall not, during his term as judge, engage in the practice of law, and may be removed from office for cause in a manner provided by law for the removal of justices of the peace. The resignation of the district judge shall be made to the governor of the state. Whenever a vacancy shall occur in the office of said judge, from any cause whatever, the governor shall appoint a district judge and the person so appointed shall hold for the residue of the term.

SECTION 3. Chapter 218, laws of 1899, section 8, as amended by chapter 271, laws of 1937, and chapter 26, laws of 1947 is amended to read:

(Chapter 218, Laws of 1899) Section 8. Said district court shall be held in the city of Milwaukee in some suitable place to be provided and suitably furnished by said city and county of Milwaukee, and it shall open for business every morning (Sundays and legal holidays excepted). In case of the absence, sickness or temporary disability of said district judge, the clerk of the district court shall notify the calendar judge of the civil court who shall then assign himself or an associate judge to duty in the district court, and it shall be the duty of the associate judge so assigned to attend and preside in the district court. Said district judge shall not voluntarily absent himself from the duties of his office for more than 40 days in any one year, except for sickness. *The judge of district court branch 1 and the judge of district court branch 2 shall not be voluntarily absent from the duties of their office at the same time except for sickness.* Said district court judge may in his discretion, in the event there is an accumulation of pending cases which would result in an unusual delay in trials or preliminary examination * * * direct the clerk of the district court in like manner to notify the calendar judge of said civil court who shall then assign himself or one or more of the associate judges to try cases or hold preliminary examinations, as the case may be, as to such actions that may be assigned for trial or preliminary examinations, and for that purpose such civil court judge may hold special sessions of the district court in any available courtroom in the safety building or courthouse in the city of Milwaukee, in the conduct of which trial or preliminary examination the civil judge so acting shall act as acting district court judge and such special sessions shall be conducted under rules established for such special sessions by the district court act. *In the event of an accumulation of cases in either branch 1 or branch 2 of the district court in any one day or any period of time, either one of the judges of said branch 1 or branch 2 shall, upon the request of the other judge, assist the other judge in the trial or hearing of, or proceedings in, such cases if it will not interfere with his regular calendar.*

SECTION 4. Chapter 218, laws of 1899, section 15a, (1) as created by chapter 271, laws of 1937, and chapter 26, laws of 1947 is repealed and recreated to read:

(Chapter 218, Laws of 1899) Section 15a (1). In the event than any party shall file his affidavit that he has good reason to, and does, believe that he cannot have a fair trial on account of the prejudice of either one of the judges of branch 1 or branch 2 of the district court, or if any such judge shall otherwise be disqualified to try the case, he shall immediately transfer the action to the other branch of the district court. If the judge of such other branch be otherwise disqualified, or shall disqualify himself for any reason, the clerk shall notify the calendar judge of the civil court who shall then assign himself or an associate judge to hear the matter as acting district court judge.

SECTION 5. Chapter 218, laws of 1899, section 15a (3) as created by chapter 26, laws of 1947, is repealed.

SECTION 6. Chapter 218, laws of 1899, section 16 as amended by chapters 485 and 702, laws of 1913, chapter 20, laws of 1925, and chapter 513, laws of 1935, is amended to read:

(Chapter 218, Laws of 1899) Section 16. The salary of the district judge of Milwaukee county shall be * * * *\$10,000 a year from January 1, 1949*, and for the remainder of the present term, payable monthly at the end of each and every month by the city of Milwaukee, except that the same may be increased or decreased at any time by the county board of Milwaukee county for future terms of office but shall not be decreased for future terms of office from what it is fixed at at the commencement of such future term for which such judge is elected or appointed, until the expiration of the term for which he is elected or appointed. The fees of the clerk, witnesses, jurors, sheriff and other officers, and the taxable costs of the suit shall be the same as now in the police or municipal court of said city in the county of Milwaukee in similar cases. In all cases before said district court, the costs shall be paid in criminal prosecutions in the name of the state, by the county of Milwaukee, and in the city prosecutions by the city of Milwaukee, when not otherwise collected, upon a certificate of the clerk of said court.

SECTION 7. Notwithstanding any other provision of law, candidates for the office of judge of branch 2 of the district court for Milwaukee county shall have until 5 p.m., February 15, 1949, to file their nomination papers for the primary election to such office in 1949.

Approved January 28, 1949.
