

No. 92, S.]

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CHAPTER 251.

AN ACT to renumber and revise 252.15 of the statutes, relating to the powers and duties of court commissioners.

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

SECTION 1. 252.15 (1) of the statutes is renumbered 252.15 and revised to read:

252.15 COURT COMMISSIONERS; POWERS AND DUTIES. (1) TESTIMONIAL POWERS. A court commissioner may issue subpoenas and attachments and other process to compel the attendance of witnesses; administer oaths and affidavits; take depositions and testimony when authorized by law or rule or order of any court within its jurisdiction; and certify and report said depositions and testimony.

(2) CERTIFICATION OF RECORD FOR REVIEW OF HIS RULINGS. The commissioner may at any time certify the record taken on a deposition to the court for review of such of his rulings as he indicates; he shall certify it on motion of a party at the conclusion of the taking, noting the rulings which either party desires reviewed. If the court orders a person to answer questions which were not answered on the deposition, such matters may be further developed on return of the record.

(3) **ACKNOWLEDGMENTS, ETC.** He may take and certify acknowledgments; state accounts referred to him by the court; and fix the amount and sufficiency of bail.

(4) **WRITS.** He may allow writs of habeas corpus, certiorari, ne exeat and alternative writs of mandamus; and may grant injunctions except in the cases mentioned in section 133.07 (2).

(5) **POWER AND RESTRICTIONS ON POWER TO MAKE ORDERS.** He has the powers and is subject to the restrictions thereon of a circuit judge at chambers; but when the authorization is to the presiding judge or the circuit judge—using such words of designation—a court commissioner cannot act.

(6) **PUNISH CONTEMPTS.** He has power concurrent with that of a circuit judge at chambers to punish disobedience of his lawful orders made in proceedings pending before him, but subject to review by the circuit court or by the court in which the proceeding is pending if it is pending in a different court.

(7) **RECORD OF PROCEEDINGS; WHEN FILED.** He shall keep a record of proceedings before him and at the expiration of his term shall deliver such record and all his official papers to the clerk of the circuit court.

(8) **MUNICIPALITIES EXTENDING INTO 2 COUNTIES.** A court commissioner who resides in a city or village which is located partly in one county and partly in another may keep his office and exercise his authority as commissioner and enforce his orders anywhere in such city or village as well as throughout the county of his residence, the same as he could do if the city or village was entirely in the county in which he resides.

(9) **ACTIONS IN COUNTY COURTS HAVING CIVIL JURISDICTION.** In any county in which the county court has civil jurisdiction a court commissioner has the same powers and duties in civil actions in the county court as he would have if the actions were in the circuit court.

(10) **GENERAL PROVISION.** He shall perform other duties required of him by the circuit court or which are proper for the exercise of powers expressly granted.

SECTION 2. 252.15 (2) and (3) of the statutes are renumbered 252.152 and revised to read:

252.152 SPECIAL POWERS AND DUTIES OF COMMISSIONERS IN MILWAUKEE COUNTY. (1) In each county constituting an entire judicial circuit the circuit judges may designate court commissioners to make findings of fact and conclusions of law in actions to foreclose mortgages or mechanics' liens. Said judges may refer to such court commissioners cases in which:

(a) The trial of an issue of fact requires the examination of a long account; in which case the court commissioner may be directed to decide the whole issue or report upon any specific question of fact involved therein;

(b) The taking of an account is necessary for the information of the court before judgment or for carrying a judgment or order into effect;

(c) A question of fact other than upon the pleadings arises.

(2) In a county which constitutes an entire circuit a court commissioner may order a party charged with contempt for disobeying an order made in supplementary proceedings to show cause in the court why he should not be punished for contempt; which order to show cause shall be served by the sheriff.

(3) The compensation of court commissioners for services under this section shall be fixed by the circuit judges, including fees for reporting services; and such compensation shall be in full for all services performed by them. No transcript of testimony taken before such court commissioner shall be typed unless specifically authorized by the circuit judges.

Approved May 23, 1951.