

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1957 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES  
VOLUME 4

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**Place in Pocket of Corresponding  
Volume of Main Set**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1957

of habeas corpus and cause such person to be brought before him for this purpose, and may take such recognizance; provided, however, that during a term of the superior court, a bail commissioner is not authorized to admit to bail any person confined in jail or held under arrest by virtue of a precept returnable to said term; and when a person is confined in jail for a bailable offense or for not finding sureties on a recognizance and the amount of his bail has been fixed by a justice of the supreme judicial court or of the superior court or by a judge or recorder of a municipal court, a bail commissioner is not authorized to change the amount of such bail. Such bail commissioner shall receive not exceeding the sum of \$5 in each case in which bail is so taken, the same to be paid by the person so admitted to bail; but the person admitted to bail shall not be required to pay any other fees or charges to any officer for services connected with the giving of such bail; provided, however, that if a bail commissioner takes bail after 8:00 P. M. and prior to 8:00 A. M. of the following day he shall be permitted to receive a charge of up to \$10 for the occasion of taking such bail, but said charge shall not be in addition to the charge in each case otherwise authorized in this section but shall be inclusive of such charge or charges.

(1955, c. 356.)

**Effect of amendment.**—The 1955 amendment added the proviso at the end of the first paragraph. As the second paragraph was not changed, it is not set out.

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## Chapter 127.

### Writ of Audita Querela.

#### Sec. 1. Form.

**Definition of writ of audita querela and when allowed.**—See *Wintle v. Wright*, 151 Me. 212, 117 A. (2d) 68.

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## Chapter 129.

### Writs of Error, Certiorari, Mandamus and Quo Warranto.

#### Writs of Error.

#### Sec. 9. Proceedings.

**Section applicable to civil and criminal cases.**—The fact that this section has been placed, by the revisors of the statutes, with certain other sections relating to civil cases renders it no less effective in criminal cases. It is not restricted by its terms, and is applicable to cases civil or criminal. *Dwyer v. State*, 151 Me. 382, 120 A. (2d) 276.

**A writ of error coram nobis** may be petitioned for in the superior court in the

county where conviction was had, or judgment rendered, in the case, and where the record is. If the petition is in proper form and the petition shows on its face a valid cause (when or if proved by the petitioner at a hearing on the writ), the court should order the writ of error coram nobis to issue and hearing should be had thereon. *Dwyer v. State*, 151 Me. 382, 120 A. (2d) 276.

#### Writs of Error in Criminal Cases.

#### Sec. 11. Writ of error in criminal cases.

Quoted in *Dwyer v. State*, 151 Me. 382, 120 A. (2d) 276.

**Sec. 12. Effect; custody of plaintiff; release on bail; copies of judgment.**

**Errors that appear upon face of record.**—This section and section 11 of this chapter, when this statute has been invoked, have been construed to apply to