

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FORTY-NINTH LEGISLATURE.

SENATE.

No. 40.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

AN ACT to provide for the appointment and supervision of clerks of the judicial courts.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. Clerks of the judicial courts instead of 2 being elected, as now provided by the first section of 3 the seventy-ninth chapter of the revised statutes, shall 4 be appointed as hereinafter enacted.

SECT. 2. Whenever in any county, the office of the 2 clerk of the judicial courts becomes vacant, by the 3 expiration of the term for which such clerk has here- 4 tofore been elected, or by resignation, death, removal 5 or otherwise, the justices of the supreme judicial court, 6 at the next term holden in the judicial district in 7 which said county is included, shall appoint a clerk to

8 hold the office till removed by the said justices sitting
9 in the same district, as a court of law. Clerks so
10 appointed shall receive a proper commission signed by
11 the chief justice, and shall be duly qualified by taking
12 the oaths of office required by law, for the qualification
13 of other civil officers, and shall forward a proper cer-
14 tificate of such qualification to the secretary of state,
15 and a duplicate to the clerk of the judicial district in
16 which the appointment was made, to be placed on the
17 files of said secretary and of the court, and to be duly
18 recorded.

SECT. 3. The justices of the supreme judicial court,
2 sitting as a court of law, may remove from office the
3 clerk of the judicial courts in any county in the district
4 in which the court is so sitting, and may appoint
5 another in his place whenever in their judgment the
6 interest of the public, or the proper discharge of the
7 duties of the office requires.

SECT. 4. The several justices of the supreme judicial
2 court, at the annual law terms in the several judicial
3 districts, shall report to their associates present their
4 observation of the manner in which the clerks, in the
5 counties in the respective districts where the said
6 justices within the preceding year have presided at
7 any term of court, have conducted themselves in office.

SECT. 5. Nothing contained in this act shall be

2 taken to change the existing law as to the duties and
3 powers of clerks of the judicial courts.

SECT. 6. The tenth section of the seventy-ninth
2 chapter of the revised statutes, is hereby amended so
3 as to read as follows :

4 *Sect. 10.* When a clerk is absent, or the office is
5 vacant, and an existing or immediate session of the
6 court renders the appointment of a clerk necessary,
7 the court may appoint one to supply the vacancy, until
8 an appointment is made by the justices of the supreme
9 judicial court sitting as a court of law in that district,
10 or during such absence, who shall be sworn, and give
11 such bond as the court orders.

STATE OF MAINE.

IN SENATE, February 26, 1870.

Reported from the Committee on the Judiciary, by Mr. REED
of Cumberland, and printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*