

NAVAL GOVERNMENT OF GUAM

Executive Order Number 24-47.

TO THE PEOPLE OF GUAM:

Subj: Amendment of the Code of Civil Procedure of the Island of Guam - The Superior Court of Guam.

WHEREAS, an emergency exists relating to the administration of justice on Guam, and

WHEREAS, it is necessary that an additional court be constituted for the hearing of special matters and to alleviate the judiciary burden of the criminal dockets of the Island Courts of Guam, and

WHEREAS, there is not sufficient time to prepare and present the matter to the Guam Congress at its next regular session 4 October 1947, and time is of the essence, and

WHEREAS, the Secretary of the Navy has approved the appointment of John C. Fischer as Presiding Justice of the Court of Appeals of Guam,

NOW THEREFORE, the Code of Civil Procedure of the Island of Guam is hereby amended by the insertion thereof of a chapter to Part I, Title I of said Code which shall be numbered Chapter IA, entitled "The Superior Court of Guam" which shall provide as follows:

1. The Superior Court Composition. -- The Superior Court shall consist of one Justice.
2. Jurisdiction. -- The jurisdiction of the Superior Court is:
 - (a) Original and exclusive jurisdiction of all civil actions and proceedings to which the Naval Government of Guam or the United States of America is a party plaintiff, party defendant, or party in interest;

"(b) Concurrent jurisdiction with the Island Court of all criminal actions constituting a felony under the Penal Code of Guam.

3. Appellate Jurisdiction. -- The Superior Court shall have no appellate jurisdiction.

4. Process. -- The process of the Superior Court shall extend to all parts of the Island.

5. Powers to Issue Writs. -- In the exercise of its original jurisdiction, the Superior Court shall have the power to issue writs of mandamus, prohibition and habeas corpus; and it shall also have power to issue all other writs necessary and proper to the complete exercise of its jurisdiction.

6. Decisions. -- Decisions of the Superior Court shall be in writing and the grounds of the decision shall be stated.

7. Appeals. -- Appeals from all decisions of the Superior Court, shall be direct to the Secretary of the Navy.

8. Sessions. -- The Superior Court shall always be open (legal and non-judicial days excepted) and shall hold its sessions in Agaña. It shall hold two regular sessions commencing on the first Mondays of January and July, and special sessions at such other time as may be prescribed by the Justice.

9. Adjournments. -- Adjournments from day to day, or from time to time are to be construed as recesses in the sessions, and shall not prevent the court from sitting at any time.

10. Presiding Justice of the Court of Appeals. -- The Justice of the Superior Court will be the Presiding Justice of the Court of Appeals.

ll. Transfer of Books, Papers and Actions. -- All records, books, papers, causes, actions and proceedings lodged, deposited or pending in any court, wherein the Naval Government of Guam or the United States of America is a party plaintiff, party defendant or party in interest, are transferred to the Superior Court which has jurisdiction over them as if they had been in the first instance lodged, deposited, filed or commenced therein."

Given under my hand at Agana, Guam this 3rd day of October, A.D. 1947.

/s/ C. A. Pownall
C.A. POTENTIAL
Governor of Guam

CERTIFICATION OF ACTION TAKEN BY
THE HOUSE OF ASSEMBLY AND HOUSE
OF COUNCIL OF THE GUAM CONGRESS

We, B. J. BORDALLO, Chairman of the House of Council, and E. T. CALVO, Chairman of the House of Assembly of the Guam Congress, respectively, do hereby certify that the attached and foregoing Executive Order No. 24-47 was passed by a majority of both Houses of Guam Congress in regular session duly assembled on the 1st day of November, 1947, in accordance with the provisions of the Proclamation of the Secretary of the Navy dated 7 August 1947.

Dated this the 12th day of November, 1947.

/s/ B. J. Bordallo
Chairman, House of Council

/s/ E. T. Calvo
Chairman, House of Assembly

APPROVED: _____ /s/ C. A. Pownall
Governor of Guam

Dated: 12th day of November, A. D., 1947

AUTHENTICATED:

F. S. Tamm
F. S. TAMM,
Civil Administrator.

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