

# MAINE STATE LEGISLATURE

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# Sixty-Eighth Legislature.

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SENATE.

No. 204.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND NINETY-SEVEN

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AN ACT to regulate the admission to practice of Attorneys,  
Solicitors and Counselors, to provide for a Board of Exam-  
iners, and to Repeal Conflicting Acts.

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

Section 1. Practicing attorneys, residents of other states  
2 and territories, or from foreign countries, may be admitted  
3 on motion to try cases in any of the courts of this State by  
4 such courts, but shall not be admitted to the general prac-  
5 tice of law in this State without complying with the pro-  
6 visions of this act; provided, that where the applicant shall  
7 furnish the supreme judicial court a certificate of admis-  
8 sion to practice in the court of last resort of any state, or  
9 a certificate of admission to any circuit court of the United  
10 States, together with the recommendation of one of the

11 judges of the court of last resort of such state, said supreme  
12 judicial court may in its discretion, if satisfied as to his  
13 qualifications; admit such person to practice on motion  
14 made by some member of the bar of said court.

Sect. 2. Every other person who shall be of full age, a  
2 resident and a citizen of the United States and of a good  
3 moral character, may be admitted to practice as an attorney  
4 and counselor at law, and solicitor and counselor in chan-  
5 cery, in all the courts of record of this State on motion  
6 made in open court, but the applicant shall first produce  
7 the certificate hereinafter provided for from the board of  
8 examiners, to be appointed by the governor upon the  
9 recommendation of the chief justice of the supreme judi-  
10 cial court, that he possesses sufficient learning in the law,  
11 and moral character and ability to enable him to properly  
12 practice as an attorney and counselor at law and solicitor  
13 and counselor in chancery in the courts of this State. No  
14 person shall be entitled to practice as an attorney and coun-  
15 selor at law and solicitor and counselor in chancery in this  
16 State until he shall be licensed so to do by said courts.

Sect. 3. The governor shall on the recommendation of  
2 the chief justice of the supreme judicial court, and on or  
3 before the first day of July, eighteen hundred and ninety-  
4 seven appoint a board of examiners, composed of five com-  
5 petent lawyers of this State, for the examination of appli-  
6 cants for the admission to the bar, whose term of office  
7 shall be as follows: One for one year, one for two years,  
8 one for three years, one for four years, and one for five  
9 years, and thereafter each year the governor, on like recom-  
10 mendation, shall appoint one member of the board for the  
11 term of five years. Such board shall meet annually at

12 Portland in January, at Bangor in April, at Augusta in  
13 October, during the sessions of the supreme judicial court,  
14 and also at such other times and places in the State if the  
15 supreme judicial court shall so direct, for the purpose of  
16 examining all applicants for admission to the bar, as to  
17 their legal learning and general qualifications to practice in  
18 the several courts of this State as attorneys and counselors  
19 at law and solicitors and counselors in chancery and upon  
20 such examination being had, the board shall issue to such  
21 applicants as shall pass the required examination, a certifi-  
22 cate of qualification stating the standing of the applicants  
23 and recommending their admission to the bar. Such  
24 board shall elect from their number a secretary and a treas-  
25 urer and shall make such rules and regulations relative to  
26 said examination as to them may seem proper. The presi-  
27 dent of said board shall be the member whose term of office  
28 soonest expires. Three members of said board shall con-  
29 stitute a quorum for the transaction of business.

Sect. 4. The residences and names of the applicants shall  
2 be made to appear to said board by affidavit and satisfactory  
3 evidence shall also be produced by said applicants of their  
4 good moral character and of their having pursued the study  
5 of the law in the office of some attorney or in some recog-  
6 nized law school or university for at least three years prior  
7 to such examination; and a fee to be fixed by said board  
8 of not more than twenty dollars shall accompany the appli-  
9 cation. The applicant shall be required to submit to a writ-  
10 ten examination which shall be prepared by said board,  
11 also to an oral examination by the board, and shall be  
12 required to answer correctly a minimum of 70 per cent of  
13 the questions given him to entitle him to the certificate of

14 the board. The board shall, however, have power to  
15 establish such higher grades of standing as to them may  
16 seem proper.

Sect. 5. The examination papers shall be kept on file in  
2 the office of the secretary of the board, and a record kept  
3 of each application, the name of the applicant and his  
4 qualifications and general standing as ascertained by such  
5 examination, and the secretary of the board shall furnish  
6 each applicant with a card, showing the proficiency he has  
7 attained in each branch or subject upon which he has been  
8 examined, whether a certificate is issued or not. Any  
9 applicant failing to pass the examination may again apply  
10 after six months, by showing to the board that he has dili-  
11 gently pursued the study of the law six months prior to  
12 the examination, and shall not be required to pay an extra  
13 fee for the second examination.

Sect. 6. No person who is a resident of or a student at  
2 law in this State shall be eligible to examination for admis-  
3 sion to the bar unless he shall have been enrolled in the  
4 records of the examining board, as a student at law for the  
5 full period of three years. Every person desiring to become  
6 enrolled as a student at law shall make application in writ-  
7 ing to the board of examiners, praying to be so enrolled  
8 and offering to submit to an examination. The sum of  
9 ten dollars shall accompany such application, notice of the  
10 pendency of such application shall be published in some  
11 newspaper published in the city or town where the candi-  
12 date resides, if any, and if not, in some newspaper pub-  
13 lished in the county. At the next regular or special meet-  
14 ing of said board such candidate shall present himself for  
15 examination. At said examination said board shall enquire

16 into the moral character and ethics of the candidate and  
17 his general fitness for the profession of law. If the result  
18 of such inquiry and examination is satisfactory to the  
19 board, the applicant, unless he be a graduate of some col-  
20 lege, shall be fully examined in such branches of elemen-  
21 tary and higher education as shall be required by the rules  
22 of said board. If said examination is satisfactory, or the  
23 candidate is a college graduate as aforesaid, he shall be so  
24 enrolled.

Sect. 7. The board of examiners shall receive as com-  
2 pensation for their services ten dollars per day for the time  
3 actually spent, and the necessary expenses incurred in the  
4 discharge of their duties as examiners, in going to, holding,  
5 and returning from , such examination to be certified by the  
6 clerk or one of the justices of the supreme judicial court;  
7 provided, however, that all compensation for services and  
8 expenses shall not exceed the amounts received as fees from  
9 applicants.

Sect. 8. Sections 23 and 24 of chapter 79 of the Revised  
2 Statutes and all other acts and parts of acts inconsistent  
3 herewith are hereby repealed.

Sect. 9. Except so far as relates to the appointment of  
2 the board of examiners herein provided for, this act shall  
3 not take effect until January 1, 1898.



STATE OF MAINE.

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IN SENATE, March 24, 1897.

Reported by Mr. STEARNS, from Committee on the Judiciary, and  
laid on table to be printed under joint rules.

**KENDALL M. DUNBAR**, *Secretary*.