

# MAINE STATE LEGISLATURE

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# Sixty-Ninth Legislature.

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SENATE.

No. 126

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## STATE OF MAINE.

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

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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 made  
14 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 recom-  
9 mendation of the chief justice of the supreme judicial court,  
10 that he possesses sufficient learning in the law, and moral  
11 character and ability to enable him to properly practice as an  
12 attorney and counselor at law and solicitor and counselor in  
13 chancery in the courts of this State. No person shall be  
14 entitled to practice as an attorney and counselor at law and  
15 solicitor and counselor in chancery in this State until he shall  
16 be licensed so to do by said courts.

Sect. 3. The governor shall on the recommendation of the  
2 chief justice of the supreme judicial court, and on or before  
3 the first day of July, eighteen hundred and ninety-nine  
4 appoint a board of examiners, composed of five competent  
5 lawyers of this State, for the examination of applicants for  
6 the admission to the bar, whose term of office shall be as fol-  
7 lows: One for one year, one for two years, one for three  
8 years, one for four years, and one for five years, and there-

9 after each year the governor, on like recommendation, shall  
10 appoint one member of the board for the term of five years.  
11 Such board shall meet annually at Portland in January, at  
12 Bangor in April, at Augusta in October, during the sessions  
13 of the supreme judicial court, and also at such other times  
14 and places in the State as the supreme judicial court shall  
15 direct, for the purpose of examining all applicants for admis-  
16 sion to the bar, as to their legal learning and general quali-  
17 fications to practice in the several courts of this State as  
18 attorneys and counselors at law and solicitors and counselors  
19 in chancery and upon such examination being had, the board  
20 shall issue to such applicants as shall pass the required exam-  
21 ination, a certificate of qualification stating the standing of  
22 the applicants and recommending their admission to the bar.  
23 Such board shall elect from their number a secretary and  
24 a treasurer and shall make such rules and regulations relative  
25 to said examination as to them may seem proper. The presi-  
26 dent of said board shall be the member whose term of office  
27 soonest expires. Three members of said board shall con-  
28 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 and satisfactory evidence  
3 shall also be produced by said applicants of their good moral  
4 character and of their having pursued the study of the law  
5 in the office of some attorney or in some recognized law  
6 school or university for at least three years prior to such  
7 examination; and a fee to be fixed by said board of not more  
8 than twenty dollars shall accompany the application. The  
9 applicant shall be required to submit to a written examina-

10 tion which shall be prepared by said board, also to an oral  
11 examination by the board, and shall be required to answer  
12 correctly a minimum of 70 per cent of the questions given  
13 him to entitle him to the certificate of the board. The board  
14 shall, however, have power to establish such higher grades  
15 of standing as to them may 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 quali-  
4 fications and general standing as ascertained by such exam-  
5 ination, and the secretary of the board shall furnish each  
6 applicant with a card, showing the proficiency he has attained  
7 in each branch or subject upon which he has been examined,  
8 whether a certificate is issued or not. Any applicant failing  
9 to pass the examination may again apply after six months,  
10 by showing to the board that he has diligently pursued the  
11 study of the law six months prior to the examination, and  
12 shall not be required to pay an extra fee for the second exam-  
13 ination.

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

Sect. 7. On the first Tuesday in January of each year said  
2 board shall apportion any sum of money in the hands of their

3 treasurer, received for fees, in excess of the expenses of said  
4 board during the preceding year, among the treasurers of the  
5 several counties in the State, for the use of the law libraries  
6 in said counties. There shall be paid to the treasurer of  
7 each county a sum of money proportioned to the number of  
8 students examined from said county as compared with the  
9 whole number examined in the State.

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

Sect. 9. Except so far as relates to the appointment of the  
2 board of examiners herein provided for, this act shall not  
3 take effect until January 1, 1900.







STATE OF MAINE.

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IN SENATE, March 15, 1899.

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

KENDALL M. DUNBAR, *Secretary*.