

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

Rule of estimating damages.

liable for, and pay damages, at the following rates, viz. Upon all such bills payable within the States of New-Hampshire, Vermont, Massachusetts, Rhode-Island, Connecticut or New-York, three per cent. on the amount of such bill; if payable within the States of New-Jersey, Pennsylvania, Delaware, Maryland, Virginia or District of Columbia, five per cent.; if payable within the States of North Carolina, South Carolina or Georgia, six per cent.; if payable within any other of the United States, or the territories thereof, nine per cent.

On protested bills for \$100 or more, payable in the State at distance of 75 miles from place where drawn.

SEC. 2. *Be it further enacted,* That when any Bill of Exchange, or order for the payment of money drawn or endorsed within this State, for one hundred dollars, or upwards, and payable at any place within the same, distant seventy five miles or more, from the place where the same is drawn or endorsed as aforesaid, which shall not be duly accepted and paid according to the order of said bill, or if accepted, which shall not be paid according to the terms of the acceptance, the person drawing or endorsing the same, within this State at the distance of seventy five miles or more from the place of payment, and who is liable by law, for the contents of said bill or order, to the holder thereof or any party thereto, shall, in addition to the contents of said bill or order, and lawful interest and cost thereon, be also liable for, and shall pay damages at the rate of one per centum on the amount thereof.

Rule for estimating damages.

[Approved February 28, 1821.]

CHAPTER LXXXIX.

An Act regulating the admission of Attornies and authorizing particular persons, in certain cases, to prosecute and defend suits at law.

Qualification for admission to practice as Attorney in Courts of this State.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That no person shall be admitted and allowed to be an Attorney of any Court in this State, unless he is a person of good moral character, and is well affected towards the Government and Constitution of this State, nor until he shall have faithfully devoted seven years at least to the acquisition of scientific and legal attain-

ments, whereof three years shall have been spent in professional studies, with some Counsellor at law, and two of the three with such Counsellor in this State; and no person shall be admitted to practise as an Attorney in any Court of Justice within this State, until he shall in open Court have taken and subscribed the oath or affirmation prescribed in the Constitution of this State, and an oath, in tenor following:

Attornies to be sworn in open Court.

You solemnly swear, that you will do no falsehood, nor consent to the doing of any in Court;—and if you know of an intention to commit any, you will give knowledge thereof to the Justices of the Court, or some of them, that it may be prevented; you will not wittingly or willingly promote or sue any false, groundless, or unlawful suit, nor give aid or consent to the same; you will delay no man for lucre or malice; but you will conduct yourself in the office of an Attorney within the Courts, according to the best of your knowledge and discretion, and with all good fidelity, as well to the Courts as your clients. So help you GOD.

Form of oath.

Provided always, That if any person shall hereafter commence practice as an Attorney or Counsellor at law, in any place or in any Court in this State, without such previous term and course of studies, or taking such oath as aforesaid, or without paying into the county treasury the excise duty required by law, he shall not be entitled to demand or receive any remuneration for professional services.

Without having complied with such requisitions not entitled to pay for services.

SEC. 2. *Be it further enacted,* That the plaintiff or plaintiffs in any suit, shall not be allowed to manage their cause by more than two Attornies, nor shall any defendant be allowed to employ a greater number.

Two attornies only, allowed on each side.

SEC. 3. *Be it further enacted,* That every citizen be, and hereby is, authorized to appear in any Court, and before any tribunal, Judge, Justice of the Peace or Magistrate, to prosecute and defend his suit or action by himself and by any person of a decent and good moral character, whom he shall call to his aid or appoint for that purpose; and that any person of such decent and good moral character, who shall produce in Court a power or letter of Attorney, specially for that purpose, from any person whomsoever, shall have full authority, though his principal be absent, to prosecute

Any person of good moral character may appear by special power.

and defend any suit or matter, wherein his principal shall be concerned, to final judgment and execution; and to plead, implead, or manage the same case as fully as if such person, so authorized, was an Attorney of such Court, and admitted and sworn in usual form as prescribed by law, and agreeably to the rules of such Court.

No person shall be counsel in a cause in which he has acted as Judge, &c.

SEC. 4. *Be it further enacted*, That no person shall engage or be employed as Counsel or Attorney, before any Court within this State, in any action which he shall have determined as Judge or Justice of the Peace; and if any person as aforesaid, shall appear as Counsel or Attorney in any action or suit, he shall not be permitted to prosecute, defend, answer to, or manage, such action or suit. And no Justice of the Peace within this State, shall hear or determine any civil action which shall have been commenced by himself or by his order or direction, and every civil action commenced as aforesaid shall abate.

No Justice shall sit in a cause commenced by him, &c.

No Sheriff or deputy shall act as attorney in a cause or draw writs, pleas, &c.

SEC. 5. *And be it further enacted*, That no Sheriff or deputy Sheriff shall be suffered to appear in any Court, or before any Justice of the Peace, as Attorney to, or in behalf of, or assisting, or advising to any party in a suit; nor shall any Sheriff or his deputy be allowed to draw, make or fill up any plaint, declaration, writ or process, or to draw or make any plea for any other person; but all such acts done by either of them shall be void.

[Approved February 10, 1821.]

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CHAPTER XC.

An Act providing for the appointment of Clerks of the Courts in the several Counties, and requiring them to render an account of all monies received.

Clerk to be appointed by Governor and Council.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That there shall be nominated and appointed by the Governor with the advice of the Council during pleasure, one person in each county in this State, who shall be Clerk of all the Judicial Courts, holden in the same county, and shall have the care and custody of all the records, files and proceedings which have heretofore been had and now remain in the respective offices of