

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1879.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1879.

Chapter 138.

CHAP. 138.

An Act to provide process for the removal of unworthy Attorneys.

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

SECT. 1. Whenever an information shall be filed in the clerk's office of the supreme judicial court in any county, by the attorney general, or by a committee of the bar of such county, charging that any attorney at law has become and is disqualified for the office of attorney and counselor at law in the courts of this state, for reasons specified in the information, any justice of said court, in term time or in vacation, may issue, in the name of the state, a rule requiring the attorney informed against, to appear on a day fixed to show cause why his name should not be struck from the roll of attorneys, which rule, with an attested copy of the information, shall be served upon such attorney in such manner as the justice shall direct, at least fourteen days before the return day, and shall be made returnable either in the county where such attorney resides or where it is charged that the misconduct was committed.

SECT. 2. If the attorney on whom such service has been made shall, on or before said return day, file in the clerk's office of said court in said county of return, a denial of the charges specified in the information, the information shall thereupon stand upon the docket of said court, for hearing at the next term thereof, in said county, by the justice presiding, upon such lawful evidence as may be pronounced either by the state or by the respondent.

SECT. 3. If such attorney fails to file his denial as aforesaid, the facts set forth in the information shall be taken as confessed, and if the justice presiding shall find that the facts so confessed are sufficient to disqualify the respondent from holding the office of attorney and counselor at law, or in case of denial the justice shall upon hearing find that any of the charges specified are true and that the acts proved are sufficient to disqualify the respondent as aforesaid, he shall give judgment accordingly and shall enter a decree that the respondent be removed from the office of attorney and counselor at law in all the courts of this state and that his name be struck from the roll of attorneys.

SECT. 4. The judgment of such justice shall be final unless the respondent shall within one week, and before the adjournment of said term, file his appeal therefrom to the law court by entering his claim therefor upon the docket.

SECT. 5. Such appeal shall be heard upon printed copies of the case furnished by the respondent at the next law term held within the district. If the case is not argued, it shall be decided upon the record, and if the respondent fails to enter his appeal with the printed copies of the case during the first three days of said law term, the counsel for the prosecution shall enter the appeal with

Information filed in clerk's office by Attorney General or committee of the bar against any attorney at law.

Justice to issue rule on the attorney to appear on day fixed and show cause why his name should not be struck from roll.

Service on the attorney.

Where returnable.

Attorney filing denial of charges the information to stand upon the docket for hearing at next term.

Evidence.

Attorney failing to file his denial—facts taken as confessed.

Judgment if acts confessed or proved are sufficient to disqualify.

Name to be struck from rolls.

Judgment final unless appealed from in one week.

Appeal—how heard.

How decided.

Respondent failing to enter his appeal—counsel for the prosecution to enter it.

CHAP. 139. an attested copy of the judgment and decree, whereupon the same shall be affirmed by the law court.

By whom prosecution shall be conducted.

Witnesses—how compelled to attend. If removal decreed costs rendered against respondent.

Construction of this act.

SECT. 6. The prosecution shall be conducted by the county attorney for the county, where the rule is returnable, unless the justice issuing the rule shall appoint some other suitable counsel to perform said duty. Compulsory process shall issue to compel the attendance of witnesses, and in case of decree of removal, judgment shall be rendered in behalf of the state against the respondent for full costs to be taxed by the court.

SECT. 7. This act shall not be construed to annul or restrict any authority hitherto possessed or exercised by the courts over attorneys.

Approved March 1, 1879.

Chapter 139.

An Act to amend section thirty-four of Chapter six of the Revised Statutes, relating to Taxes.

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

Sec. 34, ch. 6, R. S., amended.

Section thirty-four of chapter six of the revised statutes, relating to taxes, is hereby amended by striking out the word "forthwith" after the words "they shall" in the fifth line, and inserting in place thereof the words 'within fifteen days,' so that said section as amended will read as follows:

Shares to be taxed in town where bank is located, when residence of holder is unknown or is out of the state.

'SECT. 34. When returns of stock in the banks and national banking associations are made according to the provisions of section twenty-one of chapter forty-six, or the preceding section, if it be found by the assessors of any town receiving such returns that the holders of such stock do not reside in such town, they shall within fifteen days return the names of such stockholders, with the amount of stock held by them, to the assessors of the town where such stockholders reside, if their residence is known, and within the state; and if not, such return shall be made to the assessors of the town where the bank is located, and shall be subject to the provisions of section thirty-two.

Approved March 1, 1879.