

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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PUBLIC LAWS

OF THE

STATE OF MAINE.

1899.

Chapter 133.

An Act to regulate the Admission to Practice of Attorneys, Solicitors and Counselors, to provide for a Board of Examiners, and to repeal Conflicting Acts.

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

Section 1. Practicing attorneys, residents of other states and territories, or from foreign countries, may be admitted on motion to try cases in any of the courts of this state by such courts, but shall not be admitted to the general practice of law in this state without complying with the provisions of this act; provided, that where the applicant shall furnish the supreme judicial court a certificate of admission to practice in the court of last resort of any state, or a certificate of admission to any circuit court of the United States, together with the recommendation of one of the judges of the court of last resort of such state, said supreme judicial court may in its discretion, if satisfied as to his qualifications, admit such person to practice on motion made by some member of the bar of said court.

Attorneys, residents of other states or foreign countries, may be admitted to practice in courts of this state upon compliance with the provisions of this act.

—applicant shall furnish certificate authorizing him to practice in any state or in supreme judicial courts.

Qualifications necessary to be admitted to practice in this state.

Section 2. Every other person who shall be of full age, a resident and a citizen of the United States and of a good moral character, may be admitted to practice as an attorney and counselor at law, and solicitor and counselor in chancery, in all the courts of record of this state on motion made in open court, but the applicant shall first produce the certificate hereinafter provided for from the board of examiners, to be appointed by the governor upon the recommendation of the chief justice of the supreme judicial court, that he possesses sufficient learning in the law, and moral character and ability to enable him to properly practice as an attorney and counselor at law and solicitor and counselor in chancery in the courts of this state. No person shall be entitled to practice as an attorney and counselor at law and solicitor and counselor in chancery in this state until he shall be licensed so to do by said courts.

—no person shall be entitled to practice, until licensed.

Section 3. The governor shall on the recommendation of the chief justice of the supreme judicial court, and on or before the first day of July, eighteen hundred and ninety-nine appoint a board of examiners, composed of five competent lawyers of this state, for the examination of applicants for the admission to the bar, whose term of office shall be as follows: One for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter each year the governor, on like recommendation, shall appoint one member of the board for the term of five years. Such board shall meet annually at Portland in January, at Bangor in April, at Augusta

Appointment of commissioners for examination of applicants.

—tenure.

—meetings.

in October, during the sessions of the supreme judicial court, and also at such other times and places in the state as the supreme judicial court shall direct, for the purpose of examining all applicants for admission to the bar, as to their legal learning and general qualifications to practice in the several courts of this state as attorneys and counselors at law and solicitors and counselors in chancery and, upon such examination being had, the board shall issue to such applicants as shall pass the required examination a certificate of qualification stating the standing of the applicants and recommending their admission to the bar. Such board shall elect from their number a secretary and a treasurer and shall make such rules and regulations relative to said examination as to them may seem proper. The president of said board shall be the member whose term of office soonest expires. Three members of said board shall constitute a quorum for the transaction of business.

—character of examination.

—secretary and treasurer.

—president.

—quorum.

Section 4. The residences and names of the applicants shall be made to appear to said board and satisfactory evidence shall also be produced by said applicants of their good moral character and of their having pursued the study of the law in the office of some attorney or in some recognized law school or university for at least three years prior to such examination; and a fee to be fixed by said board of not more than twenty dollars shall accompany the application. The applicant shall be required to submit to a written examination which shall be prepared by said board, also to an oral examination by the board, and shall be required to answer correctly a minimum of seventy per cent of the questions given him to entitle him to the certificate of the board. The board shall, however, have power to establish such higher grades of standing as to them may seem proper.

Applicants shall be of good moral character, and produce evidence of having studied law at least three years.

—fee.

—examination shall be written and oral.

—grade of standing.

Section 5. The examination papers shall be kept on file in the office of the secretary of the board, and a record kept of each application the name of the applicant, and his qualifications and general standing as ascertained by such examination, and the secretary of the board shall furnish each applicant with a card, showing the proficiency he has attained in each branch or subject upon which he has been examined, whether a certificate is issued or not. Any applicant failing to pass the examination may again apply after six months, by showing to the board that he has diligently pursued the study of the law six months prior to the examination, and shall not be required to pay an extra fee for the second examination. In case any applicant does not pass the examinations, and is not reexamined, he

Examination papers shall be kept on file with record of qualification of applicant.

—applicant failing to pass, may be examined again after six months.

—fee shall be returned if applicant fails entirely.

CHAP. 133 shall have the fee which accompanied his application returned to him.

Compensation of board.

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

How fees shall be disposed of.

Section 7. On the first Tuesday in January of each year said board shall apportion any sum of money in the hands of their treasurer, received for fees, in excess of the expenses of said board during the preceding year, among the treasurers of the several counties in the state, for the use of the law libraries in said counties. There shall be paid to the treasurer of each county a sum of money proportioned to the number of students examined from said county as compared with the whole number examined in the state.

Inconsistent acts, repealed.

Section 8. Sections twenty-three and twenty-four of chapter seventy-nine of the revised statutes and all other acts and parts of acts inconsistent herewith are hereby repealed.

When act shall take effect.

Section 9. Except so far as relates to the appointment of the board of examiners herein provided for, this act shall not take effect until September one, nineteen hundred.

Act does not apply to pending applications.

Section 10. The provisions of this act shall not apply to persons whose applications for admission to the bar are pending at the time this act takes effect.

Approved March 17, 1899.