

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....  
1841.

SECT. 4. He shall not receive any fee or reward from, or on behalf of any prosecutor, for any of his official services; or during the pending of such prosecution, be engaged as counsel or attorney, for either party, in any civil action, depending essentially on the same facts.

SECT. 5. It shall be his duty, when criminal prosecutions shall be continued, to cause the witnesses on the part of the state to be recognized, to appear on the days specified in the ninth section of chapter, one hundred and fifty two, unless otherwise directed by the court.

SECT. 6. He shall, in the month of December annually, make to the governor and council a report of the amount and kind of official business, by him done in the year preceding; the number of persons prosecuted, either by himself or the several county attorneys, the offences for which such prosecutions were had, the results thereof, and the punishment awarded in each case, with such other particular statements or suggestions, as he may deem interesting.

CHAP. 101.

To receive no fee for official services, nor to act as counsel or attorney, in cases incompatible.

1821, 100, § 2.  
10 Pick. 477.

When to require the attendance of witnesses.

1831, 509, § 2.  
Annual report to the governor and council.  
1839, 408, § 2.

## CHAPTER 102.

### OF COUNTY ATTORNEYS.

SECT. 1. Their appointment and oath.

2. Duties.

3. Not to act as counsel or attorneys in certain cases.

4. Duty as to fines, forfeitures and costs.

5. And as to sheriffs' bonds. Penalty.

SECT. 6. Courts may appoint substitutes, in case of necessary absence, &c.

7. Annual reports to the attorney general.

8. Present incumbents, to remain in office.

SECTION 1. There shall be appointed in each county, by the governor and council, an attorney for the state in such county, who shall be duly sworn.

Their appointment and oath.  
1821, 100, § 1.

SECT. 2. He shall attend all the several terms of the district court in such county, and act for the state and for such county, in all cases, in which the state or the county may be a party; and in the absence of the attorney general shall act for the state, in the supreme judicial court, in the county for which he is attorney, under such directions as may be given him by the attorney general.

Duties.  
1821, 100, § 1.

SECT. 3. Each county attorney shall be under the same restrictions, as are imposed on the attorney general, in the fourth section of chapter, one hundred and one.

Not to act as counsel or attorney in certain cases.  
1821, 100, § 2.  
Duty as to fines, forfeitures, and bills of costs.  
1830, 464, § 4.

SECT. 4. It shall be his duty to enforce the collection and payment, to the treasurer of the same county, of all fines, forfeitures and bills of costs, that shall have accrued to the state; and enforce on sheriffs, coroners and constables, a faithful performance of the duties of their respective offices, in relation thereto; and to give information to the court of all defaults and failures to pay into the treasury such fines and forfeitures as shall accrue to the county.

SECT. 5. He shall annually move the county commissioners, at

And as to sher-

CHAP. 102.

iffs' bonds.  
Penalty.  
1821, 91, § 2.

their meeting next following the third Tuesday of June, to consider and examine the sufficiency of the security, given by the sheriffs, for the faithful discharge of their duties, and accountability for the neglect and misdoings of their deputies; and, if he shall neglect to perform such duty, or the duty required of him in the preceding section, he shall forfeit and pay a sum, not exceeding one hundred dollars, for the use of the state, to be recovered in the name of the state treasurer, in an action of debt.

Courts may ap-  
point substi-  
tutes in case of  
necessary ab-  
sence, &c.

SECT. 6. When the office of attorney for the state in any county, may happen to be vacant, at any session of the district court in such county, or such attorney for the county is detained from court by sickness, or other satisfactory reason, the said court may appoint some proper person of the same county, to perform, during the session, the duties of the office, so far as they respect the criminal business of the court.

Annual reports  
to the attorney  
general.  
1839, 408, § 2.

SECT. 7. The several county attorneys shall annually, in the month of November, make to the attorney general a report of the amount and kind of official business by them done respectively, in the preceding year, the number of persons prosecuted, the offences for which such prosecutions were had, the results thereof, and the punishment awarded in each case, with such particular statements and suggestions as he may deem interesting.

Present incum-  
bents, to re-  
main in office.

SECT. 8. The county attorneys, now in office, shall continue to hold their offices, according to the tenor of their respective commissions.

CHAPTER 103.

OF ATTORNEYS AT LAW.

- SECT. 1. Supreme judicial court to prescribe rules for admission, and appoint examiners.
- 2. Examiners to be sworn.
- 3. To give certificate to candidates, if found qualified.
- 4. Such candidates admitted to practice in the supreme judicial and district courts.
- 5. Duty to be paid. Oath.

- SECT. 6. Right of parties to employ counsel or appear personally.
- 7. Persons not regularly admitted to practice, not entitled to recover fees.
- 8. Parties may authorize any person to act as their attorney, by special powers.
- 9. Justices, in certain cases, not to act as attorneys.

Supreme judi-  
cial court to  
prescribe rules  
for admission,  
and appoint ex-  
aminers.  
1837, 279, § 2.  
1838, 304.

SECTION 1. The justices of the supreme judicial court shall prescribe rules, for the admission of attorneys to practice law in the courts of this state; and also prescribe a course and series of studies to be pursued by persons, who may be candidates therefor; and shall, at the law term for each county, annually, appoint for and within such county, a committee of three judicious men, learned in the law, each of whom shall be a counselor, of said court, whose duty it shall be to examine all applicants, for admission to practice law, who may be residents of the county, for which the committee was appointed.