

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.

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

Augusta:

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

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1841.

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.

CHAP. 103.

SECT. 2. Such committees shall, prior to entering upon the duties of their office, take and subscribe an oath, in open court, that they will faithfully and impartially perform the duties of said office, according to their best skill and judgment; and they shall continue in office, until they shall be notified by the clerk, that others have been appointed and sworn in their stead.

Examiners to be sworn.
1837, 279, § 3.

SECT. 3. Such committee, if on examination it shall appear to them, that the applicant is of a good moral character, and is well affected to the government and constitution of this state, and of the age of twenty one years, and has pursued the course of studies, prescribed by the court, as mentioned in the first section, and has acquired a thorough understanding thereof, and is of adequate legal and literary acquirements, to commence the practice of law, as aforesaid, shall give him a certificate, in writing by them signed, certifying these facts.

To give certificates to candidates, if found qualified.
1821, 89, § 1.
1829, 279, § 2.

SECT. 4. When the person, so holding such certificate, shall present the same to the district court of the county, where such person resides, on complying with the requisitions specified in the following section, he shall be admitted to practice law in said court, and in the supreme judicial court, in all cases of law and fact.

Such candidates admitted to practice in the supreme judicial and district courts.
1837, 279, § 2.
1838, 318.
16 Maine, 224.

SECT. 5. No person shall be admitted to practise as an attorney, in any court of justice in this state, until he shall have paid the duty by law required, and shall in open court have taken and subscribed the oath, to support the constitution of the United States; and also taken the following oath, viz:

Duty to be paid.
Oath.
1821, 89, § 1.
1 Pick. 475.

“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.”

SECT. 6. The parties may plead and manage their own causes personally, or by the assistance of such counsel, as they shall see fit to engage; but the plaintiff or plaintiffs in any suit shall not be allowed to manage their cause by more than two attorneys, nor shall any defendant be allowed to employ a greater number.

Right of parties to employ counsel, or appear personally.
1821, 89, § 2, 3.

SECT. 7. No person, who shall hereafter commence practice, as an attorney or counsel at law, in any other state or place, or in any court in this state, without such previous qualifications and course of studies, or taking such oaths as aforesaid, or without paying such excise duty, shall be entitled to demand or recover any remuneration for his professional services, rendered in this state.

Persons not regularly admitted to practice, not entitled to recover fees.
1821, 89, § 1.

SECT. 8. Any citizen, of a good moral character, may appear in behalf of either party in a suit, by virtue of a letter of attorney for that purpose, produced by him in court, as fully as a sworn attorney may do.

Parties may authorize any persons to act as their attorneys, by special powers.
1821, 89, § 3.

SECT. 9. No justice of the peace shall hear or determine any civil action, commenced by himself or his order, and every such

Justices, in certain cases, not

CHAP. 103. action shall abate; or be subsequently employed as counsel or attorney in any cause, tried before himself.

to act as attorneys.
1821, 89, § 4.
1825, 308.

CHAPTER 104.

OF THE POWERS AND DUTIES OF SHERIFFS, DEPUTY SHERIFFS, JAILERS, CONSTABLES, AND OF CORONERS IN CIVIL ACTIONS.

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| <p>SECT. 1. Sheriffs and coroners to continue. Oath and bond of sheriff.</p> <p>2. Sheriff's bond to be approved by county commissioners, and left with the state treasurer.</p> <p>3. Sufficiency of security of sheriff and coroners, to be annually examined by the commissioners.</p> <p>4. If adjudged insufficient, a new bond to be given.</p> <p>5. Forfeiture, if sheriff neglect to give such bond. If coroner, office vacated.</p> <p>6. The sheriff also liable to be removed.</p> <p>7. In what cases the governor and council may require a new bond.</p> <p>8. Coroners, on appointment, to take oaths of office, and give bonds.</p> <p>9. Appointment of sheriff. Jailer to remain in office, during vacancy of office of sheriff; or a new jailer may be appointed.</p> <p>10. Sheriff to appoint his deputies and jailer, by a writing to be recorded. Oath. Discharge. Sheriff answerable for them.</p> <p>11. Sheriff on appointment to notify coroners.</p> <p>12. New bonds required of sheriff or coroner on application of his sureties.</p> <p>13. Of suits, instituted on bonds of sheriff or coroner.</p> <p>14. Demand previously to be ascertained by a judgment.</p> <p>15. Against whom judgment to be entered, if for defendant.</p> <p>16. If against the defendant, the other party, in interest, to be named in the execution.</p> <p>17. Any person entitled to a copy of the bond. When the original may be required.</p> <p>18. Survivorship of actions, against sheriffs or their deputies.</p> <p>19. Duty of sheriff and deputies to serve precepts. Their fees to be paid or secured in advance.</p> | <p>SECT. 20. Sheriff or deputy may make service, though his town be interested.</p> <p>21. Sheriffs, &c. when removed, may execute precepts in their hands.</p> <p>22. Also deputies, when office of sheriff is vacated.</p> <p>23. Sheriff to have the custody of jails.</p> <p>24. Jailers holding over, as in section nine, responsible on their bond.</p> <p>25. County commissioners may appoint a jailer, in case there be no sheriff nor jailer.</p> <p>26. Defaults of deputies, after the death, &c. of sheriff, covered by sheriff's bond.</p> <p>27. Penalty, if sheriff or deputy detain money collected, after demand.</p> <p>28. Sheriff not liable to be arrested.</p> <p>29. Executions issued against his property only.</p> <p>30. Duty of governor to remove him, if returned, not satisfied.</p> <p>31. After removal, executions to issue in common form.</p> <p>32. Power of sheriffs, &c. to require aid. Forfeiture, for refusing to assist.</p> <p>33. If a person die in prison, duty of jailer.</p> <p>34. Constables' power to serve process in personal actions.</p> <p>35. Bonds previously required, in such case.</p> <p>36. Remedy thereon to parties entitled.</p> <p>37. In what cases a constable may act out of his own town.</p> <p>38. Officers prohibited from acting, as attorneys.</p> <p>39. Sheriff to keep a calendar of prisoners.</p> <p>40. On vacating his office, to retain the custody of the jail, &c. till his successor is qualified.</p> <p>41. Warrants, &c. to be filed, safely kept, and delivered over.</p> |
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