

# MAINE STATE LEGISLATURE

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# DOCUMENTS

PRINTED BY ORDER OF

# THE LEGISLATURE

OF THE

# STATE OF MAINE,

A. D. 1859.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

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1859.

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# THIRTY-EIGHTH LEGISLATURE.

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HOUSE.]

[No. 3.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FIFTY-NINE.

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AN ACT giving further remedy against attorneys.

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

SECTION 1. Any attorney at law, who shall, as such,  
2 hereafter collect any money, or other valuable thing,  
3 on any claim left with him, for settlement or collec-  
4 tion, and shall neglect or refuse to account with, and  
5 pay over the same, to any person legally entitled  
6 thereto, for ten days, after being requested so to do,  
7 shall be deemed guilty of a breach of duty, as an  
8 attorney at law, and shall be liable to the summary  
9 process hereinafter provided.

SECT. 2. Any person legally entitled to such money  
2 or other valuable thing, on filing a motion in writing,

3 under oath setting forth the facts at any term of the  
4 supreme judicial court in the county where such  
5 attorney resides, shall be entitled to a rule, requiring  
6 such attorney on a day fixed therein to appear before  
7 said court, and shew cause why he should not account  
8 with and pay over to the claimant such money or  
9 other valuable thing, and to abide the order of the  
10 court in the premises. And the rule shall be served  
11 on said attorney, by giving him a copy in hand, at  
12 least five days before the return day.

SECT. 3. On the return day of the rule, such attor-  
2 ney shall file an answer to said motion under oath,  
3 and the court may examine either party touching the  
4 subject matter thereof and hear any evidence perti-  
5 nent thereto, and render such decree in the premises  
6 as equity may require. If such attorney fails to ap-  
7 pear and make answer to said motion, the facts set  
8 forth therein shall be taken as confessed by him, and  
9 the court shall render such decree therein as equity  
10 shall require.

SECT. 4. Either party may file exceptions to any  
2 ruling or decree of the court, and the same shall be  
3 allowed by the presiding judge, unless deemed frivo-  
4 lous, and the proceedings therein in the law court,  
5 shall be the same as in other actions.

SECT. 5. If such attorney shall neglect or refuse to

2 perform the decree of the court in the premises, he  
3 may be committed for contempt of court till he shall  
4 perform such decree, or be otherwise discharged ac-  
5 cording to law, and the court shall order his name to  
6 be stricken from the roll of attorneys and counselors  
7 at law in said court.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, Feb. 9, 1859.

On motion of Mr. SMART of Camden,

Laid on the table, and 350 copies of same ordered to be printed  
for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*