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LEGISLATIVE ASSEMBLY,

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SEC. 1. The following persons are entitled to practice as attorneys and counsellors in all the courts of this territory:

What attorneys and counsellors now in office may practice as such.

1. Those who were duly admitted as attorneys or counsellors of the supreme or district court before the passage of this chapter, and whose names are still on the rolls of attorneys of that court.

SEC. 2. Any male person, of the age of twenty-one years, of good moral character, and who possesses the requisite qualifications of learning and ability, is entitled to admission to practice in all the courts of this territory.

Who may be admitted to practice.

SEC. 3. For the purpose of admission, he must apply to the supreme court of the territory, and must show:

Application for admission and proof thereon.

1. That he is of the age of twenty-one years, which proof may be made by his own affidavit; and,

2. That he is a person of good moral character, which may be proved by certificate, or other evidence satisfactory to the court.

SEC. 4. The applicant must also be examined in open court, as to his qualifications of learning and ability, by the judges, or under their direction, at the term at which application for admission is made.

Examination.

SEC. 5. If, upon the examination, he be found duly qualified, the court must direct an order to be entered, to the effect that the applicant is a citizen of the United States, of the age of twenty-one years, of good moral character, and possesses the requisite qualifications of learning and ability, to practice as an attorney and counsellor in all the courts of this territory; and upon the entry of the order he is entitled to practice as such attorney and counsellor.

Order entitling him to admission.

SEC. 6. No person can be admitted to practice as an attorney and counsellor, except on application to the supreme court in term, and when admitted to practice in the supreme court, the attorney and counsellor so admitted, may practice in any of the courts of this territory.

Application to be made to supreme court.

General duties of attorneys.

SEC. 7. It is the duty of an attorney and counsellor :

1. To support the constitution and laws of the United States, and of this territory :

2. To maintain the respect due to the courts of justice and judicial officers :

3. To counsel or maintain such actions, proceedings, or defences, only, as appear to him legal and just, except the defence of a person charged with a public offence :

4. To employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth, and never to seek to mislead the judges by any artifice or false statement of fact or law :

5. To maintain inviolate, the confidence, and at every peril to himself to preserve the secrets of his client :

6. To abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged.

7. Not to encourage either the commencement or the continuance of an action or proceeding from any motive of passion or interest ; and,

8. Never to reject, for any consideration personal to himself, the cause of the defenceless or oppressed.

Punishment for deceit or collusion.

SEC. 8. An attorney or counsellor who is guilty of deceit or collusion, or consents thereto, with intent to deceive a court or judge, or a party to an action or judicial proceeding, is punishable for a misdemeanor, and shall also forfeit to the party injured, treble damages, recoverable in a civil action.

Not to permit other person to use his name.

SEC. 9. If an attorney and counsellor knowingly permit a person not his general law partner to sue out process, or to prosecute or defend an action or proceeding in his name, he and every person who so uses his name, shall severally forfeit to the party against whom the process was issued, on the action or proceeding prosecuted or defended, the sum of fifty dollars, recoverable in a civil action.

AUTHORITY OF AN ATTORNEY AND ITS DURATION.

Authority of an attorney.

SEC. 10. An attorney and counsellor has authority :

1. To bind his client in any of the proceedings in an action or special proceeding by his agreement, filed with the clerk, or entered upon the minutes of the court, and not otherwise.

2. To receive money claimed by his client in an action or special proceeding during the pendency thereof, or within one year after judgment, and upon the payment thereof, and not otherwise, to discharge the claim or acknowledge satisfaction of the judgment.

But this section does not prevent a party from employing a new attorney to issue an execution upon a judgment, or to take the other proceedings prescribed by the statute for its enforcement ; and when he does so, the authority of the former attorney ceases.

Proceedings when he appears without authority.

SEC. 11. If it be alleged by a party for whom an attorney appears, that he does so without authority, the court may at any stage of the proceedings relieve the party for whom the attorney has assumed to appear from the consequences of his acts ; it may also summarily upon motion, compel the attorney to repair the injury to either party consequent upon his assumption of authority.

Compelling attorney to produce authority.

SEC. 12. The court or a judge may, on motion of either party, and on showing reasonable grounds therefor, require the attorney for the adverse party, or for any one of several adverse parties, to produce or prove the authority under which he appears, and until he does so, may stay all proceedings by him on behalf of the party for whom he assumes to appear.

CHANGE OF ATTORNEY.

SEC. 13. The attorney in an action or special proceeding, may be changed at any time before judgment or final determination, as follows:

Attorney how changed.

1. Upon his own consent, filed with the clerk or entered upon the minutes; or,

2. Upon the order of the court, or a judge thereof, on the application of the client, or for other sufficient cause; but no such change can be made until the charges of such attorney have been paid by the party asking such change to be made.

SEC. 14. When an attorney is changed, as provided in the last section, written notice of the change, and of the substitution of a new attorney, or of the appearance of the party in person, must be given to the adverse party; until then, he is bound to recognize the former attorney.

Notice of change.

SEC. 15. When an attorney dies, or is removed, or suspended, or ceases to act as such, a party to an action for whom he was acting as attorney, must, at least thirty days before any further proceedings against him, be required by the adverse party, by written notice, to appoint another attorney or to appear in person.

When attorney dies notice to be served on opposite party.

LIEN OF ATTORNEYS.

SEC. 16. An attorney has a lien for his compensation, whether specially agreed upon or implied, as provided in this statute:

Lien of attorney and its effects.

1. Upon the papers of his client, which have come into his possession in the course of his professional employment:

2. Upon money in his hands belonging to his client:

3. Upon money in the hands of the adverse party in an action or proceeding, in which the attorney was employed from the time of giving notice of the lien to that party:

4. Upon a judgment to the extent of the costs included therein, or if there be a special agreement, to the extent of the compensation specially agreed on, from the time of giving notice to the party against whom the judgment is recovered. This lien is, however, subordinate to the rights existing between the parties to the action or proceeding.

SUMMARY POWER OF THE COURT OVER ATTORNEYS.

SEC. 17. When an attorney refuses to deliver over money or papers, to a person from or for whom he has received them in the course of professional employment, whether in an action or not, he may be required by an order of the court in which an action, if any, was prosecuted, or if no action was prosecuted, then by order of the supreme court, to do so within a specified time, or show cause why he should not be punished for a contempt.

Proceedings to compel attorneys to deliver papers, &c.

SEC. 18. If, however, the attorney claim a lien upon the money or papers, under the provisions of this chapter, the court may:

Proceedings when attorney claims lien

1. Impose as a condition of making the order, that the client give security in a form and amount to be directed; to satisfy the lien when determined in an action; or,

2. Summarily to inquire into the facts on which the claim of a lien is founded, and determine the same; or,

3. Direct the trial of the controversy by a jury, or refer it, and upon the verdict or report, determine the same, as in other cases.

REMOVAL OR SUSPENSION OF ATTORNEYS AND COUNSELLORS.

Attorney when and by whom suspended.

SEC. 19. An attorney and counsellor may be removed or suspended by the supreme court, at a general term thereof, for either of the following causes, arising after his admission to practice:

1. Upon his being convicted of felony, or of a misdemeanor involving moral turpitude, in either of which cases the record of his conviction is conclusive evidence:

2. Upon its being shown to the satisfaction of the court, that he has knowingly signed a frivolous pleading, or has been guilty of any other deceit or willful misconduct in his profession:

3. For a willful disobedience or violation of the order of a court, requiring him to do or forbear an act connected with, or in the course of his profession:

4. For a willful violation of any of the provisions of section seven.

By whom proceedings may be instituted.

SEC. 20. The proceedings to remove or suspend an attorney and counsellor, as provided in the last section, must be taken by the court of its own motion for matter within its knowledge, or may be taken upon the information of another.

Accusation to be in writing.

SEC. 21. If the proceeding be upon the information of another, the accusation must be in writing, and must be presented to the court.

Accusation what to contain.

SEC. 22. The accusation must state the matter charged, and must be verified by the oath of the person making it, or of some other person to the effect that the charges therein contained, are true.

Order for accused to appear and answer.

SEC. 23. After receiving the accusation, the court must, if in its opinion the case requires it, make an order requiring the accused to appear and answer the accusation at a specified time in the same or a subsequent term, and must cause a copy of the order and of the accusation to be served upon the accused, within a prescribed time before the day appointed in the order.

Accused to appear, or if not, how to proceed.

SEC. 24. The accused must appear at the time appointed in the order, and answer the accusation, unless for sufficient cause the court assign another day for that purpose. If he do not appear, the court may proceed and determine the accusation in his absence.

May object to, or deny accusation.

SEC. 25. The accused may answer the accusations, either by objecting to its sufficiency, or by denying its truth.

Objections how made.

SEC. 26. If he object to the sufficiency of the accusation, the objection must be in writing, but need not be in any specified form, it being sufficient if it present intelligibly, the grounds of the objection. If he deny the truth of the accusation, the denial may be oral and without oath, and must be entered upon the minutes.

If objection not sustained, must answer forthwith.

SEC. 27. If an objection to the sufficiency of the accusation be not sustained, the accused must answer it forthwith.

If accused plead guilty, court to pronounce judgment.

SEC. 28. If the accused plead guilty, or refuse to answer the accusation, the court must proceed to judgment of removal or suspension. If he deny the matters charged, the court must immediately, or at such time as it may appoint, proceed to try the accusation.

On judgment of suspension or removal, case may be made by accused.

SEC. 29. In case of a judgment of suspension or removal, the accused may within ten days after it is pronounced, make a case setting forth the evidence, and other proceedings in the matter upon the hearing thereof, which must be settled by the court in the same manner as a case in a civil action; when settled it must be filed by the clerk of the court by which the judgment was given.

Case how settled.

SEC. 30. The following papers must be annexed together, and filed by the clerk within two days after the filing of the case, or within such further time as the court or judge thereof may prescribe:

The judgment roll.

1. The accusation:
2. The objections or answers thereto:

3. The case mentioned in the last section :

4. A copy of the entries upon the minutes of the court, relating to the accusation and the proceedings thereon, including the order of suspension or removal.

Sec. 31. Any court except a justice's court, may suspend an attorney and counsellor from practicing therein, for any of the causes mentioned in section nineteen, for a period not beyond the adjournment of the next general term of the supreme court in the territory ; the order of suspension must state the cause thereof, and must be entered upon the minutes, and a certified copy thereof transmitted by the court by which it is made, to the next general term of the supreme court in the territory, which may proceed thereon against the person suspended, in the manner provided in this chapter.

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