

MAINE STATE LEGISLATURE

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September 4th, 1919

To Hon. Carl E. Milliken, Governor of Maine
Re: Minor as Notary Public

Your Secretary, Mr. Hart, inquires of this department as to whether or not a minor may be appointed a Notary Public. We do not find that there is any provision either in our State Constitution or in the statutes touching upon this question nor can we find that it has been decided by our Supreme Court. It was the general principle of the common law, however, more or less universally recognized, that minors were not eligible to offices of a judicial character involving the exercise of discretion and judgment, although they might be appointed to purely ministerial offices. Thus it was held in New Hampshire that a minor could not be appointed as Justice of the Peace. See Golding's Petition, 57 N. H. 146.

By express provision of our statute, a Notary Public has all the powers and duties of a Justice of the Peace. For this reason, we think the general principle would debar a minor from holding the office of that character. The lack of decisions upon the question is no doubt due to the fact that in most States minors are specifically prevented by statute or constitutional provision from holding office.

Fred F. Lawrence
Deputy Attorney General