

MAINE STATE LEGISLATURE

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January 31, 1940

Edgar F. Cousins
Old Town
Maine

Dear Edgar:

A minor, that is, a person under 21 years of age, is not eligible to hold the office of Justice of the Peace or Dedimus Justice. There does not seem to be any question about this in any law I can find. Quoting from 26 Ruling Case Law, page 334, are the following words:

"It is a rule of universal application that a person under 21 years of age cannot hold the office of Justice of the Peace, for offices where judgment, discretion and experience are necessary for the proper discharge of their duties, are not to be trusted to the hands of infants."

The case of Golding's petition on page 149 of the 57th New Hampshire report, states as follows:

"Being in the eye of the law infans, i. e. speechless, or, in other words, unable to speak for himself in ordinary matters of contract, unable in the eye of the law to exercise sufficient judgment to bind his property by the purchase of a penny-whistle, or by a promissory note for any sum however small, the idea that the same law would permit him to exercise judicially power over liberty, the persons, and the property of his fellow-citizens, is simply absurd."

I appreciate your interest in my welfare, but it seemed best for me not to run for Governor this time, and as you know, I am a candidate for Attorney General for another term. If you can help me any with this, I would appreciate it. Sometime when we have a chance to sit down together, I will tell you all about the situation.

With kindest personal regards, I remain

Very truly yours,

Franz U. Burkett
Attorney General

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