

MAINE STATE LEGISLATURE

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June 17, 1942

Fred W. Rock, Esquire
Attorney at Law
Presquo Isle
Maine

Dear Sir:

In reply to your letter of June 15th, 1942, it seems best to quote to you a statement which was made by Chief Justice Sturgis:

"There seems to be no doubt that there is incompatibility between the office of deputy sheriff and a Justice of the Peace. Opinions of the Justices, 3 Me. 484; Bamford v. Kolvin, 7 Me. 14; Stubbs v. Lee, 64 Me. 195; Pooler v. Reed, 73 Me. 129; Howard v. Harrington, 114 Me. 443-445. Although the rule has not been applied expressly to Notary Publics their express statutory authority to act as Justices gives much ground for questioning their ability to act after acceptance of an appointment as a deputy sheriff."

I am not able to send you the original opinion written by the Chief Justice, but on January 15th, 1942 it was given wide publicity by a statement released by the Attorney General.

Very truly yours,

John S. S. Pearson
Assistant Attorney General

JBSF:AM

FRED N. BECK
ATTORNEY-AT-LAW
PRESQUE ISLE, MAINE

June 15, 1942

Hon. Frank Cowan
Attorney General
State House
Augusta, Me.

Dear Brother Cowan:

A deputy sheriff in Presque Isle, Donald H. DeLong, was recently appointed a Notary Public by the Governor. He has not as yet qualified before a dedimus justice, and our clerk of courts, Robert Williams, has raised the question of whether or not the offices of deputy sheriff and notary public are incompatible.

Williams thought the question had been raised in your office last year and suggested that DeLong seek your opinion. Accordingly, I am writing in his behalf and would appreciate your giving me an opinion on this question at your convenience.

I have been unable to find the answer in the books, and personally see no public policy argument for making the two offices incompatible.

Thanking you for your attention in this matter, I remain,

Yours respectfully,

Fred N. Beck

