

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

February 17, 1943

To:

A. L. Kane, State Controller

Accounts and Control

From:

Frank A. Farrington, Deputy

Attorney General

P. L. 1933, Chapter 1, §351

Reference is to your memorandum of February 15, 1943.

P. L. 1933, Chapter 1, §351, allowing payment of \$10.00 to a convict upon his discharge, applies to a convict being discharged from the State Prison.

No such provision is found in connection with the Reformatory for Women, and it is the opinion of this department that said §351 does not apply to women convicts discharged from the Reformatory for Women.

FRANK A. FARRINGTON
Deputy Attorney General

February 18, 1943

Alexander A. LaFleur, Major J. A. G. D.,
Division Judge Advocate,
Fort Benning, Georgia.

Dear Alec,

I have your letter of February 9th concerning the amendment to the 114th Article of War on "Authority to Administer Oaths".

(1) R. S. Chapter 87, section 23, expressly provides a method by which "deeds and all other written instruments before recording in the registry of deeds, *except those issued by a court of competent jurisdiction and duly attested by the proper officer thereof,*" shall be acknowledged. The section is not broad enough to include fully the provisions of article 114. However, I presume that there would be very slight reason for any documents mentioned in that article being filed for record in a registry of deeds.

(2) Authority to administer oaths is very broad under the statutes of the State of Maine. Boards and commissions are very liberally endowed with authority to place witnesses under oath. In view of that great liberality, I see no reason at all to believe that our courts would hesitate to accept a document properly sworn to before any officer authorized by the Congress to administer an oath providing the document were not one for record in the registry of deeds; and even then, if it were such a document as came within the exception referred to in (1) above, it would, in my opinion, be the duty of the Register to accept and record the instrument.

Sincerely yours,

FRANK I. COWAN
Attorney General