

MAINE STATE LEGISLATURE

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November 5, 1943

Lt. Willie T. Puckett,
Corps of Engineers,
Chief - Legal Section
Fourth Engineer Special Brigade
Camp Gordon Johnston, Florida.

Dear Sir:-

I have your form letter of November 2nd addressed to the various Attorneys General of the States, and enclosing a form of last will and testament. This form is sufficient under the Maine law. Our statute does not require a seal on the will. It does require three witnesses.

We have a special provision, however, in regard to nuncupative wills of soldiers and mariners, which is R.S. Chapter 88, Sections 18, 19 and 20, Chapter 88 being the chapter on wills. So much as applies to soldiers reads as follows:

"Section 18. Nuncupative wills. . . But a soldier in actual service, or mariner at sea, may dispose of his personal estate and wages without regard to this chapter.

"Section 19. Proved within six months; exception. No testimony can be received to prove any testamentary words as a nuncupative will, after the lapse of six months from the time when they were spoken, unless the words or the substance of them were reduced to writing within six days after they were spoken.

"Section 20. Limitation as to property affected. No nuncupative will is effectual to dispose of property exceeding in value one hundred dollars, unless proved by the oath of three witnesses, who were present at the making of it, and were requested by the testator to bear witness that such was his will."

Webster's New International Dictionary defines a nuncupative will as "Any will consisting in, and primarily evidenced by, the testator's oral declaration to one or more witnesses of his testamentary dispositions, as distinguished from one consisting in, and primarily evidenced by, a written disposition."

Very truly yours

Frank I. Cowan
Attorney General

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