

# MAINE STATE LEGISLATURE

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STATE OF MAINE.

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REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1908.

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bound by deed of indenture to service or apprenticeship for a term not exceeding the length of her commitment as your board may deem reasonable and proper, etc., all in accordance with the provisions of the statute quoted, all the terms of which must be fully complied with.

If the person so taking the girl desires to adopt her legally and this meets with the approval of your board, proceedings for adoption may be instituted by the person desiring to adopt, before the Probate Court as provided by R. S., Chapter 69, Sections 32-39.

It would seem to us that the girl may be placed in the charge of the person (if the board thinks suitable etc.,) desiring to adopt as provided by statute and that all these adoption proceedings may be had thereafter. If however, your board should think it for the best interests of the girl that she should not leave the school unless these adoption proceedings were certain to be carried through, some arrangement can doubtless be made to ensure this.

#### STATE STIPEND PAID TO AGRICULTURAL SOCIETIES.

*A. W. Gilman, Esq., Commissioner of Agriculture, Augusta, Maine.*

DEAR SIR:—Your statement of fact is as follows:

The members of the local grange at Rockland have held an annual cattle show and fair for the past four years, paying out a large amount in cash premiums on fruit, vegetables, cattle, drawing-horses, butter, etc. That grange now presents to you a request for a portion of the appropriation provided for in Revised Statutes, Chapter 60, Section 14, commonly known as the stipend paid to agricultural societies. Your inquiry is whether payment should be made in accordance with this request.

An examination of the records of incorporated societies in the office of the secretary of state discloses the fact that the local grange at Rockland was organized as a corporation, February 3, 1904, under the name of "Pleasant Valley Grange, No. 274, Patrons of Husbandry." The records further disclose the purposes of the corporation to be, "To advance the principles of

Patrons of Husbandry, as set forth in the constitution and declaration of the purposes of the National Grange of Patrons of Husbandry; and to buy, improve and sell real estate."

We have carefully examined the act of incorporation of the National Grange Patrons of Husbandry, an act of the Kentucky Legislature approved April 6, 1876, also the declaration of purposes set forth in the digest of the laws and enactments of the National Grange. In the act of the Legislature referred to, the object of the corporation is disclosed to be, "The promotion of agriculture and other kindred pursuits by inducing co-operation among farmers and those alike interested for their mutual benefit and improvement and to this end to act as the controlling body of the order known as 'Patrons of Husbandry,' an order organized in the United States for the purposes aforesaid." The general objects and the specific objects of the Patrons of Husbandry contained in the digest referred to are clear, concise but at considerable length, and by reason of their length we refrain from quoting them in this connection. We have made a careful examination of those purposes and objects, however, and while they seem to be quite comprehensive, yet the whole trend of these purposes and objects does not seem to be comprehensive enough to include, even by implication, as one of the specific objects, that of holding an annual "cattle show and fair," or the paying of "premiums and gratuities."

Referring to the brief purposes of the certificate of organization of Pleasant Valley Grange, it will be seen that those purposes do not *exceed* the, "principles of the Patrons of Husbandry as set forth in the constitution and declaration of the purposes of the National Grange Patrons of Husbandry." We are, therefore, of the opinion that while it is eminently proper for Pleasant Valley Grange to hold a "cattle show and fair," or to pay premiums and gratuities, yet such exhibition and payment are not among the purposes for which the grange was organized, as set forth in its certificate of organization.

Now turning to Revised Statutes, Chapter 60, Section 14, we find that, "There shall be appropriated annually from the state treasury a sum of money not exceeding one cent and one-quarter to each inhabitant of the state, which shall be divided among the legally incorporated agricultural societies of the state not provided for by special enactment according to the amount

of premiums and gratuities actually paid in full by said societies."

The next question which naturally arises is, whether Pleasant Valley Grange, No. 274, Patrons of Husbandry, (admitted to be legally organized as a local grange) is one of the "legally incorporated agricultural societies of the state."

The phrase, "agricultural society," has received definition in *Downing vs. Indiana State Board of Agriculture*, 129 Ind. 443 in the following language:

"An agricultural society is one seeking to bring together people engaged in agricultural pursuits and the manufacture of articles adapted to the use and cultivation of the soil, and to exhibit to those in attendance the crops resulting from the various methods of farming, and give to the people of the state engaged in agricultural pursuits an opportunity of discussing various methods of farming, farm implements used, different breeds of stock raised, and to educate the people in this way in the pursuits of agriculture, that the condition of the agriculturist may be improved by knowledge of the best methods of farming, best machinery and best breeds of stock."

From this definition it may be seen that one of the prime objects of an agricultural society is to teach by exhibition. In fact, it might almost be said that teaching by exhibition embraces all the purposes of an agricultural society. Indeed, the people of the State of Maine are too familiar with agricultural societies and their exhibitions to need enlightenment as to what an agricultural society is.

The Supreme Court of Nebraska, in *State vs. Robinson*, 35 Neb. 401, says:

"Agricultural societies are not corporations in the ordinary sense of the term but rather agencies of the state created for the purpose of assisting in promoting the interests of agriculture."

The Supreme Court of Iowa, in *Jordan vs. Iowa State Agricultural Society*, 91 Iowa, 97, says of an agricultural society:

"It is an agency for the state. It exists for the sole purpose of promoting the public interests in the business of agriculture."

Our own Supreme Court has said, in *Brown vs. South Kennebec Agricultural Society*, 47 Me. 283,

"They (the defendants) are not a quasi but an aggregate corporation which, as defined, consists of several persons, united in

one society, continued by a succession of members, and, being the mere creature of the law, possess *only those properties conferred by charter, either expressly, or as incidental to its existence, and best calculated to effect the object of its creation.*"

On the other hand, while the local grange may give one, two, four or a dozen exhibitions, and may teach by exhibition, yet we think it is also common knowledge that the object of the grange is not primarily to *teach by exhibition*.

We are, therefore, of the further opinion that the legislature, in the language used in Revised Statutes, Chapter 60, Section 14, did not intend to include among the list of "legally incorporated agricultural societies" every local grange, even though the same was incorporated as a grange. If the legislature had intended to cover so large a number of associations, we cannot believe that the intention would have been left to implication but would have been more explicit.

Summing up, therefore, from an examination of the certificate of organization of the Pleasant Valley Grange, from an examination of the act of incorporation of the National Grange and its declaration of purposes, from an examination of the statute and of legal authorities, we are of the opinion that the legislature did not intend to include local granges like Pleasant Valley Grange in the list of "legally incorporate agricultural societies," and that the grange in question is not entitled to any portion of the state stipend by reason of its "cattle show and fair," or the payment of premiums and gratuities, which it has held and paid for the past four years.

CRIMINAL LAW.—ESCAPED PRISONER—  
REMAINDER OF SENTENCE—EXTRADITION.

*Amos F. Carleton, Esq., Office of the Sheriff, Belfast, Maine:*

DEAR SIR:—Your first question relates to the claim made by respondent's attorney that his time is going on during his escape from prison. It would hardly seem necessary to cite any authorities in opposition to this proposition, but as the question has been passed upon, you may be glad to know the authority which we have for saying that defendant's time is not going on while he is absent from jail.