

MAINE STATE LEGISLATURE

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STATE OF MAINE.

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1908.

WATERVILLE
SENTINEL PUBLISHING COMPANY
1909

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.

In the 10th Vol. of Am. & Eng. Enc. of Law, (1st Ed.) on page 199, you will find this statement; "a prisoner who escapes before his term of imprisonment is ended, should, on his recapture, be imprisoned for a time equal to the remainder of the term." This statement is upon the authority of the supreme court of New York as decided in *Haggerty vs. People*, 53 N. Y. 476. Moreover, the court has gone further in another New York case and has ruled that a prisoner escaping during his term of imprisonment, and retaken *after the time for which he was imprisoned has expired*, may be returned to prison for a time equal to the remainder of his term unserved. This point was also decided in the N. Y. case to which we have just referred and was held to be good law in a Virginia case, *Cleek vs. Commonwealth*, 21 Gratt. 777.

The other question is with reference to requisition. The Constitution of the U. S., Art. IV, Sec. II, Par. 2, provides for extradition in the case of a person "who shall flee from justice." Ordinarily a fugitive from justice has been thought of as a man who has fled before he has had his trial, but it has been decided that an escaped prisoner who is under sentence is also a fugitive from justice. The authority for this is found in Enc. of Law, Vol. 19, page 88, and is founded upon the decision of the court in *Drinkall vs. Spiegel*, 68 Conn. 411, and also in a N. Y. case, in *re Hope*, 10 N. Y. Suppl. 28. It is quite plain, therefore, that extradition can be resorted to in such a case as the one which you have on hand.

CORPORATIONS.—INDICTMENTS AGAINST BODY
CORPORATE AND AGAINST STOCKHOLDERS,
OFFICERS, AGENTS OR EMPLOYEES.

*Frederick A. Hobbs, Esq., Office of County Attorney, South
Berwick, Maine:*

DEAR SIR:—I have your favor of the 27th, supplementing a former letter in which you ask for suggestions relating to some of your liquor cases and in your last letter you have reduced the inquiry to three questions.

Your first question is, "in those matters what would be the criminal liability of the corporation?" If I understand your