Sixty-Seventh Legislature.

SENATE. No. 2.

STATE OF MAINE

EXECUTIVE DEPARTMENT,
AUGUSTA, Jan. 3, 1895.

To the Honorable Senate and House of Representatives:

I have the honor to transmit herewith, for the consideration of the legislature, report of commissioners appointed under a resolve of the legislature of 1893, to take into consideration the subject of private and special legislation, with accompanying drafts of bills.

HENRY B. CLEAVES.

Report of the Commissioners appointed by authority of Chapter 231 of the Resolves of the State of Maine, 1893; to take under consideration the subject of Private and Special Legislation as follows:

"*Resolved*, That the Governor with advise and consent of the Council shall appoint a board of three commissioners whose duty it shall be to take into consideration the subject of private and special legislation, and investigate and ascertain what subjects of this character may properly be provided for by general laws, and for which special legislation has heretofore been asked, so that in the future the legislature may be relieved from the enactment of special laws relative to such subjects. Said Commissioners shall report their recommendations to the next legislature during the first week of its session, with such forms and drafts of bills as they may deem applicable to such subjects."

To the Honorable Senate and House of Representatives in Legislature assembled:

We beg leave herewith to submit to your honorable bodies our report, having been duly appointed and qualified under the provisions of the resolve above quoted.

The difference between private acts and public acts, after their passage, has been recognized from an early day, and now among the most important and most carefully observed for the management of the business of the British Parliament are those regulating the passage of private bills, which includes all bills for the particular interest or benefit of one or more individuals or private corporations, and even bills for the particular interest or benefit of a county, city, parish or other public corporations.

Some thoroughly systematized method of procedure in the enactment of special or private legislation has long been needed, so that all such acts would be fully up to that high standard of legislative work which is rightfully expected of every civilized community.

An examination of the Acts and Resolves of preceding legislatures shows that public and private, general, special and local laws have been passed indiscriminately.

What may be called the science of legislation, the careful adaptation of laws both to the needs of the State and the various classes of people composing it, and to the body of law already existing, the determination of the proper scope of general laws, and the circumstances which call for legislation of a local or special character, would seem to have been too little regarded, and as time has gone on not only has the volume of special and local legislation needlessly increased, such acts being frequently passed as to matters that could have been provided for, and in some cases were provided for, under a general system, but private schemes have often been pushed through the legislature by unscrupulous men, to the sacrifice of public interests. Each separate locality has therefore been liable to unwise interference in its affairs, and the law as to many matters has been thrown into confusion. The natural consequence of all this has been the growth of a very general feeling of hostility to all local and special legislation.

One state after another has sought by changes in its constitution, to check the excesses into which the legislature had fallen in this respect, and the influence of the example so set is seen in the constitution of all the more recently organized states.

That some effectual restrictions upon special legislation were needed has been repeatedly testified to by the courts of various states, when called upon to enforce these restrictions:

Thus in Indiana the earliest state to adopt them, their object was stated as being "to restore the state from being a coterie of small independencies, with a body of local laws like so many counties palatine, to what she should be, and was intended to be, a unity, governed throughout her borders on all subjects of common interest by the same laws general and uniform in their operation."

The pernicious system of special legislation, practiced for many years before, had become so general and deep rooted, and the evils resulting therefrom so alarming that the people determined to apply the only remedy that promised any hope of relief. The constitutions of all the states admitted to the Union in the last thirty years contain provisions more or less complete as to this. To effect this purpose some constitutions have forbidden such legislation as to a few subjects, some as to very many, while others forbid it in every case to which a general law can be made applicable.

We think that while the absence of all restrictions upon special and local legislation is unquestionably a serious evil, yet the absolute or nearly absolute prohibition produces in its turn results which are far from satisfactory. That this is inevitable is clear from the fact that such legislation, when properly regulated and employed, is not only a perfectly legitimate exercise of legislative power, but is a valuable means of providing for the needs of the different parts of a state, and even of corporations or individuals under exceptional circumstances. It is perfectly natural and fitting that some legislation should be of this character, and what it needs is to be adequately regulated, so as to secure its proper use while preventing its abuse.

In regard to many matters both of ordinary private law, that which affects the every day relations of life, and of administrative law as well, the prohibition of special legislation is both effectual and useful. Thus—many matter which have hitherto called for private or special acts cannot only all be regulated by general laws, but it is vastly better for the community that in regard to such matters every one's actions should be controlled by the same law, and that no one should obtain from the legislature rights or immunities which enable him to override the law by which the rest of the community is governed. It is clear that the legislature has the power to authorize, by a general law, the taking of property for a public use, provided such taking be, as required by the Fourteenth Amendment, "by due process of

law." Every law, whether general or special, should protect public and private rights from unjust and unnecessary infringement. So long as this protection is afforded by a proper judicial inquiry in every instance, it is immaterial whether this be made by a committee of the legislature or by any other responsible body, authorized by the legislature.

There are unquestionably many matters that can best be dealt with by general laws, operating uniformly throughout the State, while there are others which, to secure the best results, require a more special treatment. As to the former, special legislature could be forbidden, while as to the latter it could be permitted under such regulations as would ensure a fair and judicial treatment of each case.

The term "General Law," as used in our State constitution, has not been found easy of definition, and no court has yet undertaken to state its meaning with any great measure of exactness. It is clear that it is not merely a law in regard to a general subject, for if the subject be regulated in a particular locality only, or as affecting particular persons, the law regulating it is local or special, and not general. From the definitions given above, it follows that a general act must be one which is designed neither for one or more particular persons, nor to operate exclusively in any particular part or parts of the State; yet such an act is not necessarily universal, *i. e.*, capable of operating upon all persons or all things within the State legislated for.

Provided that an act be not expressly limited to operate upon particular persons or in particular localities, it is enough to constitute a general act, first, that it should operate wherever the circumstances to which it is applicable exist in the State, and secondly, that it should operate uniformly, *i. e.*, upon "every person who is brought within the relations and circumstances provided for," without regard to the number of such persons as compared with the whole population of the State.

The term "local law" is rather modern, having been brought into use by the necessity of distinguishing between those

public laws which are general and those which are not, the latter including both special and local laws.

The matter to which a local law relates may be either general or special, but in either case the law itself is not in force outside the locality or localities for which it is passed; it must be admitted that the terms "local law" and "special law" have often been loosely used, as if the former were one species of the latter, and the absence of any references, in the Constitution, to "local legislation," seems to indicate an opinion that it was superfluous to distinguish it from "special legislation."

It has been decided that as the preservation of fish is for the public benefit, Acts for their preservation in certain specified rivers are public, obligatory on all the citizens, and to be taken notice of by the courts.

Thus it will be seen that special legislation may be either public or private.

The subject matter with which the commissioners were called upon to deal has engrossed the attention of the chief executives and the legislature of our State for many years. The growing tendency toward excessive legislation of a private character impelled Governor Kent in his Address to the legislature in 1841 to say, "The great doctrine of equality, which lies at the foundation of our republic, and which is cherished with so much ardor by the American people will, faithfully observed, lead to the enactment of laws universal in their nature and general in their requisitions, and to the rejection of all local, temporary, partial or exclusive legislation, uncalled for by the true interests of the whole people, no men or body of men have any right to a monopoly of privileges or exclusive laws framed for their benefit."

Governor Crosby in 1853 in his Address said: "The requirements made upon the time and attention of the legislature, by applications for that which is usually denominated special and private legislation, to a considerable extent prolonged the session. * * * * * General laws on the subject should be enacted. * * * *

Legislation directly for individuals, but presumed to be for the benefit of the whole people, the attempt to provide by law for every case that will arise will ever prove an idlesome undertaking."

Governor A. P. Morrill in 1855 in his Address said, "There is a deep conviction in the public mind that we have too much legislation, and that much time and money are thrown away enacting laws of doubtful utility, which are amended or repealed at the next succeeding legislature; thereby encumbering our statute books with a mass of unnecessary, if not useless legislation, and making it very difficult for any but an experienced lawyer to understand what the law is."

Governor Hamlin in his Address in 1857 said, "One of the evils under which we suffer is excessive and useless legislation. * * Legislation as far as practicable should be general and designed to produce system and order."

Governor Lot M. Morrill in his Address in 1858, in calling attention to the great expense of "special legislation," among other things said: "Of the Private Acts the great proportion are to incorporate companies for the promotion of various private enterprises and which could all be done as well under the general law, objects to be accomplished by resolves might properly be confided by general powers to some other department of Government or heads of department."

Governor Perham in his Address in 1872 complains in vigorous terms of the great number, and the great expense, of Private and Special Acts.

Governor Dingley in his Address in 1874 said, "In whatever direction you may feel called upon to exercise your authority as law makers, too much care cannot be exercised to avoid private and special legislation as far as possible. As a general principle laws should be general in their character and uniform in their operations; for it is the business of Government to protect the rights of all rather than the interests of a few. Too often private and special legislation

is only a devise to secure exceptional privileges at the expense of the public. It is the part of that growing lobby system which is always injurious to the public interests and becomes a source of demoralization and positive danger."

So great had the evil thus complained of become that the legislature proposed and the people adopted in 1875 the following constitutional amendments.

"The legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation." Constitution of Maine Section 13, Article IV.

"Corporations shall be formed under general laws, and shall not be created by special Acts of the Legislature, except for municipal purposes, and in cases where the objects of the corporation can not otherwise be attained." Section 14, Article V.

It was believed that these amendments to the constitution would effectually put a stop to the evils complained of, and for a time such was the case. The numbers of Private and Special Acts passed by the next succeeding legislatures were few indeed as compared with former years prior to the adoption of these amendments but unfortunately as it would seem, less and less attention has been paid by the legislatures of the last decade to these constitutional requirements and the result has been that the volume of Private and Special Laws has been ever increasing from year to year, until it has become far in excess of that prior to the adoption of the Constitutional Amendments above quoted and the evils complained of and referred to correspondingly magnified and increased.

So great the expense, so much time of the legislature did these enactments involve, that his Excellency Governor Cleaves, called the attention of the legislature in 1893 to it in a special message wherein he said, "This special and private legislation is accumulating so rapidly that I deem it proper to suggest to the legislature, for consideration, the propriety of providing by general laws for the regulation of matters of this character."

After deliberate consideration it was deemed best by the legislature of 1893 that a commission should be appointed to carefully study the subject and report a draft of bills to the legislature of 1895 covering the whole subject.

Whether the enactment of Private and Special Laws has not been in contravention of the organic laws of the State has been a serious question for many years with lawyers and legislators, and some consideration of this question with a presentation of the decisions of the courts bearing upon the subject would seem to properly come within the scope of this commission.

These provisions of our constitution have never been judicially construed by the Supreme Court of this State, and in the constitutions of no other state is the same language employed. Similar forms of expression, although not identical, are found in other constitutions, however, which have been interpreted by courts of last resort, and which shed some light upon the subject of our inquiry.

Under the provisions of section 14 of our constitution that "Corporations shall be formed under general laws and shall not be created by special acts * * * except * * * in cases where the objects of the corporation cannot otherwise be attained," the inquiry at once arises,—is the legislature the sole judge as to whether the objects of the corporation can or cannot otherwise be attained, and is its judgment in such case conclusive, or is it subject to review and reversal by the courts. If the legislative judgment is solely to be exercised and is conclusive it would seem to follow that the 14th Section has no validity nor is there any reason why it should have a place in the Constitution. It would impose no restriction upon the action of the legislature nor confer any power which that body would not possess in the absence of such a provision. To this argument the answer is made that the object of the provision was not to confer any power on the legislature but to restrain that body in the exercise of an inherent power of sovereignty which, in the absence of such a restriction, it would possess. But the restriction is not specific, as

to the particular cases to which it applies, and hence it requires the exercise of legislative judgment in determining the question of its application in each case as it may arise. It is nevertheless a restriction binding upon the conscience of every member of the body, the application of which must be judged of and determined as cases are presented under the oath which each member takes, to support the Constitution of the State, and it cannot be presumed that the members of that body, would willfully disregard either the restriction or their obligation to support it, in the enactment of laws. *Gentile* v. *State* 29 Ind. 409.

In the Constitution of New York (Article VIII, Section I,) we find the following provision: "Corporations may be formed under general laws, but shall not be created by special acts, except in cases where, in the *judgment of the legislature*, the object of the corporation cannot be attained under general laws.

The difference between the foregoing provision and section 14 of the Constitution of our State, will be at once observed. By the former, the whole subject matter is in terms committed to the judgment of the legislature, while our Constitution is silent in this regard, and the courts of New York have accordingly held that this means the exclusive judgment of the legislature.

Moshier v. *Hilton*, 15 Barb. 657: *U. S. Trust Co.* v. *Brady* 20 id. 119: *People* v. *Brown* 30 id. 24 (affirmed 21 N. Y. 517) *N. Y. & H. R. Co.* v. *Forty-second St. &c. R. Co.* 50 id. N. Y. 309: S. C. 42 How. Pr. 481. The same position was taken in Illinois, where the language of the constitutional provision was identical with that of New York. *Johnson* v. *Joliet & Chicago R. R. Co.* 23 Ill. 203: and in Kansas, *State* v. *Hitchcock* 1 Kan. 173: *Commissioners &c* v. *Shoemaker* 27 id. 77: *Knowles* v. *Topeka* 33 id. 692: *Beach* v. *Leheay* 11 id. 23: *Francis* v. *A. T. & S. F. R. R. Co.* 19 id. 303: and also in Wisconsin, *Clark* v. *City of Janesville* 10 Wis. 137.

But in New Jersey, in construing a constitutional provision nearly identical with the foregoing it was held that the court and not the legislature is the tribunal which must determine whether an object can be accomplished by general legislation. *Pell* v. *Newark* 40 N. J. L. 71.

In many states of the Union, the organic law absolutely prohibits the legislature from passing any local or special laws in certain enumerated cases; and provides also that "in no other case *where a general law can be made applicable*, shall a special law be enacted." The idea intended to be conveyed by our own Constitution and by the latter clause of the foregoing provision is substantially the same. The two provisions nearly if not quite touch each other, albeit perhaps the language of our constitutional provision might be susceptible of a broader construction and held to be less restrictive upon special legislation. Under the clause above quoted, this question of the finality of legislative judgment, whether the legislature is the sole judge of the possible applicability of the general law or whether the final decision rests with the courts has frequently arisen and been passed upon by the courts of other states, and it will be interesting if not altogether satisfactory to note the conclusions which have been reached. The earliest decision upon this point was made in Indiana in *Thomas* v. *Board of Commissioners* 5 Ind. 4, in which the court held "that the question whether the legislature in passing the special law referred to in that case, acted within the scope of their authority, was in its opinion a proper subject of judicial inquiry." This case was elaborately discussed by the court in *Gentile* v. *the State infra.* and squarely overruled. In *Thomas* v. *Board, &c.* it was stoutly maintained by the court, that if the legislative judgment is final, that body could enact private and special laws *ad libitum* in any case not enumerated and the principle involved would deprive the court of questioning the correctness of a legislative construction of its own powers under the constitution.

In answer to this argument which certainly has much forceful reasoning, *Elliott J. in Gentile* v. *State* says: "The (constitutional) provision does not involve any question of the power of the legislature to enact a law upon any particular subject. It only involves the question of fact whether the subject of the act is such that a general law could be made applicable. It is a question which the legislature must necessarily determine. It particularly addresses itself to the legislative judgment and if a local law be enacted, the reasons upon which the legislature adjudged that a general law could not be made applicable, however satisfactory that may appear to members of that body, may not appear on the face of the law, and the courts are left in ignorance of them and if permitted to review the legislative decision, must act upon such reasons and facts as may suggest themselves to the mind; and thus the legislature and the courts would be liable to be brought into frequent conflict to no beneficial purpose." The doctrine of this case has been since affirmed in *Longworth* v. *Common Council* 32 Ind. 322: *State* v. *Tucker* 46 id. 355: *Clem* v. *State* 33 id. 418: *Eitel* v. *State* 33 id. 201: *Vickery* v. *Chase* 50 id. 461: *Johnson* v. *Board of Commissioners* 107 id. 24. The question here involved also arose in Missouri, and the decisions of the Indiana Court were followed in *State* v. *Henderson* 50 Mo. 317: *State* v. *Robbins* 51 id. 83: *Hare* v. *Bray* 51 id. 283: *City of St. Louis* v. *Shields* 62 id. 247. Subsequently a constitutional amendment was passed declaring that whether a general law can be made applicable in any case shall be a judicial question.

In Kansas, the court held the applicability of a general law to be a matter of legislative discretion *State* v. *Johnson* 1 Kan. 173. This decision rendered in 1862 has been many times affirmed and may be considered to be the settled law of that state. *Beach* v. *Leahey* 11 Kan. 23: *Wichita* v. *Burleigh* 36 id. 34.

The same view was taken by the courts of Arkansas in construing like provisions of its constitution. *City of Little*

Rock v. *Parish* 36 Ark. 166 : and in Alabama, *Clarke* v. *Jack* 60 Ala. 271 : in Oklahama, *Johnson* v. *Mocabee* 1 Okla. 204 : in North Dakota *Edmonds et al* v. *Herbrandson et al.* 2 No. Dak. 270 : and in Florida *State* v. *Co. Commrs.* 19 Fla. 518.

This case was under the Constitution of 1868 the provisions of which were changed in the Constitution of 1885.

In direct conflict with these authorities is the decision of the court of Iowa in *Ex parte Fritz* 9 Iowa 30 in which it is squarely held that the legislature is not the sole judge of the applicability of a general law and that its decision is subject to review and reversal by the court. *Davis* v. *Woolnough* 9 id. 104 ; *Baker* v. *Steamboat Milwaukee* 14 id. 215 ; *Town of McGregor* v. *Baylies* 19 id. 43. But in a late case it is further declared that except in a clear case the exercise of legislative discretion will not be disturbed by judicial intervention. *Richmond* v. *Board of Supervisors* 77 id. 513.

With this modification the doctrine of the Iowa court is followed in Nevada. *Clarke* v. *Irwin* 5 Nev. 124 *Hess* v. *Pegg* 7 id. 28 ; *Evans* v. *Job* 8 id. 322 ; and in Colorado, *Brown* v. *City of Denver* 7 Colo. 305 ; *Carpenter* v. *People* 8 id. 117. In the latter case the court determined that whether a general law can be made applicable, or whether a special law is authorized for a purpose not falling within the enumeration of prohibited cases is peculiarly a legislative question. But should the action of the legislature clearly appear wrongful the courts could interfere. In California, while not deciding the question, the court intimates pretty strongly that it is in accord with the principles just stated. *Earle* v. *Board of Education* 55 Cal. 489.

The foregoing cases comprise the body of the American law upon the subject matter under consideration. It must be conceded that the cases taking opposite views of this question, are utterly irreconcilable and offer no middle ground of compromise. Whether all Private and Special Laws are constitutionally valid, or whether some of them may be declared illegal, if enacted in violation of organic law, depends upon

what forum is entrusted with the power of exercising ultimate judgment.

The view taken by some of the courts, (although the weight of authority is probably the other way) that the legislative discretion can be restricted, and when exercised, the legality of such exercise is reviewable by the court, is entitled to great weight. The logic of the argument seems well nigh irresistible. It can hardly have been intended where a constitution has forbidden the enactment of Private or Special Laws under certain circumstances that the legislature should be the final judge as to the existence of the circumstances which are to rule its action, or in other words, as to whether or not it is forbidden to do a particular thing. *Binney on Restrictions upon Local & Special Legislation* 117.

But perhaps the most serious objection to the adoption of this view in this State, would be founded on policy rather than principle. The numerous Private and Special Laws which have been enacted here, since the adoption of the constitutional amendments in 1875, have been sanctioned by long usage, and under them large material interests have been built up and valuable property rights have become vested. "To declare such acts unconstitutional and void" say the court of Illinois in *Johnson* v. *Joliet and Chicago R. R. Co.* 23 Ill. 203, "would produce far-spread ruin in the State. It is now safer and more just to all parties to declare that it must be understood that in the opinion of the general assembly, at the time of passing the special act, its object could not be attained under the general law."

But whichever way legal or judicial opinion may incline upon this question, it is perfectly clear from an examination of the constitution of our own and other states that the spirit of these instruments is opposed to special and private legislation in cases where the subject matter can be adequately covered by general laws. This proposition cannot be seriously controverted. The principle that general laws should be the rule and private and special laws the exception is imbedded in our organic law. To enact general laws of sufficient scope and

elasticity then, as will adequately answer the purposes for which special legislation is usually sought would seem to be the duty of the legislature. Indeed, the Constitution of the State makes this duty mandatory—for it provides that "The legislature *shall* from time to time provide as far as practicable by general laws for all matters usually appertaining to special and private legislation." Section 13.

In accordance with this provision, many general laws have already been enacted and are now in force in this State. Banks and savings institutions, trust and loan associations, manufacturing corporations, insurance companies (fire and marine), aqueducts, libraries and charitable societies, public cemeteries, loan and building societies, railroads, street railways, &c., are all provided for now by general laws. Other subjects which may properly be provided for by general laws and for which special legislation has heretofore been asked have received the thoughtful consideration of the commission, and bills have been drafted, which are herewith submitted with this report for the action of the legislature, relating to fish and game laws, trust and safety deposit companies, water companies, gas and electric lighting companies and telegraph and telephone companies.

While the bills above named do not include all subjects which may be properly provided for by general laws we believe that the passage of these or similar bills will greatly tend to relieve the legislature from a great mass of private and special legislation.

INLAND FISHERIES AND GAME.

One of the most prolific sources of Private and Special Acts is that relating to the Inland Fisheries and Game. The wonderful increase of game in our forests, and fish in our lakes, ponds, rivers and brooks has attracted sportsmen from beyond our borders in ever increasing numbers. Its gold bearing results to our citizens must now be nearly three millions of dollars annually. Our inland fish and game products is hardly second to any. No one interest has our State

that pours into her lap so large an income. This has stimulated localities to endeaver to increase this flow of gold, and numberless private and special acts are asked for from each succeeding legislature.

We would recommend to meet this demand that the accompanying bill "A" be enacted by your honorable bodies which would at once save the legislature much valuable time and the taxpayers enormous expense.

In the communication of Governor Cleaves above referred to, he says, "The Commissioners on Inland Fisheries might properly be authorized, upon petition by a certain number of citizens, and after hearing, to regulate the time of taking fish in the various waters not now subject to the existing laws, and the enforcement of such regulations may be secured by appropriate penalties."

Many of the States of the American Union have found it expedient to adopt this method and the practical results are believed to be highly satisfactory and beneficial, and no objection can be urged to it on constitutional ground it is believed.

TRUST AND SAFETY DEPOSIT COMPANIES.

We report a draft of a bill providing for the incorporation and regulation of Trust and Safety Deposit Companies, which accompanies this report and is marked "Exhibit B."

WATER SUPPLY COMPANIES.

While the general law for organizing corporations, Revised Statutes, chapter 48, section 16 *et seq.*, does not exclude the formation of water supply companies under its provisions, there is no adequate law of the State providing for the organization of such companies and prescribing its powers and duties.

The organization of proprietors of aqueducts into a corporation is provided by chapter 54 of the Revised Statutes, but the provisions of that chapter are clearly inadequate for the wants of the cities and larger towns of the State.

Past legislatures have by special acts authorized the creation of many private corporations for supplying pure water to cities and towns. Such special acts are mostly of the same general tenor, and in many instances the language of such Acts is identical, so far as relates to the purposes, powers, duties and liabilities of such corporations.

We think a general law should be enacted by which all such corporations may be organized, and we so recommend.

We therefore submit to the legislature a draft of a bill for that purpose, which accompanies this report and is marked "Exhibit C."

GAS AND ELECTRIC COMPANIES FOR LIGHTING, HEATING AND MECHANICAL PURPOSES.

There is no general law which specifically authorizes the incorporation of companies for the manufacture and distribution of gas or electricity for lighting, heating or mechanical purposes. The only general legislation applicable to such companies is Chapter three hundred and seventy-eight of the Public Laws of 1885, which regulates and controls the construction, maintenance and operation of electric lines.

We recommend the enactment of a general law for the incorporation of gas and electric companies, and submit for the consideration of the legislature a draft of a bill for that purpose which accompanies this report and is marked "Exhibit D."

This draft it will be noticed makes no change in the law of 1885 above referred to.

TELEGRAPH AND TELEPHONE COMPANIES.

The incorporation of telegraph and telephone companies is excepted from the provisions of section 16 of chapter 48 of the Revised Statutes.

Section 11 of chapter 378 of Public Laws of 1885, as amended by chapter 8 of Public Laws of 1891 provides that:

"Section one, two and four of chapter 51 of the Revised Statutes are hereby made applicable to persons and companies owning or using telephone lines, wholly or partly in the State."

This last named legislation seems to us too indefinite to have any practical operation, and we recommend the enactment of a general law providing for the incorporation of telegraph and telephone companies, and we submit for the consideration of the legislature a draft of such a bill which accompanies this report and is marked "Exhibit E."

All of which is respectfully submitted,

L. T. CARLETON,
FREDERICK H. APPLETON,
WILLIAM H. FOGLER,
Commissioners.

STATE OF MAINE.

IN SENATE, January 3, 1895.

Read, and on motion by Mr. SPOFFORD of Hancock, laid on the table to be printed.

KENDALL M. DUNBAR, *Secretary.*