

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 157

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*House of Representatives, Feb. 7, 1917.*

*Referred to Committee on Judiciary and five hundred copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Cole of Eliot.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to create a Municipal Court for the City of Lewiston, having the powers and duties of a Juvenile Court, and repealing Chapter 636 of the Private and Special Laws of 1871 and Act amendatory thereof and additional thereto.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. A municipal court is hereby established for  
2 the city of Lewiston, which shall be a court of record, and  
3 have a seal, and shall consist of one judge, who shall be  
4 a member of the bar in Androscoggin county, of good moral  
5 character who shall be appointed, elected, qualified, and hold  
6 his office as provided in the constitution, who shall reside

7 during his continuance in office in said city of Lewiston,  
8 and who shall receive from said city in monthly payments  
9 an annual salary of two thousand dollars, which shall be  
10 in full for all fees pertaining to his office.

Sec. 2. Said municipal court shall have exclusive juris-  
2 diction in all civil actions in which the debt or damages  
3 demanded do not exceed twenty dollars, and both parties  
4 or one of the parties and a person summoned as trustee,  
5 reside in the city of Lewiston, and shall also have exclusive  
6 jurisdiction over all offenses committed against the ordi-  
7 nances and by-laws of said city and over all such criminal  
8 offenses, committed within the limits of the same as are  
9 cognizable by trial justices; provided, that warrants may be  
10 issued, upon complaints, for offenses committed in said city  
11 of Lewiston by any trial justice in said county; but all such  
12 warrants shall be made returnable before said court, and no  
13 trial justice shall take cognizance over any crime or offense  
14 committed in said city or any civil action where said court has  
15 exclusive jurisdiction. Said court shall have concurrent juris-  
16 diction with trial justices, justices of the peace, justices of the  
17 peace and quorum, and the municipal court of the city of  
18 Auburn, over all such matters, civil and criminal, within the  
19 county of Androscoggin, as are by law within their juris-  
20 diction, and shall also have original concurrent jurisdiction  
21 with the supreme judicial court in all civil actions where the  
22 debt or damages demanded, exclusive of costs, do not ex-  
23 ceed three hundred dollars, and the defendant resides in the

24 county of Androscoggin; said municipal court shall also  
25 have concurrent jurisdiction with the supreme judicial court,  
26 in the county of Androscoggin of the offenses described in  
27 chapter one hundred and twenty-one, sections one, six,  
28 seven, eight and nine of the Revised Statutes, when the value  
29 of the property is not alleged to exceed fifty dollars, and  
30 may punish by fine not exceeding one hundred dollars or  
31 by imprisonment for a time not exceeding six months, and  
32 also of the offenses described in chapter one hundred and  
33 thirty-three, section four of the Revised Statutes, and may  
34 punish by fine, not exceeding fifty dollars, or by imprison-  
35 ment for a term not exceeding three months; and also of  
36 the offenses described in chapter one hundred and nineteen,  
37 section twenty-eight of the Revised Statutes, and may punish  
38 by fine not exceeding fifty dollars, or by imprisonment for  
39 a time not exceeding three months; also of the offenses de-  
40 scribed in chapter one hundred and twenty-five, and section  
41 six of the Revised Statutes; provided, that said court shall  
42 have no jurisdiction over actions in which the title of real  
43 estate, according to the pleadings filed in the case by either  
44 party is in question, except as is provided in chapter ninety-  
45 six, sections six and seven of the Revised Statutes. Any  
46 action in which the debt or damages demanded exceed  
47 twenty dollars, may be removed to the supreme judicial  
48 court, on motion of the defendant, filed at the return term,  
49 provided, he shall, at the time he files his motion, also  
50 file an affidavit that he believes he has a good defense to

51 said action, in whole or in part, and intends, in good faith,  
52 to make such defense, and shall therewith deposit with the  
53 clerk of said municipal court the entry fee in the supreme  
54 judicial court, to be taxed in his costs, if he prevail; the  
55 clerk shall enter said action at the next term of the su-  
56 preme judicial court, in said county, and shall file with the  
57 writ, certified copies of the affidavit and motion.

Sec. 3. All writs and processes issued by said court shall  
2 be of the usual forms, and all writs in which the debt or  
3 damages demanded do not exceed twenty dollars, shall be  
4 served as now provided by law in case of writs issued by  
5 trial justices, and all writs in which the debt or damages  
6 demanded exceed twenty dollars, shall be served in time  
7 and manner as now provided by law in case of writs issued  
8 by supreme judicial court. All writs and processes in civil  
9 matters shall be in the name of the state, bearing the test  
10 of said judge, under the seal of said court, and shall be  
11 signed by its clerk, and be obeyed and executed throughout  
12 the state.

Sect. 4. Said court shall be held on the first Tuesday  
2 of each month, for the transaction of civil business, and all  
3 actions shall be made returnable at one of the two terms  
4 next begun and held after seven days from their date and  
5 service thereof may be made at any time not less than seven  
6 days before the return day thereof, except that when any  
7 defendant or trustee named in any such writ is a corpora-  
8 tion, service upon such corporation must be at least thirty

9 days before the return day; provided, however, that said  
10 court shall be held on every Tuesday of each month, for  
11 the entry and trial of actions of forcible entry and de-  
12 tainer; and judgment in such actions may be entered on the  
13 day when the same is heard and determined; and whenever  
14 said judge is prevented from attending at the time when  
15 court is to be held for civil business, the city marshal or  
16 his deputy may by oral proclamation adjourn said court  
17 from day to day, until said judge can attend, and in case  
18 of necessity, without day; and when so adjourned, actions  
19 brought for that term shall be entered by the clerk and they,  
20 with all other actions on the docket not otherwise disposed  
21 of, shall be continued to the next term. Said court may  
22 be adjourned from time to time, but shall be considered  
23 as in constant session for the trial of criminal offenses.

Sect. 5. When a defendant legally served does not ap-  
2 pear by himself or his attorney, within the first three days  
3 of the return term he shall be defaulted as in the supreme  
4 judicial court, but the court may take off the default for  
5 sufficient cause. The defendant shall file his pleadings on  
6 the first day of the next term after the entry of the action,  
7 which shall be the same now required by law in the su-  
8 preme judicial court. If the defendant does not so file his  
9 pleadings he shall be defaulted, unless the court, for good  
10 reasons shown, grant him leave to plead, or otherwise law-  
11 fully disposes of the action. All actions answered to shall  
12 be in order for trial at the next term after entry, but the

13 court may, for good reasons shown, order the pleadings in  
14 any action of forcible entry and detainer to be filed and said  
15 actions to be tried at the first term. All actions of forcible  
16 entry and detainer, and any other action in which either  
17 party shall have given written notice to the adverse party  
18 ten days before the return day that he desires a trial at the  
19 first term, shall be in order for trial at the return term, and  
20 so remain until tried or otherwise finally disposed of, unless  
21 continued by consent, or on motion of either party for  
22 good cause.

Sect. 6. Said municipal court is hereby authorized to ad-  
2 minister oaths, render judgment, issue executions, punish  
3 for contempt, and compel attendance as in the supreme  
4 judicial court, and to make all such rules and regulations,  
5 not repugnant to law, as may be necessary and proper for  
6 the administration of justice. And the provisions of law  
7 relating to practice and proceedings in the supreme judicial  
8 court in civil causes, are hereby made applicable and ex-  
9 tended to said municipal court in all respects, except so  
10 far as they are modified by provisions of this act, and all  
11 acts relating to courts and judicial proceedings shall be  
12 modified so far as to give full effect to this act.

Sect. 7. All the provisions of law relative to the attach-  
2 ment of real and personal property, and the levy of execu-  
3 tions on the same, shall be applicable to actions brought in  
4 this court, which shall have authority to issue executions to  
5 be satisfied in the same manner as though issuing from

6 the supreme judicial court; provided, that property may  
7 be attached equal to the amount of the ad damnum, and  
8 in addition thereto sufficient to satisfy the costs of suit.

Sect.8. All actions may be tried by the judge of said  
2 court, without the intervention of a jury, subject to the  
3 right of appeal and to exceptions in matters of law.

Sect. 9. Any party may appeal from any judgment or  
2 sentence of said court to the supreme judicial court, in the  
3 same manner as from a judgment or sentence of a trial  
4 justice.

Sect. 10. Exceptions may be alleged and cases certified  
2 on agreed statements of facts, or upon evidence reported  
3 by the judge, in all civil cases, as the supreme judicial  
4 court, and the same shall be entered, heard and determined  
5 at the next law term held in the western district, or by  
6 agreement of parties, may be certified at once to the chief  
7 justice of the supreme judicial court, and when so certified,  
8 to be argued in writing on both sides within thirty days;  
9 and the supreme judicial court, sitting as a court of law,  
10 shall have the same jurisdiction of all question of law  
11 arising on said exceptions, statements and reports, as if  
12 they had originated in the supreme judicial court for the  
13 county of Androscoggin; and all provisions of law and  
14 rules of the supreme judicial court relative to the transfer  
15 of actions and other matters from the supreme judicial  
16 court for said county, shall apply to the transfer of actions  
17 from said municipal court to said law court. Decisions



18 of the law court on all questions from said municipal court  
19 shall be certified to the judge of said municipal court with  
20 the same effect as in cases originating in the supreme  
21 judicial court in said county.

Sect. 11. Final judgments in said municipal court may  
2 be re-examined in the supreme judicial court on a writ of  
3 error or on a petition for review, and when the judgment  
4 is reversed, the supreme judicial court shall render such  
5 judgment as said municipal court should have rendered, and  
6 when a review is granted it shall be tried in said supreme  
7 judicial court.

Sect. 12. Said municipal court shall have and exercise  
2 original jurisdiction, within and for the county of Andros-  
3 coggin, of all juvenile cases, and when sitting in the exer-  
4 cise of such jurisdiction it shall be known and referred to  
5 as the "Juvenile Court of the County of Androscoggin."  
6 This section and the following sections, relating to juvenile  
7 cases, shall apply to all delinquent and wayward children.  
8 The term "delinquent" for the purposes of this Act shall  
9 mean and include any child under sixteen years of age who  
10 has violated any city or town ordinance, or has committed  
11 an offense against the laws of the state, unless such offense  
12 shall be murder or manslaughter. The term "wayward"  
13 shall mean and include any child under seventeen years of  
14 age who has deserted its home without good or sufficient  
15 cause, or who habitually associates with dissolute or im-  
16 moral persons, or who is growing up in circumstances ex-

17 posing it to lead an immoral, vicious or criminal life, or  
18 who is habitually disobedient to the reasonable and lawful  
19 commands of its parent, or parents, guardian or lawful  
20 custodian. The provisions hereof shall apply to any such  
21 child who is within the above prescribed age limits at the  
22 time a proceeding is instituted as hereinafter provided, not-  
23 withstanding such child may be over such age limits after  
24 the instituting of any such proceeding and during the hear-  
25 ing thereon.

Sect. 13. Hereafter no proceeding either by complaint  
2 or indictment shall be had against any child, within the  
3 county of Androscoggin, under sixteen years of age, for  
4 the violation of a city or town ordinance, or for an offense  
5 against the laws of the state, except such offense be murder  
6 or manslaughter. But the municipal court for the city  
7 of Lewiston shall have jurisdiction over an alleged de-  
8 linquent child for an unlawful act committed in the county  
9 of Androscoggin and of the proceedings against such child.

Sect. 14. Said court shall designate suitable times for the  
2 hearing of all matters arising within its juvenile juris-  
3 diction; and may hold court at such other times as to the  
4 court may seem best adapted to carry out the purposes of  
5 this act. Hearings may be adjourned from time to time,  
6 and the court shall be considered in constant session for  
7 such hearings. But no hearings of juvenile cases shall  
8 take place during the time when the court is engaged in  
9 the trial of criminal cases; nor shall any delinquent or

10 wayward child be brought into the court room at the same  
11 time with adults who are charged with offenses.

Sect. 15. Proceedings against a child under this act shall  
2 be by a petition to the court in writing, setting forth that  
3 in the opinion of the petitioner such child is a delinquent  
4 or wayward child, as the case may be, and requires the  
5 care and protection of the state, and such petition shall be  
6 sworn to before the clerk of the court. Such petition shall  
7 state plainly the facts that bring such child within the pro-  
8 visions of this act, and shall set forth the name, age, and  
9 residence of the child, the name and residence of its parents,  
10 or guardian, or lawful custodian, or of the person with  
11 whom such child resides, if the same be known or can be  
12 ascertained by the petitioner, or the petitioner shall state  
13 that they are unknown if that be the fact. Any person  
14 having knowledge, information or belief of the material  
15 facts that appear to warrant such a petition, may be a peti-  
16 tioner under this act.

Sect. 16. Every petition under this act shall be filed with  
2 the clerk of the court, and upon the filing of any such peti-  
3 tion, said clerk if satisfied that there is reasonable cause for  
4 the petition, shall issue a summons requiring such child to  
5 appear before said court at a time and place named therein,  
6 and shall also cause a summons to be issued to at least one  
7 of the parents of such child, if either of them is known  
8 to reside within the state, or if there be no such parent, then  
9 to the guardian or lawful custodian of such child, if there

10 is one known to be so resident, and if not, then to the per-  
11 son with whom such child resides, if known. Such sum-  
12 mons shall require the person upon whom it is served, to  
13 appear at a time and place therein stated, and show cause  
14 why such child should not be adjudged a delinquent or way-  
15 ward child, as the petition may set forth, and be dealt with  
16 accordingly, and such summons shall be served by reading  
17 the same to the person to be served, or by leaving an at-  
18 tested copy thereof at the last and usual place of abode of  
19 such person, with some person living there: Provided, how-  
20 ever, in case the clerk has reason to believe that such child  
21 will not appear upon summons, or in any case in which a  
22 child has been summoned as aforesaid and does not appear  
23 the clerk may issue a warrant reciting the substance of the  
24 petition, and requiring the officer to whom it is directed to  
25 forthwith take such child, and bring it before said court to  
26 be dealt with according to law. All summonses, warrants,  
27 orders and other process issued by the court, shall run  
28 throughout the state, and may be served by any officer  
29 authorized to serve criminal process, or by any probation  
30 officer. Any parent, guardian, lawful custodian or other  
31 persons having the care and control of a child, who shall  
32 willfully refuse or neglect to appear in court in accordance  
33 with any summons served upon him as aforesaid, may be  
34 fined not exceeding fifty dollars, or be imprisoned not more  
35 than three months.

Sect. 17. Any officer authorized to make an arrest for

2 any criminal offence may take into custody without a war-  
3 rant any delinquent or wayward child within his juris-  
4 diction, but in no case shall such child be detained in cus-  
5 tody longer than twenty-four hours without a petition be-  
6 ing filed against it. In case a delinquent or wayward child  
7 is taken into custody or detained before or after the filing  
8 of a petition, or pending a hearing thereon, such child shall  
9 not be confined in any prison, jail, lock-up or house of  
10 correction, or be transported with, or compelled, or allowed,  
11 to associate or mingle with, criminal, vicious or dissolute  
12 persons, but such child shall be kept in some suitable place  
13 to be set apart by the city or town for such purpose, or  
14 shall be kept under the personal care and custody of the  
15 person arresting such child, until by order of the court  
16 other disposition is made of the child as provided in the  
17 preceding section.

Sect. 18. Upon the passage of this act the municipal of-  
2 ficers of each city and town, may provide and maintain in  
3 their respective cities or towns, a suitable place not directly  
4 connected with any jail or lockup, wherein children tem-  
5 porarily detained awaiting the action of the court may be  
6 kept so long as such detention is necessary: Provided, how-  
7 ever, that such place may be a room in a police station if  
8 such room is not used for the detention of criminal, idle or  
9 vicious persons, and is not open to the general public. When-  
10 ever a girl is taken into custody as a delinquent or wayward  
11 child, such girl may be placed in the care of a police  
12 matron.

Sect. 19. In all cases arising under this act where a child  
2 has the right, or may be required, to give recognizance, such  
3 recognizance may be taken by the judge or clerk of the  
4 court in which the petition against such child is filed, or  
5 by any probation officer assigned to juvenile court service,  
6 but by no other court, officer or person, and all such recog-  
7 nizances shall be returned to the Juvenile Court of the  
8 County of Androscoggin.

Sect. 20. If after a hearing on any petition against a child  
2 under this act, the court shall find that there is not sufficient  
3 evidence to support it, the court shall adjudge the child to be  
4 not a delinquent or wayward child, as the case may be, and  
5 shall discharge such child. But if the court shall be of the  
6 opinion from the evidence presented that the child is a delin-  
7 quent or wayward child within the meaning of this act, the  
8 court may adjudge such child a delinquent or wayward child  
9 as the case may be, and shall proceed as hereinafter pro-  
10 vided: Provided, however, that if in any case, the evidence  
11 given in support of the petition shall present facts which in  
12 the opinion of the court, for the welfare of the child and the  
13 interests of the public, require that such child be not dealt  
14 with as a delinquent child under this act, but that such child  
15 be proceeded against as otherwise provided by law, for any  
16 offence or conduct of which such child appears to have been  
17 guilty, or if it shall appear that such child was beyond the  
18 age limits prescribed in Section 12 hereof, when the petition  
19 was filed against it, then and in such case the court shall dis-

20 miss the petition, and such proceedings may then be taken  
21 against such child, as might have been taken in the first place,  
22 if this act had not been passed.

Sect. 21. Whenever the court shall adjudge a child a  
2 delinquent or wayward child the court may order such child  
3 released upon parole in the care and custody of a probation  
4 officer, or of its parent, guardian or lawful custodian, if any  
5 there be, upon condition that such child shall report to the  
6 court or probation officer whenever ordered by the court so  
7 to do, and upon such other conditions as the court may affix  
8 to such parole, or the court may order such child to be  
9 detained in one of the institutions in the state approved by  
10 the State Board of Charities and Corrections, for a period  
11 not exceeding six months at any one time, during which  
12 period the court may release such child from such institution  
13 on parole, in the care and custody of a probation officer, or of  
14 its parent, guardian or lawful custodian, if any there be, upon  
15 such conditions as the court may affix to the parole, or the  
16 court may have such child brought before it and discharge  
17 the child; or the court may at any time commit such child to  
18 such institution for and during its minority, and in such case  
19 such child shall not be released from said institution during  
20 its minority except with the consent of the State Board of  
21 Charities and Corrections, or of the court. Except as other-  
22 wise provided in this act the jurisdiction of the juvenile court  
23 over a delinquent or wayward child shall continue during the  
24 minority of the child, or until such time during its minority

25 as the child may be discharged by the court, but nothing in  
26 this act shall be so construed as to prohibit the bringing of  
27 criminal proceedings against any such child who, upon reach-  
28 ing the age of sixteen years or after, commits an offence  
29 against the laws of the state, and upon conviction of such  
30 offence the jurisdiction of the juvenile court over such child  
31 shall cease and determine.

Sect. 22. If any child released on parole shall fail to  
2 observe any of the conditions of its parole, the court, may at  
3 any time or times during the period of parole, issue a sum-  
4 mons or a warrant to have such child brought before it, and  
5 in such case, if such child was paroled pending or during the  
6 hearing on a petition against it, the court may require such  
7 child to give recognizance in such sum and with such surety  
8 as to such court may seem reasonable, to appear before the  
9 court and be heard upon such petition whenever called upon  
10 so to do, or in default thereof, may order such child to be  
11 detained in one of the institutions prescribed in Section 21  
12 hereof, pending such hearing, or if such child was released  
13 on parole after judgment, the court may renew such parole  
14 upon different terms and conditions, or may proceed as it  
15 might have done if such child had not been released on  
16 parole.

Sect. 23. Any child who has been adjudged a delinquent  
2 or wayward child may appeal from such judgment to the  
3 Supreme Judicial Court in and for the county of Andros-  
4 coggin, such appeal to be claimed in the juvenile court



5 within five days after the entry of such judgment, and to be  
6 prosecuted to the Supreme Judicial Court in the same  
7 manner as other appeals now provided by law. If the  
8 appellant fails to prosecute the appeal, or if upon hearing of  
9 such appeal, the child is found to be a delinquent or wayward  
10 child, the judgment of the juvenile court shall remain in full  
11 force and effect as if such appeal had not been taken, other-  
12 wise the Supreme Judicial Court shall dismiss the case and  
13 discharge the child. The taking of an appeal shall not dis-  
14 charge any recognizance or parole given by such child, but  
15 upon the taking of the appeal the child may be ordered by the  
16 juvenile court to be brought before it and be required to  
17 recognize with or without surety or sureties for its appear-  
18 ance before the Supreme Judicial Court to prosecute its  
19 appeal, or in default thereof the court may order such child  
20 to be detained in one of the institutions mentioned in Section  
21 21, there to remain until he enters into the recognizance by  
22 the court, or is otherwise discharged according to law, or the  
23 court may release such child on parole in the care and cus-  
24 tody of a probation officer or of its parent, guardian, or law-  
25 ful custodian, if any there be, upon such conditions as the  
26 court may affix to such parole, and all such orders of the  
27 court shall remain in full force and effect pending and during  
28 the hearing of such appeal, and until final decision thereon.  
29 In case an appeal shall not be prosecuted, the papers in the  
30 case shall be returned by the clerk of the Supreme Judicial  
31 Court to the clerk of the juvenile court with such fact en-

32 dorsed thereon, and in case such appeal shall be heard, the  
33 clerk of the Supreme Judicial Court shall return such papers  
34 to the clerk of the juvenile court with such final decision  
35 endorsed thereon, for further proceedings. The attorney for  
36 the state for Androscoggin county shall appear and act for  
37 the petitioner in all cases before the Supreme Judicial Court  
38 under this act.

Sect. 24. The court in the conduct of any hearing under  
2 this act may adopt any form of proceeding which it deems  
3 best suited to ascertain the facts in the case, and need not be  
4 bound by the technical rules of evidence in receiving or ad-  
5 mitting testimony. Any admission, confession or statement  
6 made by a child in any proceedings under this act in the  
7 juvenile court against such child, or on appeal therefrom, and  
8 any record of evidence given in any such proceedings shall  
9 not be admissible in evidence against such child in any  
10 criminal proceedings. No judgment or order entered under  
11 this act against a child shall operate to subject such child to  
12 any civil disability later in life, nor shall such child be denom-  
13 inated a criminal by reason of any such judgment or order,  
14 nor shall any such judgment or order be denominated a con-  
15 viction. But this act shall be literally construed, in order  
16 that the care and custody and discipline of the child shall  
17 approximate what should be given by its parents, and that as  
18 far as practicable, a delinquent or wayward child shall be  
19 considered not as a criminal, but as misguided and in need of  
20 encouragement and assistance.

Sect. 25. Whenever a petition shall be filed against a child  
2 under this act, the judge or clerk of the court in which such  
3 petition is filed shall promptly notify the probation officer of  
4 the time and place assigned for a hearing thereon. Upon the  
5 receipt of such notice, it shall be the duty of such probation  
6 officer to investigate the case so that a report may be made to  
7 the court at the hearing of such petition, upon the character  
8 of the child, its school record, its home and surroundings,  
9 and any previous petition or court proceedings against such  
10 child, if any. It shall be the duty of said officer to attend all  
11 hearings of any petition of which he has received notice as  
12 aforesaid, and to faithfully perform such duties and services  
13 as may be required of him by the court before which such  
14 petition is heard: Provided, that at all hearings of a  
15 petition against a girl, the police matron shall be in attend-  
16 ance and subject to the direction and instruction of the court.

Sect. 26. Whenever the court shall place a child in the  
2 care and custody of a probation officer, the court may do so  
3 upon such terms and conditions not inconsistent with the law  
4 as the court may deem best for the welfare of the child, but  
5 unless otherwise ordered by the court, a probation officer  
6 may make such arrangements for the care of the child as he  
7 may deem best for its welfare, and may parole such child in  
8 the care of its parent, guardian, or lawful custodian or in the  
9 care of any relative of the child, or in the care of any other  
10 person, or an institution capable of caring for such children.  
11 But in case the child is placed in the care and custody of a

12 person not a relative of the child, or in such institution, such  
13 commitment shall not be for more than a period of six  
14 months at a time. When a child has been placed in the care  
15 and custody of a probation officer as provided in this act,  
16 said officer may at any time before the discharge of such  
17 child, take such child before the court without a warrant for  
18 the arrest of such child. When the child is before the court,  
19 it may make any disposition of the case which it might have  
20 made before the child was placed on probation, or may con-  
21 tinue or extend the period of probation. At the end of the  
22 probation period of a child, the officer to whose care such  
23 child has been committed shall make a report in writing, as  
24 to the conduct of the child during such probation period, to  
25 the juvenile court. The records of the juvenile court may be  
26 withheld from public inspection; but such records, in any  
27 case, shall be open at all times to the inspection of any party  
28 to the petition, or to the parent, guardian, or lawful custodian  
29 of the child or any attorney of any of such persons.

Sect. 27. It shall be the duty of the court, and of the pro-  
2 bation officer, when selecting an institution, or a person, for  
3 the commitment of the care and custody of a child, to have  
4 due regard to the religious beliefs of the parents of such  
5 child. The judge of the juvenile court shall seek the cooper-  
6 ation and advice of all societies or organizations, public or  
7 private, having for their object the protection or aid of  
8 indigent, neglected or wayward children.

Sect. 28. The cases of all children coming within the pur-

2 view of this act, which may be pending at the time when this  
3 act shall go into effect, and which may arise at any time  
4 thereafter, in any other court, or before any trial justice, in  
5 the county of Androscoggin, shall be at once transferred to  
6 the municipal court for the city of Lewiston to be there  
7 dealt with according to the terms of this act.

Sect. 29. The parents of wayward or delinquent children,  
2 subject to the provisions of the general law of the state, shall  
3 be required to support or contribute to the support of such  
4 children. It shall be the duty of the probation officer to  
5 institute such proceedings under the general law, as may be  
6 necessary to carry this provision into effect.

Sect. 30. No wayward child shall be committed to the  
2 Reform School for Boys or the Industrial School for Girls;  
3 and no delinquent child shall be committed thereto, unless,  
4 upon a hearing, the evidence clearly establishes the fact that  
5 the delinquent child has committed an offense which should  
6 be punished by imprisonment for a term of years, if this  
7 act were not in force.

Sect. 31. Whoever, being more than 18 years of age, aids,  
2 abets, induces, causes, encourages, or contributes to the de-  
3 linquency of a child shall be fined not less than ten dollars,  
4 nor more than one thousand dollars, or be imprisoned for  
5 not less than thirty days nor more than one year, or by both  
6 fine and imprisonment, such penalty to be enforced by com-  
7 plaint or indictment in any court having jurisdiction.

Sect. 32. The governor, by and with the advice of the

2 council, shall appoint a clerk of said court, who shall be a  
3 citizen of said Lewiston, and a member of the bar in An-  
4 droscoggin County, and who shall hold his office for a term  
5 of four years, who shall be sworn, and who shall give bond  
6 to the treasurer of said city in the sum of two thousand  
7 dollars, to be approved by said judge; and who shall be  
8 entitled to demand and receive for his services the same  
9 fees allowed by law to trial justices in matters relating to  
10 civil business, except the trial fee; provided, that for the  
11 entry of an action and recording the same he shall be allowed  
12 sixty cents; for taxing costs, recording judgment in each  
13 criminal case, one dollar and ten cents; for each recogniz-  
14 ance of persons charged with crime for their appearance  
15 at the supreme judicial court, and for certifying and return-  
16 ing the same, with or without sureties, twenty-five cents;  
17 for making and recording each libel for liquors seized, fifty  
18 cents; for making each process of commitment, twenty-five  
19 cents; said fees to be allowed and paid in the same manner  
20 as fees in criminal matters on approval of the judge of said  
21 court. In case of the absence of said clerk, or vacancy in  
22 said office, the judge of said court may appoint a clerk,  
23 who shall be sworn by said judge, and act during said ab-  
24 sence, or till the vacancy is filled.

Sect. 33. Said clerk shall record the doings of said court,  
2 may administer oaths, and shall have such powers and per-  
3 form such duties as are possessed and performed by the  
4 clerks of the supreme judicial court. Said clerk shall hear

5 complaints in all criminal matters, accusations in bastardy,  
6 draw all complaints and sign all warrants, and make and  
7 sign all processes of commitment, but the same shall be  
8 heard and determined as now provided by law, but such  
9 complaints, accusations, warrants or processes of commit-  
10 ment, drawn and signed by the judge of said court shall be  
11 equally valid. Whenever said judge shall be engaged in  
12 the transaction of civil business, or be absent from the court-  
13 room, said clerk shall have and exercise the same powers  
14 and perform the same duties which said judge possesses,  
15 and is authorized to perform in the transaction of criminal  
16 business. All processes issued by said clerk in criminal mat-  
17 ters shall bear the seal of said court and be signed by said  
18 clerk and have the same authority as if issued and signed  
19 by said judge.

Sec. 34. All fines, penalties and costs paid into said court  
2 upon conviction and sentences in criminal matters, together  
3 with all fees allowed to the judge of said court by law in  
4 the transaction of criminal business, shall be paid to said  
5 clerk; provided, that there shall be allowed for every war-  
6 rant issued, one dollar, and for the trial of an issue in crim-  
7 inal cases, two dollars.

Sect. 35. Costs and fees allowed to parties, witnesses and  
2 attorneys in all actions in said court in which the amount  
3 of debt or damages claimed in the plaintiff's declaration does  
4 not exceed twenty dollars, shall be the same allowed in ac-  
5 tions before trial justices, except that the plaintiff, if he pre-

6 vail, shall be allowed two dollars for his writ, and the de-  
7 fendant, if he prevail, shall be allowed two dollars for his  
8 pleading; but in all actions in which the debt or damages  
9 demanded in the plaintiff's declaration exceeds twenty dol-  
10 lars, the costs and fees allowed to parties and attorneys shall  
11 be the same allowed in the supreme judicial court except  
12 that the defendant, if he prevail, shall be allowed two dol-  
13 lars for his pleading; witnesses in such cases shall be allowed  
14 for their attendance one dollar per day and travel, as in  
15 other cases.

Sect. 36. All fines and penalties received by said clerk  
2 except the fees allowed for taxing costs and recording judg-  
3 ments in criminal matters, taking recognizances of persons  
4 charged with crime, making and recording libels of liquors  
5 seized and for processes of commitment, shall be accounted  
6 for and paid over in the same manner as is required by law  
7 of trial justices, and all fees allowed to said judge by law  
8 in criminal cases, and received by said clerk, including the  
9 trial fee in civil cases, shall be accounted for and paid over  
10 by him to the treasurer of said city of Lewiston quarterly,  
11 and all other fees received by him shall be paid to the per-  
12 sons entitled by law to the same, as if received by a trial  
13 justice.

Sect. 37. The clerk shall receive an annual salary of fif-  
2 teen hundred dollars, with five hundred dollars additional  
3 for clerk hire, from said city in quarterly payments, which  
4 said sums shall be in full compensation for the performance



5 of all duties required of said clerk by law. He shall ac-  
6 count quarterly under oath, to wit: on the first days of Jan-  
7 uary, April, July and October of each year to the treasurer  
8 of the city of Lewiston for all fees received by him or pay-  
9 able to him by virtue of his office, specifying the items, and  
10 shall pay the whole amount of the same to the treasurer of  
11 the city of Lewiston quarterly on the days aforesaid.

Sect. 38. Said court shall be held at such place as the city  
2 of Lewiston shall provide; and said city shall have power,  
3 and it shall be its duty to raise money to pay the salary of  
4 said judge and clerk, to purchase blanks, blank-books, seals,  
5 dockets and all things necessary for the use of said court,  
6 and to provide a suitable room for said court and to furnish  
7 the same in an appropriate manner.

Sect. 39. The city marshal of said city, or one of his  
2 deputies, shall be in attendance on said court when requested  
3 to do so by the judge, for the purpose of preserving order,  
4 and who shall execute all legal orders and processes to him  
5 directed by the court.

Sect. 40. All actions, suits, matters and things, which may  
2 be pending before the municipal court for the city of Lew-  
3 iston, and all suits, executions, warrants, recognizances and  
4 other processes, returnable to said court at the time this act  
5 takes effect, shall be transferred and returned to, and shall  
6 be entered, prosecuted, heard, determined and executed in  
7 and by the municipal court for said city established by this  
8 act, the same as if originated therein; and said court hereby

9 established shall be the depository of all records of, and  
10 shall have full power and authority to issue and renew exe-  
11 cutions and to carry into effect any judgment of, and to  
12 complete all processes and proceedings commenced in or  
13 by said court heretofore existing in said city, and to certify  
14 and duly authenticate the records of said court, as effectually  
15 in all respects as said municipal court heretofore existing  
16 could have done had this act not been passed.

Sect. 41. Chapter 636 of the Private and Special Laws  
2 of 1871, and all acts amendatory thereof and additional there-  
3 to, are hereby repealed. All other acts, in so far as they are  
4 inconsistent with the provisions of this Act, are hereby re-  
5 pealed.