

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

THIRTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE,

1854.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1854.

Chapter 360.

An act to incorporate the city of Rockland.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Corporate name.

SECT. 1. The inhabitants of the town of Rockland, in the county of Lincoln, shall continue to be a body politic and corporate, by the name of the city of Rockland, and as such, shall have, exercise, and enjoy, all the rights, immunities, powers, privileges, and franchises, and be subject to all the duties and obligations now appertaining to, or incumbent on, said town, as a municipal corporation, or appertaining to, or incumbent upon, the inhabitants or selectmen thereof; and may ordain and publish such acts, laws and regulations, not inconsistent with the constitution and laws of this state, as shall be needful to the good order of said body politic; and may impose fines and penalties for the breach thereof, not exceeding twenty dollars for any one offense, which may be recovered to the use of said city, by action of debt, or on complaint before the police court of said city.

Rights, powers, &c.

May ordain acts, laws and regulations.

—impose fines and penalties.

Fiscal, prudential and municipal affairs, how vested.

Mayor.

Aldermen.

Common council.

SECT. 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate, to be styled the mayor, and one council of seven, to be denominated the board of aldermen, and one council of twenty-one, to be denominated the common council; all of whom shall be inhabitants of said city; which boards shall constitute and be called the city council; all of whom shall be sworn to the faithful performance of the duties of their respective offices. *Provided*, the city council shall not vote, assess, or appropriate any money for any object or purpose, for which the town of Rockland is not authorized to vote, assess, or appropriate money, except for such purposes as are authorized by this act; and *provided further*, that neither the city council, nor any agent or officer of the city, shall borrow or hire money for or on account of the city or inhabitants thereof, except for the purposes for which the town of Rockland is now, by law, authorized to raise money; and all notes, bonds, obligations, scrip, or orders, given by the city council, or any officer or agent thereof, for money or property obtained for any other purposes, shall be void.

Proviso.

Power of officers to borrow money, prohibited.

Mayor, duties of, &c.

SECT. 3. The mayor of said city shall be the chief executive officer thereof; it shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced; to exercise a general supervision over the con-

duct of all subordinate officers, and to cause their violations or neglect of duty to be punished. He may call special meetings of the board of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by a notice in one or more of the papers, or by causing a summons or notification to be given in hand or left at the last and usual place of abode of each member of the board or boards to be convened. He shall from time to time, communicate to both of them such information, and recommend such measures as the business and interests of the city may require. He shall preside in the board of aldermen, and in the joint meetings of the two boards, but shall have only a casting vote. The salary of the mayor shall be two hundred dollars per year, which shall not be increased or diminished during his continuance in office, unless by the votes of the qualified electors in ward meetings called for the purpose. Nor shall he receive from the city any other compensation for any service by him rendered in any other capacity or agency. *Provided, however,* the city council may elect the mayor to any city office and allow him a reasonable compensation for such service. But the aldermen and common councilmen shall receive no compensation for their services as such.

Mayor,
salary of

Proviso.

Aldermen and
common councilmen not to
receive compensation for
services.

SECT. 4. The executive powers of said city generally, and the administration of police, with all the powers of the selectmen of the town of Rockland, shall be vested in the mayor and aldermen, as fully as if the same had been herein particularly enumerated; all other powers now vested in the inhabitants of said town and all powers granted by this act shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent vote; each board to have a negative upon the other; but all elections of officers by the city council shall be by joint ballot of the two boards in convention. The city council shall, annually, on the first Monday in March, or as soon thereafter as may be convenient, elect and appoint for the ensuing year all the subordinate officers and agents for the city, including a chief engineer, and other necessary engineers of the fire department, which chief engineer, and in his absence the subordinate engineers, shall have all the power and authority that fire wards now have; shall define their duties, fix their compensation, and may, by concurrent vote, remove officers when in their opinion sufficient cause for their removal exists. All officers shall be chosen, and vacancies supplied, for the current year, except as herein otherwise provided. All the

Executive
powers, &c.,
how vested.

Officers, how
elected.

Subordinate
officers,
appointment
of, &c.

CHAP. 360.

Term of office, &c.

City council to require bonds of persons entrusted with the receipt, custody or disbursement of money.

To have the care and custody of city property.

To publish annually an account of receipts and expenditures.

Payment of money from the treasury.

Acts for the appropriation of money to be presented to the mayor for approval.

Proceedings in case of disapproval.

City assessors, appointment, powers and duties of.

Proviso.

said subordinate officers and agents shall hold their offices during the ensuing year, and till others shall be elected and qualified in their stead, unless sooner removed by the city council; and all moneys received and collected for and on account of the city, by any officer or agent thereof, shall forthwith be paid into the city treasury. The city council shall take care that moneys shall not be paid from the treasury unless granted or appropriated; shall secure a prompt and just accountability by requiring bonds with sufficient penalties and sureties, from all persons trusted with the receipt or custody of the public money; shall have the care and superintendence of the city public buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase, in the name of the city, such real or personal property, not exceeding the sum of twenty thousand dollars, including the property now owned by the town, as they may deem of public utility. And the city council shall, as often as once a year, cause to be published for the information of the inhabitants, an account of receipts and expenditures, and a schedule of the city property; and no money shall be paid from the treasury unless the same be appropriated by the city council, and upon a warrant signed by the mayor, which warrant shall state the appropriation under which the same is drawn.

SECT. 5. Every law, act, ordinance or bill, appropriating money, having passed both branches of the city council, shall be presented to the mayor, and if he approve the same, he shall sign it; if not, he shall return it, in seven days, with his objections, to that branch of the city council in which it originated, which branch shall enter the objections at large upon its journals, and proceed to reconsider said law, act, ordinance or bill. If upon such reconsideration, a majority of the whole number of that branch shall agree to pass it, it shall be sent, together with the objections, to the other branch, by which it shall be reconsidered, and if approved by a majority of the whole of that branch, it shall have the same binding force and effect as if signed by the mayor.

SECT. 6. The city assessors, who shall be annually appointed by the city council, shall execute and be subject to the same powers, duties, and liabilities, that the assessors in the towns in this state may exercise, and be subject to. *Provided, however,* that the city council may appoint one person in each ward, whose duty it shall be to furnish the assessors with all necessary

information relative to persons and property, taxable in his ward, and who shall be sworn to the faithful performance of his duty. All taxes shall be assessed, apportioned, and collected, in the manner prescribed by the laws of this state relative to town taxes: *provided, however*, that it shall, and may be lawful, for the city council to establish further and additional regulations and provisions for the collection thereof.

Taxes, how assessed, apportioned and collected.

SECT. 7. The city council shall have exclusive power and authority to lay out any new street, or public way, or widen, or otherwise alter, or discontinue any street, or way, in said city, and to estimate the damage any person may sustain thereby, and shall in all other respects be governed by, and be subject to, such rules and restrictions as are, by law, provided in this state for regulating the laying out of public highways and repairing streets. And any person aggrieved by the decision or judgment of said city council, may, as far as relates to damages, have them assessed by a committee or jury, as is now by law provided; and any highway, or town way, or bridge, which has been, or may hereafter be, located within said town or city, between high and low water mark, shall, nevertheless, be deemed to be legally located and established.

Power of city council to lay out streets and estimate damages.

Remedy of persons aggrieved.

Location of highways, &c., deemed legal.

SECT. 8. It shall be lawful for the city council, by a committee by them appointed, or by instructions to the commissioners of streets, to appropriate, set off, and reserve as side walks, such part or portions of the several streets in said city, now or hereafter to be established, as to said council may appear necessary for the safety, convenience and accommodation of foot passengers. It shall be lawful for the city council to permit or direct posts of wood or stone, or trees to be placed along the edge of said side walk next to the traveled part of the street, in such number and manner as they may deem necessary to protect said side walks, and the persons traveling thereon, from damage or inconvenience from teams or carriages. So much of the several streets in said city as shall be appropriated and reserved as side walks, agreeable to the provisions of this act, shall be taken and deemed to be reserved exclusively for the accommodation, convenience and use of persons traveling on foot; and said city shall not be liable for any injury or damage done or occasioned in consequence of any cart, carriage, wagon, truck or other vehicle, or any team or animal striking against any of said side walks, or the posts or trees set or placed to defend the same. The several side walks on the streets in said city, as at present established or

Side walks.

Posts or trees may be placed along the edge of said walks.

City not liable for damage or injury occasioned thereby.

CHAP. 360.

used, or as they may be established at the acceptance of this act, shall be taken and deemed to be the proper and lawful reservation for that purpose, until altered or otherwise established by the proper authority.

City council may authorize the placing of materials in any street for certain purposes.

SECT. 9. The city council shall have power, on such terms and conditions as they may think proper, to authorize or empower any person or corporation to place in any street, for such time as may be necessary, any materials for making or repairing any street or side walk, cross walk, bridge, water course, or drain, or for erecting, repairing or finishing any building or fences; *provided*, that not more than one-third of the width of the street shall be so occupied; and such materials so placed by virtue of any license obtained as aforesaid, shall not be considered as an incumbrance or nuisance in such street, and the city or person or corporation so placing the same shall not be liable for any damage occasioned by such materials.

—not liable for damage.

Laws and regulations now in force to remain, &c.

SECT. 10. All the laws and regulations now in force in said town of Rockland, shall, notwithstanding this act, be and remain in force until they expire by their own limitations, or be revised or repealed by the city council; and prosecutions and suits may be commenced and proceedings had thereon in the name of the city, by officers or other persons thereby empowered or directed to prosecute and sue; and the fines and penalties shall go to the uses in such laws or regulations named according to law.

Municipal court established.

Judge, appointment of.

—jurisdiction of.

SECT. 11. A police court shall be, and is hereby established, in and for the city, to be called the municipal court of the city of Rockland; to consist of one judge, who shall be appointed and commissioned in the manner provided by the constitution, who shall have concurrent jurisdiction with justices of the peace, in all matters, civil and criminal, under twenty dollars, within the county of Lincoln, and shall have original and exclusive jurisdiction in all civil actions in which both parties interested, or in which the party, plaintiff, and the person or persons summoned as trustees, shall be inhabitants of or residents of said city of Rockland, excepting all actions in which said judge may be interested; and said court shall have concurrent jurisdiction with justices of the peace and quorum, in all cases of forcible entry and detainer, arising in said county, and original and exclusive jurisdiction in all such cases arising in the city, and shall also have original and exclusive jurisdiction in all cases of violation of the by-laws of said city. And any person aggrieved by any judgment awarded by said court,

—concurrent with justices of the peace and quorum in certain cases.

—original and exclusive.

Remedy of parties aggrieved.

may appeal therefrom, in like manner as if the same had been awarded by any justice of the peace, or justices of the peace and quorum.

SECT. 12. It shall be the duty of said court to keep its own records, which records shall be such as would be legal records in a court of a justice of the peace. And copies of the records of said court, duly certified, shall be evidence in the other courts of this state. Said court shall be holden on the first and third Mondays of each month, at nine of the clock in the forenoon, at such place as the city shall provide for the purpose for the transaction of civil business; and all civil processes shall be made returnable accordingly. And the fees in all cases, civil and criminal, shall be the same as are now taxable by justices of the peace: *provided*, that the price of blank writs signed by said judge shall be one cent. And all fines, penalties and costs, which may be awarded by said court, in the administration of its criminal jurisdiction, shall be accounted for and paid over by said judge, in the same manner as if the same had been awarded by the sentence of a justice of the peace.

Records, how kept.

—certified copies of to be evidence in other courts in this state. Court, time of holding.

Fees, regulation of.

Fines, penalties, &c., how disposed of.

SECT. 13. In case of the death, sickness, or other disability of the judge, to attend at the time and place as provided in the preceding section for the transaction of civil business, the said court shall stand adjourned till the next term of said court, and so from time to time, without costs to either party, until the judge is able to attend, and in case of disability to perform the other duties of his office, the criminal jurisdiction of said court shall devolve upon the justices of the peace for the county of Lincoln; and all proceedings instituted during such disability, shall be finally determined by the justices instituting the same.

Proceedings in case of disability of judge to attend.

SECT. 14. The city of Rockland shall have power, and it shall be its duty, to raise money to provide a suitable room in which to hold said court, and to furnish the same in an appropriate manner. The judge of said municipal court shall receive from the said city of Rockland, in quarter yearly payments, an annual salary of such amount as the city council shall vote and determine; which shall be in full for all fees pertaining to said office. And the said judge shall not act as counsel or attorney, in any case within the jurisdiction of said court, nor in any suit, matter or thing which may depend on or have relation to any case, matter or thing depending or cognizable in said court.

Court room to be provided.

Judge, salary of.

—not to act as counsel in certain cases.

SECT. 15. All actions, suits, matters and things, which may be pending before justices of the peace in the town of Rock-

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Actions, matters, &c., pending before justices of the peace not affected by this act.

land, and all writs, executions, warrants, recognizances and processes, returnable to said justices when this act takes effect, shall be returnable to them in like manner as if it had not taken effect; and said justices shall have full power and authority to grant execution and to carry into effect any judgment rendered by them, and to complete all processes commenced by or before them, in the same manner as they might have done had not this act have passed.

Wards, division and regulation of.

SECT. 16. For election purposes, said city shall be divided into seven wards, to contain as near as conveniently may be, an equal number of legal voters; and it shall be the duty of the city council, once in ten years, and not oftener than five years, to review, and if it be needful, to alter said wards, in such manner as to preserve as nearly as may be, an equal number of voters in each ward. In each of said wards there shall, annually, on the first Monday of March, be chosen, by ballot, a warden and clerk, who shall hold their offices for one year, and until others have been chosen and qualified in their stead. Said warden and clerk shall be sworn to the faithful performance of their duty, by any justice of the peace of said city, or by the person presiding in said meeting, or by the clerk of said ward, and a certificate of such oath having been administered, shall be entered by the clerk on the records of said ward. The wardens shall preside at all ward meetings, with the powers of moderators of town meetings; and if at any meeting the warden shall not be present, the clerk of the ward shall call the meeting to order and preside till a warden pro tem. shall be chosen. If neither the warden nor clerk shall be present, any legal voter in the ward may preside till a clerk pro tem. shall be chosen and qualified. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office, all such records and journals, together with all other documents and papers, held by him in said capacity. The inhabitants of each ward may choose two persons to assist the warden in receiving, sorting and counting the votes. The list of the names of the legal voters in each ward shall be prepared by the assessors and board of aldermen, assisted by the wardens, in the same manner, and under the same restrictions, as are imposed by the laws of this state on the assessors and selectmen of towns; and all regular ward meetings shall be notified and called by the mayor and aldermen in the manner provided in the laws of this state for notifying and calling town meetings by the selectmen of the several towns, excepting that

Warden and clerk, election of.

—qualification of.

—duties of.

—proceedings in case of absence.

Duty of clerk to record proceedings, &c.

Assistant wardens.

Votes, lists of, to be prepared.

Ward meetings, how called.

ward meetings for the election of mayor after the second trial may be called within the time provided in such cases in this act.

SECT. 17. The mayor shall be elected from the citizens at large, by the inhabitants of the city voting in their respective wards. One alderman and three common councilmen shall be elected by each ward, being residents in the wards where elected. All said officers shall be elected by ballot, by a majority of the votes given, and shall hold their office one year from the first Monday of March, and until others shall be elected and qualified in their places.

Election of mayor.

—aldermen and common councilmen.

SECT. 18. At the annual election, holden for the choice of mayor and aldermen, the qualified electors in each ward shall by ballot elect a constable, who shall be denominated city constable, with all the powers, duties and liabilities, pertaining to the office of constable.

—constable.

SECT. 19. On the first Monday of March annually, immediately after a warden and clerk shall have been chosen and sworn, the qualified electors of each ward shall ballot for a mayor, one alderman and three common councilmen; all the votes given for the said several officers respectively shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for, and the number of votes given for each, to be written on the ward records at length. The ward clerk within twenty-four hours after such election shall deliver to the persons elected alderman and common councilmen, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election: *provided, however,* that if the choice of aldermen and common councilmen cannot be conveniently effected on that day, the meeting may adjourn from day to day to complete such election. If on the second balloting for any alderman, common councilmen, constable, warden or clerk, a choice shall not be effected by a majority vote, then the person having the greatest number of votes for any of those offices, at a subsequent trial, shall be declared elected; if no one shall then have such highest number, the balloting shall be continued from day to day, till a choice shall thus be effected. The board of aldermen shall as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, by a majority of votes given in all the wards, to be notified in writing of his election; but if it shall appear that no person shall have been elected, or if the person elected shall refuse to accept said

Annual elections, proceedings in.

Aldermen and common councilmen to be notified of election.

Proviso, proceedings in case of no election.

Mayor to be notified of his election. Proceedings in case of no election, &c.

CHAP. 360.

Vacancy in
office of mayor,
how filled.

Oath of office,
by whom
administered.

City clerk to be
clerk of the
board of
aldermen.

—shall give
notice of regular
ward meetings.

Absence of
mayor, proceed-
ings in case of.

Quorum to
transact
business.

Meetings to
be public.

office, the said board shall issue their warrants for one other election; and in case the citizens should fail on a second trial to elect a mayor, the said board shall again issue their warrants for a third election, to be held not less than three nor more than four days thereafter; at which election, the candidate having the greatest number of votes shall be declared elected, and shall be notified as aforesaid; if no one shall then have such number, further elections shall in like manner be ordered, till a choice shall be made, by some one having the highest number of votes; and in case of a vacancy in the office of mayor, by death or otherwise, it shall be filled for the remainder of the term by a new election, in the manner heretofore provided for in the choice of said mayor; and in the meantime, the president pro tempore of the board of aldermen shall perform the duties of mayor. The oath prescribed by this act, shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen and common councilmen elect shall, on the second Monday of March, at ten of the clock in the forenoon, meet in convention, when the oath required by the second section of this act shall be administered to the members of the two boards present, by the mayor or any justice of the peace, and thereupon the two boards shall separate, and the board of common council shall be organized by the election of a president and clerk.

SECT. 20. The city clerk shall be the clerk to the board of aldermen; he shall perform such duties as shall be prescribed by the board of aldermen, or common council, and shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in the town clerk of the town of Rockland; he shall give notice in one of the papers printed in the city, of the time and place of regular ward meetings; but the place of regular ward meetings, and also the day and hour, when not fixed by law, shall be determined by the board of aldermen. The board of aldermen may, in the absence of the mayor, choose a president pro tempore, who shall preside at joint meetings of the two boards; each board shall keep a record of its proceedings, and judge of the election of its own members; and in case of failure to elect, or vacancy by death or otherwise, may order new elections. A quorum for the transaction of business shall, in each board, consist of a majority thereof; all meetings of the aldermen and common council, and all meetings of the two boards in convention, shall be open and public; and the presiding officer of each of them shall have the powers of

moderators of town meetings. At either of said meetings, when any two members shall request it, the votes shall be taken by yeas and nays, which vote shall be recorded by the clerk.

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Vote may be taken by yeas and nays.

SECT. 21. General meetings of the citizens, qualified to vote in city affairs, may, from time to time, be held to consult upon the public good; to instruct their representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution; and such meetings shall be called by the mayor and aldermen, at the request, in writing, of any thirty legal voters of said city.

General meetings of citizens.

SECT. 22. It shall be the duty of the selectmen of the town of Rockland, as soon as may be, after this act shall have been accepted as hereinafter provided, to cause a division of said town into seven wards, in such manner as to include as nearly as conveniently may be, consistent with well defined limits to each ward, an equal number of voters in each ward.

City to be divided into wards.

SECT. 23. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town for the time being shall, seasonably, before the first Monday of March next after the acceptance of this charter, issue their warrants calling meetings of the legal voters at such time and place on said day as they shall think expedient, for the purpose of choosing a warden and clerk for each ward, and also to give in their votes for mayor to be taken from the city at large, and one alderman, and three common councilmen, and one constable for each ward; the transcript of the records of each ward specifying the votes given for mayor, one alderman, and three common councilmen, and one constable, certified by the warden and clerk of said ward, shall, at said first election, be returned to the said selectmen of Rockland, whose duty it shall be to examine and compare the same; and in case such election shall not be completed at the first election, then to issue a new warrant until such election shall be completed according to the provisions of this act, and to give notice thereof in the manner hereinbefore directed to the several persons elected. And at said first meeting, any legal voter in said town may call the citizens to order, and preside till a warden shall have been chosen; and at said first meeting a list of voters in each ward, prepared by the selectmen of the town of Rockland for the time being, shall be delivered to the clerk of each ward when elected, to be used as provided by law in town meetings; and it shall be the duty of the city council, in convention, immediately after the first organization,

Organization of city government.

Votes, at the first meeting, return of to be made to the selectmen of Rockland.

Proceedings in case of no election.

First meeting, how organized, &c.

City clerk and other officers, election of, &c.

CHAP. 360. to elect, by ballot, a city clerk and all other necessary city officers, who shall hold their offices respectively until others are chosen and qualified in their places.

Measurement of wood and bark and the building of wharves, &c., how regulated.

SECT. 24. The city council shall have authority to establish and make regulations for the measurement and sale of wood and bark in said city, whether brought by land or water; and may affix suitable penalties for the violation thereof, anything in the public laws of the state to the contrary notwithstanding; and shall have authority to regulate and control the building of wharves and piers in said city, and may authorize the extension of wharves into tide waters, and may make all needful regulations in relation to the harbor; may appoint a harbor master, prescribe his duties, and fix his compensation.

Erection of wooden buildings, how regulated.

SECT. 25. The city council are hereby authorized and empowered to pass any ordinance or ordinances regulating or forbidding the erection of wooden buildings on any street or streets in said city, when they may deem it necessary or conducive to the public safety.

Carts, drays, &c., how regulated.

SECT. 26. The city council may make and establish such ordinances or regulations as they may deem for the public good for the regulation of carts, drays or other teams in said city, by prescribing the width of tire that shall be used.

Act, when to take effect.

SECT. 27. This act shall take effect and be in full force when the same shall have been accepted by the inhabitants of said town, qualified to vote in town affairs, at a legal meeting called for that purpose; *provided*, it shall be accepted within five years from the passage of this act; but not more than one meeting for that purpose shall be called in any one year. And at such meeting the inhabitants of said town shall vote by a written ballot; those in favor of accepting this act, having on the ballot the word "yes," and those opposed, having on the ballot the word "no;" and if a majority of all the ballots received are in favor of accepting the same, it shall then become a law and take effect. And it shall be the duty of the clerk of said town to file a copy of the record of the vote of said town accepting the same, with the clerk of the city of Rockland when elected, who shall transcribe such copy into the records of the city, and such record shall be conclusive evidence that this act has been accepted.

Proviso, acceptance of act, &c.

Inconsistent acts repealed.

SECT. 28. All acts and parts of acts inconsistent with this act are hereby repealed, from and after the time when this act shall have been accepted as aforesaid, and the government shall have been organized as herein provided.

[Approved April 17, 1854.]