

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAPTER 12.**PARISHES, MEETING HOUSES, MINISTERIAL AND SCHOOL LANDS, AND FUNDS ARISING THEREFROM.****PARISHES.**

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PARISHES AND RELIGIOUS SOCIETIES.

Mode of calling a meeting to form a parish.

Seven days notice to be given.
R. S. c. 12, § 1.

Organization; name; declared a parish.
19 Maine, 20.
R. S. c. 12, § 2.

Power to hold property and establish

SEC. 1. Any persons of the age of twenty-one years or more, desirous of becoming an incorporated parish or religious society, may apply to a justice of the peace of the county, in which a majority of them reside, who shall issue his warrant to one of them directing him to notify the other applicants to meet at some proper place expressed in such warrant; and he shall give notice of such meeting seven days at least before holding the same, by posting a notification thereof on the outer door of the meeting house or place of public worship of such society, if any, otherwise at such place as the justice appoints.

SEC. 2. Such persons so assembled may choose a clerk and other needful parish officers, and shall thereupon be a corporation, bear the name they assume, and have all the powers of parishes and religious societies.

SEC. 3. Every parish may take by gift or purchase any real or personal estate, until the clear annual income thereof amounts to three

thousand dollars; and convey the same; and establish by-laws not repugnant to the laws of the state.

SEC. 4. The annual or other meetings of such parish may be called by its assessors, to be held at the time and place in the town where they are usually held; and notified as prescribed in the first section, or in the manner agreed on by its vote; and at such meeting, they may choose a clerk, who shall be sworn, two or more assessors, a collector, treasurer, standing committee, and all other needful officers.

The assessors shall manage the prudential concerns of the parish, when no other persons are appointed for that purpose, and shall be duly sworn.

SEC. 5. The moderator of any meeting shall have power to preserve order, manage the business, and administer the oath to the clerk and the assessors.

SEC. 6. When five members of any parish in writing request the assessors to call a meeting, or insert any particular article in the warrant therefor, they shall do so.

SEC. 7. If they unreasonably refuse to do so, any justice of the peace in the county on like application may issue his warrant to one of the applicants, who shall notify such meeting as prescribed in the first section, or as agreed on by parish vote.

SEC. 8. When there has been no meeting of such parish or society for three years, a meeting may be called as provided in section thirty-four.

SEC. 9. Every parish at a legal meeting, may raise money for the support of the public ministry of religion, for building, repairing, or removing houses of public worship, and for other necessary parish charges; and it may be assessed and collected as state taxes are.

SEC. 10. When a house of public worship belongs to a parish, or it and the fee of the land, on which it stands, is vested in trustees for the use of a parish, such parish may assess any money raised as aforesaid, wholly or partly, on the pews or seats, whether owned by members of such parish or religious society or not; and the owners may be present and vote in raising such money.

SEC. 11. When taxes on pews and seats remain unpaid for six months after their assessment, the treasurer shall sell them at auction, first posting notice thereof at the principal outer door of such house of worship, three weeks before the time of sale, stating the numbers, if any, of the pews or seats and the amount of tax on each; and shall execute and deliver a deed thereof to the purchaser, and pay to the owner the overplus, after deducting the amount of tax and incidental charges.

SEC. 12. All money paid by any person for the support of public worship by a tax on a pew or seat, shall be paid to such teacher of his

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by-laws.
R. S. c. 12, § 3.
Annual and other meetings; officers.
R. S. c. 12, § 4.
6 Me. 448.

Powers of moderator.
R. S. c. 12, § 5.

When meetings may be called.
R. S. c. 12, § 6.

How meetings called, if assessors refuse.
R. S. c. 12, § 7.

When no meeting has been held for three years, how called.
1867, c. 71, §§ 1, 3.

For what purposes parishes may raise money.
R. S. c. 12, § 8.
6 Me. 171.

How assessed on pews.
R. S. c. 12, § 9.
5 Me. 217.

Payment enforced by sale of pews.
Overplus paid to pew owner.
R. S. c. 12, § 10.

Owner may direct as to appropriation

CHAP. 12. own religious sect, as he designates, in a written notice left with the clerk of the parish on or before the annual meeting, unless he uses such pew or seat by himself, or others; and it is sufficient, if such teacher is ordained or qualified according to the usages of his particular sect or communion.

Parishes may procure insurance; in cases of loss, how applied.
R. S. c. 12, § 11.

SEC. 13. A parish in the actual occupancy of a church, meeting house, or other building used for religious purposes may insure it against loss by fire. And in case of such loss the company insuring shall not deny the occupancy of the parish, its legal existence, or its right to maintain an action on the policy. The money so recovered shall be held by the parish in trust for repairing or restoring the building and so applied.

Manner of admission to a parish.
R. S. c. 12, § 13.

SEC. 14. A person may become a member of a parish or religious society by vote thereof at a legal meeting.

Persons deemed members.
1863, c. 216, § 1.
2 Me. 67.
7 Me. 411.

SEC. 15. Any person of age residing in a local parish holding funds derived from this state or Massachusetts, shall be deemed a member of it, until he dissolves the connection; and any such person having resided in such parish one year, and after he has arrived to the age of majority, without either giving written notice to its clerk of his consent to be a member thereof, or paying a tax, or subscription according to the mode the said parish may have adopted to raise money for lawful purposes, shall be deemed to have thereby dissolved his connection therewith; and said connection shall remain dissolved, and said person shall not be taxable until he renews the connection by giving written notice to its clerk of his consent to be a member of said parish; and any person residing in a local parish may become a member of such parish not deriving funds from the state, by giving written notice to its clerk of his intention to do so within one year after he is of age or removes thereto.

Connection how dissolved.

SEC. 16. No person shall be a member of a parish or religious society without his consent; and any person may dissolve his connection therewith by leaving with its clerk a certificate of his intention to do so; and all his liability for future expenses shall thereby cease; but he may be taxed for money previously raised, except in case of removal from a local parish.

No person compelled to belong to a parish.
Manner of withdrawal.
R. S. c. 12, § 15.
6 Me. 264, 448.

SEC. 17. No territorial parish is hereby dissolved; and when one or more parishes are set off from a town, or incorporated therein, as aforesaid, the remaining part shall be the first parish.

Territorial parishes continued.
Parish set off, remainder.
R. S. c. 12, § 16.

SEC. 18. No person shall vote in meetings of any territorial parish who is not the owner or occupant of a pew in its house of worship, nor contributes to its support.

Certain persons not entitled to vote at parish meetings.
1858, c. 34, § 1.
Church wardens and others, corporations.
1866, c. 44.
1869, c. 35, § 1.

SEC. 19. The church wardens of episcopal churches, the stewards or trustees of the methodist episcopal church, and the deacons of all other protestant churches, are so far corporations as to take, in succession, all grants and donations of real and personal estate, made to

their churches or to them and their successors; and if the ministers, elders, or vestry are joined with them in such grants or donations, the two classes of officers shall be corporations for that purpose. (a) CHAP. 12.

SEC. 20. The ministers of a parish or religious society, and the deacons, elders, trustees, stewards and other presiding officers of a religious society or church having by its usages no settled minister, may take, in succession, any estate granted to the minister and his successors, or for the use of the ministry, or poor of the church; and may prosecute and defend all suits respecting it, but they shall not so take, while the clear annual income of prior grants is three thousand dollars.

Ministers and officers of religious societies, powers of. R. S. c. 12, § 18. 4 Me. 374. 5 Me. 217. 19 Me. 238. 26 Me. 504.

SEC. 21. No conveyance of such estate by a minister shall be valid longer than he is in the ministry; or by such deacons, or other officers, longer than they are in office, if made by them without consent of the church, or by church wardens without the consent of the vestry.

Power to convey such lands limited. R. S. c. 12, § 19.

SEC. 22. The records of a parish shall be open to the inspection of its members and to clerks of other parishes; and each clerk shall furnish attested copies thereof, on request, for a reasonable compensation.

Records of parishes open to inspection. R. S. c. 12, § 20.

SEC. 23. When a parish or religious society lawfully raises money by taxation, it may appoint its treasurer a collector of taxes, who shall have the same powers as a town treasurer who is collector; and it may allow a similar discount on taxes paid within time fixed by it at a legal meeting, and the treasurer shall give like public notice thereof; and all other taxes shall be collected by him as town taxes are. When such treasurer and collector is qualified, the assessors shall deposit with him a list of the taxes with their warrant for their collection.

Parishes may appoint treasurer, collector and allow discount. R. S. c. 12, § 21.

SEC. 24. The overseers of each monthly meeting of the quakers may take and hold, in succession, all grants of real, personal, or mixed estate made to them, to or for the use of their monthly meetings, to the preparative meetings constituting them, or to the poor thereof; and also all grants of real estate situated within the limits of their monthly meetings, and donations of personal estate given by persons living within said limits, made to or for the use of any of the quarterly meetings of said quakers, to said overseers for their use, or to the poor thereof; and may convey and manage such estate according to the terms and conditions, on which it was given; and may sue in their own names for any right, that has vested in any of the said grantees, or donees; *provided*, the annual income thereof to one meeting for such uses does not exceed five thousand dollars. These powers may be enlarged, restrained or repealed by the legislature.

Overseers of monthly quaker meetings to hold grants as a corporation.

Powers may be enlarged. R. S. c. 12, § 22.

(a) 1 Me. 208, 271; 3 Me. 243; 6 Me. 355; 15 Me. 414.

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MEETING HOUSES.

Parish may become owner of pews. Proceedings. 1859. c. 85, § 1.

SEC. 25. When it is deemed expedient by any organized parish to become the owner of the pews in any meeting house used by it as a place of regular worship, a meeting of the owners and occupants thereof may be called as provided in section six, and a majority of such pew owners and occupants may vote to convey the pews by them owned or occupied, to such parish.

Owner of pew dissenting, proceedings. 1859. c. 85, § 2.

SEC. 26. Any owner or occupant of a pew in such meeting house, who shall express his dissent, from such vote in writing, to the parish clerk within one month from such meeting, shall have his pew appraised as provided in section twenty-nine, and the appraised value shall be tendered to him, and he shall then deliver a deed of such pew to the parish. If such dissent is not expressed, said pew shall be forever forfeited to the parish.

Persons may incorporate to hold a meeting-house. R. S. c. 12, § 23.

SEC. 27. Any persons, for the purpose of erecting a meeting house, or the majority in interest of the owners of a meeting house, not a parish, may incorporate themselves the same as parishes may; and choose all officers and do all other acts that a parish may lawfully do.

Owners may repair or dispose of meeting houses. Warrant for calling meeting. R. S. c. 12, § 24.

SEC. 28. A majority of the pew owners or proprietors of a meeting house present at a legal meeting called for that purpose may repair, remodel, or sell, and convey their house or the land used with it, or remove or rebuild it. Any meeting relating thereto may be called as provided in section thirty-one; or by publishing the warrant in a newspaper printed in the county, at least fourteen days before the meeting.

Appraisal, proceeds of sale, how disposed of; pews, how disposed of, in case of repairing or rebuilding; taxes may be raised and agents appointed to make sale. R. S. c. 12, § 25.

SEC. 29. Before such alteration or sale is made an appraisal of the relative value of the pews shall be made by three discreet persons, under oath, to be elected by ballot at a legal meeting of said owners or proprietors. If a sale of said house and land is made, it may be private or public, as such meeting determines, and the proceeds shall be applied to pay the expenses of said sale and the debts and just claims against the property; and the balance shall be paid to the pew owners or proprietors in proportion to their interests, by the appraisal. If the meeting house is altered or rebuilt, the appraisers, after the work is completed, shall assign to the former pew holders pews, to conform as near as practicable to those previously held by them; and the other pews may be sold to defray the expenses of the repairs and alterations, or otherwise disposed of as the proprietors or pew owners determine. They may choose officers, raise and assess taxes on the pews, and collect them for the purpose of making such repairs and alterations, and do all things that a parish can lawfully do, and appoint some suitable agent or agents to make such sale and conveyance, or

repairs and alterations, and a treasurer or trustees to receive and distribute the proceeds of sale in manner aforesaid. CHAP. 12.

SEC. 30. When it is decided to repair, remodel, or rebuild a meeting house, any owner or proprietor dissenting from the action of a majority and declining to take any interest in the house as altered, may demand and receive of such majority the appraised value of his interest, after deducting his proportion of debts against the property, to be recovered in an action for money had and received; which shall not be commenced till thirty days after such demand, nor after the lapse of a year after notice is posted three successive weeks on the meeting house door and some other conspicuous place, in its precinct, stating the persons, to whom the money is to be paid, the amount to each, and the time limited for payment. If said sums are not demanded within said time, it is forfeited to the majority for parish uses.

Proprietors dissenting, entitled to appraised value of their interest.
R. S. c. 12, § 26.

SEC. 31. The owners of a meeting house or building for public worship, and the pew owners, may be incorporated, when any three or more of them apply to a justice of the peace therefor, who shall issue his warrant to one of them stating the time, place and purpose of the meeting, and directing him to notify said owners by posting up a certified copy of it fourteen days on the principal outer door of such building and in one or more other public places in the same town.

Owners of meeting houses and pews therein may incorporate themselves.
1867, c. 71, § 2.
Mode of calling a meeting for that purpose.

SEC. 32. When so assembled, they may choose a moderator and clerk, who shall perform the usual duties of such officers; and thereupon said owners shall be a corporation, and known by such name as they adopt, and may agree on the mode of calling future meetings.

Manner of organizing and becoming incorporated.
R. S. c. 12, § 28.

SEC. 33. Such corporation by a major vote of its members, may use and control the meeting house or building for public worship, partly or wholly owned by them, as they please; but nothing in this and the two preceding sections shall affect the rights of owners of houses of worship, built by different religious denominations.

Corporate rights and powers.
R. S. c. 12, § 29.

SEC. 34. When there has been no meeting of the incorporated pew owners, or proprietors or owners of a meeting house, or building for public worship, for three years, a meeting may be called on application of three or more members thereof to a justice of the peace, who shall issue his warrant to one of them, stating the time, place and purposes of the meeting, directing him to notify such meeting by posting up a certified copy of said warrant, three weeks before the time of meeting, on the principal outer door of such meeting house or building, and in one or more public places in the same town, and publishing it in a newspaper published in the county, if any, otherwise in an adjoining county, or in the state paper.

Meetings of owners of meeting houses, how called.
1867, c. 71, § 1.

SEC. 35. When a house of public worship is owned by persons of different denominations, and when an organized society, or its members own five pews therein, one or more of the minority owning not less than five pews may apply to a justice of the peace and quorum

Minority of different denominations may have division of time,

CHAP. 12. to obtain a division of the time of occupying the house; and he shall call a meeting of the owners by posting up a notice in a public place in or about the house, thirty days at least before the meeting, stating the time, place and object of the meeting.

and how obtained.
R. S. c. 12, § 30.

SEC. 36. At such meeting the owners, who are not applicants, or if they refuse or neglect, the justice who called the meeting, may designate another justice, and the two may appoint a third person, who is disinterested, and not an inhabitant of the town in which the house is located, or belonging to the denomination of either party interested; and the three shall be a board, before which the owners may exhibit the amount they own in the house; and the minority owning at least five pews shall have their part allotted to them, as nearly as may be, in proportion to the amount they own in the house; and the board shall designate which weeks in each year the minority if they please, may occupy the house; if they do not, the majority may.

Mode of proceeding.
R. S. c. 12, § 31.

SEC. 37. The board shall appraise the value of the minority's proportion of the house, make a record of their proceedings, and within ten days cause it to be transcribed into the records of the town where the house is.

Proportion of minority to be appraised.
R. S. c. 12, § 32.
1870, c. 137.

SEC. 38. All their reasonable expenses shall be paid by the person or persons, who requested the division; but the above provisions shall not affect any agreement now in force, as to the mode of occupying such house.

Expenses, how paid.
R. S. c. 12, § 33.

SEC. 39. The minority may occupy the house their allotted time, unless the majority purchase their interest, by paying the minority the sum, at which it was appraised by the board; but if the minority decline so to sell, they shall not avail themselves of the provisions of the four preceding sections.

Minority may occupy their proportion of time unless majority will purchase.
R. S. c. 12, § 34.

MINISTERIAL AND SCHOOL LANDS, AND FUNDS ARISING THEREFROM.

SEC. 40. Where lands have been granted or reserved for the use of the ministry, or first settled minister, or for the use of schools, in any town in this state, and the fee in these lands has not vested in some particular parish within such town, or in some individual, it shall vest in the inhabitants of such town and not in any particular parish therein, for such uses.

Fee in ministerial lands, how vested.
R. S. c. 12, § 35.
1 Mc. 71.
15 Mc. 414.
See c. 5, §§ 9 to 23.

SEC. 41. The municipal officers, town clerk and treasurer of each town where no other trustees are lawfully appointed for that purpose, shall be a corporation and trustees of such ministerial and school funds forever, with the usual powers granted to similar corporations.

Selectmen, town clerk and treasurer to be trustees.
R. S. c. 12, § 36.

SEC. 42. They shall annually elect a president, clerk and treasurer; the treasurer shall give bond with sufficient sureties in the opinion of the trustees, for the faithful discharge of his duty; and the clerk shall be duly sworn.

Trustees shall choose officers annually.
R. S. c. 12, § 37.

SEC. 43. They may sell and convey all such ministerial and school lands belonging to and lying in their town; and the treasurer's deed thereof duly executed by order of the trustees, shall pass the estate.

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Powers of such trustees.
R. S. c. 12, § 38.
29 Me. 29.

SEC. 44. As soon as may be, they shall place the proceeds of sale at interest secured by mortgage of real estate of twice the value of the principal, or by bond or note with sufficient sureties, or invest them in bank stock or public securities.

Funds to be placed on interest.
R. S. c. 12, § 39.

SEC. 45. They may take and hold real or personal estate, by gift, grant, or otherwise, for the use of the ministry in their towns, the annual income of which does not exceed one thousand dollars; and for the use of schools, the annual income of which does not exceed the sum, which their town is bound to raise for the same use.

Trustees may hold estate for use of the ministry and schools.
R. S. c. 12, § 40.

SEC. 46. The income of the fund, arising from the sale of lands under section forty-three, and from the rents and profits of real and personal estate held under section forty-five, shall be annually applied to the support of public schools in the town, and expended as other school money is.

Income of funded property, how applied.
R. S. c. 12 § 41.

SEC. 47. The trustees of any ministerial or school fund in this state, incorporated by the legislature of Massachusetts, may by consent of the town for whose use the fund was established, transfer it to the municipal officers, clerk, and treasurer thereof, who are hereby made trustees thereof; and the income shall be annually applied and expended as provided in the preceding section.

Incorporated trustees may transfer funds to selectmen, clerk and treasurer by consent of the town.
R. S. c. 12, § 42.

SEC. 48. At each annual meeting of their town, the trustees shall exhibit an account of their proceedings, and a statement of the funds, receipts, and expenditures, and of the application thereof to said uses.

Trustees to account annually to the town.
R. S. c. 12, § 43.

SEC. 49. When such lands are vested in a parish, the assessors, clerk, and treasurer, where no other trustees are appointed for that purpose, shall be a corporation and trustees of such ministerial fund forever, with like powers and under like liabilities, as the municipal officers, town clerk, and treasurer; pay the annual income of such lands and of the proceeds of their sale according to the terms of the grants and reservations by which they were so vested; and at each annual meeting for choice of parish officers, exhibit an account of their proceedings, and a statement of funds, receipts, and expenditures.

If lands are vested in a parish, the assessors, clerk and treasurer to be trustees.
R. S. c. 12, § 44.

SEC. 50. The first meeting of the trustees constituted by sections forty-one and forty-nine in any year, may be called by seven days personal notice of the time and place thereof, given by one of them to all the others.

First meeting of trustees, how called.
R. S. c. 12, § 45.