

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

## CHAPTER 18.

## OF PARISHES AND MINISTERIAL LANDS.

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SECTION 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 there be, otherwise at such place as the justice may appoint.

Mode of calling a meeting, to form a parish. 1821, 135, § 1.

SECT. 2. Such persons, so assembled, may choose a clerk and other needful parish officers; and shall thereupon become, and are hereby declared to be, a corporation and body politic; and shall bear such name, as they shall assume, and have all the powers incident to parishes and religious societies.

Organization: name: declared a parish. 1821, 135, § 1. 21 Pick. 148.

SECT. 3. Every parish shall have power to take, by gift or purchase, any real or personal estate, until the clear annual income thereof shall amount to three thousand dollars; and, at pleasure, to sell and dispose of the same; and may establish by laws, not repugnant to the laws of the state.

Power to hold property, and establish by laws. 1821, 135, § 2.

SECT. 4. The annual, or other meetings, of such parish may be called, by the assessors thereof, to be held at the time and place in the town, where they are usually held; and they shall be notified in the manner, prescribed in the first section of this chapter, or such other manner, as may be agreed on by a vote of the parish; and,

Annual and other meetings: officers. 1821, 135, § 3. 6 Greenl. 448.

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being so assembled, the members may choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, and also two or more assessors, a collector, treasurer, standing committee, and any other needful officers.

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

Powers of moderator.  
1821, 135, § 4.

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

When meetings may be called.  
1821, 135, § 5.

SECT. 6. When five members of any parish shall, in writing, request the assessors to call a meeting, or insert any particular article in the warrant for calling a parish meeting, it shall be their duty so to do.

How called, if assessors refuse.  
1821, 135, § 5.

SECT. 7. When assessors unreasonably refuse to call a meeting of the parish, or insert an article requested, as stated in the preceding section, any justice of the peace in the county, on the written application of five or more members thereof, may issue his warrant to one of the applicants, who shall notify such meeting, in the manner prescribed in the first section, or the manner agreed on by vote, if any such exists.

For what purposes parishes may raise money.  
1821, 135, § 6.  
1 Mass. 181.  
3 Mass. 419.  
6 Greenl. 171.  
8 Pick. 494.

SECT. 8. Every parish may, at a legal meeting, vote and grant such sums of money, as may be necessary, for the support of the public ministry of religion, and for building, repairing or removing houses of public worship, and other necessary parish charges; and such sums may be assessed and collected by the same rules, as state taxes.

How assessed on pews.  
1821, 135, § 6.

SECT. 9. Where any house of worship belongs to the members of the parish, or where the same and the fee of the land, on which it stands, is vested in trustees, for the use of a parish, such parish may, if they see cause, assess any moneys voted as aforesaid, wholly, or in part, on the pews or seats of individual owners, whether members of such parish or religious society, or not; and they may be present and vote in granting all sums to be assessed on such pews or seats.

Payment enforced by sale of pews.  
1821, 135, § 6.

SECT. 10. When taxes, so assessed on pews and seats, shall remain unpaid, for six months after the assessment thereof, the treasurer shall sell the same at auction, first posting notice of such intended sale 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 the tax due on each; and shall execute and deliver to the purchaser of any pew or seat, a deed thereof; paying over to the owner the overplus, if any, of the money arising from the sale, after deducting the amount of tax and the incidental charges.

Owner may direct, as to appropriation of his pew tax.  
1821, 135, § 7.

SECT. 11. All moneys paid by any person, for the support of public worship, by a tax on any pew or seat, as above mentioned, shall be paid over to such teacher of his own religious sect, as he may designate, he leaving a written notice of such designation with the clerk of such parish, on or before the annual meeting, unless such owner shall use such pew or seat, himself, or by his family, or other person occupying it under him; and it shall be sufficient, that

such teacher be ordained or qualified, according to the usages of his particular sect or communion.

SECT. 12. Any person may become a member of any parish, or religious society, now existing, or hereafter created, by being accepted, as such, by the parish, of which he wishes to become a member, at a legal meeting of the same.

Manner of admission to a parish.  
1821, 135, § 8.

SECT. 13. Any person arriving to the age of twenty one years, and residing within the limits of any local parish holding funds, derived from the state, or the commonwealth of Massachusetts, or removing into such parish after being of age, shall be deemed a member thereof, until he voluntarily dissolves the connexion.

Membership of local parishes, deriving funds from the state.  
2 Greenl. 67.  
7 Greenl. 411.

SECT. 14. Any person may dissolve his connexion with a parish or religious society, by leaving, with the clerk thereof, a certificate of his intention so to do; and he shall thereby cease to be a member of the society, with whose clerk it is left, or liable to pay any part of any future expenses, which may be incurred by such parish or society.

How to withdraw from a parish.  
1821, 135, § 8.

SECT. 15. Every person ceasing to be a member of any parish, except by removal from the limits of a local parish, shall be liable to be taxed for all moneys raised by such parish, before he ceased to be a member of it.

Persons leaving poll parishes, liable for moneys previously raised.  
1821, 135, § 8.  
6 Greenl. 264, 448.

SECT. 16. No person shall be compelled to join, or be classed with, any religious society or parish, without his consent.

SECT. 17. No territorial parish shall be dissolved by the provisions of this chapter.

No person compelled to belong to a parish.  
1821, 135, § 8.

SECT. 18. Any person becoming of age, or moving into the limits of any local parish, not deriving funds from the state, may become a member thereof, by giving notice, in writing, to the clerk thereof, of his intention so to do, within one year after his becoming of age, or removal thereto, as the case may be.

Territorial parishes, not hereby dissolved.  
Membership of local parishes, not deriving funds from the state.

SECT. 19. When one or more parishes shall be set off from a town, or incorporated, within its limits, in the manner prescribed in this chapter, the remaining part of the town shall constitute the first parish.

When a parish is set off from a town, the remainder to constitute the first parish.  
1 Greenl. 208.  
6 Greenl. 355.

SECT. 20. The deacons of all protestant churches; not being episcopal churches, and the church wardens of episcopal churches, are, and shall be deemed, so far bodies corporate, as to take in succession all grants and donations, whether real or personal, made either to their several churches, or to them and their successors.

Grants and donations to pious uses, how vested.  
1821, 42, § 1.  
3 Greenl. 243.

SECT. 21. Whenever the ministers, elders or vestry shall, in such grants or donations, have been joined with such deacons, or church wardens, as donees or grantees in succession, in such cases, such officers and their successors together with the deacons, or church wardens, shall be deemed the corporation for such purposes.

Same subject.  
1821, 42, § 1.

SECT. 22. The minister or ministers of every parish, or religious society, of every denomination, and the deacons, elders, trustees, stewards and other presiding officers of every religious society, or church, having, by its usages, no settled minister, shall be capable of taking in succession any estate, granted to the minister and his successors, or for the use of the ministry, or the poor of the church, and of prosecuting and defending all suits respecting the same.

Same subject.  
1821, 42, § 1.  
1821, 135, § 10.

SECT. 23. No alienation of any such estate, by any minister,

Power to convey such lands.  
1821, 42, § 1.

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Same subject.  
1821, 42, § 1.  
1821, 135, § 10.

SECT. 24. No alienation of such estate, by such elders, deacons, trustees, stewards or presiding officers, shall be valid any longer, than the continuance in office of such alienors, if made, without consent of the church; or, if made, by church wardens, without the consent of the vestry.

Limitation, as to amount of such property.  
1821, 135, § 10.

SECT. 25. No minister, deacons, elders, trustees, stewards or presiding officers shall be deemed capable of taking any estate, granted as aforesaid, so long as the clear annual income of prior grants to such officers, or to the church, shall be equal to the sum of three thousand dollars.

Records of parishes open to inspection.  
1821, 135, § 9.

SECT. 26. The records of every parish shall be open to the inspection of every member, and to the clerk of every other parish; and each clerk shall furnish attested copies of records, on request, for a reasonable compensation.

Parishes may appoint their treasurer to collect taxes.  
1825, 296, § 1.

SECT. 27. When any parish or religious society, at any legal meeting, shall vote, for any legal purpose, any sum of money, and assess the same on the polls and estates of the members thereof, such parish or society may appoint their treasurer, a collector of taxes, with like power as is provided for a treasurer of a town, who has been appointed a collector of said town, according to the provisions contained in the one hundred thirty fourth section of chapter, fourteen.

May authorize abatements for prompt payment.  
1825, 296, § 2.

SECT. 28. Such parish or society may, by vote, authorize similar abatements upon taxes to be paid to such collector and treasurer, or his deputy, within such periods, as the parish or society may, in legal meeting, establish; and the treasurer shall give like public notice of the parish votes; and such taxes, as shall not be paid within the periods above mentioned, or others agreed upon, shall be collected by the treasurer, in the same way, as town taxes in such circumstances.

Assessors to give a warrant to such treasurer.  
1825, 296, § 3.

SECT. 29. The assessors, who shall regulate the collection of their taxes agreeably to the provisions of this act, shall deposit the same in the hands of the treasurer and collector, for collection, with a warrant for that purpose, after he shall have been duly qualified.

Overseers of monthly quaker meetings, to hold grants, as a corporation.  
1825, 298, § 1.

SECT. 30. The overseers of each monthly meeting of the people, called quakers, shall be deemed so far a body corporate, as to take and hold, in succession, all grants and donations of estate, real, personal or mixed, made, or hereafter to be made, to their respective monthly meetings, or to their preparative meetings constituting the same, or to either of them, to said overseers, or to the use of any of said meetings, or to the poor thereof; and to aliene, or manage, the same according to the terms and conditions, on which the same may have been made; and in the name of said overseers, for the time being, to prosecute or sue for any right, that may have vested in said overseers, the poor of said meetings, or in any of said meetings, in consequence of such grant or donation.

To hold grants, made to quarterly quaker meetings.  
1825, 298, § 2.

SECT. 31. Such overseers may also take and hold, as a corporation, in succession, all grants and donations of real estate, situate within the territorial limits of their respective monthly meetings, and all grants and donations of personal estate made by any person,

dwelling within such bounds, made or hereafter to be made, to any of the quarterly meetings of said quakers, to said overseers for their use, or to the use of any of said quarterly meetings, or to the poor thereof; and to aliene and manage the same, according to the conditions, *in* [on] which the same may have been made; and sue for any right, that may have vested in any of the before named grantees or donees; provided, that the income thereof, to any one of such meetings, for the uses aforesaid, shall not exceed five thousand dollars per annum.

SECT. 32. The powers, granted in the two preceding sections, may be enlarged, restrained or repealed, at the pleasure of the legislature.

Legislature may modify these powers. 1825, 298, § 3.

## CHAPTER 19.

### OF MEETING HOUSES.

SECT. 1. Persons may incorporate themselves, to build a meeting house.

2. Owners of a meeting house may incorporate themselves, for repairing or enlarging it.

3. Owners of decayed or unoccupied meeting houses may be authorized to sell them.

4. Owners of meeting houses, and of pews therein, may incorporate themselves.

5. Mode of calling a meeting for that purpose.

SECT. 6. Manner of organizing and becoming incorporated.

7. Corporate rights and powers. Proviso.

8. Minority, of a different denomination, may have a division of time, and how obtained.

9. Mode of proceeding.

10. Proportion of minority, to be appraised.

11. Expenses, how paid.

12. Minority may occupy, their proportion of the time, unless the majority will purchase.

SECTION 1. Any number of individuals may incorporate themselves, for the purpose of erecting a meeting house, in the same manner, and with the same effect, as parishes may by law incorporate themselves; and may choose all officers, and do all those acts, which a parish may do, in the exercise of its lawful authority.

Persons may incorporate themselves, to build a meeting house. 1823, 377.

SECT. 2. The owners of any meeting house, not constituting a parish, shall have power to incorporate themselves, for the purpose of repairing, enlarging and removing the same, in like manner as parishes may incorporate themselves; and may choose officers, raise and assess taxes for the sole purposes aforesaid, and may do all those things, which a parish can, in virtue of the authority legally vested in them.

Owners of a meeting house may incorporate themselves, for repairing or enlarging it. 1834, 128. 3 Pick. 344.

SECT. 3. When any meeting house becomes decayed, or remains unoccupied for two years, the owners thereof, having so determined at any legal meeting, may apply to the district court for leave to sell the same, with, or without, the land belonging thereto; and the judge, after giving such public notice, as in his opinion the case may require, at his discretion, may order the same to be sold at auction, by such agent as he may appoint, and on such notice, as is

Owners of decayed or unoccupied houses may be authorized to sell them. 1834, 128.