

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

## CHAPTER 12.

## PARISHES, MEETING HOUSES, MINISTERIAL AND SCHOOL LANDS, AND FUNDS ARISING THEREFROM.

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R. S., c. 18, § 1.

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19 Maine, 20.  
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6 Greenl. 448.  
 R. S., c. 18, § 4.

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R. S., c. 18, § 5.

When meetings may be called.

R. S., c. 18, § 6.

How meetings called, if assessors refuse.

R. S., c. 18, § 7.

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.

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SEC. 8. 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.

For what purposes parishes may raise money.  
6 Greenl. 171.  
R. S., c. 18, § 8.

SEC. 9. 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.

How assessed on pews.  
R. S., c. 18, § 9.

SEC. 10. 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 the incidental charges.

Payment enforced by sale of pews.

Overplus to be paid to pew owner.  
R. S., c. 18, § 10.

SEC. 11. 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 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.

Owner may direct as to appropriation of his pew tax.  
R. S., c. 18, § 11.

SEC. 12. 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.

Parishes may procure insurance; in case of loss, how applied.  
1850, c. 201.

SEC. 13. A person may become a member of a parish or religious society by vote thereof at a legal meeting.

Manner of admission to a parish.  
R. S., c. 18, § 12.

SEC. 14. 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 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.

Membership when funds derived from state; when not derived from state.  
2 Greenl. 67.  
7 Greenl. 411.  
R. S., c. 18, § 13, 18.

SEC. 15. 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 parish. Manner of withdrawal.  
6 Greenl. 264, 448.  
R. S., c. 18, § 14, 15, 16.

SEC. 16. No territorial parish is hereby dissolved, and when

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R. S., c. 18,  
§ 17, 19.

1 Greenl. 208.  
6 Greenl. 355.

Church ward-  
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3 Greenl. 243.  
R. S., c. 18,  
§ 20, 21.

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19 Maine, 288.  
R. S., c. 18,  
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R. S., c. 18,  
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R. S., c. 18,  
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R. S., c. 18,  
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R. S., c. 18,  
§ 30, 31, 32.

one or more parishes are set off from a town, or incorporated therein as aforesaid, the remaining part shall be the first parish.

SEC. 17. The church wardens of episcopal churches, 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.

SEC. 18. 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.

SEC. 19. 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.

SEC. 20. 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.

SEC. 21. 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.

SEC. 22. 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.

## MEETING HOUSES.

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SEC. 23. 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.

Persons may incorporate to hold a meeting house.

R. S., c. 19, § 1.

SEC. 24. 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 twenty-seven; or by publishing the warrant in a newspaper printed in the county, at least fourteen days before the meeting.

Owners may repair or dispose of meeting houses.

Warrant for calling meeting.

1846, c. 206.

1855, c. 172, § 1.

SEC. 25. 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.

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.

1855, c. 172, § 2, 3.

SEC. 26. 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.

1855, c. 172, § 4.

SEC. 27. The owners of a meeting house or building for public worship, and the pew owners, may be incorporated, when a majority of them apply to a justice of the peace therefor, who shall issue his warrant to one of them stating the time, place

Owners of meeting houses and pews therein may incorporate themselves.

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Mode of calling a meeting for that purpose.

R. S., c. 19, § 4, 5.

Manner of organizing and becoming incorporated.

R. S., c. 19, § 6.

Corporate rights and powers.

R. S., c. 19, § 7.

Minority of different denominations may have division of time, and how obtained.

R. S., c. 19, § 8.  
1845, c. 145.

Mode of proceeding.

R. S., c. 19, § 9.  
1842, c. 31, § 2.  
1845, c. 164.

Proportion of minority to be appraised.

R. S., c. 19, § 10.

Expenses, how paid.

R. S., c. 19, § 11.

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

R. S., c. 19, § 12.

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.

SEC. 28. 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.

SEC. 29. 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.

SEC. 30. 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 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.

SEC. 31. 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.

SEC. 32. The board shall appraise the value of the minority's proportion of the house, allowing no more for any pew, than was actually paid for it by the owner; 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.

SEC. 33. 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.

SEC. 34. 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.



MINISTERIAL AND SCHOOL LANDS, AND FUNDS ARISING THEREFROM. CHAP. 12.

SEC. 35. 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. 20, § 1.

SEC. 36. 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. 20, § 3.

SEC. 37. 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. 20, § 4.

SEC. 38. 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.

Powers of such trustees.  
R. S., c. 20, § 5.

SEC. 39. 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. 20, § 6.

SEC. 40. 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. 20, § 8, 9.

SEC. 41. The income of the fund, arising from the sale of lands under section thirty-eight, and from the rents and profits of real and personal estate held under section forty, 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. 20, § 10, 11.

SEC. 42. 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.  
1842, c. 31, § 3.  
R. S., c. 20, § 12.

SEC. 43. 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. 20, § 13.

SEC. 44. 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

If lands are vested in a parish, the assessors, clerk and treasurer to be trustees.  
R. S., c. 20, § 14.

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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.

First meeting  
of trustees,  
how called.  
R. S., c. 20,  
§ 15.

SEC. 45. The first meeting of the trustees constituted by sections thirty-six and forty-four 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.

## CHAPTER 13.

## THE PRACTICE OF MEDICINE AND SURGERY.

Physic and  
surgery.

SEC. 1. No person, except a physician or surgeon who commenced practice prior to February sixteenth, eighteen hundred and thirty one, or has received a medical degree at a public medical institution in the United States, or a license from the censors of the Maine Medical Society, shall recover any compensation for medical or surgical services, unless previous to such services, he had obtained a certificate of good moral character from the municipal officers of the town where he then resided.

Restrictions  
on certain  
practitioners.  
R. S., c. 22.

## CHAPTER 14.

## PREVENTION OF CONTAGIOUS SICKNESS.

- SEC. 1. Precautions against infected persons; duty of municipal officers.
2. Precautions against persons arriving from infected places; same.
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  4. Precautions authorized in border towns.
  5. Process for removal or separate accommodation of infected persons.
  - 6, 7. Process for securing infected articles.
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  10. Compensation for men or property impressed.
  11. Adjournment of courts because of danger from infection.
  12. Removal of infected prisoners from places of confinement.
  13. Order for removal, how returned. Such removal not an escape.
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  16. May order removal of private nuisances; proceedings thereon.
  17. Masters, &c., of vessels may be examined on oath in certain cases.
  18. Vessels with infected persons to anchor at a distance from towns.
  19. Penalty for violation of this provision.
  20. Selectmen may establish quarantine regulations. Penalty for breach thereof.
  21. Duty of pilots to give notice thereof.
  22. Punishment for violation or evasion of quarantine, after notice.
  23. Selectmen to furnish signals, to be kept hoisted by master. Restriction of persons visiting vessels at quarantine.