

TITLE VIII.

CHAPTER 20.

OF PARISHES; AND THE SUPPORT OF PUBLIC WORSHIP.

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Parishes, to be bodies corporate.

SECTION 1. Every parish or religious society heretofore established is declared to be a body corporate, with all the powers given to cor-

porations by the forty-fourth chapter; and with the other powers, privileges, liabilities and duties, expressed in this chapter.

SECT. 2. All parishes or religious societies, whether corporate or unincorporate, shall continue to have and enjoy their existing rights, privileges, and immunities, except so far as the same may be limited or modified by the provisions of this chapter, and the eleventh article of the amendments of the constitution.

SECT. 3. The respective churches, connected and associated in public worship with such parishes and religious societies, shall continue to have, exercise and enjoy all their accustomed privileges and liberties respecting divine worship, church order and discipline, and shall be encouraged in the peaceable and regular enjoyment and practice thereof.

SECT. 4. All persons, belonging to any religious society, shall be taken and held to be members, until they shall file, with the clerk of such society, a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract, which may be thereafter made or entered into by such society; and no person shall hereafter be made a member of any parish or religious society, without his consent in writing.

SECT. 5. Every parish and religious society may make by-laws, prescribing the manner in which persons may become members thereof; provided such by-laws be not repugnant to the laws of the Commonwealth.

SECT. 6. No person shall have a right to vote in the affairs of any parish or religious society, unless he is a member thereof.

SECT. 7. The qualified voters of every parish and incorporated religious society, and of every religious society organized according to the provisions of this chapter, shall meet in the month of March or April annually, at such time and place as shall be appointed by their assessors or standing committee, and shall choose a clerk, and two or more assessors, a treasurer, collector, who shall be sworn, and such other officers as they shall think necessary; all of whom shall continue in office for one year, and until others are chosen and qualified in their stead.

SECT. 8. All meetings shall be warned in such manner, as the parish or society shall by any by-law or vote provide; and when they shall make no such order, the meetings shall be warned in such manner, as their assessors or standing committee shall, in their warrant for such meeting, direct.

SECT. 9. At all such meetings, the clerk shall preside in the choice of a moderator; and, if there is no clerk, or if he is absent, the assessors or the standing committee, or any one of them, shall preside in the choice of a moderator; and a clerk may then be chosen, either pro tempore, or to fill the vacancy, as the case may require.

SECT. 10. The moderator may administer the oath of office to the clerk; and the clerk may administer the oath to the assessors and collector; or the said oaths may be administered by any justice of the peace; and they shall all be substantially the same, as are required to be taken by the clerk, assessors, and collectors of towns.

SECT. 11. The moderator shall have the same power, in govern-

1786, 10, § 3.
1833, 83.

Rights, &c. of
all parishes.
1834, 183, § 1.

Churches to
have accus-
tomed privi-
leges,
&c.
16 Mass. 488.
10 Pick. 172.
1834, 183, § 1.

Membership of
every religious
society to be
voluntary.
13 Pick. 111.
17 Mass. 347.
5 Pick. 498.
1834, 183, § 2.

Parishes may
regulate admis-
sions by by-
laws.
1835, 183, § 3.

Members alone
may vote.
1817, 77; 1834,
183, §§ 3, 7.

Annual meet-
ing for choice of
officers.
1786, 10, § 1.

Parish meet-
ings, how
warned.
7 Greenl. 426.
1807, 63.

Who to preside
when moderator
is chosen.

Choice of clerk.
1817, 184.
1831, 50.
6 Greenl. 448.

Officers, how
sworn.
5 Mass. 427.
1786, 10, §§ 1,
2.

Moderator's

powers and duties.
Penalties for disorderly conduct in meeting.
16 Mass. 385.
1786, 10, § 2.

ing the meeting, that is given to the moderator of a town meeting; and all persons, guilty of disorderly behavior at the meeting of any parish or religious society, shall be subjected to the same penalties and punishments, as are provided for the like offences in town meetings; all the pecuniary penalties to enure to the use of the parish or society, and to be recovered in the manner prescribed in the case of offences at town meetings.

Persons chosen collectors shall, if present, forthwith accept or refuse.
1786, 10, § 1.
What shall be deemed a refusal.
1786, 10, § 1.

SECT. 12. The person chosen collector shall, if present, forthwith declare his acceptance or refusal of the office; and in case of non-acceptance, the parish or society shall proceed to a new choice, and so from time to time, until one shall accept and be sworn.

Prudential affairs, by whom managed.
1786, 10, § 2.

SECT. 13. Any person so chosen, who shall be present and shall not declare his acceptance of the office of collector, or who shall, for the space of seven days, after being summoned by a constable or any other person, whom the clerk or assessors may appoint for that purpose, neglect to take the oath of office, shall be considered as refusing to accept the office.

Vacancies in offices, how filled.
1786, 10, § 2.

SECT. 14. The prudential affairs of parishes and religious societies shall be managed by their assessors, or by a standing committee, to be specially appointed for that purpose; and the said assessors or committee shall have like authority, for calling meetings of the parish or society, as selectmen have for calling town meetings.

Meetings, to be called on application of five or more voters.
Contents of warrant.
1786, 10, § 2.
9 Pick. 97.

SECT. 15. All vacancies, that shall occur after the annual meeting, in any of the annual offices, may be filled at any other legal meeting.

If assessors unreasonably refuse, &c. a justice of the peace may call meetings.
1786, 10, § 2.
3 Pick. 242.

SECT. 16. When five or more of the qualified voters of any parish or religious society shall signify, in writing, their desire to have any matter inserted in a warrant for calling a meeting, the assessors or committee shall insert the same in the next warrant they shall issue for that purpose; and nothing acted upon shall have any legal operation, unless the subject matter thereof shall have been inserted in the warrant for calling the meeting.

Objects, for which a parish may raise money.
1 Mass. 181.
5 Mass. 547.
10 Pick. 500.
1786, 10, § 3.
1821, 67.
1828, 107.
1834, 183, § 4.

SECT. 17. In case the assessors or committee of any parish or religious society shall unreasonably refuse to call a meeting, or if there are no assessors or committee qualified to call one, any justice of the peace for the county, upon the application of five or more of the qualified voters, may call a meeting, in the same manner as a justice of the peace is authorized to call a town meeting.

Special acts of incorporation, &c. not to be affected by this chapter.
1834, 183, § 4.

SECT. 18. The qualified voters of every parish and religious society, at the annual meeting, or at any other meeting, regularly notified seven days at least before the holding thereof, may grant and vote such sums of money, as they shall judge necessary for the settlement, maintenance, and support of ministers or public teachers of religion; for the building or repairing of houses of public worship; for sacred music; for the purchase and preservation of burial grounds; and for all other necessary parish charges; all which sums shall be assessed on the polls and estates of all the members of the parish or society, in the same manner and proportion as town taxes are by law assessed.

SECT. 19. Nothing contained in this chapter shall enlarge or diminish the powers of taxation, enjoyed by any parish or religious society, by virtue of any special law or act of incorporation.

SECT. 20. No corporation shall be taxed for any parochial purpose. Corporations, not to be taxed. 1834, 183, § 4.

SECT. 21. None of the provisions of this chapter shall be construed to impair any existing rights of property of any territorial parish. Existing rights of property, not impaired.

SECT. 22. The inhabitants of every parish and religious society may, by vote, appoint one or more agents or attorneys to appear for and represent them, in any suit at law and upon any other occasion. Parishes, &c. may appoint attorneys, &c. 1783, 39, § 4. 1786, 10, § 3.

SECT. 23. Every parish and religious society may appoint their treasurer to be the collector of their taxes; and, when so appointed, he shall have the like powers, and shall proceed in the like manner, in enforcing the collection of such taxes, after the expiration of the time, fixed by the parish or society for the payment thereof, as is provided in the eighth chapter, for the collection of taxes by the collectors of towns. —may appoint their treasurers collectors, who shall have the power of town collectors. 1826, 77.

SECT. 24. Every parish and religious society may authorize their treasurer and collector to make an abatement of such sum, as they shall agree upon at their annual meeting, to all those who make voluntary payment of their taxes, within such periods as shall be fixed on for that purpose by the parish or society. —may abate for prompt payment. 1826, 77.

SECT. 25. In case any donation, gift or grant, shall be made to any unincorporated religious society, such society shall have the like power to manage, use, and employ the same, according to the terms and conditions, on which the same may be made, as incorporated societies now have, or may hereafter have, by law; to elect suitable trustees, agents or officers therefor; and to prosecute and sue for any right, which may vest in them, in consequence of such donation, gift or grant; and such society shall be a corporation, so far as may be necessary for the purposes expressed in this section. Unincorporated societies may hold and manage donations. 1834, 183, § 5.

SECT. 26. Any parish, which, from the want of officers, or any other cause, may be unable to assemble in the usual manner, and any religious society, that is not incorporated, provided they contain respectively ten or more qualified voters, may organize themselves as a corporation, in the manner and for the purposes expressed in the following sections. Parishes and societies may organize themselves, &c. 1834, 183, § 6.

SECT. 27. Any justice of the peace for the county in which such parish or religious society may be, upon application in writing by any five or more of the qualified voters thereof, may issue his warrant for calling a meeting of the same. The first meeting to be called by justice's warrant. 1834, 183, § 6.

SECT. 28. The warrant shall state the objects of the meeting, and shall be directed to some one of the applicants therefor, requiring him to warn the qualified voters of the parish or society to meet at such time and place, as shall be appointed in the warrant; and, upon due return thereof, the same justice, or any other justice of the peace for the county, may preside at such meeting, for the choice and qualification of a clerk, who shall enter at large, upon the records of the parish or society, the proceedings had in the organization thereof; and the parish or society may thereupon proceed to choose a moderator, and to do all such other things, as parishes are by law authorized to do at their annual meetings; provided the subject matter thereof shall be inserted in said warrant. Contents of the justice's warrant, and proceedings thereon. 1834, 183, § 6.

SECT. 29. Every parish and religious society, organized as pro- Powers, &c. of

societies so organized.

Subject to revocation.
1834, 183, § 7.

Taxes of religious societies, to be assessed on property.
1834, 183, § 8.

Proprietors of churches, &c. may assess money for alterations, repairs, &c.
1817, 189, § 1.

Assessment and collection of such money.
1817, 189, § 1.

Notice when pews are sold by the treasurer.
1817, 189, § 2.

Affidavit of notice of sales, made evidence.
1817, 189, § 3.

vided in the three preceding sections, shall become a corporation, and shall have all the powers and privileges, and be subject to all the duties, liabilities and requirements, which incorporated religious societies may, by law, have or be subject to, with power to have and hold so much estate, real or personal, as may be necessary for the objects of such organization, and no more; provided, that all the powers, derived from any such organization, may at any time be revoked by the legislature.

SECT. 30. The assessors of every parish and religious society, in assessing taxes for the support of public worship, and for other parish charges, shall assess the same upon all the property, (not exempted by law from taxation,) of all the members of such parish or society, including all their real estate within the state, in whatever part thereof it may be situated, and all their personal estate, wherever the same may be; and no citizen shall be liable to pay any tax for the support of public worship, or for other parish charges, to any parish or religious society, other than to that of which he is a member.

SECT. 31. Whenever the proprietors of any church, meeting house, or other house of public worship, shall deem it expedient to alter, enlarge, repair, rebuild, or remove the same, it shall be lawful for them, at a legal meeting, called for that purpose, to raise such sums of money, as they may judge necessary, to carry any of said purposes into effect, and to purchase any land necessary for the same.

SECT. 32. Such moneys may be assessed on the pews in such church or house, and the assessment may be committed to the treasurer, chosen by said proprietors to receive the same; and the treasurer shall forthwith give notice thereof, by posting up an advertisement at the principal outer door of such house, stating the completion of such assessment, and the day of delivery thereof to him; and if said taxes, or any part thereof, remain unpaid for three months, after the posting up of notifications as aforesaid, it shall be the duty of the treasurer to collect the same forthwith, by sales at public auction of the pews, whereon the tax or any part thereof shall remain unpaid, in the manner provided in the following sections.

SECT. 33. When it shall become the duty of the treasurer, to sell any pew for taxes, he shall post up a notification of the intended sale thereof, at the principal outer door of such church or house, at least three weeks before the time of sale, therein setting forth the number of the pew, if any, the name of the owner or occupant, if known, and the amount of the tax due thereon; and if said tax or any part thereof shall remain unpaid, at the time appointed for such sale, the treasurer shall sell the pew, by public auction, to the highest bidder, and shall execute and deliver, to the purchaser, a sufficient deed of conveyance of the same; and the money, arising from such sale, beyond the taxes and incidental reasonable charges, shall be paid by the treasurer to the former owner of the pew so sold, or to his assigns.

SECT. 34. The affidavit of any disinterested person, annexed to any original notification, or to a copy thereof, made before a justice of the peace, and recorded on the proprietor's records, within six months next after such sale, shall be allowed, as one mode of proof of the posting up of the notifications herein before required.

SECT. 35. Any meeting of the proprietors of a church or house of public worship, for any of the purposes aforesaid, may be called by a warrant from a justice of the peace, granted on application to him in writing, made by any five of said proprietors, which warrant shall be directed to one of the applicants ; or such meeting may be called by a notification by the clerk of said proprietors, whose duty it shall be to warn a meeting, on a like application to him ; and, in either case, such meeting may be warned by posting up a notification thereof, at the principal outer door of the church or house, fourteen days at least before the time appointed for the meeting.

How proprietors' meetings may be called. 1817, 189, § 4.

SECT. 36. Whenever any such proprietors shall deem it necessary, for the purpose of altering, enlarging, repairing, rebuilding, or removing their church or house, to take down any pews therein, it shall be lawful for them so to do ; such pews being first appraised by any three or more disinterested persons, chosen by said proprietors for that purpose ; and the pews newly erected, shall be sold by the treasurer of the proprietors, by public auction, to the highest bidder, and deeds thereof shall be given, in like manner as when they are sold for the payment of taxes ; and the moneys arising from such sale shall be applied, so far as may be necessary, to paying the appraised value of the pews taken down to the owners thereof ; and the deficiency, if any, shall be paid by the proprietors of such church or house, within thirty days next after the sale.

Proprietors may take down pews to alter churches, &c. 4 N. Hamp. R. 180.

Proceedings in such case. 1817, 189, § 5.

SECT. 37. Whenever any parish or religious society, being the owner of any church, meeting house, or other house of public worship, shall deem it necessary, for the purpose of altering, enlarging, repairing, rebuilding or removing any such church or house, to take down any pews therein, it shall be lawful for them so to do ; and, in such case, the like regulations shall be observed, and the like proceedings had, as are provided in the preceding section.

Parishes and societies to have the like powers in such cases. 1835, 121.

SECT. 38. Nothing contained in the two preceding sections shall entitle any person to compensation for a pew so taken down, in any case, where such church or house shall have become unfit for the purposes of public worship.

No compensation to pew owners, when church is unfit for use. 1835, 121. 7 Pick. 138, 3 ib. 344, 1 ib. 102.

DONATIONS AND GRANTS FOR PIOUS AND CHARITABLE USES.

SECT. 39. The deacons, churchwardens or other similar officers of all churches or religious societies, if citizens of the United States, shall be deemed bodies corporate, for the purpose of taking and holding, in succession, all grants and donations, whether of real or personal estate, made either to them and their successors, or to their respective churches, or to the poor of their churches.

17 Mass. 435. Deacons, church wardens, &c. made bodies corporate to take donations, &c. 12 Mass. 546. 1785, 51, § 1.

SECT. 40. In all cases, where the ministers, elders, or vestry of any church shall, in the grants or donations mentioned in the preceding section, have been joined with such deacons or church wardens as donees or grantees, such officers and their successors, together with the deacons or church wardens, shall be deemed the corporation, for the purposes of such grants and donations.

When the ministers, elders, &c., are joined in such donations. 1785, 51, § 1.

SECT. 41. The minister of every church or religious society, of whatever denomination, if a citizen of the United States, shall be capable of taking, in succession, any parsonage land granted to the minister and his successors, or to the use of the ministers, or granted

Ministers of all churches may take in succession any parsonage land. 15 Mass. 464.

10 Mass. 93.
6 Greenl 355.
1785, 51, § 1.

No conveyance
of church lands
valid without
consent of
churches, &c.
1785, 51, § 1.

Conveyance by
minister, to be
valid only du-
ring his mini-
stry, unless, &c.
2 Mass. 500.
14 Mass. 333.
1785, 51, § 1.

Churches, ex-
cept &c., may
appoint commit-
tees to settle
with the dea-
cons.
1785, 51, § 1.

Income of such
bodies corpo-
rate limited.
1785, 51, § 2.

Overseers of
monthly meet-
ings of the
Friends or
Quakers, to
hold lands, &c.
as a corpora-
tion.

Income limited.
1822, 92.

by any words of the like import, and may prosecute and defend, in all actions touching the same.

SECT. 42. No conveyance of the lands of any church shall be effectual to pass the same, if made by the deacons without the consent of the church, or of a committee of the church, appointed for that purpose, or if made by the church wardens, without the consent of the vestry.

SECT. 43. No conveyance, made by any minister, of lands held by him in succession, shall be valid any longer than he shall continue to be such minister, unless such conveyance shall be made with the consent of the town, parish, or religious society, of which he is minister, or unless he be a minister of an episcopal church, and shall make the conveyance with the consent of the vestry.

SECT. 44. The several churches, other than those of the episcopal denomination, are authorized to choose committees, for the purpose of settling the accounts of the deacons and other church officers, and, if necessary, to commence and prosecute any suits in the name of the church, against the said deacons or other officers, touching the same.

SECT. 45. The income of any such grant or donation, made to or for the use of any church, shall not exceed the sum of two thousand dollars a year, exclusive of the income of any parsonage lands, granted to or for the use of the ministry.

SECT. 46. The overseers of each monthly meeting of the people called Friends or Quakers shall be a body corporate, for the purpose of taking and holding, in succession, all grants and donations of real or personal estate, made to the use of such meeting, or to the use of any preparative meeting belonging thereto ; and to aliene or manage such real and personal estate, according to the terms and conditions of the grants and donations ; and to prosecute and defend in any action touching the same ; provided, that the income of the grants and donations, to any one of such meetings, for the uses aforesaid, shall not exceed the sum of five thousand dollars a year.