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Town of Danville  
Board of Selectmen  
August 3, 2015  
7:00 pm

Selectmen Present: Chairman Shawn O'Neil, Vice-Chair Chris Giordano, Kimberly Farah, Joshua Horns, Sheila Johannesen

Others present: Patricia Shogren, Stacy O'Connor, Brenda Whitehouse, Nathan Landry, Beth Caillouette, Bruce Caillouette, Kathy Beattie, Carol Baird, Tom Waters

Chairman O'Neil opened the meeting with a moment of silence for the troops who put themselves in harm's way. All stood for the Pledge of Allegiance.

- I. Delegate – none
- II. Nathan Landry – Eagle Scout candidate

Nathan stated he would like to erect a platform, estimated 12' x 16' foot with electricity at Goldthewaite Park as his Eagle Scout project. Stacy O'Connor and Brenda Whitehouse represented the Recreation Committee and stated they would oversee the project. It was suggested that Nathan work with Bruce Caillouette who oversees the Town's parks. Selectman Farah made the motion, seconded by Vice-chair Giordano, to approve the project and to bring forward the plans to the Board when ready; motion passed.

- III. Stormwater – Beth Caillouette

Selectman Farah stated that our consultant [Nick Cristoli/CEI] has suggested three tasks that would keep Danville pro-active and moving forward toward meeting the criteria in the soon to be passed and issued MS-4 Permit.

1. Calculation of the pervious vs impervious pavement: usually done in larger cities. Not a prudent expense for Danville. Danville acreage well below 1%. Selectman Horns mentioned that our Hazard Mitigation plan notes that FEMA looks at those figures to see if a town is working to comply and participate in the insurance program. Selectman Farah stated we needed a number but we could do it ourselves.
2. Best management practices for town-owned buildings: Selectman Farah stated we should not move forward with this because we are not even maintaining our town buildings as we should and if we are going to spend money, it should be to maintain the buildings and not on a study to how we manage the stormwater discharge around the areas of our town buildings.
3. Low impact design into planning for stormwater systems in towns: Green roof, swales, etc. Our zoning already addresses this and Vice-Chair Giordano stated we are pretty much up-to-date on this.

Beth recommended that we work on little things that can keep us ahead. It was noted that Peter Loughlin sent an email that stated the State has now passed a law that Planning Boards can adopt regulations for stormwater.

- IV. PID 1-43 Tom Water's claim of land.

Tom Waters presented a hand-drawn map saying he owned the property to the south of the right of way at 599 Main Street. He noted the road to his home and Gustavson's property was his driveway and not a right of way. The selectmen had a 1985 survey registered by Tom from the Registry of Deeds showing the acreage in question was part of 599 Main Street property. The Board also had a 1990 survey (also registered by Tom at the Registry), identical to the 1985 survey but it showed the area in question as "claimed by Tom Waters. Both surveys were done by the same company.

Tom also claimed that Wally Fries, a former owner of the 599 Main Street property changed the deed to incorporate the land in question into the Main Street property. When asked why Tom has never brought this claim forward

during the last 35 years he stated that Wally was a lawyer and Tom didn't want to fight him because of that. There was no reason given for why he did not press his claim with the previous owners.

Tom stated the property was his and the Town needed to do the research to show this. The Board explained to Tom that the town owns the land and the onus is on Tom to provide documentation to the contrary to support his claim. His stating that he knows he owns it is not documentation or proof that he does. The board noted that the 599 Main Street property was posted with no trespassing signs and they expected this to be honored and Tom is not to use the property he is claiming; it belongs to the town per the deed.

Selectman Farah asked Tom about the boulders/rocks placed up by the entrance to the barn off of Tom's driveway and he stated that he had removed that section of the rock wall to allow access for trusses to be delivered during the construction of the large barn at 599 Main Street. He said that he no longer was allowing access off of his driveway so he replaced the removed rock and posted no trespassing signs facing north along his driveway. Selectman Farah stated she was concerned about access to the barn in the case of an emergency and the Board noted that the removal of any boundary wall was illegal per RSA; the walls are protected.

V. Parsonage Fund – Research received from the Heritage Commission

Selectman Horns presented the information and research gathered by the Heritage Commission regarding the history of the Parsonage Fund monies collected and spent from 1760 – 1886 as a town hall as well as a place of worship (documentation attached). The Commission stated that through their research, the Parsonage Funds were never a Charitable Trust and recommended a Warrant Article be written to correct the vague 1992 Warrant Article that addressed the disbursement of funds from this account. The documentation showed that the Parsonage Lands were purchased, not donated, and the Parsonage Fund monies, from the beginning, were used to maintain the building [Old Meeting House], pay for cleaning, pay the minister, and any incidentals related to the Meeting House. It was also shown that taxes were raised and used to pay the minister.

It was decided that this information be explained and discussed with the director, Tom Donovan, in the State Department of Charitable Trusts. The Board thanked Carol Baird and the Heritage Commission for their extensive research and time to accomplish this task.

VI. Signature file/Minutes

Selectman Johannesen made the motion, seconded by Vice-chair Giordano, to authorize the Chair to sign the canopy rental agreement with Special Events of New England for items rented for Old Home Day; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Johannesen, to authorize the Chair to sign a letter to Stephan Crawford DVM; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Johannesen, to approve the July 20, 2015 minutes as amended; motion passed.

Vice-chair Giordano made the motion, seconded by Selectman Johannesen, to approve the July 20, 2015 6:43pm non-public minutes as written; motion passed. Farah abstained.

Selectman Farah made the motion, seconded by Selectman Horns, to approve the July 20, 2015 8:50 pm non- public minutes as amended; motion passed. Johannesen abstained.

VII. Old/New Business

Selectman discussed Assessor Smith's market value of town-owned parcel 3-131B which David Acheson would like to purchase. Selectman Farah made the motion, seconded by Selectman Johannesen, to sell the property for \$600.00 plus any/all associated fees including having the deed drawn up, registry costs, etc.; motion passed unanimously. Mr. Acheson must submit a request to Planning Board for a lot line adjustment to include this .06 acre parcel into his existing home lot.

Selectman Farah asked about the bill rate for the Road Agent, Bruce Caillouette, and why it included a truck cost if the town now owns a highway vehicle. Patty stated that both trucks are used, at times, and the highway department has an additional part-time employee which enabled the department to split tasks. It was noted that the invoicing was for a 40-hour week and the rate needed to be adjusted and Patty said she would contact Bruce for the specifics.

At 9:15pm Vice-chair Giordano made the motion, seconded by Selectman Horns, to go into non-public session under RSA 91-A:3 II (c). Roll call vote: O'Neil – yes, Johannesen – yes, Horns – yes, Farah – yes, Giordano – yes; motion passed.

At 10:00pm Vice-chair Giordano made the motion, seconded by Selectman Horns, to go return to public session. Roll call vote: O'Neil – yes, Johannesen – yes, Horns – yes, Farah – yes, Giordano – yes; motion passed.

Selectman Horns, seconded by Selectman Farah, to seal the minutes for reasons outlined in RSA 91-A:3 II (c). Roll call vote: O'Neil – yes, Johannesen – yes, Horns – yes, Farah – yes, Giordano – yes; motion passed.

At 10:02 pm Selectman Horns made the motion, seconded by Vice-chair Giordano, to adjourn; motion passed.

Respectfully submitted,

Patricia Shogren  
Selectman's Administrator



**HERITAGE COMMISSION  
TOWN OF DANVILLE**

210 Main Street  
Danville, NH 03819



July 29, 2015

Board of Selectmen  
Town of Danville  
210 Main Street  
Danville, NH 03819

RE: Parsonage Fund and Parsonage Land

Dear Board Members,

As discussed at your meeting on May 27, 2015 the Heritage Commission has researched additional records for information about Danville's Parsonage Land and Parsonage Fund. This work involved a day-long visit by two members to the Archives Center in Concord to review the Selectmen's Account Books for 1760-1836 and town meeting minutes for 1760-1868. Also reviewed were the Parsonage Committee records and account books for 1830-1950's, which are stored at town hall, as well as various annual town reports. Our Selectmen's member, Joshua Horns, will be providing you with details about additional information and facts that were discovered during the search. Joshua will also have with him the Commission's copies of various town documents obtained from the Archives Center and the Parsonage Committee's record box at town hall.

Based on our review of information that is now available, the Heritage Commission has voted to offer the following opinions about the Parsonage Land and Parsonage Fund for your consideration:

1. We feel there is no charitable trust. We did not find any evidence that the Parsonage Land or any money in the Parsonage Fund was "donated" to the town. The town is in possession of the deeds to the Parsonage Lands, which document the properties were paid for or bargained for by the town and are owned by the town. All money in the fund was derived from the town's rental or harvesting of the Parsonage Land and interest earned on money from those activities that the town deposited into the fund. The Parsonage Land and the Parsonage Fund are publicly-owned town assets.

2. Income from the Parsonage Lands was never used exclusively as an umbrella for religious purposes. Instead, historical town records indicate money generated from rental or harvesting of the Parsonage Lands was used for a variety of things, including periodic maintenance of the Meeting House in the 1700's, 1800's and 1900's.
3. Town records support the fact that use of money from the Parsonage Land and Parsonage Fund was always under the control of the voters and for whatever purposes they chose as determined by votes of the town at town meeting and recorded in town meeting minutes dating back to the 1700's.
4. The minutes of the 1992 town meeting regarding the warrant article to transfer the Parsonage Fund to the Trustees of the Trust Funds are defective. We are told by a resident who was there that there was an amendment to that warrant article stating interest from the fund would be used for maintenance of the Meeting House and that is what the voters present approved. Unfortunately, the amendment was not properly recorded: it simply states all interest from the parsonage fund will be spent annually and does not say what the spending is to be for.
5. We recommend a new warrant article be presented to the voters that corrects the defective 1992 town meeting minutes and provides that the Parsonage Fund principal and interest shall be used to maintain the Meeting House.

Historical town records support this as an appropriate use of the money in the fund, as income from the Parsonage Land was used to help maintain the Meeting House throughout the town's history.

Please let us know if you need more information or would like our attendance at any future meetings to discuss resolution of this issue.

Sincerely,



Carol Baird, Chair

## HERITAGE COMMISSION NOTES ON ADDITIONAL RESEARCH

### **Danville's Parsonage Lands and Parsonage Fund**

#### Pending issues:

- Is the Parsonage Fund a trust fund for religion or does it belong to the town?
- Is the Parsonage Fund a charitable trust? Does it meet required criteria?

If not, does the Division of Charitable Trusts still have jurisdiction over uses of the fund?

If not, is the Cy Pres process still required?

If not, can the town designate by warrant article the appropriate use the principal and income in the Parsonage Fund?

- Is the Parsonage Fund more appropriately classified as some other type of trust fund?

If so, what is it and what are applicable rules?

- The 1992 town meeting warrant article and amendment regarding the Parsonage Fund- vote was recorded incorrectly - can new vote be done to correct the recording mistake?

#### Additional Research questions:

- How did the town acquire title and ownership of the Parsonage Land
- Was the Parsonage Land a “donation” to the town in trust for someone else?
- Is the Parsonage Land a “Ministerial Fund”?<sup>1</sup>
- How was the Parsonage Land and its income historically used by the town?
- Was income from the Parsonage Land used to maintain the Meeting House?
- How did changes in the New Hampshire laws affect how the town used the Parsonage Land/Parsonage Fund?

#### Relevant Definitions

**Charitable Trust** shall mean any fiduciary relationship with respect to property arising as a result of a manifestation of an intention to create it and subjecting the person by whom the property is held to equitable duties to deal with the property for charitable or community purposes.<sup>2</sup>

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2015 *Handbook for Trustees of Trust Funds Cemetery Trustees Library Trustees* published by NH Charitable Trusts Unit. See pgs. 122, 123 [citing *Baptist Society in Wilton v. Town of Wilton*, 2 N.H. 508 (1821)]

<sup>2</sup> Per RSA 498:4-d



**Cy Pres:** A rule in the law of trusts and estates that provides for the modification of charitable purpose as nearly as possible in conformity with the intention of the testator or donor when the original donor intent is illegal, impracticable, or impossible to achieve.<sup>3</sup>

**Trust fund:** A variety of assets given to the municipality in trust and intended to provide a public benefit as specified by the donor in his/her will or other trust instrument.<sup>4</sup>

**Principal:** the principal of a trust consists of the original amount given by the donor increased or decreased by realized capital gains or losses over time. The principal as well as any realized gain of a trust fund is permanently restricted and may not be expended.

**Parish:** see p. 4 regarding 1714 statute, taken from *The Franklin Street Society v. Manchester*, 60 N.H. 342 (1880).

### Town Information Sources

The Selectmen's Account books for the years 1760 to 1836 (76 years), which are stored at NH State Archives, Concord, NH.

The town's annual town meeting minutes for 1760-1868, which are in three volumes at the NH State Archives in Concord, NH.

A box containing Parsonage Committee records starting in 1828 stored in the Town Hall vault. Included are account books for voter approved donations to religious societies from 1845 to 1923 as well as three of the Parsonage Committee account books covering the years 1830 to 1950 - .<sup>5</sup>

Annual town reports<sup>6</sup>

### Facts Found In the Information Sources

#### **1. Town's acquisition of the Parsonage Land and Sources of Income in the Parsonage Fund**

Danville's Parsonage Lands were not donated or gifted land and have always been public land. All of the Parsonage Lots were purchased by a committee appointed by the town to act on its behalf to find parsonage land for the parish. Consideration for each of the deeds included money payments and/or interest in land that was swapped. The Parsonage Land deeds, executed in 1761 and recorded in 1762, state the Parsonage Lands were deeded to the inhabitants of Hawke, and not to a minister, preacher or religious society.

All money in the Parsonage Fund has been derived from working and harvesting the publicly-owned Parsonage Land (renting it, selling wood/timber, etc.) and interest earned on the money that was deposited from working

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<sup>3</sup> 2015 *Handbook for Trustees of Trust Funds Cemetery Trustees Library Trustees* published by NH Charitable Trusts Unit, p. 4

<sup>4</sup> 2015 *Handbook for Trustees of Trust Funds Cemetery Trustees Library Trustees* published by NH Charitable Trusts Unit, p. 4

<sup>5</sup> It has just been discovered that the Parsonage Committee's account book for 1790-1829 is at the New Hampshire Historical Society and available for viewing. This record has not been checked yet for this project.

<sup>6</sup> Available for viewing online in Documents section of town website.



the land. None of the money in the Parsonage Fund was derived from taxation. There were never any private donations or gifts by private individuals to the Parsonage Fund. (Selectmen's account books, 1760-1790, Parsonage Committee Account Books, town meeting minutes)

From its beginnings the Parsonage Lands were referred to as belonging to the Parish. The 1765 town meeting warrant included the following article:

To see what method the Parish will take with the income of *the Parsonage Lands belonging to the Parish* the year ensuing (*emphasis furnished*) (town meeting warrant 1765)

The 1784 warrant included an article "To see what method the Parish will take with the income or improvement of *the Parsonage Lands belonging to the Parish* the present year-and to act anything that may be thought proper on account of said Lands when met (*emphasis furnished*) (town meeting warrant 1765)

The Parsonage Committee's account books for 1790 to 1950 indicate the Committee actively managed and monitored the Parsonage Lands, including planting and sowing of grass and hay, cutting and sale of timber, sale of decaying wood, running lot lines and building fences. The records also show payments the Committee made for preaching, maintenance of the Meeting House and non-religion items **as voted by the town each year.** (Parsonage Committee Account Books)

Records in the Parsonage Box indicate the Parsonage Lands were actively managed and harvested with practices similar to management of a town forest during the 1930's, 1940's and 1950's with oversight from the NH State Forester's office. A significant amount of income was generated and deposited into the Parsonage Fund as a result of this joint-effort management of the town's land. (Parsonage Committee documents, articles and record books, Parsonage Box, Town Hall Vault)

Before 1791, money **which the town voted to spend** on preaching was paid either from money raised by rate (taxes) or rental income from the Parsonage Land. (Selectmen's account books 1760-1790; town meeting minutes). Starting in 1791, as outlined below, laws were enacted that ultimately separated church from state and town votes to pay money for preaching, whether required or donated, became more complicated.<sup>7</sup>

## 2. Examples of Parsonage Land Income/Parsonage Fund Money Being Used for Meeting House<sup>8</sup>

- Oct. 1799: Voted to sell some part of the wood on the parsonage and lay it out in repairing the meeting house (town meeting minutes 1799)
- March 1809: Voted to call up the committee that was appointed to sell wood and timber on the parsonage and the privilege of eight pews and repairing the meeting house (town meeting minutes 1809)
- 1815: Voted to mend the windows in the meeting house and repair it other ways where it needs and to choose a committee to look up what money there is due for that purpose and sell some of the decaying wood and timber on the Parsonage to defray the expense. (town meeting minutes 1815)
- 1830: Brick chimney built; stove installed; labor paid from Parsonage Fund (Parsonage Committee Record Book)

<sup>7</sup> See p. 6: Act of 1791

<sup>8</sup> More research of parsonage committee records and later town meeting minutes may yield additional payments from the Parsonage Land and/or Parsonage Fund to pay for maintenance of the Meeting House.

- 1832 & 1833 Sweeping building; fuel for stove paid from Parsonage Fund (Parsonage Committee Record Book)
- 1834 Fuel for stove, sweeping and preparing fuel labor paid from Parsonage Fund (Parsonage Committee Record Book)
- 1835: Window repairs; wood for stove, paid by Parsonage Committee from Parsonage Fund (town meeting minutes; Parsonage Committee Record Book)
- 1836 Repairs (unspecified) paid from sale of wood on Parsonage Land by Parsonage Committee (\$219.83); sweeping Meeting House, drawing/sawing wood for Meeting House paid out of Parsonage Fund (town meeting minutes; Parsonage Committee Record Book)
- 1837 Repairs (unspecified) paid from sale of wood and timber on Parsonage Land by Parsonage Committee (town meeting minutes; Parsonage Committee Record Book)
- 1992 \$768.75 paid from the income of the Parsonage fund by the Trustees of the Trust Funds towards re-shingling the roof of the Old Meetinghouse. (1992 town report)
- 2005 \$8,600 payment Parsonage fund by Trustees of Trust Funds for painting building per Board of Selectmen voucher. (2005 town report)

### 3. NH's new laws that affected Town's handling of Parsonage Land income/Parsonage Fund

An excellent description of the history of church and state in New Hampshire is found in an 1880 court decision in the case of *The Franklin Street Society v. Manchester*.<sup>9</sup> Though the case involved a real estate tax dispute with a religious society, the court and the parties described the history of the relationship between church and state when towns were being settled and the ultimate separation of those entities over time with the adoption of later acts and laws. The bolded sections below which are italicized contain historical information taken from that court decision.

Beneath each bolded section below is a description, based on documents found, of how Hawke/Danville responded to each change with regard to the Parsonage Land and Parsonage money.

***1714: The provincial statute of 1714 empowered towns to choose ministers and raise money by tax for their support, subject to the right and liberty of conscience. The men who established our form of government believed and declared that the building of houses of public worship and the support of the ministry were as essential to the security and support of the state, as the building of school-houses and the support of teachers of common schools, etc. The church or religious society was regarded as an essential part of the state. Prior to and at the time of the adoption of the constitution of 1784 and 1792, public religious worship was very generally supported by a tax laid by the several towns. The town was the parish or religious society, (emphasis furnished) which, by authority of legislative acts, furnished the meeting house, and contracted with and paid the minister. Until 1819 towns had two functions, municipal and parochial, and the legislation of the state and the history of the towns show that the parochial was not of less importance than the municipal. (The Franklin Street Society v. Manchester)***

<sup>9</sup> (60 N.H. 342)

### In Hawke/Danville:

The earliest Selectmen's records indicate payments from income generated by the parsonage land was not limited to preaching. On a number of occasions income from the parsonage land was used for things totally unrelated to religion. The records also indicate the Selectmen used money raised by rate (taxes) to pay for preaching, boarding of ministers and other religious related items. It was a mixed payment system. (Selectmen's account books, 1760-1790)

Rev. John Page was the town's "resident minister" from 1763 until he died in 1782 (19 years). The Selectmen's record for 1764 contains a written acknowledgement from Rev. John Page that he received payment of money that was due to him from the Selectmen. There is no entry showing whether the payment made to him came from money raised by way of rate or income from the parsonage land. Another entry written by Rev. Page in 1767 states he received money and 25 cords of wood from the Selectmen, which was payment of *his salary*. That entry implies Rev. Page considered himself to be an employee of the Parish. In addition, there is no entry showing whether the money paid to him in 1767 came from money raised by way of rate or income from the parsonage land. (Selectmen's account books 1764, 1767)

From 1760 until 1790 there was a town meeting warrant article each year which read: to chose a committee of three to rent out the Parsonage Lands. (town meeting minutes) Rental of the land generated income for the Parish that supplemented money raised by taxation. (Selectmen's Account Books, 1760-1790)

Voters at town meetings voted on whether and how income from the parsonage land would be spent, i.e: preaching, meeting house repairs, etc. (town meeting minutes)

Voters at town meeting also voted on whether wood or timber would be cut/sold on the parsonage land. (town meeting minutes)

**1784: The NH constitution became effective June 2, 1784 and replaced the state's constitution of 1776. The 1784 constitution contained a Bill of Rights, which, in Part 1, Art. 5 guaranteed religious freedom.**

### In Hawke/Danville:

There were at least two town meetings in 1790. The warrant for February of that year included warrant article language that changed to: To choose a committee to chose a committee to rent out the Parsonage Lands the year ensuing - also to take care of the rents received or which is now due for Parsonage Lands and lay out the same for preaching the year ensuing. (town meeting minutes 1790)

A second warrant in August of 1790 contained a warrant article that read: "To receive the report of a committee respecting Parsonage money, and to make such order thereon as they shall think proper when met." The minutes for the August town meeting indicate the town "Voted to receive and accept the report of the committee respecting parsonage money and that the Selectmen pay to the said committee the money due thereon agreeable to said report being seventy three pounds four shillings five pence excluding notes now on hand. (town meeting minutes 1790)<sup>10</sup>

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<sup>10</sup> These town actions were eight years after the death of Rev. Page in 1782 and six years after the NH Constitution, which guaranteed religious freedom in the Bill of Rights, was enacted in 1784.

**Act of 1791**-(Section 10): “*An act for regulating towns and the choice of town officers*” provided that the legal voters, at any regular meeting of the town, might agreeably to the constitution, “grant and vote such sum or sums of money as they should judge necessary for the settlement, maintenance and support of the ministry, schools, meeting-houses, the maintenance of the poor, for laying out and repairing highways, for building and repairing bridges, and for all the necessary charges arising within the said town, to be assessed on the polls and estates in the same town as the law directs.” The passage of this act put support of religious societies on the same footing as ordinary municipal expenditures. (*The Franklin Street Society v. Manchester*)

In Hawke/Danville:

The Selectmen’s account for 1791 is different from the accounts of earlier years discussed above: There is no mention of payments for preaching from any income source and there are no entries for income from parsonage rent or payments made from parsonage land income in the 1791 account. (Selectmen’s account books, 1791)

**1792: An altered and amended Constitution of New Hampshire was ratified in February 1792. The provision for religious freedom in Part 1 Par V remained as it was written in 1784.**

In Hawke/Danville:

In 1792 there was dissension about paying for preaching with money that had already been raised for that purpose. Nine signers petitioned for a vote to lay out any part of said money immediately for preaching. The voters decided to hire a preacher for two days and settle with that person at the cost of the Parish (town). (town meeting minutes 1792)

In 1793 there were at least two town meetings. The first was in March and included a warrant article “To see what sum the *Congregational Society will vote to raise (emphasis furnished)* for the support of the gospel the and all other affaires thereunto belonging also to lay out such a part of the money to support of the pulpit the present year as the town shall order. The May warrant included an article to see what sum the *Congregational Society would vote to raise* for the support of the gospel and to lay out such a part of the money to support of the pulpit the present year as the town shall order. The vote was to raise fifteen pounds lawful money by way of rate - for the support of the gospel that year. (town meeting minutes 1793)

In 1794 a warrant article was presented “To see what sum the Congregational Society will vote to raise for support of the gospel. To choose a committee to take care of the Parsonage Lands money and notes and to lay out such part thereof as said Society shall order the year ensuing.” (town meeting minutes 1794)

In 1795 there were at least two town meetings again. In March the town “Voted in the Congregational Society to raise twelve pounds to hire preaching the year ensuing. Another vote at that meeting named three persons to take care of the Parsonage Lands money for the ensuing year. In May of 1795 the following petition with 37 signatures was filed with the Selectmen:

The Petition of the subscribers, freeholders and inhabitants of Hawke humbly showeth, that whereas, by the statute law of our Constitution every person has a right to worship god as or she choseth without molestation from any person or party and particularly the law of our State of New Hampshire doth not oblige any person to pay any preacher of the gospel without his or her \_\_\_\_\_ consent therefore we request of you the said Selectmen to \_\_\_\_\_

viz first To choose a Moderator to govern said meeting

2ly: To see if the inhabitants of the town will agree and vote that the several different denominations or societys in Hawke shall have the liberty granted by the law and shall have the liberty of assembling for the worship of god in the Towns meeting house together or separately agreeable to the minds of the different societys and each society to have the liberty emplove in the meeting house any approved gospel preacher of their own persuasion their proportion of time, each society paying their own minister in proportion to their ratable estates in said town and each society to have their proportion of the parsonage rent in said town

3ly: If the foregoing article is voted then to see what sum the said societys will vote to raise in addition to what was voted at the last annual meeting in Hawke by the Congregational Society for the support of the gospel in said town the present year

4ly: to choose a committee of the separate party to supply them with a regular gospel minister with their proportion of the money

(town meeting minutes 1795)

In September of 1795 the town acted on the above petition and voted as follows:

2ly: Voted to choose a committee out of the Congregational Society and another of the Baptist Society to consult upon the petition referred to in the warrant and make report to this meeting

3ly: voted to chose a committee consisting of four of each society  
(names were listed as those chosen for committee)

4ly voted to adjourn this meeting to Monday the 14<sup>th</sup> day of September instant at 3 of the clock in the afternoon at the Meeting House

September 14<sup>th</sup> 1795 met on adjournment

5ly Voted to except the report of the Congregationalist and Baptist Societys upon the petition refered to by the warrant

6ly Voted to raise 40 (?) dollars to hire preaching the present year in addition to what was voted by the Congregational Society at the last annual meeting in Hawke

7ly voted to choose a committee of three to hire preaching in addission to those chose at the last annual meeting

8ly voted (names listed) to be a committe of the Baptist Society

9ly: voted that every person shall give in to the town clerk within one month which Society his money shall be laid out with

(town meeting minutes, 1795)



In 1799 the following town meeting votes document that activities on the Parsonage Land and in the Meeting House continued to be controlled by the Parish voters:

3ly: Voted to sell some part of the wood on the parsonage and lay it out in repairing the meeting house

4ly: Voted to sell 15 cord of wood on the parsonage

5ly: It was put to vote to see if they would sell any timber on the parsonage and it past in the negative

6ly: voted to sell the previlidge for eight pews where the hind seats now are on the lower floor of the meeting house and lay out the money in repairing the meeting house

7ly: voted that the floor of the pews shall be half as high as the floor of the wall pews

8ly: voted to take up the five hind seats on each side for the ground work for the eight pews

9ly: voted Thomas Page Esq., Israel Dimond Junior & Joseph Buswell to be a Committee to sell the wood and the privilege of the pews as it is voted and lay it out for repairing the meeting house.

(town meeting minutes 1799)

At a second 1799 town meeting it was voted:

9ly: voted that the Committee apply to some person of the Methodist persuasion to supply the pulpit in Hawke meeting house every other sabath

10ly: voted Ruben Hills, Peter Stevens & Joseph Buswell to be a committee to take care of the parsonage lands in the year ensuing

12ly: voted to sell some of the wood and timber on the parsonage and lay it out agreeable to article of the warrant

13ly: voted to choose a committee to sell some of the wood & timber on the parsonage

14ly: voted that said committee shall consist of three persons

15ly: Thos. Page, Esq., Peter Stevens and Rouben Hills was chosen for said committee

(town meeting minutes 1799)

In 1801 the warrant article regarding care of the Parsonage lands money and notes language changed to:

5ly: To choose a committee to take care of the parsonage lands money and notes - also to see if the town will vote that said committee shall call in one hundred dollars of said money and let it out in one sum to a suitable person to be reserved and not paid out only the interest that shall arise yearly (town meeting minutes 1801)

In 1807 the warrant article language regarding care of the parsonage land and money changed to:

6ly: To choose a committee to take care of the parsonage land money and notes the year ensuing (town meeting minutes 1807)

In 1809 the town voted to appoint a committee to take care of the parsonage lands money and notes the year ensuing and that the committee have authority to pay out as much of the parsonage rent for preaching in the meeting house (*emphasis furnished*) as they think proper the year ensuing (town meeting minutes 1809)

In 1811 a committee of three was chosen to take care of the parsonage lands money and notes in the year ensuing and lay out all the money except one Hundred Dollars for preaching in Hawke meeting house (*emphasis furnished*) (town meeting minutes 1811)

In 1815: a committee of three was chosen to take care of the parsonage Lands money and notes the year ensuing (town meeting minutes 1815)

1816: The town meeting warranted included an article to choose a committee to take care of the personage lands money and notes the year ensuing and lay out such a part of the money for preaching in the Meeting house (*emphasis furnished*) as the town shall think proper (town meeting minutes 1816)

**1819: the act of 1819 repealed s. 10 of the act of 1791 and empowered religious societies of every Christian sect "to raise money by taxes upon the polls and ratable estate of the members" for maintaining houses of public worship and supporting the ministry. After the act of 1819, the town no longer, by tax, built the meeting house or supported the minister, except in the performance of some contract previously made. The religious society was, or might be, the parish, but the town was no longer the parish or society. After the act of 1819, towns were no longer subject to church rates, and the whole management of public worship, including its support, was left to the religious societies authorized and organized for that purpose. The legislature, acting under the authority and carrying out the provisions of Art. 6 of the bill of rights, empowered the religious societies to support religious worship by taxation of their members, but did not empower towns to do so; nor has it ever done so since. The toleration act of 1819 relieved the people of the direct tax to support religious societies... (The Franklin Street Society v. Manchester)**

In Hawke/Danville:

In 1819 a warrant article was presented to see if Town will vote that each denomination shall have their proportion of Parsonage money layed out for such preacher of the gospel as they shall think fit in the meeting house (*emphasis furnished*) (town meeting minutes 1819)

In 1825 the town voted for the following:

Chose a committee of three to take care of the parsonage lands money and notes the year

Voted that the committee lay out the income of the parsonage land and interest of the money for preaching in the meeting house (*emphasis furnished*)

voted to take the two large parsonage notes and pay it for the Woodman farm

(town meeting minutes 1825)



1845 to 1923: each registered voter selected a religious society to receive his portion of the Parsonage interest. Records are in parsonage box with each person's name and group selected. Sums paid ranged from \$1 to \$78 (see 1854 record). Religious groups included: Freewill Baptist, Methodist, Calvin Baptist, Anniversalist, Christian Baptist, Congregationalist (Parsonage committee record books, Parsonage Box, Town Hall Vault)

In 1855 the warrant article language regarding care of the parsonage land and money changed to:

To choose a committee to take care of the parsonage lands money and notes the year ensuing and expend such part thereof for preaching as the town may direct (town meeting minutes 1855)

In 1865 the warrant article regarding care of the parsonage land and money remained as it was in 1855 and read: To choose a committee to take care of the parsonage land, money and notes for the year ensuing and expend such part thereof for preaching as the town may direct (town meeting minutes 1865)

In 1867 the town voted that the income and interest of the parsonage lands money and notes shall be expended for preaching the ensuing year (town meeting minutes 1867)

**1913: New Hampshire's legislature enables towns to purchase, manage, and improve lands for forestry purposes and places responsibility for management under the direction of the state forester. Chapter 27, *Laws of New Hampshire* (1913), Sections 1-4.**

In Danville:

Records in the Parsonage Box indicate the Parsonage Lands were actively managed and harvested with practices similar to management of a town forest during the 1930's, 1940's and 1950's with oversight from the NH State Forester's office. A significant amount of income was generated and deposited into the Parsonage Fund as a result of this joint-effort management of the town's land. (Parsonage Committee documents, articles and record books, Parsonage Box, Town Hall Vault)

**1919: women's suffrage act is passed, 19th constitutional amendment. Women gain the right to vote, potentially increasing number of voters at town meeting.**

In Danville:

1923: this is the last year entries are found in Parsonage Committee records allowing voters to choose a religious society to donate the town's Parsonage money to. (Parsonage Committee record books, Parsonage Box, Town Hall Vault).

Town meeting warrant article language changes to: "To see how much of the Parsonage funds the town will vote to spend for preaching for the year ensuing."  
(1923 town meeting minutes; Parsonage Committee Report - 1923 annual town report)

1929: four religious groups are paid from Parsonage fund after town vote (1929 town meeting minutes; Parsonage Committee Report - 1929 annual town report)

1949: three religious groups are paid from Parsonage Fund after town vote (1949 town meeting minutes; Parsonage Committee Report - 1949 annual town report):

Free Baptist Society (\$272.55)

Congregational Society (\$10)

Universalist Society (\$10)

- 1950: 0 expended for preaching (Parsonage Committee Report - 1949 annual town report)
- 1961-1991: annual payments from Parsonage Fund after town vote dwindled to two recipients: Freewill Baptist Society/Baptist Church and Old Meeting House Association. (Parsonage Committee reports- annual town reports 1961-1991)
- 1980 the warrant article language regarding care of the parsonage land and money changed to the following and remained that way until it ended in 1991:  
“To see how much of Parsonage Fund the Town will vote to spend for the ensuing year.”  
(town meeting minutes 1980-1991)
- 1989: Town auditors make recommendation to Selectmen to investigate the intent and need of Parsonage Committee (Auditors Report - 1989 annual town report; see also Selectmen’s Minutes of Feb. 20, 1989)
- 1991 Last town vote on warrant article: “To see how much of Parsonage Fund the Town will vote to spend for the ensuing year.” Last payments made from Parsonage Fund to Baptist Church and Meeting House Assoc. per vote.  
(24 years ago)  
(town meeting minutes 1991; Parsonage Committee Report - 1991 annual town report)
- 1992 town meeting vote approving transfer of Parsonage Fund to Trustees of Trust Funds.  
(23 years ago)  
(town meeting minutes 1992)
- 2004 Selectmen contact town counsel about expenditures from Parsonage Fund and authorization by voters on a warrant article is recommended.  
(Selectmen’s minutes –8/16/04; see also minutes of 8/2/04)



**PARSONAGE FUND MONEY NOT USED FOR PREACHING**

Date	Meeting House	Other	Source
1761		Paid to Ebenezer Chas for being over rated Henry Hunt for a wolf's head Nathan Jones for serving constabel Edward Eastman for being over rated Joseph _____ for loss of a _____ ?	Selectmen's account 1761
1762		Caleb Towle for abatement of his negro William Follinsbary for being over rated Moses Colby for a Constables staf for the parish Moses Colby for three quarters of a hundred of hay	Selectmen's account 1762
1764		Payed for work on the Parsonage Land and Pound Payed to Capt. Jonathan Sanborn for ceeping Caleb Guzewell's (_____) ? Payed to Capt. Jonathan Sanborn for a lock and hinges for the pound and for work on the Parsonage fences and Pound. Payed to Jonathan Sanborn for rum and cider for the ordnation (Rev. Page)	Selectmen's account 1764
1799	3ly: Voted to sell some part of the wood on the parsonage and lay it out in repairing the meeting house  4ly: Voted to sell 15 cord of wood on the parsonage		Town meeting minutes 1799
1815	6ly: voted to mend the windows in the meeting house and repair it other ways where it needs and to choose a committee to look up what money there is due for that purpose and sell some of the decaying wood and timber on the Parsonage to defray the expense.		Town meeting minutes 1815

1825		10ly: voted to take the two large parsonage notes and pay it for the Woodman farm	Town meeting minutes 1825
1830	Stove & funnel Iron for the stove Building chimney Brick and lime Timber & plank for foundation of chimney & other materials Labour on Meeting House & procuring stove Trunk & book - parsonage records	Vending income of parsonage on wood and timber and for spirit; paid for selling wood & timber on the parsonage	Parsonage Committee account
1832	Sweeping & fuel for Meeting House	Paid the blind man Vendue expenses Committee for their services	Parsonage Committee account
1833	Sweeping & fuel for Meeting House		Parsonage Committee account
1834	Sweeping & fuel for Meeting House	Samuel Stevens to rectify a mistake made in 1833 grass seed to sow on the parsonage paper and letters Four shares in Derry Bank Expense running line-Parsonage & Towle Committee for their services	Parsonage Committee account
1835	Cutting wood for stove Repairing windows in Meeting House Drawing wood to Meeting House	clover seed burning brush on parsonage paid for rye sowing & hoving rye Shares in Derry Bank Lock & key for records trunk Committee for their services Note and interest agreeable to vote of town Paper	Parsonage Committee account
1836	Sawing wood for the Meeting House Drawing wood for stove to the Meeting house Sweeping the Meeting House Received of Oren Page for parsonage pew (\$1.10) Received of wood sold on the parsonage land to repair the meeting house (\$219.83)	Rye sown on the parsonage Labor on the parsonage Committee for their services	Parsonage Committee account

	Balance in cash & notes left with committee to repair the Meeting house (\$219.83)		
1837	Wood and timber sold on parsonage to repair meeting house (\$219.83)		Itemized list in Parsonage Box dated Nov. 10, 1938
	Wood and timber sold to repair meeting house and fence burial ground (\$99.65)		
1840		Check/copy town vote to build wall on parsonage land receipts for this in parsonage box	
1846		Wood and timber sold on parsonage land to purchase grave stones	Itemized list in Parsonage Box dated Nov. 10, 1938
	<b>Town meeting minutes between 1846 and 1992 have not yet been checked for additional expenditures</b>		
1992	\$768.75 paid from income of Parsonage Fund towards reshingling roof of Old Meeting House		1992 annual Town Report-Trustees of Trust Fund
2005	\$8,600 to paint building		2005 annual report-Trustees of Trust Funds

