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Massachusetts. House, 1811.

... A Copy of the Report of the Case of
Thomas Barnes.

[Portland? 1811]. [18] pp.

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Commonwealth of Massachusetts.

*IN THE HOUSE of REPRESENTATIVES, }
Feb. 8th, 1811. }*

ORDERED, That the Reporter of the Decisions of the Supreme Judicial Court of this Commonwealth be requested to lay before this House a copy of the Report of the case of Thomas Barnes, Plaintiff and Appellant, against the First Parish in the town of Falmouth, in the County of Cumberland, Defendants and Appellees, determined in said County of Cumberland in May Term last, by the Supreme Judicial Court of this Commonwealth.

Boston, February 14, 1811.

SIR,

I ENCLOSE, herewith, a copy of the Report of the case of Thomas Barnes, Plaintiff and Appellant, against the First Parish in Falmouth, in the County of Cumberland, determined in said County of Cumberland, by the Supreme Judicial Court of this Commonwealth, at the last May Term, pursuant to the Order of the Honourable House of Representatives of the 8th instant.

I am, Sir, very respectfully,

your obedient servant,

DUDLEY A. TYNG,

*Reporter of the Decisions of the
Supreme Judicial Court.*

To the Honourable

The SPEAKER

of the House of Representatives.

John W. B. B. B.

AT THE SUPREME JUDICIAL COURT,

May Term, 1810, in Cumberland.

PRESENT,

Hon. Theophilus Parsons, Chief Justice.

Hon. Samuel Sewall,

Hon. George Thacher,

Hon. Isaac Parker,

} *Justices.*

THOMAS BARNES,

versus

The INHABITANTS of the FIRST PARISH in FALMOUTH.

THIS was an action of Assumpsit, brought to recover of the Defendants a sum of money, which had been assessed by the proper Officers of the said Parish, on the polls and estates of JAMES BUXTON and AMOS KNIGHT, as their Ministerial taxes for the years 1798 to 1805 inclusive, for the support of the congregational minister settled in said parish; the said

Buxton and Knight having been, during said years, inhabitants of said parish; which sum the Plaintiff demands, that it may be applied to his support and maintenance as the Protestant teacher of a religious society, in said town of Falmouth, alledged to be of a different denomination from that of the congregational society, composing said Parish—viz: Universalists; said Buxton and Knight being also alledged to have belonged to the said society whereof the Plaintiff is alledged to be the teacher as aforesaid.

Upon the trial of the cause, which was had upon the general issue, before THACHER, J. October term, 1807. The Plaintiff's counsel having proved the payment to the

A person who in the character of a public protestant teacher of piety, religion and morality, demands the taxes paid by his hearers for the support of public worship, &c. must be the teacher of an incorporated society.

