

The State of New Hampshire

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CONVENTION  
TO REVISE THE  
CONSTITUTION



NOVEMBER 1850

Published by the State of New Hampshire,  
Secretary of State,  
Concord, New Hampshire 03301

2005

# OFFICERS OF THE CONVENTION

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President

FRANKLIN PIERCE of Concord

Secretary

THOMAS WHIPPLE of Laconia

Assistant Secretary

CHARLES H. BELL of Exeter

Chaplain

THE REVEREND LEVI W. LEONARD of Dublin

Doorkeepers

IRA R. PHILBRICK of Gilmanton

DAVID HARRIS of Swanzey



## INTRODUCTION

Although the delegates to New Hampshire's Fifth Constitutional Convention called for the printing of its journal the task was never completed. Ever since the manuscript was relocated to the State Archives in 1980, its existence then unknown to living researchers, it has been our intention that it be printed to take its place on the shelf with the journals of our other constitutional conventions.

The 1850 convention effectively changed the constitution very little, but it attracts our attention because several of the major items of discussion are the same subjects that command our attention today over a century and a half later. The funding of public education, the structure of the judicial system, and the details of choosing state officials are dominant topics in these pages. The president of the convention, Franklin Pierce who represented Concord, went on to become New Hampshire's only native son to occupy the White House as our 14<sup>th</sup> president from 1853 to 1857. At the end of the convention, in April 1851, the delegates paid tribute to Pierce for his tremendous service in holding them together and in guiding their course. It is in honor and celebration of Pierce's 200<sup>th</sup> birthday [born November 23, 1804] that we now publish this record as part of our state's history.

Over six decades had passed since the 1783–1784 constitution was approved by the voters and it was more than a half century since the previous convention in 1792 had proposed several amendments many of which were approved. Reference is made in these pages to the only surviving member of that convention—attorney William Plumer of Epping who was over 90 years old in 1850. Plumer's son, William Plumer, Jr., a member from Epping, played a prominent role in the 1850 convention.

It is anticipated and expected that this volume will add to our capacity to research our rich political history by making more accessible the ideas and opinions of those who came before us and helped make New Hampshire what it is today.

William M. Gardner, Secretary of State  
Concord, November 23, 2005

## EDITORIAL NOTE

Not until 1980 was the original manuscript record of this journal even known to exist to the then active political or historical community. It was found deep in the bowels of the State Archives vault which then was a disorganized collection of records placed there during the intervening years since the building's construction in 1962. While carrying out a project funded largely by the National Historical Publications and Records Commission to organize the vault I found the volume among other dust-bound records.

The volume is large, "16 x 11," with 636 numbered pages plus some unnumbered, making it about 3" thick at the spine. The binding is in fair shape. The black ink on thickish blue paper is eminently readable. We now keep it flat in a lidded document case in the atmospherically-controlled and fire-resistant vault on metal shelving.

We have transcribed the journal literally from the manuscript with only one notable exception. Whether it was the convention secretary, Thomas Jefferson Whipple, or whoever, the scribe wrote "buisness" throughout the entire manuscript. Since the word appears hundreds of times, and since it is more than apparent that the scribe was an intelligent and highly literate individual, we have taken the liberty of spelling "business" correctly throughout the published version. In the few instances where grammatical marks were inadvertently omitted we have put them in where needed taking care in the process not to undermine any meaning that resulted from these grammatical marks or from their omission.

Conversion of the manuscript into typescript was a project carried out by the entire Archives staff. Special appreciation is acknowledged to Levi B. Burford of Antrim, John K. Frisbee of Concord, William G. Gardner of Manchester, Douglas R. Gourley of Hopkinton, John F. Penney of Atkinson, and Benoit P. Shoja of Nashua. This team typed the manuscript following its original format, placed it in an electronic database and onto a computer disk, and proofread it in its entirety. Thanks go also to our publishing consultant, Sidney Hall of Brookline, who oversaw its final design and conversion into print and bound pages.

The manuscript volume remains accessible for public research at the State Archives where the staff accepts responsibility for any errors in transcription.

Frank C. Mevers, State Archivist

Journal of the Convention to Revise the  
Constitution of the State of  
New Hampshire  
November 6, 1850.

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On Wednesday the sixth day of November in the year of our Lord one thousand eight hundred and fifty, being the day fixed upon for the meeting of the Convention to revise the Constitution of the State of New Hampshire, agreeably to the provisions of the act passed June session A. D. 1850, a quorum of the members elect assembled in the Hall of the House of Representatives

The Convention was called to order at ten o'clock in the forenoon, by Mr Ayer of Manchester.

On motion of Mr Ayer of Manchester—

Resolved, That the Honorable Ichabod Bartlett of Portsmouth be appointed Chairman to preside over this Convention pending the organisation thereof.

Mr Bartlett of Portsmouth in the chair.

On motion of Mr Sawyer of Nashua—

Resolved, That Samuel P. Montgomery be appointed temporary Secretary of this Convention.

On motion of Mr J. H. Steele of Peterborough—

Resolved, That a committee of two from each County be appointed to receive and examine the credentials of delegates elect and to report to this Convention the names of those who are entitled to act in the organisation thereof. Ordered,

That Messrs John H. Steele and George Y. Sawyer of Hillsborough, William Plumer Jr. and Uri Lamprey of Rockingham, Joseph Tuttle and John H. Wiggin of Strafford, George W. Nesmith and Edward Langmaid of Merrimack, Levi Chamberlain and Charles Symonds of Cheshire, Nathan Mudgett and Daniel M. Smith

of Sullivan, Jeremiah Blodgett and Robert Kimball of Grafton, Joel Eastman and Thomas W. Mordo of Carroll, James Bell and Joshua L. Woodman of Belknap, John H. White and B. H. Plaisted of Coos be the Committee.

On motion of Mr Atherton of Nashville—

Resolved, That when the Convention adjourns in the forenoon, it adjourn to meet again at three o'clock in the afternoon, and when it adjourns in the afternoon, it shall adjourn to meet at ten o'clock the next morning until otherwise ordered by the Convention.

On motion of Mr Jenness of Strafford—

The Convention adjourned.

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Afternoon.

Mr John H. Steele from the committee to receive and examine the credentials of members elect and report the names of those who are entitled to act in the organization of the Convention, made the following

Report:

The committee on Credentials report, that prima facie evidence has been presented to them of the election of the following named persons as Delegates to this Convention.

Jno. H. Steele, for the committee.

Rockingham County.

Atkinson— Richard Greenough.  
 Auburn— David Currier.  
 Brentwood— Joseph Graves.  
 Candia— Jonathan Martin.  
 Chester— John White.  
 Danville— David Griffin.  
 Deerfield— Israel N. Gale, E. F. Stevens Jr.  
 Derry— Joseph A. Gregg, Elbridge G. Perham.  
 East Kingston— Josiah Morrill.  
 Epping— William Plumer Jr.  
 Exeter— Gilman Marstin, John Kelley, J. G. Hoyt.  
 Greenland— Theodore A. Burleigh.  
 Hampton— Uri Lamprey.  
 Hampton Falls— George H. Dodge.  
 Kensington— Jeremy Batchelder.  
 Kingston— John Page.

Londonderry— Charles Hurd, John N. Anderson.  
 New Castle— John Tarlton Jr.  
 Newington— Thomas G. Furber.  
 New Market— John Perkins, Elijah Knight.  
 Newton— John Hoit.  
 North Hampton— Moses L. Hobbs.  
 Northwood— Hollis J. Clark.  
 Nottingham— Bradbury Bartlett.  
 Plaistow— Reuben Peaslee.  
 Poplin— Daniel Bedee.  
 Portsmouth— Ward No. 1. Levi Woodbury, James Ayers; No. 2. Ichabod  
 Bartlett, Ichabod Goodwin, Charles W. Brewster; No. 3. Nehe-  
 miah Moses, Levi Moses.  
 Raymond— Daniel Scribner.  
 Salem— Moores Bailey.  
 Sandown— Thomas Colton.  
 Seabrook— William Sanborn.  
 South Hampton— Thomas J. Goodwin.  
 South New Market— George O. Hilton.  
 Stratham— George Wingate.

Strafford County.

Barrington— Levi Felker, Jacob D. Foss.  
 Dover— Thomas E. Sawyer, Andrew Pierce, Shubael Varney, Asa Free-  
 man,  
 William Plaisted Drew, John H. Wiggins.  
 Durham— William J. Chesley.  
 Farmington— Hiram Barker, Jeremiah Roberts.  
 Lee— Joseph Tuttle.  
 Madbury— Reuben Hayes Jr.  
 Milton— Robert Mathes.  
 New Durham— Samuel Downing Jr.  
 Rochester— Benjamin H. Jones, L. D. Day.  
 Rollinsford— John B. Wentworth.  
 Somersworth— James Coleman, Augustus Cushing, Nathaniel Wells.  
 Strafford— B. W. Jenness, S. P. Montgomery.

Belknap County.

Alton— Henry Hurde, Jonathan P. Hill.  
 Barnstead— Robert P. Webster, Enoch Clark.  
 Gilford— James Bell, Charles Lane.  
 Gilmanton— Finley W. Robinson, Sylvester H. French, Peter Perkins.  
 Meredith— John Wadleigh, Noah Pease, Samuel Bean.  
 New Hampton— Joshua L. Woodman.  
 Sanbornton— David Shaw, James P. Tilton, Simon R. Morrison.

## Carroll County.

Albany— James Ham.  
 Brookfield— John Churchill.  
 Chatham— Russell Charles.  
 Eaton— Joseph E. Perkins.  
 Effingham— Jeremiah Leavitt.  
 Freedom— Elias Rice.  
 Moultonborough— Jonathan L. Moulton.  
 Ossipee— John Brown, Sanborn B. Carter.  
 Sandwich— John Wentworth, Lewis Smith.  
 Tamworth— True Perkins.  
 Tuftonborough— Abel Haley.  
 Wakefield— Thomas W. Mordough.  
 Wolfborough— Thomas L. Whitten, Henry B. Rust.

## Merrimack County.

Allenstown— Daniel Batchelder.  
 Andover— Watson Dickerson.  
 Boscawen— Simeon B. Little, Caleb Smith.  
 Bow— Schuyler Walker.  
 Bradford— Samuel Jones.  
 Canterbury— Benjamin Sanborn.  
 Chichester— Edward Langmaid.  
 Concord— Franklin Pierce, Nathaniel G. Upham, Cyrus Barton, George  
 Minot, Nathaniel Rolfe, Jonathan Eastman, Moses Shute.  
 Dunbarton— Henry Putney.  
 Epsom— James Martin.  
 Franklin— George W. Nesmith.  
 Henniker— Frederick Whitney, Lewis Smith.  
 Hooksett— Jesse Gault Jr.  
 Hopkinton— Phineas Clough, John Burnham.  
 Loudon— Jonathan Chase, Moses Rowell.  
 Newbury— Joseph Morse.  
 New London— Benjamin R. Andrews.  
 Northfield— Asa P. Cate.  
 Pembroke— Aaron Whittemore  
 Pittsfield— Charles H. Butters, Jeremiah Clark.  
 Salisbury— A. H. Robinson.  
 Sutton— Joseph Harvey.  
 Warner— Abner B. Kelley, Leonard Eaton.  
 Wilmot— John Cross.

## Hillsborough County.

Amherst— Andrew Wallace.  
 Antrim— Hiram Griffin.

Bedford— John French.  
Bennington— John W. Flagg.  
Brookline— Isaac Sawtell.  
Deering— Robert Goodale.  
Francestown— Daniel Fuller.  
Goffstown— Isaac Flanders, Peter E. Hadley.  
Greenfield— Charles Richardson.  
Hancock— David Patten.  
Hillsborough— Henry D. Pierce, Samuel G. Barnes.  
Hollis— Leonard Farley.  
Hudson— Ethan Willoughby.  
Litchfield— Isaac N. Center.  
Lyndeborough— Jesse Clement.  
Manchester— Ward No. 1. Caleb Johnson, E. C. Foster; Ward No. 2.  
Robert Read, Josiah Crosby; Ward No. 3. Walter French; Ward  
No. 4. William C. Clarke; Ward No. 5. Richard H. Ayer, Wil-  
liam A. Putney; Ward No. 6. Amos Weston, Osgood Page.  
Merrimack— Robert McGaw.  
Milford— Leonard Chase, George Daniels.  
Mont Vernon— Ira Kendall.  
Nashua— Edmund Parker, George Y. Sawyer, Isaac Spalding, Leonard  
W. Noyes.  
Nashville— Daniel Abbott, Charles G. Atherton.  
New Boston— Robert B. Cochran.  
New Ipswich— Joel Gould, Stephen Wheeler.  
Pelham— Joshua Atwood.  
Peterborough— Stephen P. Steele, John H. Steele.  
Sharon— Samuel Nay.  
Weare— Peter Dearborn, William Woodbury.  
Wilton— Oliver Barrett.  
Windsor— Waldron Sanborn.

## Cheshire County.

Alstead— A. K. Severance.  
Chesterfield— Asa Hamilton, Moses Dudley.  
Dublin— Levi W. Leonard.  
Fizwilliam— John S. Brown  
Gilsum— George W. Hammond.  
Hinsdale— William Haile.  
Jaffrey— Nehemiah Adams.  
Keene— Levi Chamberlain, George F. Starkweather, Benjamin F. Ad-  
ams.  
Marlborough— James Batcheller.  
Marlow— Charles Symonds.  
Nelson— Samuel Griffin.

Richmond— Kendall Fisher.  
 Rindge— Joshua Converse.  
 Roxbury— Moses Hardy Jr.  
 Stoddard— Jonas P. Reed.  
 Surry— Francis Holbrook.  
 Swanzezy— Elijah Sawyer, Carter Whitcomb.  
 Troy— Lyman Wright.  
 Walpole— George Huntington, Hope Lathrop.  
 Westmoreland— Timothy Haskins.  
 Winchester— A. H. Bennett, Henry Kingman.

Sullivan County.

Acworth— David Blanchard.  
 Charlestown— Enos Stevens, Phineas Walker.  
 Claremont— John S. Walker, Philander C. Freeman, William Rossiter.  
 Cornish— John L. Putnam.  
 Croydon— Samuel Morse.  
 Goshen— Virgil Chase.  
 Grantham— Hiram L. Sleeper.  
 Langdon— March Chase.  
 Lempster— Daniel M. Smith.  
 Newport— Nathan Mudgett, Bela Nettleton.  
 Plainfield— Edward Freeman.  
 Springfield— Samuel Quimby.  
 Sunapee— Daniel George.  
 Unity— Hiram Smith.  
 Washington— Dyer H. Sanborn.

Grafton County.

Alexandria— James Crawford.  
 Benton— Ira Witcher.  
 Bethlehem— John Pierce.  
 Bridgewater— Abram P. Hoit.  
 Bristol— Frederick Bartlett.  
 Canaan— William P. Weeks, Peter S. Wells.  
 Campton— Lucius M. Howe.  
 Danbury— T. E. Clough.  
 Dorchester— Jabeis Youngman.  
 Ellsworth and Waterville— Samuel M. Avery.  
 Enfield— Converse Goodhue, Paul Burnham.  
 Franconia— Simeon Spooner.  
 Grafton— Robert D. Davidson.  
 Groton— Ezekiel Colburn.  
 Haverhill— Jacob Morse, Samuel Swasey.

Hanover— Daniel P. Richardson, Edwin D. Sanborn.  
 Hebron— Isaac Crosby.  
 Hill— Samuel D. Johnson.  
 Holderness— Enoch Cass, Russell Cox.  
 Landaff— Moses Clark.  
 Lebanon— Robert Kimball, Roswell Startwell.  
 Lisbon— David G. Goodall.  
 Littleton— E. Eastman, M. L. Gould.  
 Lyman— Jonathan Moulton.  
 Lyme— George W. Cutting  
 Orford— Abiather G. Britton.  
 Piermont— Joseph Sawyer.  
 Plymouth— William Nelson  
 Rumney— Adams M. Holden.  
 Thornton— Jeremiah Gilman.  
 Warren— Enoch R. Weeks.  
 Woodstock and Lincoln— John Gray.

## Coos County.

Bartlett— G. W. M. Pitman.  
 Berlin and Milan— Benjamin Thompson.  
 Carroll, Nash and Sawyer's Location, Hart's Location and Crawford's  
 Grant—Robert Tuttle.  
 Colebrook— Hazen Bedel.  
 Columbia— Abraham Boynton.  
 Clarksville and Pittsburg— Gideon Tirrill.  
 Dalton— Benjamin D. Brewster.  
 Erroll, Cambridge, Millsfield and Dixville— Moses Thurstin.  
 Jackson— Joseph Perkins.  
 Jefferson— Benjamin H. Plaisted.  
 Lancaster— John H. White.  
 Stewartstown— William M. Smith.  
 Stratford and Northumberland— J. B. Brown.  
 Shelburne, Gorham, Randolph and Martin's and Green's Grants— John  
 D. Burbank.  
 Stark and Dummer— Moses Jackson.  
 Whitefield— Ralph Fisk.

On motion of Mr. Clarke of Manchester—

Resolved, That the report of the committee on Credentials be accepted.

On motion of Mr Ayer of Manchester—

The Convention proceeded by ballot to the choice of a President to preside over the Convention.

Upon the first balloting the Chairman announced the state of the vote as follows:

The whole number of votes was	263
Necessary to a choice	132
Thomas E. Sawyer had	3
Edmund Parker had	1
Levi Woodbury had	1
George W. Nesmith had	1
Franklin Pierce had	257

and the Hon. Franklin Pierce was accordingly declared elected President of the convention to revise the constitution of the State of New Hampshire.

The President on taking the chair addressed the convention as follows:

Gentleman of the Convention.— I find around me an unusual proportion of men who have participated largely in the councils of this State and of the Nation; among them not a few with whom it was my fortune, nearly a quarter of a century ago, to be associated in this Hall. After the vicissitudes of more than twenty years we meet again to discharge duties of a different order, involving high responsibility and demanding the calmest deliberation.

It must have occurred to every mind as a striking and solemn thought, that of all the great men who were engaged in forming the instrument under which we have so long lived a secure, prosperous and free people, and which we are now called to revise, but a single, venerated patriarch survives; all his associates having passed away, leaving us only the lessons of their wisdom, the power of their self-sacrificing spirit, and the light of their pure and patriotic lives. That all obligations on your part will be judiciously and acceptably fulfilled, the learning and experience brought together by the voice of your constituents, assures me.

So far as I am concerned, I am, I trust, not insensible to the honor conferred, nor unmindful of the labor incident to the position to which I have been called by your partial judgment. Although it has been my most earnest earthly desire to merit the confidence and affection of the people amid whom I have been reared — to whom I owe so much — this most gratifying manifestation of both could hardly have been anticipated.

Gentlemen, I thank you sincerely, and shall look with confidence for your support in maintaining the rules and orders which you may adopt for your own government and for your hearty cooperation in all that belongs to the common good.

On motion of Mr Bartlett of Portsmouth—

The convention proceeded by ballot to the choice of Secretary.

Upon the first balloting the President announced the state of the vote as follows:

The whole number of votes was	240
Necessary to a choice	121
John H. Goodale had	1
George Wadleigh had	3
Jeremiah Elkins had	1
Thomas J. Whipple had	235

and Thomas J. Whipple was accordingly declared elected Secretary of the convention.

Thomas J. Whipple appeared and was duly sworn to the faithful discharge of his duty as secretary of the convention and entered upon his duties.

Samuel P. Montgomery Secretary Pro Tem.

A true copy

Attest Thomas Whipple Secretary.

On motion of Mr Pierce of Dover—

Resolved, That a committee of ten be appointed to prepare and report rules for the government of the convention.

Ordered, That Messrs. Andrew Pierce of Strafford; Daniel Abbott of Hillsborough; A. H. Robinson of Merrimack; Elijah Knight of Rockingham; John L. Putnam of Sullivan; Benjamin F. Adams of Cheshire; Henry B. Rust of Carroll; Jonathan P. Hill of Belknap; Wm P. Weeks of Grafton; and John D. Parker of Coos be the committee.

On motion of Mr Lamprey of Hampton—

Resolved, That the rules of the House of Representatives established for the government of the last session be adopted so far as they may be appropriate for the present government of this convention until otherwise ordered.

On motion of Mr Upham of Concord—

Resolved, That a committee of two persons from each county be appointed to consider and report as early as may be, the best practicable mode of proceeding to revise the constitution of the State.

On motion of Mr John H. Steele of Peterborough—

Resolved, That a committee of three be appointed to report to this Convention what provisions, if any are necessary to provide seats for the members of the convention.

On motion of Mr Sawyer of Swanzey—

Resolved, That Ira R. Philbrick and David Harris be appointed Doorkeepers of this Convention.

On motion of Mr Abbott of Nashville—

The Convention adjourned.

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Thursday November 7, 1850.

At ten minutes before ten o'clock by the request of the president prayer was offered in the Representatives' Hall by the Rev. Mr Leonard.

Joel Eastman member elect from the town of Conway appeared and took his seat in the convention.

On motion of Mr John H. Steele of Peterborough—

Resolved, That the Convention reconsider their vote of yesterday to appoint a committee to report what provision, if any, may be necessary to accommodate with seats, the members of this convention.

Mr. John H. Steele of Peterborough introduced the following resolution:

Resolved, That the first choice of seats to the right and left of the President be given to the oldest member of the convention and so on according to age until

those seats are all selected and that lots containing numbers corresponding with the numbers on the remaining seats in the Hall, be prepared by the Door Keepers and that each of the remaining members be entitled to the use of the seat which he may draw out of said lots.

On the question.

Shall the resolution be adopted?

It was decided in the negative

And the resolution was rejected.

Mr Whittemore of Pembroke by leave presented the remonstrance of Joseph H. Watson and twenty-four other citizens of the town of Moultonborough remonstrating against the right of Jonathan L. Moulton to a seat in this Convention

On motion of Mr Jenness of Strafford—

Resolved, That a committee on Elections to consist of one member from each county be appointed by the President.

On motion of Mr Woodbury of Portsmouth—

Resolved, That the committee appointed to consider and report the best practicable mode of proceeding to revise the constitution of the State have leave to sit during the session of the convention.

On motion of Mr Woodbury of Portsmouth—

Resolved, That the President of the Convention request such clergymen as are among its members to open alternately each morning session with prayer.

Mr Ayer of Manchester moved that the Secretary of the Convention be directed to procure three hundred printed copies of the journal of the Convention to revise the constitution of the State in 1791 for the use of the members of this convention.

On motion of Mr Sawyer of Nashua—

Resolved, That the farther consideration of the motion be referred to a committee of three to be appointed by the President.

Ordered, That Messrs Sawyer of Nashua, Britton of Orford and Barton of Concord be the committee.

On motion of Mr Richardson of Hanover—

The Convention adjourned.

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Afternoon.

Mr Pierce of Dover from the committee appointed to prepare and reprint rules for the government of the Convention by leave made the following

Report:

The committee appointed to prepare rules for the government of the Convention have instructed me to submit, for the consideration of the Convention, the accompanying rules.

A. Pierce for the committee.

1. The President shall take the chair at precisely the hour to which the Convention shall [have] adjourned, shall immediately call the members to order, and at the commencement of each day's session shall cause the journal of the preceding day to be read. He shall preserve decorum and order, and may speak on points of

order in preference to other members, and may substitute any member to perform the duties of the chair.

2. All committees shall be appointed by the President unless otherwise directed by the Convention, and the first named member of any committee appointed by the President shall be chairman.

3. In case of any disturbance or disorderly conduct in the galleries, the President, or chairman of the committee of the whole convention, shall have the power to order the same to be cleared.

4. No person but the members and officers of the Convention shall be admitted within the chamber, unless by invitation of the President or of some member of the Convention.

5. When a member is about to speak in debate or deliver any matter to the Convention, he shall rise and address himself to the President.

6. No member shall speak more than twice to the same question, without leave of the Convention.

7. When any question is under debate, no motion shall be received but, 1st. to adjourn; 2d. to lie on the table; 3d. to postpone to a day certain; 4th. to commit; 5th. to amend; which several motions shall take precedence in the order in which they are arranged. Motions to adjourn and lie on the table shall be decided without debate.

8. Any member may call for a division of the question when the sense will admit of it.

9. A motion for commitment, until it is decided, shall precede all amendments to the main question; and all motions and reports may be committed at the pleasure of the Convention.

10. No vote shall be reconsidered unless the motion for reconsideration be made by a member who voted with the majority.

11. The Convention may resolve itself into a committee of the whole Convention, at any time, on the motion of a member and in forming a committee of the whole, the President shall leave the chair and appoint a chairman to preside in committee; and the rules of proceeding in Convention shall be observed in committee of the whole, except the rule limiting the times of speaking.

Mr Atherton moved to amend the report by adding at the close of rule one the words following "such substitution not to extend beyond an adjournment."

On motion of Mr Clark of Manchester—

Resolved, That the report be laid upon the table.

The President announced Messrs Asa P. Cate of Merrimack, Bradbury Bartlett of Rockingham, John B. Wentworth of Strafford, Finlay W. Robinson of Belknap, Samuel B. Carter of Carroll, Robert McGaw of Hillsborough, William Haile of Cheshire, Bela Nettleton of Sullivan, Frederick Bartlett of Grafton and Ralph Fisk of Coos to be the committee on Elections.

Mr Upham of Concord from the committee appointed to consider and report the mode of proceeding to revise the constitution of the State by leave made the following

Report:

The committee appointed to consider and report as early as may be "the best practicable mode of proceeding to revise the Constitution of the State," beg leave

to report, that having considered the subject referred to them, they recommend the adoption of the following resolution by the Convention.

Resolved, That this Convention will proceed to revise the present Constitution of the State by considering it, as in committee of the whole, till gone through with under consecutive and separate heads; and by sending to special and appropriate committees, as instructions, from time to time, such amendments as may be adopted by the Convention.

That there shall be appointed nine separate committees by the President of the Convention, to consist of twelve members each; except on the Legislative Department to have two members from each county; and that these committees be on each of the following subjects, viz The Bill of Rights; the Executive Department; the Legislative Department; the Judicial Department; the Militia; the Religious and Property tests; the future mode of amending the Constitution; on other miscellaneous matters; and on revising business.

The duties of these committees, besides carrying into effect the particular instructions which they may receive from the Convention, shall be to recommend such amendments as seem to them expedient, and on which they are appointed on the subjects.

All which is respectfully submitted.

N. G. Upham for the Committee.

Which was accepted and the resolution adopted.

On motion of Mr Jenness of Strafford—

Resolved, That the Secretary be directed to procure four hundred printed copies of the constitution of the State in bill form with large type and suitable blanks for the use of the Convention.

On motion of Mr Ayer of Manchester—

Resolved, That this Convention resume the consideration of the report of the committee who were appointed to prepare and report rules and orders for the government thereof.

The question being put upon agreeing to the amendment proposed by Mr Atherton to add at the close of rule 1 the words following “such substitution not to extend beyond an adjournment”

It was decided in the affirmative

So the amendment was adopted.

Mr Ayer of Manchester moved that the Secretary be directed to procure three hundred printed copies of the report of the committee appointed to prepare and report rules and orders for the government of the Convention.

On motion of Mr Smith of Henniker—

Resolved, That the report be laid upon the table.

Mr Howe of Campton introduced the following resolution.

Resolved, That the Secretary be directed to procure six hundred printed copies of an alphabetical list of the names of the members of this Convention with their respective residences and occupations for the use of the Convention.

On motion of Mr Weeks of Canaan—

Resolved, That the resolution be laid upon the table,

Mr Plumer of Epping introduced the following resolution.

Resolved, That the Secretary be directed to obtain, as soon as may be, from the Marshall of New Hampshire, a report of the number of inhabitants as taken under

authority of the United States, in the several towns and cities and unincorporated places in this State; and that three hundred copies of the same be printed for the use of the Convention.

On motion of Mr Bartlett of Portsmouth—

Ordered, That the resolution be laid upon the table

Mr Freeman of Dover introduced the following resolution

Resolved, That the Secretary be directed to procure and cause to be distributed to each member of the Convention a copy of the Daily Patriot containing a report of the proceedings of the Convention during its session.

Mr Robinson of Salisbury moved to amend the resolution by adding at the close thereof the words following “and that he be further directed to procure four hundred copies of the proceedings of this convention to be preserved in pamphlet form to be procured at the close of the session.”

Mr John H. Steele of Peterborough moved to amend the amendment by adding at the close thereof the words following:

“and that the four hundred copies be deposited in the State Library for the use of the State.”

Mr Chesley of Durham moved that the resolution with the proposed amendment be laid upon the table.

The question being put,

Will the Convention agree to the motion?

It was decided in the negative

So the Convention refused to lay the resolution with the proposed amendments upon the table.

The question recurring,

Will the Convention agree to the amendment to the amendment?

It was decided in the negative

So the amendment to the amendment was rejected

The question recurring

Shall the amendment to the resolution be adopted?

It was decided in the negative.

And the amendment was rejected.

Mr Smith of Henniker moved to amend the resolution by inserting after the word “member” the words “and offices.”

The question being put upon agreeing to the amendment

It was decided in the affirmative.

And the amendment was adopted.

On the question

Will the Convention agree to the resolution as amended?

It was decided in the affirmative

And the resolution was agreed to.

On the motion of Mr Ayer of Manchester

Resolved, That the Keeper of the State House be directed to provide suitable curtains for the westerly windows of the Hall of Representatives.

Mr Cate of Northfield offered the following resolution:

Resolved, That the clerks of the Court of Common Pleas of the several counties in this State be and they are hereby requested to furnish for the information of this Convention as soon as may be convenient a statement showing—

1st. The number of suits at law entered in their respective counties during the two years prior to and ending on the first day of November, 1850.

2d. The number of trials had and suits disposed of during that time.

3d. The number and amount of judgments rendered in the same.

4th. The amount of costs on the same.

5th. The amount of jury fees and also other fees paid to the other officers of said courts so far as they are able to do.

6th. The number of the said suits in which the plaintiffs took or recovered judgment in a sum less than twenty five dollars, with the amount of costs on the same; also the number of said suits in which the plaintiffs took or recovered judgments in a sum more than twenty five and less than fifty dollars, with the amount of costs on the same; also the number of said suits in which the plaintiffs took or recovered judgments in sums more than fifty and less than seventy five dollars, and more than seventy five and less than one hundred dollars, with the amount of costs on the same.

And the Secretary of this Convention be requested to transmit to each of the clerks of said court a copy of this resolution.

Mr John H. Steele of Peterborough moved to amend the resolution by adding the following additional clause at the close of the sixth clause.

“7th. The number of suits now remaining on their respective dockets, and the date at which they were entered.”

Which amendment was accepted by the mover.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted.

On motion of Mr Flagg of Bennington—

The Convention adjourned.

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Friday November 8, 1850.

On motion of Mr Sawyer of Dover—

Resolved, That the remonstrance of Joseph H. Watson and 24 others remonstrating against the right of John S. Moulton of Moultonborough to a seat in this Convention be referred to the Committee on Elections.

On motion of Mr Smith of Henniker—

The Convention resumed the consideration of the report of the committee who were appointed to prepare and report rules and orders for the government of the Convention.

Mr Eastman of Conway moved to amend the report by inserting between the tenth and eleventh rules the rule following:

“11. Every question shall be decided by yeas and nays whenever a demand for the same shall be made and sustained by at least ten members.”

Mr Whittemore of Pembroke moved to amend the proposed rule by striking

out the words "and sustained by at least ten members" and inserting the words "by any member of the convention" instead thereof.

On the question,

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

Mr Jenness of Strafford moved to amend the proposed rule by striking out the words "at least ten" and inserting the words "one fifth" instead thereof.

Mr Sawyer of Swanzey moved to amend the amendment by adding after the word "members" the word "present."

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the negative

And the amendment to the amendment was rejected.

The question recurring

Shall the amendment be adopted?

It was decided in the negative

So the amendment was rejected.

The question recurring,

Will the Convention agree to the proposed rule?

It was decided in the affirmative

And the report was amended.

Mr Cate of Northfield moved to amend the report by adding the rule following:

"13. After the journal has been read and corrected, the order of business shall be as follows, viz:—

1st. The presentation of petitions

2d. The report of committees

3d. The unfinished business of the preceding day.

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the report was amended.

Mr Smith of Henniker moved to amend the report by adding at the close of rule twelve of the amended report the words following, "and the rule relating to calls for the yeas and nays."

On the question,

Will the Convention agree to the amendment?

It was decided in the affirmative.

And the report was amended.

Mr Smith of Henniker moved further to amend the report by adding thereto the rule following:

"14. No alteration or amendment shall be made to these rules except upon one day's notice."

On the question,

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

The question recurred,

Will the Convention accept the report as amended,  
It was decided in the affirmative.

So the report was accepted and the rules thereof adopted as the rules and orders for the government of the Convention.

Mr Woodbury of Portsmouth in the chair.

On motion of Mr Bennett of Winchester—

Resolved, That a committee of twelve be appointed by the President on the subject of Education in addition to the committees heretofore established by order of the convention.

On motion of Mr Lamprey of Hampton—

Resolved, That Charles H. Bell be appointed assistant Secretary to this Convention.

Mr Weeks of Canaan introduced the following resolution.

Resolved, That the Secretary be requested to procure five hundred printed copies of the Rules of the Convention for the use of the members thereof with the names of its members and officers, their respective ages, occupations, boarding places and residences.

Mr Smith of Henniker moved to amend the resolution by adding at the close thereof the words following:

“and the numbers of their seats.”

The question being put,

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

Mr Parker of Nashua moved to amend the resolution by striking out the words “ages and occupations”.

Mr Pierce of Hillsborough called for a division of the question.

The question being put,

Shall the resolution be amended by striking out the word “occupations”

It was decided in the negative.

The question being put,

Shall the word “ages” be stricken from the resolution?

It was decided in the negative.

And the amendment was rejected.

Mr Plumer of Epping moved to amend the resolution by adding after the word “ages” the words “places of birth.”

The question being put upon agreeing to the motion

It was decided in the negative.

And the amendment was rejected.

Mr Barton of Concord moved to amend the resolution by adding at the close thereof the words following:

“and preceded by copies of the constitutions of the United States and the State of New Hampshire.”

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was adopted.

The question recurring,  
 Will the Convention agree to the resolution as amended?  
 It was decided in the affirmative.  
 And the resolution was adopted.

On motion of Mr Barton of Concord—

Resolved, That the use of this Hall be granted to the Concord Society of Natural History, on Monday evening next for the purpose of an introductory Lecture by the Hon. Levi Woodbury.

On motion of Mr Dodge of Hampton Falls—

Resolved, That the doorkeepers be directed to prepare lots containing numbers of the seats in this Hall, and that each of the members entitled to the use of the seat they may draw out of said lots and that this afternoon at three o'clock be assigned for the Convention to proceed to the choice of seats.

On motion of Mr Whittemore of Pembroke—

The Convention adjourned.

Afternoon.

Thomas J. Parsons member elect from the town of Rye appeared and was announced by the President and took his seat in the convention.

Mr Cass of Holderness introduced the following resolution:

Resolved, That the Door-Keepers conduct the several members of the Convention to their seats as they draw their numbers from the box.

The question being put upon agreeing to the resolution,

It was decided in the negative.

And the resolution was rejected.

Mr Woodbury of Portsmouth in the chair.

The Convention proceeded to the assignment of seats by lot to its several members pursuant to the resolution adopted by them on that subject.

The President in the chair.

The President announced the appointment of the following

Standing Committees.

On the Bill of Rights.— Ichabod Bartlett, Portsmouth; Phineas Clough, Hopkinton; Robert B. Cochran, New Boston; John S. Walker, Claremont; Daniel F. Richardson, Hanover; Charles W. Brewster, Portsmouth; Leonard W. Noyes, Nashua; Joseph Wentworth, Sandwich; Carter Whitecomb, Swanzey; James Martin, Epsom; Robert D. Davidson, Grafton; William M. Smith, Stewartstown.

The Executive Department.— Samuel Swasey, Haverhill; A. H. Bennett, Winchester; Joseph Sawyer, Piermont; Robert Tuttle, Carroll; John Kelley, Exeter; Andrew Peirce, Dover; Enoch Clark, Barnstead; Edward Langmaid, Chichester;

Samuel Nay, Sharon; Walter French, Manchester; Abner B. Kelley, Warner; William Rossiter, Claremont.

The Legislative Department.— Charles G. Atherton, Nashville; William C. Clarke, Manchester; Gilman Marston, Exeter; John Perkins, New Market; S. P. Montgomery, Strafford; Thomas E. Sawyer, Dover; Joel Eastman, Conway; Thomas W. Mordough, Wakefield; Samuel Bean, Meredith; Henry Hurd, Alton; Moses Shute, Concord; Aaron Whittemore, Pembroke; Timothy Haskins, Westmoreland; Joshua Converse, Rindge; Nathan Mudgett, Newport; P. C. Freeman, Claremont; A. P. Hoyt, Bridgewater; Converse Goodhue, Enfield; John H. White Lancaster; John D. Burbank, Shelburne.

The Judicial Department.— Levi Woodbury, Portsmouth; Levi Chamberlain, Keene; Nathaniel G. Upham, Concord; John H. Steele, Peterborough; George Y. Sawyer, Nashua; John L. Putnam, Cornish; Abiather G. Britton, Orford; Samuel Jones, Bradford; Henry B. Rust, Wolfborough; Ichabod Goodwin, Portsmouth; Hiram Barker, Farmington; J. B. Brown, Northumberland.

The Militia.— John Wadleigh, Meredith; George H. Dodge, Hampton, Falls; Joseph Tuttle, Lee; Russell Charles, Chatham; Benjamin R. Andrews, New London; Jeremiah Roberts, Farmington; Isaac N. Center, Litchfield; Daniel Fuller, Francestown; Samuel Griffin, Nelson; Virgil Chase, Goshen; Enoch R. Weeks, Warren; Moses Jackson, Stark and Dummer.

The Religious and Property Tests.— William P. Weeks, Canaan; Edmund Parker, Nashua; Benjamin D. Brewster, Dalton; Nehemiah Moses, Portsmouth; Reuben Hayes, Jr., Madbury; Noah Pease, Meredith; Daniel Batchelder, Allentown; Stephen P. Steele, Peterborough; Kendall Fisher, Richmond; Phineas Walker, Charlestown; Roswell Smartwell, Lebanon; Oliver Barrett, Wilton.

Amendments to the Constitution.— George W. Nesmith, Franklin; Richard H. Ayer, Manchester; Joseph A. Gregg, Derry; John H. Wiggins, Dover; Lewis Smith, Henniker; David Patten, Hancock; Francis Holbrook, Surry; Daniel M. Smith, Lempster; James Batcheller, Marlborough; Isaac Spaulding, Nashua; Paul Burnham, Enfield; Joseph Graves, Brentwood.

Miscellaneous and subjects not otherwise provided for.— Benning W. Jenness, Strafford; Enos Stevens, Charlestown; George Huntington, Walpole; Asa Freeman, Dover; Joshua Atwood, Pelham; James P. Tilton, Sanbornton; Charles Richardson, Greenfield; Daniel George, Sunapee; John N. Anderson, Londonderry; Ira Whitcher, Benton; Simeon Spooner, Franconia; Benjamin H. Jones, Rochester.

Revising Business.— James Bell, Gilford; A. H. Robinson, Salisbury; David Currier, Auburn; John W. Flagg, Bennington; William Plumer Jr., Epping; William Woodbury, Weare; Joseph Harvey, Sutton; Nathaniel Wells, Somersworth; Jeremiah Gilman, Thornton; Uri Lamprey, Hampton; Hazen Bedell, Colebrook; Moses Clark, Landaff.

On Education.— Levi M. Leonard, Dublin; Daniel Abbott, Nashville; Edwin D. Sanborn, Hanover; Jesse Clement, Lyndeborough; E. F. Stevens Jr., Deerfield; Dyer H. Sanborn, Washington; L. M. Howe, Campton; Henry Putney, Dunbarton; Andrew Wallace, Amherst; Joseph Perkins, Jackson; Wm J. Chesley, Durham; George O. Hilton, South New Market.

On motion of Mr Nesmith—

Resolved, That the Secretary be directed to include in the copies of the rules, which were ordered to be printed for the use of the convention, the standing committees announced by the President,

On motion of Mr Chamberlain of Keene—

Resolved, That when the Convention adjourn they adjourn to meet on Monday next, at three o'clock in the afternoon.

On motion of Mr Goodwin of Portsmouth—

Resolved, That a committee of five be appointed to assign committee rooms to the several standing committees established by the convention.

Ordered, That Messrs. Peaslee of Plaistow, Felker of Barrington, Eastman of Concord, Farley of Hollis, and Blanchard of Acworth be the committee.

Mr J. H. Steele of Peterborough gave notice that he should on Monday next and on every day thereafter so long as it may be necessary move that instead of adjourning, the convention should take a recess until seven o'clock and sit until they have made up the time they have lost by adjourning from Friday until Monday next at three o'clock in the afternoon.

On motion of Mr Howe of Campton—

The Convention resumed the consideration of the resolution relating to the printing of six hundred copies of an alphabetical list of the names of the members of the convention with their residences and occupations.

On motion of Mr Howe of Campton—

Resolved, That he have leave to withdraw the resolution.

On motion of Mr Starkweather of Keene—

The Convention adjourned.

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Monday November 11, 1850.

Charles H. Bell appeared and was duly sworn to the faithful discharge of the duties of assistant Secretary of the Convention and entered upon his duties.

James Hilton member elect from the town of Middleton appeared and was announced by the President and took his seat in the convention.

Mr Parker of Nashua introduced the following resolution:

Resolved, That until the further order of the Convention the time of meeting in the forenoon shall be at half past nine o'clock and at half past two o'clock in the afternoon.

Mr J. H. Steele of Peterborough moved to amend the resolution by adding to the close thereof the words following: "and that after this day the convention take a recess from five o'clock to seven o'clock daily until otherwise ordered."

The question being put upon agreeing to the amendment,

It was decided in the negative

And the amendment was rejected.

The question recurring

Will the Convention agree to the resolution?

It was decided in the affirmative

So the resolution was adopted.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the convention do now resolve itself into a committee of the whole upon the subject of the Bill of Rights.

Mr Atherton of Nashville in the chair.

In Convention

The Chairman of the committee of the whole reported to the convention that they had entered upon the business assigned them and proceeded therein but had risen before the completion thereof and had directed him to report their progress and to move for leave to sit again.

On motion of Mr Atherton of Nashville—

Resolved, That the committee of the whole have leave to sit again upon the subject of the Bill of Rights

On motion of Mr Richardson of Hanover—

The Convention adjourned.

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Tuesday November 12, 1850.

On motion of Mr Howe of Campton—

Resolved, That the Secretary of State be requested to furnish from the records in his office a written list of the names of the towns, cities and unincorporated places in the State the number of votes in each, the number of rateable polls in each, showing also the aggregate amount of each to be laid on the table of the Secretary of this convention for the use of the members.

Mr Weeks of Canaan from the committee on The Property qualification and religious test made the following

Report:

The committee on Property qualification and religious test have instructed me to report the following Resolutions for the consideration of the convention.

Wm P. Weeks for the committee.

Resolved, That it is expedient in revising the constitution to omit or strike out all the provisions that require a religious test.

Resolved, That it is expedient to omit or strike out all the provisions that require property as a qualification for holding office.

On motion of Mr Plumer of Epping—

Resolved, That the report of the committee on the Property qualification and religious test be referred to the convention in committee of the whole.

On motion of Mr Marston of Exeter—

Resolved, That the convention do now resolve itself into committee of the whole upon the subject of the Bill of Rights.

Mr Atherton in the chair.

In Convention.

The chairman of the committee of the whole reported to the convention that the committee had further proceeded in the business assigned them relating to the Bill of Rights but had again risen before the completion thereof and that the committee had directed him to report progress and to move for leave to sit upon the subject of the Bill of Rights.

On motion of Mr Atherton—

Resolved, That the committee of the whole have leave to sit again upon the subject of the Bill of Rights.

On motion of Mr Richardson of Greenfield—

The Convention adjourned.

Afternoon

Mr Swasey in the chair.

Mr Felker from the committee who were appointed to assign committee rooms to the several standing committees established by the convention made a report, whereupon—

On motion of Mr Sawyer of Nashua—

Resolved, That the report be recommitted to the committee with instructions to assign a room to the committee on Elections.

On motion of Mr Whittemore of Pembroke—

Resolved, That the credentials of the delegates to this convention be referred to the committee on Elections and that they examine and report thereupon.

On motion of Mr Richardson of Hanover—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the subject of the Bill of Rights.

Mr Atherton in the chair.

In Convention

Mr Swasey in the chair.

The chairman of the committee of the whole reported to the convention that the committee had attended to the subject of considering the Bill of Rights and had directed him to report the same with sundry amendments to the convention.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the Convention now concur in all the amendments proposed by the committee of the whole to the Bill of Rights wherein the word “subject” has been stricken out and any other word substituted instead thereof.

On motion of Mr Bartlett of Portsmouth seconded by Mr Freeman of Dover—

Resolved, That the convention now concur with the committee of the whole in their proposed amendment to strike out the words “except in cases in which it has been heretofore used and practiced” in the second and third lines of article twenty of the Bill of Rights.

On motion of Mr Woodbury of Portsmouth—

Resolved, That the further amendments to the Bill of Rights proposed by the committee of the whole be adopted by this convention.

The amendments proposed to the Bill of Rights are as follows:

In lines 1 and 2, Article 6. the words “evangelical principles” were stricken out, and the words “principles of the Bible” inserted instead thereof.

In lines 10 and 11, Article 6. the words following were stricken out “the legislature to authorize from time to time.”

In lines 11 and 12, of the same article the words “towns parishes bodies corporate or” were stricken out.

In line 14 of the same Article the word “protestant” was stricken out.

In lines 16 and 17 of the same Article, the words “towns, parishes, bodies corporate or,” were stricken out.

In line 24 of the same Article the words, “denomination of christians,” were stricken out and the words “religious denominations” inserted instead thereof.

Lines 29, 30, 31, and 32 of the same Article which are as follows “and nothing herein shall be understood to affect any former contract made for the support of the ministry but all such contracts shall remain and be in the same state as if this constitution had not been made,” were stricken out.

In line 4 of the same Article after the word “jury” were inserted the words following “but the Court shall try the facts as well as the law in cases where the parties agree.”

At the close of Article 20 were added the words following “but the legislation may authorize the trial of civil actions where the matter in dispute does not exceed dollars by a jury of six men, and may provide for the trial by arbitrators or courts of conciliation of controversies where the matter in dispute shall not exceed dollars.”

At the close of Article 21 were added the words following:

“And in all civil actions where the amount in dispute does not exceed dollars and where the title to real estate is not involved the decision of the jury shall be final.”

In lines 4 and 5 of Article 34 the words,

“but by authority of the legislature” were stricken out.

The whole of the 35th Article after the word “admit” in the 6th line thereof was stricken out.

In line 2 of Article 36 the words “especially in a young one” were stricken out.

At the close of the Bill of Rights was added the following Article.

“39. Arrest or imprisonment for debt shall not be allowed except in case of fraudulent concealment of property by the debtor from his creditor or the debtor is about to leave the State to avoid the payment of his debts.”

The Bill of Rights reported by the committee of the whole with sundry amendments to the convention and as adopted and referred by them to the committee having that subject under consideration is as follows:

Bill of Rights.

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Article 1.—All men are born equally free and independent; therefore; all government of right originates from the people, is founded in consent, and instituted for the general good.

2. All men have certain natural, essential and inherent rights; among which are, the enjoying and defending life and liberty — acquiring, possessing and protecting property — and, in a word, of seeking and obtaining happiness.

3. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and without such an equivalent the surrender is void.

4. Among the natural rights, some are in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience.

5. Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience and reason; and no shall be hurt, molested or restrained in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious professions, sentiments or persuasion; provided he doth not disturb the public peace or disturb others in their religious worship.

6. As morality and piety, rightly grounded on the principles of the bible will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the Deity, and of the public instruction in morality and religion; therefore to promote those important purposes the people of this State have a right to empower, and do hereby fully empower the several religious societies within this State to make adequate provision, at their own expense, for the support and maintenance of public teachers of piety, religion and morality.

Provided, notwithstanding, That the several religious societies, shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect or denomination

And every religious denomination demeaning themselves quietly and as good subjects of the State shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

7. The people of this State have the sole and exclusive right of governing themselves as a free, sovereign and independent State, and do, and forever hereafter shall exercise and enjoy every power, jurisdiction and right pertaining thereto, which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled.

8. All power residing originally in, and being derived from the people, all the magistrates and officers of government are their substitutes and agents, and at all

times accountable to them.

9. No office or place whatsoever in government shall be hereditary — the abilities and integrity requisite in all not being transmissible to posterity or relations.

10. Government being instituted for the common benefit, protection and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are prevented, and public liberty manifestly endangered, and all other means of redress, are ineffectual, the people may and of right ought to reform the old or establish a new government. The doctrine of nonresistance against arbitrary power and oppression, is absurd, slavish and destructive of the good and happiness of mankind.

11. All elections ought to be free, and every inhabitant of the State, having the proper qualifications, has equal right to elect and be elected into office.

12. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property. He is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary or an equivalent. But no part of a man's property shall be taken from him or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this State controllable by any other laws than those to which they, or their representative body, have given their consent.

13. No person who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent.

14. Every subject in this State is entitled to a certain remedy, by having recourse to the laws for all injuries he may receive in his person, property or character, to obtain right and justice freely, without being obliged to purchase it; completely and without any delay; conformably to the laws.

15. No subject shall be held to answer for any crime or offense, until the same is fully and plainly, substantially and formally described to him; or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself; to meet the witnesses against him face to face, and to be fully heard in his defense by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers or the law of the land.

16. No subject shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the legislature make any law that shall subject any person to a capital punishment (excepting for the government of the army and navy, and the militia in actual service.) without trial by jury.

17. In criminal prosecutions, the trial of facts in the vicinity where they happen, is so essential to the security of the life, liberty and estate of the citizen, that no crime or offence ought to be tried in any other county than that in which it is committed; except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior court that an impartial trial cannot be had in the county where the offence may be committed, and upon their report, the legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

18. All penalties ought to be proportioned to the nature of the offence. No wise legislation will fix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. Where the same undistinguish-

ing severity is extended against all offences, the people are led to forget the real distinction of the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reason a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishment being to reform, not to exterminate mankind.

19. Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore all warrants to search suspected places, or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued but in cases and with the formalities prescribed by law.

20. In all controversies concerning property, and in all suits between two or more persons the parties have a right to a trial by jury, but the court shall by the facts as well as the law in cases where the parties agree and this method of procedure shall be held sacred, unless in cases arising on the high seas, and such as relate to mariners' wages, the legislature shall think it necessary hereafter to alter it, but the legislature may authorize the trial of civil actions where the matter in dispute does not exceed      dollars by a jury of six men and may provide for the trial by arbitrators or courts of conciliation of controversies where the matter in dispute shall not exceed      dollars

21. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve; and such ought to be fully compensated for their travel, time and attendance; and in all civil actions where the amount in dispute does not exceed      dollars, and where the title to real estate is not involved the decision of the jury shall be final.

22. The Liberty of the Press is essential to the security of freedom in a State; it ought, therefore, to be inviolably preserved.

23. Retrospective laws are highly injurious, oppressive and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offences.

24. A well regulated militia is the proper, natural and sure defence of a State.

25. Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the legislature.

26. In all cases, and at all times, the military ought to be under strict subordination to, and governed by the civil power.

27. No soldier in time of peace shall be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

28. No subsidy, charge, tax, impost or duty shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body.

29. The power of suspending the laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

30. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of

any action, complaint or prosecution in any other court or place whatsoever.

31. The legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

32. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition, or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

33. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

34. No person can in any case be subjected to law martial or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service.

35. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.

36. Economy being a most essential virtue in all States, no pension shall be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the legislature and never for more than one year at a time.

37. In the government of this State, the three essential powers thereof, to wit; the legislative, executive and judicial; ought to be kept so separate from and independent of each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

38. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government. The people ought therefore, to have a particular regard to all those principles in the choice of their officers and representatives and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

39. Arrest or imprisonment for debt shall not be allowed except in case of fraudulent concealment of property by the debtor from his creditor or the debtor is about to leave the State to avoid the payment of his debts.”

On motion of Mr Upham—

Resolved, That the Bill of Rights as amended be referred to the committee having that subject under consideration.

Mr Felker from the committee to whom were recommitted their report assigning committee rooms to the several committees established by the convention made the following report:

The committee who were appointed to assign Committee Rooms to the several committees established by the convention have attended to the duty assigned them and have directed me to make the following report:

Felker for the Committee.

The committee who were appointed to assign Rooms to the several standing committees of the convention have assigned the following Rooms to the several committees respectively viz:—

To the committee on the Bill of Rights, Room No. 4.

To the committee on the Executive Department, Room, No. 1.

To the committee on the Legislative Department, the Senate Chamber.

To the committee on the Judicial Department, Room No. 10.

To the committee on the Militia, Room No. 2.

To the committee on the Religious and Property Test, Room, No. 3. To the committee on Amendments to the Constitution, Room No. 8.

To the committee on Miscellaneous and Subjects not otherwise provided for, Room No. 9.

To the committee on Revising Business, Room No. 7.

To the committee on Education, Room, No. 12.

To the committee on Elections, Room, No. 11.

Which was accepted.

On motion of Mr Peaslee of Plaistow—

The Convention adjourned.

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Wednesday November 13, 1850.

Mr Bean of Meredith presented the petition of John Canney and seventy four other citizens of Centre Harbor and towns adjacent thereto praying that the constitution of the State of New Hampshire may be so changed that the Legislature of the State may be authorized to confer upon Justices of the Peace or special Justices created for that purpose, power to summon a jury to try cases to such an amount as the legislature may from time to time direct.

Ordered, That it be referred to the committee on the Judicial Department.

Mr Sawyer of Nashua from the committee to whom was referred the motion to direct the Secretary to procure three hundred copies of the journal of the convention to revise the constitution of the State in 1791 for the use of the members of this convention made the following

#### Report:

The committee appointed to take into consideration the subject of printing the Journal of the Convention held to revise the Constitution of the State in the years 1791 and '2, having made examination of the Journal and of all other papers pertaining to the proceedings of that convention to be found in the office of the Secretary of State, ask leave to report that the Journal, if printed in the form of the Journal of the Legislature, would constitute a volume of from two to three hundred pages, and 400 copies would cost about three hundred dollars. They could not be ready for distribution until the fourth week of the session, too late probably to be of much use to the members of this Convention in the discharge of their present duties. In addition to this, the committee are unable to discover any advantage of sufficient importance to justify the expense, that could be derived by this conven-

tion from printing it, even if it could be furnished at an early day in the session. The journal consists principally of minutes of the amendments to the constitution proposed and discussed in the Convention, and of the numerous votes taken thereon, and the printing of these could in no way aid the members of this Convention in performing their duties. That it is an ancient public record of great value and of much historical interest and ought to be carefully preserved, is not to be doubted. And it may perhaps be well questioned whether an appropriation should not be made by the Legislature, for the purpose of printing and thus bringing it within the reach of the citizens of the State generally. The wisdom and patriotism of the members of that Convention are evinced by the fact that their labors resulted in framing a Constitution which has well subserved the purposes for which it was established, without amendment or alteration, through all the changes of nearly sixty years. No other State Constitution under our Federal Government, framed at so early a period, remains unaltered. Nothing that relates to the public services of such men, in such a work, could be uninteresting or uninformative; and it may well be considered whether the expense of publishing the Journal of their proceedings should prevent its being accessible to all. But these are considerations properly belonging to the legislature and not to this Convention. The expenditure of the public money by this Convention, for such a purpose could not be justified. While the committee, however, are of the opinion that there is no occasion for printing the Journal for the use of this Convention, they nevertheless find that there are some matters contained in it which may be interesting if not useful to consider, but none which may not as well be submitted, by embodying them in this report as by incurring the expense of printing. That Convention commenced its session on the 7th of September A. D. 1791. It was composed of 109 delegates, of whom one only — the Hon. William Plumer of Epping, survives. It continued in session until the 16th. Sept., when it adjourned to the 8th Feby. 1792. During this session of ten days, it was occupied, after the preliminary business of its organisation, in discussing the provisions of the Constitution and the various amendments proposed thereto — the Constitution being read and considered in the Convention, section by section, for that purpose. On the last day of the session, a committee of ten members was appointed to take into consideration the amendments approved by the Convention, the various propositions for amendment which had not been definitely acted upon, and all the resolutions and proceedings of the Convention in relation to the subject, and to prepare and report at the adjournment such alterations of the Constitution as it might be expedient to submit to the people for their approval or rejection; and the Convention then adjourned to give opportunity to the committee to perform their work. At the reassembling of the Convention, the report of the committee was made and considered in committee of the whole. The session continued seventeen days, and seventy two amendments of the Constitution were agreed to, and were ordered to be sent to the several towns to be separately acted upon by the people; and the Convention again adjourned to the 30th of May following. Upon reassembling it was found that twenty six of the seventy two proposed amendments were rejected by the people. Amendments were then prepared conforming to the will of the people as indicated by their votes, and these accompanied by an address from the Convention to the people, setting forth the reasons for the proposed amendments, were again submitted to the popular vote — the Convention after a session of seven days having adjourned for that purpose. At this time, however, the question was not submitted

to the people upon the acceptance or rejection of the amendments separately, but upon accepting or rejecting them as a whole. On the 5th of Sept. the Convention again met, and in a session of two days completed their work — the people having ratified their proceedings by a vote of more than two thirds of those voting.

Your committee are not aware that any other matters contained in the Journal of their proceedings can be of interest to the members of this Convention, as being of a character to furnish any aid to them in the discharge of their duties. And with this report they submit, for the consideration of the Convention, the accompanying resolution.

Geo. Y. Sawyer  
Abiather G. Britton  
Cyrus Barton.

Resolved, That it is inexpedient to take any action upon the subject of printing the Journal of the Convention of 1791 and '2.

On motion of Mr Clarke of Manchester, the report was accepted, and the resolution adopted.

Mr Atherton of Nashville moved to amend the rule 8 of the rules and orders established for the government of the Convention, by adding at the close thereof, the following clause;

“but a motion to strike out and insert shall not be divided.”

The question being put,

Will the Convention agree to the amendment?

It was decided in the affirmative.

So the rule 8, was amended.

On motion of Mr J. H. Steele of Peterborough—

Resolved, That the committee on the Bill of Rights be instructed to amend the twentieth article thereof, by striking out the words “except in cases in which it has been heretofore otherwise used and practiced,” and insert, “except in cases otherwise provided for in the constitution or laws made in pursuance thereof by the legislature,” or words to that effect.

On motion of Mr Parker of Nashua—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of yesterday being the consideration of the report of the committee on the subject of Religious tests and Property qualification to the convention and by the Convention referred to the consideration of the committee of the whole.

Mr Sawyer of Nashua in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had attended to the business assigned them, had risen and had directed him to report to the Convention the resolution referred to them from the committee on the Religious tests and Property qualification without amendment.

On the question

Shall the report be agreed to?

It was decided in the affirmative

And the resolutions were severally adopted.

On motion of Mr Parker of Nashua—

Resolved That the report and the resolutions thereof be referred to the committee on the Legislative Department.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole on so much of the constitution of the State as relates to the Legislative Department.

Mr Sawyer of Nashua in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had entered upon the business assigned them, had proceeded therein, but before the completion thereof, had risen and had directed him to report progress and to move for leave to sit again upon the subject of so much of the constitution as relates to the legislative department.

On motion of Mr Sawyer of Nashua—

Resolved, That the committee of the whole have leave to sit again upon so much of the constitution of the State as relates to the legislative department thereof.

Mr Lane of Gilford moved that the Secretary be directed to procure four hundred printed copies of the statistical tables directed to be furnished by the Secretary of State containing the names of the towns, cities and unincorporated places in this State, the number of voters and of rateable polls in each and the aggregate amount of each for the use of the members of the convention, and that the Secretary of State be directed to furnish in addition thereto to be included in said printed copies, a list of the inhabitants of the State as given by the census of 1840, carried out in a separate column.

On motion of Mr Plumer of Epping—

Resolved, That the motion be laid upon the table.

The President announced that the Secretary had laid upon his desk a communication from the Clerk of the Court of Common Pleas for the County of Merrimack containing the statistical information directed to be furnished to the convention from the several Clerks of the Court of Common Pleas in this State.

Mr Chesley of Durham moved that the Secretary be directed to procure four hundred printed copies thereof, for the use of the members of the convention.

On motion of Mr Nesmith—

Resolved, That the motion to print be laid upon the table and a committee of five be appointed on the subject of Printing

On motion of Mr Richardson of Hanover—

The Convention adjourned.

Afternoon.

The President announced

Messrs. Barton of Concord, Cass of Holderness, Hoyt of Exeter, Lane of Gilford and Goodale of Deering to be the committee on Printing.

On motion of Mr Atherton—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the constitution of the State as relates to the legislative department.

Mr Sawyer of Nashua in the chair.

In Convention.

The Chairman of the committee of the whole reported to the convention that they had farther proceeded in the business assigned them but before the completion thereof had again risen and had directed him to move for leave to sit again upon the subject of so much of the constitution of the State as relates to the legislative department.

On motion of Mr Sawyer of Nashua—

Resolved, That the committee of the whole have leave to sit again upon so much of the constitution of the State as relates to the legislative department.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the Secretary be directed to procure for the use of the convention, four hundred printed copies of the amendments to articles 9, 10, and 11, of the legislative department relating to the mode and ratio of representation in the Senate and House of Representatives, which have been proposed by Messrs Hoyt of Exeter, Bell and Lane of Gilford and Freeman of Dover, in the committee of the whole or which may be hereafter furnished to the Secretary by any member in season to be printed for tomorrow's session of the convention.

Mr Jeremiah Blodgett member elect from the town of Wentworth appeared, was announced by the President and took his seat in the Convention.

On motion of Mr Gould of New Ipswich—

The Convention adjourned.

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Thursday November 14, 1850.

Mr Moulton of Moultonborough presented the petition of J. H. Moulton and fifty others, praying that the constitution of the State of New Hampshire may be so changed that the legislature of the State may be authorized to confer upon Justices of the Peace power to summon a jury to try causes to such an amount as the legislature may from time to time direct.

Ordered, That it be referred to the committee on the Judicial Department.

Mr Barton of Concord, from the committee on Printing made the following

Report:

The committee on Printing to whom was referred the communication of the Clerk of the Court of Common Pleas for the county of Merrimack laid upon the desk of the Secretary of the convention in compliance with their resolution on that subject, report, That having attended to the duty assigned them and having examined said communication and believing that it contains important facts, not only calculated to aid the deliberations of this convention, but of general interest to the people of this State, they recommend the adoption of the following resolution:

Cyrus Barton, for the committee.

Resolved, That the Secretary be directed to procure for the use of the convention, four hundred printed copies of the statement of N. B. Baker Esqr Clerk of the Court of Common Pleas for the County of Merrimack made in conformity with a resolution of this convention and that he also cause an equal number of the statements of the Clerks of the Courts from the other counties called for by said resolution to be printed in the same form as they may from time to time be presented.

Which was accepted and the resolution adopted.

On motion of Mr Bennett of Winchester—

Resolved, That the committee on the Bill of Rights be instructed to transfer the eighty third article of the Constitution relating to the encouragement of literature and other subjects to the Bill of Rights.

Mr Sanborn of Washington introduced the following resolution:

Resolved, That a committee of twelve be appointed to consider the agricultural interest of this State and to recommend the engrafting in the prospective constitution such provisions as the best good of this State may demand.

The question being put upon agreeing to the resolution

It was decided in the negative.

And the resolution was rejected.

Mr Hill of Alton introduced the following resolution:

Resolved, That in the opinion of this convention it is neither just or expedient to base the representation of the State upon the population borrowed as it is many places from remote districts and foreign countries but that the true basis of representation is the number of ratable polls in each town, parish or ward.

Mr Cass of Holderness moved to amend the resolution by striking out the words "ratable polls," after the word "of" in the last line, and inserting the words "legal voters," instead thereof.

On motion of Mr Atherton

Resolved, That the resolution with the amendment be referred to the consideration of the committee of the whole.

Mr Swasey from the committee on the Executive Department, made the following

#### Report:

The committee on the Executive Department having that subject under consideration for the purpose of taking the sense of the convention on the question of appointing various officers as heretofore or of electing them by the people, have

instructed me to report the following resolution:

Sam'l Swasey for the Committee.

Resolved, That all officers heretofore appointed by the Governor and Council except Naval and Militia officers be elected by the people.

On motion of Mr Lamprey—

Resolved, That the report and resolution be referred to the committee of the whole.

Mr Swasey of Haverhill, from the same committee, made the following additional

Report:

The committee on the Executive Department have instructed me to report the following resolution:

Saml. Swasey, for the Committee

Resolved, That article 48 and so much of Article 46 of the constitution of the State as relates to the appointment of officers of the Navy and Militia, be referred to the committee of the Militia

On motion of Mr Pierce of Dover—

Resolved, That the report and resolution be referred to the committee of the whole.

Mr Cass of Holderness by leave presented the petition of Benjamin Piper and ninety three others praying that the constitution of the State of New Hampshire may be so changed that the legislature of the State may be authorized to confer upon Justices of the Peace or upon special Justices created for that purpose, power to summon a jury to try causes to such an amount as the legislature may from time to time direct.

Ordered, That it be referred to the committee on the Judicial Department.

On motion of Mr Smith of Henniker—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the report and resolution of the Executive Department relating to a reference to the committee on the Department of the Militia Article 48 and so much of Article 46, of the constitution of the State as relates to the appointment of officers of the Navy and Militia

Mr Jenness of Strafford in the chair.

In Convention.

The Chairman of the committee of the whole reported to the convention that they had attended to the duty assigned them and had directed him to report, the report and resolution of the committee on the Executive Department without amendment.

Which report was accepted.

On the question

Will the Convention agree to the resolution reported from the committee of the whole?

It was decided in the affirmative

And the resolution was referred to the committee on the Department of the Militia.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the convention do now resolve itself into a committee of the whole on the report and resolution of the Executive Department relating to the election of officers (except Naval and Militia officers) which have been heretofore appointed by the Governor and Council, and which have been referred to the committee of the whole by the convention.

Mr Sawyer of Nashua in the chair.

In convention.

The Chairman of the committee of the whole reported to the convention that they had entered upon the business assigned them relating to the report and resolution of the committee on the Executive Department and had considered the same, but had risen before the completion thereof and had directed him to report progress, and ask leave to sit again on that subject.

On motion of Mr Sawyer of Nashua—

Leave was granted.

On motion of Mr Whittemore of Pembroke—

The Convention adjourned.

Afternoon.

The President announced that the following communication had been laid upon his table by the Secretary of State.

To the Convention to revise the Constitution of the State of New Hampshire.

Gentlemen:

I herewith transmit an Inventory of the several towns in this State for the years 1847 and 1848, containing the number of polls in each town for said years being the nearest approximation I am able to make to the statistical information embraced in the resolution of the convention. The credentials of the members of the legislature for the present year on file in this office, being too inaccurate for that purpose. The accompanying tables were furnished by order of the legislature.

John L. Hadley.

Office of Secretary of  
State, Nov. 13, 1850.—

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On motion of Mr Smith of Henniker—

Resolved, That the communication of the Secretary of State, with the accompanying documents be referred to the committee on Printing.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of this forenoon upon the report and resolution of the committee on the Executive Department relating to the election of officers, except officers of the navy and militia, which have been heretofore appointed by the Governor and Council.

Mr Sawyer of Nashua in the chair.

In Convention.

The chairman of the committee of the whole reported to the convention that they had proceeded farther in the business assigned them upon the report and resolution of the committee on the Executive Department relating to the election by the people of Officers heretofore appointed by the Governor and Council, except naval and militia officers, but before the completion thereof had risen and had directed him to ask leave to sit again on that subject.

On motion of Mr Sawyer of Nashua—

Leave was granted.

On motion of Mr. Atherton—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of Wednesday afternoon upon the Legislative Department.

Mr. Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported that they had entered upon the business assigned them had proceeded therein but before the completion thereof had risen and had directed him to move for leave to sit again upon the subject of the legislative department.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Peaslee of Plaistow—

The Convention adjourned.

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Friday November 15, 1850.

Mr Barton of Concord from the committee on Printing to whom was referred the communication of the Secretary of State relating to the names of towns, cities and unincorporated places in this State the number of voters and ratable polls in each and the aggregate amount of each together with a list of the Inhabitants of the State as given by the census of 1840 made the following

## Report:

The committee on Printing, to whom was referred the communication of the Secretary of State, accompanied with Inventories of 1847 and 1848 sent to the Convention in compliance with a resolution requesting that officer to furnish a list of the population and ratable polls in the several towns in this State report—

That but a very imperfect list of the ratable polls, and no list whatever of the population, is contained in said Inventories. If the committee understand the intention of the Convention, it is, that a complete list of all the towns in the State, with the number of ratable polls and number of inhabitants set against each, should be presented in such a form as would give the required information at a glance. All this information can be collected from the Inventories, the credentials of Members of the Legislature, and from the N. H. Annual Register. The committee believe that the information called for may be of importance to the Convention, and may aid them somewhat in their deliberations; and therefore recommend the adoption of the following resolution:

Cyrus Barton, for the Committee

Resolved, That the Secretary cause to be made out a list of all the towns in this State, with the number of ratable polls, the number of legal voters and population set against each, in separate columns; and that he procure four hundred printed copies of the same, for the use of the Convention.

Which was accepted and the resolution was agreed to.

Mr Parker of Nashua introduced the following resolution:

Resolved, That in keeping the Journal of the proceedings of the Convention the Secretary be directed to insert the proceedings, in committee of the whole as a part of the Journal.

On the question,

Will the Convention agree to the resolution?

It was decided in the negative.

And the resolution was rejected.

Mr Ayer of Manchester introduced the following resolution:

Resolved, That from and after Monday next this convention will hold evening sessions commencing at seven o'clock.

Mr Sawyer of Piermont moved to amend the resolution by inserting before the word "seven" the words "half past."

On motion of Mr Peaslee of Plaistow—

Resolved, That the resolution with the amendment be laid upon the table.

Mr Hayes of Madbury introduced the following resolution:

Resolved, That every town or place in this State entitled to town privileges, shall be entitled to elect at least one representative. That every such town or place having seven hundred legal voters, shall be entitled to elect two representatives, every such town or place having fifteen hundred legal voters shall be entitled to elect three representatives, every such town or place having twenty five hundred legal voters, shall be entitled to elect four representatives[,] every such town or place having five thousand legal voters shall be entitled to elect five representatives and no town or place shall elect more than five.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the resolution be referred to the committee of the whole.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the constitution of the State as relates to the legislative department.

Mr Bartlett of Portsmouth in the chair.  
In Convention.

The Chairman of the committee of the whole reported to the convention that they had further proceeded in the business assigned them, upon so much of the constitution of the State as relates to the legislative department and had again risen before the completion thereof, and that they had directed him to move for leave to sit again on that subject.

On motion of Mr Bartlett of Portsmouth—  
Leave was granted.

On motion of Mr Plumer of Epping—  
Resolved, That the use of the Representatives' Hall be granted to the Natural History Society of Concord for the purpose of a lecture on Monday evening next.

On motion of Mr Richardson of Hanover—

The Convention adjourned.

Afternoon.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of the forenoon upon so much of the Constitution of the State as relates to the legislative department.

Mr Bartlett of Portsmouth in the chair.  
In Convention.

The Chairman of the committee of the whole reported to the Convention that they had farther proceeded in the business assigned them but had again risen before the completion thereof and had directed him to move for leave to sit again.

On motion of Mr Bartlett of Portsmouth—  
Leave was granted.

On motion of Mr Dodge of Hampton Falls—

The Convention adjourned.

Saturday November 16, 1850.

Mr Swasey from the committee on the Executive Department made the following report:

The committee on the Executive Department having had the subject under consideration instruct me to report the following resolution:

S. Swasey for the committee

Resolved, That article[s] 53, 54 and 55 of the constitution relating to the Militia, be referred to the committee on the Militia.

Which was accepted and the resolution agreed to.

Mr Wadleigh of Meredith from the committee on the Militia made the following

Report:

The committee on the Militia to whom was referred the resolution of the committee on the Executive Department providing that article 48 and so much of article 48 of the Constitution as relates to the appointment of officers of the Navy and Militia be referred to them have had the subject under consideration, and for the purpose of taking the sense of the Convention thereupon, have instructed me to report the following resolution:

John Wadleigh for the Committee

Resolve, That Captains and subalterns in the respective regiment continue to be nominated and appointed as now provided by article 48 of the Constitution of the State.

Resolved, That all officers of the Navy and general and field officers shall be nominated and appointed by the Governor and confirmed by the Senate.

On motion of Mr J. H. Steele of Peterborough—

Resolved, That the report and resolutions be laid upon the table.

Mr J. H. Steele of Peterborough introduced the following resolution:

Resolved, That the committee on Education be directed to frame an article to be inserted in the Constitution making it imperative on the legislature to provide for the assessment of at least \_\_\_\_\_ per cent on the State Inventory, to be held sacred for the purpose of sustaining common or primary schools.

On motion of Mr J. H. Steele of Peterborough—

Resolved, That the resolution be laid upon the table

Mr Walker of Charlestown introduced the following resolution:

Resolved, That a committee of twelve be appointed by the President to take into consideration the subject of Homestead Exemption.

On motion of Mr Gilman of Thornton—

Resolved, That the resolution be laid upon the table.

On motion of Mr Atherton of Nashville

Resolved, That when the Convention adjourn they adjourn to meet again on Monday next at three o'clock in the afternoon.

Mr Chesley of Durham introduced the following resolution

Resolved, That there be an article inserted in the Constitution to exempt property to the amount of five hundred dollars from attachment.

On motion of Mr Chesley of Durham—

Resolved, That the resolution be laid upon the table.

On motion of Mr Jenness of Strafford—

The Convention adjourned.

Monday November 18, 1850.

Mr Davidson of Grafton introduced the following resolution:

Resolved, That a committee of five be appointed to take into consideration the principle upon which the mileage of the members of this Convention shall be computed and report accordingly.

Ordered, That Messrs Davidson of Grafton, Lathrop of Walpole, Holden of Rumney, Dickerson of Andover and Flanders of Goffstown be the committee.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the constitution of the State as relates to the legislative department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that the committee had proceeded farther in the business assigned them but had again risen before the completion thereof and directed him to move for leave to sit again.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

Mr. J. H. Steele of Peterborough introduced the following resolution:

Resolved, That the committee on Mileage be instructed to report to the Convention a roll of the members thereof and number of miles travel to which each member is entitled.

On the question,

Will the Convention agree to the resolution?

It was decided in the affirmative.

And the resolution was adopted.

On motion of Mr Boynton of Columbia—

The Convention adjourned.

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Tuesday November 19, 1850.

Mr Woodbury of Portsmouth from the committee on the Judicial Department made the following

Report:

The committee on the Judiciary ask leave to report, that they have carefully examined those parts of the existing constitution, which relate to the subject confided to them.

Constitutions being the great fundamental laws, passed by the people, should, in our view, not be recommended to be changed, except in matters and to an ex-

tent, clearly desired by the people. To that extent, so far as ascertainable by us, we therefore considered it our duty to go — notwithstanding the private opinions of some of us differ on several of the matters proposed to be changed. Thus guided in our deliberations, we first considered the alterations which might be proper in the term or tenure of their office in our different judicial functionaries. In the present condition of public opinion in the State, a majority of the committee think, that this term should be different in most classes of judges from what now exists. It is now except with justices of the peace, during good behavior. In them, it is only for five years; in order, after that period to bring their behavior under public consideration and to re-appoint them or not, as the conduct of each incumbent and as the public interests may appear to require.

We think this provision for a short term of office has operated well in practice, and would, therefore, advise the adoption of a like system as to all judicial officers; though with more hesitency as to the judges of the Superior Court than others. It is true, that by address to the Governor and Council, or by impeachment, judicial officers can now be removed at any time — but some defects of character and some kinds of unfitness that may be developed, would seem to be corrected with more delicacy and with equal if not greater efficiency by omitting to re-appoint where at limited intervals a re-appointment is made to come under consideration, while the incumbent, by receiving a re-appointment, will obtain one of the most grateful rewards and powerful encouragements to well doing, which belong to public life.

The experience on this subject in this country has not, to the extent originally feared, proved unfavorable to the stability of the judiciary under short terms of office — it being found in practice not unusual to reappoint, while the incumbent by good legal acquisitions, sound health and close attention to his public duties, seem worthy of it.

On account of this change in the length of the terms of judicial office, and the incumbents coming under review as to fitness so often, we have recommended not to retain longer the disability on account of mere age.

As the judges of the Superior Court, are the most important of this class of officers, and would be likely to serve at lower salaries when the term is longer, and would be capable, by more experience in office, to understand better their more difficult and responsible duties — we propose to shorten their terms only to six years, and those of county judges and judges and registers of probate to four years, and justices of the peace as well as trial justices to two years.

Another argument in favor of six and four years rather than five for the higher judges, and two instead of otherwise for ordinary justices of the peace and trial justices, is the economy of time in electing them at the biennial periods, which seem to be preferred by the Convention for electing representatives to the Legislature, and for the stated meetings of the Governor and Senate.

The attention of this committee was next bestowed on some changes in the appointing power as to judicial officers. They are now settled by the Governor and Council; but public opinion seems to us to require that as a general rule, so many of them be appointed directly by the people as can be without too great expense and loss of time and as are likely to be sufficiently known to them. It is, too, in our view the right of the people in republics, personally to exercise all official duties, and personally to act in all public affairs. But when this is not convenient and very laborious and expensive except in democracies quite small as regards both num-

bers and territory, the people have the same right to act by agents for legislation, for executive purposes and judicial, as they have to act individually and directly. And it is a matter of usage not to be changed too greatly and suddenly, as well as of convenience, economy and benefit to themselves, whether in practice, they appoint at once every agent or appoint some, though the instrumentality of other agents of their own selection. In both cases the people, as they should, control and govern.

Hence, when a class of candidates for office or agencies may reside so remote from some of the community, or be of such a character and profession, as not to be probably well known to most of them, a majority of us think it is for the advantage of the people themselves, both in point of economy and of a wise choice, that such agents be not selected by the people at large and directly, but by a few others of their own choice less expensively, living nearer and likely to know them better and under strict accountability to the people for making a good choice. The few, thus electing, will still be a part of the people themselves — will be by all of them in districts appointed agents for all, and will by their residence and public standing be more likely to be better acquainted with the candidates and their peculiar qualifications, than the whole people, most of whom have never or seldom seen them, nor heard of them, nor live so near to them as to be able readily to enquire into their fitness.

But when the office is of a mere local and limited character, and the candidates reside near and are probably well known to that part of the people, who may vote for them, any aid of intermediate agents may well be dispensed with. Consequently, as ordinary justices of the peace and that justices should belong to the town where they officiate, the people of the town — these small democracies or republics in miniatures, are presumed to know the candidates in person, to be acquainted well with their qualifications and to be able with ease, economy and safety and in most respects, with benefit to themselves, to elect them directly. Their own judgment in such cases are also not so exposed to sinister influences by others or sudden impulses, and their confidence reposed in the incumbent and his decisions will be greater. Hence we recommend this change in the mode of the appointment, of ordinary and of trial justices, except where more than one trial justice in a town provided for by the Legislature, and then that one of them shall be appointed by the Governor, in order to attempt to overcome any political bias or error crept in from exciting causes and to ensure in such cases more fully the confidence of all in the fair administration of the laws by these local tribunals.

For reasons similar to what have influenced us to recommend the selection of justices of the peace and trial justices by the people, we advise, that all county judges and commissioners and judges and registers of probate for each county, be elected by the people of each county, the candidates residing so near to most of them in our present system of small counties as to be likely to be generally known or easily enquired about, and their qualifications well ascertained. From the large amount of property adjudicated on by Judges of Probate and the great trusts reposed in them, some of us are willing to have their appointment remain as now; but a majority of the committee think that it should come within the general rule as to offices for Counties. The Judges of the Superior Court, however acting as they do for the whole State and not any one town or county, stand differently. The[y] would by analogy receive their appointment from the people of the whole State, voting directly for them. Yet, considering that they are not political officers, are not

likely to be much known to the people of every town and that full information as to their qualifications would not usually exist and could not readily be obtained as to candidates residing in remote sections, we consider it wiser for the people to select them through the Governor and Senate.— Such information could more easily be obtained by the latter if not already existing as some of the Senate come from every district of the State.

And the people, when generally intelligent, as ours are, would be no more unwilling to have judges selected by agents of themselves, and accountable to themselves, when those agents are so situated a probably to know the candidates better and procure better judges for the community, than they are to have judges at all to act in administering the laws for the people, rather than themselves attempting to do it in person; or to have agents to legislate or execute the laws for them, instead of doing it themselves. The people virtually appoint the judge in both instances, though in one they do it *per se*, in person, and in the other *per alium*, or by agents. In neither case is the right or competency of the people called in question; but the convenience and economy and intelligence of the representative system is preferred, for the benefit of the people themselves, where the action is to be on matters remote in distance and operating over a wide area. Why else are the members of this Convention, as agents of the people, now deliberating and examining for them? It has probably been for reasons, in part, like these, that no Judge of the Superior Court for the State at large has ever heretofore been appointed directly by the people of the whole State; and indeed the rule has not been very different as to political officers — none acting as State officers at large having been elected by the whole people directly, except the Governor, and he may well be an exception, as he is usually a person known to all parts of the State, has usually been before all the people in other eminent offices, and criticised and his qualifications made known fully to the people through political and party presses.

But it is certainly safer for judicial independence and impartiality, the less a candidate for a judge has mingled in party strife and has been known in the movements of the political world, however proper it may be in a free country and among a self-governing people for every citizen to possess decided opinions on all great questions, and in no situation to halt or falter in sustaining them. By the mode we propose, there is, too, introduced a more popular and legislative element in the selection by the assent of the Senate, than when the assent of a mere Council, as heretofore, was required; and yet more freedom from party interference of party dictation in the judiciary is secured, than would be likely to exist in an election wholly popular.

A few words as to precedents bearing on this point. It is a mistake to suppose that the experiment of electing a judge of a Superior Court for the whole State, by the people directly, has been to much extent tried in other States, or tried at all with better success. It is true that many other States have shortened the term of office, as we propose to, and others have elected them by the legislature— one branch of which we propose to have participate here. But it is believed that in respect to this class of judges, not over four or five States out of thirty-one have thought it proper to make the experiment of a popular election by the people of the whole State, directly; and the success which has attended it in some of them, in public economy, convenience and useful qualifications of those elected is considered by many as

very problematical. Besides the precedents set in a large majority of the States against it, we have our own experience to show whether in the mode heretofore acted on and proposed to be still retained as to the Superior Court, the people of this State have not been blessed with as learned and faithful a succession of judges in their higher Courts, as any of the few States who have adopted a different system.

The course we pursue under the constitution of the United States — it being the fundamental law on many important subjects for us — in conjunction with our sister States, throws light on the cause of reasoning we have adopted, and is a distinguished precedent for our guide. That constitution, after being in operation over half a century, has never been altered as to the appointment of judges of the Supreme Court by the Chief Magistrate and Senate, and never made it elective directly by the people of the United States. Nor is this last mode known to have ever been seriously thought of, so strong are the reasons against it, before enumerated as applicable here, of great distance of the residence of some of the candidates from that of many of the people, and their qualifications so little known to them all personally.

As a precedent likewise, can any one believe that a selection of those judges by a direct vote of the whole people of the Union, would have given to the country a better Court?

In respect to the filling of vacancies, which must be very numerous among so many hundreds of offices, by declining to accept, by resignation, removals and death, and great time and expense required to fill them by the people, we recommend on the ground of convenience and economy, that they be filled by the appointing power in each case permanently — but that temporarily, in county offices, the judges of the county or commissioners (when no such judges exist) fill the vacancies till town meetings in the county can with convenience be notified and convened — and in case of officers appointed by the Governor and Senate, the former alone fill them till a regular biennial session of the Senate happens.

The subject of the jurisdiction and mode of proceeding in chancery has been discussed some in committee of the whole in the Convention, and we recommend a change only in the latter believing that the jurisdiction can safely be entrusted to the legislature under the limitations of the 20th article of the Bill of Rights, as it has been amended, and of the 90th section of the 2d part of the Constitution. It becomes, too, of less importance under the additional provision, which we now recommend, and which is to make each party file on oath to the truth of his pleadings, and to allow either to have any facts in dispute settled by a jury, and to have the benefit of the testimony of his antagonist on the stand, if he pleases to call him.

The last clause in the 20th article has become unnecessary by the amendment already adopted by the Convention in the former part of it, and by the admiralty jurisdiction over seaman's wages and transactions happening on the high seas being by the Federal Constitution transferred to the cognizance of the General Government. We therefore advise that it be stricken out. The only remaining head for consideration in respect to the Judiciary is the jurisdiction that ought to be confided to the different judicial tribunals.

We propose to leave that to be regulated from time to time by the Legislature, as it has been heretofore, and as public convenience may appear to demand, except in respect to justices of the peace and the new courts by trial justices. Here we

advise great and interesting changes. In regard to the jurisdiction of justices of the peace, we propose to transfer all of it in the hearing of civil causes to trial justices — to be fixed by the legislature and not exceeding three in each town — and to invest them with jurisdiction over all civil causes where the amount in controversy does not exceed \$50. except cases involving the title to real estate, and leaving to the Legislature from time to time to regulate the criminal jurisdiction of both classes of justices as well as those of the quorum and those through the State, and the miscellaneous duties of all of them, and the term of office and mode of appointing the latter classes. We further recommend that in all cases, civil or criminal, except to bind over for trial elsewhere, either party be entitled to a trial by a jury before the trial justices of the town where the proceeding is instituted in the town where one of the parties resides. We advise, too, that the jury consist of any number not exceeding six, which the party asking it may desire — and the decision of the jury to be final on all matters of fact submitted to it and not appealable from by writ of error or otherwise as to the law, where the sum in controversy is less than ten dollars.

It is conceded that these are great changes in the jurisdiction and trials by local tribunals; but we advise them from a conviction that the existing complaints concerning the delay and expense in the present administration of justice, can in this way be mostly cured. There have been several memorials referred to us, asking like changes — and it is a strong commendation of the mode proposed, that it will give redress in all small disputes nearer every man's door — by judges, too, mostly of his own selection — at much less expense by cutting off appeals on facts, and yet preserve unimpaired, the sacred palladium of a trial by jury. It is our belief, that the present evils grow out of the present defective judicial system and not from any omission of duties by the present judicial officers.

It is a remarkable fact in support of this view, that from the returns made to this Convention by the clerk of the court of common pleas for the county of Belknap it appears that the whole number of judgments rendered in a given time was 73 under \$25, and 60 between \$25 and 50 while between \$50 and 75 it was only 37 and between \$75. and 100 only 14, and only 60 over \$100.— making those for less than \$50 near twenty per cent, more in number than all above that amount, and from double to treble all between \$50 and 100. In another county, Merrimack and the only other from which returns are yet obtained and printed, no statement is made of the cases over \$100, but those judgments over \$50 for 1849, and less than \$100 are only about 56 in number, and those under \$50 are 153, or nearly treble in number.

In both of these counties, likewise, the cost recovered appears to be nearly as large as the debt in the cases below \$25, while in those above its proportion is considerably less.

The evil is thus apparent in the small kind of litigation and the large costs on it, which cover the dockets of the higher courts, and which must be much diminished by the amendments we propose.

We can devise no mode so likely, in our view, as this to reach the root of the evils, and, what is most desirable in all amendments of constitutions, to satisfy that community which is to be governed by them.

As a still further check to vexatious litigation, the Legislature, more properly than the Convention, could, with public advantage impose cost in all cases of ac-

tions in higher courts, and no recovery had of the amount within their jurisdiction, nor any fair ground existing to expect such a recovery. And so in case of any appeal or writ of error, without success of reversing the judgment below in full or in part, the party who carries the case up can be made to and should pay large cost.

One subject more deserves some attention — as it is, in one aspect, judicial and open, in our opinion to improvement.

There is a clause in the constitution, requiring the judges of the Superior Court to give their opinions to the Legislature and Governor on questions of law, and we recommend a change — imposing this duty on the Attorney General. He is theoretically the law officer of the government. A change like this has already been introduced in some other States, and it accords with the constitution and practice of the Government of the United States. As the provision now stands, it is often embarrassing to a judicial officer to give an opinion on a question without argument on either side, and which question may be already pending before him, between private parties, or soon come before him; and their rights be prejudged without a full and impartial hearing.

Having gone through with the matters, technically judicial, where any amendment is proposed by this committee, we would suggest another change in relation to the Attorney General and Solicitors of counties. They are so connected with the judiciary that their appointment and term of office ought, in our view, by analogy, to be similar, and the Solicitors be elected by the people in their counties, and the Attorney General, for the whole State, be appointed by the Governor and Senate, and that the former should hold office for the term of four and the latter six years.

With a view of carrying these various recommendations into effect, the committee advise the passage by the Convention the following resolution.

Levi Woodbury, for the Committee.

Resolved, That the last period or paragraph in the 35th Article of the Bill of Rights on the term or tenure of judicial office, having been stricken out by the Convention, that the 73d Article in the 2d part of the Constitution on the same subject, be amended so as to strike out, after the word “offices,” to the word “provided” and insert — “if Judges of the Superior Court, six years — if Judges or Commissioners, or Judges of Probate, Registers and Solicitors for counties, four years— and if Justices of the Peace or Trial Justices two years.”

That the word “President” in this section be stricken out, and the word “Governor” inserted —

And that there be added at the close of this section the following words— “when vacancies occur in any way in any of these offices, they shall be filled up permanently by the same power which filled the office originally— but that the county Judges, as to county officers, and the Governor alone, as to those appointed by him and the Senate, may temporarily supply the vacancy till the regular appointing power can conveniently act on the subject.

That in the 46th Article on the subject of the appointing power as to judicial officers, etc., the words “judicial officers, Solicitors and Registers of Probate,” be stricken out, and insert after— “all — Judges of the Superior Court”—

And that there be added at the close of the section, “And all judicial officers

for counties, including Judges and Registers of Probate, and also Solicitors for counties be elected by the people of the respective counties, and all Justices of the Peace and all Trial Justices by the respective towns in which they reside, except that when more than one trial Justice is allowed he shall be appointed by the Governor and Senate as aforesaid, and that Justices of the Quorum and those throughout the State be appointed and their duties defined and term of office limited as the Legislature may direct.”

That in this and all other sections in respect to judicial officers, the word “Council” be stricken out, and “Senate” substituted.

That in the 7th section, 2d. part, the words “Justices of the Superior Courts,” be stricken out, and “Attorney General” inserted in its place.

That the 75th and 78th sections be stricken out, the subjects being substantially provided for elsewhere.

That in the 77th section, the word “empowered” be stricken out, and the word “required” inserted in place of it— and that the word “trial” be inserted before the word “justices.” Also strike out “four pounds” and insert “fifty dollars.” After the word “concerned” strike out the rest of the section, and insert these words— “the number of said trial justices to be at least one in each town or city where the justices reside, and each party have the liberty of a trial by a jury— not over six in number— whose verdict shall be final on the facts in all cases, and not to be appealed from or reversed as to the law in any way in any case by a higher tribunal, unless the sum in controversy is larger than ten dollars. The criminal jurisdiction of trial justices and justices of the peace and of justices of the quorum and of those throughout the State shall be regulated by the Legislature.”

That after the word “peace” in the 94th section, there be inserted “and trial justices.”

That the 20th Article in the Bill of Rights, relating to the judiciary, stand as it has been amended by the Convention, but to strike out all the words after “jury.”

That to the 76th section of the 2d part be added these words— “And they shall provide, that in proceedings in chancery both parties shall file an oath to the truth of their respective pleadings, and each party possess the right to have the facts in issue tried by a jury and to use before them the testimony of his antagonist.”

On motion of Mr Eastman of Conway—

Resolved, That the report be laid upon the table and that the Secretary be directed to procure six hundred printed copies thereof for the use of the convention.

Mr Woodbury of Portsmouth from the same committee, made the following report:

The committee on the Judicial Department to whom was referred the petition of John Canney and seventy four others praying that the Constitution of the State of New Hampshire may be so changed that the legislature of the State may be authorized to confer upon justices of the peace or upon special justices created for that purpose, power to summon a jury to try causes to such an amount as the legislature may from time to time direct have had that subject under consideration, and instruct me to report that they recommend that the prayer of the petitions be granted by the adoption in Convention of the resolutions relating to this subject, reported from the committee and now lying upon the table.

Levi Woodbury, for the Committee

On motion of Mr Woodbury of Portsmouth  
Resolved, That the report be laid upon the table

Mr Woodbury of Portsmouth from the same committee made the following report:

The committee on the Judicial Department to whom was referred the petition of J. H. Moulton and fifty others praying that the constitution of the State of New Hampshire may be so changed as to give Justices of the Peace authority to summon a jury in civil cases and that their judgment be final, have had that subject under consideration and have instructed me to report that they recommend that the prayer of the petitions be granted in the same manner as reported by the committee upon the petition of John Canney and others containing like facts and similar recommendations.

Levi Woodbury, for the Committee

On motion of Mr. Woodbury of Portsmouth—  
Resolved, That the report be laid upon the table.

Mr. Woodbury of Portsmouth from the same committee made the following report:

The committee on the Judicial Department to whom was referred the petition of Benjamin Piper and ninety others praying for a revision of the constitution in relation to the jurisdiction of the Justices of the Peace and the appointment of Trial Justices have had that subject under consideration and have instructed me to report that they recommend that the prayer of the petitioners be granted in the same manner as reported by the committee upon the petition of John Canney and others.

Levi Woodbury, for the Committee

On motion of Mr Woodbury of Portsmouth—  
Resolved, That the report be laid upon the table.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of Monday afternoon upon so much of the Constitution of the State as relates to the legislative department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had farther proceeded in the business assigned them upon so much of the Constitution of the State as relates to the legislative department but had again risen before the completion thereof and had directed him to move on leave to sit again on that subject.

On motion of Mr Bartlett of Portsmouth—  
Leave was granted.

On motion of Mr Marston of Exeter—

The Convention adjourned.

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Afternoon.

On motion of Mr J. H. Steele of Peterborough—

The Convention resumed the consideration of the resolution relating to the assessment of per cent on the State Inventory to be applied exclusively for the support of common or primary schools.

On the question,

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted.

Mr Cass of Holderness introduced the following preamble and resolution:

Whereas, Corporations have taken deep root and corporation influence has widely spread and as it is the duty of a free people to guard against all encroachments of their rights by the combination of corporations or any other power.

Therefore, Resolved, That the Constitution be so amended that the State shall in no case suffer either directly or indirectly the money or credit thereof to be used for the special benefit of any corporation whatever nor take stock therein.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

Mr Sawyer of Piermont introduced the following resolution:

Resolved, That the subject of agriculture be referred to the committee on the legislative department, and that they be instructed to report thereon

On the question,

Will the Convention agree to the resolution?

It was decided in the affirmative.

And the resolution was adopted.

Mr Shaw of Sanbornton introduced the following resolution:

Resolved, That a well regulated militia is the proper natural and sure defence of a State; the Governor should be commander-in-chief and by advice of the Senate have all power to grant and to commission officers of every grade of all the brigade and regimental staff, all company officers may be chosen by the companies in which such officers may command.

In case any such company or companies should neglect to choose such officer or officers, the commanding officer of said regiment should fill such vacancy by his own appointment and all commissioned officers shall be sanctioned by the Governor. And all officers shall muster once in every year for drill in some convenient place within the limits of such regiment or brigade, where such officers may reside. And the time of such muster may be appointed by the legislature if not otherwise appointed. All such musters shall commence on Tuesday and end on Friday the same week. And all officers shall have reasonable compensation for their services and all other white male able bodied citizens from the age of twenty one years to the age of forty years old liable to do military duty shall be enrolled, and such roll

made by the selectmen of every town wherein such citizen may reside and the members of such inrollment shall be made by the selectmen at the time of taking the inventory every year and such roll to be returned to the town clerk's office within days and the town clerk return the same to the Secretary of State within days.

And no soldier shall be liable to do military duty unless in case of insurrection or invasion. And all arms and equipments shall be supplied by the State and deposited in the towns or within the limits of the several regiments or brigades.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the resolution be referred to the committee on the Department of the Militia.

Mr Gould of New Ipswich introduced the following resolution:

Resolved, That all deeds and conveyances of land shall be recorded in the town clerk's office in their respective towns and for want thereof in the county clerk's office in the same county.

On motion of Mr Ayers of Manchester—

Resolved, That the resolution be referred to the committee on Miscellaneous and matters not otherwise disposed of.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the Constitution of the State as relates to the legislative department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had farther proceeded in the business assigned them upon so much of the constitution of the State as relates to the legislative department but had again risen before the completion thereof and had directed him to move for leave to sit again on the same subject.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Chesley of Durham—

The Convention adjourned.

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Wednesday November 20, 1850.

Mr Bennett of Winchester from the committee on the Executive Department made the following

Report:

The committee on the Executive Department have instructed me to report the following resolution for the consideration of the convention.

A. H. Bennett for the Committee.

Resolved, That a Lieutenant Governor shall be elected biennially who shall be qualified in the same manner with the Governor. The return of votes for this office shall be made in the same manner and if no person shall be found to have a majority of all the votes returned the vacancy shall be filled by the Senate and House of Representatives in the same manner as the Governor is to be elected in case no one person shall have a majority of the votes of the people to be Governor.

The Lieutenant Governor shall be the President of the Senate but shall have no vote therein except in case of an equal division of the Senate then he shall have a casting vote.

Whenever the chair of the Governor shall be vacant by reason of his death or otherwise the Lieutenant Governor shall during such vacancy perform all the duties incumbent upon the Governor and shall have and exercise all the power and authority which by this constitution the Governor is vested with, when personally present.

On motion of Mr Jenness of Strafford—

Resolved, That the report be laid upon the table

On motion of Mr Jenness of Strafford—

Resolved, That the committee on amendments to the constitution be instructed to take into consideration and report to this Convention the best practicable mode of making further amendments to the constitution.

Mr J. H. Steele of Peterborough introduced the following resolution:

Resolved, That when this Convention adjourns in the forenoon on Friday next, it adjourn to meet on Tuesday the (blank) day of December next at three o'clock in the afternoon.

Mr Parker of Nashua moved to fill the blank with the word "third."

On the question,

Will the Convention agree to the amendment to the resolution?

It was decided in the affirmative.

And the amendment was agreed to.

On the question,

Will the Convention agree to the resolution as amended?

It was decided in the affirmative.

And the resolution agreed to.

On motion of Mr Woodbury of Portsmouth—

Resolved, That he have leave of absence during the adjourned session of the Convention that he may be permitted to fulfill other official engagements.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole on the unfinished business of Tuesday afternoon upon so much of the constitution of the State as relates to the legislative department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had further proceeded in the business assigned them but had again risen before the completion thereof and had directed him to move for leave to sit again on the

same subject.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Richardson of Hanover—

The Convention adjourned.

Afternoon.

Mr Cass of Holderness introduced the following preamble and resolution:

Whereas it is violation of the principles of true republicanism for the majority to impose any tax on the minority for the purpose of carrying into effect any place of speculation whatever, therefore

Resolved, That the Constitution be so amended that no town or incorporated place shall have the right either directly or indirectly to loan the money or suffer the credit thereof to be used for the special benefit of any corporation whatever not to take stock therein.

On motion of Mr Dodge of Hampton Falls—

Resolved, That the preamble and resolution be laid upon the table.

On motion of Mr Sawyer of Swansea—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the Constitution of the State as relates to the legislative department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had farther proceeded in the business assigned them upon so much of the constitution of the State as relates to the legislative department but had again risen before the completion thereof and directed him to move for leave to sit again.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Ayers of Manchester—

The Convention adjourned.

Thursday November 21, 1850.

Mr Leonard of Dublin from the committee on Education made the following

Report:

The committee on Education ask leave to report that they have considered the subject on which they were directed, by a resolution of the Convention, to frame an article for insertion in the Constitution.

The question of public or popular education is regarded by your committee as not less important, nor less deeply interesting than any that have come or will come before this Convention. Other questions are certainly important, and deserve all that consideration which they have received. But as has been well and truly said, "The grand question — that on which all the rest must ultimately turn, is that of the intelligence and virtue of the people." These words, intelligence and virtue, have been repeated and re-repeated till they have become trite. Many persons, it may be believed, utter them, or hear them uttered, and yet have but faint impressions of the paramount importance, or of the wide and extended bearing of the things themselves. Their prevalence, however, is freely admitted by all to be the best safeguard of the rights and liberties of the people. We hear it said, almost every day, that if the mass of the people in France and other parts of Europe had been elevated in character by the possession of intelligence and virtue, they would not have failed in their late struggle for freedom. The examples of all past ages teach us that education, founded on the principles of piety and morality, is the most sure as well as the most desirable defence of a State.

In order to secure the prevalence of intelligence and virtue and make them "the stability of the times" due regard must ever be paid to popular education. According to the report of the State Commissioner of Common Schools, made to the legislature last June, the whole number of scholars in the common schools, and in the academies and high schools, was 84,265. Of these only 5,402 were instructed in the academies and high schools, leaving 73,598 scholars, whose instruction was in the free or common schools. This fact does not show that academies and high schools are unimportant in reference to popular education, but it does show most conclusively that the common or primary schools deserve the special encouragement and support of the State, and that the duty of sustaining them is imperative both on legislators and on the people.

The legislators of New Hampshire have not been unobservant of that excellent article in our constitution, which enjoined upon them, "the encouragement of literature and the sciences, and the cherishing of all seminaries and public schools." Our college, our academies, our high schools and our common schools, have done and are still doing much for the interest of education. With regard to our common schools, the interest and efforts of recent years have greatly contributed to their improvement. The first step, however, towards this object was taken in the year 1827, under the administration of Governor Pierce. By a statute of that year a more watchful supervision was provided. Reports to the towns of the condition of their schools were required; but in many towns no reports were made, and if they were made, they remained in the hands of the committees or in the offices of the town clerks. In the year 1846 the office of a State Commissioner of Common Schools was established. He, as required, collected the statistics of the schools from the reports of the town committees, and embodied them in a report with valuable suggestions for the instruction and discipline [sic] of schools. Since that period the common schools have excited new interest, The circulation of the reports of the State Commissioners, though far too limited, has been the means of diffusing valu-

able information—the actual condition and wants of the schools have been better understood, and their importance more deeply felt.

But our common schools are still far from being what they should be and might be. The extracts from the reports of the superintending committees, as contained in the reports of the commissioners make this sufficiently evident. Though they speak of decided improvements in some respects, yet they speak as decidedly of defects. Among the hindrances to the welfare and best success of schools, are the want of more convenient and commodious school houses, of teachers better qualified, and of more interest on the part of parents. If, in order to supply existing wants and remedy existing defects more pecuniary means are needed, there should be a provision in the constitution authorizing and requiring the legislature to grant them.

The sum required to be raised for the support of common schools in this State has been increased at several times, and it is now one hundred and twenty dollars on every dollar of the State valuation. It is desirable, we think, that this sum should be materially increased, but never made less. In compliance with the direction of the Convention, we have prepared a resolution on this subject. We recommend the filling of the blank in the resolution of the Convention with 125 dollars. Such a sum, we think, is needed at this time, especially by the small towns, and those of middling population; for while these remain nearly stationary, others increase in both respects. The proportional valuation of the farming towns, heretofore, becomes less, even while they do not diminish in numbers or amount of property. Of course, unless by special vote they add to the sums required to be raised by law their means of education are unduly abridged. Many towns do add largely to the sums required by law. But others as appears by the reports of the State Commissioners, raise no more than the law exacts. There is need, therefore, of increasing from time to time the percentage of appropriation that the children and youth in every part of the State may enjoy as nearly as may be practicable, equal advantages of education. Twenty towns out of the 230 in the State raised last year one third part of all the money required by law for the support of common schools. The number of scholars in these towns is a fraction more than one fifth of the whole number in the State. This fact affords an additional argument for adopting the provision of the resolution of the convention. We recommend the passage of the following resolution.

Levi W. Leonard, for the Committee.

Resolved, That the legislature of this State is authorized and required to make provision for the establishment and maintenance of free common schools to be supported at the public expense; and is further required to provide for the assessment and collection annually, of a sum not less than one hundred and twenty five dollars for every dollar of the State taxes apportioned to the several cities, towns and places which sum shall be applied exclusively to the support of said schools.

On motion of Mr Bennett of Winchester—

Resolved, That the report be laid upon the table and that the Secretary be directed to procure four hundred printed copies thereof for the use of the Convention.

Mr Sanborn of Hanover from the committee on Education made the following

## Report:

The committee on Education, having had under consideration the appointment of a State superintendent of common schools, and having agreed to recommend the adoption of a constitutional provision for the election of such an officer by the people, have instructed me to submit the following report:

The importance and necessity of popular education to the permanence and security of our free institutions, the committee take for granted. To discourse to this Convention upon the excellency of knowledge or the value of common schools, would be quite as profitless as to declaim upon liberty and equality.

“To gild refined gold, to paint the lily,  
To throw a perfume on the violet,  
Or, with taper light, to seek  
The beauteous eye of heaven to garnish,  
Is wasteful and ridiculous [*sic*] excess.”

While free schools are admitted by all to be indispensable to our security and prosperity as a people, there is not the same unanimity of sentiment with reference to the best methods of improving and superintending them. Many men think that the powers already conceded to the Legislature by the Constitution are entirely adequate to the wants of the people. The resolution which the committee have agreed to offer for the consideration of the Convention does not confer new power upon the Legislature, but it proposes to make that permanent which is now changeable; to make that imperative which is now optional. It makes it incumbent upon the people to elect, from time to time, at least one officer who shall devote his time and talents to the great work of popular education. It is the common practice of the most enlightened nations of the earth to commit the supervisor of public instruction to a single individual of the highest literary attainments. Ministers of public instruction in foreign lands take rank with the highest officers of State. They enjoy the confidence of their respective governments, and the esteem of scholars throughout the civilized world. They devote themselves exclusively to the duties of their office. Through their agency, with the cooperation of the friends of education the masses of the people in the kingdoms of Europe, have received more instruction within the last half century than during the preceding fifteen centuries. The utility of such official supervision of popular education has been fully tested in our own country. Several of the States of the Union have for years employed such an agent, and with unquestionable advantage to their schools. Some States have adopted a constitutional provision like the one your committee would recommend. Those that have most recently come into the Union are of that number. It will be readily admitted to be essential to the success of any system of State policy, that there should be unity of purpose and unity of action in those who execute the decrees of the people. When a corporation is chartered, the stockholders are careful to elect a superintendent who will attend faithfully to their interests and devote himself entirely to the duties of his office. The oversight of common schools requires the same unity in counsels, the same devotion to professional labors and the same executive energy. Frequent changes in the administration of our public schools are as injurious to their prosperity, as sudden changes in legislation are to the pecuniary interests of the people. In the first place, the supervision of our public schools requires the whole time of the

presiding officer. This is necessary to his own success. Every man is a debtor to his profession. He owes to it his time, his acquisitions and his strength.

Few men can succeed in more than one department of business; and no man is great in every thing. Every professional gentleman in the Convention knows that his own success in his calling, has been proportioned exactly to the time, study and labor he has given to it. The man who accepts a public trust, which occupies only one twelfth of his time, and devotes the other eleven twelfths to the great business of his profession, is really doing injustice both to the public and to his profession.

He must neglect the interests of the public or his own. If we admit that for one month in the year he enters with his whole soul into the spirit of his public vocation, before his duties return again his zeal will have abated, his first love will have cooled, and he will return to his intermitted employments reluctantly, like the school boy creeping to his daily task, when his lessons are unprepared. Let the lawyer or physician or theologian suspend his professional labors, only for a few months in each year, and turn his thoughts to other duties, does he not lose the momentum which he had acquired by his previous labors? Does not his interest abate? Who has not felt how irksome it is to resume the drudgery of his profession, after a vacation, a journey, or a session of the Legislature. This same distaste for interrupted duties must appertain to every public functionary who devotes only a fraction of his time to the duties of his office. The committee would, therefore, have the superintendent of public instruction devote his whole time and talents to his official calling. He should be an enthusiast in his vocation. He should be "totus in illis," wholly absorbed in his work. He should be thoroughly acquainted with his business. It is rare to find a professional gentleman who is sufficiently conversant with the improvements in education with the books used and the methods adopted for the organization and government of schools, to assume, at once, the responsible duties of superintendent. This office requires great experience and the highest literary and scientific attainments. It requires ten years to mature a good school master; and, certainly, some little time, by way of preparation, ought to be devoted to the art and science of education by those who are to be the models and counsellors of teachers.

The committee have no desire, in this recommendation to disturb the existing organization of county commissioners. On the contrary, they believe that this additional officer is necessary to perfect that system, to give it unity, energy and efficiency. We should then have as complete a "Board of Education," as any State in the Union. It may be asked by some persons what duties the committee would propose for such an officer. It would be very easy to keep him usefully employed. Let him, first, become intimately acquainted with the excellencies and defects of our common school system. Let him devise the best methods of securing good school houses, good teachers and good books. Let him study school architecture and bring before the people the most approved modes of constructing, warming and ventilating school houses. Will any one pretend that the people do not need light on these points? Do they now fully understand what the moral and physical influence of the school room is? Do they know how the health and morals of those they love are ruined by badly constructed and ill ventilated houses? If they were fully aware of these evils, should we see, at this day, so many of those shattered, dilapidated ruins by the road side and in the street, where children daily congregate for instruction? Would they confine their children, during the most susceptible period of their lives, for six hours a day, in these cold and cheerless lodges, which are hardly fit

for the folding of sheep or the herding of swine? The people, in many towns, want light on this matter. They want stimulus and excitement; and just that kind of excitement which the living voice or the pen of their confidential agent would bring before them.

The whole subject of education is open for the investigation of such an officer. He might hold correspondence with ministers of instruction in foreign kingdoms, and with learned societies in our own and foreign lands. It would be his duty, as well as privilege, to become familiar with text books and apparatus, and be able to recommend suitable books and furniture for each district that might consult him. Such an officer ought to enlist the public press in the cause of education. Not only should his reports be published by authority in every newspaper in the State, but the results of his observation, experience and study should be freely laid before the people through the same channel. If the press could generally be excited to the same degree in the support of education as in defence of their favorite political themes, we should become the best educated people on earth. It is to be regretted that the friends of education have not availed themselves more fully of the public journals, as the medium of communicating to the public their own thoughts upon the subject. Editors are always willing to publish, if competent persons will write upon education. But it is an old saying, "what is every body's business is no body's business", If it were enjoined by the Legislature upon a public officer thus to present before the people the results of his labors, the work would be done; or if it were not done, the incumbent would soon find himself transferred to other employments by the votes of the electors.

The chief objection, which has come to the knowledge of the committee, is made to the expense of the measure proposed. "The people, it is said, will not consent to be thus taxed." Our constituents are reasonable men, and if we may credit the testimony of many credible witnesses in this Convention, they are intelligent, highly intelligent and virtuous. If they possess both knowledge and virtue they will cheerfully make sacrifices for that mental and moral discipline of their children which lies at the foundation of both. They will, undoubtedly, approve of that which promotes their own interests when they know it to be so. In the view of the committee, it is perfectly demonstrable that the permanent establishment of a State superintendent of public instruction is the best and most approved method of elevating our common schools, and that a liberal appropriation of money for the support of popular education is the very best economy, if men are actuated by no higher motives than the accumulation of wealth.

It is the uniform testimony of all the States that have employed such an officer for any considerable time, that the schools have been elevated and rendered more useful. Good schools always give an additional value to real estate in their vicinity. Men seek the society and neighborhood of those who are deeply interested in the education of youth. Consequently property always increases in value as the schools rise in influence and advance in excellency. The committee invite the attention of members of the Convention to the results which have been secured in our own and other States by the agency of commissioners of common schools. All improvements, discoveries and inventions have their origin in individual minds. Those who are devoted to a particular department of labor or study are most likely to make discoveries in that department. So it has been in education. The most valuable im-

improvements in school houses, in apparatus and modes of instruction have been carried into successful operations by ministers of public instruction and commissioners of common schools. The elevation of schools in the neighboring States is due to the agency of officers similar to the one the committee propose for the election of the people. Wherever such an officer has been once chosen and afterwards set aside for other modes of action or another class of servants, the States have uniformly reverted, after a brief interval, to their first choice. No other agency, regarding the subject in all its relations, has been found equally efficient. At the present time it is a favorite notion with the people of this State to have Teachers' Institutes holden in each county at least once a year. It has been found in practice, very difficult to secure teachers for these Institutes. Aid has been called in from other States at great expense; and, in some instances, the benefit of an Institute has been greatly abridged by failing to secure the right man to manage it. A State superintendent, in conjunction with the county commissioners, might superintend and teach all the Institutes without any other assistance except volunteers. This would supersede the necessity of calling in foreign aid or of interrupting the terms of Academics by taking their principals as teachers of Institutes. The State superintendent might hold a session of one week in each county, both in the autumn and spring: and, at each county session, the commissioner for that county might assist him in his labors and thus save to the towns a sum of money equivalent to the entire salaries of both of these officers. This is an important consideration.

The expense of a single Institute, for a week, is frequently not less than one hundred dollars. If twenty Institutes were holden, during the year, to meet the wants both of the winter and summer schools, there would be a saving of \$2000 to the towns, besides an almost infinite amount of vexation and disappointment on the part of those unpaid officers of common school associations, whose duty it has been to secure teachers for the Institutes. It is true that every town in the State, may not, in one year, enjoy the personal labors of the State superintendent or be favored with a session of an Institute. Every town can not be the seat of government or the courts. Every town can not have an academy, a high school or a college; yet, this is never urged as a serious objection, to the existence of such institutions. Whoever has an interest in the labors of a superintendent of public instruction, will be benefitted by them. A printed document may reach the fire side of every inhabitant of the State in one week; and, a single page of that document may contain information which will be worth more to the individual voter, than the aggregate of all his taxes for the support of that officer, during his entire life. It is affirmed by some men, "that the people do not want such an agent. They are content with what they have." The people are often found to be more willing to make sacrifices for the promotion of learning than their representatives. But admitting the assertion to be true, it would not prove that such an officer is not necessary and highly useful; for men are sometimes so blind to their best interests, that they reject the choicest blessings which a kind Providence confers upon them. Tacitus, the Roman historian, describes a people, who lived 2000 years ago, in the North of Europe, who asked no favors of gods or men. They had no wish for any thing; and yet they were utterly destitute of every thing. They fed upon the bodies of animals which they caught by day, and slept in wide hammocks suspended from trees, lest wild beasts should devour their bodies, by night. Indifference to improvements and aversion to the change of long established habits, are not peculiar to savages. The most enlightened nations,

often show a similar attachment to ancient usages. A want of interest, therefore, in a proposed reform, does not prove that it is not needed. With reference to a State superintendent, some gentlemen prefer to leave the power where it now is, so that future Legislatures may or may not appoint such an officer, as they please. This leaves the interests of education entirely at the mercy of party leaders. If the incumbent, when once installed in office should not answer the expectation of the people or advocate the political creed of the majority, his office would be abolished; and thus the best laid plans might be frustrated and the fruits of long protracted study prematurely destroyed. It is always popular to raise the cry of retrenchment, and the labors of those public servants are usually dispensed with, whose utility is not immediately apparent. In matters of education the people often require too much. They expect to see the matured fruits of their legislation in its favor, within a few years, when a whole generation may pass before the full results are manifest. If the office of Superintendent be made a constitutional one, it will be beyond the reach of faction or caprice. Its influence will be constantly increasing, because the materials of usefulness must accumulate in a department of State, which is permanent. The establishment of this office, in addition to the able board of county commissioners now on duty, will give a new impulse to the cause of education in the State, and render our system as efficient in proportion to its means as any in the Union.

New England enterprise owes its success mainly to the happy union of science and art, of the practical and theoretical, the ideal and the material in its inhabitants. Each of these elements depends upon the other. Every State needs men of thought and men of action. But where these requisites meet in the same individual, the highest style of executive efficiency is the result. Our free schools and free churches tend to produce this result. Germany is a land of scholars. No nation has a better educated people, so far as the theories are concerned. Their government is administered by scholars but those scholars want the practical knowledge which our free schools and free press impart. The children then are allowed to learn only what the government prescribes. They do not become familiar with the rights of citizens but with their duties. Political science is not studied or inculcated practically.— Their politicians, like their metaphysicians, are mere theorists; hence, while the people are thoroughly educated in literature and science they are badly governed. The influence of the common school and the social circle, which are the great agents of American education, produces very different results. Our faults indicate an excessive devotion to the material and practical. We have more executive energy than theoretical knowledge. Hence the necessity of having some studious men in the community whose lives are devoted to the science and art of teaching; who may originate improvements for the benefit of all; who may gather the fruits of experience for the common good and furnish plans for the people to execute. Such an officer the amendment under consideration, proposes to create and render permanent. When the people are made acquainted with his duties, the committee entertain the fullest confidence that they will approve his appointment.

In view of these and other like considerations, the committee have agreed to submit to the Convention, the accompanying resolution:

C. D. Sanborn for the Committee.

Resolved, That it is expedient to insert in the Constitution of the State the following provision:

The supervision of public instruction shall be vested in a State Superintendent and such other officers as the Legislature shall direct.

The State Superintendent shall be chosen by the qualified electors of the State, in such manner as the Legislature shall provide; his powers, duties and compensation shall be prescribed by law.

On motion of Mr Hoyt of Exeter—

Resolved, That the report be laid upon the table and that the Secretary be directed to procure four hundred printed copies thereof for the use of the Convention.

Mr Bartlett of Portsmouth from the committee on the department of the Bill of Rights, made the following

Report:

The committee on the department of the Bill of Rights to whom was referred. The Bill of Rights with sundry amendments reported from the committee of the whole to the Convention have instructed me to report

That by order of the Convention they have stricken out of the sixth article the following, viz:— “Evangelical principles” and have inserted in place thereof the following, viz:— “the principles of the Bible.”

They have also stricken out the following, viz:— “the legislature to authorize from time to time.”

They have also stricken out the following occurring in two places, viz:— “towns, parishes, bodies corporate or.”

They have also stricken out the word “protestant.”

They have also stricken out the following, viz:— “denomination of christians,” and have inserted in place thereof the following, viz:— “religious denomination.”

They have also stricken out the following, viz:— “and nothing herein shall be understood to affect any former contracts made for the support of the ministry, but all such contracts shall remain and be in the same state as if the Constitution had not been made.”

And the Article thus changed reads as follows, viz:—

Article 6th. As morality and piety rightly grounded on the principles of the Bible will give the best and greatest security to government and will lay in the hearts of men the strongest obligations to due subjection and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the Deity and of public instruction in morality and religion, therefore, to promote those important purposes the people of this State have the right to empower and do hereby fully empower the several religious societies within the State to make adequate provision at their own expense for the support and maintenance of public teachers of piety, religion and morality. Provided notwithstanding. That the several religious societies shall at all times have the exclusive right of electing their own public teachers and of contracting with them for their support and maintenance, and no person of any one particular religious sect or denomination shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect or denomination.

And every religious denomination demeaning themselves quietly and as good subjects of the State, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

They have also by the same order stricken out of the twentieth Article the following, viz:— “except in cases in which it has been heretofore otherwise used and practiced,” and have inserted in place thereof the following, viz:— “except in cases otherwise provided for in the Constitution or laws made in pursuance thereof by the legislature.”

They have also inserted after the word “jury” the following, viz:— “but the Court shall try the facts as well as the law in cases where the parties agree.”

They have also added as ordered at the close of the Article the following, viz:— “but the legislature may authorize the trial of civil actions where the matter in dispute does not exceed   dollars by a jury of six men and may provide for the trial by Arbitrators or courts of conciliation of controversies where the matter in dispute shall not exceed   dollars.”

The committee have amended this Article by adding the following, viz:— “provided that it is not intended by this article to change the practice of the courts in matters of admiralty, probate or chancery law.”

And the article thus changed reads as follows, viz:—

Article 20. In all controversies concerning property and in all suits between two or more persons, except in cases otherwise provided for in the constitution or laws made in pursuance thereof by the legislature, the parties have a right to a trial by jury but the Court shall try the facts as well as the law in cases where the parties agree, and this method of procedure shall be held sacred unless in cases arising on the high seas and such as relate to mariners’ wages the legislature shall think it necessary hereafter to alter it, but the legislature may authorize the trial of civil actions where the matter in dispute does not exceed   dollars by a jury of six men and may provide for the trial by arbitrators or Courts of conciliation of controversies where the matter in dispute shall not exceed [   ] dollars, provided that it is not intended by this Article to change the practice of the Courts in matters of admiralty, probate or chancery laws.

They have also by the same order added at the close of the twenty first Article the following, viz:— “and in all civil actions where the amount in dispute does not exceed   dollars and where the title to real estate is not involved the decision of the jury shall be final.”

And the Article thus changed reads as follows, viz:—

“Article, 21.— In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve and such ought to be fully compensated for their travel and attendance, and in all civil actions where the amount does not exceed   dollars, and where the title to real estate is not involved, the decision of the jury shall be final.”

They have also by the same order stricken out of the thirty fourth Article the following, viz:— “but by authority of the legislature.”

And the Article thus changed reads as follows, viz:—

“Article, 34.— No person in any case be subjected to law martial or to any

pains or penalties by virtue of that law, except those employed in the Army or Navy and except the militia in actual service.”

They have also by the same order stricken out of the thirty fifth Article, all of that Article after the word “admit” viz:—

“It is therefore not only the best policy, but for the security of the rights of the people that the Judges of the Supreme Judicial Court should hold their offices so long as they behave well subject however to such limitations on account of age as may be provided by the Constitution of the State; and that they should have honorable salaries ascertained and established by standing laws.”

And the Article thus changed reads as follows, viz:—

“Article 35.— It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws and administration of justice.

It is the right of every citizen to be tried by Judges as impartial as the lot of humanity will admit.”

They have also by the same order stricken out of the thirty sixth Article, the following, viz:— “especially in a young one.”

And the Article thus changed reads as follows, viz:—

“Article, 36.— Economy being a most essential virtue in all states, no pension shall be granted, but in consideration of actual services and such pension ought to be granted with great caution by the legislature, and never for more than one year at a time.

They have also by the same order added between the 34th and 35th articles, and alter the subsequent numbers accordingly, viz:—

“Article, 35. Arrest or imprisonment for debt shall not be allowed, except in case of fraudulent concealment of property by the debtor from his creditor, or the debtor is about to leave the State to avoid the payment of his debts.”

The committee have added, as ordered by the Convention, the eighty third Article of the Constitution as follows, viz:—

Article, 40. Knowledge and learning generally diffused through a community being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interests of literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and all social affections and generous sentiments among the people.

The committee have also reported an engrossed copy of the Bill of Rights, as amended.

Ichabod Bartlett for the Committee.

The Bill of Rights reported as Engrossed is as follows:

## Bill of Rights.

Art. 1.—All men are born equally free and independent, therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.

Art. 2. All men have certain, natural, essential and inherent rights, among which are, the enjoying and defending life and liberty—acquiring, possessing and protecting property, and in a word, of seeking and obtaining happiness.

Art. 3. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to insure the protection of others, and without such an equivalent the surrender is void.

Art. 4. Among the natural rights, some are in their very nature unalienable, because no equivalent, can be given or received for them, of this kind are the rights of conscience.

Art. 5.—Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience and reason, and no subject shall be hurt, molested or restrained in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious professions, sentiments or persuasion, provided he doth not disturb the public peace or disturb others in their religious worship.

Art. 6. As morality and piety, rightly grounded on the principles of the Bible, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the Deity, and of public instruction in morality and religion, therefore, to promote those important purposes, the people of this State have the right to empower, and do hereby fully empower the several religious societies within this State to make adequate provisions at their own expense, for the support and maintenance of public teachers of piety, religion and morality, provided notwithstanding, that the several religious societies shall at all times have the exclusive right of electing their own public teachers and of contracting with them, for their support and maintenance, and no person of any one particular religion sect or denomination shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion sect or denomination, and every religious denomination demeaning themselves quietly and as good subjects of the State shall be equally under the protection of the law, and no subordination of any one sect or denomination to another shall ever be established by law.

Art. 7. The people of this State have the sole and exclusive right of governing themselves as a free, sovereign and independent [*sic*] State, and do, and forever hereafter shall exercise and enjoy every power, which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled.

Art. 8. All power residing originally in, and being derived from the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

Art. 9. No office or place whatsoever in government shall be hereditary, the abilities and integrity requisite in all not being transmissible to posterity or relations.

Art. 10. Government being instituted for the common benefit, protection and security of the whole community and not for the private interest or emolument of any one man, family or class of men, therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may and of right ought to reform the old or establish a new government, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Art. 11. All elections ought to be free, and every inhabitant of the State, having the proper qualifications, has equal right to elect and be elected into office.

Art. 12. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property, he is therefore bound to contribute his share in the expense of said protection, and to yield his personal service when necessary or an equivalent. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this State controlable by any other laws than those to which they, or their representative body, have given their consent.

Art. 13. No person who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent.

Art. 14. Every subject of this State is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property or character, to obtain right and justice freely, without being obliged to purchase it, completely, and without any denial, promptly, and without any delay, conformably to the laws.

Art. 15. No subject shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself, to meet the witnesses against him face to face, and to be fully heard in his defence by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived, of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers or the law of the land.

Art. 16. No subject shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the Legislature make any law that shall subject any per-

son to a capital punishment, (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

Art. 17. In criminal prosecutions, the trial of facts in the vicinity where they happen, is so essential to the security of the life, liberty and estate of the citizens, that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the Judges of the Superior Court that an impartial trial cannot be had in the county where offence may be committed, and upon their report, the Legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

Art. 18. All penalties ought to be proportioned to the nature of the offence. No wise legislator will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction, as they do the lightest offences. For the same reason a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishment being to reform, not to exterminate mankind.

Art. 19. Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure, and no warrant ought to be issued but in cases and with the formalities, prescribed by law.

Art. 20. In all controversies concerning property, and in all suits between two or more persons, except in cases otherwise provided for in the constitution, or laws made in pursuance thereof by the legislature, the parties have a right to a trial by jury, but the court shall try the facts as well as the law in cases where the parties agree, and this method of procedure shall be held sacred unless in cases arising on the high seas and such as relate to mariners' wages, the legislature shall think it necessary hereafter to alter it, but the legislature may authorize the trial of civil actions, where the matter in dispute does not exceed   dollars by a jury of six men and may provide for the trial by arbitrators or courts of conciliation of controversies where the matter in dispute shall not exceed   dollars: provided, that it is not intended by this Article to change the practice of the courts in matters of admiralty, probate or chancery law.

Art. 21. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve and such ought to be fully compensated for their travel, time

and attendance, and in all civil actions, where the amount in dispute does not exceed [ ] dollars, and where the title to real estate is not involved, the decision of the jury shall be final.

Art. 22. The liberty of the press is essential to the security of freedom in a State, it ought, therefore, to be inviolably preserved.

Art. 23. Retrospective laws are highly injurious, oppressive and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offences.

Art. 24. A well regulated militia is the proper, natural and sure defence of a State.

Art. 25. Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the legislature.

Art. 26. In all cases, and at all times, the military ought to be under strict subordination to, and governed by the civil power.

Art. 27. No soldier in time of peace shall be quartered in any house without the consent of the owner, and in time of war, such quarters ought to be made but by the civil magistrate, in a manner ordained by the legislature.

Art. 28. No subsidy, charge, tax, impost or duty shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body.

Art. 29. The power of suspending the laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

Art. 30. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint or prosecution in any other court or place whatsoever.

Art. 31. The Legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

Art. 32. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

Art. 33. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Art. 34. No person can in any case be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service.

Art. 35. Arrest or imprisonment for debt shall not be allowed, except in case of fraudulent concealment of property by the debtor from his creditor, or the debtor is about to leave the State to avoid the payment of his debts.

Art. 36. It is essential to the preservation to the rights of every individual his life, liberty, property and character that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.

Art. 37. Economy being a most essential virtue in all States, no pension shall be granted but in consideration of actual services, and such pensions ought to be granted with great caution by the Legislature and never for more than one year at a time.

Art. 38. In the government of this State the three essential powers thereof, to wit: the legislative, executive and judicial ought to be kept as separate from and independent [*sic*] of each other as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in any one indissoluble bond of union and amity.

Art. 39. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance[,] industry, frugality and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government. The people, ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives, and they have a right to require of their law givers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government.

Art. 40. Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of a country being highly conducive to promote this end, it shall be the duty of the legislators and magistrates in all future periods of this government to cherish the interests of literature and the sciences and all seminaries and public schools to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country, to countenance, and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and all social affections and generous sentiments among the people.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the report and Bill of Rights be laid upon the table and that the Secretary be directed to procure four hundred printed copies thereof for the use of the Convention.

On motion of Mr Wadleigh of Meredith—

The Convention resumed the consideration of the report of the committee on the department of the Militia relating to the appointment of officers of the navy and of the militia.

Mr Griffin of Nelson moved to amend the resolutions reported by the committee on the department of the Militia by striking out all of said resolutions after the words,

“Resolved, That,” and inserting the following instead thereof.

“the noncommissioned officers and privates of the several companies composing the militia of New Hampshire elect their company officers, and that said platoon officers elect their field officers and the field officers their generals and that the Executive commission accordingly.”

On motion of Mr Whittemore of Pembroke—

Resolved, That the report and amendment be referred to the committee of the whole.

Mr. J. H. Steele of Peterborough introduced the following resolution:

Resolved, That the committee on the Legislative Department be instructed to inquire into the expediency of framing an Article to be inserted in the Constitution prohibiting the legislature either directly or indirectly from incurring a debt at any time exceeding one hundred thousand dollars without an affirmation vote of two thirds of the members elected to each branch of the legislature.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative.

And the resolution was adopted.

Mr Brewster of Portsmouth introduced the following resolution:

Resolved, That 175 ratable polls shall be entitled to elect one representative— that 525 ratable polls be entitled to two representatives— that 875 be entitled to three, and that for every additional 350 polls be entitled to an additional representative. Towns having less than 175 polls to be classed when convenient, or each town to elect a representative such portion of the time as the aggregate number of their ratable polls shall bear to the number of 175.

Resolved, That when by the United States census the population shall be shown to be 350,000 the basis shall be changed to 200, and carried out in the like ratio. And the increase of every 50,000 inhabitants thereafter shall add 25 to the basis, to be regulated not oftener than once in ten years.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the resolution be referred to the committee of the whole and that the Secretary be directed to procure three hundred printed copies thereof for the use of the Convention.

Mr Plumer of Epping introduced the following resolution:

Resolved, That in fixing the basis of representation, every town, ward, or place entitled to town privileges, having two hundred ratable polls of twenty one years and upwards, may elect one representative; if six hundred ratable polls may elect two representatives, and so proceeding in that proportion, making four hundred ratable polls the mean increasing number for every representative; and that the towns, wards and places entitled to town privileges having less than two hundred ratable polls, may elect one representative, such portion of the time as the aggregate num-

ber of their ratable polls shall bear to the number of two hundred, or may be classed with other towns, at their option.

On motion of Mr Plumer of Epping—

Resolved, That the resolution be laid upon the table and that the Secretary be directed to procure three hundred printed copies thereof for the use of the Convention.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole on so much of the constitution of the State as relates to the Judicial Department.

Mr Lane of Gilford in the chair.

In Convention.

The Chairman of the committee of the whole reported that the committee had entered upon the business assigned them upon the report and resolutions reported by Mr Woodbury of Portsmouth from the committee on the Judicial Department and had proceeded therein but had risen before the completion thereof and had directed him to report progress, and to move for leave to sit again on the same subject.

On motion of Mr Lane of Gilford—

Leave was granted.

On motion of Mr Goodhue of Enfield—

The Convention adjourned.

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Afternoon.

Mr Davidson from the committee on Mileage made the following

Report:

The committee on Mileage to whom was referred the resolution instructing them to inquire and report upon what principle the mileage of the several members of the convention shall be taxed, and the resolution instructing them to report the number of miles travel which each member is entitled to tax, have had that subject under consideration and have instructed me to report that the roll of the members of the convention to revise the constitution of the State with the number of miles travel which each member is entitled is as follows:

Rockingham County.		
	Miles	Travel
Atkinson—R. Greenough	78	156
Auburn—David Currier	38	76
Brentwood—J. Graves	74	[148]

Candia—Jona. Martin	40	80
Chester—J. White	50	100
Danville—David Griffin	80	160
Deerfield—J. N. Gale	46	92
" E. F. Stevens Jr.	48	96
Derry—Joseph A. Gregg	58	116
" E. G. Perham	58	116
East Kingston—Josiah Morrill	92	184
Epping—Wm Plumer Jr.	64	128
Exeter—Gilman Marstin	86	172
" John Kelley	86	172
Exeter—J. G. Hoyt	86	172
Greenland—T. A. Burleigh	95	190
Hampton—Uri Lamprey	100	200
" Falls—George H. Dodge	100	200
Kensington—Jeremy Batchelder	86	72
Kingston—John Page	80	160
Londonderry—John N. Anderson	52	104
" Chas. Hurd	52	104
New Castel—John Tarleton Jr.	120	240
Newington—Thos. G. Furber	100	200
New Market—John Perkins	80	160
" Elijah Knight	80	160
Newton—John Hoyt	90	180
North Hampton—M. L. Hobbs	98	196
Northwood—H. J. Clark	46	92
Nottingham—Bradbury Bartlett	62	124
Plaistow—R. Peaslee	86	172
Poplin—Dan'l. Bedee	66	132
Portsmouth—Levi Woodbury	100	200
" James Ayers	100	200
" Ichabod Bartlett	100	200
" Ichabod Goodwin	100	200
" Chas. W. Brewster	100	200
" Nehemiah Moses	100	200
" Levi Moses	100	200
Raymond—David Scribner	60	120
Rye—Thos. J. Parsons	106	212
Salem—Moores Bailey	84	168
Sandown—Thos. Colton	80	160
Seabrook—Wm Sanborn	106	212
South Hampton—Thos. J. Goodwin	92	184
South New Market—Geo. O. Hilton	80	160
Stratham—Geo. Wingate	92	184
Windham—Jeremiah Morrison	70	140

## Strafford County.

Barrington—Levi Felker	70	140
" J. D. Foss	70	140

Dover—T. E. Sawyer	80	160
" Andrew Pierce	80	160
" Shubal Varney	80	160
" Asa Freeman	80	160
" Wm P. Drew	80	160
" John H. Wiggins	80	160
Durham—Wm J. Chesley	70	140
Farmington—Hiram Barker	80	160
" J. Roberts	80	160
Lee—Joseph Tuttle	70	140
Madbury—R. Hayes Jr.	76	152
Middleton—James Hilton	84	168
Milton—R. Mathes	90	180
New Durham—Saml. Downing Jr.	70	140
Rochester—B. H. Jones	100	200
" L. D. Day	100	200
Rollinsford—J. B. Wentworth	90	180
Somersworth—James Coleman	90	180
" Nathl. Wells	90	180
" Augustus Cushing	90	180
Strafford—B. W. Jenness	48	96
" S. P. Montgomery	56	112

## Belknap County.

Alton—J. P. Hill	46	92
" Henry Hurd	68	136
Barnstead—Robt. S. Webster	50	100
" Enoch Clarke	50	100
Gilford—James Bell	54	108
" Chas. Lane	54	108
Gilmanton—F. W. Robinson	48	96
" S. H. French	46	92
" Peter Perkins	48	96
Meredith—John Wadleigh	70	140
" Noah Pease	72	144
" Saml. Bean	76	152
New Hampton—J. L. Woodman	68	136
Sanbornton—David Shaw	54	108
" James P. Tilton	38	76
" Simon R. Morrison	54	108

## Carroll County.

Albany—James Ham	156	312
Brookfield—John Churchill	110	220
Chatham—Russell Charles	200	400
Conway—Joel Eastman	164	328
Eaton—Joseph E. Perkins	150	300
Effingham—Jereh. Leavitt	150	300

Freedom—Elias Rice	160	320
Moultonborough—Jona. S. Moulton	80	160
Ossipee—Sanborn B. Carter	130	260
"    John Brown	130	260
Sandwich—Lewis Smith	110	220
"    Joseph Wentworth	100	200
Tamworth—True Perkins	130	260
Wakefield—Thos. W. Mordough	110	220
Tuftonborough—Abel Haley	120	240
Wolfborough—Thos. L. Whitton	96	192
"    H. B. Rust	80	160

## Merrimack County.

Allenstown—Daniel Batchelder	32	64
Andover—Watson Dickerman	46	92
Boscawen—S. B. Little	36	72
"    Caleb Smith	28	56
Bow—Schuyler Walker	10	20
Bradford—Sam. Jones	54	108
Canterbury—Benj. Sanborn	18	36
Chichester—Edward Langmaid	18	36
Concord—Frank. Pierce	2	4
"    N. G. Upton	2	4
"    Cyrus Barton	2	4
"    George Minot	2	4
"    Nathaniel Rolfe	12	24
"    Jonathan Eastman	6	12
"    Moses Shute	6	12
Dunbarton—Henry Putney	18	36
Epsom—James Martin	24	48
Franklin—G. W. Nesmith	36	72
Henniker—Frederick Whitney	34	68
"    Lewis Smith	32	64
Hooksett—Jesse Gault Jr.	26	52
Hopkinton—Phineas Clough	20	40
"    John Burnham	22	44
Loudon—Jona. Chase	34	68
"    Moses Rowell	28	56
Newbury—Joseph Morse	60	120
New London—Benj. R. Andrews	60	120
Northfield—Asa P. Cate	38	76
Pembroke—Aaron Whittemore	16	32
Pittsfield—Charles H. Butters	28	56
"    Jeremiah Clark	32	64
Salisbury—A. H. Robinson	34	68
Sutton—Joseph Harvey	54	108
Warner—A. B. Kelley	38	76

" Leonard Eaton	38	76
Wilmot—John Cross	60	120
Hillsborough County.		
Amherst—Andrew Wallace	60	120
Antrim—Hiram Griffin	60	120
Bedford—John French	50	100
Bennington—J. W. Flagg	66	132
Brookline—Isaac Sawtell	84	168
Deering—Robert Goodale	40	80
Francestown—Daniel Fuller	60	120
Goffstown—Isaac Flanders	26	52
" Peter E. Hadley	38	76
Greenfield—Charles Richardson	80	160
Hancock—David Potter	74	148
Hillsborough—Henry D. Pierce	50	150
" S. G. Barnes	50	150
Hollis—Leonard Farley	76	152
Litchfield—Isaac N. Center	66	132
Lyndeborough—Jesse Clement	80	160
Manchester—Caleb Johnson	34	68
" E. C. Foster	34	68
Manchester—Robert Read	34	68
" Josiah Crosby	34	68
" Walter French	34	68
" Wm C. Clarke	34	68
" Richard H. Ayer	34	68
" Amos Weston	40	80
" Osgood Page	34	68
" Wm A. Putney	34	68
Merrimack—Robert McGaw	50	100
Milford—George Daniels	66	132
" Leonard Chase	66	132
Mont Vernon—Ira Kendall	66	132
Nashua—Edmund Parker	70	140
" G. Y. Sawyer	70	140
" Isaac Spaulding	70	140
" L. W. Noyes	70	140
Nashville—Daniel Abbott	70	140
" Charles G. Atherton	70	140
New Boston—Robert B. Cochran	60	120
Hudson—Ethan Willoughby	80	160
New Ipswich—Joel Gould	100	200
" Stephen Wheeler	100	200
Pelham—Joshua Atwood	94	188
Peterborough—Stephen P. Steele	80	160
" John H. Steele	80	160
Sharon—Samuel Nay	90	180
Weare—Peter Dearborn	40	80
" Wm Woodbury	30	60

Wilton—Oliver Barrett	82	164
Windsor—Waldron Sanborn	60	120

## Cheshire County.

Alstead—A. K. Severance	112	224
Chesterfield—Ara Hamilton	130	260
"  Moses Dudley	130	260
Dublin—Levi W. Leonard	88	176
Fitzwilliam—John S. Brown	116	232
Gilsum—G. W. Hammond	120	240
Hinsdale—William Hale	140	280
Jaffrey—Nehemiah Adams	114	228
Keene—Levi Chamberlin	100	200
"  G. F. Starkweather	100	200
"  Benj. F. Adams	100	200
Marlborough—James Batcheller	108	216
Marlow—Charles Symonds	94	188
Nelson—Samuel Griffin	90	180
Richmond—Kendall Fisher	130	260
Rindge—Joshua Converse	108	216
Roxbury—Moses Hardy Jr.	100	200
Stoddard—Jonas P. Reed	84	168
Surry—Francis Holbrook	120	240
Swanzey—Elijah Sawyer	110	220
"  Carter Whitcomb	112	224
Troy—Lyman Wright	118	236
Walpole—George Huntington	138	276
"  Hope Lathrop	146	292
Westmoreland—Timothy Hoskins	130	260
Winchester—A. H. Bennett	130	260

## Sullivan County.

Acworth—David Blanchard	100	200
Charlestown—Enos Stevens	120	240
"  Phineas Walker	120	240
Claremont—J. S. Walker	100	200
"  Philander C. Freeman	100	200
"  Wm Rossiter	100	200
Cornish—J. L. Putnam	120	240
Croydon—Samuel Morse	96	192
Goshen—Virgil Chase	96	192
Grantham—H. L. Sleeper	120	240
Langdon—March Chase	120	240
Lempster—Daniel M. Smith	100	200
Newport—Nathan Mudgett	80	160
"  Bela Nettleton	80	160
Plainfield—Edward Freeman	120	240
Springfield—Samuel Quimby	80	160
Sunapee—Daniel George	80	160

Unity—Hiram Smith	108	216
Washington—Dyer H. Sanborn	66	132

## Grafton County.

Alexandria—James Crawford	68	136
Bath—Wm Lang	190	380
Benton—Ira Whitcher	180	360
Bethlehem—John Pierce	212	224
Bridgewater—Abram P. Hoit	70	140
Bristol—Fred. Bartlett	60	120
Canaan—Wm P. Weeks	92	184
" Peter S. Wells	96	192
Campton—Lewis M. Howe	100	200
Danbury—T. E. Clough	72	144
Dorchester—Jabez Youngman	110	220
Ellsworth—Samuel M. Avery	120	240
Enfield—Converse Goodhue	112	224
" Paul Burnham	112	224
Franconia—Simeon Spooner	172	344
Grafton—R. D. Davidson	80	160
Groton—Ezekiel Colburn	88	176
Haverhill—Jacob Morse	160	320
" Samuel Swasey	146	292
Hanover—D. F. Richardson	120	240
" E. D. Sanborn	120	240
Hebron—Isaac Crosby	84	168
Hill—Samuel D. Johnson	58	116
Holderness—Enoch Cass	88	176
Holderness—Russell Cox	88	176
Landaff—Moses Clark	180	360
Lebanon—Robert Kimball	110	220
" Roswell Sartwell	110	220
Lisbon—David G. Goodall	180	360
Littleton—E. Eastman	200	400
" M. L. Gould	200	400
Lyman—John A. Moulton	196	392
Lyme—George W. Cotting	124	248
Orford—Abiather G. Britton	136	272
Piermont—Joseph Sawyer	136	272
Plymouth—Wm Nelson	88	176
Rumney—Adams H. Holder	94	188
Thornton—Jeremiah Gilman	120	240
Warren—Enoch R. Weeks	124	248
Wentworth—Jeremiah Blodgett	116	232
Woodstock—John Gray	130	260

## Coos County

Bartlett—G. W. M. Pitman	190	380
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Berlin—Benj. Thompson	312	624
Carroll—Robt. Tuttle	224	448
Colebrook—Hazen Bedel	312	624
Columbia—Abram Boynton	300	600
Clarksville—Giddeon Tirrill	330	660
Dalton—Benjamin D. Brewster	224	448
Erroll—Moses Thurstin	360	720
Jackson—Joseph Perkins	196	392
Jefferson—Benj. H. Plaisted	254	508
Lancaster—John H. White	240	480
Stewartstown—Wm M. Smith	328	656
Strafford—J. B. Brown	254	508
Shelburne—J. D. Burbank	286	572
Stark—Moses Jackson	288	576
Whitefield—Ralph Fisk	220	440

Mr Barton of Concord by leave presented the claims of N. B. Baker and the claim of P. Dodge.

On motion of Mr Barton of Concord—

Resolved, That a committee of five be appointed on the subject of Claims.

On motion of Mr Barton of Concord—

Resolved, That the use of this Hall be granted to the Concord Society of Natural History on Tuesday evening Dec. 3. for the purpose of a lecture from Hon. William Plumer Jr. of Epping.

On motion of Mr Read of Manchester—

Resolved, That the committee on the Legislative Department be instructed to inquire into the expediency of inserting an article into the Constitution giving authority to the legislature to provide for the organization of cities

On motion of Mr Freeman of Plainfield—

Resolved, That when this Convention adjourn, they adjourn to meet again at eight o'clock tomorrow morning.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the constitution of this State as relates to the legislative department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported that they had further proceeded in the business assigned them upon so much of the constitution of the State as relates to the legislative department but had again risen before the completion thereof and had again instructed him to report progress and move for leave to sit again.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

Mr Swasey of Haverhill introduced the following resolutions:

Resolved, That the committee on the Legislative Department be instructed to inquire into the expediency of inserting an article in the Constitution embracing in effect the substance of the following resolution:

Resolved, That perpetuities being inconsistent with equal rights and republican principles, no law creating or granting such ought ever to be granted; and the General Court ought always to possess and shall possess the right and power to alter, amend or abrogate any act or grant of any General Court which is intended to have a continued operation or effect.

On the question

Will the Convention agree to the resolutions?

It was decided in the affirmative

And the resolutions were adopted.

On motion of Mr Parker of Nashua—

The Convention resumed the consideration of the Report of the committee on the Executive Department relating to the subject of so amending the constitution of the State as to create the office and provide for the choice of a lieutenant governor.

On motion of Mr Parker of Nashua—

Resolved, That the report be referred to the committee of the whole.

Mr Davidson of Grafton introduced the following resolution:

Resolved, That each member of this Convention be required to give to the Secretary his name, the name of the town and county where he resides and the number of miles actually travelled, to be reported by the committee on Mileage without alteration.

Mr Cass of Holderness moved to amend the resolution by striking out all after the words “Resolved, That” and inserting the following instead thereof.

“the committee on Mileage be instructed to report mileage for each member by the nearest travelled route.”

On the question.

Will the Convention agree to the amendment of the resolution?

It was decided in the affirmative

And the resolution was amended.

The question recurring

Will the Convention agree to the resolution as amended?

It was decided in the affirmative

And the resolution was adopted.

On motion of Mr Perkins of Eaton—

The Convention adjourned.

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Friday November 22, 1850.

The President announced Messrs Haley of Tuftonborough, Starkweather of Keene, Putney of Manchester[,] Perkins of Eaton and Smith of Unity to be the committee on Claims.

Ordered, That the claims of N. B. Baker and of P. Dodge be referred to the committee on Claims.

Mr Chesley of Durham moved that the Convention do now adjourn

On the question

Will the Convention agree to the motion?

It was decided in the negative. And the Convention refused to adjourn.

On motion of Mr Wadleigh of Meredith—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business relating to the Department of the Militia.

Mr Eastman of Conway in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had considered the report of the committee on the Department of the Militia with the proposed amendment, had amended the same and had directed him to report the Report as amended to the convention.

The report as amended is as follows:

The committee on the Militia to whom was referred the resolution of the committee on the Executive Department providing that Article 48, and so much of Article 46, of the Constitution as relates to the appointment of officers of the navy and militia be referred to them have had the subject under consideration and for the purpose of taking the sense of the convention thereupon, have instructed me to report the following resolutions:

John Wadleigh for the Committee.

Resolved, That the captains and subalterns in the respective regiments continue to be nominated and appointed as now provided by Article 48 of the Constitution of the State.

Resolved, That all Officers of the Navy and General and Field Officers shall be nominated and appointed by the Governor and confirmed by the Senate.

Resolved, That the Officers of the militia shall be elected or appointed in such manner as the legislature shall from time to time direct and shall be commissioned by the Governor.

Resolved, That the Governor shall have power to call forth the militia to execute the laws of the State to suppress insurrection and repel invasions.

On the question

Will the Convention agree to the Report and resolutions as reported to them from the committee of the whole?

It was decided in the affirmative.

And the report was adopted.

On motion of Mr Freeman of Dover—

Resolved, That the report and resolutions be laid upon the table.

Mr Chamberlain of Keene introduced the following resolution:

Resolved, That the select committee on the Executive Department be instructed to report amendments to the constitution, providing for the tenure of the office of Governor for two years, for the appointments of officers and confirmation by the Senate and for abolishing the Council.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative.

And the resolution was adopted.  
On motion of Mr Gould of New Ipswich—

The Convention adjourned.

And the President declared the Convention adjourned in conformity with their vote on that subject to meet again on Tuesday the third day of December next at three o'clock in the afternoon.

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Tuesday December 3, 1850

Mr Jeremiah Morrison delegate elect from the town of Windham appeared, was announced by the President and took his seat in the Convention.

Mr Lamprey of Hampton moved that the Convention do now adjourn.

The question being put upon agreeing to the motion.

It was decided in the negative.

And the Convention refused to adjourn.

Mr Atwood of Pelham in the chair.

After farther session

On motion of Mr. J. H. Steele of Peterborough—

The Convention adjourned.

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Wednesday December 4, 1850.

Mr William Lang delegate elect from the town of Bath appeared, was announced by the President and took his seat in the Convention.

Mr Spooner presented the petitions of James H. Oaks and forty five others praying for an amendment of the Constitution so that Town Clerks may be empowered to act as Register of Deeds for their respective Towns.

Ordered, That it be referred to the committee on miscellaneous and matters not otherwise disposed of.

Mr J. H. Steele presented the petition of A. P. Morrison and ninety nine others praying that the Constitution may be so amended that the jurisdiction of Justices of the Peace to be denominated Trial Justice may be extended to the sum of one hundred dollars.

Ordered, That it be referred to the committee on the department of the Judiciary.

Mr Shaw of Sanbornton introduced the following resolution:

Resolved, That for the purpose of reducing the expences of the State and giving equal rights and privileges to all, that each Senatorial District be entitled to one Senator and five Representatives.

On motion of Mr Atherton of Nashville—

Resolved, That the resolution be referred to the committee of the whole on the Legislative Department.

On motion of Mr Cass of Holderness—

The Convention resumed the consideration of the preamble and resolution relating to the right of towns or incorporated places to authorize the credit thereof to be used for the special benefit of any corporation whatever nor take stock therein.

On motion of Mr Cass of Holderness—

Resolved, That the preamble and resolution be referred to the committee on Miscellaneous and matters not otherwise disposed of.

Mr Walker of Claremont introduced the following resolution:

Resolved, That the convention meet every evening at seven o'clock until otherwise ordered.

On motion of Mr Swasey—

Resolved, That the resolution be laid upon the table.

On motion of Mr Swasey—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the Constitution of the State as relates to the Executive Department.

Mr Sawyer of Nashua in the chair.

In Convention.

Mr Atherton of Nashville in the chair.

The Chairman of the committee of the whole reported that they had entered upon the business assigned them upon so much of the Constitution of the State as relates to the Executive Department and had proceeded therein but had risen before the completion thereof and had directed him to report their progress and to move for leave to sit again.

On motion of Mr Sawyer of Nashua—

Leave was granted.

Mr Swasey of Haverhill presented the account of J. D. Sleeper.

Mr Wadleigh of Meredith presented the account of E. S. Lawrence.

Ordered, That they be referred to the committee on Claims.

On motion of Mr Sawyer of Swanzey—

The Convention adjourned.

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Afternoon.

On motion of Mr Sawyer of Piermont—

The Convention resumed the consideration of the resolution introduced by Mr Walker of Claremont relating to sessions.

On the question,

Shall the resolution pass?

It was decided in the affirmative.

And the resolution was adopted.

Mr Chase of Milford introduced the following resolution:

Resolved, That the committee on the Judicial Department be instructed to inquire into the expediency of inserting a provision in the Constitution for the following object, viz:—

1st. To prohibit capital punishment for all crimes except murder in the first degree.

2d. To empower the Governor with the concurrence of the Senate to commute the sentence of death to imprisonment for life at hard labor in the State's Prison

3d. To vest the pardoning power for capital offences in the legislature.

On motion of Mr Cass of Holderness—

Resolved, That the resolution be laid upon the table.

On motion of Mr Swasey of Haverhill—

Resolved, That the Convention do now resolve itself into a committee of the whole on so much of the Constitution of the State as relates to the Executive Department.

Mr Sawyer of Nashua in the chair

In Convention.

Mr J. H. Steele of Peterborough in the chair.

The Chairman of the committee of the whole reported that they had further proceeded in the business assigned them upon so much of the Constitution of the State as relates to the Executive Department but had again risen before the completion thereof and had directed him to report progress and ask for leave to sit again.

On motion of Mr Sawyer of Nashua—

Leave was granted.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole on so much of the Constitution of the State as relates to the legislative department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported that they had further proceeded in the business assigned them upon so much of the Constitution of the State as relates to the legislative department, but had again risen before the completion thereof and had directed him to report progress and ask for leave to sit again.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Langmaid of Chichester—

The Convention adjourned.

Wednesday evening, seven o'clock.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention do now resolve itself into a committee of the whole on the unfinished business of the afternoon relating to the legislative department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported that they had farther proceeded in the business assigned them upon so much of the Constitution of the State as relates to the legislative department but had again risen before the completion thereof and had directed him to report progress and to ask for leave to sit again.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Walker of Claremont—

The Convention adjourned.

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Thursday December 5, 1850.

Mr Abbott of Nashua presented the petition of Joseph Greeley and one hundred and ninety three others praying that the Constitution may be so amended as to authorize the appointment of trial justices and that they may be authorized to try causes when the matter in controversy does not exceed the sum of one hundred dollars and that their decision may be final in all cases where the amount in controversy does not exceed fifty dollars.

Mr Bean of Meredith presented the petition of John H. Kelsy and others praying that the Constitution may be so amended that the jurisdiction of Justices of the Peace may be extended to the trial of all causes where the amount in controversy does not exceed the sum of one hundred dollars, and that the legislature may be authorized to prescribe the mode of empannelling a jury for the trial of causes before Justices of the Peace or Trial Justices.

Ordered, That they be referred to the committee on the Department of the Judiciary.

Mr Goodall of Lisbon presented the petition of Bela Young and fifty others, praying that the Constitution may be so amended that the number of representatives to constitute the popular branch of the legislature may not exceed one hundred and fifty.

Ordered, That it be referred to the committee on the Legislative Department.

On motion of Mr Batcheller of Marlborough—

Resolved, That the committee on Miscellaneous and subject not otherwise provided for be instructed to consider the expediency of inserting in the Constitution of this State the following article, viz:—

“Any citizen of this State who shall after the adoption of this Constitution fight a duel with deadly weapons or send or accept a challenge to fight a duel with deadly

weapons or who shall act as second or knowingly aid or assist in any manner those thus offending shall not be allowed to hold any office of profit or to enjoy the right of suffrage under the Constitution.”

On motion of Mr Chase of Milford—

The Convention resumed the consideration of the resolution to instruct the committee on the Judicial Department to inquire into the expediency of so amending the Constitution of the State as to abolish capital punishment for all crimes, except murder, to empower the Governor with the concurrence of the Senate to commute the sentence of death to imprisonment at hard labor for life in the State’s Prison and to vest the pardoning power for capital offences in the legislature.

On motion of Mr Chase of Milford—

Resolved, That the further consideration of the resolution be referred to the committee on the Judicial Department.

Mr Jenness of Strafford from the committee on Miscellaneous and subjects not otherwise provided for, made the following

#### Report:

The committee on Miscellaneous and other subjects not provided for, ask leave to report. They have considered a resolution referred to them and also the petition of James H. Oaks and forty five others, requiring town clerks to record deeds and conveyances of land. They have examined the Constitution and laws which relate to the subject contained in said resolution. The committee have also considered a petition referred to them, signed James H. Oaks and 45 others, praying that the Constitution may be so altered or amended as to make the town clerks of each town, registers of deeds.

From the earliest history of our government to the present day it has been the practice and law of this State to record deeds and conveyances of land in a county registry, and that registers of deeds have been annually elected by the people of each county in the State, as prescribed by law, in pursuance of the existing Constitution.

When the Province was divided into counties in 1771 the act by which that was effected contained a provision as follows: “And the register or recorder of deeds and conveyances of real estate for each separate county shall be separately named and appointed by the Governor, Council and Assembly, agreeably to and as has been the usual practice in this Province.”

In appointing recorders for the Province when the first Constitution was established in 1776, registers of deeds were county officers, appointed by the Government, whose duties and qualifications were prescribed by statute, and it is quite clear that the only purpose and object of the provision inserted in that Constitution relating to registers of deeds was the transfer of the appointment from the Governor, Council and Assembly, to the people; and the office was left in every other respect subject to the control of the Legislature. The Constitution of 1783 merely prescribes that registers of deeds should be elected by the people, according to the method then in practice, and they should be sworn and give bonds, leaving the subject to the control of the Legislature in every other respect.

The Constitution now in force prescribes that registers of deeds shall be elected by the people— that the right of electing them shall not be taken from the

people—that the Legislature may divide the counties into two districts, and each district elect a register, and that the register shall be sworn and give bonds.

The Justices of the Superior Court of Judicature, upon the constitutionality of a bill referred to them by the Legislature June session 1835, providing for the recording of deeds in the office of town clerks, were clearly of opinion that the bill for changing the mode of electing registers of deeds was not at all in conflict either with the letter or true spirit of the Constitution. At the June session of the Legislature, 1837, the question of constituting town clerks recorders of deeds was referred to the people. By the return of the votes given in March, 1838, it appears that the people decided against that question by a vote of 7427 in favor and 10,153 against it. Such was the condition of public opinion at that time. A majority of the committee are not aware of any material change of public opinion since that period. It is believed that all the counties in this State are now well provided with good and sufficient fire proof safes for the preservation and safety of such records. Important as it is to the great mass of our population who are so deeply interested in conveyances of land by deed—considering as we do the present safety of the records as now provided, and the convenience that now exists at the present day—the facilities to travelling to and from the places where the county records are kept—the present limits of counties compared with former years—we can see no sound reason for making any change in the present system in the mode of recording deeds and conveyances of land. We therefore recommend the following resolution:

B. W. Jenness, for the Committee.

Resolved, That it is not expedient to make any change in the Constitution as to the present mode of recording deeds and conveyances of land.

On motion of Mr Jenness of Strafford—

Resolved, That the report and resolution be referred to the committee of the whole

Mr Swasey from the committee on the Executive Department made the following report:

The committee on the Executive Department having had the subject under consideration instruct me to report the following resolution:

S. Swasey, for the Committee.

Resolved, That Articles 67, 68, 69, 70, 71 and 72 of the constitution be referred to the committee on Miscellaneous [*sic*] and subjects not otherwise provided for.

Which was accepted.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

The President announced that the claim of Leonard Bisco had been laid upon his table.

Ordered, That it be referred to the committee on Claims.

On motion of Mr Ayer of Manchester—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the Constitution as relates to the Legislative Department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had proceeded in the business assigned them but had again risen before the completion thereof and had directed him to move for leave to sit again upon so much of the Constitution of the State as relates to the legislative department.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Spaulding of Nashua—

The Convention adjourned.

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Afternoon.

Mr Cate of Northfield introduced the following resolution:

Resolved, That in the opinion of this Convention it is inexpedient to district the State for the choice of Representatives

On motion of Mr Spaulding of Nashua—

Resolved, That the farther consideration of the resolution be referred to the committee of the whole

Mr Clough of Manchester introduced the following resolution:

Resolved, That when this Convention adjourns in the afternoon it adjourn to meet at nine o'clock in the morning and when it adjourns in the forenoon it shall adjourn to meet at two o'clock in the afternoon until otherwise ordered.

Mr Ayer of Manchester moved to lay the resolution upon the table.

The question being put,

Will the Convention agree to the motion?

It was decided in the negative.

And the Convention refused to lay the resolution upon the table.

The question recurring,

Shall the resolution pass?

It was decided in the affirmative.

And the resolution was agreed to.

Mr Cate of Northfield, by leave, presented the claim of James M. Rix.

Mr Willoughby of Hudson moved that the claim be allowed by the Convention.

Mr Parker of Nashua moved that the larger sum named in the claim be allowed by the Convention.

On motion of Mr Smith of Henniker—

Resolved, That the claim be referred to the committee of the whole.

Mr Parker of Nashua introduced the following resolution:

Resolved, That in amending the Constitution it is expedient to provide that no city or town shall be divided into wards or sections or in any other way to elect representatives as separate towns.

On motion of Mr Parker of Nashua—

Resolved, That the farther consideration of the resolution be referred to the committee of the whole.

Mr Freeman of Dover introduced the following resolution:

Resolved, That the House of Representatives shall consist of not more than two hundred sixteen members who shall be chosen in equal numbers from each senatorial district.

On motion of Mr Smith of Henniker—

Resolved, That the farther consideration of the resolution be referred to the committee of the whole.

Mr J. H. Steele of Peterborough introduced the following resolution:

Resolved, That the 9th, 10th and 11th articles of the Constitution be stricken out, and insert—

There shall be in the legislature of this State a representation of the people biennially elected, and in order that such representation may be as equal as circumstances will admit, every town city or place entitled to town privileges, having 100 ratable polls, consisting of resident male citizens of 21 years of age and upwards (paupers and foreigners not naturalized excepted) who shall have resided in this State 12 months or more immediately preceding their enrollment, may elect one representative; if 600 ratable polls, two representatives, and if 1350 ratable polls, three representatives, and so on, adding 250 ratable polls to the number required for the last preceding representative. Provided, that whenever the aggregate fractions remaining in any town, city or place, entitled to elect one or more representatives, shall amount to the requisite number required for an additional representative, such town city or place, shall be entitled to choose such additional representative; and that towns or places having less than 100 ratable polls may also elect a representative as often as their aggregate number of ratable polls amount to 100— or may be classed at their own request for that purpose. Provided farther, that as often as the number of representatives elected shall exceed 250, the apportionment of ratable polls, to each and every representative, shall be increased ten per cent, and that all towns, cities or places that now are, or hereafter may be divided into sections or wards for the choice of representatives, shall be considered as undivided for the purpose of apportioning the number of representatives to the number of their ratable polls.

On motion of Mr. J. H. Steele of Peterborough—

Resolved, That the farther consideration of the resolution be referred to the committee of the whole.

Mr Chase of Milford introduced the following resolution:

Resolved, That the House of Representatives shall consist of not less than 200 nor more than 275 members, chosen biennially by the towns, cities, or wards, according to population, as show decennially by the national census. Every town, city or ward containing 1200 inhabitants shall be entitled to one representative; and as many times as the resulting quotient is contained in each town, city or ward, and the fraction multiplied by ten, will show the number of representatives to which each town, city or ward is entitled. Such towns and places as have less than 1200 inhabitants shall be entitled to as many representatives as the resulting quotient of the whole number, multiplied by ten and divided by 1200, or the common divisor, shall show. The Legislature shall, at every decennial national census, determine the

number to be entitled to one representative, which number shall be the common divisor, so as not to increase the House to more than 275 members.

On motion of Mr Chase of Milford—

Resolved, That the further consideration of the resolution be referred to the committee of the whole on the legislative department.

Mr Read of Manchester introduced the following resolution:

Resolved, That the 9th section be amended by adding after “parish” in the 5th line “ward,” and often “representative” in the 11th line of the same section, “and whenever in any year the members elected to the House of Representatives shall exceed 300, the basis of representation shall be increased ten per cent, (that is to say, the number of ratable polls requisite to elect a representative thereafter shall be increased ten per cent.) Provided, Nevertheless, that each town, parish, ward or place having over 45 ratable polls, and now entitled to be represented, shall not be deprived of that privilege, but may continue to elect a representative under the provisions of this constitution, shall be classed with some adjoining town or having the smallest number of ratable polls, for that purpose. But no town, parish, ward or place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same the constitutional number of ratable polls. The legislature shall from time to time make such laws as shall be necessary to carry into effect the provisions contained in this article of the constitution.”

Strike out the 10th and 11th articles.

On motion of Mr Read of Manchester—

Resolved, That the farther consideration of the resolution be referred to the committee of the whole.

On motion of Mr Smith or Henniker—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the several resolutions relating to the ratio of representation which have been referred to the consideration of the committee.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the convention that they had entered upon the business assigned them had proceeded therein but had risen before the completion thereof and had directed him to report progress and to move for leave to sit again.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Richardson of Hanover—

The Convention adjourned.

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Friday December 6, 1850.

Mr Sawyer of Dover presented the claim of John H. Smith.

Ordered, That it be referred to the committee on Claims.

Mr Jenness of Strafford from the committee on Miscellaneous and subjects not otherwise provided for, made the following

Report:

The committee on Miscellaneous and subjects not otherwise provided for having had under consideration a resolution referring to their consideration Articles 67, 68, 69, 70, 71 and 72 of the Constitution of the State of New Hampshire have requested me to make the following report for the purpose of taking the sense of the Convention.

B. W. Jenness, for the Committee.

Resolved, That Article 67, be stricken out and that the following be inserted instead thereof.

“That the Secretary and Treasurer be elected by the people in the same manner and for the same term as is provided for the election of Governor. If any vacancy shall happen in the office of Secretary or Treasurer by death, resignation or otherwise, the Governor shall have power to fill such vacancy. The Commissary General shall be appointed by the Governor with the consent of the Senate.”

On motion of Mr Jenness of Strafford—

Resolved, That the report and resolution be referred to the consideration of the committee of the whole.

Mr Jenness of Strafford from the same committee to whom was referred the resolution to instruct them to inquire into the expediency of so amending the constitution of this State as to insert therein the Article referred to them relating to duelling reported that they had had that subject under consideration and reported the same for the consideration of the convention.

On motion of Mr Jenness of Strafford—

Resolved, That the report be laid upon the table.

Mr Freeman of Claremont from the committee on the Legislative Department to whom was referred the resolution instructing them to inquire and to report upon the subject of so amending the constitution as to make some farther provision therein relating to the interests of Agriculture made the following

Report:

The committee on the Legislative Department, to whom was referred the resolution of Mr Sawyer of Piermont, relative to the interests of agriculture, ask leave to report.

They have taken the subject matter of said resolution under attentive consideration, and while they believe the interests of agriculture are of great and vital importance to the well being of the State, and demand the kind and fostering care of government, they yet are of opinion that section 40 of the Bill of Rights, as now amended, contains all provisions that are needful to be incorporated into the constitution relative to said interests, and that all further provisions relative to the same should be left to the care of the State Legislature, as occasion may demand.

They therefore recommend to the Convention the adoption of the following resolution:

P. C. Freeman, for the Committee.

Resolved, That the resolution of the member from Piermont, relative to the interests of agriculture, be indefinitely postponed.

On motion of Mr Sawyer of Piermont—

Resolved, That the report be referred to the consideration of the committee of the whole.

Mr Whitcher of Benton introduced the following resolution:

Resolved, That it is unjust, unequal and inexpedient that the Constitution should be so changed as to deprive any town or place entitled to town privileges of being represented in any legislature.

On motion of Mr Richardson of Hanover—

Resolved, That the resolution be laid upon the table.

On motion of Mr Leonard of Dublin—

Resolved, That the committee on Miscellaneous and subjects not otherwise provided for be instructed to consider the expediency of inserting in the constitution the following article.

“No lottery shall be authorized by this State, and no tickets in any lottery not authorized by a law of this State, shall be bought or sold within this State.”

Mr Cass of Holderness introduced the following resolution:

Resolved, That in fixing the basis of representation it is expedient that the same be so arranged that every town or place entitled to town privileges, having one hundred and fifty legal voters, may elect one Representative; if six hundred and fifty legal voters, may elect two Representatives; if thirteen hundred legal voters, may elect three Representatives; if two thousand legal voters, may elect four Representatives; if three thousand legal voters five Representatives; and so on proceeding, making one thousand legal voters the number required for each additional Representative after the fourth; such towns and places as have less than one hundred and fifty legal voters may elect a Representative such portion of the time as the aggregate number of legal voters shall bear to the number of one hundred and fifty. Provided, That as often as it shall happen that the whole number of Representatives shall amount to two hundred and fifty, the number of fifty legal voters shall be added to each ratio.

On motion of Mr Cass of Holderness.—

Resolved, That the resolution be laid upon the table.

On motion of Mr Clarke of Manchester—

The Convention resumed the consideration of the resolution relating to the expediency of so amending the constitution as to deprive any town or place entitled to town privileges of being represented in any legislature.

On motion of Mr Clarke of Manchester—

Resolved, That the resolution be referred to the committee of the whole.

Mr Howe of Campton introduced the following resolution:

Resolved, That the committee on the Judicial Department be instructed to inquire into the expediency of so amending the constitution of the State as to provide that the property of the debtor shall not be liable to attachment until judgment is first obtained.

On motion of Mr Lamprey of Hampton—

Resolved, That the resolution be laid upon the table.

On motion of Mr Atherton—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of yesterday on the Legislative Department upon the several resolutions which had been referred to them by the convention relating to the ratio of representatives

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the convention that they had further proceeded in the business assigned them but had again risen before the completion thereof and had directed him to move for leave to sit again on the same subject.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Anderson of Londonderry—

Resolved, That the use of the Representatives' Hall be granted to the Concord Natural History Society on Monday evening next for the purpose of a lecture.

Mr Shaw of Sanbornton introduced the following resolution:

Resolved, That a committee of three be appointed to report to the Convention the towns that shall for ten years to come comprise the thirty six senatorial districts of the State, that each district be entitled to one Senator and five representatives to be chosen by the people of said district and that in the making up of those districts the territory of which they are comprised shall be contiguous territory.

On motion of Mr Smith of Henniker—

Resolved, That the resolution be laid upon the table.

On motion of Mr Dickerson of Andover—

The Convention adjourned.

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Afternoon.

Mr Hayes of Madbury introduced the following preamble and resolutions:

That in the opinion of this Convention it is expedient and essential that the number of representatives in the lower House of the Legislature should be materially diminished, therefore,

Resolved, That the Constitution so amended as to produce a present reduction of representation in number to not over two hundred twenty five by increasing the ratio or rat[i]os for representation in towns and places after the first representative to such an extent as to produce such results.

Resolved, That it is not expedient to amend the constitution in relation to representatives of towns any further than is indicated in the foregoing resolution:

On motion of Mr Hayes of Madbury—

Resolved, That the further consideration of the resolutions be referred to the committee of the whole upon so much of the constitution as relates to the legislative department.

On motion of Mr Atherton—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of the forenoon relating to the legislative department.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the convention that they had further proceeded in the business which had been assigned to them upon certain resolutions relating to the ratio of representation but had again risen before the completion thereof and had directed him to move for leave to sit again on that subject.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Perkins of Tamworth—

The Convention adjourned.

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Saturday December 7, 1850.

Mr Noyes of Nashua presented the petition of Thomas G. Banks and 119 others citizens of the town of Nashua praying that the constitution of this State may be so amended as to authorize the appointment of Justices of the Peace with a jurisdiction in all cases where the sum in controversy does not exceed one hundred dollars and that their decision may be final in all cases where the sum in controversy does not exceed the sum of fifty dollars and that the legislature may be empowered to provide for a jury to be empanelled at the request of either party to try causes before Trial Justices of the Peace.

Ordered, That it be referred to the committee on the Judicial Department.

Mr Goodall of Lisbon presented the petition of John Hodge and twenty others and the petition of Levi Parker and nineteen others, legal voters in the town of Lisbon praying that the Constitution of this State may be so amended as to constitute town clerks recorders of deeds and conveyances of Real Estate for their respective towns.

On motion of Mr Jenness of Strafford—

Resolved, That they be laid upon the table.

Mr Morse of Croydon presented the claim of T. W. Gilman.

Ordered, That it be referred to the committee on Claims.

Mr Cass of Holderness introduced the following resolution:

Resolved, That the report of the committee on the Judicial Department be so amended that fifty dollars in the third line of the eleventh page of the printed report, be stricken out and one hundred dollars inserted instead thereof and that the word

ten in the nineteenth line of the same page of the report be stricken out and the "fifty" be inserted instead thereof.

On motion of Mr Cass of Holderness—

Resolved, That the resolution be laid upon the table.

On motion of Mr Batcheller of Marlborough—

Resolved, That the committee on the Judicial Department be instructed to inquire into the expediency of inserting in the Bill of Rights of the Constitution of this State the following Article:

"Every citizen may freely write and publish his sentiments on all subjects being responsible for the abuse of that liberty. And in all indictments for libels the truth may be given in evidence and the jury shall have the right to determine the law and the facts under the direction of the Court."

Mr Jenness of Strafford from the committee on Miscellaneous and subjects not otherwise provided for made the following

Report:

The committee on Miscellaneous and subjects not otherwise provided for having had under consideration the resolution directing them to inquire into the expediency of so amending the constitution of this State as to insert an Article therein to prohibit lotteries and the sale of lottery tickets in this State and have directed me to recommend to the convention to insert an Article in the constitution as follows:

Article— It shall be the duty of the legislature to prohibit by law all lotteries or the sale of lottery tickets in this State.

B. W. Jenness for the Committee.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the report be laid upon the table.

Mr Richardson of Hanover introduced the following resolution:

Resolved, That the committee on Miscellaneous and subjects not otherwise provided for be directed to consider the expediency of inserting a clause in the constitution making the Warden of the State Prison and the Superintendent of the Insane Asylum elective by the people.

On the question,

Will the Convention agree to the resolution?

It was decided in the affirmative.

And the resolution was adopted.

On motion of Mr Spaulding of Nashua—

Resolved, That when the Convention adjourns this forenoon they adjourn to meet on Monday next at three o'clock in the afternoon.

Mr Spaulding of Nashua moved that the Convention do now adjourn.

On the question

Will the Convention agree to the motion?

It was decided in the negative.

And the Convention refused to adjourn

On motion of Mr Howe of Campton—

The Convention resumed the consideration of the resolution relating to the expediency of so amending the constitution of this State as to provide that the prop-

erty of the debtor shall not be liable to attachment until judgment is first obtained.

On motion of Mr Howe of Campton—

Resolved, That the farther considerations of the resolution be referred to the committee on the Judicial Department.

Mr Dodge of Hampton Falls moved that the Convention do now adjourn

On the question,

Will the Convention agree to the motion?

It was decided in the negative

And the Convention refused to adjourn.

On motion of Mr. J. H. Steele of Peterborough—

Resolved, That the Secretary call the roll containing the names of the members of this convention and that the absentees be noted.

The roll was then called.

The members who answered to their names were Messrs.

Graves	Sanborn of Seabrook
White of Chester	Goodwin of South Hampton
Griffin of Danville	Hilton
Gale	Wingate
Stevens of Deerfield	Felker
Perham	Foss
Morrill	Freeman of Dover
Kelley of Exeter	Drew of Dover
Hoyt of Exeter	Chesley
Burleigh	Roberts
Dodge	Tuttle of Lee
Hurd of Londonderry	Hayes
Tarlton	Mathes
Furber	Jones of Rochester
Knight	Day
Hoit of Newton	Wentworth of Rollinsford
Hobbs	Coleman
Beedee	Cushing
Ayers of Portsmouth	Jenness
Bartlett of Portsmouth	Hurd of Alton
N. Moses	Hill of Alton
Colton	Webster of Barnstead
Clark of Barnstead	Wallace
Perkins of Gilmanton	Flagg
Wadleigh	Goodale of Deering
Bean	Fuller
Shaw	Richardson of Greenfield
Ham	Willoughby
Churchill	Clement
Charles	Page of Manchester
Perkins of Eaton	Kendall
Leavitt	Wheeler

Rice	S. P. Steele
Wentworth of Sandwich	J. H. Steele
Smith of Sandwich	Woodbury of Weare
Perkins of Tamworth	Barrett
Batchelder	Severance
Dickerson	Hamilton
Walker of Bow	Dudley
Jones of Bradford	Hammond
Sanborn of Canterbury	Adams of Jaffrey
Langmaid	Batcheller of Marlborough
Pierce of Concord	Symonds
Minot	Griffin of Nelson
Rolfe	Fisher
Shute	Converse
Putney of Dunbarton	Hardy
Martin of Epsom	Reed of Stoddard
Nesmith	Holbrook
Clough of Hopkinton	Sawyer of Swanzey
Burnham of Hopkinton	Whitcomb
Rowell	Wright
Morse of Newbury	Huntington
Andrews	Hoskins
Whittemore	Kingman
Harvey	Blanchard
Eaton	Stevens of Charlestown
Cross,	Walker of Charlestown,
Putnam	Crosby of Hebron
Morse of Croydon	Johnson of Hill
Chase of Goshen	Cass
Sleeper	Clark of Landaff
Smith of Lempster	Kimball
Mudgett	Sartwell of Lebanon
Nettleton	Goodall of Lisbon
Freeman of Plainfield	Eastman of Littleton
George	Gould of Littleton
Smith of Unity	Moulton of Lyman
Sanborn of Washington	Cutting
Crawford	Nelson
Lang of Bath	Gilman
Pierce of Bethlehem	Weeks of Warren
Hoit of Bridgewater	Gray
Bartlett of Bristol	Pitman
Wells of Canaan	Thompson
Howe	Bedel
Clough of Danbury	Boynton
Youngman	Tirrell
Avery	Brewster of Dalton
Burnham of Enfield	Thurston
Spooner	Perkins of Jackson

Davidson	White of Lancaster
Colburn	Smith of Stewartstown
Morse of Haverhill	Burbank
Swasey	Jackson
Richardson of Hanover	Fisk,
Sanborn of Hanover,	

Those who did not answer to their names, were Messrs—

Greenough	Plumer
Currier	Marston
Martin of Candia	Lamprey
Gregg	Batchelder of Kensington
Page of Kingston	Rust
Anderson	Little
Perkins of New Market	Smith of Boscawen
Clark of Northwood	Upham
Bartlett of Nottingham	Barton
Peaslee	Eastman of Concord
Woodbury of Portsmouth	Whitney
Goodwin of Portsmouth	Smith of Henniker
Brewster of Portsmouth	Gault
L. Moses	Chase of Loudon
Scribner	Cate
Parsons	Butters
Bailey	Clark of Pittsfield
Sawyer of Dover	Robinson of Salisbury
Pierce of Dover	Kelley of Warner
Varney	Griffin of Antrim
Wiggins of Dover	French of Bedford
Baker of Farmington	Sawtelle of Brookline
Downing	Flanders of Goffstown
Wells of Somersworth,	Hadley
Montgomery	Patten
Bell	Pierce of Hillsborough
Lane	Barnes
Robinson of Gilmanton	Farley
French of Gilmanton	Center
Pease	Johnson of Manchester
Woodman	Foster
Tilton	Read of Manchester
Morrison	Crosby of Manchester
Eastman of Conway	French of Manchester
Moulton of Moultonborough	Clarke of Manchester
Brown of Ossipee	Ayer of Manchester
Carter	Putney of Manchester
Haley	Weston
Mordough	McGaw
Whitton	Chase of Milford

Daniels	Lathrop
Parker of Nashua	Bennett
Sawyer of Nashua	Walker of Claremont
Spalding	Freeman of Claremont
Noyes	Rossiter
Abbot	Chase of Langdon
Atherton	Quimby
Cochran	Whitcher
Gould of New Ipswich	Weeks of Canaan
Atwood	Goodhue
Nay	Cox
Dearborn	Britton
Sanborn of Windsor	Sawyer of Piermont
Leonard	Holden
Brown of Fitzwilliam	Tuttle of Carroll
Haile	Plaisted
Chamberlain	Brown of Stratford
Starkweather	
Adams of Keene	

On motion of Mr Putnam of Cornish

Resolved, That the Secretary be directed to again call the roll containing the names of the members of this Convention on Monday next at three o'clock in the afternoon.

Mr Chesley of Durham moved that the Doorkeepers be directed to bring in the absent members of this Convention.

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the motion was rejected

On motion of Mr Clark of Landaff

The Convention adjourned.

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Monday December 9, 1850.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the compliance of the order of the Convention directing the Secretary to call the roll containing the names of the members of the Convention be dispensed with.

Mr Chase of Milford introduced the following resolution:

Resolved, That it is expedient for this Convention to submit to the people for their consideration and decision the following propositions, or the principles embraced in them, as the basis of representation:

1st. Every town, ward or place having 150 ratable polls shall be entitled to one representative— 750 to two— 1550 to three, and that 1000 shall be the mean increasing ratio after the third. Such towns, wards, or places as have less than 150

ratable polls, may be classed for the purpose of representation, or may elect a representative as often as the aggregate number shall amount to 150.

2d. Every town, ward or place having 150 ratable polls may elect one representative— 450 two— and 300 shall be the mean increasing ratio for every additional representative; and that to reduce the house of representatives so that the number shall never exceed 275, an equal percentage shall be added to the basis and ratio by the Legislature at every decennial national census. Every town ward or place having less than 150 ratable polls may be classed for the purpose of representation, or may elect a representative as often as the aggregate number shall amount to 150 or the increased basis.

3d. The State shall be divided into 36 senatorial districts as equal in population as may be without dividing towns, and every such district shall be entitled to elect 6 representatives.

4th. Every town, ward or place having 1500 inhabitants or more shall be entitled to one representative, or as many as the whole number divided by 1500, and the fraction multiplied by ten and the quotient divided by the common divisor, shall show—

Every town ward or place having less than 1500 may be classed for the purpose of representation, or may elect as many representatives in the ten years as the whole number of inhabitants multiplied by ten and divided by 1500 or the common divisor shall show.— The Legislature shall, at every decennial national census, determine the number necessary to elect one representative, so that the house of representative shall never consist of more than 275 members, and the number so determined, shall be the common divisor until the next succeeding national census.

On motion of Mr Atherton—

Resolved, That the resolution be referred to the consideration of the committee of the whole.

Mr Huntington of Walpole introduced the following resolution:

Resolved, That it is expedient to amend the constitution of this State— that the House of Representatives shall not exceed two hundred and twenty six members.

On motion of Mr Hoyt of Exeter—

Resolved, That the resolution be referred to the consideration of the committee of the whole on the legislative department.

Mr Nesmith from the committee on amendments made the following

#### Report:

Any amendment or amendments to the Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall then be entered on their respective journals with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen and shall be duly published. And if in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, and the same be recorded on their journals, and the yeas and nays taken thereon as aforesaid, then it shall be the duty of the Legislature, to submit such proposed amendment or amendments to the people, and if two thirds of the

qualified voters of this State present and voting thereon, at meetings duly called and warned for that purpose, shall approve and ratify the same, then such amendment or amendments shall become a part of the Constitution: Provided that no amendment or amendments shall be submitted to the people oftener than once in six years, and if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment proposed to any and every provision of the Constitution separately.

On motion of Mr Nesmith—

Resolved, That the report be referred to the consideration of the committee of the whole and that the Secretary be directed to procure four hundred printed copies thereof for the use of the Convention.

Mr Perham of Derry introduced the following resolution:

Resolved, That the debate relating to the basis of representation and ratio of representation shall cease at four o'clock tomorrow afternoon.

On motion of Mr Freeman of Dover—

Resolved, That the resolution be laid upon the table.

Mr Hobbs of North Hampton introduced the following proposition relating to the ratio of representation in the House of Representatives of this State, viz:—

For 150 ratable polls, 1 representative

" 650, " " 2, "

" 1250 " " 3, "

" 1850 " " 4 "

Making 600 the increasing ratio for every additional representative. And that all towns having less than 150 ratable polls be classed, if convenient; if not, elect a representative such proportion of the time as their aggregate number of ratable polls bear to one hundred and fifty.

On motion of Mr Hobbs of North Hampton—

Resolved, That the proposition be referred to the consideration of the committee of the whole.

Mr Walker of Charlestown introduced the following resolution:

Resolved, That the committee on the Legislative Department be instructed to enquire into the expediency of inserting in the Constitution a provision, restraining the Legislature from altering or repealing any statute within four years after its enactment except by a vote of two thirds of each branch of the Legislature.

On the question

Will the Convention agree to the resolution?

It was decided in the negative

And the resolution was rejected

Mr Cass of Holderness introduced the following resolution:

Resolved, That an article be inserted in the Constitution as follows: No one who is bound by the oath of allegiance to any monarchal or foreign power whatever or who is bound by his religious faith to put down free toleration shall at any time hold office or trust or profit in the State.

Mr Cass of Holderness moved that the resolution be referred to the consideration of the committee of the whole.

On the question

Will the Convention agree to the motion?

It was decided in the negative  
And the motion was rejected.

Mr Hill of Alton introduced the following resolution:

Resolved, That the State be divided into eighteen senatorial districts, as nearly equal as may be without dividing towns, according to the number of male polls of twenty one years of age and upwards, (paupers and foreigners not naturalized not included) and each district may elect one senator. Every town or city containing one hundred male polls of twenty one years of age and upwards (paupers and foreigners not naturalized not included) may elect one representative; if five hundred may elect two; if one thousand, may elect two representatives and one senator; if fifteen hundred may elect three representatives and one senator; if two thousand, may elect three representatives and two senators; if twenty five hundred may elect four representatives and two senators; if three thousand may elect four representatives and three senators; if three thousand may elect four representatives and three senators; and so on, making five hundred the mean increasing ratio to elect a representative and senator alternately; providing, however, that any town or city having the requisite number to elect a senator, shall cease to vote for senator in any district in the State, and the remaining towns or cities shall be divided as aforesaid; provided farther that when any town or city shall be districted in the same manner as other districts in the State, providing farther, that when the number of senators from towns and cities shall exceed eighteen, the number to elect a senator, shall be raised to such a number, with a corresponding ratio, so as not to exceed eighteen; and providing farther, that any town not having one hundred male polls as aforesaid, may elect a representative such portion of the time as their number will compare with one hundred; or the Legislature may class such towns having less than one hundred ratable polls, on the petition of a majority of the legal voters of such towns. The Legislature shall have power to district the State, towns and cities anew, for the choice of senators, but not oftener than once in four years.

Mr Jones of Rochester moved to amend the resolution by adding at the close thereof the following,

“And whenever the number of representatives shall exceed two hundred seventy five the basis and ratio shall be increased ten per cent.”

On motion of Mr Jones of Rochester—

Resolved, That the resolution and amendment be referred to the consideration of the committee of the whole.

Mr Johnson of Hill introduced the following resolution:

Resolved, That every town, parish ward or place entitled to town privileges, having 175 ratable polls of 21 years of age and upward, may elect one representative; if 700 ratable polls, may elect two representatives; if 1700 ratable polls may elect three representatives, and so proceeding, making 1000 ratable polls the number required for each additional representative after the second. Such towns, parishes, wards or places as have less than 175 ratable polls may elect a representative such portion of the time as the aggregate number of their ratable polls shall bear to the number of 175.

On motion of Mr Johnson of Hill—

Resolved, That the resolution be referred to the consideration of the committee of the whole.

Mr Sanborn of Washington introduced the following resolution:

Resolved, That Saturday December 21st. be the day on which this Convention shall adjourn and the business of the present session be closed.

On motion of Mr Goodhue of Enfield—

Resolved, That the resolution be laid upon the table.

Mr Cass of Holderness introduced the following resolution:

Resolved, That the committee on Miscellaneous and subjects not otherwise provided for, be instructed to take into consideration and to report to the Convention whether or not it is expedient to insert an article in the constitution to prohibit lotteries, the sale of lottery tickets and all other species of gambling, log-rolling not excepted.

On motion of Mr Jenness of Strafford—

Resolved, That the resolution be laid upon the table.

On motion of Mr Jenness of Strafford—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the report of the committee on Miscellaneous and subjects not otherwise provided for relating to the amendment of the 67th. Article of the Constitution of this State.

Mr Chamberlain of Keene in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had amended the 67th Article of the Constitution of this State by striking out all after "67" which is as follows:

"The Secretary, Treasurer and Commissary General shall be chosen by joint ballot of the Senators and representatives assembled in one room."

and inserting the following instead thereof.

"That the Secretary and Treasurer be elected by the people in the same manner and for the same term as is provided for the election of Governor; if any vacancy shall happen in the office of Secretary or Treasurer by death, resignation or otherwise the Governor shall have power to fill such vacancy— The Commissary General shall be appointed by the Governor with consent of the Senate."

On motion of Mr Parker of Nashua—

The Convention adjourned.

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Tuesday, December 10, 1850

Mr Jenness of Strafford from the committee on Miscellaneous and matters not otherwise disposed of made the following

Report:

The committee on Miscellaneous and subjects not otherwise provided for have had under consideration the resolution directing them to inquire into the expediency of so amending the constitution of the State that no town or incorporated

place shall loan money or suffer the credit thereof to be used for the special benefit of any corporation nor take stock therein, and have directed me to report the following resolution:

Resolved, That no town or incorporated place shall have the right either directly or indirectly to loan the money or suffer the credit thereof to be used for the special benefit of any corporation whatever nor take stock therein.

On motion of Mr Jenness of Strafford—

Resolved, That the report and resolution be referred to the consideration of the committee of the whole.

On motion of Mr Cass

The Convention resumed the consideration of the resolution relating to the religious test.

On motion of Mr Sawyer of Swanzey—

Resolved, That the farther consideration of the resolution be indefinitely postponed.

Mr Whitcomb of Swanzey introduced the following resolution:

Resolved, That in fixing the basis and ratios of representation, every town, city ward or place entitled to town privileges, and having 150 ratable polls, may elect one representative, if 500 ratable polls, may elect two representatives; if 1000 ratable polls, may elect three representatives and so proceeding, making 1000 the mean increasing number for all additional representatives after the third; and as often as the House of Representatives shall be found to consist of three hundred members or more, it shall be the duty of the Legislature to order the Secretary of State to add to the several ratios the least per cent that shall reduce the House to 250 members, without in any way affecting the original basis of 150 necessary to elect the first representative; such towns, parishes, wards or places as have less than 150 ratable polls, may elect a representative such portion of the time as the aggregate number of their ratable polls shall bear to the number of 150.

On motion of Mr Whitcomb of Swanzey—

Resolved, That the farther consideration of the resolution be referred to the committee of the whole.

Mr Clough of Hopkinton introduced the following resolution:

Resolved, That every town in this State, having town privileges, shall be entitled to one representative; all towns or cities having 1150 ratable polls shall be entitled to two representatives; all towns or cities having 2150 ratable polls shall be entitled to three representatives, and so making 1000 ratable polls for every additional representative.

On motion of Mr Clough of Hopkinton—

Resolved, That the farther consideration of the resolution be referred to the committee of the whole.

Mr Freeman of Plainfield introduced the following resolution:

Resolved, That there may be chosen in the month of March next after the adoption of this Constitution 296 representatives, as follows, viz: each city or town in this State having 50 legal voters may choose one representative towns and places having less than 50 legal voters, may be classed to choose a representative; towns having 450 legal voters, to choose two representatives; and making 300 the ratio for each representative in any city or town; said representatives so chosen to be divided

into four equal classes or sections, to be number 1, 2, 3, and 4; the first three sections shall constitute the House of Representatives for the first year; the House of Representatives for the second year shall consist of the fourth and the first sections, taking the last named section and the next following for the next year and after; the members of the House of Representatives in no case to exceed 150, after the first year; to meet in June annually. When they arrive at 150 there shall be added 5 to the number to choose the first as often as ten to choose others, to reduce the number one or two below 150 members for each year.

On motion of Mr Freeman of Plainfield—

Resolved, That the farther consideration of the resolution be referred to the committee of the whole.

Mr Upham of Concord introduced the following resolution:

Resolved, That in fixing the basis of representation every town, ward or place entitled to town privileges having 150 ratable polls, may elect one representative; having 400 additional ratable polls, or 550 in all, may elect two representatives; having 600 additional ratable polls, or 1150 in all, may elect three representatives; having 800 additional ratable polls or 1950 in all, may elect four representatives, having 1000 additional ratable polls, or 2950 in all, may elect five representatives, and so proceeding in that proportion, making for each additional representative after the choice of the second representative, an addition of 200 ratable polls to the required mean increasing number for the previous representative: Provided, that towns and places not having the requisite number to choose a representative, shall be classed with some adjacent town or place of the smallest population, for that purpose, or where such town or place cannot be conveniently classed, they shall be entitled to elect a representative a number of years in the proportion their ratable polls may bear to 150, or to the required number to elect one representative.

Resolved, That at the expiration of each successive ten years from Jan. 1, 1850 ten per cent. shall be added to the basis for the choice of the first representative, and twenty per cent. to the several mean increasing ratios for the election of subsequent representatives, until the number of representatives shall be reduced so as not to exceed 225; and the number shall be kept thus reduced from time to time by such additional percentage, each successive ten years, whenever the same shall be necessary; that no town or city divided into wards or sections which are empowered to elect a representative, shall be entitled to elect a greater number of representatives than it would be entitled to without such division; that the term ratable polls shall be defined to mean legal voters of the age of twenty one years and upwards, having a residence in the town a sufficient length of time to entitle them to vote, not including paupers and persons not naturalized.

Mr Cutting of Lyman in the chair.

The President in the chair.

On motion of Mr Upham of Concord—

Resolved, That the further consideration of the resolution be referred to the committee of the whole.

On motion of Mr. Atherton—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the several resolutions which have been referred to their consideration relating to the basis and ratio of representation.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had farther proceeded in the business assigned them upon the several resolutions relating to the basis and ratio of representation but had again risen before the completion thereof and had directed him to move for leave to sit again on that subject.

On motion of Mr Bartlett of Portsmouth—

Leave was granted.

On motion of Mr Richardson of Hanover—

The Convention adjourned.

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Afternoon.

On motion of Mr Atherton—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the several resolutions which have been referred to them relating to the basis and ratio of representation.

Mr Bartlett of Portsmouth in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that the committee had considered so much of the constitution of this State as relates to the legislative department with the resolution which had been referred to them relating to the basis and ratio of representation which was introduced by Mr Hoyt of Exeter and the amendments proposed thereto, have amended the same and have directed me to report the same with sundry amendments.

The resolution as amended is as follows:

Resolved, That in fixing the basis of representation, it is expedient that the same be so arranged that every town, parish, ward or place entitled to town privileges, having one hundred and fifty ratable polls of twenty one years of age and upwards, may elect one representative; if seven hundred fifty ratable polls, may elect two representatives; if fifteen hundred and fifty ratable polls may elect three representatives; if twenty five hundred and fifty ratable polls may elect four representatives, and so proceeding, making one thousand ratable polls the number required for each additional representative after the third.

Such towns, parishes, wards or places as have less than one hundred and fifty ratable polls, may elect a representative, such portion of the time as the aggregate number of their ratable polls shall bear to the number of one hundred and fifty.

Provided, that such towns or places as shall not have one hundred and fifty ratable polls and shall be conveniently located for that object, may, on application to the Legislature, be classed for the choice of a representative such classed towns not to contain less than one hundred and fifty ratable polls in each representative district so formed.

On motion of Mr Pierce of Dover—

Resolved, That the rules of the Convention be so far suspended that the President of the Convention be authorized to appoint a member of the Convention as a substitute to preside in the chair during his absence.

The President then announced Mr Sawyer of Nashua as President pro tempore.

On motion of Mr Plumer of Epping—

The Convention adjourned.

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Wednesday December 11, 1850.

Mr Sawyer of Nashua in the chair.

Mr Chamberlain of Keene from the committee on the Judicial Department made the following

Report:

The committee on the Judicial Department, to whom was referred the petitions of Joseph Greeley and others; of A. P. Morrison and others; of John H. Kelsey and others, and of Thomas G. Banks and others, all praying that the jurisdiction of trial justices may be extended having had the same under consideration, report that the committee have heretofore had the subject of said petitions under considerations, and submitted their views to the Convention. They therefore ask leave to be discharged from the further considerations of the subject.

Levi Chamberlain for the Committee.

On the question

Will the Convention adopt the report.

It was decided in the affirmative.

And the committee on the Judicial Department were discharged from a farther consideration of that subject.

Mr Chamberlain of Keene from the same committee made the following additional

Report:

The committee on the Judicial Department having been instructed by resolutions of the Convention “to inquire into the expediency of inserting in the constitution an amendment providing that the property of the debtor shall not be liable to attachment until judgment is first obtained;” also “to prohibit capital punishment

in all cases except murder in the first degree;" also "to empower the Governor with the consent of the Senate to commute the sentence of death to imprisonment for life;" also "to invest the pardoning power for capital offences in the legislature," report that they have considered the subjects above submitted to them, and are of the opinion that they are all of them properly subjects of legislation and report the following resolution.

Levi Chamberlain for the Committee.

Resolved, That it is not expedient to adopt any of the above provisions as a part of the constitution of this State.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the report be referred to the consideration of the Convention in committee of the whole on Judicial Department.

Mr Chamberlain of Keene from the same committee made the following additional

Report:

The committee on the Judicial Department having had the above resolution under consideration have instructed me to report the following resolution:

Levi Chamberlain for the Committee.

Resolved, That it is not expedient to insert the same in the Bill of Rights.

On the question

Will the Convention agree to the resolution reported by the committee.

It was decided in the affirmative.

And the resolution was agreed to.

Mr White of Lancaster from the committee on the Legislative Department made the following

Report:

The committee on the Legislative Department to whom was referred the resolution relative to inserting an article in the constitution prohibiting the legislature either directly or indirectly, from incurring a debt at any time, exceeding one hundred thousand dollars, without an affirmative vote of two thirds of the members elected to each branch of the legislature, ask leave to report, that they have given the subject matter contained in the resolution an attentive consideration. Regarding the policy which has heretofore been strictly adhered to, by the legislature of New Hampshire, in abstaining from involving the State in debt, as most commendable and proper and believing the same policy should be adhered to by all future legislatures, and that the State should never involve her reputation and credit, by loaning the same to corporations of any kind, they are of opinion that in ordinary times, the sum named in the resolution, to wit, one hundred thousand dollars, is the extent to which any legislature ought to run the State in debt, But to tie up the hands of that body to that sum, might prove disastrous to the safety and best interests of the State in extraordinary times, such as war, invasion or domestic insurrection.

They therefore recommend to the Convention the following article to be inserted in the constitution.

John H. White for the Committee.

Article— The Legislature shall have no power unless by a vote of two thirds of the members elected to each branch thereof, to borrow money, or otherwise involve the State in debt, to an amount exceeding one hundred thousand dollars, except in case of invasion or insurrection.

Mr Bell of Gilford moved to amend the article reported by the committee by inserting the word “war,” between the word “of” and the word “invasion”.

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative.

And the amendment was adopted.

On motion of Mr Plumer of Epping—

Resolved, That the report and resolution be referred to the consideration of the committee of the whole.

Mr Nettleton of Newport from the committee on Elections made the following

Report:

The committee on Elections to whom was referred the remonstrance of Joseph H. Watson, and twenty four others, inhabitants of the town of Moultonborough, against the right of Jonathan S. Moulton of said town to a seat as Delegate in this Convention, ask leave to report, that the parties appeared before the committee with their witnesses and counsel, and all matters in relation to said election were fully heard and investigated. And the committee have carefully and attentively considered the whole subject, and instructed me to report the following resolution.

Bela Nettleton for the Committee.

Resolved, That the remonstrants have leave to withdraw.

On the question

Will the Convention agree to the resolution reported by the committee on Elections.

It was decided in the affirmative.

And the resolution was agreed to.

Mr Cate from the committee on Elections made a report of the names of the several members who are entitled to a seat in the Convention to revise the Constitution of the State of New Hampshire.

Mr Furber of Newington moved to amend the report by striking out the letter “J.” in his name as reported by the committee on Elections and inserting the letter “G.” instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative.

And the amendment was agreed to.

Mr Holden of Rumney moved to amend the report by striking out the letter “N.” in his name as reported by the committee on Elections, and inserting the letter “M.” instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative  
and the amendment was agreed to.

On motion of Mr Cate of Northfield—

Resolved, That the report as amended by recommitted to the committee on Elections.

Mr Davidson of Grafton from the committee on Mileage to whom was recommitted the report containing the number of miles travel to which each member of the convention is entitled with instructions to report the number of miles travel to which each member of the convention is entitled by the nearest travelled routes made a report containing the travel roll of the members of the Convention.

Mr Tilton of Sanbornton moved to amend the report by striking out the figures “54” set opposite his name and inserting the figures “38” instead thereof.

On the question

Will the Convention agree to the motion?

It was decided in the affirmative

And the amendment was adopted.

Mr Cass of Holderness moved to amend the report by striking out the figures “110” set opposite the name of Mr Howe of Campton and inserting the figures “96” instead thereof.

Before the question was put,

Mr Lamprey of Hampton moved that the report be recommitted to the committee on Mileage.

Mr J. H. Steele of Peterborough moved that the report be laid upon the table and that each member be authorized to amend the report by affixing opposite their names respectively the number of miles travel to which they are entitled.

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the Convention refused to lay the report upon the table.

The question recurring

Will the Convention agree to the motion to recommit the report to the committee on Mileage?

It was decided in the affirmative

And the report was recommitted to the committee on Mileage.

The Convention resumed the Consideration of the unfinished business of yesterday upon the amendments to the Constitution of this State reported by the committee of the whole upon the legislative department to the consideration of the Convention.

Mr Bartlett of Portsmouth moved that the report be laid upon the table and that it be made the special order of the day on Friday next in the forenoon.

On the question

Will the Convention agree to the motion?

It was decided in the negative.

And the motion was rejected.

Mr Bartlett of Portsmouth moved that the committee of the whole on the Legislative Department be discharged from the farther consideration of the several resolutions and propositions which have been referred to them by the Convention.

On the question

Will the Convention agree to the motion?

It was decided in the affirmative

And the motion was agreed to

The question recurred

Will the Convention agree to the first amendment reported by the committee of the whole by striking out the words "every year" in Article 3, line 1 and inserting the words "once in two years," instead thereof.

After debate

On motion of Mr Batcheller of Marlborough—

The Convention adjourned.

Afternoon.

Mr Sawyer of Nashua in the chair.

The Convention resumed the consideration of the unfinished business of the forenoon.

On the question

Will the Convention agree to the first amendment reported by the committee of the whole, by striking out the words "every year" in Article 3 line 1 and inserting the words "once in two years," instead thereof.

Mr Kelley of Exeter demanded the yeas and nays, which being seconded by the number of members required by the rules adopted by this Convention.

Which were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Colton
Currier	Sanborn of Seabrook
Martin of Candia	Goodwin of South Hampton
White of Chester	Hilton
Griffin of Danville	Wingate
Gregg	Felker
Perham	Foss
Morrill	Sawyer of Dover
Plumer	Pierce of Dover
Hoyt of Exeter	Varney
Dodge	Drew of Dover
Batchelder of Kensington	Wiggins of Dover
Hurd of Londonderry	Chesley
Tarlton	Roberts
Furber	Tuttle of Lee
Hoit of Newton	Mathes
Bedee	Wentworth of Rollinsford
Bartlett of Portsmouth	Coleman
Brewster of Portsmouth	Cushing

N. Moses	Wells of Somersworth
Scribner	Hurd of Alton
Parsons	Clark of Barnstead
Bell	Gault
Lane	Clough of Hopkinton
Robinson of Gilmanton	Chase of Loudon
Perkins of Gilmanton	Rowell
Pease	Morse of Newbury
Bean	Andrews
Woodman	Cate
Shaw	Harvey
Tilton	Cross
Morrison	Griffin of Antrim
Ham	French of Bedford
Churchill	Flagg
Charles	Sawtelle of Brookline
Eastman of Conway	Fuller
Perkins of Eaton	Pierce of Hillsborough
Leavitt	Barnes
Rice	Willoughby
Moulton of Moultonborough	Johnson of Manchester
Brown of Ossipee	Foster
Carter	Read of Manchester
Wentworth of Sandwich	Ayer of Manchester
Smith of Sandwich	McGaw
Perkins of Tamworth	Daniels
Haley	Kendall
Batchelder of Allenstown	Parker of Nashua
Dickerson	Spalding
Little	Noyes
Smith of Boscawen	Atherton
Walker of Bow	Atwood
Jones of Bradford	S. P. Steele
Sanborn of Canterbury	Nay
Langmaid	Dearborn
Shute	Woodbury of Weare
Putney of Dunbarton	Barrett
Nesmith	Sanborn of Windsor
Whitney	Severance
Hamilton	Clough of Danbury
Dudley	Youngman
Brown of Fitzwilliam	Goodhue
Hammond	Burnham of Enfield
Haile	Spooner
Chamberlain	Davidson
Starkweather	Colburn
Batcheller of Marlborough	Morse of Haverhill
Symonds	Crosby of Hebron
Griffin of Nelson	Johnson of Hill
Fisher	Cass

Hardy	Cox
Sawyer of Swanzey	Clark of Landaff
Whitcomb	Kimball
Wright	Sartwell of Lebanon
Bennett	Goodall of Lisbon
Kingman	Eastman of Littleton
Blanchard	Gould of Littleton
Stevens of Charlestown	Moulton of Lyman
Walker of Charlestown	Cutting
Walker of Claremont	Britton
Freeman of Claremont	Nelson
Rossiter	Holden
Morse of Croydon	Gilman
Sleeper	Weeks of Warren
Chase of Langdon	Gray
Mudgett	Thompson
Quimby	Tuttle of Carroll
George	Bedel
Smith of Unity	Tirrell
Lang of Bath	Brewster of Dalton
Whitcher	Thurston
Pierce of Bethlehem	Perkins of Jackson
Hoit of Bridgewater	Plaisted
Bartlett of Bristol	White of Lancaster
Wells of Canaan	Smith of Stewartstown
Brown of Stratford	Jackson
Burbank	Fisk.

Those who voted in the negative, were Messrs.—

Graves	Eastman of Concord
Gale	Martin of Epsom
Stevens of Deerfield	Whittemore
Marston	Clark of Pittsfield
Kelley of Exeter	Robinson of Salisbury
Lamprey	Kelley of Warner
Page of Kingston	Eaton
Perkins of New Market	Wallace
Knight	Goodale of Deering
Hobbs	Flanders of Goffstown
Clark of Northwood	Hadley
Bartlett of Nottingham	Richardson of Greenfield
Ayers of Portsmouth	Patten
Goodwin of Portsmouth	Farley
Bailey	Clement
Morrison of Windham	French of Manchester
Freeman of Dover	Clarke of Manchester
Hayes	Weston
Downing	Page of Manchester
Jones of Rochester	Chase of Milford

Day	Cochran
Jenness	Wheeler
Montgomery	J. H. Steele
Hill of Alton	Leonard
French of Gilmanton	Adams of Jaffrey
Wadleigh	Converse
Rust	Holbrook
Upham	Lathrop
Barton	Hoskins
Minot	Putnam
Rolfe	Chase of Goshen
Smith of Lempster	Avery
Nettleton	Richardson of Hanover
Sanborn of Washington	Sanborn of Hanover
Crawford	Blodgett
Weeks of Canaan	Pitman
Howe	Boynton.

Yeas 192, nays 74.

So the amendment was adopted

On the question

Will the Convention agree to the second amendment reported by the committee of the whole by inserting in Article 5 line 7 after the word "constitution" the words, "or the constitution of the United States."

It was decided in the affirmative

And the amendment was adopted.

On the question

Will the Convention agree to the third amendment reported by the committee of the whole by striking out in Article 5 line 11 the word "annually"?

It was decided in the affirmative

And the amendment was adopted.

On the question

Will the Convention agree to the fourth amendment reported by the committee of the whole by striking out in Article 5 lines 27 and 28 the words, "with the advice and consent of the council?"

It was decided in the affirmative

And the amendment was adopted.

The Convention proceeded to the consideration of the fifth amendment reported by the committee of the whole by striking out Articles 9, 10 and 11 and inserting the following instead thereof.

Resolved, That in fixing the basis of representation, it is expedient that the same be so arranged that every town, parish ward or place entitled to town privileges, having one hundred and fifty ratable polls of twenty one years of age and upwards may elect one representative; if seven hundred and fifty ratable polls may elect two representatives; if fifteen hundred and fifty ratable polls, may elect three representatives; if twenty five hundred and fifty ratable polls, may elect four representatives and so proceeding making one thousand ratable polls the number required for each additional representative after the third.

Such towns, parishes, wards or places as have less than one hundred and fifty ratable polls may elect a representative such portion of the time as the aggregate number of their ratable polls, shall bear to the number of one hundred and fifty. Provided, that such towns or places as shall not have one hundred and fifty ratable polls, and shall be conveniently located for that object, may on application to the legislature, be classed for the choice of a representative, such classed towns not to contain less than one hundred and fifty ratable polls in each representative district so formed.

Mr Hayes of Madbury moved to amend the amendment by adding at the close thereof the words following:

“Provided, that no town that now sends a representative shall ever be deprived of that right.

After debate, and before the question was put.

On motion of Mr Bartlett of Portsmouth—

The Convention adjourned.

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Thursday, December 12, 1850.

Mr Sawyer of Nashua in the chair.

Mr Hoskins of Westmoreland from the committee on the Legislative Department made the following

Report:

The committee on the Legislative Department to whom was referred the resolution instructing them to inquire into the expediency of inserting in the constitution an article to give authority to the legislature to provide for the organization of cities have had that subject under consideration and have instructed me to report, that in their opinion the power under consideration rightfully belongs to the legislature when not positively denied by the constitution as a sound construction of state constitutions is that all powers not inconsistent with the natural rights of man and not denied by the constitution reside in and belong to the legislature.

With these views the committee have instructed me to report the following resolution.

T. Hoskins for the Committee.

Resolved, That it is inexpedient to insert in the constitution an Article authorizing the legislature to exercise powers which they already possess.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the report be recommitted to the committee on the Legislative Department with instructions to inquire into the expediency of so amending Article 32, of the constitution of this State as to give the legislature authority to regulate the mode of receiving ballots in town meetings.

On motion of Mr J. H. Steele of Peterborough—

Resolved, That the use of the Representatives' Hall be granted to the Concord Natural History Society this evening for the purpose of a lecture.

Mr Plumer of Epping introduced the following resolution:

Resolved, That a committee of thirty six members be raised, to whom shall be referred the subject of dividing the State into thirty six Senatorial Districts to be made by this convention, and of providing that there shall be six representatives chosen from each Senatorial District; the representatives so chosen to be elected either separately by the several towns, cities or wards in said district according to the number of their ratable polls, or in such other equitable mode as may be provided, having regard, as near as may be to town representation— no alteration to be made in such Senatorial District oftener than once in ten years, on the taking of a census of the United States and then only by a vote of two thirds of both Houses of the Legislature.

After debate, by leave, the resolution was withdrawn.

The convention resumed the consideration of the unfinished business of yesterday upon the report of the committee of the whole referring to the consideration of the convention sundry amendments to so much of the constitution of the State as relates to the Legislative department.

The question being

Will the Convention amend the amendment to Articles 9, 10 and 11, reported by the committee of the whole by adding at the close thereof the words following?

“Provided, that no town that now sends a representative shall ever be deprived of that right.”

It was decided in the negative.

And the amendment was rejected.

The question recurred,

Will the Convention agree to the amendment reported from the committee of the whole?

Mr Parker of Nashua moved to amend the amendment by adding after the words, “additional representative after a third” the words following;

“No city or town shall be divided into wards or sections or in any other way to elect representatives as separate towns. All representatives shall be chosen by general ticket in cities towns and places but the votes may be received and counted in such manner as the General Court may direct.”

Also amend the next sentence of the amendment by striking out the words, “parishes wards.”

Also by adding at the close of the amendment the words following:

“All representatives shall be chosen by general ticket in cities towns and places but the votes may be received and counted in such manner as the General Court may direct”

On the question,

Will the Convention agree to the first proposed amendment to the amendment?

It was decided in the negative.

And the amendment was rejected.

Mr. Parker of Nashua, by leave, withdrew the remaining proposed amendments.

Mr J. H. Steele of Peterborough moved to amend the amendment by adding at the close thereof the words following:

“Provided farther, That all towns cities or places which now are or may hereafter be divided into sections or wards for the choice of representatives to the number of ratable polls be considered as undivided.”

On the question,

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was adopted.

Mr J. H. Steele of Peterborough moved further to amend the amendment by inserting after the words, “twenty one years of age and upwards,” the words following:

“Who shall have resided in this State six months or more immediately preceding their enrollment, paupers and foreigners not naturalized excepted.”

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was agreed to.

Mr Bartlett of Portsmouth moved to amend the amendment by striking out all after the words, “Resolved, That in fixing the basis of representation,” and inserting the following instead thereof.

“that the towns in each of the thirty six Senatorial Districts be authorized to send to the House (blank) representatives to be apportioned among the several towns in the Districts as the Legislature may direct.”

Before the question was put.

On motion of Mr Bartlett of Portsmouth—

The Convention adjourned.

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Afternoon.

Mr Sawyer of Nashua in the chair.

The Convention resumed the consideration of the unfinished business of the forenoon.

On the question,

Will the Convention agree to the amendment to the amendment proposed by Mr Bartlett of Portsmouth? Mr Freeman of Dover demanded the yeas and nays which being sustained by the number of members required by the rules adopted by this Convention.

The yeas and nays were called

Those who voted in the affirmative, were Messrs.—

Currier

Graves

White of Chester

Stevens of Deerfield

Goodwin of Portsmouth

Brewster of Portsmouth

Sanborn of Seabrook

Wingate

Plumer	Foss
Marston	Sawyer of Dover
Kelley of Exeter	Pierce of Dover
Hoyt of Exeter	Varney
Batchelder of Kensington	Freeman of Dover
Hurd of Londonderry	Drew of Dover
Anderson	Wiggins of Dover
Bedee	Mathes
Bartlett of Portsmouth.	Jones of Rochester
Wentworth of Rollinsford	Noyes
Coleman	Abbott
Cushing	Gould of New Ipswich
Wells of Somersworth	Wheeler
Shaw	Barrett
Tilton	Hamilton
Morrison	Dudley
Eastman of Conway	Leonard
Perkins of Eaton	Brown of Fitzwilliam
Brown of Ossipee	Haile
Carter	Chamberlain
Little	Starkweather
Smith of Boscawen	Batcheller of Marlborough
Nesmith	Converse
Gault	Stevens of Charleston
Chase of Loudon	Walker of Claremont
Rowell	Freeman of Claremont
Robinson of Salisbury	Rossiter
Kelley of Warner	Morse of Croydon
Wallace	Freeman of Plainfield
French of Bedford	Bartlett of Bristol
Sawtelle of Brookline	Colburn
Fuller	Richardson of Hanover
Flanders of Goffstown	Sanborn of Hanover
Johnson of Manchester	Kimball
Foster	Sartwell of Lebanon
Read of Manchester	Goodall of Lisbon
Ayer of Manchester	Gould of Littleton
Page of Manchester	Moulton of Lyman
Chase of Milford	Cutting
Daniels	Britton
Parker of Nashua	Sawyer of Piermont
Spalding	Holden

Those who voted in the negative were Messrs.—

Greenough	Webster of Barnstead
Martin of Candia	Clark of Barnstead
Griffin of Danville	Robinson of Gilmanton
Gale	French of Gilmanton
Gregg	Perkins of Gilmanton
Perham	Wadleigh

Morrill	Pease
Burleigh	Bean
Dodge	Woodman
Tarlton	Ham
Furber	Charles
Perkins of New Market	Leavitt
Hoit of Newton	Rice
Hobbs	Moulton of Moultonborough
Bartlett of Nottingham	Wentworth of Sandwich
Ayers of Portsmouth	Smith of Sandwich
N. Moses	Perkins of Tamworth
L. Moses	Haley
Parsons	Rust
Bailey	Batchelder of Allentown
Colton	Dickerson
Goodwin of South Hampton	Walker of Bow
Hilton of South New Market	Jones of Bradford
Morrison of Windham.	Sanborn of Canterbury
Felker	Langmaid
Chesley	Pierce of Concord
Roberts	Barton
Tuttle of Lee.	Minot
Hilton of Middleton	Shute
Downing	Eastman of Concord
Day	Putney of Dunbarton
Jenness	Martin of Epsom
Montgomery	Whitney
Hurd of Alton	Clough of Hopkinton
Hill of Alton	Morse of Newbury.
Burnham of Hopkinton	Griffin of Nelson
Andrews	Fisher
Whittemore	Hardy
Clark of Pittsfield	Holbrook
Harvey	Sawyer of Swanzey
Eaton	Whitcomb
Cross	Wright
Griffin of Antrim	Huntington
Flagg	Lathrop
Goodale of Deering	Hoskins
Hadley	Bennett
Richardson of Greenfield	Kingman
Patten	Blanchard
Pierce of Hillsborough	Putnam
Barnes	Chase of Goshen
Farley	Sleeper
Willoughby	Chase of Langdon
Center	Smith of Lempster
Clement	Mudgett
French of Manchester	Nettleton
Clarke of Manchester	Quimby

Weston	George
Kendall	Smith of Unity
Atherton	Sanborn of Washington
Cochran	Crawford
Atwood	Lang of Bath
S. P. Steele	Whitcher
J. H. Steele	Pierce of Bethlehem
Nay	Hoit of Bridgewater
Dearborn	Weeks of Canaan
Woodbury	Wells of Canaan
Sanborn of Windsor	Howe
Severance	Youngman
Hammond	Avery
Adams of Jaffrey	Goodhue
Symonds,	Burnham of Enfield
Spooner	Gray
Davidson	Pitman
Morse of Haverhill	Thompson
Swasey	Tuttle of Carroll
Crosby of Hebron	Bedel
Johnson of Hill	Boynton
Cass	Tirrell
Cox	Brewster of Dalton
Clark of Landaff	Thurston
Eastman of Littleton	Perkins of Jackson
Nelson	White of Lancaster
Gilman	Brown of Stratford
Weeks of Warren	Burbank
Blodgett	Jackson
Smith of Stewartstown	Fisk

Yeas 92, nays 174

So the amendment to the amendment was rejected

Mr Chase of Milford moved to amend the amendment by adding at the close thereof the words following:

“Provided further, that the compensation for the travel of members to attend the sessions of the legislature shall be paid from the State Treasury and their per diem by the town ward or place which they represent.”

On the question

Will the Convention agree to the amendment to the amendment?

Mr White of Lancaster demanded the yeas and nays which was seconded by the number of members required by the rules adopted by this Convention.

Before the question was put

On motion of Mr Richardson of Hanover—

The Convention adjourned.

Friday December 13, 1850.

Mr Davidson from the committee on Mileage to whom was recommitted their report containing the number of miles travel to which the members of the convention are severally entitled reported the same with sundry amendments

On motion of Mr Sawyer of Swanzey—

Resolved, That the report be accepted and the provisions thereof adopted.

Mr J. H. Steele of Peterborough moved that the Secretary be instructed to cause the report to be published in all the papers of the State which are now authorized to publish the laws of this State.

On motion of Mr Sawyer of Swanzey—

Resolved, That the motion be laid upon the table.

The Convention resumed the consideration of the unfinished business of yesterday being the calling of the yeas and nays upon the question.

Will the Convention agree to amend the amendment reported from the committee of the whole by adding at the close thereof the words following?

“Provided further that the compensation for the travel of members to attend the sessions of the legislature shall be paid from the State Treasury and their per diem by the town ward or place which they represent.”

Mr Sawyer of Dover in the chair.

Those who voted in the affirmative, were Messrs.—

Martin of Candia	Jones of Rochester
Dodge	Cushing
Pierce of Dover	Wadleigh
Varney	Tilton
Freeman of Dover	Chase of Milford
Drew of Dover,	Nay
Hamilton	Bedel
Brown of Fitzwilliam	Plaisted
Batcheller of Marlborough	Brown of Stratford
Chase of Langdon	Burbank

Those who voted in the negative, were Messrs.—

Greenough	Bailey
Graves	Colton
White of Chester	Goodwin of South Hampton
Griffin of Danville	Hilton of South New Market
Gale	Wingate
Gregg	Morrison of Windham
Perham	Felker
Morrill	Foss
Plumer	Wiggins of Dover
Marston	Chesley
Kelley of Exeter	Roberts
Burleigh	Tuttle of Lee

Lamprey	Hilton of Middleton
Batchelder of Kensington	Mathes
Hurd of Londonderry	Downing
Anderson	Day
Tarlton	Wentworth of Rollinsford
Furber	Coleman
Perkins of New Market	Wells of Somersworth
Knight	Jenness
Hoit of Newton	Montgomery
Clark of Northwood	Hurd of Alton
Bartlett of Nottingham	Hill of Alton
Bedee	Clark of Barnstead
Ayers of Portsmouth	Robinson of Gilmanton
Bartlett of Portsmouth	French of Gilmanton
N. Moses	Perkins of Gilmanton
L. Moses.	Pease
Scribner	Bean
Woodman	Andrews
Morrison	Butters
Ham	Clark of Pittsfield
Churchill	Harvey
Charles	Kelley of Warner
Eastman of Conway	Cross
Perkins of Eaton	Wallace
Leavitt	Griffin of Antrim
Rice	French of Bedford
Moulton of Moultonborough	Flagg
Brown of Ossipee	Fuller
Carter	Flanders of Goffstown
Wentworth of Sandwich	Hadley
Smith of Sandwich	Richardson of Greenfield
Perkins of Tamworth	Patten
Haley	Pierce of Hillsborough
Rust	Barnes
Batchelder of Allentown	Farley
Dickerson	Willoughby
Smith of Boscawen	Center
Walker of Bow	Clement
Jones of Bradford	Foster
Sanborn of Canterbury	Read of Manchester
Langmaid	Clarke of Manchester
Barton	French of Manchester
Minot	Ayer of Manchester
Shute	Weston
Eastman of Concord	Page of Manchester
Putney of Dunbarton	Sawyer of Nashua
Martin of Epsom	Spalding
Nesmith	Noyes
Whitney	Abbot
Gault	Atherton

Clough of Hopkinton  
 Burnham of Hopkinton  
 Morse of Newbury  
 Atwood  
 S. P. Steele  
 J. H. Steele  
 Dearborn  
 Woodbury of Weare  
 Barrett  
 Sanborn of Windsor  
 Severance  
 Dudley  
 Leonard  
 Hammond  
 Haile  
 Adams of Jaffrey  
 Chamberlain  
 Starkweather  
 Symonds  
 Griffin of Nelson  
 Fisher  
 Converse  
 Hardy  
 Sawyer of Swanzey  
 Whitcomb  
 Wright  
 Huntington  
 Lathrop  
 Hoskins  
 Bennett  
 Stevens of Charlestown  
 Walker of Charlestown  
 Walker of Claremont  
 Freeman of Claremont  
 Rossiter  
 Morse of Croydon  
 Chase of Goshen  
 Sleeper  
 Smith of Lempster  
 Nelson  
 Holden  
 Gilman  
 Weeks of Warren  
 Blodgett  
 Gray  
 Pitman  
 Thompson  
 Tuttle of Carroll

Cochran  
 Gould of New Ipswich  
 Wheeler  
 Mudgett  
 Nettleton  
 Quimby  
 George  
 Smith of Unity  
 Sanborn of Washington  
 Crawford  
 Lang of Bath  
 Pierce of Bethlehem  
 Hoit of Bridgewater  
 Bartlett of Bristol  
 Weeks of Canaan  
 Wells of Canaan  
 Howe  
 Youngman  
 Avery  
 Goodhue  
 Burnham of Enfield  
 Spooner  
 Davidson  
 Morse of Haverhill  
 Swasey  
 Richardson of Hanover  
 Sanborn of Hanover  
 Crosby of Hebron  
 Johnson of Hill  
 Cass  
 Cox  
 Clark of Landaff  
 Sartwell of Lebanon  
 Eastman of Littleton  
 Gould of Littleton  
 Moulton of Lyman  
 Cutting  
 Britton  
 Sawyer of Piermont  
 Boynton  
 Tirrell  
 Brewster of Dalton  
 Thurston  
 Perkins of Jackson  
 White of Lancaster  
 Smith of Stewartstown  
 Jackson  
 Fisk.

So the amendment to the amendment was rejected.

Mr Whitcomb of Swanzey moved to amend the amendment reported from the committee of the whole by striking out the words “seven hundred and fifty” and inserting the words “five hundred” instead thereof.

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the negative.

And the amendment to the amendment was rejected.

The President in the chair.

Mr Plumer of Epping moved to amend the amendment reported from the committee of the whole by striking out all after the words “Resolved, That,” and inserting the following instead thereof.

“in fixing the basis of representation, every town, ward, or place entitled to town privileges, having two hundred ratable polls of twenty one years and upwards, may elect one representative; if six hundred ratable polls, may elect two representatives, and so proceeding in that proportion, making four hundred ratable polls the mean increasing number for every representative; and that the towns wards and places entitled to town privileges having less than two hundred ratable polls, may elect one representative such portion of the time as the aggregate number of their ratable polls shall bear to the number of two hundred, or may be classed with other towns, at their option.

On this question,

Mr Bartlett of Portsmouth demanded the yeas and nays which being sustained by the number of members required by the rules adopted by this Convention.,

Before the question was put,

On motion of Mr Freeman of Dover—

The Convention adjourned.

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Afternoon

The Convention resumed the consideration of the unfinished business of the forenoon being the calling of the yeas and nays upon the question of the amendment proposed by Mr Plumer of Epping to the amendment reported from the committee of the whole relating to the basis and ratio of representation.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Currier

Graves

Martin of Candia

White of Chester

Hurd of Londonderry

Anderson

Tarlton

Knight

Stevens of Deerfield	Bartlett of Portsmouth
Gregg	Goodwin of Portsmouth
Plumer	Parsons
Marston	Sanborn of Seabrook
Kelley of Exeter	Morrison of Windham
Batchelder of Kensington	Foss,
Sawyer of Dover	Ayer of Manchester
Pierce of Dover	Putney of Manchester
Varney	Weston
Freeman of Dover	Page of Manchester
Drew of Dover	Chase of Milford
Mathes	Daniels
Jones of Rochester	Parker of Nashua
Wentworth of Rollinsford	Sawyer of Nashua
Coleman	Spalding
Cushing	Abbot
Wells of Somersworth	Gould of New Ipswich
Shaw	Wheeler
Tilton	S. P. Steele
Morrison	Barrett
Eastman of Conway	Hamilton
Perkins of Eaton	Dudley
Brown of Ossipee	Leonard
Carter	Brown of Fitzwilliam
Wentworth of Sandwich	Haile
Perkins of Tamworth	Chamberlain
Whitton	Starkweather
Little	Batcheller of Marlborough
Smith of Boscawen	Griffin of Nelson
Nesmith	Converse
Gault	Whitcomb
Chase of Loudon	Bennett
Rowell	Kingman
Wallace	Stevens of Charlestown
French of Bedford	Walker of Charlestown
Sawtelle of Brookline	Freeman of Claremont
Fuller	Rossiter
Foster	Morse of Croydon
Read of Manchester	Freeman of Plainfield
Crosby of Manchester	Bartlett of Bristol
French of Manchester	Howe
Clarke of Manchester,	Colburn,
Sanborn of Hanover	Moulton of Lyman
Kimball	Britton
Sartwell of Lebanon	Sawyer of Piermont
Goodall of Lisbon	Holden.
Gould of Littleton	

Those who voted in the negative, were Messrs.—

Greenough	Downing
Griffin of Danville	Day
Gale	Jeness
Perham	Montgomery
Morrill	Hurd of Alton
Burleigh	Hill of Alton
Page of Kingston	Webster of Barnstead
Furber	Clark of Barnstead
Perkins of New Market	Robinson of Gilmanton
Hoit of Newton	French of Gilmanton
Hobbs	Perkins of Gilmanton
Clark of Northwood	Wadleigh
Bartlett of Nottingham,	Pease
Bedee	Bean
Ayers of Portsmouth	Woodman
N. Moses	Ham
L. Moses	Churchill
Scribner	Charles
Bailey	Leavitt
Colton	Rice
Goodwin of South Hampton	Moulton of Moultonborough
Hilton of South New Market	Haley
Felker	Rust
Chesley	Batchelder of Allentown
Roberts	Dickerson
Tuttle of Lee	Walker of Bow
Hayes	Jones of Bradford
Hilton of Middleton.	Sanborn of Canterbury,
Langmaid	Nay
Barton	Dearborn
Minot	Woodbury of Weare
Rolfe	Sanborn of Windsor
Shute	Severance
Eastman of Concord	Hammond
Putney of Dunbarton	Adams of Jaffrey
Martin of Epsom	Symonds
Whitney	Fisher
Smith of Henniker	Hardy
Clough of Hopkinton	Sawyer of Swanzey
Burnham of Hopkinton	Wright
Morse of Newbury	Huntington
Andrews	Hoskins
Cate	Blanchard
Clark of Pittsfield	Putnam
Robinson of Salisbury	Chase of Langdon
Harvey	Smith of Lempster
Kelley of Warner	Mudgett
Eaton	Nettleton
Cross	Quimby

Griffin of Antrim	George
Flagg	Smith of Unity
Flanders of Goffstown	Sanborn of Washington
Hadley	Crawford
Patten	Lang of Bath
Pierce of Hillsborough	Whitcher
Farley	Pierce of Bethlehem
Willoughby	Hoit of Bridgewater
Center	Weeks of Canaan
Clement	Youngman
Kendall	Avery
Atherton	Goodhue
Cochran	Spooner
Wheeler	Davidson
J. H. Steele.	Morse of Haverhill
Swasey	Thompson
Richardson of Hanover,	Tuttle of Carroll
Crosby of Hebron	Bedel
Johnson of Hill	Boynton
Cox	Tirrell
Clark of Landaff	Brewster of Dalton
Eastman of Littleton	Thurston
Cutting	Perkins of Jackson
Nelson	White of Lancaster
Gilman	Smith of Stewartstown
Weeks of Warren	Brown of Stratford
Blodgett	Burbank
Gray	Jackson
Pitman	Fisk.

Yeas 103, nays 156.

So the amendment to the amendment was rejected

Mr Whitcher of Benton moved to amend the amendment reported from the committee of the whole relating to the basis and ratio of representation by adding at the close thereof the words following:

“Provided further that no town ward or place entitled to town privileges shall ever be debarred from being represented in the popular branch of the legislature when a proportionment of public taxes is to be made.”

On the question

Will the Convention agree to the amendment to the amendment.

It was decided in the negative.

And the amendment to the amendment was rejected.

Mr Cox of Holderness moved to amend the amendment by striking out all after the words, “Resolved, That,” And inserting the following instead thereof.

Article 9. There shall be in the legislature of this State a representation of the people elected biennially and founded upon principles of equality, and in order that such representation may be as equal as circumstances will admit, every town, ward or place entitled to town privileges having 150 legal voters, may elect one representative, if 700 may elect two representatives, if 1300 may elect three representatives,

if 2200 may elect 4 representatives, if 3200 may elect 5 representatives, and so proceeding, making 1000 legal voters the mean ratio after the 4th representative. Such towns wards or places as have less than 150 legal voters may elect a representative such portion of the time as the aggregate number of their legal voters shall bear to 150, or they may be classed by petition to the legislature, provided if there should be classed towns, the first meeting to choose shall be held in the town wherein most of the legal voters reside and afterwards in that which has the next highest number, so on by rotation through the several towns or places.

Article 10. And that no town, city, ward or place shall hereafter be divided into wards or sections for the mode of increasing their representation in the State legislature

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the negative

And the amendment to the amendment was rejected.

Mr Eastman of Conway moved to amend the amendment reported from the committee of the whole relating to the legislative department by striking out the word "fifty" in line 1 and inserting the words "seventy five" instead thereof.

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was adopted.

Mr Sawyer of Dover moved that the Convention reconsider their vote to amend the amendment reported from the committee of the whole by striking out the word "fifty" in line 1 and inserting the words "seventy five" instead thereof.

On this question,

Mr. Atherton of Nashville demanded the yeas and nays which being sustained by the number of members required by the rules of this Convention.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Moulton of Moultonborough
Griffin of Danville	Haley
Perham	Batchelder of Allentown
Morrill	Walker of Bow
Burleigh	Jones of Bradford
Dodge	Sanborn of Canterbury
Hurd of Londonderry	Barton
Furber	Minot
Perkins of New Market	Shute
Hoit of Newton	Eastman of Concord
Hobbs	Putney of Dunbarton
Clark of Northwood	Martin of Epsom
Bartlett of Nottingham	Nesmith
Bedee	Whitney
Colton	Smith of Henniker
Hilton of South New Market	Clough of Hopkinton
Chesley	Morse of Newbury

Tuttle of Lee	Whittemore
Hayes	Clark of Pittsfield
Hilton of Middleton	Harvey
Downing	Cross
Jenness	Griffin of Antrim
Montgomery	Flagg
Webster of Barnstead	Patten
Clark of Barnstead	Farley
Robinson of Gilmanton	Willoughby
Bean	Center
Woodman	Clement
Ham	Kendall
Churchill	Atherton
Charles	Nay
Leavitt	Woodbury of Wear
Rice	Sanborn of Windsor
Severance	Cox
Hammond	Clark of Landaff
Symonds	Eastman of Littleton
Griffin of Nelson	Nelson
Fisher	Gilman
Sawyer of Swanzey	Weeks of Warren
Huntington	Blodgett
Hoskins	Gray
Putnam	Pitman
Smith of Lempster	Tuttle of Carroll
Smith of Unity	Bedel
Sanborn of Washington	Boynton
Crawford	Brewster of Dalton
Lang of Bath	Thurston
Whitcher	Perkins of Jackson
Hoit of Bridgewater	Plaisted
Weeks of Canaan	Smith of Stewartstown
Avery	Brown of Stratford
Goodhue	Burbank
Spooner	Jackson
Morse of Haverhill	Fisk
Swasey	Leonard
Johnson of Hill	

Those who voted in the negative, were Messrs.—

Currier	Hoyt of Exeter
Graves	Batchelder of Kensington
Martin of Candia	Page of Kingston
White of Chester	Anderson
Gale	Tarlton
Stevens of Deerfield	Knight
Gregg	Ayers of Portsmouth
Plumer	Bartlett of Portsmouth

Marston	Goodwin of Portsmouth
Kelley of Exeter,	Brewster of Portsmouth
N. Moses	Dickerson
L. Moses	Little
Bailey	Smith of Boscawen
Sanborn of Seabrook	Gault
Wingate	Burnham of Hopkinton
Morrison of Windham	Rowell
Felker	Robinson of Salisbury
Foss	Kelley of Warner
Sawyer of Dover	Eaton
Pierce of Dover	Wallace
Varney	French of Bedford
Freeman of Dover	Sawtelle of Brookline
Drew of Dover	Fuller
Mathes	Flanders of Goffstown
Jones of Rochester	Hadley
Day	Richardson of Greenfield
Wentworth of Rollinsford	Pierce of Hillsborough
Coleman	Johnson of Manchester
Cushing	Foster
Wells of Somersworth	Read of Manchester
Hurd of Alton	Crosby of Manchester
Hill of Alton	French of Manchester
French of Gilmanton	Clarke of Manchester
Perkins of Gilmanton	Ayer of Manchester
Wadleigh	Putney of Manchester
Shaw	Weston
Tilton	Page of Manchester
Morrison	Chase of Milford
Eastman of Conway	Daniels
Perkins of Eaton	Parker of Nashua
Brown of Ossipee	Sawyer of Nashua
Carter	Spalding
Wentworth of Sandwich	Abbot
Perkins of Tamworth	Cochran
Whitton	Gould of New Ipswich
Rust	Wheeler
Atwood	Sleeper
S. P. Steele	Chase of Langdon
J. H. Steele	Mudgett
Dearborn	Freeman of Plainfield
Barrett	Quimby
Hamilton	Pierce of Bethlehem
Dudley	Bartlett of Bristol
Brown of Fitzwilliam	Howe
Haile	Youngman
Adams of Jaffrey	Davidson
Chamberlain	Colburn
Starkweather	Richardson of Hanover

Batcheller of Marlborough	Sanborn of Hanover
Converse	Crosby of Hebron
Hardy	Kimball
Whitcomb	Sartwell of Lebanon
Wright	Goodall of Lisbon
Lathrop	Gould of Littleton
Bennett	Moulton of Lyman
Kingman	Cutting
Blanchard	Britton
Stevens of Charlestown	Sawyer of Piermont
Walker of Charlestown	Holden
Freeman of Claremont	Thompson
Rossiter	White of Lancaster
Morse of Croydon	Scribner

Yeas 111, nays 144.

So the Convention refused to reconsider their vote

Mr Pierce of Hillsborough moved to amend the amendment reported by the committee of the whole relating to the basis and ratio of representation by striking out all after the word "expedient" in line 2, and inserting the following instead thereof.

That the towns in each of the 36 Senatorial districts be authorized to send to the House, seven representatives, to be apportioned among the several towns or town in the district as the Legislature may direct: such apportionment not to be made oftener

than — years; Provided, however, that where seven towns or less may compose one Senatorial district, each of them shall be authorized to send at least one representative, and that no city or town in this State shall be authorized to send more than seven representatives; and that in all districts which may be composed of more than seven towns, those towns having the largest number of ratable polls shall be entitled to the seven representatives; and all those towns in the State which remain unrepresented, by this provision, which may have thirty or more ratable polls, shall be authorized to send a representative as often as an apportionment of the State taxes may be ordered.

Mr Bartlett of Portsmouth moved that the amendment reported from the committee of the whole relating to the basis and ratio of representation and the proposed amendment thereto be referred to the consideration of a select committee to consist of one from each county in the State.

The question being put upon agreeing to the motion

It was decided in the negative

And the Convention refused to commit the report and the proposed amendment.

The question recurred

Will the Convention agree to the amendment to the amendment?

It was decided in the negative.

And the amendment to the amendment was rejected.

Mr Wells of Somersworth moved to amend the amendment reported from the committee of the whole by striking out the words, "seven hundred and fifty" in line 7, and inserting the words, "six hundred," instead thereof.

On this question

Mr Wells of Somersworth demanded the yeas and nays which being sustained by the number of members required by the rules of the Convention

The yeas and nays were called.

Those who voted in the affirmative were Messrs.—

Currier	Morrison of Windham
Martin of Candia	Morrison of Sanbornton
White of Chester	Eastman of Conway
Stevens of Deerfield	Perkins of Eaton
Gregg	Brown of Ossipee
Plumer	Carter
Marston	Wentworth of Sandwich
Kelley of Exeter	Smith of Sandwich
Hurd of Londonderry	Whitton
Anderson	Smith of Boscawen
Ayers of Portsmouth	Nesmith
Bartlett of Portsmouth	Gault
Goodwin of Portsmouth	Rowell
N. Moses	Wallace
L. Moses	French of Bedford
Scribner	Fuller
Sanborn of Seabrook	Hadley
Wingate	Johnson of Manchester
Sawyer of Dover	Read of Manchester
Pierce of Dover	Crosby of Manchester
Varney	French of Manchester
Freeman of Dover	Clarke of Manchester
Drew of Dover	Ayer of Manchester
Mathes	Putney of Manchester
Jones of Rochester	Weston
Wentworth of Rollinsford	Page of Manchester
Coleman	Chase of Milford
Cushing	Daniels
Wells of Somersworth	Parker of Nashua
Hurd of Alton	Sawyer of Nashua
Hill of Alton	Spalding
Shaw	Abbott
Tilton	Cochran
Gould of New Ipswich	Walker of Charlestown
Wheeler	Freeman of Claremont
S. P. Steele	Rossiter
Dearborn	Morse of Croydon
Woodbury of Weare	Chase of Langdon
Brown of Fitzwilliam	Freeman of Plainfield
Haile	Bartlett of Bristol
Chamberlain	Sanborn of Hanover
Starkweather	Kimball
Batcheller of Marlborough	Sartwell of Lebanon

Griffin of Nelson	Goodall of Lisbon
Converse	Gould of Littleton
Hardy	Moulton of Lyman
Whitcomb	Britton
Bennett	Sawyer of Piermont
Kingman	Holden.
Stevens of Charlestown	

Those who voted in the negative, were Messrs.—

Greenough	Bartlett of Nottingham
Graves	Bedee
Griffin of Danville	Parsons
Gale	Bailey
Perham	Colton
Morrill	Goodwin of South Hampton
Hoyt of Exeter	Hilton of South New Market
Burleigh	Felker
Lamprey	Foss
Batchelder of Kensington	Chesley
Page of Kingston	Roberts
Tarlton	Tuttle of Lee
Furber	Hayes
Perkins of New Market	Hilton of Middleton
Hobbs	Downing
Clark of Northwood	Day
Jenness	Clark of Pittsfield
Montgomery	Robinson of Salisbury
Webster of Barnstead	Harvey
Clark of Barnstead	Kelley of Warner
French of Gilmanton	Eaton
Perkins of Gilmanton	Cross
Wadleigh	Wallace
Pease	Flagg
Bean	Flanders of Goffstown
Woodman	Richardson of Greenfield
Ham	Patten
Churchill	Pierce of Hillsborough
Charles	Center
Leavitt	Clement
Rice	Kendall
Moulton of Moultonborough.	Atherton
Perkins of Tamworth	Atwood
Haley	J. H. Steele
Batchelder of Allenstown	Nay
Dickerson	Sanborn of Windsor
Walker of Bow	Severance
Jones of Bradford	Dudley
Sanborn of Canterbury	Leonard
Barton	Hammond

Minot	Adams of Jaffrey
Shute	Symonds
Eastman of Concord	Fisher
Putney of Dunbarton	Sawyer of Swanzey
Martin of Epsom	Wright
Whitney	Huntington
Smith of Henniker	Lathrop
Clough of Hopkinton	Hoskins
Burnham of Hopkinton	Blanchard
Morse of Newbury	Putnam
Whittemore	Sleeper
Butters	Smith of Lempster
Mudgett	Eastman of Littleton
Quimby	Cutting
Smith of Unity	Nelson
Sanborn of Washington	Gilman
Crawford	Weeks of Warren
Lang of Bath	Gray
Whitcher	Pitman
Pierce of Bethlehem	Thompson
Hoit of Bridgewater	Tuttle of Carroll
Weeks of Canaan	Bedel
Howe	Boynton
Youngman	Tirrell
Avery	Brewster of Dalton
Goodhue	Thurston
Spooner	Perkins of Jackson
Davidson	Plaisted
Colburn	White of Lancaster
Morse of Haverhill	Smith of Stewartstown
Swasey	Brown of Stratford
Crosby of Hebron	Burbank
Johnson of Hill	Jackson
Cox	Fisk.
Clark of Landaff	

Yeas 99 nays 149.

So the amendment to the amendment was rejected

Mr Eastman of Conway moved to amend the amendment reported from the committee of the whole relating to the basis and ratio of representation by striking out the word "fifty" wherever it occurs in the first proviso of the same, and inserting the words "seventy five," instead thereof.

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative.

And the amendment to the amendment was adopted.

Mr J. H. Steele of Peterborough moved to reconsider the vote of this Convention to adopt the following amendment to the amendment reported by the com-

mittee of the whole to the Convention he having voted with the majority on that subject, viz:

Insert after the words "twenty one years of age and upwards," the words "who shall have resided in this State six months or more immediately preceding their enrollment, paupers and foreigners not naturalized excepted."

On the question

Will the Convention agree to the motion?

It was decided in the negative.

And the Convention refused to reconsider their vote.

Mr Dodge of Hampton Falls moved that the Convention reconsider their vote to adopt the amendment to the amendment reported from the committee of the whole defining what shall be estimated as ratable polls, he having voted with the majority on that subject.

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the Convention refused to reconsider their vote.

The question recurred,

Will the Convention agree to the amendment reported by the committee of the whole relating to the basis and ratio of representation as amended which is as follows:

Resolved, That on fixing the basis of representation it is expedient that the same be so arranged that every town, parish, ward or place entitled to town privileges, having 175 ratable polls, of twenty one years and upwards, who shall have resided in this State six months or more immediately preceding their emolument, paupers and foreigners not naturalized, excepted, may elect one representative; if 750 ratable polls, may elect two representatives; if 1550 ratable polls, may elect three representatives; if 2550 ratable polls, may elect four representatives, and so proceeding, making one thousand ratable polls the number required for each additional representative after the third; such towns, parishes wards or places as have less than 175 ratable polls, may elect a representative such portion of the time as the aggregate number of their ratable polls shall bear to the number of 175; Provided, That such towns or places as shall not have 175 ratable polls, and shall be conveniently located for that object, may, on application to the legislature, be classed for the choice of a representative such classed towns not to contain less than 175 ratable polls in each representation district so formed: Provided further, That all towns, cities or places which now are or may hereafter be divided into sections or wards for the choice of representatives, shall for the purpose of apportioning the number of representatives to the number of ratable polls, be considered as undivided.

On the question,

Mr Sawyer of Nashua demanded the yeas and nays which being seconded by the number of members required by the rules adopted by this Convention.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Perham  
Lamprey  
Page of Kingston

Downing  
Day  
Jeness

Tarlton	Montgomery
Perkins of New Market	Hurd of Alton
Knight	Webster of Barnstead
Hoit of Newton	Clark of Barnstead
Hobbs	French of Gilmanton
Clark of Northwood	Perkins of Gilmanton
Bartlett of Nottingham	Wadleigh
Scribner	Pease
Bailey	Bean
Goodwin of South Hampton	Woodman
Hilton of South New Market	Churchill
Chesley	Charles
Roberts	Eastman of Conway
Tuttle of Lee	Perkins of Eaton
Leavitt	Barrett
Rice	Leonard
Moulton of Moultonborough	Hammond
Perkins of Tamworth	Adams of Jaffrey
Haley	Symonds
Batchelder of Allenstown	Griffin of Nelson
Dickerson	Fisher
Walker of Bow	Sawyer of Swanzey
Jones of Bradford	Wright
Sanborn of Canterbury	Huntington
Barton	Hoskins
Minot	Blanchard
Shute	Sleeper
Putney of Dunbarton	Smith of Lempster
Martin of Epsom	Mudgett
Whitney	Quimby
Smith of Henniker	Smith or Unity
Clough of Hopkinton	Sanborn of Washington
Burnham of Hopkinton	Crawford
Morse of Newbury	Lang of Bath
Whittemore	Pierce of Bethlehem
Butters	Hoit of Bridgewater
Robinson of Salisbury	Weeks of Canaan
Harvey	Howe
Kelley of Warner	Youngman
Eaton	Avery
Cross	Goodhue
Griffin of Antrim	Spooner
Richardson of Greenfield	Davidson
Patten	Colburn
Kendall	Morse of Haverhill
Atherton	Swasey
Cochran	Richardson of Hanover
Atwood	Crosby of Hebron
S. P. Steele	Johnson of Hill
Nay	Cox

Clark of Landaff	Tirrell
Eastman of Littleton	Brewster of Dalton
Cutting	Thurston
Nelson	Perkins of Jackson
Gilman	Plaisted
Weeks of Warren	White of Lancaster
Blodgett	Smith of Stewartstown
Gray	Brown of Stratford
Pitman	Burbank
Thompson	Jackson
Tuttle of Carroll	Fisk.
Bedel	

Those who voted in the negative, were Messrs.—

Greenough	Ayers of Portsmouth
Currier	Bartlett of Portsmouth
Graves	Goodwin of Portsmouth
Martin of Candia	N. Moses
White of Chester	L. Moses
Griffin of Danville	Colton
Gale	Sanborn of Seabrook
Stevens of Deerfield	Wingate
Gregg	Morrison of Windham
Morrill	Felker
Plumer	Foss
Marston	Sawyer of Dover
Kelley of Exeter	Pierce of Dover
Hoyt of Exeter	Varney
Burleigh	Freeman of Dover
Dodge	Drew of Dover
Batchelder of Kensington	Hayes
Hurd of Londonderry	Hilton of Middleton
Anderson	Mathes
Furber	Jones of Rochester
Bedee	Wentworth of Rollinsford
Coleman	Daniels
Cushing	Parker of Nashua
Wells of Somersworth	Sawyer of Nashua
Hill of Alton	Spalding
Tilton	Abbot
Morrison of Sanbornton	Gould of New Ipswich
Ham	Wheeler
Brown of Ossipee	Dearborn
Carter	Woodbury of Weare
Wentworth of Sandwich	Sanborn of Windsor
Smith of Sandwich	Dudley
Whitton	Brown of Fitzwilliam
Little	Haile
Smith of Boscawen	Chamberlain

Nesmith	Starkweather
Gault	Batcheller of Marlborough
Chase of Loudon	Converse
Rowell	Hardy
Wallace	Whitcomb
French of Bedford	Lathrop
Flagg	Bennett
Fuller	Kingman
Flanders of Goffstown	Stevens of Charlestown
Hadley	Walker of Charlestown
Pierce of Hillsborough	Freeman of Claremont
Clement	Rossiter
Johnson of Manchester	Putnam
Read of Manchester	Morse of Croydon
Crosby of Manchester	Chase of Langdon
French of Manchester	Freeman of Plainfield
Clarke of Manchester	Whitcher
Ayer of Manchester	Bartlett of Bristol
Putney of Manchester	Sanborn of Hanover
Weston	Kimball
Page of Manchester	Sartwell of Lebanon
Chase of Milford	Goodall of Lisbon
Gould of Littleton	Sawyer of Piermont
Moulton of Lyman	Holden
Britton	

Yeas 129, nays 119.

So the amendment as amended was agreed to.

On motion of Mr Atherton—

Resolved, That when the Convention adjourn they adjourn to meet this evening at seven o'clock.

On motion of Mr Chesley of Durham—

The Convention adjourned.

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Seven O'clock.

The Convention resumed the consideration of the unfinished business upon the amendment reported by the committee of the whole to so much of the constitution of this State as relates to the legislative department.

The question being,

Will the Convention agree to the sixth amendment reported by the committee of the whole by striking out in Article 12, line 2, the word "annually" and inserting the word "biennially" instead thereof?

It was decided in the affirmative  
And the amendment was adopted.

On the question

Will the Convention agree to the seventh amendment reported by the committee of the whole to strike out in Article 14, lines 4, 5, 6, 7, which are as follows?

"shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one half of which to be a freehold, whereof he is seized in his own right"

It was decided in the affirmative.  
And the amendment was agreed to.

On the question,

Will the Convention agree to the eighth amendment reported by the committee of the whole to strike out in Article 14 lines 9 & 10 which are as follows?

"shall be of the protestant religion"

It was decided in the affirmative  
And the amendment was agreed.

On the question

Will the Convention agree to the ninth amendment reported from the committee of the whole to strike out in Article 14, lines 11 and 12 the words "qualified as aforesaid," and inserting the words "any inhabitants thereof," instead thereof?

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the tenth amendment reported from the committee of the whole in Article 23, line 1, by striking out the words, "Governor and Council,"

It was decided in the affirmative  
And the amendment was agreed to.

On the question,

Will the Convention agree to the eleventh amendment reported from the committee of the whole in Article 24, line 4 by striking out "one member," and inserting the following instead thereof?

"ten members in the House of Representatives and by one member in the Senate."

Mr Jenness of Strafford moved to amend the amendment by striking out the word "one" and inserting the word, "two" instead thereof.

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative  
And the amendment was agreed to.

Mr Whittemore of Pembroke moved to amend the amendment by striking out the word "ten" and inserting the words "two" instead thereof.

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the negative  
 And the amendment to the amendment was rejected  
 The question recurred,  
 Will the Convention agree to the amendment reported from the committee of the whole as amended?

It was decided in the affirmative  
 And the amendment as amended was agreed to.  
 On the question  
 Will the Convention agree to the twelfth amendment reported from the committee of the whole in Article 25, line 1, to strike out the word, "twelve" and insert the words, "thirty six," instead thereof?

Mr Atherton of Nashville moved to amend the amendment by inserting after the words, "thirty six," the words "members" to be elected from twelve to eighteen districts as the legislature shall prescribe."

On the question  
 Will the Convention agree to the amendment to the amendment?  
 It was decided in the negative.  
 And the amendment to the amendment was rejected.  
 Mr Chesley of Durham moved to amend the amendment by striking out the words "thirty six" and inserting the words, "twenty four" instead thereof.

On the question  
 Will the Convention agree to the motion?  
 It was decided in the affirmative  
 And the amendment to the amendment was agreed to.  
 The question recurred,  
 Will the Convention agree to the amendment as amended?  
 It was decided in the affirmative.  
 And the amendment as amended was agreed to.

On the question,  
 Will the Convention agree to the thirteenth amendment reported by the committee of the whole in Article 25 line 2, by striking out the word "one" and inserting the word "two" instead thereof?

It was decided in the affirmative  
 And the amendment was agreed to.  
 On the question  
 Will the Convention agree to the fourteenth amendment reported from the committee of the whole in Article 26 line 3, to strike out the word "twelve" and inserting the words "thirty six" instead thereof.

Mr Hobbs of North Hampton moved to amend the amendment by striking out the words, "thirty six" and inserting the words, "twenty four" instead thereof.

On the question,  
 Will the Convention agree to the amendment to the amendment?  
 It was decided in the affirmative  
 And the amendment to the amendment was agreed to.  
 The question recurred.  
 Will the Convention agree to the amendment as amended?  
 It was decided in the affirmative  
 And the amendment as amended was agreed to.

Mr Clarke of Manchester moved to amend the report by inserting after the word "places" in Article 26 line 4, the words "or the wards and cities."

On the question

Will the Convention agree to the amendment?

It was decided in the negative,

And the amendment was rejected.

Mr Plumer moved to amend the report in Article 26, line 3, by striking out all after the word "districts" to the word "places" in line 4, and inserting the following instead thereof: "each of these senatorial districts shall be formed of contiguous territory of compact and convenient form and of ratable polls as nearly equal as may be without dividing towns or cities; changes in the Senatorial Districts may be made by the legislature for the purpose of rendering the number of ratable polls more equal not oftener than once in ten years.

On motion of Mr Atherton

The question was taken,

Will the Convention agree to the first part of the amendment as far as the word cities?

It was decided in the affirmative

And the first part of the amendment was agreed to.

On the question

Will the Convention agree to the remaining part of the proposed amendment?

Mr Parsons of Rye moved to amend the amendment by striking out the word "ten" before the word "years" and inserting the word "six" instead thereof, which was agreed to.

The question recurred

Will the Convention agree to the amendment as amended?

It was decided in the affirmative

And the amendment as amended was agreed to.

On the question

Will the Convention agree to the fifteenth amendment reported by the committee of the whole in Article 26 line 6, to strike out the words, "proportion of direct taxes paid by" and inserting the words, "number of ratable polls in," instead thereof?

It was decided in the affirmative.

And the amendment was agreed to.

On the question

Will the Convention agree to the sixteenth amendment reported by the committee of the whole in Article 27 line 1 by striking out the words, "freeholder and others"?

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the several amendments wherever they occur in the report of the committee of the whole on so much of the constitution of this State as relates to the legislative department by striking out the word "annually" and inserting the word "biennially" instead thereof?

It was decided in the affirmative.

And the several amendments were agreed to.

On the question,

Will the Convention agree to the eighteenth amendment reported by the committee of the whole in Article 27 line 3, by inserting after the word "senators" the

words, “or senators” and in Article 28 line 11 by inserting after the word “senator” the words “or senators”?

It was decided in the negative  
And the amendments were rejected.

On the question

Will the Convention agree to the nineteenth amendment reported by the committee of the whole in Article 28 lines 6 & 7 to strike out the words “and persons excused from paying taxes at their own request”?

It was decided in the affirmative.  
And the amendment was agreed to.

On the question

Will the Convention agree to the twentieth amendment reported by the committee of the whole in Article 28 lines 7 & 8 by striking out the words “annual or other”

It was decided in the affirmative.  
And the amendment was agreed to.

On the question

Will the Convention agree to the twenty first amendment reported by the committee of the whole in Article 29 lines 2, 3, 4 and 5, the words, “who is not of the protestant religion and seized of a freehold estate in his own rights of the value of two hundred pounds lying within this State.”

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the twenty second amendment reported by the committee of the whole in Article 29 at the close thereof the words following:

“And shall cease to be a Senator when he ceases to be an inhabitant of the district,”

It was decided in the affirmative  
And the amendment was agreed to.

Mr Center of Litchfield moved to amend Article 29 by striking out the word “thirty” before the word “years” in line 5, and inserting the words “twenty five,” instead thereof.

On the question,  
Will the Convention agree to the amendment?

It was decided in the negative  
And the amendment was rejected.

The Convention resumed the consideration of the amendments reported from the committee of the whole on so much of the constitution of this State as relates to the legislative department.

On the question,

Will the Convention agree to the twenty third amendment reported from the committee of the whole in Article 32, line 1, by striking out the word “Council”.

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the twenty fourth amendment reported by the committee of the whole in Article 32, lines 17, 18, and 19 by striking out the words “to the Sheriff of the County in which said town or parish shall be thirty days

at least before the first Wednesday of June or”

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the twenty fifth amendment reported by the committee of the whole in Article 32 line 20, to strike out the word “twenty” and insert the word “thirty” instead thereof.

It was decided in the affirmative.

And the amendment was agreed to.

On the question

Will the Convention agree to the twenty sixth amendment reported by the committee of the whole in Article 32, lines 21, 22, 23 and 24 by striking out the words, “and the Sheriff of each County or his deputy shall deliver all such certificates by him received into the Secretary’s Office at least twenty days before the first Wednesday of June”?

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the twenty seventh amendment reported by the committee of the whole in Article 33 line 3, by striking out the words, “a majority of the Council for the time being and inserting the words, “the Secretary of State” instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the twenty eighth amendment reported by the committee of the whole in Article 33, line 6, to strike out the word “he” and insert the words, “the Governor,” instead thereof?

It was decided in the affirmative.

And the amendment was agreed to.

On the question—

Will the Convention agree to the twenty ninth amendment reported by the committee of the whole in Article 33 lines 8 and 13, inclusive to strike out the words following.

“Provided nevertheless, That for the first year the said returned copies shall be examined by the president shall in like manner notify the persons elected to attend and to take their seats accordingly.”

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the thirtieth amendment reported by the committee of the whole in Article 34 line 11, by striking out the word “State” and inserting the word “district” instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the thirty first amendment reported by the committee of the whole in Article 37, by striking out the whole of the Article, which is as follows:

“37. The Senate shall appoint their president and other officers and determine their own rules of proceedings. And not less than seven members of the Senate shall make a quorum for doing business; and when less than eight senators shall be present, the assent of five, at least, shall be necessary to render their acts and proceedings valid.” and inserting the following instead thereof.

“The Senate may appoint a president pro tempore and other officers and determine their own rules of proceedings, and not less than twenty four members of the Senate shall make a quorum for doing business, and when not more than twenty senators shall be present the assent of eighteen at least shall be necessary to render their acts and proceedings valid.”

Mr Robinson of Salisbury moved to amend the amendment by striking out the words “twenty four” before the word “members” and to insert the word “sixteen” instead thereof, also to strike out the word “twenty” before the word “senators” and insert the word “eighteen” instead thereof, also to strike out the word “eighteen” before the words “at least,” and insert the word “twelve” instead thereof.

On the question

Will the Convention agree to the proposed amendments?

It was decided in the affirmative

And the several amendments were adopted.

The question recurred,

Will the Convention agree to the amendment as amended?

It was decided in the affirmative

And the amendment as amended was agreed to.

On the question,

Will the Convention agree to the thirty second amendment reported by the committee of the whole in Article 40 line 1, by inserting after the word “Governor” the words “or Lieutenant Governor”.

It was decided in the affirmative

And the amendment was agreed to.

Mr Bartlett of Portsmouth moved to amend Article 32, line 1, by inserting after the word “Governor” the words “Lieutenant Governor,” and after the word, “senators” in line 2, the words “and other officers required to be elected by this Constitution”.

On the question

Will the Convention agree to the amendments?

It was decided in the affirmative

And the amendments were adopted.

On motion of Mr Atherton—

Resolved, That so much of the Constitution of this State as relates to the legislative department with the several amendments adopted by the Convention be referred to the consideration of the committee on the Legislative Department.

On motion of Mr Ayer of Manchester—

Resolved, That when the Convention adjourn they adjourn to meet again at this place on Monday next at three o’clock in the afternoon.

On motion of Mr Whittemore of Pembroke—

Resolved, That the use of the Representatives’ Hall be granted to the Concord Natural History Society on Monday evening next for the purpose of a lecture

On motion of Mr Ayer of Manchester—

The Convention adjourned.

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Monday December 16, 1850.

Mr Lathrop of Walpole presented the memorial of Samuel Webber relating to so much of the constitution of this State as relates to the legislative department.

Ordered, That it be referred to the committee on the legislative department.

Mr Bartlett of Portsmouth introduced the following resolution

Resolved, That a committee of ten members be appointed to report such measures and ordinances as may be necessary for this Convention to adopt in pursuance of "An act providing for a convention of delegates for the purpose of revising the constitution," passed July 8, 1850.

On motion of Mr Atherton of Nashville—

Resolved, That the resolution be laid upon the table.

Mr Huntington of Walpole introduced the following resolutions:

Resolved, That it is expedient that the present forms of actions and pleading in cases at common law should be abolished; that the distinction between legal and equitable remedies should no longer continue and that a uniform course of proceedings in all cases should be established.

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the Constitution providing for simplifying and abridging the practice, pleadings and proceedings of the Courts of this State.

On the question

Will the Convention agree to the resolutions?

It was decided in the affirmative

And the resolutions were agreed to.

On motion of Mr Flagg of Bennington—

Resolved, That he have leave of absence during the remainder of the session of the Convention.

On motion of Mr Jenness of Strafford—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the 68th, 69th and 70th Articles of the Constitution of this State relating to the Executive Department.

Mr Chamberlain of Keene in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had had under consideration Articles 68[,] 69 and 70 of the Constitution of this State with the amendment heretofore adopted thereto and had risen and directed him to report the same to the Convention.

On the question

Will the Convention agree to the amendment reported by the committee of the whole to Article 68 line 3, by striking out the word "Council"

It was decided in the affirmative

And the amendment was agreed to.

On motion of Mr Jenness of Strafford—

Resolved, That Articles 82 to 97 inclusive of the Constitution of this State be referred to the committee on Revising Business.

On motion of Mr J. H. Steele of Peterborough—

The Convention resumed the consideration of the report of the committee on Mileage.

On motion of Mr Parker of Nashua—

Resolved, That the members of this Convention be allowed mileage for the adjournment and reassembling thereof and that the Secretary be directed in making up the pay roll to double the distances set opposite the names of the several members of the Convention in the report of the committee on Mileage.

On motion of Mr Chamberlain of Keene—

The Convention adjourned.

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Tuesday December 17, 1850.

Mr Carter of Ossipee presented the claim of F. R. Chase

Ordered, That it be referred to the committee on Claims.

On motion of Mr Whitcomb of Swanzy—

Resolved, That he have leave of absence from the Convention

Mr Burnham of Enfield by leave presented the petition of G. W. Conant and twenty nine others legal voters of the town of Enfield praying that the Constitution of this State may be so amended as to authorize the Town Clerks of the several towns of this State to record deeds and conveyances of real estate in their respective limits.

On motion of Mr Jenness of Strafford—

Resolved, That the petition be laid upon the table.

On motion of Mr Sanborn of Hanover—

The Convention resumed the consideration of the report of the committee on Education relating to free schools.

On motion of Mr Sanborn of Hanover—

Resolved, That the report be referred to the consideration of the committee of the whole.

On motion of Mr Sanborn of Hanover—

The Convention resumed the consideration of the report of the committee on Education relating to free schools.

On motion of Mr Sanborn of Hanover—

Resolved, That the report be referred to the consideration of the committee of the whole.

On motion of Mr Sanborn of Hanover—

The Convention resumed the consideration of the report of the committee on Education relating to the expediency of establishing a State superintendent of the common schools.

On motion of Mr Sanborn of Hanover—

Resolved, The report be referred to the consideration of the committee of the whole.

On motion of Mr Bartlett of Portsmouth—

The Convention resumed the consideration of the report of the committee on the Bill of Rights and the several amendments which had been referred to them by the Convention.

Mr Brown of Fitzwilliam moved to amend the report by striking out all of Article 3 which is as follows:

“When men enter into a State of society they surrender up some of their natural rights to that society in order to insure the protection of others and without such an equivalent the surrender is void.”

On the question,

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected

Mr Cass of Holderness moved to amend the report in Article 6, lines 19 and 20 by striking out the words “of any one particular religious sect or denomination,” and in line 22 strike out the words “religious persuasion” and inserting the word, “any” instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

Mr Sanborn of Washington moved to amend the report by striking out in Article 1 line 3, by inserting after the word, “originates” the words, “in and is derived,”

On the question,

Will the Convention agree to the amendment?

It was decided in the negative.

And the amendment was rejected.

Mr Bartlett of Portsmouth moved that all of Article 20, after the word “jury” in line 6, which is as follows:

“but the court shall try the facts as well as the law in cases where the parties agree and this method of procedure shall be held sacred unless in cases arising on the high seas and such as relates to mariners wages the legislature may authorize the trial of civil actions where the matter in dispute does not exceed \_\_\_\_ dollars by a jury of six men and may provide for the trial by arbitrators or courts of conciliation of controversies where the matter in dispute does not exceed \_\_\_\_ dollars provided that it is not intended by this article to change the practice of the courts in matters of admiralty probate or chancery law,” be stricken out of the Bill of Rights and that the same be referred to the consideration of the committee on the Judicial Department.

On the question,

Will the Convention agree to the motion?

It was decided in the affirmative.

And the amendment and motion to refer were agreed to.

Mr Plumer of Epping moved to amend the report in Article 7 lines 7 & 8 the words “United States of America in Congress assembled” and insert the words “government of the United States,” instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

Mr Plumer of Epping moved to amend the report in Article 37 line 5, by striking out the words "one year," and insert the words "two years" instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

Mr Bartlett of Portsmouth moved to reconsider the vote to amend Article 21 by adding thereto after the word "attendance" the following words "and in all civil actions where the amount in dispute does not exceeddollars and where the title to real estate is not involved, the decision of the jury shall be final."

On the question

Will the Convention agree to the motion?

It was decided in the affirmative

And the vote was reconsidered

On motion of Mr Bartlett of Portsmouth—

Resolved, That the amendment be referred to the consideration of the committee on the Judicial Department.

Mr Clarke of Manchester in the chair.

Mr Bartlett of Portsmouth moved that the Convention reconsider the vote to adopt in the Bill of Rights Article 35, which is as follows:

"Arrest or imprisonment for debt shall not be allowed except in case of fraudulent concealment of property by the debtor from his creditor or the debtor is about to leave the State to avoid the payment of his debts."

On the question

Will the Convention agree to the motion?

It was decided in the affirmative

And the vote was reconsidered.

On motion of Mr Bartlett of Portsmouth—

Resolved, that the further consideration of the Article be referred to the committee on the Judicial Department.

Mr. Jones of Rochester introduced the following resolution:

Resolved, That it is expedient to strike out Articles 12 and 13, so much thereof as provides for the payment or furnishing an equivalent in cases, where conscientious scruples are entertained as relates to the lawfulness of bearing arms.

On the question

Will the convention agree to the resolution?

It was decided in the negative

And the resolution was rejected.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the Bill of Rights as amended be referred to the committee on Revising Business.

On motion of Mr Richardson of Hanover—

The Convention adjourned.

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Afternoon.

Mr Upham from the committee on the Judicial Department made the following report:

The committee on the Judiciary to whom was referred the 35th Article of the Bill of Rights report the same amended as follows as a substitute for the Article submitted to them.

“Sec. 35. Arrest or imprisonment on mesne or final process founded on contracts shall not be allowed unless the creditor or his agent shall previously make oath of his belief that the debtor has fraudulently concealed or conveyed his property to place it beyond the reach of his creditors or is about to leave the State to avoid the payment of his debts.”

On motion of Mr Bartlett of Portsmouth—

Resolved, That the Article reported by the committee on the Judicial Department be referred to the committee on Revising Business with instructions to insert the same in the Bill of Rights now before them as amended.

Mr Bell of Gilford introduced the following resolution:

Resolved, That it be referred to the committee on Measures and Ordinances to enquire what provisions if any are necessary to be inserted in the Constitution as amended by the convention to continue in force the provisions of the present constitution and the power of the officers chosen and appointed under it until the constitution as amended shall go into effect.

On motion of Mr Chamberlain of Keene—

Resolved, That the resolution be laid upon the table.

On motion of Mr Chamberlain of Keene—

The Convention resumed the consideration of the resolution to appoint a committee of ten to report such measures and ordinances as may be necessary for this Convention to adopt in pursuance of an act providing for a Convention of delegates for the purpose of revising the Constitution passed July 8, 1850.

On the question,

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Bell of Gilford—

The Convention resumed the consideration of the resolutions to instruct the committee on Measures and Ordinances to inquire and report what provisions if any are necessary to continue in force the present constitution and the power of officers chosen and appointed under it until the Constitution as amended shall go into effect.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Barton of Concord—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the Constitution of the State as relates to the Judicial

Department with the report of the committee on the Judicial Department, on that subject.

Mr Lane of Gilford in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had entered upon the consideration of so much of the Constitution of this State as relates to the Judicial Department and of the report of the committee on the same subject and had proceeded therein but before the completion thereof had risen and had directed him to move for leave to sit again on that subject.

On motion of Mr Lane of Gilford—

Leave was granted.

Mr White of Lancaster moved that the Convention do now resolve itself into a committee of the whole upon the resolution limiting the State in the use of its credit to the sum of one hundred thousand dollars.

Before the motion was put,

On motion of Mr Plumer of Epping—

The Convention adjourned.

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Wednesday December 18, 1850.

Mr Jenness of Strafford from the committee on Miscellaneous and subjects not otherwise provided for made the following

Report:

The committee on Miscellaneous and subjects not otherwise provided for have had under consideration a resolution submitted to them to consider the expediency of making the Warden of the State Prison and the Superintendent of the Insane Asylum elected by the people and direct me to report that the Superintendent of the Asylum be elected by the trustees of the Institution in the same way and manner as is provided in the act establishing such institution, and that the Warden of the State Prison be appointed by the Governor with the consent of the Senate and recommend the following resolutions:

B. W. Jenness for the Committee.

Resolved, That the Superintendent of the Asylum for the Insane be appointed by the trustees of said Institution and that the Warden of the State's Prison be appointed by the Governor with the consent of the Senate.

On motion of Mr Jenness of Strafford—

Resolved, That the report with the accompanying resolution be referred to the consideration of the committee of the whole.

Mr Huntington of Walpole introduced the following resolution:

Resolved, That it is expedient that the Governor at the first session of the Legislature after the adoption of the Constitution of this State as amended shall appoint

with the advice and consent of the Senate two Commissioners who shall together with the Governor constitute a board to audit the accounts of the Warden of the State Prison. It shall be their duty once in six months or as often as the Governor may deem expedient to meet at the Capitol to examine, audit and report the financial condition of this institution and file their report with the Secretary of State. It shall be the duty of the Secretary to cause an attested copy thereof to be published in some paper authorized to publish the laws of the State.

Ordered, That it be referred to the committee on Miscellaneous and subjects not otherwise provided for.

On motion of Mr White of Lancaster—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the report and accompanying article as amended of the committee on the Legislative Department relating to the power of the legislature to borrow money or otherwise involve the State in debt to an amount exceeding one hundred thousand dollars.

Mr Eastman of Conway in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had had under consideration the Report and accompanying Article as amended of the committee on the Legislative Department relating to the power of the legislature to borrow money or otherwise involve the State in debt to an amount exceeding one hundred thousand dollars, and had risen and directed him to report the Article to the Convention without an amendment,

Which is as follows:

“Article— The legislature shall have no power unless by a vote of two thirds of the members elected to each branch thereof, to borrow money, or otherwise involve the State in debt to an amount exceeding one hundred thousand dollars, except in case of war, invasion or insurrection.”

On the question,

Will the Convention agree to the report of the committee of the whole.

It was decided in the affirmative.

And the Article was adopted.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the article be referred to the consideration of the committee on the Legislative Department.

The President announced Messrs Bartlett of Portsmouth, Wiggins of Dover, Lane of Gilford, Rice of Freedom, Cate of Northfield, Atherton of Nashville, Adams of Keene, Nettleton of Newport, Lang of Bath, Fisk of Whitefield, to be the committee on Measures and Ordinances.

On motion of Mr. Jenness of Strafford—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the Report and accompanying resolution of the committee on Miscellaneous and subjects not otherwise provided for, relating to the prohibiting of towns or incorporated places from loaning the money or suffering the credit thereof to be used for the special benefit of any corporation, and from taking stock therein.

Mr Clarke of Manchester in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had had under consideration the report and resolution of the committee on Miscellaneous and subjects not otherwise provided for relating to the prohibiting of towns or incorporated places from loaning the money or suffering the credit thereof to be used for the special benefit of any corporation and from taking stock therein, and had risen and directed him to report the resolution to the Convention without amendment,

Which is as follows:

Resolved, That no town or incorporated place shall have the right either directly or indirectly to loan the money or suffer the credit thereof to be used for the special benefit of any corporation whatever, nor take stock therein.

On the question,

Will the Convention agree to the report of the committee of the whole.

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the resolution be referred to the consideration of the committee on the Legislative Department.

On motion of Mr Barton of Concord—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of yesterday being that part of the Constitution of this State which relates to the Judicial Department and the report of the committee on the Judicial Department on that subject.

Mr Lane of Gilford in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had resumed the consideration of the unfinished business of yesterday being so much of the constitution of this State as relates to the Judicial Department and the report of the committee on that subject and had proceeded therein but before the completion thereof had risen and directed him to report progress and to move for leave to sit again on the same subject.

On motion of Mr Lane of Gilford—

Leave was granted.

On motion of Mr. Chesley of Durham—

The Convention adjourned.

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Afternoon.

On motion of Mr Walker of Claremont—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of the forenoon, being so much of the Constitution of this State as relates to the Judicial Department with the report of the committee on that subject.

Mr Lane of Gilford in the chair.

In Convention

The Chairman of the committee of the whole reported to the Convention that they had resumed the consideration of the unfinished business of the forenoon being so much of the constitution of this State as relates to the Judicial Department, with the report of the committee on that subject and had further proceeded therein but before the completion thereof had risen and directed him to move for leave to sit again on the same subject.

On motion of Mr Lane of Gilford—

Leave was granted.

Mr Chamberlain of Keene introduced the following resolution:

Resolved, That the committee on the Executive Department be instructed to report an amendment providing that all county judges, sheriffs, registers of probate and solicitors, shall be elected by the legal voters in the respective counties, and shall hold their offices for four years; justices of the town courts shall be elected by the legal voters in the respective towns, and shall hold their offices for two years.

Before any action was taken thereon.

On motion of Mr Peaslee of Plaistow—

The Convention adjourned.

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Thursday December 19, 1850.

Mr Goodhue of Enfield presented the petition of Thomas Merrill and thirty others legal voters of the town of Enfield that the Constitution of this State may be so amended that town clerks may be authorized to record deeds and conveyances of real estate in their respective limits.

On motion of Mr Jenness of Strafford—

Resolved, That the petition be laid upon the table.

Mr Hoskins from the committee on the Legislative Department made the following

Report:

The committee on the Legislative Department to whom was recommitted the report of said committee with instruction to inquire into the expediency of so amending Article 32, of the Constitution of this State as to give the legislature authority to regulate the mode of receiving ballots in town meetings have instructed me to report the following resolutions

T. Hoskins, for the Committee.

Resolved, That the legislature may authorize by general law all such towns as may adopt the same and have more than seven hundred and fifty ratable polls to receive votes at town meetings in some other manner to be by the legislature prescribed.

Which was accepted and the resolution was agreed to.

Mr Bell of Gilford from the committee on Revising Business to whom was referred the Bill of Rights as amended reported the same in a new draft as follows:

### Bill of Rights

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Article 1. All men are born equally free and independent; therefore, all government of right originates with the people, is founded in consent and instituted for the general good.

2. All men have certain natural, essential, and inherent rights, among which are, the enjoying and defending life and liberty the acquiring, possessing and protecting property, and, in a word, the seeking and obtaining happiness.

3. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to insure the protection of others, and without such an equivalent the surrender is void.

4. Among the natural rights, some are in their very nature inalienable, because no equivalent can be given or received for them; of this kind are the rights of conscience.

5. Every individual has a natural and inalienable right to worship God according to the dictates of his own conscience and reason, and no subject shall be hurt, molested or restrained in his person, liberty or estate, for worshiping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious professions, sentiments or persuasion, provided he does not disturb the public peace, or disturb others in their religious worship.

6. As morality and piety, rightly grounded on the principles of the Bible, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through society by the institution of the public worship of the Deity, and of public instruction in morality and religion, therefore, to promote those important purposes, the people of this State have the right to empower, and do hereby fully empower the several religious societies, which may at any time exist within this State to make adequate provision at their own expense, for the support and maintenance of public teachers of piety, religion and morality: Provided, That such religious societies shall at all times have the exclusive right of electing their own public teachers and of contracting with them for their support and maintenance, and no person of any one particular religious sect or denomination shall ever be compelled to pay towards the support of the teachers of another persuasion, sect or denomination and every religious denomination demeaning themselves quietly and as good subjects of the State shall be equally under the protection of the law, and no subordination of any one sect or denomination to another shall ever be established by law.

7. The people of this State have the sole and exclusive right of governing themselves as a free, sovereign and independent State, and do, and forever hereaf-

ter shall exercise and enjoy every power, jurisdiction and right pertaining thereto, which is not, or may not hereafter be by them expressly delegated to the government of the United States.

8. All power residing originally in, and being derived from the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

9. No office or place whatsoever in government shall be hereditary, the requisite ability and integrity not being transmissible to posterity or relations.

10. Government being instituted for the common benefit, protection and security or the whole community, and not for the private interest or emolument of any one man, family or class of men, therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may and of right ought to reform the old or establish a new government. The doctrine of nonresistance to arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

11. All elections ought to be free, and every inhabitant of the State having the proper qualifications has an equal right to elect and be elected into office.

12. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property. He is therefore bound to contribute his share of the expense of said protection and to yield his personal service when necessary, or an equivalent. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or the authority of the law. Nor are the inhabitants of this State controlable by any other laws than those enacted in conformity to this Constitution and that of the United States.

13. No person who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent

14. Every subject of this State is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property or character, to obtain right and justice freely, without being obliged to purchase it, completely, and without any denial, promptly, and without any delay, conformably to the laws.

15. No subject shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formerly described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself, to meet the witnesses against him face to face, and to be fully heard in his defence by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers or the law of the land.

16. No subject shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the Legislature make any law that shall subject any person to a capital punishment, (excepting for the government of the army and navy, and the militia in actual service,) without trial by jury.

17. In criminal prosecutions, the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty and estate of the citizen, that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the Supreme Court that an impartial trial cannot be had in the county where the offence may be committed, and they shall direct the same

to be had in the nearest county in which an impartial trial can be obtained.

18. All penalties ought to be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offences the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reason a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishment being to reform, not to exterminate mankind.

19. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued but in cases and with the formalities prescribed by law.

20. In all controversies concerning property, and in all suits between two or more persons, except in cases otherwise provided for in the constitution, or laws made in pursuance thereof by the Legislature, the parties have a right to trial by jury, but the court shall try the facts as well as the law in cases where the parties agree.

21. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve; and such ought to be fully compensated for their travel, time and attendance.

22. The liberty of the press is essential to the security of freedom in a State; it ought, therefore, to be inviolably preserved.

23. Retrospective laws are highly injurious, oppressive and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offences.

24. A well regulated militia is the proper, natural and sure defence of a State.

25. Standing armies are dangerous to liberty and ought not to be raised or kept up without the consent of the Legislature.

26. In all cases, and at all times, the military ought to be under strict subordination to, and governed by the civil power.

27. No soldier in time of peace shall be quartered in any house without the consent of the owner; and in time of war, such quarters ought to be made only by the civil magistrate, in a manner ordained by the Legislature.

28. No subsidy, charge, tax, impost or duty shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the Legislature, or authority derived from that body.

29. The power of suspending the laws, or the execution of them, ought never to be exercised but by the Legislature, or by authority derived therefrom, to be exercised in such particular cases only as the Legislature shall expressly provide for.

30. The freedom of deliberation, speech and debate, in either house of the Legislature, is so essential to the rights of the people that its exercise cannot be the foundation of any action, complaint or prosecution against any member thereof in

any other court or place whatsoever.

31. The Legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

32. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their Representatives, and to request of the Legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

33. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

34. No person can in any case be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service.

35. Arrest or imprisonment on mesne or final process, founded on contract, shall not be allowed, unless the creditor or his agent shall previously make oath or affirmation of his belief that the debtor has fraudulently concealed or conveyed his property to place it beyond the reach of his creditors or is about to leave the State to avoid the payment of his debts.

36. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.

37. Economy being a most essential virtue in all States, no pension shall be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the Legislature, and never for more than two years at a time.

38. In the government of this State, the three essential powers thereof, to wit: the legislature, executive and judicial, ought to be kept as separate from and independent of each other as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

39. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry frugality, and all the social virtues are indispensably necessary to preserve the blessings of liberty and good government. The people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their law-givers and magistrates, an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

40. Knowledge and learning generally diffused through a community being essential to the preservation of a free government and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end, it shall be the duty of the legislators and magistrates in all future periods of this government to cherish the interests of literature and the sciences, and all seminaries and public schools; to encourage public and private institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades manufactures and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and social affections and generous sentiments among the people.

The Convention proceeded to the consideration of the Bill of Rights as reported in a new draft.

Which was read.

On motion of Mr Bell of Gilford—

Resolved, That all amendments which are merely verbal reported from the committee on Revising Business be adopted.

The Convention proceeded to the consideration of such of the several amendments reported by the committee on Revising Business as refer to the matters of substance.

On the question

Will the Convention agree to the amendment reported from the committee on Revising Business in Article 8, line 11, by adding after the word “societies” and inserting the words, “which may at any time exist.”

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the amendment reported from the committee on Revising Business in Article 12 lines 8 and 9 by striking out the words “or that of the representative body of the people,” and inserting the words, “or the authority of law?”

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the amendment reported from the committee on Revising Business to Article 12, lines 11 & 12 by striking out the words “to which they or their representative body have given their consent,” and inserting the words “enacted in conformity to this Constitution and that of the United States.”

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the amendment reported from the same committee to Article 17 lines 10 and 11 by striking out the words “upon their report the legislature shall think proper to direct the trial,” and inserting the words, “they shall direct the same to be had.”

It was decided in the affirmative

And the amendment was agreed to.

Mr Plumer of Epping in the chair.

Mr Bartlett of Portsmouth moved that the Bill of Rights as reported from the committee on Revising Business be adopted by the Convention.

On the question

Will the Convention agree to the motion?

It was decided in the affirmative

And the Bill of Rights as reported was adopted.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the Bill of Rights be referred to the committee on Revising

Business to be engrossed and that the committee be authorized to employ an engrossing clerk.

The Convention resumed the consideration of the unfinished business of yesterday upon the resolution to instruct the committee on the Executive Department to report an amendment providing that all county judges, sheriffs registers of probate and solicitors shall be elected by the legal voters in the respective counties and shall hold their offices for four years, Justices of the town courts shall be elected by the legal voters in the respective towns and shall hold their offices for two years.

Mr Chamberlain of Keene by leave withdrew the resolution and introduced the following instead thereof:

Resolved, That the committee on the Executive Department be instructed to report an Article to be inserted in the Constitution of this State providing for the election by the people of the State Judges of Courts having jurisdiction throughout the State and Attorney General; of County Judges, Sheriffs, Registers of Probate, Solicitors and other County Officers by the legal voters of the counties and of Justices of the Town Courts, by the legal voters of the towns; and that the State Judges and Attorney General shall hold their offices for the term of six years, subject to removal by the Governor upon address—the county Judges, Sheriffs, Registers of Probate and Solicitors for four years, subject to removal in the same way, and all other county officers for one year and town Justices for two years.

Mr Lamprey of Hampton moved to amend the resolution by inserting after the word “Sheriffs” the words, “Railroad Commissioners.”

On motion of Mr Bartlett of Portsmouth—

Resolved, That the resolution and proposed amendment be referred to the consideration of the committee of the whole.

On motion of Mr Chamberlain of Keene—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of yesterday upon so much of the constitution of the State and the report of the committee on that subject as relates to the Judicial Department.

Mr Lane of Gilford in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had had under consideration the resolution relating to the election of certain officers therein named, had made progress therein but had risen before the completion thereof and had directed him to move for leave to sit again.

On motion of Mr Lane of Gilford—

Leave was granted.

On motion of Mr Dickerson of Andover—

The Convention adjourned.

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Afternoon.

Mr Burnham of Enfield introduced the following resolution:

Resolved, That the committee on the Legislative Department be instructed to inquire into the expediency of inserting an Article in the Constitution to provide that the Governor, Lieutenant Governor, Judges of the Supreme Court, Senators, Secretary of State, State Treasurer, Attorney General and County officers be elected by plurality votes.

On the question

Will the Convention agree to the resolution:

It was decided in the affirmative

And the resolution was agreed to.

Mr Holden of Rumney by leave presented the petition of Samuel A. Willard and others praying that the Constitution of this State may be so amended as to exempt the homestead of families from attachment

Ordered, That it be referred to the consideration of the committee on Miscellaneous and matters not otherwise provided for.

On motion of Mr Ayer of Manchester—

Resolved, That the Convention do now resolve itself into a committee of the whole upon the unfinished business of the forenoon upon the resolution relating to the election of certain officers in the Judicial department therein named.

Mr Lane of Gilford in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had resumed the consideration of the unfinished business of the forenoon upon the resolution relating to the election of certain officers in the judicial department therein named, and had proceeded therein, but before the completion thereof had risen and directed him to move for leave to sit again on the same subject.

On motion of Mr Lane of Gilford—

Leave was granted.

Mr Holden of Rumney moved that when the Convention adjourn they adjourn to meet again at seven o'clock this evening.

On the question,

Will the Convention agree to the motion?

It was decided in the negative

And the motion was rejected

On motion of Mr Chamberlain of Keene—

The Convention adjourned.

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Friday December 20, 1850.

Mr Jenness of Strafford from the committee on Miscellaneous and subjects not otherwise provided for made the following

## Report:

The committee on Miscellaneous and subjects not otherwise provided for have had under consideration the resolution which was referred to them instructing them to consider the expediency of creating a board of Commissioners to audit the accounts and to superintend the affairs of the State Prison and have instructed me to report the following resolution.

B. W. Jenness for the Committee.

Resolved, That two Commissioners be appointed by the Governor with the consent of the Senate who together with the Governor shall constitute a board of Supervisors of the State Prison, the duties of said board to be prescribed by the legislature.

On motion of Mr Jenness of Strafford—

Resolved, That the report be referred to the consideration of the committee of the whole.

On motion of Mr Chamberlain of Keene—

The Convention resolved itself into a committee of the whole upon the unfinished business of yesterday upon the resolution relating to the election of certain officers in the Judicial Department therein named and the report of the committee on the Judicial Department therewith.

Mr Lane of Gilford in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had farther proceeded in the business assigned them upon so much of the Constitution of the State as relates to the Judicial Department the report of the committee on that subject and the resolution relating to the election of certain Judicial officers therein named and had proceeded therein but had again risen before the completion thereof and had directed him to move for leave to sit again on that subject.

On motion of Mr Lane of Gilford—

Leave was granted.

On motion of Mr Dickerson of Andover—

The Convention adjourned.

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Afternoon.

Mr Goodhue of Enfield moved that the Convention do now resume the consideration of the resolution to fix upon the day on which the business of this Convention shall be brought to a close.

On the question

Will the Convention agree to the motion?

It was decided in the negative.

And the Convention refused to resume the consideration of the resolution.

On motion of Mr. Richardson of Hanover—

The Convention resolved itself into a committee of the whole upon the unfinished business of the forenoon upon so much of the constitution of this State as relates to the Judicial Department the report of the committee on that subject and the resolution relating to the election of certain Judicial officers therein named.

Mr Lane of Gilford in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had proceeded in the business assigned them upon the report of the committee on the Judicial Department and the resolution relating to the election of certain officers therein named had adopted sundry amendments to the same and had directed him to report the Report and the resolution as amended to the Convention.

On motion of Mr Parker of Nashua—

Resolved, That when the Convention adjourn they adjourn to meet again at seven o'clock this evening.

On motion of Mr Whittemore of Pembroke—

The Convention adjourned.

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Seven O'clock.

The Convention proceeded to the consideration of the unfinished business of the afternoon upon the report of the committee on the Judicial Department upon so much of the constitution of this State as relates to that subject and of the resolution relating to the election of certain Judicial officers therein named.

On the question

Will the Convention agree to the first amendment which was reported from the committee of the whole, to the report of the committee on the Judicial Department, in Article 73, lines 5 and 6, to strike out the words "during good behavior excepting those concerning whom there is a different provision made in this Constitution," and to insert the words, "If Judges of the Supreme Court or Judges of Courts having jurisdiction throughout the State six years; all other judges, registers of probate and solicitors for counties four years, and if Justices of the Peace or trial justices two years."

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the second amendment which was reported from the committee of the whole to the Report of the committee on the Judicial Department to strike out in Article 73 line 7, the word "president" and to insert the word, "governor" instead thereof.

It was decided in the affirmative.

And the amendment was agreed to.

On the question,

Will the Convention agree to the third amendment reported from the committee of the whole to the report of the committee on the Judicial Department in Article 73, by adding at the close thereof the words following:

“When vacancies occur in any way in any of these offices they shall be filled up permanently by the same power which filled the office originally— but that the county Judges, as to county offices, and the Governor alone, as to those appointed by him and the Senate, may temporarily supply the vacancy till the regular appointing power can conveniently act on the subject.”

It was decided in the affirmative

And the amendment was agreed to.

Mr Chamberlain of Keene moved to amend Article 73, lines 7 and 8 by striking out the words “with consent of Council.”

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was adopted.

The Convention proceeded to the consideration of the resolution reported from the committee of the whole relating to the election of certain Judicial officers therein named.

On the question

Will the Convention agree to the resolution?

Mr Atherton of Nashville called for a division of the question

The question being put.

Will the Convention agree to so much of the resolution as directs the committee on the Judicial Department to insert an Article in the Constitution of this State providing for the election by the people of this State of Judges of Courts having jurisdiction throughout the State and the Attorney General by the people throughout the State.

Mr Atherton demanded the yeas and nays which being sustained by the number of members required by the rules adopted by this Convention.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Martin of Candia	Stevens of Deerfield
White of Chester	Perham
Griffin of Danville	Plumer
Hoyt of Exeter	Walker of Bow
Lamprey	Sanborn of Canterbury
Hurd of Londonderry	Langmaid
Furber	Putney of Dunbarton
Perkins of New Market	Nesmith
Knight	Whitney
Hobbs	Smith of Henniker
Bartlett of Nottingham	Clough of Hopkinton
Ayers of Portsmouth	Chase of Loudon
Bartlett of Portsmouth	Rowell

N. Moses	Morse of Newbury
L. Moses	Cate
Scribner	Whittemore
Parsons	Robinson of Salisbury
Goodwin of South Hampton	Harvey
Felker	Cross
Foss	French of Bedford
Freeman of Dover	Goodale of Deering
Drew of Dover	Flanders of Goffstown
Wiggins of Dover	Hadley
Tuttle of Lee	Richardson of Greenfield
Mathes	Pierce of Hillsborough
Jones of Rochester	Barnes
Coleman	French of Manchester
Cushing	Clarke of Manchester
Lane	Page of Manchester
Perkins of Gilmanton	Kendall
Morrison of Sanbornton	Cochran
Ham	Gould of New Ipswich
Churchill	Atwood
Charles	J. H. Steele
Perkins of Eaton	Sanborn of Windsor
Leavitt	Hamilton
Moulton of Moultonborough	Dudley
Brown of Ossipee	Brown of Fitzwilliam
Dickerson	Hammond
Haile	Goodhue
Chamberlain	Burnham of Enfield
Starkweather	Spooner
Batcheller of Marlborough	Colburn
Symonds	Morse of Haverhill
Griffin of Nelson	Swasey
Converse	Richardson of Hanover
Hardy	Johnson of Hill
Holbrook	Cass
Wright	Clark of Landaff
Huntington	Goodall of Lisbon
Lathrop	Eastman of Littleton
Hoskins	Gould of Littleton
Bennett	Moulton of Lyman
Kingman	Holden
Rossiter	Gilman
Morse of Croydon	Weeks of Warren
Sleeper	Gray
Chase of Langdon	Thompson
Smith of Lempster	Boynton
Mudgett	Tirrell
Nettleton	Brewster of Dalton
Freeman of Plainfield	Thurston
George	Perkins of Jackson

Smith of Unity	Plaisted
Whitcher	White of Lancaster
Hoit of Bridgewater	Smith of Stewartstown
Wells of Canaan	Brown of Stratford
Howe	Burbank
Clough of Danbury	Jackson
Fisk	

Those who voted in the negative, were Messrs.—

Greenough	Gale
Currier	Gregg
Marston	Upham
Kelley of Exeter	Barton
Burleigh	Minot
Dodge	Rolfe
Page of Kingston	Martin of Epsom
Anderson	Andrews
Tarlton	Kelley of Warner
Hoit of Newton	Eaton
Clark of Northwood	Wallace
Bedee	Fuller
Colton	Patten
Sanborn of Seabrook	Clement
Morrison of Windham	Weston
Pierce of Dover	Parker of Nashua
Barker of Farmington	Spalding
Roberts	Abbott
Hayes	Atherton
Wells of Somersworth	S. P. Steele
Jenness	Barrett
Hurd of Alton	Adams of Jaffrey
Hill of Alton	Adams of Keene
Webster of Barnstead	Fisher
Robinson of Gilmanton	Reed of Stoddard
Wadleigh	Sawyer of Swanzey
Bean	Blanchard
Tilton	Stevens of Charlestown
Eastman of Conway	Freeman of Claremont
Rice	Putnam
Carter	Chase of Goshen
Wentworth of Sandwich	Sanborn of Washington
Smith of Sandwich	Crawford
Perkins of Tamworth	Bartlett of Bristol
Batchelder of Allenstown	Weeks of Canaan
Little	Davidson
Smith of Boscawen	Sanborn of Hanover
Jones of Bradford	Crosby of Hebron
Kimball	Nelson
Sartwell of Lebanon	Blodgett

Cutting  
 Britton  
 Sawyer of Piermont

Pitman  
 Bedel

Yeas 139 nays 85.

Mr Lane of Gilford moved to amend the resolution by inserting after the word "Solicitors" the words "Clerks of Courts".

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

Mr Jenness of Strafford moved to amend the resolution by adding after the words "legal voter of the counties," the words, "by ballot and by plurality of votes."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

The question recurred

Will the Convention agree to the remainder of the resolution as amended?

It was decided in the affirmative

And the resolution was adopted.

The Convention resumed the consideration of the report of the committee on the Judicial Department upon so much of the Constitution of this State as relates to that subject.

On the question

Will the Convention agree to the fourth amendment reported from the committee of the whole to the report of the committee on the Judicial Department in Article 73 and in all other Articles wherever it occurs, to strike out the word "Council" and insert the word "Senate" instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

Mr J. H. Steele of Peterborough moved to amend Article 74 line 2 by striking out the words "and Senate."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the fifth amendment reported from the committee of the whole to the report of the committee on the Judicial Department in Article 74 line 3, to strike out the words "Justices of the Superior Court" and insert the words, "Attorney General" instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the sixth amendment reported from the committee of the whole to the report of the committee on the Judicial Department to strike out Articles 75 and 78 which are as follows:

“75. In order that the people may not suffer from the long continuance in places of any justice of the peace, who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justices of the peace shall become void at the expiration of five years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the State.”

“78. No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.”

It was decided in the affirmative

And the amendment was agreed to.

Mr Plumer of Epping moved to amend the seventh amendment reported from the committee of the whole to the report of the committee on the Judicial Department to strike out all of Article 77 and insert the following instead thereof.

“The trial justices shall have jurisdiction in all civil causes when the debt or damages demanded shall not exceed the sum of seventy five dollars and the title of real estate is not concerned. Either party shall have the right of trial by a jury not over six in number. In all cases where the debt or damages demanded shall exceed the sum of twenty dollars, either party shall have the right of appeal as to the law and facts, but in all cases when the debt or damages demanded shall be under said sum of twenty dollars, the decision both as to the law and the facts shall be final, subject only to such right of review as the Legislature may prescribe. In all cases of appeals the Legislature may require that the party who appeals shall give security for the costs that may be recovered against him, and may also provide for the imposition of double costs in all cases in which the decision of the Justice is not changed. The number of said trial justices shall be two for each town or city, and not exceeding three.”

“Also by striking out the word “twenty” wherever it occurs and inserting the word “ten” instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

Mr Bedel of Colebrook moved to amend the seventh amendment by striking out the words “seventy five” before the word “dollars”, and inserting the words, “one hundred” instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

Mr Robinson of Salisbury moved to amend the seventh amendment by striking out the word, “twenty” wherever it occurs, and inserting the words, “twenty five,” instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected

The question recurred

Will the Convention agree to the seventh amendment as amended?

It was decided in the affirmative

And the amendment was adopted.

On the question

Will the Convention agree to the eighth amendment reported from the committee of the whole to the report of the committee on the Judicial Department in Article 94 line 8 to insert after the word "peace" the words, "and trial justices"

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the ninth amendment reported from the committee of the whole to the report of the committee on the Judicial Department in Article 76 to add at the close thereof the words following:

"The Legislature shall also have power to authorize the trial by jury of all cases in equity, under such rules and regulations as they may from time to time ordain or establish."

It was decided in the affirmative

And the amendment was agreed to.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the further consideration of the report and resolution be referred to the committee on the Judicial Department.

On motion of Mr Smith of Henniker—

Resolved, That the committee on the Judicial Department be instructed to report amendments to the constitution of this State providing for the election by the people of all officers now provided for or that shall hereafter be provided for by law having jurisdiction throughout the State excepting such officers as are otherwise provided for by this constitution.

On motion of Mr Freeman of Dover—

Resolved, That the use of the Representatives' Hall be granted to the Concord Natural History Society for a lecture on Monday evening next.

On motion of Mr Parker of Nashua—

The Convention adjourned.

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Saturday December 21, 1850.

Mr Kimball of Lebanon presented the petition of W. G. Mason and others praying that the constitution of the State may be so amended, that Town Clerks may be authorized to record deeds and other conveyances of real estate in their respective towns.

On motion of Mr Kimball of Lebanon—

Resolved, that the petition be laid upon the table.

Mr Jenness of Strafford introduced the following resolution:

Resolved, That the committee on the Judicial Department be instructed to inquire into the expediency of inserting an article in the Constitution to make the offices of Clerks of the House of Representatives and Clerks of the Senate elective by the people.

Mr Barton moved to amend the resolution by inserting after "Clerks of the Senate," the words, "doorkeepers of the House and Senate."

On motion of Mr Cochran of New Boston—

Resolved, That the resolution be laid upon the table.

Mr Starkweather of Keene introduced the following resolution:

Resolved, That the Registers of Deeds for the several counties in this State shall be chosen in the same way and manner as is provided for the choice of other county officers and hold their office for the term of four years and that the Constitution be amended accordingly.

On motion of Mr Jenness of Strafford—

Resolved, That the resolution be laid upon the table.

Mr Chamberlain of Keene from the committee on the Judicial Department, by leave, made the following

Report:

The committee on the Judicial Department to whom was referred the resolution

“That it is expedient that the present forms of actions and pleadings in cases at common law should be abolished that the distinction between legal and equitable remedies should no longer continue, and that a uniform course of proceedings should be established in all cases.”

And who were instructed to inquire into the expediency of an amendment to this Constitution providing for simplifying and abridging the practice, pleadings and proceedings of the Courts in this State, report,

That the matters suggested in the said resolution, are worthy the attention of the Legislature, to which body, in the opinion of the committee, they appropriately belong, they therefore report the following resolution:

Levi Chamberlain, for the Committee.

Resolved, That it is not expedient for this convention to take any action upon the subject

Which was accepted and the report adopted.

Mr Wadleigh of Meredith from the committee on the Militia Department, by leave, made the following

Report:

The committee on the Militia Department to whom was referred Article 48 and so much of Article 46 as relates to the appointment of officers of the Navy and Militia, also Articles 53, 54 and 55 of the Constitution relating to the mode of enforcing the legal rights and liabilities of commissioned officers, the appointment of staff officers and the division of the militia into brigades regiments and companies have considered those subjects respectively, and have directed me to make the following report:

J. Wadleigh, for the Committee

Resolved, That it is expedient to amend so much of the constitution as relates to the militia, as follows:

Article— The Legislature shall provide by law for enrolling, organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States.

Strike out in Article 46 lines 2, 3 and 4, the following words, “and all officers of the navy and general and field officers of the militia.”

Also strike out all of Article 48 and insert the following Article instead thereof.

“Article—. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.”

Strike out in Article 54 lines 1, 2 and 3, the words following, “commanding officers of the regiments shall appoint their adjutants and quartermasters, the brigadiers their brigade majors, the major-generals their aids,” and insert the following instead thereof.

“major-generals, brigadier generals and commanding officers of regiments, shall appoint the staff officers of their divisions, brigades and regiments respectively.” and

Strike out in Article 55 lines 1 and 2 the words “brigades, regiments and companies.” and insert the words, “companies, regiments, brigades and divisions,” instead thereof.

On motion of Mr Wadleigh of Meredith—

Resolved, That the report be referred to the consideration of the committee of the whole.

Mr Atherton of Nashville from the committee on the Legislative Department, by leave, made the following

#### Report:

The committee on the Legislative Department to whom was referred the resolution to prohibit towns from taking stock in corporations or loaning money to the same, report the same back to the Convention and recommend the following amendment.

C. G. Atherton, for the Committee.

Strike out all after the word “Resolved,” and insert

“That no town or incorporated place shall have the right either directly or indirectly to suffer their credit to be used for the especial benefit of any corporation nor to raise money for the purpose of loaning the same to any corporation nor for taking stock therein.”

On the question

Will the Convention agree to the amendment reported by the committee on the Legislative Department?

It was decided in the affirmative

And the report was agreed to.

The question recurred

Will the Convention agree to the resolution as amended by the report of the committee on the Legislative Department?

It was decided in the affirmative.

And the resolution as amended was agreed to.

On motion of Mr Atherton—

Resolved, That the resolution as amended be recommitted to the committee on the Legislative Department and that they be instructed to report the provisions thereof in an Article to be inserted in the Constitution.

Mr Lane of Gilford introduced the following resolution:

Resolved, That the committee on the Legislative Department be instructed to inquire into the expediency of providing that all elections by the Legislature jointly or by either branch thereof shall be made *viva voce*.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Jenness of Strafford—

The Convention resolved itself into a committee of the whole upon the report of the committee on Miscellaneous and subjects not otherwise provided for relating to the apportionment of a Superintendent by the trustees of the Asylum for the Insane and the apportionment of the Warden of the State's Prison by the Governor.

Mr Smith of Henniker in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had entered upon the consideration of the report and resolution which were reported from the committee on Miscellaneous and subjects not otherwise provided for, relating to the appointment of a Superintendent by the trustees of the Asylum for the Insane and the appointment of the Warden of the State's Prison by the Governor, had amended the same, and had directed him to report the same as amended to the Convention.

Which is as follows:

Resolved, That the superintendant of the Asylum for the Insane be appointed by the trustees of said institution and removable at their pleasure, and that the Warden of the State's Prison be appointed by the Governor with the consent of the Senate.

On the question,

Will the Convention agree to the resolution as reported from the committee of the whole?

It was decided in the affirmative.

And the resolution was agreed to.

On motion of Mr Jenness of Strafford—

Resolved, That the report and resolution be referred to the consideration of the committee on the Legislative Department.

On motion of Mr Jenness of Strafford—

The Convention resolved itself into a committee of the whole upon the report and resolution which were reported from the committee on Miscellaneous and subjects not otherwise provided for, relating to the appointment of two commissioners by the Governor with the consent of the Senate, who together with the Governor, shall constitute a board of supervisors of the State's Prison, the duties of which board shall be prescribed by the Legislature.

Mr. Smith of Henniker in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had proceeded to the consideration of the report and resolution referred to them by the Convention which was reported from the committee on Miscellaneous and subjects not otherwise provided for, relating to the appointment of two Commissioners by the Governor, with the consent of the Senate, who together with the Governor shall constitute a board of supervisors of the State's Prison, the duties of which board shall be prescribed by the legislature, had amended the same and had directed him to report, the report and resolution, as amended to the Convention.

The resolution as amended is as follows:

Resolved, That two commissioners be appointed by the Governor with consent of the Senate, who together with the Governor shall constitute a board of supervisors of the State's Prison, the duties of said board to be prescribed by the Legislature and the Warden of said prison to be removable at the pleasure of said board.

On the question

Will the Convention agree to the report and resolution as amended?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Smith of Henniker—

Resolved, That the report and resolution be referred to the committee on Revising Business.

On motion of Mr Atherton of Nashville—

Resolved, That the Convention reconsider their vote to refer the report and resolution of the committee on Miscellaneous and subjects not otherwise provided for, relating to the appointment of the Warden of the State's Prison and the Superintendent of the Asylum for the Insane to the committee on the Legislative Department.

On motion of Mr Atherton of Nashville—

Resolved, That the report and resolution be referred to the consideration of the committee on Revising Business.

Mr Jenness of Strafford introduced the following resolution:

Resolved, That when the Convention adjourn they adjourn to meet on Monday next at three o'clock in the afternoon.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted.

Mr Barton of Concord introduced the following resolution:

Resolved, That no member of the Senate or House of Representatives shall be eligible to any office in the State government within the gift of the Executive or Legislative department during the term for which he was elected excepting Notaries public, justice of the peace, justices of the peace and quorum and justices throughout the State and Military officers.

Mr. Richardson of Hanover moved that the resolution be laid upon the table.

On the question

Will the Convention agree to the motion?

It was decided in the negative.

And the motion was rejected.

Mr Plumer of Epping moved to amend the resolution by striking out the words, "justices of the peace, justices of the quorum, and justices throughout the State."

On the question

Will the Convention agree to the amendment?

It was decided in the negative.

And the amendment was rejected.

The question recurred,

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Barton—

Resolved, That the resolution be referred to the consideration of the committee on Revising Business.

On motion of Mr Sanborn of Hanover—

The Convention resumed the consideration of the report of the committee on Education relating to the appointment of a State superintendant of common schools.

Mr Barton of Concord in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had proceeded to the consideration of the report and resolutions referred to them by the convention, which were reported from the committee on Education relating to the election of a State superintendant of common schools in this State and had directed him to report the same to the convention without amendment.

Mr Whittemore of Pembroke moved that the convention do now adjourn.

On the question

Will the Convention agree to the motion?

It was decided in the negative.

And the motion was rejected.

On the question

Will the Convention agree to the report and resolutions which were reported from the committee of the whole.

It was decided in the affirmative

And the resolutions were agreed to.

The resolutions are as follows:

Resolved, That it is expedient to insert in the Constitution of the State the following provision.

The supervision of public instruction shall be vested in a State superintendant and such other officers as the Legislature shall direct.

The State superintendant shall be chosen by the qualified electors of the State, in such manner as the Legislature shall provide; his powers, duties and compensation shall be prescribed by law.

On motion of Mr Wells of Somersworth—

Resolved, That the resolutions be referred to the consideration of the committee on Revising Business.

On motion of Mr Richardson of Hanover—

The Convention adjourned.

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Monday December 23, 1850.

On motion of Mr Sawyer of Dover—

The Convention adjourned.

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Tuesday December 24, 1850.

Mr Freeman of Dover from the committee on Miscellaneous and subjects not otherwise provided for, made the following

Report:

The committee on Miscellaneous and subjects not otherwise provided for, to whom was referred the petition of Samuel A. Willard and others, in relation to Homestead exemption, have had the same under consideration and have instructed me to report: That inasmuch as, in the opinion of your committee, the Legislature have full power to make such provision in relation to the subject of said petition as the public good may require, and have actually now before them a bill providing for Homestead exemption, which, at their last session was ordered to be laid before the people for their approval or disapproval, we deem it in expedient for the Convention to take any further action on the subject; we therefore recommend the adoption of the following resolution:

A. Freeman, for the Committee.

Resolved, That it is not expedient to insert in the Constitution any provision relating to Homestead exemption.

On motion of Mr Freeman of Dover—

Resolved, That the report be referred to the consideration of the committee of the whole.

Mr Wadleigh of Meredith introduced the following resolution:

Resolved, That the use of this Hall be granted to the Concord Society of Natural History during the evenings of Tuesday, Wednesday and Thursday of this week unless the Convention shall hold evening sessions, for lectures from Dr. E. S. Lambert on Physiology.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

Mr Chase of Milford introduced the following resolution:

Resolved, That the committee on the Executive Department be instructed to inquire into the expediency of amending the 51st article by striking out all after the word "navy" in the sixth line to the proviso in the 30th line, and instead thereof insert the following: "The Governor shall have full power to call forth the militia to execute the laws of this State, to suppress insurrection or repel invasion."

Mr J. H. Steele of Peterborough moved to amend the resolution by inserting after the word "State" the words "or the laws of the United States."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

The question recurred

Will the Convention agree to the resolution as amended?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr J. H. Steele of Peterborough—

The Convention resolved itself into a committee of the whole upon the report of the committee on Education relating to a constitutional provision in favor of the maintenance of common schools.

Mr Hoskins of Westmoreland in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had had under consideration the report of the committee on Education in favor of a constitutional provision for the maintenance of common schools but had risen before the completion thereof and had directed him to move for leave to sit again on the same subject.

On motion of Mr Hoskins of Westmoreland—

Leave was granted.

On motion of Mr Swasey of Haverhill—

The Convention resolved itself into a committee of the whole upon so much of the Constitution of this State and the several resolutions connected therewith as relate to the Executive Department.

Mr Sawyer of Dover in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had resumed the consideration of so much of the Constitution of this State with the several resolutions connected therewith as relate to the Executive Department but had risen before the completion thereof and had directed him to move for leave to sit again on the same subject.

On motion of Mr Sawyer of Dover—

Leave was granted.

On motion of Mr Wadleigh of Meredith—

The Convention resumed the consideration of so much of the constitution of this State as relates to the militia with the report of the committee on that subject.

Mr Kelley of Exeter in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had had under consideration so much of the constitution of this State as relates to the militia and the report of the committee on that subject and had directed him to report the same without amendment.

The Convention proceeded to the consideration of the several amendments reported from the committee of the whole to so much of the Constitution of this as relates to the militia.

On the question

Will the Convention agree to the first amendment reported from the committee of the whole to insert the following Article?

Article— The legislature shall provide by law for enrolling, organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States.

It was decided in the affirmative

And the amendment was adopted.

On the question,

Will the Convention agree to the second amendment reported from the committee of the whole to strike out in Article 46, lines 2, 3 and 4 the following words: “And all officers of the navy and general and field officers of the militia.”

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the third amendment reported from the committee of the whole to strike out all of article 48 and insert the following article instead thereof.

Article—. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

It was decided in the affirmative

And the amendment was adopted.

On the question,

Will the Convention agree to the fourth amendment reported from the committee of the whole to strike out in Article 54 lines 1, 2 and 3, the words following: “commanding officers of the regiments shall appoint their adjutants and quartermasters, the brigadiers their brigade majors, the major generals their aids,” and insert the following instead thereof; “Major generals, brigadier generals and commanding officers of regiments, shall appoint the staff officers of their divisions, brigades and regiments respectively.

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the fifth amendment reported from the committee of the whole to strike out in Article 55, lines 1 and 2, the words, "brigades, regiments and companies," and insert the words, "companies, regiments, brigades and divisions," instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On motion of Mr Wadleigh of Meredith—

Resolved, That the further consideration of the report and the several amendments adopted by the Convention be referred to the committee on Revising Business.

On motion of Mr Swasey of Haverhill—

Resolved, That the committee on the Executive Department have leave to sit during the session of the Convention.

On motion of Mr Bartlett of Portsmouth—

Resolved, That when the Convention adjourn they adjourn to meet at three o'clock this afternoon.

On motion of Mr Starkweather of Keene—

The Convention adjourned.

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Afternoon.

Mr Clarke of Manchester from the committee on the Legislative Department made the following

Report:

The committee on the Legislative Department to whom was referred the resolution of Mr Swasey of Haverhill in relation to "perpetuities," have directed me to report the following article to be inserted in the Bill of Rights:

Wm C. Clarke, for the Committee.

Perpetuities are contrary to the genius of a free government, and shall never be allowed.

On motion of Mr Ayer of Manchester—

Resolved, That it be laid upon the table.

Mr Jenness of Strafford moved that the Convention reconsider their vote to refer Articles 82 to 97 inclusive of the constitution of this State to the committee on Revising Business.

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the Convention refused to reconsider their vote

On motion of Mr Nesmith of Franklin—

The Convention resolved itself into a committee of the whole upon the report of the committee relating to future Amendments to the Constitution.

Mr Barton of Concord in the chair.

In Convention.

Mr Sawyer of Nashua in the chair.

The Chairman of the committee of the whole reported to the Convention that they had had under consideration the report of the committee relating to future amendments to the Constitution and had directed him to report the same without amendment to the Convention.

The Convention proceeded to the consideration of the report of the committee of the whole relating to the subject of future amendments to the Constitution.

On the question,

Will the Convention agree to the report?

It was decided in the affirmative

And the report was agreed to.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the report be referred to the consideration of the committee on Revising Business.

The President in the chair.

Mr Bennett of Winchester from the committee on the Executive Department by leave made the following

Report:

The committee on the Executive Department to whom was referred the resolution instructing them to inquire into the expediency of amending the 51st Article by striking out all after the word “navy” in the sixth line, to the proviso in the 30th line, and insert “the Governor shall have full power to call forth the militia to execute the laws of the State and of the United States to suppress insurrection and repel invasion,” have had that subject under consideration, and have instructed me to report the following amendment to said 51st article.

A. H. Bennett for the Committee.

Strike out all after the word “navy” in the sixth line, down to and including the word “State” in the 25th line, and insert, to all forth the militia to execute the laws of the State and of the United States, to suppress insurrection and repel invasion.”

On motion of Mr Bennett of Winchester—

Resolved, That the further consideration of the report be referred to the committee of the whole upon the Executive Department.

On motion of Mr Swasey—

Resolved, That the Convention do now resolve itself into a committee of the whole upon so much of the Constitution of the State and the report connected therewith as relates to the Executive Department.

Mr. Sawyer of Nashua in the chair.

## In Convention.

The Chairman of the committee of the whole reported to the Convention that they had further proceeded in the consideration of so much of the constitution of this State as relates to the Executive department had adopted sundry additional amendments thereto and directed him to report the same as amended to the Convention.

The Convention proceeded to the consideration of so much of the Constitution of this State as relates to the executive department with the amendments which are as follows:

In Article 43 line 8, to insert the word "June" the word "biennially."

In Article 51 to strike out after the word "navy" in line 6, all down to and including the word "State" in line 25 and to insert the words following instead thereof.

"to call forth the militia and put in warlike posture the inhabitants thereof, to execute the laws of the State and of the United States, to suppress insurrection and to repel invasion."

Also in Article 58 line 1 to insert after the word "Governor" the words, and lieutenant Governor.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the Convention adopt the foregoing amendments respectively.

On motion of Mr Swasey of Haverhill—

Resolved, That the further consideration of so much of the constitution of this State as relates to the Executive Department with the proposed amendments thereto be referred to the committee on Revising Business.

Mr Atherton from the committee on the Legislative Department by leave made the following

## Report:

The committee on the Legislative Department who were instructed to inquire into the expediency of providing that all elections by the Legislature, or either branch thereof, shall be viva voce, have had that subject under consideration, and have directed me to report the following resolution:

C. G. Atherton, for the Committee.

Resolved, That the following article be inserted in the Constitution:

All elections by the Legislature, or by either branch thereof, shall be viva voce.

On the question

Will the Convention agree to the resolution reported by the committee?

It was decided in the affirmative

And the resolution was agreed to.

Mr Atherton from the same committee, by leave, made the following additional

## Report:

The committee on the Legislative Department, who were instructed to inquire into the expediency of providing for the elections of governor, lieutenant governor, judges of the supreme court, senators, secretary of state, state treasurer, attorney general, and county officers by a plurality vote, have had that matter and the general subject of elections under consideration, and have instructed me to report the following resolution:

C. G. Atherton, for the Committee.

Resolved, That the following article be inserted in the Constitution:

All elections by the people shall be determined by plurality vote.

On motion of Mr Atherton—

Resolved, That the report be laid upon the table.

On motion of Mr Johnson of Hill—

The Convention adjourned.

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Wednesday December 25, 1850.

Mr Sawyer of Dover in the chair.

Mr Cate of Northfield from the committee on Elections to was recommitted their report on that subject reported the same with the names of two additional members of this Convention.

The names of the additional members of the Convention were William Lang of Bath and Jeremiah Morrison of Windham.

On motion of Mr Lamprey of Hampton—

The report was adopted.

On motion of Mr Atherton—

The Convention resumed the consideration of the report of the committee on the Legislative Department relating to the election of officers by the people, by a plurality of votes.

Mr Hoyt of Exeter moved to amend the report by inserting after the word “elections”, the words, “of State and county officers,”

Before the question was put.

Mr Hoyt of Exeter withdrew the proposed amendment and substituted the following amendment instead thereof.

“Strike out all after the word “resolved,” and insert “all elections of officers by the people excepting those chosen by the towns respectively shall be determined by a plurality vote.”

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

Mr Nesmith of Franklin moved to amend the report by adding at the close thereof the words following

“Excepting Governor, lieutenant governor, senators and representatives to the legislature who shall be elected as the legislature shall hereafter prescribe”

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

Mr Hobbs moved to amend the report by striking out in the resolution which accompanied the same the word “shall” and inserting the word “may” instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

Mr Dickerson moved to amend the resolution reported by the committee on the Legislative Department by inserting after the word “votes” the words “excepting town officers who shall be elected by a plurality on the third ballot.”

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected

Mr Martin of Candia moved to amend the resolution reported from the committee on the Legislative Department by striking out the words “by a plurality of votes,” and inserting the words “as the legislature shall direct,” instead thereof.

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

The question recurred,

Will the Convention agree to the resolution as reported from the committee

On this question

Mr Parker of Nashua demanded the yeas and nays which being sustained by the number of members required by the rules of this Convention.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Wells of Somersworth
Morrill	Jenness
Lamprey	Webster of Barnstead
Furber	Lane
Knight	Robinson of Gilmanton
Hoit of Newton	Pease
Hobbs	Bean
Ayers of Portsmouth	Shaw
Bartlett of Portsmouth	Brown of Ossipee
Brewster of Portsmouth	Carter
N. Moses	Wentworth of Sandwich
L. Moses	Smith of Sandwich

Hilton of South New Market	Dickerson
Wingate	Jones of Bradford
Wiggins of Dover	Langmaid
Chesley	Barton
Roberts	Minot
Tuttle of Lee	Shute
Mathes	Eastman of Concord
Day	Smith of Henniker
Wentworth of Rollinsford	Clough of Hopkinton
Coleman	Burnham of Hopkinton
Andrews	Sawyer of Swanzey
Cate	Huntington
Clark of Pittsfield	Lathrop
Robinson of Salisbury	Hoskins
Harvey	Walker of Charlestown
Kelley of Warner	Putnam
Eaton	Chase of Goshen
Cross	Smith of Lempster
Flanders of Goffstown	Mudgett
Hadley	Quimby
Patten	George
Farley	Smith of Unity
Center	Sanborn of Washington
Clement	Crawford
Johnson of Manchester	Lang of Bath
Read of Manchester	Hoit of Bridgewater
Ayer of Manchester	Wells of Canaan
Weston	Youngman
Page of Manchester	Goodhue
Kendall	Burnham of Enfield
Atherton	Davidson
Cochran	Swasey
Atwood	Richardson of Hanover
J. H. Steele	Sanborn of Hanover
Nay	Johnson of Hill
Barrett	Cass
Sanborn of Windsor	Cox
Hamilton	Eastman of Littleton
Dudley	Gould of Littleton
Brown of Fitzwilliam	Nelson
Hammond	Weeks of Warren
Starkweather	Brewster of Dalton
Symonds	Pitman
Fisher	Thompson
Reed of Stoddard	Bedel
Holbrook	Boynton
Thurston	Brown of Stratford
Perkins of Jackson	Burbank
Plaisted	Jackson
Smith of Stewartstown	Fisk.

Those who voted in the negative, were Messrs.—

Currier	Sawtelle of Brookline
Martin of Candia	Fuller
Gregg	Richardson of Greenfield
Perham	Willoughby
Marston	Foster
Kelley of Exeter	Chase of Milford
Dodge	Daniels
Batchelder of Kensington	Parker of Nashua
Hurd of Londonderry	Spalding
Bedee	Noyes
Sanborn of Seabrook	Abbott
Felker	Gould of New Ipswich
Foss	Wheeler
Freeman of Dover	Batcheller of Marlborough
Tilton	Griffin of Nelson
Morrison of Sanbornton	Converse
Churchill	Hardy
Charles	Wright
Perkins of Eaton	Bennett
Leavitt	Kingman
Rice	Blanchard
Perkins of Tamworth	Stevens of Charlestown
Little	Morse of Croydon
Smith of Boscawen	Sleeper
Martin of Epsom	Freeman of Plainfield
Nesmith	Whitcher
Rowell	Pierce of Bethlehem
Wallace	Bartlett of Bristol
French of Bedford	Spooner
Colburn	Moulton of Lyman
Crosby of Hebron	Sawyer of Piermont
Clark of Landaff	Gray
Kimball	Tirrell
Sartwell of Lebanon	White of Lancaster
Goodall of Lisbon	

Yeas 124, nays 69.

So the resolution was agreed to.

On motion of Mr Sawyer of Piermont—

The Convention resolved itself into a committee of the whole upon the report of the committee on the legislative department to indefinitely postpone the resolution to refer to them the subject of agriculture with instructions to report therein.

Mr Parker of Nashua in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had proceeded to the consideration of the report of the committee on the Legislative Department to indefinitely postpone the resolution to refer to them the subject of agriculture with instructions to report therein and had amended the same and had instructed him to report the resolution as amended to the Convention.

The resolution as amended is as follows:

Resolved, That an intimate acquaintance with scientific principles as applied to practical farming is essential to the prosperity of an agricultural community; therefore there shall be in this State a Commissioner of Agriculture, elected every two years in the same manner as the Governor and other State officers are elected, whose duties and compensation shall be prescribed by the Legislature

On the question,

Will the Convention agree to the resolution reported from the committee of the whole as amended?

It was decided in the affirmative

And the resolution was adopted.

On motion of Mr Sawyer of Piermont—

Resolved, That the further consideration of the report and resolution be referred to the committee on Revising Business.

Mr Walker of Claremont introduced the following resolution:

Resolved, That the committee on the Judicial Department be instructed to inquire into the expediency of so amending the constitution as to provide for the election of all judicial officers at some time other than at the time of the biennial state elections.

On motion of Mr Jenness—

Resolved, That the resolution be laid upon the table.

Mr Robinson of Salisbury introduced the following resolution:

Resolved, That the committee on Revising Business be authorized to employ a clerk or clerks.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted.

Mr Bartlett of Portsmouth, by leave, presented the claim of R. C. Osgood.

Ordered, That it be referred to the committee on Claims.

On motion of Mr Robinson of Salisbury—

Resolved, That the committee on Revising Business have leave to sit during the session of of the Convention.

On motion of Mr Richardson of Hanover—

The Convention adjourned.

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Afternoon.

Mr Smith of Henniker in the chair.

Mr Dodge of Hampton Falls moved to take up the resolution relating to the election of Clerks of the Senate and of the House of Representatives.

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the motion was rejected.

On motion of Mr Swasey of Haverhill

The Convention resumed the consideration of the report of the committee on the Legislative Department relating to perpetuities.

Mr Swasey of Haverhill moved to amend the resolution reported from the committee by adding at the close thereof the words following:

“and all legislative acts or grants intended to have a continued operation and effect may be altered amended or reported by the legislature as the public good may require.”

On motion of Mr Bartlett of Portsmouth—

Resolved, That the resolution with the proposed amendment be laid upon the table.

On motion of Mr Freeman of Dover—

The Convention resolved itself into a committee of the whole upon the report of the committee on Miscellaneous and subjects not otherwise provided for relating to the subject of homestead exemption.

Mr Sanborn of Hanover in the chair

In Convention

Mr Smith of Henniker in the chair.

The Chairman of the committee of the whole reported to the Convention that they had had under consideration the report of the committee on Miscellaneous and subjects not otherwise provided for relating to the subject of homestead exemption and had directed him to report the same without amendment to the Convention

On the question

Will the Convention agree to the resolution reported from the committee of the whole?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr J. H. Steele of Peterborough—

The Convention resolved itself into a committee of the whole upon the report and resolution of the committee on Education relating to a constitutional provision for the maintenance of common schools in this State.

Mr Sanborn of Hanover in the chair.

In Convention.

Mr Smith of Henniker in the chair.

The Chairman of the committee of the whole reported to the convention that they had further proceeded in the consideration of the report and resolution of the committee on Education relating to a constitutional provision for the maintenance of common schools in this State and had amended the same and had directed him to report the resolution as amended to the convention.

The Convention proceeded to the consideration of the resolution as amended by the committee of the whole.

On the question

Will the Convention agree to the amendment reported from the committee of the whole to strike out in line 7 the word "taxes" and insert the word "valuation" instead thereof.

It was decided in the negative

And the amendment was rejected.

The question recurred,

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Chesley of Durham—

Resolved, That the further consideration of the resolution be referred to the committee on Revising Business.

On motion of Mr Jenness of Strafford—

The Convention resumed the consideration of the report of the committee on Miscellaneous and subjects not otherwise provided for, to insert an Article in the constitution of this State relating to lotteries.

Mr Sanborn of Hanover moved to amend the resolution by striking out all after "Resolved, That" and inserting the following instead thereof

"The legislature shall never authorize any lottery or suffer lottery tickets to be sold in the State."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

On motion of Mr Jenness of Strafford—

Resolved, That the further consideration of the resolution be referred to the committees on Revising Business

On motion of Mr Ayer of Manchester—

The Convention resolved itself into a committee of the whole upon the report and resolution of the committee on Miscellaneous and subjects not otherwise provided for relating to duelling.

Mr Hoskins of Westmoreland in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had proceeded to the consideration of the report and resolution of the committee on Miscellaneous and subjects not otherwise provided for relating to duelling, had amended the same and had directed him to report the report and resolution as amended to the Constitution.

On the question,  
Will the Convention concur in the amendment to the resolution relating to duelling which was reported from the committee of the whole?

It was decided in the affirmative  
And the amendment was adopted.

The question recurred,  
Will the Convention agree to the resolution as amended?

It was decided in the affirmative  
And the resolution was agreed to.

On motion of Mr Jenness of Strafford—

The Convention resolved itself into a committee of the whole upon the report and resolution as amended of the committee on Miscellaneous and subjects not otherwise provided for, relating to lotteries.

Mr Nesmith of Franklin in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had had under consideration the report and resolution as amended by the Convention of the committee on Miscellaneous and subjects not otherwise provided for relating to the subject of lotteries and had directed him to report the same to the Convention.

On the question

Will the Convention agree to the resolution which was reported from the committee of the whole.

It was decided in the affirmative  
And the resolution was adopted.

On motion of Mr Jenness of Strafford—

Resolved, That the further consideration of the report and resolution as amended be referred to the committee on Revising Business.

Mr Brown of Ossipee introduced the following resolution:

Resolved, That a committee of five be appointed by the Chairman to fix upon a day when the business of this Convention may be brought to a close.

On the question

Will the Convention agree to the resolution?

It was decided in the negative.

And the resolution was rejected

On motion of Mr Walker of Charlestown—

The Convention adjourned.

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Thursday December 26, 1850.

Mr Robinson of Salisbury from the committee on Revising Business to whom was committed the Bill of Rights with authority to employ a clerk and to supervise the engrossing thereof reported the same to the Convention as engrossed.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the Bill of Rights be recommitted to the committee on Revising Business.

Mr Upham from the committee on the Judicial Department to whom was referred so much of the constitution of this State as relates to the Judicial Department with sundry resolutions and instructions on the same subject made the following

Report:

The Judiciary Committee having had under consideration the several matters referred to them by the Convention, respectfully submit the following report:

N. G. Upham for the Committee.

Strike out Section 46 page 34 and insert the following:

“Sec. 46. Judges of the Supreme Court, and Judges and other officers having jurisdiction throughout the State, whose appointment is not otherwise provided for, and the Attorney General, shall be elected by general ballot of the people throughout the State and shall hold their offices for six years; County judges Sheriffs, Registers of Probate, County Solicitors, Clerks of Courts and other County officers, shall be elected by ballot of the people in the several Counties and shall hold their offices four years; Police Magistrates shall be elected by the people of Cities for four years; and trial Justices shall be elected by the people of towns for two years.

Officers of the navy and general and field officers of the militia shall be nominated and appointed by the Governor and Senate, and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place unless a majority of the Senate shall agree thereto.

Commissioners in other States, Bank Commissioners, Coroners, Notaries Public, Justices of the Peace, Justices of the Quorum, and Justices of the Peace throughout the State and other officers whose mode of appointment is not otherwise provided for shall be appointed by the Governor, and their duties and terms of office defined by the Legislature.

When vacancies occur in any of these offices they shall be filled up permanently by the power which filled the office originally, but the Governor shall temporarily fill vacancies in the offices above named elected by the people throughout the State, or where appointments were made by the Governor and Senate; and the County Judges may temporarily fill vacancies as to county officers until the regular appointing power can act upon the subject. Provided that the Governor may remove any of the foregoing officers upon the address of both houses of the legislature and the Judges of Courts may at any time remove their Clerks and fill vacancies therein, whenever in their opinion the public shall require it.”

Under the head of Judiciary power, page 44 insert the following sections as amended instead of the present Articles in the Constitution.

## Judiciary Power—

73. All Judicial and other officers shall be duly commissioned and sworn, and the tenure they shall have by law in their offices shall be expressed in their respective commissions.

74. Each Branch of the Legislature and the Governor shall have authority to require the opinion of the Attorney General upon important questions of law and upon solemn occasions.

Strike out Article 75.

76. All causes of marriage, divorce and alimony and all appeals from the respective judges of Probate shall be heard and tried by the Supreme Court until the Legislature shall by law make other provision, and the Legislature shall have power to authorize the trial by jury of all cases in equity under such rules and regulations as they may from time to time ordain or establish.

77. Trial Justices shall be elected in each Town, not less than two nor exceeding three in number, who shall have jurisdiction in all civil causes where the debt or damages demanded shall not exceed the sum of one hundred dollars, and the title of real estate is not concerned. Either party claiming the same in any suit before said Justices, shall have a right of trial, by a Jury, not exceeding six in number, and in all cases where the debt or damages, demanded shall exceed the sum of twenty dollars, shall have the right of appeal as to the law and fact, but in all cases where the debt or damages demanded shall be under twenty dollars the decision both as to law and fact shall be final, subject only to such right of review as the Legislature may direct.

In cases of appeal the Legislature may require the party appealing to give security for the costs that may be recovered against him, and may also provide for the imposition of double costs in all cases where the decision of the Justices is not changed. The criminal jurisdiction of trial justices and justices of the peace and of the quorum, and of Justices throughout the State shall be regulated by the Legislature.

Sec. 78 to be struck out.

79. No judge of any court or justice of the peace shall act as attorney, or be counsel to any party, or originate any civil suit, in matters which shall come or be brought before him as judge, or justice of the peace.

80. All matters relating to probate of wills and granting letters of administration, shall be exercised by the judges of probate, in such manner as the legislature have directed or may hereafter direct; and the judges of probate shall hold their courts at such place or places, on such fixed days as the conveniency of the people may require, and the legislature from time to time appoint.

81. No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending,

or may be brought into any court of probate in the county of which he is judge or register.

#### Clerks of Courts.

82. The judges of the courts (those of probate excepted) shall appoint their respective clerks, to hold their office during pleasure; and no such clerk shall act as an attorney, or be counsel in any cause in the court of which he is a clerk, nor shall he draw any writ originating a civil action.

94. Sec. 52d page, add after the word "peace" in the 8th line "and trial justices."

The Convention proceeded to the consideration of so much of the constitution of this State as relates to the Judicial Department and the several amendments which were reported from the committee on that subject.

On the question

Will the Convention agree to the first amendment reported by the committee to strike out Article 46 and insert the following instead thereof?

"Sec. 46. Judges of the Supreme Court and Judges and other officers having jurisdiction throughout the State whose appointment is not otherwise provided for, and the Attorney General shall be elected for general ballot of the people throughout the State and shall hold their offices for six years; County Judges, Sheriffs, Registers of Probate, County Solicitors, Clerks of Courts, and other county officers shall be elected by ballot of the people in the several counties, and shall hold their offices four years; Police magistrates shall be elected by the people of cities for four years; and trial justices shall be elected by the people of towns for two years.

Officers of the Navy and general and field officers of the militia shall be nominated and appointed by the Governor and Senate and every such nomination shall be made at least three days prior to such appointment and no appointment shall take place unless a majority of the Senate shall agree thereto.

Commissioners in other States, Bank Commissioners, Coroners, Notaries Public, Justices of the Peace, Justices of the Quorum, and Justices of the Peace throughout the State, and other officers whose mode of appointment is not otherwise provided for shall be appointed by the Governor and their duties and term of office defined by the legislature.

When vacancies occur in any of these offices they shall be filled up permanently by the power which filled the office originally but the Governor shall temporarily fill vacancies in the offices above named elected by the people throughout the State, or where appointments were made by the Governor and Senate; and the County Judges may temporarily fill vacancies as to county offices until the regular appointing power can act upon the subject. Provided that the Governor may remove any of the foregoing officers upon the address of both houses of the Legislature, and the judges of courts may at any time remove their Clerks and fill vacancies [*sic*] therein, whenever in their opinion the public good shall require it."

Mr Jenness of Strafford moved to amend the amendment by striking out the words, "Clerks of Courts and other county officers."

On the question

Will the Convention agree to the amendment to the amendment.

It was decided in the affirmative

And the amendment to the amendment was agreed to.

Mr Atherton moved to amend the amendment by inserting after the word "Governor" the words "by and with the advice and consent of the Senate."

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was agreed to

Mr Clarke of Manchester in the Chair.

Mr Pierce of Concord moved to amend the amendment by striking out after the words "County Solicitors" the words "Clerks of Courts"

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was agreed to.

Mr Upham of Concord moved to amend the amendment by striking out after the word "legislature" the words following:

"and the Judges of Courts may at any time remove their Clerks and fill vacancies therein whenever in their opinion the public good shall require it."

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was agreed to.

Mr Smith of Henniker moved to amend the amendment by inserting after the words "Governor and Senate," the words, "and vacancies in the offices of County Judges."

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was agreed to.

Mr Jenness of Strafford moved to amend the amendment by inserting after the words "County Judges" the words "including Judges of Probate."

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was agreed to.

Mr Upham of Concord moved to amend the amendment by inserting before the word "Police magistrates," the words "Registers of Deeds shall be elected by the people of the several counties and shall hold their offices for one year."

By unanimous consent the further consideration of Article 46 and the proposed amendment thereto was passed over.

On the question

Will the Convention agree to the second amendment reported from the committee on the Judicial Department to strike out the whole of Article 73 which is as follows:

"73. The tenure that all commissioned officers shall have by law in their offices, shall be expressed in their respective commissions. All judicial officers duly

appointed, commissioned and sworn, shall hold their offices during good behavior, excepting those concerning whom there is a different provision made in this constitution: Provided, nevertheless, The president with consent of council, may remove them upon the address of both houses of the legislature.”

And insert the following instead thereof.

“73 All judicial and other officers shall be duly commissioned and sworn and the tenure they shall have by law in their offices shall be expressed in their respective commissions.”

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the third amendment reported from the committee to strike out all of Article 74 which is as follows?

“74 Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions.”

And insert the following instead thereof.

“74. Each branch of the legislature and the Governor shall have authority to require the opinion of the Attorney General upon important questions of law and upon solemn occasions.”

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the fourth amendment reported from the committee to strike out all of Article 75 which is as follows.

“75. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justices of the peace shall become void at the expiration of five years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed or another person appointed, as shall most conduce to the well being of the State.”

It was decided in the affirmative

And the amendment was adopted.

On the question

Will the Convention agree to the fifth amendment reported from the committee to strike out all of Article 76 which is as follows:

“76. All causes of marriage, divorce and alimony, and all appeals from the respective judges of probate, shall be heard and tried by the superior court, until the legislature shall by law make other provision.”

and insert the following instead thereof.

“76. All causes of marriage divorce and alimony and all appeals from the respective Judges of Probate shall be heard and tried by the Supreme Court until the legislature shall by law make other provisions, and the legislature shall have power to authorize the trial by jury of all cases in equity under such rules and regulations as they may from time to time ordain and establish”

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the sixth amendment reported from the same committee to strike out all of Article 77 which is as follows:

“77. The general court are empowered to give justices of the peace jurisdiction in civil causes when the damages demanded shall not exceed four pounds, and title of real estate is not concerned: but with right of appeal to either party to some other court, so that a trial by jury in the last resort may be had.”

and insert the following instead thereof.

“Trial Justices shall be elected in each town not less than two nor exceeding three in number who shall have jurisdiction in all civil causes where the debt or damages demanded shall not exceed the sum of one hundred dollars and the title of real estate is not concerned. Either party claiming the same in any suit before said Justices shall have a right of trial by a jury not exceeding six in number and in all cases where the debt or damages demanded shall exceed the sum of twenty dollars shall have the right of appeal as to the law and fact, but in all cases where the debt or damages demanded shall be under twenty dollars the decision both as to the law and the fact shall be final subject only to such right of review as the legislature may direct.

In cases of appeal the legislature may require the party appealing to give security for the costs that may be recovered against all cases where the decision of the justices is not changed. The criminal jurisdiction of trial justices and justices of the peace and of the quorum and of those throughout the State, shall be regulated by the Legislature.

Before the question was taken

By unanimous consent

The further consideration of the amendment was passed for the present.

The President in the chair.

On the question

Will the Convention agree to the seventh amendment reported from the same committee to strike out all of Article 78 which is as follows:

“78. No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.”

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the eighth amendment reported from the same committee in Article 94 line 8 to insert after the words “justice of the peace,” the words “and trial justices”

Mr Wells of Somersworth moved to amend the amendment by inserting before the words “and trial justices,” the words “Coroners, Notaries Public.”

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was adopted.

The question recurred

Will the Convention agree to the amendment as amended?

It was decided in the affirmative

And the amendment as amended was agreed to.

Mr Swasey of Haverhill introduced the following resolution:

Resolved, That the committee on the Judicial Department be instructed to inquire into the expediency of preparing and reporting, as soon as may be, such provisions as may be proper and necessary to insert in the Constitution, in order that the justices of the Supreme Court, after their first election, shall be elected separately and at different periods of time.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted.

Mr Atherton introduced the following resolution:

Resolved, That the committee on the Judicial Department be instructed to inquire into the expediency of inserting the following in the Constitution: "That the legislature may by law authorize the Governor, by and with the advice and consent of the Senate, to appoint one trial justice for each town of the State, who shall have jurisdiction to the same amount as the trial justices heretofore provided for."

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted.

On motion of Mr Lane of Gilford—

Resolved, That the report and the several amendments and resolutions connected therewith be recommitted to the committee on the Judicial Department.

On motion of Mr Sawyer of Swanzey—

The Convention adjourned—

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Afternoon.

Mr Robinson of Salisbury from the committee on Revising Business made the following report:

The committee on Revising Business who were authorized to employ a Clerk to engross the Bill of Rights with instructions to supervise the engrossing of the same and to whom the same was recommitted report that they have carefully examined and find the Bill of Rights correctly engrossed.

On motion of Mr. Bartlett of Portsmouth—

Resolved, That the report be laid upon the table.

Mr Clark of Northwood by leave, presented the claim of Tripp and Morrill.

Mr Nettleton, by leave, presented the claim of Grover and Sargent.

Ordered, That they be referred to the committee on Claims.

Mr Wells of Somersworth from the committee on Revising Business made the following

## Report:

The committee on Revising Business to whom was referred Articles from 82 to 97 inclusive of the second part of the Constitution. Also the reports and resolutions of the committee on Education, and the report and resolutions of the committee on the Legislative Department relating to the interests of agriculture with the amendment thereto adopted by the Convention, have instructed me to report the same with the following amendments.

Nath. Wells, for the Committee.

In place of the 83d Article insert the following Articles:

The Legislature shall make provision for the establishment and maintenance of free common schools at the public expense and for the assessment and collection annually in the several towns parishes and places in this State of a sum not less than one hundred and twenty five dollars for every dollar of State taxes apportioned to them respectively to be applied exclusively to the support of such schools.

The supervision of public instruction shall be vested in a State superintendant and such other officers as the legislature shall direct.

The State superintendant shall be chosen biennially by the qualified electors of the State in such manner as the legislature shall provide; his powers duties and compensation shall be prescribed by law.

There shall also be chosen biennially by the qualified electors of the State a Commissioner of Agriculture whose duties and compensation shall be prescribed by law.

In Article 84th strike out the word, "counsellor," in the first line and insert "Lieutenant Governor."

Also strike out the words, "shall be of the denomination called Quakers," in the 19th and 20th lines.

Strike out Article 85th and insert the following:

"The oaths or affirmations aforesaid shall be taken and subscribed by the Governor and Lieutenant Governor before the chief or some other justice of the Supreme Court, in presence of both houses of the legislature, and by the Senators and Representatives before the Governor, for the time being; and by all other officers before such person and in such manner as the legislature shall from time to time direct.

In Article 87 strike out the words "chief, first or senior justice," in 4th and 5th lines and insert "one of the justices." Also strike out all after the word "court" in the 5th line down to the word "and" in the 8th line.

In Article 89th strike out the words, "but descend or ascend in the same manner as if such persons had died in a natural way," in the 2d, 3d and 4th lines.

In Article 90th add after the word "law" in the 4th line the words "and not repugnant to the provisions of this Constitution, or the Constitution of the United States."

Also strike out the word "and" at the end of the fourth line and insert "or."

Also strike out all after the word "legislature" in the 5th line.

In Article 93d add after the word "Governor" in the first line the words "Lieutenant Governor."

Also strike out the word "judicial" at the end of the 1st line.

Also strike out the words "they are admitted" in the 3d and 4th lines and insert "he is permitted."

Also strike out the word "they" in the 6th line and insert "either of said officers."

In Article 94th strike out the word "council" in the 6th line and insert "Senate."

Also strike out the words "superior or inferior courts." in the 6th and 7th lines and insert "Courts of law."

In Article 95th strike out the words "except special judges" in the 2d line.

Also strike out all after the word "Sheriff" in the 6th line down to and including the word "accounts" in the 10th line.

Also strike out the word "continent" in the 4th line and insert "United States."

Also add after the word "Governor" in the 13th line the words, "or Lieutenant Governor."

Also strike out the words "or Council" in the 14th line.

Also strike out the words "their seat in the chair, Senate or House of Representatives or council," in the 16th and 17th lines and insert the words "his office of Governor, Lieutenant Governor, Senator or Representative."

Also strike out all after the word "up" in the 18th line.

In Article 97th strike out all the 3d line and insert the words, "in gold and silver according to the provisions of the laws of the United States for the time being."

The Convention proceeded to the consideration of the several amendments which were reported from the committee on Revising Business.

On the question

Will the Convention agree to the first amendment reported from the committee on Revising Business to insert in place of Article 83 of the Constitution of this State which had been transferred to the Bill of Rights, the following Article?

The legislature shall make provision for the establishment and maintenance of free common schools at the public expense and for the assessment and collection annually in the several towns parishes and places in this State of a sum not less than one hundred and twenty five dollars for every dollar of State taxes apportioned to them respectively to be applied exclusively to the support of such schools.

The supervision of public instruction shall be vested in a State Superintendent and such other officers as the legislature shall direct.

The State Superintendent shall be chosen biennially by the qualified electors of the State in such manner as the legislature shall provide; his powers duties and compensation shall be prescribed by law.

There shall be chosen biennially by the qualified electors of the State a commissioner of agriculture whose duties and compensation shall be prescribed by law.

It was decided in the affirmative

And the Article was adopted.

On the question

Will the Convention agree to the second amendment reported from the same committee in Article 84 line 1 to strike out the word "councillor" and insert the words "lieutenant governor," instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the third amendment reported from the same committee in Article 84 lines 19 and 20 to strike out the words "shall be of the denomination called Quakers or."

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the fourth amendment reported from the same committee in Article 85 to strike out all of Article 85 which is as follows?

"85. And the oaths or affirmations shall be taken and subscribed by the Governor before the president of the Senate, in presence of both houses of the legislature, and by the senators and representatives first elected under this constitution, as altered and amended before the president of the Senate and a majority of the council then in office, and forever afterwards by the governor and council for the time being; and by all other officers before such person and in such manner as the legislature shall from time to time appoint."

and insert the following instead thereof.

"The oaths or affirmations aforesaid shall be taken and subscribed by the Governor and Lieutenant Governor before the chief or some other justice of the Supreme Court in presence of both houses of the legislature and by the Senators and Representatives before the Governor for the time being and by all other officers before such person and in such manner as the legislature shall from time to time direct."

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the fifth amendment reported from the same committee in Article 87 lines 4 and 5 to strike out the words, "the chief, first or senior justice" and insert the words "one of the justices." instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On the question,

Will the Convention agree to the sixth amendment reported from the same committee in Article 87 lines 5 and 6, to strike out the words "but when said justice shall be interested then the writ shall bear test of some other justice of the court to which the same shall be returnable."

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the seventh amendment reported from the same committee in Article 88 lines 2, 3 and 4 to strike out the words "but descend or ascend in the same manner as if such person had died in a natural way."

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the eighth amendment reported from the same committee in Article 90 line 4 to insert after the word "law," the words, "and not

repugnant to the provisions of this Constitution or the Constitution of the United States.”

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the ninth amendment reported from the same committee in Article 90 line 4 to strike out the word “and” and insert the word “or,” instead thereof.

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the tenth amendment reported from the same committee in Article 90, to strike out all of the same after the word “legislature” in line 5, which is as follows:

“Such parts thereof only excepted, as one repugnant to the rights and liberties contained in this Constitution. Provided that nothing herein contained, when compared with the twenty third article in the Bill of Rights, shall be construed to affect the laws already made respecting the persons or estates of absentees.

It was decided in the affirmative  
And the amendment was agreed to.

On the question,

Will the Convention agree to the eleventh amendment reported from the same committee in Article 93 line 1 to insert after the word “governor” the words “or lieutenant governor.”

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the twelfth amendment reported from the same committee in Article 93 line 1 to strike out the word, “judicial”

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the thirteenth amendment as reported from the same committee in Article 94 lines 3 and 4 to strike out the words “they are admitted,” and to insert the words “he is permitted,” instead thereof.

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the fourteenth amendment reported from the same committee in Article 93 line 6 to insert after the word, “shall” the words “either of those officers.”

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the fifteenth amendment reported from the same committee in Article 94 line 6, to strike out the word “council” and insert the word “Senate” instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the sixteenth amendment reported from the same committee in Article 94 lines 6 & 7 to strike out the words, "superior or inferior courts," and insert the words "Courts of law," instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the seventeenth amendment reported from the same committee in Article 95 line 2, to strike out the words "except special judges".

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the eighteenth amendment reported from the same committee in Article 95 line 4 to strike out the word, "continent" and insert the words, "United States," instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the nineteenth amendment reported from the same committee in Article 95 lines 6 to 10 which are as follows?

"or officers of the customs, including naval officers, collectors of excise and State and continental taxes, hereafter appointed and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts."

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the twentieth amendment reported from the same committee in Article 95 line 13 to insert after the word "governor" the words "or lieutenant governor."

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the twenty first amendment reported from the same committee in Article 95 line 14 to strike out the words, "or council."

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the twenty second amendment reported from the same committee in Article 95 lines 16 and 17 to strike out the words, "their seat in the chair, Senate, or House of Representatives, or council." and insert the words, "his office of Governor Lieutenant Governor, senator or representative," instead thereof.

It was decided in the affirmative.

And the amendment was agreed to.

On the question

Will the Convention agree to the twenty third amendment reported from the same committee to strike out the words, "no member of the council shall have a seat in the Senate or House of Representatives."

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the twenty fourth amendment reported from the same committee in Article 97 line 3 to strike out the words, "in silver at six shillings and eight pence per ounce." and insert the words, "in gold and silver according to the provisions of the laws of the United States for the time being," instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

Mr Clark of Landaff moved to amend Article 84 by striking out all of lines 9 to 12 inclusive which are as follows:

"I, A. B. do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities, agreeably to the rules and regulations of this constitution and the laws of the State of New Hampshire. So help me God.

and insert the following instead thereof.

"I, A. B. do solemnly swear that I will perform all the duties incumbent on me as uprightly and according to law agreeably to the best of my abilities. So help me God."

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

Mr Barton of Concord moved to amend Article 95 line 12, by inserting after the words, "United States" the words "excepting deputy postmasters."

On the question,

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the further consideration of the report of the committee on Revising Business with the amendments be recommitted to the same committee.

Mr Swasey of Haverhill in the chair.

On motion of Mr Jenness of Strafford—

The Convention resumed the consideration of sundry petitions praying that the Constitution of this State be so amended as to make Town Clerks recorders of deeds and conveyances of lands in their respective towns.

On motion of Mr Jenness—

Resolved, That the same be referred to the consideration of the committee of the whole.

On motion of Mr Jenness—

The Convention resumed the consideration of the resolution relating to the tenure of office of registers of deeds.

On motion of Mr Jenness—

Resolved, That the same be referred to the consideration of the committee of the whole.

On motion of Mr Jenness—

The Convention resolved itself into a committee of the whole upon Articles 71 and 72 of the Constitution of this State relating to the office and duties of registers of deeds together with the several petitions praying that the Constitution of this State be so amended as to make town clerks registers of deeds and conveyances of lands in their respective towns, the resolution relating to the tenure of office of registers of deeds and the report and resolution of the committee on Miscellaneous and subjects not otherwise provided for relating to making town clerks registers of deeds and conveyances of land in their respective towns.

Mr Sawyer of Nashua in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had proceeded to the consideration of the several subjects which had been referred to them relating to Registers of Deeds, the resolution relating to the tenure of their offices, the report of the committee on Revising Business and sundry petitions relating to authorizing town clerks to act as registers of deeds in their respective towns and had proceeded therein but had again risen before the completion thereof and had directed him to move for leave to sit again on that subject.

On motion of Mr Sawyer of Nashua—

Leave was granted.

On motion of Mr Sawyer of Piermont—

Resolved, That when the Convention adjourn they adjourn to meet again at seven o'clock this evening.

On motion of Mr Goodhue of Enfield

The Convention adjourned.

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Seven O'clock.

Mr Smith of Henniker introduced the following resolution:

Resolved, That it is expedient to so amend the Constitution that the legislature shall have power to dispense with the office of register of deeds provide by law that the existing records shall be put into the custody of the Clerks of the county courts giving said Clerks authority to give certified copies of the same and to provide that the Clerks of towns shall be recorders of all instruments which would otherwise be required to be recorded by said county registers.

On motion of Mr Smith of Henniker—

Resolved, that the resolution be referred to the consideration of the committee of the whole.

On motion of Mr Jenness of Strafford—

The Convention resolved into a committee of the whole upon the unfinished business of the afternoon relating to registers of deeds and upon the foregoing resolution relating to the same subject.

Mr Sawyer of Nashua in the chair.

In Convention.

The Chairman of the committee of the whole reported to the Convention that they had resumed the consideration of so much of the Constitution of this State as relates to Registers of Deeds and of certain petitions praying that the constitution of this State may be so amended that Town Clerks may be authorized to record deeds and other conveyances of real estate and certain resolutions and of the report of the committee on Miscellaneous and subjects not otherwise provided for, relating to the same subject had risen and had directed him to report the resolution relating to the tenure of the office of registers of deeds and the report of the committee on Miscellaneous and subjects not otherwise provided for, with amendments and the resolution to authorize the legislature to provide by law to make town clerks recorders of deeds in their respective towns without the amendment.

The Convention proceeded to the consideration of the report from the committee of the whole on the subject of Registers of Deeds.

On the question

Will the Convention agree to the amendment reported from the committee of the whole to the report of the committee on Miscellaneous and subjects not otherwise provided for, which is as follows, to add at the close of the resolution the words following:

“provided nevertheless that the legislature may transfer the recording of deeds to the town clerks of the several towns in this State if in their judgment the people would be better accommodated by such change?”

Before the question was put,

On motion of Mr Smith of Henniker—

Resolved, That the report and amendment be laid upon the table.

The Convention proceeded to the consideration of the resolution to amend the Constitution of this State so as to authorize the legislature to provide by law for the recording of deeds by town clerks.

On the question,

Will the Convention agree to the resolution?

Mr Freeman of Dover moved to amend the resolution by striking out the words “Clerks of County Courts,” and inserting the words “registers of probate for the several counties,” instead thereof. Also by striking out the word, “Clerks” and inserting the words “registers of probate,” instead thereof.

On the question,

Will the Convention agree to the amendment to the resolution?

It was decided in the affirmative

And the amendment was agreed to.

The question recurred

Will the Convention agree to the resolution as amended?

On this question

Mr Jenness of Strafford demanded the yeas and nays which being sustained by the number of members required by the rules of this Convention.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Griffin of Danville	Gould of New Ipswich
Sawyer of Dover	Wheeler
Bean	Atwood
Woodman	J. H. Steele
Morrison of Sanbornton	Dearborn
Ham	Sanborn of Windsor
Moulton of Moultonborough	Brown of Fitzwilliam
Smith of Sandwich	Hammond
Haley	Adams of Jaffrey
Dickerson	Batcheller of Marlborough
Walker of Bow	Symonds
Sanborn of Canterbury	Fisher
Putney of Dunbarton	Hardy
Smith of Henniker	Reed of Stoddard
Andrews	Sawyer of Swanzey
Harvey	Lathrop
Cross	Hoskins
Griffin of Antrim	Bennett
Sawtelle of Brookline	Blanchard
Patten	Walker of Charlestown
Pierce of Hillsborough	Rossiter
Barnes	Putnam
Johnson of Manchester	Chase of Goshen
Parker of Nashua	Smith of Lempster
Leonard	Kimball
Mudgett	Sartwell of Lebanon
Freeman of Plainfield	Goodall of Lisbon
Quimby	Eastman of Littleton
George	Gould of Littleton
Smith of Unity	Moulton of Lyman
Sanborn of Washington	Cutting
Crawford	Holden
Hoit of Bridgewater	Gilman
Bartlett of Bristol	Gray
Wells of Canaan	Thompson
Howe	Bedel
Avery	Boynton
Goodhue	Tirrell
Burnham of Enfield	Brewster of Dalton
Spooner	Thurston
Davidson	Perkins of Jackson
Colburn	Plaisted
Richardson of Hanover	Smith of Stewartstown
Sanborn of Hanover	Brown of Stratford
Johnson of Hill	Burbank
Cox	Jackson
Clark of Landaff	Fisk.

Those who voted in the negative, were Messrs.—

Greenough	Kelley of Exeter
Currier	Burleigh
Martin of Candia	Dodge
White of Chester	Batchelder of Kensington
Gale	Page of Kingston
Stevens of Deerfield	Hurd of Londonderry
Gregg	Anderson
Perham	Furber
Morrill	Perkins of New Market
Marston	Hoit of Newton
Hobbs	Churchill
Clark of Northwood	Charles
Bartlett of Nottingham	Eastman of Conway
Peaslee	Perkins of Eaton
Bedee	Rice
Goodwin of Portsmouth	Brown of Ossipee
Brewster of Portsmouth	Carter
N. Moses	Perkins of Tamworth
Scribner	Mordough
Parsons	Batchelder of Allenstown
Bailey	Little
Colton	Smith of Boscawen
Sanborn of Seabrook	Jones of Bradford
Goodwin of South Hampton	Upham
Hilton of South New Market	Martin of Epsom
Wingate	Gault
Morrison of Windham	Clough of Hopkinton
Felker	Burnham of Hopkinton
Foss	Rowell
Freeman of Dover	Morse of Newbury
Chesley	Whittemore
Roberts	Clark of Pittsfield
Mathes	Robinson of Salisbury
Downing	Kelley of Warner
Wentworth of Rollinsford	Wallace
Coleman	French of Bedford
Cushing	Goodale of Deering
Wells of Somersworth	Fuller
Jenness	Flanders of Goffstown
Hill of Alton	Hadley
Webster of Barnstead	Farley
Clark of Barnstead	Center
Lane	Foster
French of Gilmanton	French of Manchester
Perkins of Gilmanton	Clarke of Manchester
Pease	Weston
McGaw	Wright

Chase of Milford	Huntington
Daniels	Kingman
Kendall	Stevens of Charlestown
Sawyer of Nashua	Morse of Croydon
Spalding	Sleeper
Atherton	Nettleton
Cochran	Whitcher
S. P. Steele	Pierce of Bethlehem
Woodbury of Weare	Morse of Haverhill
Barrett	Swasey
Hamilton	Crosby of Hebron
Leonard	Cass
Chamberlain	Sawyer of Piermont
Starkweather	Nelson
Adams of Keene	Weeks of Warren
Converse	Pitman
Holbrook	White of Lancaster
Whitcomb	

Yeas 94 nays 129

So the resolution as amended was rejected

On motion of Mr Goodwin of Portsmouth—

The Convention resumed the consideration of the report of the committee on Miscellaneous and subjects not otherwise provided for with the amendment thereto which was reported to the Convention from the committee of the whole.

Mr Hoskins of Westmoreland in the chair.

On the question

Will the Convention agree to the amendment to the report of the committee on Miscellaneous and subjects not otherwise provided for, as reported to the Convention from the committee of the whole

Mr Jenness of Strafford demanded the yeas and nays which was sustained by the number of members required by the rules of this Convention.

The President in the chair.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Griffin of Danville	Barnes
Page of Kingston	Willoughby
Felker	Parker of Nashua
Sawyer of Dover	Gould of New Ipswich
Bean	Wheeler
Woodman	Atwood
Morrison of Sanbornton	J. H. Steele
Ham	Dearborn
Moulton of Moultonborough	Sanborn of Windsor

Smith of Sandwich	Dudley
Haley	Hammond
Dickerson	Adams of Jaffrey
Walker of Bow	Batcheller of Marlborough
Jones of Bradford	Symonds
Sanborn of Canterbury	Fisher
Putney of Dunbarton	Hardy
Whitney	Reed of Stoddard
Smith of Henniker	Sawyer of Swanzey
Morse of Newbury	Lathrop
Andrews	Hoskins
Harvey	Bennett
Cross	Blanchard
Griffin of Antrim	Walker of Charlestown
Sawtelle of Brookline	Rossiter
Patten	Putnam
Pierce of Hillsborough	Chase of Goshen
Smith of Lempster	Kimball
Mudgett	Sartwell of Lebanon
Freeman of Plainfield	Goodall of Lisbon
Quimby	Eastman of Littleton
George	Gould of Littleton
Smith of Unity	Moulton of Lyman
Sanborn of Washington	Holden
Crawford	Gilman
Hoit of Bridgewater	Gray
Bartlett of Bristol	Thompson
Wells of Canaan	Bedel
Howe	Boynton
Avery	Tirrell
Goodhue	Brewster of Dalton
Burnham of Enfield	Thurston
Spooner	Perkins of Jackson
Davidson	Plaisted
Colburn	Smith of Stewartstown
Richardson of Hanover	Brown of Stratford
Sanborn of Hanover	Burbank
Johnson of Hill	Jackson
Cox	Fisk.
Clark of Landaff	

Those who voted in the negative, were Messrs.—

Greenough	Marston
Currier	Burleigh
Graves	Dodge
Martin of Candia	Batchelder of Kingston
White of Chester	Hurd of Londonderry
Gale	Anderson
Stevens of Deerfield	Furber

Gregg	Perkins of New Market
Perham	Hoit of Newton
Morrill	Hobbs
Clark of Northwood	Brown of Ossipee
Bartlett of Nottingham	Carter
Goodwin of Portsmouth	Perkins of Tamworth
Brewster of Portsmouth	Whitton
N. Moses	Batchelder of Allenstown
Scribner	Little
Parsons	Smith of Boscawen
Bailey	Upham
Colton	Barton
Sanborn of Seabrook	Minot
Goodwin of South Hampton	Martin of Epsom
Hilton of South New Market	Gault
Wingate	Clough of Hopkinton
Morrison of Windham	Burnham of Hopkinton
Foss	Rowell
Freeman of Dover	Whittemore
Chesley	Clark of Pittsfield
Roberts	Robinson of Salisbury
Mathes	Kelley of Warner
Downing	Wallace
Day	French of Bedford
Coleman	Goodale of Deering
Cushing	Fuller
Wells of Somersworth	Flanders of Goffstown
Jenness	Hadley
Hill of Alton	Farley
Webster of Barnstead	Clement
Clark of Barnstead	Foster
Lane	French of Manchester
French of Gilmanton	Clarke of Manchester
Perkins of Gilmanton	Weston
Pease	McGaw
Churchill	Chase of Milford
Eastman of Conway	Daniels
Perkins of Eaton	Kendall
Rice	Sawyer of Nashua
Spalding	Kingman
Atherton	Stevens of Charlestown
Cochran	Morse of Croydon
S. P. Steele	Sleeper
Woodbury of Weare	Whitcher
Barrett	Pierce of Bethlehem
Hamilton	Swasey
Leonard	Crosby of Hebron
Chamberlain	Cass
Starkweather	Sawyer of Piermont
Adams of Keene	Nelson

Converse  
 Holbrook  
 Whitcomb  
 Wright  
 Huntington

Weeks of Warren  
 Pitman  
 White of Lancaster.

Yeas 97, nays 122.

So the amendment to the report was rejected.

The question recurred

Will the Convention agree to the report of the committee on Miscellaneous and subjects not otherwise provided for

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Farley of Hollis—

The Convention adjourned.

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Friday December 27, 1850.

Mr Starkweather of Keene by the unanimous consent of the Convention withdrew the resolution relating to the tenure of the office of Register of Deeds.

On motion of Mr Jenness of Strafford—

Resolved, That the further consideration of Articles 71 and 72 of the constitution of this State and of the report of the committee on Miscellaneous and subjects not otherwise provided for relating to Registers of Deeds be referred to the committee on Revising Business.

Mr Atherton from the committee on the Legislative Department by leave made the following

Report:

The committee on the Legislative Department report so much of the Constitution as relates to that department in a new Draft, as follows, and recommend the following amendments.

C. G. Atherton, for the Committee.

New Draft.

Part Second.

Form of Government.

1. The people inhabiting the territory formerly called the Province of New Hampshire, do solemnly and mutually agree with each other to form themselves into a free, sovereign and independent body politic, or State, by the name of the State of New Hampshire.

## General Court.

2. The supreme legislative power within this State shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other.

3. The Senate and House shall assemble once in two years on the first Wednesday of June next ensuing their election and at such other times as they may judge necessary; and shall dissolve and be dissolved seven days next preceding the first Wednesday of June two years after and shall be styled the General Court of New Hampshire.

4. The general court shall forever have full power and authority to erect and constitute judic[ati]ories and courts of record, or other courts to be holden in the name of the State, for the hearing trying and determining all manner of crimes, offences, pleas, processes, complaints, actions, causes, matters and things whatsoever, arising or happening within this State, or between or concerning persons inhabiting or residing or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, or whether the said pleas be real, personal or mixed; and for the awarding and issuing execution thereon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

5. And farther, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution or the constitution of the United States; as they may judge for the benefit and welfare of this State, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defence of the government thereof to provide for the enrolling organizing and disciplining the militia in such manner as they may deem expedient not repugnant to the constitution and laws of the United States; and to name and settle or provide by fixed laws, for the naming and settling all civil officers within this State; such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits of the several civil and military officers of this State, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments and other punishments; and to impose and levy proportional and reasonable assessments, rates and taxes upon all the inhabitants of and residents within the said State, and upon all estates within the same; to be issued and disposed of by warrant under the hand of the governor of this State for the time being for the public service, in the necessary defence and support of the government of this State, and the protection and preservation of the subjects thereof according to such acts as are, or shall be in force within the same.

6. And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has heretofore been practiced; in order that such assessments may be made with equality, there shall be a valuation of the estates within the State, taken anew once in every five years at least, and as much oftener as the general court shall order.

7. No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature

8. The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the State, in the opinion of either branch, shall require secrecy.

9. All elections by the Legislature or by either Branch of thereof shall be viva voce.

10. All elections by the people shall be determined by a plurality of votes.

11. The legislature shall have no power, unless by a vote of two thirds of the members elected to each branch thereof, to borrow money, or otherwise involve the State, in debt, to an amount exceeding one hundred thousand dollars, except in case of war, invasion or insurrection.

12. No Town or incorporated place shall have the right either directly or indirectly to suffer their credit to be used for the special benefit of any corporation, nor to raise money for the purpose of loaning the same to any corporation nor for taking stock therein.

13. The Legislature shall never authorize any lottery, but shall prohibit under proper penalties the sale of lottery tickets within this State.

#### House of Representatives.

14. There shall be in the Legislature of this State a representation of the people elected once in two years and founded upon principles of equality; and in order that such representation may be as equal as circumstances will admit every town or place entitled to town privileges having one hundred and seventy five ratable polls of twenty one years and upwards who shall have resided in this State six months or more immediately preceding the election, paupers and foreigners not naturalized excepted may elect one representative, if seven hundred and fifty ratable polls may elect two representatives, if fifteen hundred and fifty ratable polls may elect three representatives, if twenty five hundred and fifty ratable polls may elect four representatives, and so proceeding making one thousand ratable polls the mean increasing number for every additional representative after the third: such towns or places as have less than one hundred and seventy five ratable polls may elect a representative such proportion of the time as the number of their ratable polls shall bear to one hundred and seventy five— provided that such towns or places as shall not have one hundred and seventy five ratable polls and shall be conveniently located for that object, may on application to the legislature be classed for the choice of a representative, such classed towns not to contain less than one hundred and seventy five ratable polls in each representative district so formed, and provided further, that all towns cities or places which now are or hereafter may be divided into sections or wards for the choice of representatives, shall, for the purpose of apportioning the number of representatives, to the number of ratable polls be considered as undivided, and provided further that such towns or places as have less than one hundred and seventy five ratable polls, and are entitled to representation a portion of the time under this Constitution, shall have the right to elect a representative at the first election under this Constitution, as a part of that portion, and that the Legislature may prescribe the manner in which their rights of election as to their proportional time shall be determined, leaving to said towns or places, as

far as consistent with this Constitution the selection of the years when they will exercise their rights.

15. The members of the House of Representatives shall be chosen biennially in the month of March and shall be the second Branch of the Legislature.

16. All persons qualified to vote in the election of Senators shall be entitled to vote within the district where they dwell in the choice of representatives.

17. Every member of the House of Representatives shall be chosen by ballot, and for two years at least next preceding his election shall have been an inhabitant of the State, shall be at the time of his election an inhabitant of the town or place he may be chosen to represent, and shall cease to represent such town or place immediately on his ceasing to be an inhabitant thereof.

18. The members of both houses of legislature shall be compensated for their services out of the treasury of the State, by a law made for that purpose; such members attending seasonably, and not departing without license

19. All intermediate vacancies in the House of Representatives may be filled up from time to time, in the same manner as biennial elections are made.

20. The House of Representatives shall be the grand inquest of the State, and all impeachments made by them shall be heard and tried by the Senate.

21. All money bills shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

22. The House of Representatives shall have power to adjourn themselves, but no longer than two days at a time.

23. A majority of the members of the House of Representatives shall be a quorum for doing business: but when less than two-thirds of the representatives elected shall be present, the assent of two-thirds of those members shall be necessary to render their acts and proceedings valid.

24. No member of the House of Representatives or Senate shall be arrested or held to bail on mesne process, during his going to, returning from, or attendance upon said court.

25. The House of Representatives shall choose their own speaker[,] appoint their own officers, and settle the rules of proceedings in their own house; and shall be judges of the returns, elections and qualifications of its members, as pointed out in this constitution. They shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the House in its presence, by any disorderly and contemptuous behavior, or by threatening or illtreating any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges in making arrests for debt or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the House; in assaulting any witness or other person, ordered to attend by and during his attendance of the House, or in rescuing any person arrested by order of the House, knowing them to be such.

26. The Senate shall have the same powers in like cases; provided that no imprisonment, by either, for any offence, exceed ten days.

27. The journals of the proceedings, and all public acts of both houses of the legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by ten members of the House of Representatives or by two members of the Senate the yeas and nays upon any question shall be entered on the journal; and any member of the Senate or House of Representatives shall have a right, on motion made at the same time for that purpose to have its

protest or dissent, with the reasons, against any vote, resolve or bill passed, entered on the journal.

Senate.

28. The Senate shall consist of thirty members who shall hold their office for two years from the first Wednesday of June next following their election.

29. And that the State may be equally represented in the Senate, the Legislature shall from time to time divide the State into fifteen districts in each of which two Senators shall be elected and timely make known to the inhabitants of the State the limits of such districts. Each of these Senatorial Districts shall be formed of contiguous territory of compact and convenient form and of ratable polls as nearly equal as may be without dividing towns or cities. Changes in the Senatorial Districts may be made by the Legislature for the purpose of rendering the number of ratable polls more equal not oftener than once in six years.

30. The inhabitants of each district qualified as in this constitution is provided, shall biennially give in their votes for Senators, at some meeting holden in the month of March.

31. The Senate shall be the first branch of the legislature; and the Senators shall be chosen in the following manner, viz: every male inhabitant of each town ward and parish with town privileges and places unincorporated in this State, of twenty one years of age and upwards excepting paupers and foreigners not naturalized shall have a right at the meetings of the inhabitants of said towns[,] wards and parishes to be duly warned and holden biennially forever in the month of March, to vote in the town[,] ward or parish wherein he dwells, for Senators in the district whereof he is a member:

32. Provided Nevertheless, That no person shall be capable of being elected a senator within this State, who is not of the age of thirty years, and who shall not have been an inhabitant of this State for seven years immediately preceding his election and at the time thereof he shall be an inhabitant of the district for which he shall be chosen and shall cease to be a senator when he ceases to be an inhabitant of the district.

33. And every person, qualified as this constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in the town, ward[,] parish or place out where he dwelleth and hath his home.

34. And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose, shall be holden biennially in the month of March, at such places respectively therein as the assessors thereof shall direct: which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution.

35. The meetings for the choice of Governor, Lieutenant Governor[,] Senators and other officers required to be elected by this constitution shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of

the selectmen, (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns[,] wards and parishes present, and qualified to vote for senators; and shall in said meetings, in presence of the said selectmen, and of the town clerk in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person, and the town clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the secretary of the state, with a superscription expressing the purport thereof; and the said town clerk shall cause such attested copy to be delivered to the secretary of the state at least thirty days before the first Wednesday of June next following.

Provided, That the Legislature may authorize by a general law, all such towns as may adopt the same, and have more than seven hundred and fifty ratable polls, to receive votes at town meetings in some other manner to be by the Legislature prescribed.

36. And [that] there may be a due meeting of senators on the first Wednesday of June biennially[,] the Governor and the Secretary of State shall, as soon as may be, examine the returned copies of such records; and fourteen days before said first Wednesday of June the Governor shall issue his summons to such persons as appear to be chosen senators to attend and take their seats on that day:

37. And in case there shall not appear to be two Senators elected for any district the deficiency shall be supplied in the following manner viz: — the members of the House of Representatives and such Senators as shall be declared elected shall take the names of the two persons neither of whom are elected having the highest number of votes in said district if there is one Senator wanted for said district and if two Senators are wanted for said district the names of the four persons having the highest number of votes in said district and out of them shall elect by joint vote the Senator or Senators wanted for such district; and in this manner all such vacancies shall be filled up in every district of the State; and in like manner all vacancies in the Senate, arising by death, removal out of the district or otherwise, shall be supplied as soon as may be after such vacancies happen.

38. The Senate shall be final judges of the elections, returns and qualifications of their own members, as pointed out in this constitution.

39. The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time:

Provided, nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day, or at such place.

40. The Senate may appoint a president pro tempore and other officers and determine their own rules of proceedings and not less than twenty members of the Senate shall make a quorum for doing business; and when not more than twenty two Senators shall be present, the assent of fifteen at least shall be necessary to render their acts and proceedings valid.

41. The Senate shall be a Court with full power and authority to hear, try and determine all impeachments made by the House of Representatives against any officer and officers of the State, for bribery, corruption, malpractice or maladministration in office; with full power to issue summons or compulsory process for convening witnesses before them; but previous to the trial of any such impeachment, the members of the Senate shall respectively be sworn truly and impartially to try

and determine the charge in question, according to evidence. And every officer impeached for bribery, corruption, malpractice or maladministration in office, shall be served with an attested copy of the impeachment, and order of Senate thereon, with such citations as the Senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the Senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence by himself and counsel; and may also upon his refusing or neglecting to appear, hear the proofs in support of the impeachment and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

42. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust or profit under this State; but the party so convicted shall nevertheless be liable to indictment, trial, judgment and punishment, according to the laws of the land.

43. Whenever the Governor or Lieutenant Governor shall be impeached the chief justice of the supreme court shall, during the trial, preside in the Senate, but have no vote therein.

The amendments are as follows:

At the end of the clause substituted by the Convention for the 9th, 10th and 11th Sections, add the following words:

“Provided further that such towns, parishes or places as have less than one hundred and seventy five ratable polls, and are entitled to representation a portion of the time under this Constitution, shall have the right to elect a representative at the first election under the Constitution, as a part of that portion; and that the Legislature may prescribe the manner in which their rights of election as to their proportional time shall be determined leaving to said towns, parishes or places, as far as consistent with this Constitution, the selection of the years when they will exercise their rights.[“]

In the 6th line of the 28th Section after the word “paupers” insert the words, “and foreigners not naturalized.”

The Convention proceeded to the consideration of the several amendments which were reported from the committee on the Legislative Department to so much of the Constitution of this State as relates to that subject.

On the question

Will the Convention agree to amend so much of the constitution as relates to the legislative department by adding thereto the words following:

“And provided further that such towns, parishes or places as have less than one hundred and seventy five ratable polls and are entitled to representation a portion of the time under this constitution shall have the right to elect a representative at the first election under the constitution as a part of that portion and that the legislature may prescribe the manner in which their rights of election as to their proportional time shall be determined leaving to said towns, parishes or places as far as consistent with this constitution the selection of the years when they will exercise their rights.”

It was decided in the affirmative

And the amendment was adopted.

Mr Goodwin of Portsmouth in the chair.

On the question

Will the Convention agree to amend Article 28 line 6, as reported from the committee on the Legislative Department to insert after the word "paupers" the words "and foreigners not naturalized."

It was decided in the affirmative

And the amendment was adopted.

The President in the chair.

Mr Parsons of Rye moved that the convention reconsider their vote to strike out in Article 25 line 1, the word "twelve" and insert the words "twenty four" instead thereof.

On this question

Mr Parker of Nashua demanded the yeas and nays which being sustained by the number of members required by the rules established by the Convention

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Hayes
Griffin of Danville	Downing
Morrill	Jeness
Burleigh	Clark of Barnstead
Lamprey	Lane
Furber	Robinson of Gilmanton
Perkins of New Market	French of Gilmanton
Hoit of Newton	Perkins of Gilmanton
Hobbs	Bean
Peaslee	Woodman
Ayers of Portsmouth	Leavitt
N. Moses	Rice
L. Moses	Moulton of Moultonborough
Parsons	Brown of Ossipee
Bailey	Carter
Colton	Wentworth of Sandwich
Roberts	Smith of Sandwich
Tuttle of Lee	Haley
Whitton	J. H. Steele
Batchelder of Allenstown	Nay
Barton	Dearborn
Minot	Woodbury of Weare
Shute	Sanborn of Windsor
Eastman of Concord	Hammond
Putney of Dunbarton	Adams of Jaffrey
Martin of Epsom	Symonds
Whitney	Fisher

Smith of Henniker	Reed of Stoddard
Burnham of Hopkinton	Holbrook
Andrews	Sawyer of Swanzey
Cate	Whitcomb
Whittemore	Huntington
Clark of Pittsfield	Lathrop
Robinson of Salisbury	Hoskins
Harvey	Blanchard
Kelley of Warner	Putnam
Eaton	Chase of Goshen
Cross	Smith of Lempster
Goodale of Deering	Mudgett
Hadley	Nettleton
Richardson of Greenfield	Quimby
Patten	George
Pierce of Hillsborough	Smith of Unity
Barnes	Crawford
Farley	Lang of Bath
Willoughby	Whitcher
Clement	Hoit of Bridgewater
French of Manchester	Avery
Clarke of Manchester	Davidson
Weston	Morse of Haverhill
Kenall	Swasey
Atherton	Richardson of Hanover
Cochran	Johnson of Hill
Atwood	Cass
Cox	Brewster of Dalton
Eastman of Littleton	Thurston
Nelson	Perkins of Jackson
Weeks of Warren	Plaisted
Pitman	Smith of Stewartstown
Thompson	Brown of Stratford
Tuttle of Carroll	Burbank
Bedel	Jackson
Boynton	Fisk
Tirrell	

Those who voted in the negative, were Messrs.—

Currier	Goodwin of South Hampton
Graves	Hilton of South New Market
Martin of Candia	Wingate
White of Chester	Morrison of Windham
Gale	Felker
Stevens of Deerfield	Foss
Gregg	Sawyer of Dover
Perham	Freeman of Dover
Marston	Wiggins of Dover
Kelley of Exeter	Chesley

Dodge	Mathes
Batchelder of Kensington	Jones of Rochester
Page of Kingston	Day
Hurd of Londonderry	Wentworth of Rollinsford
Tarlton	Coleman
Clark of Northwood	Cushing
Bartlett of Nottingham	Wells of Somersworth
Bedee	Hill of Alton
Bartlett of Portsmouth	Pease
Goodwin of Portsmouth	Shaw
Brewster of Portsmouth	Tilton
Scribner	Morrison of Sanbornton
Sanborn of Seabrook	Ham
Churchill	S. P. Steele
Charles	Barrett
Eastman of Conway	Hamilton
Perkins of Eaton	Dudley
Perkins of Tamworth	Leonard
Dickerson	Chamberlain
Little	Starkweather
Smith of Boscawen	Adams of Keene
Walker of Bow	Batcheller of Marlborough
Jones of Bradford	Griffin of Nelson
Sanborn of Canterbury	Converse
Langmaid	Hardy
Upham	Wright
Nesmith	Bennett
Gault	Kingman
Clough of Hopkinton	Stevens of Charlestown
Chase of Loudon	Walker of Charlestown
Rowell	Rossiter
Morse of Newbury	Morse of Croydon
Wallace	Sleeper
Griffin of Antrim	Freeman of Plainfield
French of Bedford	Sanborn of Washington
Sawtelle of Brookline	Pierce of Bethlehem
Flanders of Goffstown	Bartlett of Bristol
Johnson of Manchester	Wells of Canaan
Foster	Howe
Ayer of Manchester	Youngman
Page of Manchester	Burnham of Enfield
McGaw	Spooner
Chase of Milford	Colburn
Parker of Nashua	Sanborn of Hanover
Sawyer of Nashua	Crosby of Hebron
Spalding	Clark of Landaff
Noyes	Kimball
Gould of New Ipswich	Sartwell of Lebanon
Wheeler	Goodall of Lisbon
Gould of Littleton	Holden

Moulton of Lyman	Gilman
Cutting	Gray
Sawyer of Piermont	White of Lancaster

Yeas 127, nays 126.

So the Convention reconsidered their vote

Mr Parsons of Rye moved to amend Article 25 line 1 by striking out the word "twelve" and insert the words "thirty" instead thereof.

Mr Goodwin of Portsmouth moved to amend the amendment by striking out the words "thirty" and insert the words "thirty seven" instead thereof.

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the negative

And the amendment to the amendment was rejected.

The question recurred

Will the Convention agree to the amendment,

On this question

Mr Dodge of Hampton Falls demanded the yeas and nays which was duly sustained

The yeas and nays were called.

Mr Sawyer of Dover in the chair.

The President in the chair.

Those who voted in the affirmative, were Messrs.—

Greenough	Morrill
Currier	Marston
Graves	Burleigh
White of Chester	Lamprey
Griffin of Danville	Page of Kingston
Gregg	Hurd of Londonderry
Furber	Wentworth of Sandwich
Perkins of New Market	Smith of Sandwich
Hoit of Newton	Haley
Hobbs	Whitton
Bartlett of Nottingham	Batchelder of Allentown
Peaslee	Dickerson
Ayers of Portsmouth	Jones of Bradford
N. Moses	Sanborn of Canterbury
L. Moses	Langmaid
Parsons	Upham
Bailey	Barton
Colton	Minot
Goodwin of South Hampton	Shute
Freeman of Dover	Eastman of Concord
Roberts	Putney of Dunbarton
Tuttle of Lee	Martin of Epsom
Hayes	Whitney

Downing	Smith of Henniker
Wells of Somersworth	Burnham of Hopkinton
Jenness	Morse of Newbury
Montgomery	Andrews
Hill of Alton	Cate
Clark of Barnstead	Whitemore
Lane	Clark of Pittsfield
Robinson of Gilmanton	Robinson of Salisbury
French of Gilmanton	Harvey
Perkins of Gilmanton	Kelley of Warner
Pease	Eaton
Bean	Cross
Woodman	Griffin of Antrim
Charles	French of Bedford
Leavitt	Goodale of Deering
Rice	Flanders of Goffstown
Moulton of Moultonborough	Hadley
Brown of Ossipee	Richardson of Greenfield
Carter	Patten,
Barnes	Smith of Lempster
Farley	Mudgett
Willoughby	Nettleton
Center	Quimby
Clement	Smith of Unity
French of Manchester	Crawford
Clarke of Manchester	Lang of Bath
Weston	Whitcher
Chase of Milford	Hoit of Bridgewater
Kendall	Wells of Canaan
Sawyer of Nashua	Howe
Atherton	Youngman
Cochran	Avery
Gould of New Ipswich	Goodhue
Atwood	Burnham of Enfield
J. H. Steele	Spooner
Dearborn	Davidson
Woodbury of Weare	Morse of Haverhill
Sanborn of Windsor	Swasey
Hammond	Richardson of Hanover
Adams of Jaffrey	Johnson of Hill
Starkweather	Cass
Symonds	Cox
Fisher	Clark of Landaff
Reed of Stoddard	Eastman of Littleton
Holbrook	Nelson
Sawyer of Swanzey	Holden
Whitcomb	Gilman
Huntington	Weeks of Warren
Lathrop	Gray
Hoskins	Pitman

Kingman	Thompson
Blanchard	Tuttle of Carroll
Walker of Charlestown	Bedel
Putnam	Boynton
Chase of Goshen	Tirrell
Brewster of Dalton	Smith of Stewartstown
Thurston	Brown of Stratford
Perkins of Jackson	Burbank
Plaisted	Jackson
White of Lancaster	Fisk

Those who voted in the negative, were Messrs.—

Martin of Candia	Tilton
Gale	Morrison of Sanbornton
Stevens of Deerfield	Ham
Perham	Churchill
Kelley of Exeter	Eastman of Conway
Dodge	Perkins of Eaton
Batchelder of Kensington	Perkins of Tamworth
Tarlton	Little
Clark of Northwood	Smith of Boscawen
S. P. Steele	Rolfe
Bedee	Nesmith
Bartlett of Portsmouth	Gault
Goodwin of Portsmouth	Clough of Hopkinton
Brewster of Portsmouth	Chase of Loudon
Scribner	Rowell
Sanborn of Seabrook	Wallace
Hilton of South New Market	Sawtelle of Brookline
Wingate	Johnson of Manchester
Morrison of Windham	Foster
Felker	Read of Manchester
Foss	Crosby of Manchester
Wiggins of Dover	Ayer of Manchester
Mathes	Page of Manchester
Jones of Rochester	McGaw
Wentworth of Rollinsford	Parker of Nashua
Coleman	Spalding
Cushing	Noyes
Shaw	Abbott
Wheeler	Morse of Croydon
Sawyer of Nashua	Sleeper
Barrett	Freeman of Plainfield
Dudley	Sanborn of Washington
Leonard	Pierce of Bethlehem
Chamberlain	Colburn
Adams of Keene	Sanborn of Hanover
Batcheller of Marlborough	Crosby of Hebron
Griffin of Nelson	Kimball

Converse	Sartwell of Lebanon
Hardy	Goodall of Lisbon
Wright	Gould of Littleton
Bennett	Moulton of Lyman
Stevens of Charlestown	Cutting
Rossiter	Sawyer of Piermont.

Yeas 166, nays 86.

So the amendment was agreed to.

On motion of Mr Atherton—

Resolved, That the report be laid upon the table.

Mr Bartlett of Portsmouth announced the death of the Honorable William Plumer the last of the members of the Convention who framed the present constitution of this State.

After impressive and appropriate remarks.

Mr Bartlett of Portsmouth introduced the following resolutions which were unanimously adopted:

Resolved, That in the death of the Honorable William Plumer the State has lost an eminent statesman, a patriotic citizen, an honest man.

Resolved, That for his long and faithful public services, and exemplary virtues as a citizen, the whole people should cherish his memory with affectionate gratitude.

As a farther mark of respect,

On motion of Mr Atherton of Nashville—

The Convention adjourned.

Afternoon.

On motion of Mr Atherton of Nashville—

The Convention resumed the consideration of the report of the committee on the Legislative Department upon so much of the constitution of this State as relates to that subject being the unfinished business of the forenoon.

Mr Parsons of Rye moved to amend Article 26 line 3 of the report by striking out the word, “twelve” before the word “districts” and insert the word “fifteen” instead thereof.

Mr Dodge of Hampton Falls moved to amend the amendment by striking out the word “fifteen” and insert the word “thirty” instead thereof.

On this question

Mr Atherton demanded the yeas and nays which was duly seconded.

Mr Goodwin of Portsmouth in the chair.

The yeas and nays were called.

The President in the chair.

Before the vote was declared

Mr Hayes of Madbury requested to state his reasons for declining to vote.

On motion of Mr Dodge of Hampton Falls—

Leave was granted.

Mr Hayes of Madbury stated his reasons for declining to vote.

On motion of Mr Hayes of Madbury—

Resolved, That he be excused from voting on this question,

The President then declared the state of the vote.

Those who voted in the affirmative, were Messrs—

Currier	Perkins of Eaton
Graves	Brown of Ossipee
Martin of Candia	Perkins of Tamworth
White of Chester	Little
Stevens of Deerfield	Smith of Boscawen
Marston	Nesmith
Kelley of Exeter	Gault
Dodge	Chase of Loudon
Batchelder of Kensington	Rowell
Hurd of Londonderry	Wallace
Anderson	French of Bedford
Tarlton	Sawtelle
Bedee	Johnson of Manchester
Bartlett of Portsmouth	Foster
Goodwin of Portsmouth	Read of Manchester
Brewster of Portsmouth	Crosby of Manchester
Goodwin of South Hampton	Ayer of Manchester
Hilton of South New Market	Page of Manchester
Wingate	McGaw
Morrison of Windham	Chase of Milford
Foss	Daniels
Sawyer of Dover	Parker of Nashua
Freeman of Dover	Sawyer of Nashua
Wiggins of Dover	Spalding
Mathes	Noyes
Jones of Rochester	Abbott
Wentworth of Rollinsford	Gould of New Ipswich
Coleman	Wheeler
Cushing	S. P. Steele
Wells of Somersworth	Barrett
Shaw	Sanborn of Windsor
Tilton	Hamilton
Morrison of Sanbornton	Dudley
Churchill	Leonard
Charles	Chamberlain
Eastman of Conway	Starkweather
Adams of Keene	Avery
Batcheller of Marlborough	Spooner

Griffin of Nelson	Colburn
Converse	Sanborn of Hanover
Hardy	Crosby of Hebron
Wright	Kimball
Bennett	Sartwell of Lebanon
Kingman	Goodall of Lisbon
Stevens of Charlestown	Gould of Littleton
Walker of Charlestown	Moulton of Lyman
Freeman of Claremont	Cutting
Rossiter	Britton
Morse of Croydon	Sawyer of Piermont
Sleeper	Holden
Freeman of Plainfield	Gray
Pierce of Bethlehem	Tirrell
Bartlett of Bristol	White of Lancaster
Howe	

Those who voted in the negative, were Messrs.—

Greenough	Peaslee
Griffin of Danville	Ayers of Portsmouth
Gale	N. Moses
Gregg	L. Moses
Perham	Scribner
Morrill	Parsons
Burleigh	Bailey
Lamprey	Colton
Page of Kingston	Felker
Furber	Chesley
Perkins of New Market	Roberts
Hoit of Newton	Tuttle of Lee
Hobbs	Hilton of Middleton
Clark of Northwood	Downing
Bartlett of Nottingham	Day
Jenness	Clough of Hopkinton
Montgomery	Burnham of Hopkinton
Webster of Barnstead	Morse of Newbury
Clark of Barnstead	Andrews
Lane	Whittemore
Robinson of Gilmanton	Butters
French of Gilmanton	Clark of Pittsfield
Perkins of Gilmanton	Robinson of Salisbury
Pease	Harvey
Bean	Kelley of Warner
Woodman	Eaton
Ham	Cross
Leavitt	Griffin of Antrim
Rice	Goodale of Deering
Moulton of Moultonborough	Flanders of Goffstown
Carter	Hadley

Wentworth of Sandwich	Richardson of Greenfield
Smith of Sandwich	Patten
Haley	Pierce of Hillsborough
Whitton	Barnes
Batchelder of Allentown	Farley
Dickerson	Willoughby
Walker of Bow	Center
Jones of Bradford	Clement
Sanborn of Canterbury	French of Manchester
Langmaid	Clarke of Manchester
Upham	Putney of Manchester
Barton	Weston
Minot	Kendall
Rolfe	Atherton
Shute	Cate
Eastman of Concord	Cochran
Putney of Dunbarton	Atwood
Martin of Epsom	J. H. Steele
Whitney	Dearborn
Smith of Henniker	Woodbury of Weare
Hammond	Burnham of Enfield
Adams of Jaffrey	Davidson
Symonds	Morse of Haverhill
Fisher	Swasey
Reed of Stoddard	Richardson of Hanover
Holbrook	Johnson of Hill
Sawyer of Swanzey	Cass
Whitcomb	Cox
Huntington	Eastman of Littleton
Lathrop	Nelson
Hoskins	Gilman
Blanchard	Weeks of Warren
Putnam	Pitman
Chase of Goshen	Thompson
Smith of Lempster	Tuttle of Carroll
Mudgett	Bedel
Nettleton	Boynton
Quimby	Brewster of Dalton
George	Thurston
Smith of Unity	Perkins of Jackson
Sanborn of Washington	Plaisted
Crawford	Smith of Stewartstown
Lang of Bath	Brown of Stratford
Whitcher	Burbank
Hoit of Bridgewater	Jackson
Wells of Canaan	Fisk
Youngman	
Goodhue	

Yeas 107, nays 156.

So the amendment to the amendment was rejected

The question recurred

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

Mr Atherton of Nashville moved to amend Article 26 line 3, to insert after the word "districts" the words "in each of which two senators shall be elected."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the report was amended

Mr Atherton of Nashville moved to amend Article 27 line 3, by striking out the words "a senator" and insert the words, "senator" and in line 11 to strike out the word "senator," and insert the word "senators" instead thereof

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the report was amended.

Mr Atherton of Nashville moved to amend Article 34 line 1 by striking out the words "a senator" and insert the words "two senators" and in line 6 after the word "person" to insert the words "neither of whom are elected" instead thereof

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the report was amended.

Mr Atherton of Nashville moved to amend Article 34 by inserting after the word "district" the words following.

"if there is one senator wanted for said district, and if two senators are wanted for said district the names of the four persons having the highest number of votes in said district."

Also to strike out the word "ballot" and insert the word "vote" instead thereof. And in the 8th line after the word "senator" insert the words "or senators" so that the 34th section will read,

"And in case there shall not appear to be two senators elected for any district the deficiency shall be supplied in the following manner, namely; the members of the House of Representatives and such senators as shall be declared elected shall take the names of the two persons neither of whom are elected having the highest number of votes in the district, if there is one senator wanted for said district, and if two senators are wanted for said district the names of the four persons having the highest number of votes in said district and out of them shall elect by joint vote the senator or senators wanted for such district."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the report was amended.

On motion of Mr Atherton—

Resolved, That the report as amended be referred to the committee on Revising Business

Mr Chamberlain of Keene from the committee on the Judicial Department made the following

## Report:

The committee on the Judicial Department having been instructed by a resolution of the Convention to inquire into the expediency of inserting an article in the constitution providing that the legislature may by law authorize the Governor, with the consent of the Senate, to appoint one trial justice in each town in the State, have considered the subject, and direct me to report the following resolution:

Levi Chamberlain, for the Committee.

Resolved, That it is not expedient to insert in the constitution of the State an article containing the provision contemplated in said resolution.

On motion of Mr Atherton—

Resolved, That the report be laid upon the table.

Mr Upham of Concord from the committee on the Judicial Department by leave made the following additional

## Report:

The committee on the Judiciary having reconsidered their report in connection with various resolutions committed to them, report Sections 46 and 77 in a new draft and the remainder of their report as previously acted upon by the Convention.

N. G. Upham for the committee.

Sec. 46. Judges of the Supreme Court and other Judges having jurisdiction throughout the State and the Attorney General shall be elected by general ballot of the people throughout the State and shall hold their offices for six years except that for the first election the term of office of the several judges shall expire at such different periods less than six years and under such regulations as the legislature may prescribe; County Judges, Judges of Probate, Registers of Probate, Sheriffs and County Solicitors shall be elected by ballot of the people in the several counties and shall hold their offices four years: Police magistrates shall be elected by the people of cities for four years and trial justices shall be elected by the people of towns for two years; Officers of the militia shall be elected in such manner as the legislature shall from time to time direct and shall be commissioned by the Governor.

Commissioners in other states, Bank Commissioners, Notaries Public, Justices of the Peace, Justices of the Quorum, Justices of the Peace throughout the State and other officers whose mode of appointment shall not be otherwise provided for in this constitution or by the legislature shall be appointed by the governor with the advice and consent of the Senate and their duties and term of office shall be defined by the legislature. When vacancies occur in any of these offices they shall be filled up permanently by the power which filled the office originally, but the governor shall temporarily fill vacancies in the offices above named elected by the people throughout the State or whose appointments were made by the governor and vacancies in the offices of County Judges and the County Judges may temporarily fill vacancies as to county Officers until the regular appointing power shall act upon the subject.

Provided, That the governor may remove any of the foregoing officers upon the address of both branches of the legislature.

Art. 77. There shall be in each town not less than two nor exceeding three trial justices and the legislature shall be empowered to give jurisdiction to such trial justices in all civil causes when the debt or damages demanded shall not exceed one hundred dollars and the title of real estate is not concerned. Either party claiming the same in any suit before said justices shall have the right of trial by a jury not exceeding six in number and in all cases where the debt or damages demanded shall exceed the sum of twenty dollars shall have the right of appeal as to the law and facts, but in all cases where the debt or damages demanded shall be under twenty dollars the decision both as to the law and [facts] shall be final subject to such right of review as the legislature may prescribe.

In cases of appeal the legislature may require the party appealing to give security for the costs that may be recovered against him and may also provide for the imposition of double costs in all cases where the decision of the Justice is not changed. The criminal jurisdiction of trial justices and justices of the peace and of the quorum and of those throughout the State, shall be regulated by the legislature.

Mr Jenness of Strafford moved to amend Article 46 reported from the committee on the Judicial Department by inserting after the word "counties" the words, "by a plurality of votes."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the report was amended.

Mr Swasey moved to amend the report in Article 46 by inserting after the word "subject" before the word "Provided" the words following: "Except that the Judges of Probate in the several counties shall fill temporarily the office of Register of Probate in said counties in case of vacancy."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

Mr Upham of Concord moved to amend the report in Article 46 as amended by inserting before the word "Provided" the words following: "and in case there shall be no county Judges such vacancy shall be filled up by the governor."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the report was amended.

Mr Lane of Gilford moved to amend the report in Article 46 to insert after "Police magistrates" the words following:

"And clerks of courts shall be elected for four years, subject to removal for cause by the Judges of the Court, and any vacancy that may happen shall be filled by the Judges of the Court until another election."

Mr Marston of Exeter in the chair.

On the question

Will the Convention agree to the amendment?

It was decided in the negative.

And the amendment was rejected.

President in the chair.

Mr Atherton moved to amend Article 46 by inserting after the word “years” the words following:

“Provided, That the legislature may authorize the Governor by and with the consent of the Senate to appoint one trial justice for each town, who shall have jurisdiction to the same amount with the trial justices heretofore provided for.

On the question

Will the Convention agree to the amendment?

It was decided in the negative.

And the amendment was rejected

The question recurred

Will the Convention agree to Article 46 of the report as amended?

Mr Parker of Nashua moved that when the Convention adjourn they adjourn to meet at seven o’clock this evening.

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the motion was rejected

Mr Lamprey moved that the Convention do now adjourn

On the question,

Will the Convention agree to the motion?

It was decided in the negative.

And the Convention refused to adjourn.

Before the question was put upon agreeing to Article 46 as amended of the report of the Judicial Department.

Mr Dodge of Hampton Falls moved to amend Article 77 of the report by striking out the word “empowered” and insert the word, “required” instead thereof.

Mr Nesmith of Franklin in the chair.

Mr Richardson of Hanover moved that when the Convention adjourn they adjourn to meet again at seven o’clock this evening.

On the question

Will the Convention agree to the motion?

It was decided in the affirmative

And the motion was agreed to.

On motion of Mr Dickerson of Andover—

The Convention adjourned.

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Seven O’clock this evening.

The Convention resumed the consideration of the unfinished business of the afternoon upon the report of the committee on the Judicial Department on Articles 46 and 77 of the Constitution of this State.

The question pending was

Will the Convention agree to amend Article 77 by striking out the word "empowered" and inserting the word "required" instead thereof.

Mr Sawyer of Nashua in the chair.

Mr Dodge of Hampton Falls by unanimous consent of the Convention withdrew the amendment and substituting the following: To strike out all of Article 77 in the report and insert the following which is the amendment originally introduced by Mr Cate of Northfield as amended.

"The trial justices shall have jurisdiction in all civil causes when the debt or damages demanded shall not exceed the sum of one hundred dollars and the title of real estate is not concerned. Either party shall have the right of a trial by a jury not over six in number. In all cases where the debt or damages demanded shall exceed the sum of twenty dollars, either party shall have the right of appeal as to the law and facts, but in all cases when the debt or damages demanded shall be under said sum of twenty dollars, the decision both as to the law and the facts shall be final, subject only to such right of review as the Legislature may prescribe in cases of appeals. The Legislature may require that the party who appeals shall give security for the costs that may be recovered against him, and may also provide for the imposition of double costs in all cases in which the decision of the Justice is not changed. The number of said trial justices shall be two for each town or city, and not exceeding three.

Mr Pierce of Concord moved to amend the amendment by striking out all of the first sentence and inserting the following instead thereof.

"There shall be in each town not less than two nor exceeding three trial justices who shall have jurisdiction in all civil cases where the debt or damages demanded shall not exceed fifty dollars and the title of real estate is not concerned and the legislature is authorized to extend the jurisdiction of trial justices to such further sum not exceeding one hundred dollars in all as they shall deem expedient."

On this question

Mr Dodge of Hampton Falls demanded the yeas and nays which was duly seconded

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Goodwin of Portsmouth
Currier	Brewster of Portsmouth
Graves	Bailey
Martin of Candia	Colton
White of Chester	Sanborn of Seabrook
Griffin of Danville	Goodwin of South Hampton
Gale	Morrison of Windham
Stevens of Deerfield	Foss
Gregg	Roberts

Perham	Hilton of Middleton
Burleigh	Mathes
Lamprey	Downing
Batchelder of Kensington	Wentworth of Rollinsford
Page of Kingston	Coleman
Anderson	Jeness
Tarlton	Montgomery
Furber	Webster of Barnstead
Perkins of New Market	Clark of Barnstead
Hoit of Newton	Perkins of Gilmanton
Clark of Northwood	Bean
Peaslee	Woodman
Bedee	Charles
Eastman of Conway	Willoughby
Perkins of Eaton	Center
Leavitt	Clement
Rice	Crosby of Manchester
Moulton of Moultonborough	French of Manchester
Brown of Ossipee	Clarke of Manchester
Carter	Putney of Manchester
Wentworth of Sandwich	Daniels
Perkins of Tamworth	Kendall
Haley	Sawyer of Nashua
Whitten	Abbott
Batchelder of Allenstown	Cochran
Dickerson	Gould of New Ipswich
Little	Atwood
Walker of Bow	S. P. Steele
Jones of Bradford	J. H. Steele
Langmaid	Dearborn
Upham	Woodbury of Weare
Barton	Barrett
Minot	Hamilton
Shute	Leonard
Martin of Epsom	Hammond
Smith of Henniker	Adams of Jaffrey
Clough of Hopkinton	Chamberlain
Burnham of Hopkinton	Adams of Keene
Rowell	Symonds
Clark of Pittsfield	Fisher
Harvey	Converse
Wallace	Hardy
Griffin of Antrim	Reed of Stoddard
Goodale of Deering	Holbrook
Flanders of Goofstown [Goffstown]	Wright
Richardson of Greenfield	Hoskins
Patten	Bennett
Pierce of Hillsborough	Blanchard
Barnes	Stevens of Charlestown
Walker of Charlestown	Swasey

Freeman of Claremont	Crosby of Hebron
Putnam	Cass
Morse of Croydon	Kimball
Chase of Goshen	Sartwell of Lebanon
Sleeper	Goodall of Lisbon
Mudgett	Cutting
Quimby	Britton
George	Sawyer of Piermont
Smith of Unity	Nelson
Sanborn of Washington	Holden
Crawford	Weeks of Warren
Wells of Canaan	Pitman
Avery	Boynton
Goodhue	Tirrell
Burnham of Enfield	White of Lancaster
Spooner	Jackson
Davidson	Fisk.
Colburn	

Those who voted in the negative, were Messrs.—

Morrill	
Dodge	Wells of Somersworth
Hurd of Londonderry	Lane
Bartlett of Nottingham	French of Gilmanton
Ayers of Portsmouth	Pease
N. Moses	Shaw
Scribner	Tilton
Parsons	Morrison of Sanbornton
Hilton of South New Market	Ham
Felker	Smith of Sandwich
Sawyer of Dover	Putney of Dunbarton
Chesley	Nesmith
Jones of Rochester	Whitney
Day	Morse of Newbury
Cushing	Andrews
Cate	Pierce of Bethlehem
Robinson of Salisbury	Hoit of Bridgewater
Kelley of Warner	Bartlett of Bristol
Cross	Howe
French of Bedford	Morse of Haverhill
Hadley	Richardson of Hanover
Parker of Nashua	Johnson of Hill
Sanborn of Windsor	Cox
Dudley	Clark of Landaff
Starkweather	Eastman of Littleton
Batcheller of Marlborough	Gould of Littleton
Griffin of Nelson	Moulton of Lyman
Sawyer of Swanzey	Gilman
Whitcomb	Thompson

Huntington	Tuttle of Carroll
Lathrop	Bedel
Kingman	Brewster of Dalton
Rossiter	Thurston
Smith of Lempster	Perkins of Jackson
Nettleton	Plaisted
Freeman of Plainfield	Smith of Stewartstown
Lang of Bath	Brown of Stratford
Whitcher	Burbank

Yeas 153 nays 75.

So the amendment to the amendment was agreed to.

Mr Sawyer of Nashua moved to amend the amendment by striking out the last clause thereof which is as follows, "the number of said trial justices shall be two for each town or city and not exceeding three."

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was agreed to.

Mr Chamberlain of Keene moved to amend the amendment by striking out the word "demanded" before the words "shall be under said sum of twenty dollars," and inserting the word "recovered" instead thereof.

Before the question was put,

On motion of Mr Sawyer of Nashua—

The Convention adjourned.

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Saturday December 28, 1850.

The Convention resumed the consideration of the unfinished business of yesterday upon the additional report of the committee on the Judicial Department on Articles 46 and 77 of the constitution of this State.

The question was

Will the Convention agree to amend the amendment by striking out after the word "damages" the word "demanded" and insert the word "recovered" instead thereof.

Mr J. H. Steele of Peterborough moved to amend the amendment by striking out the words "debt or damages demanded" wherever it occurs in the amendment and insert the words, "amount in controversy" instead thereof.

Mr Atherton in the chair

The President in the chair.

On the question

Will the Convention agree to the amendment to the amendment?

Mr Brown of Ossipee demanded the yeas and nays which was duly seconded.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Graves	Smith of Sandwich
Martin of Candia	Haley
Griffin of Danville	Dickerson
Perham	Walker of Bow
Morrill	Jones of Bradford
Burleigh	Sanborn of Canterbury
Dodge	Barton
Batchelder of Kensington	Shute
Tarlton	Eastman of Concord
Furber	Putney of Dunbarton
Hoit of Newton	Nesmith
Bartlett of Nottingham	Whitney
Ayers of Portsmouth	Burnham of Hopkinton
N. Moses	Morse of Newbury
Scribner	Cate
Parsons	Harvey
Goodwin of South Hampton	French of Bedford
Felker	Goodale of Deering
Foss	Hadley
Chesley	Richardson of Greenfield
Roberts	Pierce of Hillsborough
Tuttle of Lee	Willoughby
Day	Clement
Wentworth of Rollinsford	Daniels
Coleman	Gould of New Ipswich
Cushing	J. H. Steele
Montgomery	Woodbury of Weare
French of Gilmanton	Barrett
Bean	Hamilton
Woodman	Hammond
Shaw	Adams of Jaffrey
Leavitt	Chamberlain of Keene
Rice	Symonds
Griffin of Nelson	Morse of Haverhill
Hardy	Richardson of Hanover
Reed of Stoddard	Crosby of Hebron
Holbrook	Johnson of Hill
Sawyer of Swanzey	Clark of Landaff
Whitcomb	Kimball
Huntington	Gould of Littleton
Lathrop	Moulton of Lyman
Blanchard	Britton
Sleeper	Gilman
Smith of Lempster	Gray
Quimby	Thompson
Smith of Unity	Tuttle of Carroll

Lang of Bath	Bedel
Whitcher	Boynton
Pierce of Bethlehem	Tirrell
Hoit of Bridgewater	Brewster of Dalton
Bartlett of Bristol	Thurston
Wells of Canaan	Perkins of Jackson
Howe	Plaisted
Youngman	Brown of Stratford
Burnham of Enfield	Burbank
Spooner	Jackson
Davidson	Fisk.

Those who voted in the negative, were Messrs.—

Greenough	Bartlett of Portsmouth
White of Chester	Wingate
Gale	Sawyer of Dover
Stevens of Deerfield	Freeman of Dover
Marston	Hilton of Middleton
Lamprey	Mathes
Page of Kingston	Wells of Somersworth
Hobbs	Jeness
Clark of Northwood	Webster of Barnstead
Clark of Barnstead	Dudley
Lane	Fisher
Robinson of Gilmanton	Wright
Perkins of Gilmanton	Hoskins
Tilton	Stevens of Charlestown
Ham	Walker of Charlestown
Charles	Freeman of Claremont
Eastman of Conway	Putnam
Brown of Ossipee	Morse of Croydon
Wentworth of Sandwich	Chase of Langdon
Whitton	Mudgett
Batchelder of Allentown	Nettleton
Little	Freeman of Plainfield
Langmaid	George
Upham	Sanborn of Washington
Minot	Crawford
Rolfe	Avery
Martin of Epsom	Swasey
Rowell	Sanborn of Hanover
Clark of Pittsfield	Sartwell of Lebanon
Eaton	Cutting
Center	Nelson
Clarke of Manchester	Holden
Sawyer of Nashua	Pitman
Atherton	White of Lancaster
Wheeler	Smith of Stewartstown

Yeas 114 nays 70.

So the amendment to the amendment was agreed to.

Mr Chesley of Durham moved to amend the amendment by striking out after the words "fifty dollars," the words "and the title of real estate is not concerned."

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was agreed to.

Mr J. H. Steele of Peterborough moved to amend the amendment by inserting the words "subject to such provision in cases where the title to real estate is concerned as the legislature may prescribe."

On the question

Will the Convention agree to the amendment to the amendment?

It was decided in the affirmative

And the amendment to the amendment was agreed to.

The question recurred

Will the Convention agree to the amendment to the report as amended?

It was decided in the affirmative

And the amendment to the report as amended was adopted.

On motion of Mr J. H. Steele of Peterborough—

Resolved, That the additional report of the committee on the Judicial Department as amended be referred to the consideration of the committee on Revising Business.

On motion of Mr Upham of Concord—

Resolved, That the first report of the committee on the Judicial Department as amended be referred to the consideration of the committee on Revising Business

On motion of Mr Jenness of Strafford—

Resolved, That when the convention adjourn, they adjourn to meet again on Monday next at three o'clock in the afternoon.

Mr Clarke of Manchester introduced the following resolution

Resolved, That the committee on Revising Business be instructed to insert in the report of the committee on the Judicial Department a provision for the election of Railroad Commissioners by the people.

Mr Chamberlain of Keene moved to lay the resolution upon the table

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the motion was rejected

Mr Langmaid moved that the convention do now adjourn

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the motion was rejected

The question recurred

Will the Convention agree to the resolution relating to the election of Railroad Commissioners by the people?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Lamprey—

The Convention adjourned.

Monday December 30, 1850.

Mr Hoskins of Westmoreland in the chair.

Mr Haley of Tuftonborough presented the account of Messrs. Morrill and Tripp

Ordered, That it be referred to the committee on Claims.

Mr Haley of Tuftonborough from the committee on Claims made the following

Report:

The committee on Claims, to whom was referred the accounts of the several county clerks, for information furnished the Convention having had the same under consideration, have directed me to report the following resolution:

Abel Haley for the Committee.

Resolved, That Jonas D. Sleeper, N. B. Baker, and Perley Dodge each be allowed the sum of \$12— that John H. Smith and Leonard Bisco each be allowed \$10— that E. S. Lawrence, Francis R. Chase and Thos. W. Gilmore each be allowed the sum of \$8. and that James M. Rix be allowed the sum of \$5— in full of their several accounts, and that the same be paid out of any money in the Treasury, appropriated to defray the expenses of the Constitutional Convention.

On motion of Mr Barton of Concord—

Resolved, That the report be laid upon the table.

Mr Wells of Somersworth from the committee on Revising Business made the following

Report:

The committee on Revising Business to whom was referred the report of the committee on the Legislative Department as amended in convention. Also so much of the report of the committee on the Militia as relates to the enrolling, organizing and disciplining the militia, and also an article relating to lotteries, and the sale of lottery tickets have instructed me to make the following report:

Nathl. Wells, for the Committee.

The committee report, that the report of the committee on the Legislative Department be amended as follows:

In Article 3 line 2 strike out the word “ensuing” and insert “following”

In Article 14 line 8 strike out the words “parishes wards.”

In same Article line 45 insert the word “and” before “provided.”

In same Article line 27 strike out the words “parishes wards”,

In same Article line 54 strike out the word “parishes”

In same Article line 59 strike out the word “the” before the word “constitution” and insert the word “this”

In same Article line 64 strike out the word “parishes”

In Article 17 lines 9 and 10 strike out the words “parishes wards,”

In same Article line 12 and 13 strike out the words, “parishes, wards.”

In Article 28 title Senate, line 4, strike out the word “ensuing” and insert “following”

In Article 33 being Article 30 of printed Constitution line 1, strike out the word “the” and insert “this”

In same Article line 4 strike out the word, “and plantation” and insert the words “or place”

In same Article line 5 strike out the words “dwelleth and hath”, and insert the words “dwells and has.”

In Article 35 line 3 strike out the word “and” at the beginning of the line.

They also report the proviso to the same Article being Article 32 of printed Constitution, in a new draft as follows:

Provided that the Legislature may authorize by a general law, all such towns, having more than seven hundred and fifty ratable polls as may adopt the same, to receive votes at town meetings in such other manner as the Legislature may prescribe.

In same Article line 21 printed copy, strike out the words “said first Wednesday of June,” and insert the words “first Wednesday of June next following.”

In Article 36 being Article 33 of printed constitution line 5 strike out the word “the” and insert “said”

In Article 40 line 4 strike out the word “sixteen” and insert “twenty.”

Same Article line 6, strike out the word “eighteen” and insert “twenty two.”

Same Article line 8, strike out the word “twelve” and insert “fifteen.”

Article 5 line 10 after the word “thereof” insert the following words “to provide for the enrolling, organizing and disciplining the militia in such manner as they may deem expedient not repugnant to the constitution and laws of the United States.”

After Article 12 the following Article be inserted.

Article 13. The Legislature shall never authorize any lottery but shall prohibit under proper penalties, the sale of lottery tickets within this State.”

The Convention proceeded to the consideration of the several amendments reported from the committee on Revising Business to so much of the Constitution of this State as relates to the Legislative Department and so much of the Executive Department of the constitution of this State as is contained in the report of the committee on the Militia Department and also an Article relating to lotteries.

On the question

Will the Convention agree to the first amendment reported from the committee on Revising Business in Article 3 line 2 to strike out the word “ensuing” and insert the word “following” instead thereof.

It was decided in the affirmative

And the amendment was agreed to.

On the question

Will the Convention agree to the second amendment reported from the same committee in Article 14 line 8 to strike out the words “parish ward.”

It was decided in the affirmative  
And the amendment was adopted  
On the question

Will the Convention agree to the third amendment reported from the same committee in Article 14 line 45 to insert the word “and,” before the word “provided”

It was decided in the affirmative  
And the amendment was adopted  
On the question

Will the Convention agree to the fourth amendment reported from the same committee in Article 14 line 54 to strike out the word “parishes”

It was decided in the affirmative  
And the amendment was adopted  
On the question

Will the Convention agree to the fifth amendment reported from the same committee in Article 14 line 39 to strike out the word “the” before the word “constitution” and insert the word “this” instead thereof.

It was decided in the affirmative  
And the amendment was agreed to.  
On the question

Will the Convention agree to the sixth amendment reported from the same committee in Article 14 line 64 to strike out the word “parishes.”

It was decided in the affirmative  
And the amendment was adopted.  
On the question

Will the Convention agree to the seventh amendment reported from the same committee in Article 17 lines 9 and 10 to strike out the words “parishes wards”

It was decided in the affirmative  
And the amendment was adopted  
On the question

Will the Convention agree to the ninth amendment reported from the same committee in Article 17 line 12 and 13 to strike out the words “parishes ward.”

It was decided in the affirmative  
And the amendment was agreed to.  
On the question

Will the Convention agree to the tenth amendment reported from the same committee in Article 28 title Senate line 4 to strike out the word “ensuing” and insert the word “following” instead thereof.

It was decided in the affirmative  
And the amendment was agreed to.  
On the question

Will the Convention agree to the eleventh amendment reported from the same committee in Article 33 line 1 to strike out the word “the” and insert the word “this” instead thereof.

It was decided in the affirmative  
And the amendment was adopted.  
On the question

Will the Convention agree to the twelfth amendment reported from the same committee in Article 30 line to strike out the words, “and plantation,” and insert the words “or place,” instead thereof.

It was decided in the affirmative  
And the amendment was adopted.

On the question

Will the Convention agree to the thirteenth amendment reported from the same committee in Article 30 line 5 to strike out the words, “dwelleth and hath,” and insert the words “dwells and has,” instead thereof.

It was decided in the affirmative  
And the amendment was adopted.

On the question

Will the Convention agree to the fourteenth amendment reported from the same committee in Article 35 line 3 to strike out the word “and” at the beginning of the line.

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the fifteenth amendment in Article 32 of the printed constitution to add at the close thereof the following proviso:

“Provided that the legislature may authorize by a general law all such towns having more than seven hundred and fifty ratable polls as may adopt the same to receive votes at town meetings in such other manner as the legislature may prescribe.”

It was decided in the affirmative  
And the amendment was agreed to.

On the question

Will the Convention agree to the sixteenth amendment reported from the same committee in Article 32 line 21 to strike out the words, “said first Wednesday of June,” and insert the words “first Wednesday of June next following.”

It was decided in the affirmative  
And the amendment was adopted.

On the question

Will the Convention agree to the seventeenth amendment which was reported from the same committee in Article 36 being Article 33 of the printed constitution in line 5 to strike out the word “the” and insert the word “said” instead thereof.

It was decided in the affirmative  
And the amendment was adopted.

On the question

Will the Convention agree to the eighteenth amendment reported from the same committee in Article 40 line 4 to strike out the word “sixteen” and insert the word “twenty” instead thereof.

It was decided in the affirmative  
And the amendment was adopted.

On the question

Will the Convention agree to the nineteenth amendment reported from the same committee in Article 40 line 6 to strike out the word “eighteen” and insert the word “twenty two” instead thereof.

It was decided in the affirmative  
And the amendment was adopted.

On the question

Will the Convention agree to the twentieth amendment reported from the same committee in Article 40 line 8 to strike out the word "twelve" and insert the word "fifteen" instead thereof.

It was decided in the affirmative  
And the amendment was adopted.

On the question

Will the Convention agree to the twenty first amendment reported from the same committee in Article 5 line 10 to insert after the word "thereof" the words following: "to provide for the enrolling, organizing and disciplining the militia in such manner as they may deem expedient not repugnant to the constitution and laws of the United States."

It was decided in the affirmative  
And the amendment was adopted.

On the question

Will the Convention agree to the twenty second amendment reported from the same committee to insert after Article 12, the following Article

"Article 13. The Legislature shall never authorize any lottery but shall prohibit under proper penalties the sale of lottery tickets within this State."

It was decided in the affirmative  
And the amendment was adopted.

The question recurred,

Will the Convention agree to the report of the committee on Revising Business upon so much of the constitution of this State as relates to the legislative department as amended?

It was decided in the affirmative  
And the report was adopted.

On motion of Mr Sanborn of Hanover—

Resolved, That the report be recommitted to the committee on Revising Business to be engrossed.

Mr Brown of Northumberland introduced the following resolution:

Resolved, That this Convention adjourn on Thursday the second day of January next

On motion of Mr Lamprey

Resolved, That the resolution be laid upon the table.

Mr Richardson of Hanover moved that the Convention do now adjourn

On the question

Will the Convention agree to the motion.

It was decided in the negative

And the Convention refused to adjourn.

Mr Chamberlain of Keene introduced the following resolution:

Resolved, That the Treasurer be requested to furnish to the Convention a statement of the expenses of supporting the militia for the current year, accompanied with an estimate of the annual expenses of the militia under the laws now in force.

Mr. J. H. Steele moved that the resolution be laid upon the table

On the question

Mr Dodge demanded the yeas and nays which was not sustained.

The question being put

It was decided in the affirmative

And the resolution was laid upon the table.

Mr Lamprey of Hampton gave notice that he would tomorrow move the Convention to reconsider their vote to establish the basis and ratio of representation.

Mr J. H. Steele of Peterborough gave notice that if the motion prevailed he should offer the following as a substitution for the basis and ratio of representation now fixed by the Convention:

“There shall be in the legislature of this State a representation of the people, founded on ratable polls, consisting of resident male citizens of twenty one years of age, and upwards, who shall have resided in this State six months immediately preceding the election, paupers and foreigners not naturalized excepted.

Every town, city or place entitled to town privileges, having 150 ratable polls, may elect 1 representative. If 600 ratable polls, 2 representatives. If 1200 ratable polls, 3 representatives. If 1900 ratable polls, 4 representatives. If 2700 ratable polls 5 representatives. If 3600 ratable polls, 6 representatives. If 4600 ratable polls 7, representatives, and so on, adding 1000 ratable polls to the number required for the last preceding representative. Provided, that the legislature shall have power to class, at their own request, any two or more towns whose united number of ratable polls amount to 150— and also to authorize any towns or places, not conveniently situated for classing, to elect and send a representative. Provided further that all towns, cities or places that have heretofore, or may hereafter be divided into sections or wards, for the choice of representatives shall for the purpose of appointing the number of representatives to the number of ratable polls, be considered as undivided. And that as often as the number of representatives elected amounts to 250, 10 per cent. shall be added to the number of ratable polls required for the choice of each and every representative except the first.”

The President in the chair

Mr Wells of Somersworth from the committee on Revising Business made the following

Report:

The committee on Revising Business to whom was referred the report of the committee on the Executive Department, so much of the report of the committee on the militia as relates to Articles 46, 54 and 55 have instructed me to make the following report:

Nathl Wells for the committee

The committee report article 43 in a new draft as follows:

43. The Governor and Lieutenant Governor shall be chosen biennially in the month of March, and the votes for these officers shall be received sorted, counted certified and returned in the same manner as the votes for senators and the secretary shall lay the same before the Senate and House of Representatives on the first Wednesday of June biennially to be by them examined and in case of an election by a plurality of votes through the State the choice shall be by them declared and published. And the qualifications of electors for governor and lieutenant governor shall be the same as those for Senators. But should it ever so happen that there shall be no choice of Governor or Lieutenant Governor by a plurality of votes by reason

of two or more persons voted for, for the same office having received an equal number of votes, then the Senate and House of Representatives shall by joint vote elect one of the two or more persons having the highest number of votes for said offices respectively and shall declare him Governor or Lieutenant Governor as the case may be. And no person shall eligible to either of these offices unless at the time of his election he shall be of the age of thirty years and shall have been an inhabitant of this State for seven years next preceding.

They also report Articles 47 and 48 in a new draft as follows:

47 & 48. All officers whose election or appointment is not otherwise provided for, shall be nominated by the Governor and confirmed by a majority of the Senate, and every such nomination shall be made at least three days prior to such confirmation. The nomination shall be in writing and signed by the Governor and the confirmation or rejection signed by the presiding officer of the Senate.

In Article 49 line 6 strike out the word "chair" and insert the word "officer"

In same Article line 1 strike out "chair" and insert "officer"

In same Article line 7 strike out the word "chair" and insert "officer"

In Article 51 line 7 strike out the word "thereof" and insert the words "of the State."

The Convention proceeded to the consideration of the report of the committee on Revising Business, and the amendments reported from the committee were severally agreed to and the report was adopted.

On motion of Mr Freeman of Dover—

Resolved, That the report be recommitted to the committee on Revising Business to be engrossed.

On motion of Mr Nettleton of Newport—

Resolved, That the report of the committee on Revising Business on so much of the constitution of this State as relates to the legislative department which was recommitted to the same committee to be engrossed be retained by the committee so as not to be engrossed until farther instruction from this Convention.

On motion of Mr Center of Litchfield—

The Convention adjourned.

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Tuesday December 31, 1850.

The President in the chair.

Mr Parker of Nashua in the chair.

Mr Howe of Campton presented the petition of James Loud and 31 others legal voters of the town of Campton praying that the constitution of this State may be so amended as to establish the office of trial justices of the peace with jurisdiction for the sum of one hundred dollars and that their jurisdiction may be final as to the law and facts in all cases where the sum in controversy does not exceed twenty dollars.

On motion of Mr Chesley of Durham—

Resolved, That the petition be laid upon the table.

On motion of Mr Swasey of Haverhill—

The Convention resumed the consideration of the report of the committee on the Legislative Department relating to perpetuities

The question pending was

Will the Convention amend the resolution reported from the committee on the Legislative Department by adding at the close thereof the words following

“And all legislative acts or grants intended to have a continued operation and effect, may be altered amended or repealed by the Legislature as the public good may require.”

Mr Swasey by leave withdrew the amendment and substituted the following instead thereof

“And the legislature shall possess the power at all times to alter amend or repeal any legislative act conferring corporate powers franchises or privileges as the public good shall be deemed to require.”

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was adopted.

The question recurred.

Will the Convention agree to the report of the committee on the Legislative Department as amended?

On this question

Mr Hobbs of North Hampton demanded the yeas and nays which was sustained.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Colton
Martin of Candia	Goodwin of South Hampton
Griffin of Danville	Felker
Gale	Foss
Gregg	Chesley
Perham	Barker of Farmington
Morrill	Roberts
Plumer	Tuttle of Lee
Burleigh	Hilton of Middleton
Lamprey	Day
Dodge	Jenness
Batchelder of Kensington	Montgomery
Page of Kingston	Hill of Alton
Tarlton	Clark of Barnstead
Furber	Robinson of Gilmanton
Perkins of New Market	Pease
Knight	Bean
Hoit of Newton	Woodman
Hobbs	Shaw

Clark of Northwood	Ham
Bartlett of Nottingham	Charles
Ayers of Portsmouth	Perkins of Eaton
N. Moses	Leavitt
Scribner	Rice
Parsons	oulton of Moultonborough
Bailey	Brown of Ossipee
Wentworth of Sandwich	Clement
Smith of Sandwich	Clarke of Manchester
Haley	Sawyer of Nashua
Whitton	Atherton
Batchelder of Allenstown	Cochran
Dickerson	Gould of New Ipswich
Jones of Bradford	Atwood
Sanborn of Canterbury	J. H. Steele
Langmaid	Woodbury of Weare
Barton	Barrett
Minot	Sanborn of Windsor
Eastman of Concord	Hamilton
Whitney	Leonard
Smith of Henniker	Hammond
Clough of Hopkinton	Chamberlain
Burnham of Hopkinton	Symonds
Morse of Newbury	Griffin of Nelson
Andrews	Fisher
Butters	Reed of Stoddard
Clark of Pittsfield	Holbrook
Robinson of Salisbury	Sawyer of Swanzey
Harvey	Whitcomb
Kelley of Warner	Huntington
Eaton	Lathrop
Cross	Hoskins
Griffin of Antrim	Blanchard
Goodale of Deering	Putnam
Flanders of Goffstown	Chase of Goshen
Hadley	Smith of Lempster
Richardson of Greenfield	Mudgett
Patten	Nettleton
Pierce of Hillsborough	George
Barnes	Smith of Unity
Farley	Sanborn of Washington
Willoughby	Crawford
Center	Lang of Bath
Whitcher	Holden
Pierce of Bethlehem	Gilman
Hoit of Bridgewater	Weeks of Warren
Wells of Canaan	Gray
Howe	Thompson
Youngman	Tuttle of Carroll
Avery	Bedel

Burnham of Enfield	Boynton
Spooner	Tirrell
Davidson	Brewster of Dalton
Morse of Haverhill	Thurston
Swasey	Perkins of Jackson
Richardson of Hanover	Plaisted
Johnson of Hill	White of Lancaster
Cox	Smith of Stewartstown
Clark of Landaff	Brown of Stratford
Kimball	Burbank
Sartwell of Lebanon	Jackson
Nelson	Fisk.

Those who voted in the negative, were Messrs.—

Graves	Coleman
White of Chester	Cushing
Marston	Bell
Hurd of Londonderry	Tilton
Anderson	Morrison
Bartlett of Portsmouth	Little
Hilton of South New Market	Smith of Boscawen
Wingate	French of Bedford
Sawyer of Dover	Sawtelle of Brookline
Freeman of Dover	Fuller
Drew of Dover	Johnson of Manchester
Wiggins of Dover	Foster
Mathes	Parker of Nashua
Wentworth of Rollinsford	Abbott
Wheeler	Chase of Langdon
Dudley	Freeman of Plainfield
Chamberlain	Bartlett of Bristol
Wright	Colburn
Stevens of Charlestown	Sanborn of Hanover
Walker of Charlestown	Gould of Littleton
Freeman of Claremont	Moulton of Lyman
Morse of Croydon	Britton
Sleeper	

Yeas 162, nays 45.

So the report was agreed to.

The President in the chair.

On motion of Mr Wiggins of Dover—

Resolved, That the further consideration of the report be referred to the committee on Revising Business.

Mr J. H. Steele of Peterborough introduced the following resolution:

Resolved, That each member of this Convention be required to hand in to the Secretary the number of days which he has been absent on their own business or detained by sickness from the convention, and that the Secretary be directed to make out the payroll according to the information so derived.

Mr Lamprey of Hampton moved to lay the resolution upon the table.

On this question

Mr J. H. Steele of Peterborough demanded the yeas and nays, which was sustained

Mr Plumer of Epping in the chair.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Graves	Pease
Martin of Candia	Woodman
White of Chester	Tilton
Gale	Eastman of Conway
Gregg	Perkins of Eaton
Plumer	Moulton of Moultonborough
Marston	Brown of Ossipee
Burleigh	Wentworth of Sandwich
Lamprey	Whitton
Batchelder of Kensington	Batchelder of Allentown
Page of Kingston	Little
Hurd of Londonderry	Smith of Boscawen
Tarlton	Sanborn of Canterbury
Furber	Barton
Perkins of New Market	Whittemore
Knight	Butters
Hoit of Newton	Clark of Pittsfield
Clark of Northwood	Fuller
Bartlett of Nottingham	Flanders of Goffstown
Bartlett of Portsmouth	Foster
Hilton of South New Market	Crosby of Manchester
Felker	French of Manchester
Sawyer of Dover	Clarke of Manchester
Drew of Dover	McGaw
Wiggins of Dover	Sawyer of Nashua
Barker of Farmington	Abbot
Roberts	Atherton
Tuttle of Lee	Gould of New Ipswich
Hayes	Wheeler
Hilton of Middleton	Huntington
Mathes	Lathrop
Cushing	Walker of Charlestown
Wells of Somersworth	Freeman of Claremont
Clark of Barnstead	Chase of Goshen

Bell	Sleeper
Chase of Langdon	Swasey
Mudgett	Richardson of Hanover
Nettleton	Gould of Littleton
George	Britton
Bartlett of Bristol	Tuttle of Carroll
Wells of Canaan	Tirrell
Avery	Plaisted
Burnham of Enfield	Brown of Stratford
Davidson	Shaw

Those who voted in the negative, were Messrs.—

Greenough	Smith of Sandwich
Griffin of Danville	Haley
Perham	Dickerson
Dodge	Jones of Bradford
Hobbs	Langmaid
Ayers of Portsmouth	Shute
N. Moses	Eastman of Concord
Scribner	Putney of Dunbarton
Parsons	Whitney
Colton	Smith of Henniker
Wingate	Clough of Hopkinton
Foss	Burnham of Hopkinton
Chesley	Rowell
Day	Morse of Newbury
Wentworth of Rollinsford	Andrews
Coleman	Harvey
Jenness	Eaton
Montgomery	Cross
Hill of Alton	Griffin of Antrim
Bean	French of Bedford
Morrison of Sanbornton	Goodale of Deering
Ham	Hadley
Charles	Richardson of Greenfield
Rice	Patten
Pierce of Hillsborough	Smith of Unity
Barnes	Sanborn of Washington
Farley	Crawford
Willoughby	Lang of Bath
Center	Whitcher
Clement	Pierce of Bethlehem
Johnson of Manchester	Hoit of Bridgewater
Weston	Howe
Parker of Nashua	Youngman
Cochran	Spooner
Atwood	Colburn
J. H. Steele	Morse of Haverhill
Woodbury of Weare	Sanborn of Hanover

Barrett	Crosby of Hebron
Sanborn of Windsor	Johnson of Hill
Hamilton	Cox
Dudley	Clark of Landaff
Leonard	Kimball
Hammond	Moulton of Lyman
Adams of Jaffrey	Cutting
Chamberlain	Nelson
Symonds	Holden
Griffin of Nelson	Gilman
Fisher	Weeks of Warren
Reed of Stoddard	Gray
Sawyer of Swanzey	Thompson
Whitcomb	Bedel
Wright	Boynton
Blanchard	Brewster of Dalton
Stevens of Charlestown	Thurston
Putnam	Perkins of Jackson
Smith of Lempster	White of Lancaster
Freeman of Plainfield	Burbank
Jackson	Fisk

Yeas 88 nays 116.

So the Convention refused to lay the resolution upon the table.

Mr Pierce of Concord moved that the further consideration of the resolution be postponed to the first day of June next.

On the question

Will the Convention agree to the motion?

It was decided in the affirmative

And the resolution was postponed.

Mr Bell of Gilford introduced the following resolution

Resolved, That the committee on Measures and Ordinances be instructed to report some provisions for ascertaining, after the sense of the people shall have been taken in relation thereto, whether the amendments to the Constitution shall have been adopted by two thirds of the votes cast.

On motion of Mr Bell of Gilford—

Resolved, That the resolution be laid upon the table.

Mr Freeman of Plainfield introduced the following resolution:

Resolved, That this Convention adjourn on the last Wednesday of May next: provided, nevertheless, that they have leave to adjourn before that time.

On motion of Mr Center—

Resolved, That the resolution be laid upon the table.

On motion of Mr Barton of Concord—

The Convention resumed the consideration of the report of the committee on Claims, relating to the compensation of certain Clerks of the Courts of Common Pleas therein named.

On the question  
 Will the Convention agree to the resolution reported from the committee on Claims?

It was decided in the affirmative  
 And the resolution was adopted.

On motion of Mr Lamprey of Hampton—

Resolved, That the committee on Claims be instructed to report what compensation shall be allowed to the Clerk of the Court of Common Pleas for the County of Rockingham for his report furnished to this Convention in pursuance to the resolution thereof.

On motion of Mr Wiggins of Dover—

The Convention adjourned.

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Afternoon.

Mr Jenness of Strafford presented the claim of Morrill and Silsby.

Ordered, That it be referred to the committee on Claims.

Mr Lamprey of Hampton agreeably to previous notice and by leave moved that the Convention do now reconsider their vote to establish the basis and ratio of representation

On this question

Mr Lamprey of Hampton demanded the yeas and nays which was duly sustained.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Bartlett of Portsmouth
Griffin of Danville	Bailey
Gregg	Colton
Perham	Goodwin of South Hampton
Morrill	Freeman of Dover
Plumer	Chesley
Burleigh	Barker of Farmington
Lamprey	Roberts
Dodge	Tuttle of Lee
Furber	Hilton of Middleton
Perkins of New Market	Day
Hobbs	Jenness
Clark of Northwood	Montgomery
Hill of Alton	J. H. Steele
Webster of Barnstead	Dearborn
Robinson of Gilmanton	Woodbury of Weare
Bean	Sanborn of Windsor
Woodman	Hammond
Rice	Fisher
Moulton of Moultonborough	Sawyer of Swanzey

Brown of Ossipee	Whitcomb
Wentworth of Sandwich	Huntington
Smith of Sandwich	Hoskins
Batchelder of Allentown	Freeman of Claremont
Jones of Bradford	Putnam
Barton	Chase of Langdon
Minot	Smith of Lempster
Shute	Mudgett
Eastman of Concord	Nettleton
Smith of Henniker	Sanborn of Washington
Andrews	Lang of Bath
Whittemore	Whitcher
Butters	Pierce of Bethlehem
Robinson of Salisbury	Hoit of Bridgewater
Goodale of Deering	Wells of Canaan
Flanders of Goffstown	Youngman
Hadley	Morse of Haverhill
Richardson of Greenfield	Swasey
Patten	Richardson of Hanover
Pierce of Hillsborough	Johnson of Hill
Barnes	Cox
Farley	Clark of Landaff
Willoughby	Nelson
Crosby of Manchester	Holden
French of Manchester	Weeks of Warren
Clarke of Manchester	Pitman
Weston	Tuttle of Carroll
Parker of Nashua	Brewster
Sawyer of Nashua	Thurston
Perkins of Jackson	Smith of Stewartstown
Plaisted	

Those who voted in the negative, were Messrs.—

Graves	French of Gilmanton
Martin of Candia	Perkins of Gilmanton
White of Chester	Pease
Gale	Shaw
Stevens of Deerfield	Tilton
Marston	Morrison of Sanbornton
Batchelder of Kensington	Ham
Hurd of Londonderry	Charles
Anderson	Eastman of Conway
Tarlton	Leavitt
Hoit of Newton	Haley
Bartlett of Nottingham	Whitton
Ayers of Portsmouth	Dickerson
N. Moses	Little
Scribner	Smith of Boscawen
Parsons	Walker of Bow

Sanborn of Seabrook  
 Hilton of South New Market  
 Wingate  
 Felker  
 Foss  
 Sawyer of Dover  
 Drew of Dover  
 Hayes  
 Mathes  
 Wentworth of Rollinsford  
 Coleman  
 Cushing  
 Wells of Somersworth  
 Clark of Barnstead  
 Bell  
 Wallace  
 French of Bedford  
 Sawtelle of Brookline  
 Fuller  
 Clement  
 Johnson of Manchester  
 Foster  
 Read of Manchester  
 McGaw  
 Chase of Milford  
 Daniels  
 Abbot  
 Cochran  
 Gould of New Ipswich  
 Wheeler  
 Atwood  
 Nay  
 Barrett  
 Hamilton  
 Dudley  
 Leonard  
 Adams of Jaffrey  
 Chamberlain  
 Symonds  
 Griffin of Nelson  
 Converse  
 Reed of Stoddard  
 Holbrook  
 Crawford  
 Bartlett of Bristol  
 Howe  
 Avery  
 Burnham of Enfield

Sanborn of Canterbury  
 Langmaid  
 Rolfe  
 Putney of Dunbarton  
 Martin of Epsom  
 Whitney  
 Clough of Hopkinton  
 Burnham of Hopkinton  
 Rowell  
 Morse of Newbury  
 Clark of Pittsfield  
 Harvey  
 Kelley of Warner  
 Eaton  
 Cross  
 Lathrop  
 Blanchard  
 Stevens of Charlestown  
 Walker of Charlestown  
 Morse of Croydon  
 Chase of Goshen  
 Sleeper  
 Freeman of Plainfield  
 Quimby  
 George  
 Smith of Unity  
 Spooner  
 Davidson  
 Colburn  
 Crosby of Hebron  
 Kimball  
 Sartwell of Lebanon  
 Gould of Littleton  
 Moulton of Lyman  
 Cutting  
 Britton  
 Gilman  
 Gray  
 Thompson  
 Bedel  
 Boynton  
 Tirrell  
 White of Lancaster  
 Brown of Stratford  
 Burbank  
 Jackson  
 Fisk.

So the Convention refused to reconsider their vote.

Mr Atherton of Nashville in the chair.

Mr Bell of Gilford introduced the following resolution:

Resolved, That the committee on Measures and Ordinances be instructed to report a method in which the amendments made in each title or other division of the constitution may be as far as practicable separately referred to the people.

The President in the chair.

Mr Parsons of Rye moved to lay the resolution upon the table

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the Convention refused to lay the resolution upon the table.

Mr Hoskins of Westmoreland in the chair.

The question recurred

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted.

The President in the chair.

On motion of Mr Smith of Lempster—

The Convention adjourned.

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Wednesday January 1, 1851.

The President in the chair.

Mr Pierce of Hillsborough in the chair.

Mr Bell from the committee on Revising Business made the following Report:

The committee upon Revising Business have directed me to report that the various provisions in relation to the appointment and choice of public officers, and their tenure of office could not appropriately be retained in the divisions of the Constitution under which they now stand, have brought them together under a separate title and have directed me to report the same in a new draft

James Bell for the Committee.

Appointment of public officers and tenure of office.

Judges of the Supreme Court and other Judges having jurisdiction throughout the State the Attorney General and Railroad Commissioners shall be chosen by

ballot by a plurality of the qualified voters throughout the State and shall hold their offices for six years provided however that the legislature in order that the Judges of the Supreme Court may not all vacate their offices at the same time may provide that those who may be first elected under this constitution may hold their offices for different and shorter periods.

County Judges, Judges of Probate, Registers of Probate, Sheriffs and County Solicitors shall be chosen by a plurality of the qualified voters in the several counties and shall hold their offices for four years.

Police magistrates shall be elected by the legal voters of cities for four years and trial justices by the voters of towns for two years.

Officers of the militia shall be elected or appointed in such manner as the legislature shall from time to time direct and shall be commissioned by the Governor.

Commissioners in other States, Bank Commissioners, Notaries public, Justices of the Peace throughout the State and other officers whose mode of appointment shall be otherwise provided for in this constitution of by the legislature shall be appointed by the Governor with the consent of the Senate and their duties and term of office shall be defined by the legislature.

The Superintendent of the asylum for the insane shall be appointed by the Trustees of that institution and removable at their pleasure.

The Warden of the State's Prison shall be appointed by the Governor with the consent of the Senate and two commissioners shall be appointed in the same manner, who together with the Governor shall constitute a board of Supervisors of the State's Prison and the Warden shall be removable at the pleasure of said board—The duties of said board shall be prescribed by the legislature.

The Judges of the Courts, those of probate excepted, shall appoint their respective Clerks to hold their office during pleasure and no such Clerk shall act as an Attorney or be of counsel in any cause in the court of which he is Clerk nor shall he draw any writ originating a civil action.

Officers shall be chosen or appointed to supply vacancies occurring in any public office in the same manner in which the same was originally filled, but the Governor shall appoint in the case of vacancies occurring in the offices in which according to the foregoing provisions the election or appointment to be made for the State at large. And also in the case of vacancies in the office of County Judges.

And the Judges of Probate in the several counties shall fill vacancies in the office of Registers of Probate.

The County Judges or in case there shall at the time be no such Judges the Governor shall fill vacancies occurring in the County offices.

And the officers appointed to fill vacancies in all the foregoing cases shall hold their offices only till successors shall be chosen or appointed by the regular appointing power.

The Governor upon address of both houses of the legislature except where a different mode of removal is provided may remove any of the foregoing officers for incapacity or malversation in office.

The President in the chair.

Mr Smith of Henniker moved to amend the report by inserting after the words, "Judges of the Supreme Court," and before the words, "may not all vacate," the words "and the Railroad Commissioners."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was adopted.

Mr Bell from the committee on Revising Business made the following further

Report:

The committee on Revising Business to whom was referred the provisions in relation to further amendments of the constitution, ask leave to report the same without amendment.

J. Bell, for the Committee.

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall then be entered on their respective journals with the yeas and nays taken therein, and referred to the Legislature then next to be chosen, and shall be duly published, and if in the Legislature next afterwards to be chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, and the same be recorded on their journals, and the yeas and nays taken therein as aforesaid, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, and if two thirds of the qualified voters of this State present and voting therein, at meetings duly called and warned for that purpose, shall approve and ratify the same, then such amendment or amendments shall become a part of the Constitution: Provided that no amendment or amendments shall be submitted to the people, oftener than once in six years, and if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment proposed to any and every provision of the Constitution separately.

On the question

Will the Convention agree to the report?

It was decided in the affirmative

And the report was adopted.

On motion of Mr Plumer of Epping—

Resolved, That the foregoing reports from the committee on Revising Business be recommitted to them to be engrossed.

Mr Jenness of Strafford moved that the Convention reconsider their vote to adopt the first report from the committee on Revising Business relating to the appointment of public officers and tenure of office.

On the question

Will the Convention agree to the motion?

It was decided in the negative.

And the Convention refused to reconsider their vote.

Mr Haley of Tuftonborough from the committee on Claims made the following

Report:

The committee on Claims to whom was referred the compensation of the Clerk of the Court of Rockingham County for furnishing information to the Constitutional Convention having had that subject under consideration have directed me to report the following resolution:

A. Haley, for the Committee

Resolved, That Ira B. Hoit be allowed the sum of twelve dollars in full compensation for having furnished statistical information to the Convention from the Court Records of the County of Rockingham and that the same be paid out of any money in the treasury appropriated to defray the expenses of the Constitutional Convention.

On the question

Will the Convention agree to the resolution reported from the committee?

It was decided in the affirmative

And the resolution was adopted.

Mr Marston of Exeter in the chair.

Mr Mudgett moved that the Convention reconsider their vote to establish biennial sessions, he having voted in the majority on that subject.

On this question

Mr Barton of Concord demanded the yeas and nays, which was sustained.

The President in the chair.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Stevens of Deerfield	Clark of Northwood
Page of Kingston	Bailey
Perkins of New Market	Barker of Farmington
Knight	Roberts
Hilton of Middleton	Clarke of Manchester
Jones of Rochester	Chase of Milford
Jenness	Sawyer of Nashua
Montgomery	Cochran
Hill of Alton	J. H. Steele
Webster of Barnstead	Holbrook
French of Gilmanton	Sawyer of Swanzey
Leavitt	Lathrop
Smith of Sandwich	Hoskins
Haley	Putnam
Whitton	Chase of Goshen
Batchelder of Allentown	Smith of Lempster

Barton	Nettleton
Minot	Sanborn of Washington
Rolfe	Crawford
Eastman of Concord	Bartlett of Bristol
Martin of Epsom	Burnham of Enfield
Whittemore	Swasey
Butters	Richardson of Hanover
Clark of Pittsfield	Pitman
Hadley	Plaisted
Patten	Smith of Stewartstown
Farley	Burbank
Clement	Jackson.
French of Manchester	

Those who voted in the negative, were Messrs.—

Greenough	Plumer
Martin of Candia	Burleigh
White of Chester	Dodge
Griffin of Danville	Batchelder of Kensington
Gale	Hurd of Londonderry
Gregg	Tarlton
Perham	Furber
Morrill	Hoit of Newton
Hobbs	Woodman
Bartlett of Nottingham	Shaw
Ayers of Portsmouth	Tilton
Bartlett of Portsmouth	Morrison of Sanbornton
Goodwin of Portsmouth	Ham
Brewster of Portsmouth	Churchill
N. Moses	Charles
Scribner	Eastman of Conway
Parsons	Perkins of Eaton
Colton	Moulton of Moultonborough
Sanborn of Seabrook	Brown of Ossipee
Goodwin of South Hampton	Carter
Hilton of South New Market	Wentworth of Sandwich
Wingate	Dickerson
Felker	Little
Foss	Smith of Boscawen
Sawyer of Dover	Walker of Bow
Varney	Jones of Bradford
Drew of Dover	Sanborn of Canterbury
Wiggins of Dover	Langmaid
Chesley	Shute
Tuttle of Lee	Putney of Dunbarton
Hayes	Whitney
Mathes	Smith of Henniker
Day	Clough of Hopkinton
Wentworth of Rollinsford	Burnham of Hopkinton

Coleman	Rowell
Cushing	Morse of Newbury
Wells of Somersworth	Harvey
Clark of Barnstead	Cross
Bell	Wallace
Lane	Griffin of Antrim
Robinson of Gilmanton	French of Bedford
Perkins of Gilmanton	Sawtelle of Brookline
Pease	Goodale of Deering
Bean	Fuller
Flanders of Goffstown	Wright
Richardson of Greenfield	Huntington
Pierce of Hillsborough	Bennett
Barnes	Blanchard
Willoughby	Stevens of Charlestown
Center	Walker of Charlestown
Johnson of Manchester	Freeman of Claremont
Foster	Morse of Croydon
Read of Manchester	Sleeper
Crosby of Manchester	Chase of Langdon
Weston	Mudgett
McGaw	Freeman of Plainfield
Daniels	Quimby
Kendall	George
Parker of Nashua	Smith of Unity
Noyes	Lang of Bath
Abbot	Whitcher
Gould of New Ipswich	Pierce of Bethlehem
Atwood	Hoit of Bridgewater
Dearborn	Wells of Canaan
Woodbury of Weare	Howe
Barrett	Youngman
Sanborn of Windsor	Avery
Hamilton	Goodhue
Dudley	Spooner
Leonard	Davidson
Hammond	Colburn
Adams of Jaffrey	Crosby of Hebron
Chamberlain	Johnson of Hill
Symonds	Cox
Griffin of Nelson	Clark of Landaff
Fisher	Kimball
Converse	Sartwell of Lebanon
Hardy	Goodall of Lisbon
Reed of Stoddard	Eastman of Littleton
Whitcomb	Gould of Littleton
Moulton of Lyman	Tuttle of Carroll
Cutting	Bedel
Britton	Boynton
Sawyer of Piermont	Tirrell

Nelson  
Holden  
Gilman  
Weeks of Warren  
Gray  
Thompson

Brewster of Dalton  
Thurston  
Perkins of Jackson  
White of Lancaster  
Brown of Stratford  
Fisk.

Yeas 57 nays 180.

So the Convention refused to reconsider their vote.

Mr Bell from the committee on Revising Business made the following additional

Report:

The committee on Revising Business to whom were referred the provisions of the Constitution in relation to the Judiciary, ask leave to report the same in a new draft.

James Bell, for the Committee.

Judiciary Power.

All Judicial and other officers shall be duly commissioned and sworn and the tenure they shall have by law in their offices shall be expressed in their respective commissions.

Each branch of the legislature and the Governor shall have authority to require the opinion of the Attorney General upon important questions of law and upon solemn occasions.

All causes of marriage, divorce and alimony and all appeals from the respective Judges of Probate shall be heard and tried by the Supreme Court until the legislature shall by law make other provision and the legislature shall have power to authorize the trial by jury of all cases in equity under such rules and regulations as they may from time to time ordain or establish.

There shall be chosen in each town not less than two nor more than three trial Justices who shall have jurisdiction in civil causes where the amount in controversy shall not exceed fifty dollars unless in cases where the title to real estate is concerned the legislature shall otherwise provide. And the legislature is authorized to extend the jurisdiction of such Justices to such further amount not exceeding one hundred dollars in all as they shall deem expedient. And in any cause pending before any trial justice either party shall have the right to a trial by a jury which shall consist of not more than six in number. In all cases where the amount in controversy shall exceed the sum of twenty dollars either party shall have the right of appeal, but in all cases when a less amount shall be in controversy the decision shall be final both as to the law and the facts; subject only to such right of review as the legislature may prescribe. And in all cases of appeal the legislature may provide that the party who appeals shall give security for the costs that may be recovered against him and for the payment of double costs by such party in all cases in which the decision shall not be changed upon appeal.

79. No judge of any court or justice of the peace shall act as attorney, or be of counsel to any party, or originate any civil suit in matters which shall come or be brought before him as judge, or justice of the peace.

80. Jurisdiction of all matters relating to the probate of wills and granting letters of administration, shall be exercised by the judges of probate, in such manner as the legislature have directed, or may hereafter direct; and the judges of probate shall hold their courts at such place or places, on such fixed days as the convenience of the people may require, and the legislature from time to time appoint.

81. No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel, or in any probate business which is pending, or may be brought into any court of probate in the county of which he is judge or register.

Mr Chamberlain of Keene moved to amend the report in Article 79 line 1, by striking out the words "of the peace" and inserting the word "trial" before the word "justice."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

Mr Dodge of Hampton Falls moved to amend the report by inserting after the words "trial justices" who shall have" the word, "original" before the word "jurisdiction."

On the question,

Will the Convention agree to the amendment?

It was decided in the negative.

And the amendment was rejected.

Mr Sawyer of Nashua moved to amend the report by inserting after the words "the title to real estate is concerned," the words, "or rights arising under such title."

On the question

Will the Convention agree to the amendment?

It was decided in the negative.

And the amendment was rejected.

The question recurred

Will the Convention agree to the report as amended?

It was decided in the affirmative

And the report was adopted.

On motion of Mr Wells of Somersworth—

Resolved, That the report be recommitted to the committee on Revising Business to be engrossed.

Mr Butters of Pittsfield introduced the following resolution:

Resolved, That a committee of two from each county be appointed to take into consideration the present condition of the union, and the propriety of expressing in a permanent form the sentiments of this Convention relative thereto.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted.

Ordered, That Messrs.—C. H. Butters  
 Geo. Minot of Merrimack County  
 G. Marston  
 E. G. Perham of Rockingham County  
 N. Wells  
 S. P. Montgomery of Strafford County  
 Peter Perkins  
 James Bell of Belknap County  
 J. Brown  
 J. Eastman of Carroll County.  
 D. Abbott  
 H. D. Pierce of Hillsborough County.  
 G. W. Hammond  
 L. Chamberlain of Cheshire County  
 E. Stevens  
 J. L. Putnam of Sullivan County  
 E. D. Sanborn  
 W. Nelson of Grafton County  
 B. Thompson  
 B. H. Plaisted of Coos County be the committee.  
 On motion of Mr Smith of Henniker

The Convention adjourned.

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Afternoon.

Mr J. H. Steele of Peterborough moved the Convention to reconsider their vote to recommit to be engrossed to the committee on Revising Business their report upon so much of the Constitution of this State as relates to the Judiciary Power

On the question,  
 Will the Convention agree to the motion?  
 It was decided in the affirmative  
 And the Convention reconsidered their vote.

Mr J. H. Steele of Peterborough further moved that the Convention reconsider their vote to adopt the report of the committee on Revising Business upon so much of the Constitution of this State as relates to the Judiciary Power.

On the question  
 Will the Convention agree to the motion?  
 It was decided in the affirmative.  
 And the Convention reconsidered their vote.

Mr J. H. Steele moved to amend he report by inserting after the word “trial justices who shall have,” and before the word “jurisdiction,” the words, “exclusive original”

On the question  
 Will the Convention agree to the motion?  
 It was decided in the affirmative.  
 And the amendment was adopted.

Mr Jenness of Strafford in the chair.

Mr. J. H. Steele moved that the report as amended be adopted.

On the question

Will the Convention agree to the report as amended?

It was decided in the affirmative

And the report as amended was adopted.

On motion of Mr J. H. Steele of Peterborough—

Resolved, That the report be recommitted to the committee on Revising Business to be engrossed.

The President in the chair.

Mr Cox of Holderness by leave presented the claim of B. W. Sanborn.

Ordered, That it be referred to the committee on Claims.

Mr Barker of Farmington by leave presented the claim of G. A. Pillsbury.

Ordered, That it be referred to the committee on Claims.

Mr Butters of Pittsfield from the committee of two from each county who were appointed to take into consideration the present condition of the Union and the propriety of expressing in a permanent form the sentiments of this convention relative thereto made the following

#### Report:

The committee to whom was referred the resolution in relation to the condition of the Union and the propriety of expressing in a permanent form the sentiments of this Convention relative thereto, have instructed me the following resolutions.

Chas. H. Butters for the Committee.

Resolved, That in the struggle that resulted in our independence as a nation amidst the embarrassments arising from the imperfection and weakness of the old confederation, and in the calm wisdom that framed and secured the adoption of the present constitution of our country, we recognize the guidance of a merciful, benign and overruling Providence

Resolved, That we regard the Union of these States under the constitution of the United States, as the source of the innumerable blessings of the past, and of all our hopes for the future, and that every motive of grateful recollection and confident anticipation prompts us to maintain that Union and that Constitution.

Resolved, That with the fidelity which honor and integrity demand, we will observe and fulfill the "Explicit and solemn compact," to which the Convention of 1788, in the name of the people of this State, gave their ratification and assent; and while we enjoy the privileges it confers, we will never seek to avoid the duties it imposes.

Resolved, That "the blessings of liberty to ourselves and our posterity," can only be perpetuated by a strict observance of all the provisions of the Constitution, and by cultivating that spirit of kindness conciliation and concession in which the sacred compact had its origin.

Resolved, That we hail with joy the apparent prevalence of better and more fraternal feelings between patriotic citizens of the Southern and Northern States—that the attitude of the Executive and Legislative Departments of the General Government upon the subject of the Union, is characterized by elevated purpose and statesman like forecast, and that we will firmly stand by and maintain the compromise measures of the last session of Congress, regarding them as, on the whole, not merely wise and patriotic, but essential to the union and prosperity, peace and progress of this great confederacy.

On motion of Mr Butters of Pittsfield—

Resolved, That the report and resolutions be laid upon the table to be made the special order of the day at three o'clock in the afternoon.

Mr Goodwin of Portsmouth in the chair.

Mr Bell of Gilford from the committee on Revising Business, by leave, made the following

Report:

The committee upon Revising Business ask leave to report Articles 67, 68, 69, 70, 71 and 72 of the Constitution of this State which had been referred to them in a new draft.

James Bell, for the Committee.

Secretary, Treasurer.

The Secretary of State and State Treasurer shall be elected by the people in the same manner and for the same tenure as is provided for the election of governor.

The records of the State shall be kept in the office of the secretary; and he shall attend the governor and council, the senate and representatives, in person by deputy, as they may require.

The secretary of the state shall at all times have a deputy, to be by him appointed; for whose conduct in office he shall be responsible; and in case of the death, removal or inability of the secretary, his deputy shall exercise all the duties of the office of secretary of this State, until another shall be appointed.

The secretary before he enters upon the business of his office shall give bond with sufficient sureties in a reasonable sum, for the use of the State, for the punctual performance of his trust.

County Treasurer &c.

The county treasurers and registers of deeds shall be elected by the inhabitants of the several towns, in the several counties in the State, according to the method provided in the constitution and the laws of the State.

And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary; each district to elect a register of deeds; and before they enter upon the business of their officers, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond with suf-

ficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

On motion of Mr Hoskins of Westmoreland—

Resolved, That the report be recommitted to the committee on Revising Business to be engrossed.

The President in the chair.

Three o'clock in the afternoon.

The Convention proceeded to the consideration of the resolutions which were reported from the committee who were appointed to take into consideration the condition of the Union and the propriety of expressing in a permanent form the sentiments of this Convention relative thereto.

Mr Freeman of Dover moved that the report and resolutions be referred to the consideration of the committee of the whole.

On the question

Will the Convention agree to the motion?

It was decided in the negative.

And the Convention refused to refer the resolutions to the consideration of the committee of the whole.

Mr Chase of Milford called for a division of the question

On the question

Will the Convention agree to the first resolution reported from the committee?

It was decided unanimously in the affirmative.

And the resolution was adopted.

On the question

Will the Convention agree to the second resolution reported from the same committee?

It was decided unanimously in the affirmative

And the resolution adopted.

On the question

Will the Convention agree to the third resolution which was reported from the same committee?

It was decided unanimously in the affirmative.

And the resolution was adopted.

On the question

Will the Convention agree to the fourth resolution reported from the same committee?

It was decided unanimously in the affirmative

And the resolution was adopted.

On the question

Will the Convention agree to the fifth resolution which was reported from the same committee

Mr Swasey of Haverhill demanded the yeas and nays which was sustained

Mr Clarke of Manchester in the chair.

Mr Chase of Milford moved to amend the resolution by adding at the close thereof the following:

“Provided that nothing contained in this resolution shall be construed into an approval of the Fugitive slave laws or the bill giving a hundred thousand miles of free territory and ten millions dollars to Texas— two measures justly odious in the eyes of every true patriot and christian.”

On the question

Will the Convention agree to the amendment proposed to the resolution?

Mr Chase of Milford demanded the yeas and nays which was sustained.

The President in the chair.

Before the question was put.

On motion of Mr Bartlett of Portsmouth—

Resolved, That when the Convention adjourn they adjourn to meet at seven o'clock this evening.

On motion of Mr Richardson of Hanover—

The Convention adjourned.

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Seven O'clock.

The Convention resumed the consideration of the unfinished business of the afternoon upon the fifth resolution which was reported from the committee who were appointed to take into consideration the condition of the union and the propriety of expressing in a permanent form the sentiments of this Convention relative thereto.

The question being

Will the Convention agree to the amendment to the fifth resolution proposed by Mr Chase of Milford.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Chase of Milford	Sleeper
Batcheller of Marlborough	Colburn
Griffin of Nelson	Crosby of Hebron.

Those who voted in the negative, were Messrs.\_

Greenough	Bartlett of Portsmouth
Graves	Goodwin of Portsmouth
Gale	N. Moses
Gregg	Scribner
Perham	Parsons
Morrill	Bailey
Plumer	Colton
Marston	Sanborn of Seabrook

Burleigh	Goodwin of South Hampton
Lamprey	Felker
Page of Kingston	Foss
Tarlton	Wiggins of Dover
Furber	Chesley
Hoit of Newton	Barker of Farmington
Hobbs	Roberts
Clark of Northwood	Tuttle of Lee
Bartlett of Nottingham	Hayes
Ayers of Portsmouth	
Cushing	Upham
Mathes	Barton
Wells of Somersworth	Minot
Jenness	Rolfe
Montgomery	Putney of Dunbarton
Hill of Alton	Martin of Epsom
Webster of Barnstead	Nesmith
Clark of Barnstead	Whitney
Bell	Smith of Henniker
Lane	Gault
Robinson of Gilmanton	Clough of Hopkinton
Perkins of Gilmanton	Burnham of Hopkinton
Wadleigh	Morse of Newbury
Pease	Andrews
Bean	Butters
Woodman	Clark of Pittsfield
Shaw	Harvey
Ham	Kelley of Warner
Charles	Cross
Eastman of Conway	Griffin of Antrim
Perkins of Eaton	French of Bedford
Leavitt	Sawtelle of Brookline
Rice	Flanders of Goffstown
Moulton of Moultonborough	Hadley
Brown of Ossipee	Richardson of Greenfield
Carter	Patten
Smith of Sandwich	Pierce of Hillsborough
Haley	Barnes
Whitten	Farley
Batchelder of Allenstown	Clement
Dickerson	Johnson of Manchester
Smith of Boscawen	French of Manchester
Walker of Bow	Clarke of Manchester
Jones of Bradford	Ayer of Manchester
Sanborn of Canterbury	Putney of Manchester
Langmaid	Weston
Kendall	Crawford
Sawyer of Nashua	Lang of Bath
Noyes	Whitcher
Abbott	Pierce of Bethlehem

Atherton	Hoit of Bridgewater
Cochran	Bartlett of Bristol
Atwood	Howe
J. H. Steele	Goodhue
Nay	Davidson
Dearborn	Morse of Haverhill
Woodbury of Weare	Swasey
Barrett	Richardson of Hanover
Hamilton	Johnson of Hill
Hammond	Sartwell of Lebanon
Adams of Jaffrey	Goodall of Lisbon
Symonds	Eastman of Littleton
Fisher	Gould of Littleton
Converse	Moulton of Lyman
Reed of Stoddard	Nelson
Holbrook	Holden
Sawyer of Swanzey	Gilman
Whitcomb	Weeks of Warren
Huntington	Pitman
Lathrop	Thompson
Hoskins	Bedel
Stevens of Charlestown	Boynton
Putnam	Tirrell
Chase of Goshen	Thurston
Smith of Lempster	Perkins of Jackson
Mudget	Plaisted
Nettleton	Brown of Stratford
Quimby	Burbank
George	Jackson
Smith of Unity	Fisk.
Sanborn of Washington	

Yeas 6, nays 176.

So the amendment was rejected

Mr Plumer of Epping moved to amend the resolution by striking out all after the word “states” and inserting the following instead thereof

“and with a view to promote such fraternal feelings among the members of this union, we hereby declare our determination to stand by and support in their just import and to their full extent all the provisions of the constitution of the United States and the laws made in pursuance thereof whether the same may have been intended for the benefit of the South or the North or for any other portion of our common country.”

Mr Swasey of Haverhill in the chair.

On this question

Mr Plumer of Epping demanded the yeas and nays which was sustained.

The yeas and nays were called.

## The President in the chair.

Those who voted in the affirmative, were Messrs.—

Martin of Candia	Chase of Milford
White of Chester	Daniels
Griffin of Danville	Parker of Nashua
Plumer	Batcheller of Marlborough
Dodge	Griffin of Nelson
Hurd of Londonderry	Hardy
Cushing	Bartlett of Bristol
Shaw	Colburn
Churchill	Crosby of Hebron
Rowell	White of Lancaster

Those who voted in the negative, were Messrs.—

Greenough	Clark of Barnstead
Graves	Bell
Gale	Lane
Gregg	Perkins of Gilmanton
Perham	Wadleigh
Morrill	Pease
Marston	Bean
Burleigh	Woodman
Lamprey	Ham
Furber	Eastman of Conway
Hobbs	Perkins of Eaton
Clark of Northwood	Leavitt
Bartlett of Nottingham	Rice
Peaslee	Moulton of Moultonborough
Ayers of Portsmouth	Brown of Ossipee
Bartlett of Portsmouth	Carter
Goodwin of Portsmouth	Whitton
N. Moses	Dickerson
Scribner	Walker of Bow
Parsons	Jones of Bradford
Bailey	Langmaid
Colton	Upham
Sanborn of Seabrook	Barton
Goodwin of South Hampton	Minot
Hilton of South New Market	Martin of Epsom
Felker	Nesmith
Wiggins of Dover	Whitney
Chesley	Smith of Henniker
Barker of Farmington	Clough of Hopkinton
Roberts	Burnham of Hopkinton
Tuttle of Lee	Morse of Newbury

Hayes	Andrews
Hilton of Middleton	Butters
Wells of Somersworth	Clark of Pittsfield
Jenness	Harvey
Webster of Barnstead	Kelley of Warner
Cross	Sawyer of Swanzey
Griffin of Antrim	Whitcomb
French of Bedford	Huntington
Flanders of Goffstown	Lathrop
Hadley	Hoskins
Richardson of Greenfield	Putnam
Patten	Chase of Goshen
Pierce of Hillsborough	Sleeper
Barnes	Smith of Lempster
Farley	Mudgett
Clement	Nettleton
Johnson of Manchester	Quimby
French of Manchester	George
Clarke of Manchester	Smith of Unity
Ayer of Manchester	Sanborn of Washington
Putney of Manchester	Crawford
Weston	Lang of Bath
Kendall	Whitcher
Sawyer of Nashua	Pierce of Bethlehem
Noyes	Hoit of Bridgewater
Abbot	Howe
Atherton	Avery
Cochran	Goodhue
Atwood	Davidson
J. H. Steele	Swasey
Nay	Richardson of Hanover
Woodbury of Weare	Sanborn of Hanover
Barrett	Cox
Hamilton	Goodall of Lisbon
Hammond	Eastman of Littleton
Adams of Jaffrey	Gould of Littleton
Symonds	Nelson
Fisher	Holden
Converse	Gilman
Reed of Stoddard	Weeks of Warren
Holbrook,	Gray
Pitman	Thurston
Thompson	Perkins of Jackson
Tuttle of Carroll	Plaisted
Bedel	Brown of Stratford
Boynton	Jackson
Tirrell	Fisk.

So the amendment was rejected.  
 The question recurred,  
 Will the Convention agree to the resolution?  
 The yeas and nays which had been previously demanded and sustained, were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Scribner
Graves	Parsons
Griffin of Danville	Bailey
Gale	Colton
Gregg	Sanborn of Seabrook
Perham	Goodwin of South Hampton
Morrill	Felker
Marston	Wiggins of Dover
Burleigh	Chesley
Lamprey	Barker of Farmington
Furber	Roberts
Hobbs	Tuttle of Lee
Clark of Northwood	Hayes
Bartlett of Nottingham	Hilton of Middleton
Peaslee	Wells of Somersworth
Ayers of Portsmouth	Jenness
Bartlett of Portsmouth	Webster of Barnstead
Goodwin of Portsmouth	Clark of Barnstead
N. Moses	Bell
Lane	Flanders of Goffstown
Perkins of Gilmanton	Hadley
Wadleigh	Richardson of Greenfield
Pease	Patten
Bean	Pierce of Hillsborough
Woodman	Barnes
Ham	Farley
Eastman of Conway	Clement
Perkins of Eaton	Johnson of Manchester
Rice	French of Manchester
Moulton of Moultonborough	Clarke of Manchester
Brown of Ossipee	Ayer of Manchester
Carter	Putney of Manchester
Smith of Sandwich	Weston
Whitton	Kendall
Batchelder of Allenstown	Sawyer of Nashua
Dickerson	Abbot
Walker of Bow	Atherton
Jones of Bradford	Cochran
Langmaid	Atwood
Upham	J. H. Steele
Barton	Nay
Minot	Woodbury of Weare

Martin of Epsom	Barrett
Nesmith	Hamilton
Whitney	Hammond
Smith of Henniker	Adams of Jaffrey
Clough of Hopkinton	Symonds
Burnham of Hopkinton	Fisher
Morse of Newbury	Converse
Butters	Reed of Stoddard
Clark of Pittsfield	Holbrook
Harvey	Sawyer of Swanzey
Kelley of Warner	Whitcomb
Cross	Huntington
Griffin of Antrim	Lathrop
Hoskins	Johnson of Hill
Stevens of Charlestown	Cox
Putnam	Sartwell of Lebanon
Chase of Goshen	Goodall of Lisbon
Mudgett	Eastman of Littleton
Nettleton	Gould of Littleton
Quimby	Nelson
George	Holden
Smith of Unity	Gilman
Sanborn of Washington	Weeks of Warren
Crawford	Pitman
Lang of Bath	Thompson
Whitcher	Tuttle of Carroll
Pierce of Bethlehem	Beldel
Hoit of Bridgewater	Boynton
Howe	Tirrell
Avery	Thurston
Goodhue	Perkins of Jackson
Davidson	Plaisted
Morse of Haverhill	Brown of Stratford
Swasey	
Richardson of Hanover	Jackson
Sanborn of Hanover	Fisk.

Those who voted in the negative, were Messrs.—

Martin of Candia	Daniels
White of Chester	Batcheller of Marlborough
Plumer	Griffin of Nelson
Dodge	Hardy
Hurd of Londonderry	Sleeper
Coleman	Bartlett of Bristol
Cushing	Colburn
Churchill	Crosby of Hebron
Gault	White of Lancaster,
Chase of Milford	

Yeas 155 nays 19.

So the resolution was adopted.

Mr French of Manchester introduced the following resolution:

Resolved, That the resolutions adopted by this Convention relating to the Union be signed by the President and countersigned by the secretaries and that the President be requested to transmit copies thereof to the President of the United States and to the Governors of the several states of the Union to the heads of the Departments of the Government and to our Senators and Representatives in Congress.

Mr Chase of Milford moved to amend the resolution by adding after the words "Heads of Departments," the words "and the Honorable John Atwood of New Boston."

On the question

Will the Convention agree to the amendment?

It was decided in the negative

And the amendment was rejected.

The question recurred,

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

On motion of Mr Jenness of Strafford—

Resolved, That when the Convention adjourn they adjourn to meet again at ten o'clock tomorrow morning.

On motion of Mr Sawyer of Swanzey—

The Convention adjourned.

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Thursday January 2, 1851.

The President in the chair.

After the reading of the journal.

Mr Bell of Gilford in the chair.

Mr Wiggins of Dover from the committee on Measures and Ordinances made the following

Report:

The committee on Measures and Ordinances who were instructed to take into consideration and to report to the Convention such measures and ordinances as may be necessary to adopt in pursuance of an act to provide for a convention of delegates for the purpose of revising the constitution passed July 8, 1850, have had that subject under consideration and have instructed to make the report in part upon that subject.

J. Wiggins for the Committee.

## State of New Hampshire.

In the year of our Lord one thousand eight hundred and fifty one.

In the convention of delegates assembled at Concord on the first Wednesday of November in the year of our Lord one thousand eight hundred and fifty for the purpose of revising the constitution of this State in pursuance of an act of the legislature passed July eighth in the year of our Lord one thousand eight hundred and fifty.

Resolved, That the alterations and amendments proposed to the constitution shall be submitted to the qualified voters of the State at the annual town meetings holden on the second Tuesday of March in the year of our Lord eighteen hundred and fifty one to be by them acted on at said meetings or any adjournment thereof within the same week.

Resolved, That the selectmen of the several towns, wards and places in the State be directed to insert in their warrants calling the said annual Town meetings an article to the following effect.

To take the sense of the qualified voters whether the alterations and amendments of the constitution proposed by the constitutional convention shall be approved.

Resolved, That the sense of the qualified voters shall be taken under the said article on each of the questions separately submitted to them by said convention by ballot or otherwise as the said Towns wards or places shall respectively elect and determine.

Resolved, That the votes on the said questions shall be recorded copied, certified and returned at the time and in the manner by law prescribed and by the Secretary of State be laid before the legislature in the manner by law prescribed in relation to votes for Governor. And the legislature shall examine the same in the manner by law prescribed in relation to votes for Governor and shall declare what alterations and amendments have been approved by two thirds of the qualified voters present and voting therein.

Resolved, That the Secretary of State is hereby directed to furnish blanks to the town Clerks of the different towns wards and places for the returns of the votes on said questions in the following form.

## State of New Hampshire.

Town of

County of

At a legal meeting of the qualified voters of the Town of  
holden on the second Tuesday in March  
A. D. 1851.

The votes on the several questions involving the alterations and amendments of the constitution submitted to the qualified voters were as follows:

Question 1st. yeas	nays
Question 2d. yeas	nays

&c &c.

Attest

Town Clerk.

Resolved, That the Secretary of this Convention be directed to procure, to be printed, seventy thousand copies of the constitution as altered and amended by the convention and the same number of copies of the questions to be proposed to the qualified voters and to cause the same to be distributed as soon as may be to the Town Clerks of the respective Towns and places in the State for the use of the qualified voters in numbers proportional as near as possible to the number of legal voters in the said respective Towns and places.

Resolved, That when the legislature shall have examined the votes given by the qualified voters of the State on the questions involving the approval or rejections of the alterations and amendments proposed to the constitution if any of the said alterations and amendments shall have been approved by a majority of the qualified voters present and voting there on the said alterations and amendments so approved shall immediately go into effect so far that the legislature shall have power to pass all laws to take effect at a future time by them prescribed or otherwise necessary to carry into effect the provisions contained in said alterations and amendments so approved and the legislature shall have full power to fix the time or times when the said alterations and amendments so approved shall further go into effect in whole or in part and to provide that all officers chosen or appointed under those provisions of the constitution or laws for which the said alterations and amendments so approved are intended as a substitute may continue to discharge the duties of their respective offices until others shall be appointed or elected and commissioned in their stead.

Provided that the going into full force and effect of none of the said alterations and amendments so approved shall be postponed beyond the first day of September in the year of our Lord one thousand eight hundred and fifty two but all the said alterations and amendments so approved shall be in full force and effect on and after the said first day of September eighteen hundred and fifty two.

Mr Parker of Nashua moved to amend the report by adding at the close thereof the following resolution:

Resolved, That the amendments proposed by this convention to be made to the constitution be submitted to the people for their approval or rejection in the following questions.

1. Shall an article be inserted in the Bill of Rights prohibiting the legislature from granting corporate powers in perpetuity?

2. Shall the other amendments proposed to the Bill of Rights be approved?

3. Shall the basis and ratios of representation be approved vis: 175 legal voters are representatives, 750 two- 1550 three and 1000 the rate of increase after the third?

4. Shall the sessions of the legislature be biennial and the Senators and Representatives be elected for two years?

5. Shall the Senate consist of thirty members and be elected in fifteen districts?

6. Shall the Senate and House elect their officers by viva voce or oral vote instead of by ballot?

7. Shall the Council be abolished and the Senate substituted in its place to advise the Governor?

8. Shall there be a Lieutenant Governor?

9. Shall the Governor and the Lieutenant Governor be elected for two years?

10. Shall the Secretary and Treasurer of the State be elected by the people and for two years?

11. Shall the judges of the Supreme Court the Attorney General and Railroad Commissioners be elected by the people of this State?

12. Shall their tenure of office be six years, one judge, and one Commissioner to be elected every two years?

13. Shall the County Judges, Judges of Probate, Registers of Probate, Sheriffs and Solicitors be elected by the people of the several counties by plurality vote and their tenure of office be four years?

14. Shall Registers of Deeds be elected for two years as in the manner above prescribed?

15. Shall trial Justices be elected by the several towns and places and their term of office be two years?

16. Shall they have jurisdiction to the amount of fifty dollars and try causes with a Jury and the legislature have power to raise their jurisdiction to one hundred dollars?

17. Shall they have final jurisdiction to the amount of twenty dollars?

18. Shall Commissioners in other States, Bank Commissioners Coroners, Notaries Public, Justices of the peace, of the Quorum, and throughout the State, be appointed by the Governor, with advice of the Senate and their duties and term of office be prescribed by the legislature?

19. Shall the superintendent of the Insane Asylum be appointed by the Trustees and removed by them?

20. Shall the Warden of the State Prison be appointed by the Governor with advice of the Senate and removed by the Governor and Commissioners?

21. Shall there be a State Commissioner of Common Schools to be chosen by the people of the State and his duties and compensation be prescribed by the legislature?

22. Shall there be a Commissioner of Agriculture to be chosen and his duties and compensation prescribed as above?

23. Shall all the State and county officers be elected by the people by plurality of votes?

24. Shall the following mode of revising and amending the constitution be approved namely: one legislature propose amendments and pass them by a majority of votes—the next legislature pass the same amendments by a majority of votes—the proposed amendments to be then submitted to the people and approved by them by a vote of two thirds of the votes acting thereon. But no amendment to be submitted to the people oftener than six years.

25. Shall other amendments to conform to the foregoing amendments be approved.

On motion of Mr Bartlett of Portsmouth—

Resolved, That the report and amendment be laid upon the table.

Mr J. H. Steele of Peterborough introduced the following resolution:

Resolved, That the report of the committee on Measures and Ordinances be taken from the table and recommitted to that committee with instructions so to alter their report as to make the returns of the votes of the people to this convention at their adjourned session.

Mr Nesmith moved to amend the resolution by adding at the close thereof the words following

“And that said committee be further instructed to report, that the amendments

proposed by the Convention be sent to the people in such manner and form that they may vote upon all important amendments separately and distinctly.”

On motion of Mr Bean of Meredith—

The Convention adjourned.

Afternoon.

Mr Shute of Concord presented the account of William Fisk.

Ordered, That it be referred to the committee on Claims.

Mr Eastman of Conway in the chair.

The Convention resumed the consideration of the unfinished business of the forenoon to recommit to the committee on Measures and Ordinances their report with instructions so to alter the same as to make the returns of the votes of the people to this Convention at their adjourned session.

The question being

Will the Convention agree to the amendment to the resolution proposed by Mr Nesmith of Franklin.

It was decided in the affirmative

And the amendment was agreed to.

The question recurred,

Will the Convention agree to the resolution as amended?

On this question,

Mr Jenness of Strafford demanded the yeas and nays, which was sustained.

The President in the chair.

Mr Eastman of Conway in the chair.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Plumer
Currier	Marston
Graves	Burleigh
Martin of Candia	Dodge
Griffin of Danville	Batchelder of Kensington
Gale	Page of Kingston
Stevens of Deerfield	Hurd of Londonderry
Morrill	Anderson
Tarlton	Wells of Somersworth
Furber	Montgomery
Perkins of New Market	Hill of Alton
Knight	Webster of Barnstead
Hoit of Newton	Clark of Barnstead
Clark of Northwood	Bell

Bartlett of Nottingham	Robinson of Gilmanton
Ayers of Portsmouth	French of Gilmanton
Goodwin of Portsmouth	Perkins of Gilmanton
Brewster of Portsmouth	Shaw
N. Moses	Tilton
Scribner	Morrison of Sanbornton
Parsons	Ham
Bailey	Churchill
Colton	Charles
Sanborn of Seabrook	Leavitt
Hilton of South New Market,	Moulton of Moultonborough
Wingate	Brown of Ossipee
Felker	Carter
Foss	Wentworth of Sandwich
Pierce of Dover	Smith of Sandwich
Freeman of Dover	Whitton
Drew of Dover	Rust
Chesley	Batchelder of Allenstown
Barker of Farmington	Little
Roberts	Smith of Boscawen
Tuttle of Lee	Sanborn of Canterbury
Hayes	Langmaid
Hilton of Middleton	Rolfe
Mathes	Martin of Epsom
Downing	Nesmith
Jones of Rochester	Whitney
Day	Gault
Wentworth of Rollinsford	Chase of Loudon
Coleman	Rowell
Cushing	Morse of Newbury
Andrews	J. H. Steele
Whittemore	Nay
Clark of Pittsfield	Dearborn
Harvey	Woodbury of Weare
Kelley of Warner	Barrett
Eaton	Sanborn of Windsor
Wallace	Hamilton
French of Bedford	Dudley
Sawtelle of Brookline	Leonard
Goodale of Deering	Brown of Fitzwilliam
Flanders of Goffstown	Hammond
Hadley	Adams of Jaffrey
Richardson of Greenfield	Chamberlain
Pierce of Hillsborough	Starkweather
Barnes	Adams of Keene
Willoughby	Batcheller of Marlborough
Clement	Symonds
Johnson of Manchester	Fisher
Foster	Converse
Read of Manchester	Hardy

Crosby of Manchester	Reed of Stoddard
French of Manchester	Holbrook
Clarke of Manchester	Sawyer of Swanzey
Weston	Whitcomb
Page of Manchester	Wright
McGaw	Huntington
Chase of Milford	Lathrop
Daniels	Hoskins
Kendall	Bennett
Parker of Nashua	Blanchard
Sawyer of Nashua	Stevens of Charlestown
Spalding	Walker of Charlestown
Noyes	Freeman of Claremont
Abbot	Morse of Croydon
Cochran	Chase of Goshen
Wheeler	Sleeper
Chase of Langdon	Kimball
Smith of Lempster	Sartwell of Lebanon
Mudgett	Goodall of Lisbon
Quimby	Eastman of Littleton
George	Gould of Littleton
Smith of Unity	Moulton of Lyman
Sanborn of Washington	Cutting
Crawford	Britton
Pierce of Bethlehem	Holden
Wells of Canaan	Gilman
Howe	Weeks of Warren
Youngman	Gray
Avery	Thompson
Goodhue	Boynton
Davidson	Tirrell
Colburn	Brewster of Dalton
Morse of Haverhill	Thurston
Richardson of Hanover	Perkins of Jackson
Sanborn of Hanover	Plaisted
Crosby of Hebron	White of Lancaster
Cox	Burbank
Clark of Landaff	Jackson

Those who voted in the negative, were Messrs.—

White of Chester	Bean
Gregg	Woodman
Perham	Haley
Peaslee	Walker of Bow
Bartlett of Portsmouth	Jones of Bradford
Goodwin of South Hampton	Barton
Sawyer of Dover	Minot
Varney	Shute
Jeness	Eastman of Concord

Wadleigh	Putney of Dunbarton
Pease	Clough of Hopkinton
Burnham of Hopkinton	Putnam
Cate	Nettleton
Butters	Freeman of Plainfield
Robinson of Salisbury	Hoit of Bridgewater
Griffin of Antrim	Bartlett of Bristol
Fuller	Spooner
Patten	Swasey
Farley	Sawyer of Piermont
Ayer of Manchester	Nelson
Atherton	Pitman
Atwood	Tuttle of Carroll
Griffin of Nelson	Smith of Stewartstown
Rossiter	Fisk.

Yeas 214, nays 48.

So the resolution as amended was adopted.

Mr Lamprey by leave presented the claim of Messrs. Butterfield & Hill.

Ordered, That it be referred to the committee on Claims.

Mr J. H. Steele of Peterborough introduced the following resolution:

Resolved, That when this Convention adjourns at the close of its present session, it adjourn to meet at this place on Wednesday the 16th day of April next, at 3 o'clock in the afternoon.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted.

Mr Brewster of Portsmouth introduced the following resolution:

Resolved, That a committee of two from each county be appointed by the chair who shall meet at this place one week previous to the time appointed for the adjourned meeting of the Convention who shall be authorized in connection with the President of this Convention to examine the returns of votes and report on the opening of the Convention, a Constitution amended agreeably to the votes of the people.

On the question

Will the Convention agree to the resolution?

It was decided in the negative.

And the resolution was rejected.

Mr Haley of Tuftonborough from the committee on Claims by leave made the following

#### Report:

The committee on Claims to whom were referred sundry accounts for Stationery, oil, wood &c. for the use of the Constitutional Convention having had said accounts under consideration have directed me to report the following resolution:

A. Haley, for the Committee.

Resolved, That Tripp & Morrill be allowed the sum of fifteen dollars sixty three cents. Morrill & Silsby be allowed the sum of forty four dollars ninety eight cents, B. U. Sanborn be allowed the sum of forty six dollars ninety nine cents, Grover & Sargent be allowed the sum of twenty one dollars thirty cents Geo. A. Pillsbury be allowed the sum of forty two dollars nineteen cents and Robert C. Osgood be allowed the sum of two dollars and fifty cents in full of their several accounts and that the same be paid out of any money in the Treasury appropriated to defray the expenses of the Constitutional Convention.

On the question

Will the Convention agree to the resolution reported from the committee

It was decided in the affirmative

And the report was agreed to.

Mr Dodge of Hampton Falls introduced the following resolution:

Resolved, That an article be inserted in the Legislative Department of the Constitution, that the whole term of time of any of all sessions of the legislature during the time for which they shall be elected; shall be limited to 42 days, excepting the Legislature that shall be required to enact the laws to conform to this Constitution, excepting also such Legislatures as may be convened by extraordinary proclamation of the Governor.

On motion of Mr Jenness of Strafford—

Resolved, That the resolution be laid upon the table.

Mr Minot of Concord, by leave, presented the claim of H. P. Rolfe.

Ordered, That it be referred to the committee on Claims.

Mr Chesley of Durham presented, by leave, the claim of William J. Horner.

Ordered, That it be referred to the committee on Claims.

On motion of Mr Chesley of Durham—

The Convention adjourned.

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Friday January 3, 1851.

Mr Bell of Gilford presented the account of L. D. McKean.

Ordered, That it be referred to the committee on Claims.

Mr Brown of Ossipee introduced the following resolution:

Resolved, That Saturday the fourth day of January instant be the day that the business of the present session of this Convention be brought to a close.

On motion of Mr Jenness of Strafford—

Resolved, That the resolution be laid upon the table.

Mr Sawyer of Dover in the chair.

Mr Cate of Northfield from the committee on Measures and Ordinances made the following

## Report:

The committee on Measures and Ordinances report the following resolutions drawn up by them as far as practicable in obedience to the instructions of the Convention.

Asa P. Cate, for the Committee.

State of New Hampshire.

In the year of our Lord one thousand eight hundred and fifty one.

In the Convention of Delegates assembled at Concord, on the first Wednesday of November, in the year of our Lord one thousand eight hundred and fifty, for the purpose of revising the Constitution of this State, in pursuance of an act of the Legislature passed July eighth in the year of our Lord one thousand eight hundred and fifty.

1. Resolved, That the alterations and amendments proposed to the Constitution shall be submitted to the qualified voters of the State at the annual town meetings holden on the second Tuesday of March in the year of our Lord eighteen hundred and fifty one, to be by them acted on at said meetings, or any adjournment thereof within the same week.

2. Resolved, That the selectmen of the several Towns, wards and places in the State be directed to insert in their warrants calling the said annual town meetings, an article to the following effect.

“To take the sense of the qualified voters, whether the alterations and amendments of the Constitution, proposed by the Constitutional Convention, shall be approved?”

3. Resolved, That the sense of the qualified voters shall be taken, under the said article, on each of the following questions submitted to them by said Convention, by ballot or otherwise, as the said Towns, wards or places shall respectively elect and determine.

Question 1st. Do you approve of the Bill of Rights as amended by the Constitution?

2d— Do you approve of a House of Representatives, to be constituted and chosen as provided in the amended Constitution

3d— Do you approve of a Senate to be constituted and chosen as provided in the amended Constitution?

4th— Do you approve of the provisions adopted by the Convention, on the subject of Governor and Lieutenant Governor?

5th— Do you approve of the biennial election of Governor, Lieutenant Governor and Legislature, and of biennial sessions of the Legislature as adopted by the Convention?

6th— Do you approve of the amendments proposed by the Convention in relation to the election and appointment of County Judges, Judges of Probate and other public officers, and their tenure of office?

7th— Do you approve of the amendments proposed relating to Trial Justices and Courts, and their jurisdiction?

8th— Do you approve of the abolition of the religious test and propriety of qualification, as proposed in the amended Constitution?



Mr Bell of Gilford moved to amend the third resolution reported from the committee by striking out the words "and Senate" in the second interrogatory.

Also to insert the following interrogatory after the second.

"Do you approve of a Senate to be constituted and chosen as provided in the amended constitution."

On the question

Will the Convention agree to the amendment?

Mr Boynton of Columbia demanded the yeas and nays which was sustained.

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

Greenough	Hurd of Londonderry
Currier	Anderson
Graves	Tarlton
Martin of Candia	Furber
White of Chester	Hoit of Newton
Griffin of Danville	Ayers of Portsmouth
Gale	Bartlett of Portsmouth
Stevens of Deerfield	Goodwin of Portsmouth
Plumer	Brewster of Portsmouth
Marston	N. Moses
Burleigh	Scribner
Lamprey	Sanborn of Seabrook
Dodge	Hilton of South New Market
Batchelder of Kensington	Wingate
Page of Kingston	Felker
Foss	Chase of Loudon
Sawyer of Dover	Rowell
Pierce of Dover	Whittemore
Varney	Wallace
Freeman of Dover	French of Bedford
Drew of Dover	Flagg
Wiggins of Dover	Sawtelle of Brookline
Chesley	Fuller
Barker of Farmington	Flanders of Goffstown
Roberts	Hadley
Hayes	Pierce of Hillsborough
Mathes	Willoughby
Jones of Rochester	Clement
Wentworth of Rollinsford	Johnson of Manchester
Coleman	Foster
Cushing	Read of Manchester
Montgomery	Crosby of Manchester
Bell	French of Manchester
Perkins of Gilmanton	Clarke of Manchester
Shaw	Weston
Tilton	Page of Manchester
Morrison of Sanbornton	McGaw
Ham	Chase of Milford

Churchill	Daniels
Charles	Parker of Nashua
Eastman of Conway	Sawyer of Nashua
Perkins of Eaton	Spalding
Leavitt	Noyes
Brown of Ossipee	Abbot
Whitton	Cochran
Rust	Wheeler
Little	Dearborn
Smith of Boscawen	Woodbury of Weare
Sanborn of Canterbury	Barrett
Nesmith	Sanborn of Windsor
Gault	Hamilton
Dudley	Freeman of Plainfield
Leonard	Smith of Unity
Brown of Fitzwilliam	Lang of Bath
Adams of Jaffrey	Pierce of Bethlehem
Chamberlain	Bartlett of Bristol
Starkweather	Wells of Canaan
Adams of Keene	Avery
Batcheller of Marlborough	Colburn
Griffin of Nelson	Richardson of Hanover
Converse	Sanborn of Hanover
Hardy	Crosby of Hebron
Whitcomb	Kimball
Wright	Sartwell of Lebanon
Bennett	Goodall of Lisbon
Blanchard	Gould of Littleton
Stevens of Charlestown	Moulton of Lyman
Walker of Charlestown	Cutting
Freeman of Claremont	Britton
Rossiter	Sawyer of Piermont
Putnam	Holden
Morse of Croydon	Gilman
Chase of Goshen	Boynton
Sleeper	Tirrell
Chase of Langdon	Thurston

Those who voted in the negative, were Messrs.—

Gregg	Bailey
Perham	Colton
Perkins of New Market	Goodwin of South Hampton
Knight	Tuttle of Lee
Hobbs	Hilton of Middleton
Clark of Northwood	Downing
Bartlett of Nottingham	Day
Peaslee	Jeness
Parsons	Hill of Alton
Webster of Barnstead	Barnes

Clark of Barnstead	Farley
French of Gilmanton	Center
Wadleigh	Kendall
Pease	Atherton
Bean	Atwood
Woodman	J. H. Steele
Moulton of Moultonborough	Hammond
Carter	Symonds
Haley	Fisher
Batchelder of Allentown	Reed of Stoddard
Dickerson	Holbrook
Walker of Bow	Sawyer of Swanzey
Jones of Bradford	Huntington
Langmaid	Lathrop
Minot	Hoskins
Rolfe	Smith of Lempster
Shute	Mudgett
Eastman of Concord	Nettleton
Putney of Dunbarton	Quimby
Martin of Epsom	George
Whitney	Crawford
Clough of Hopkinton	Hoit of Bridgewater
Burnham of Hopkinton	Youngman
Morse of Newbury	Goodhue
Andrews	Burnham of Enfield
Cate	Spooner
Butters	Davidson
Clark of Pittsfield	Morse of Haverhill
Robinson of Salisbury	Swasey
Harvey	Johnson of Hill
Kelley of Warner	Cox
Cross	Eastman of Littleton
Griffin of Antrim	Nelson
Goodale of Deering	Weeks of Warren
Patten	Gray
Barton	Perkins of Jackson
Pitman	White of Lancaster
Brewster of Dalton	Fisk.

Yeas 150, nays 96.

So the amendment was agreed to.

Mr Atherton moved to amend the report by inserting after the word “voters” in the last resolution the words “and the same number of copies of these resolutions.”

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative

And the amendment was agreed to.

Mr Bell of Gilford from the committee on Revising Business made the following report:

The committee upon Revising Business to whom was referred the Bill of Rights and the Constitution as amended for the purpose of engrossment report the same as correctly engrossed.

James Bell, for the Committee.

The Convention proceeded to the reading of the Constitution as reported from the committee on Revising Business.

Before the completion thereof

On motion of Mr Chamberlain of Keene—

The further reading of the report at this time was suspended.

On motion of Mr Sawyer of Nashua—

The Convention resumed the consideration of the resolution which was introduced by Mr Brown of Ossipee relating to the time when the business of the session shall be brought to enclose and the Convention adjourn.

Mr Chamberlain of Keene moved to amend the resolution by striking out all after the word, "Resolved," and inserting the following instead thereof.

"That the Secretary be directed to make up the pay roll of the members of this Convention to include this day."

On the question

Will the Convention agree to the amendment?

It was decided in the affirmative.

And the amendment was agreed to.

The question recurred

Will the Convention agree to the resolution as amended?

It was decided in the affirmative

And the resolution was adopted.

On motion of Mr Chamberlain—

Resolved, That the report from the committee on Measures and Ordinances be recommitted to the committee on Revising Business to be engrossed.

Mr Bell of Gilford, by leave, presented the claim of W. P. Hill.

Ordered, That it be referred to the committee on Claims.

On motion of Mr. Chamberlain—

The Convention adjourned.

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Afternoon.

The Convention resumed the consideration of the unfinished business of the forenoon being the reading of the amended Constitution as engrossed and reported from the committee on Revising Business.

Mr Bell of Gilford from the committee on Revising Business to whom was committed the resolutions reported from the committee on Measures and Ordi-

nances to be engrossed, reported that they had carefully examined and compared and that the same was correctly engrossed.

On motion of Mr Chamberlain of Keene—

Resolved, That the amended constitution as engrossed be signed by the President and countersigned by the Secretary and deposited in the office of the Secretary of State.

The amended constitution was then signed by the President and countersigned by the Secretary of the Convention.

Mr Abbot of Nashville in the chair.

Mr Richardson of Greenfield by leave presented the account of Messrs Grover & Sargent.

Ordered, That it be referred to the committee on Claims.

Mr Perkins of Eaton from the committee on Claims made the following

Report:

The committee on Claims to whom was referred the claims of Butterfield & Hill and William Fisk having had the same under consideration have instructed me to report the following resolution:

Joseph E. Perkins for the Committee

Resolved, That Butterfield & Hill for 300 copies of the Daily Patriot be allowed the sum of one hundred and fifty dollars, and that William Fisk be allowed the sum of one hundred and twenty three dollars and thirty cents in full for their several claims and that the same be paid out of any money in the Treasury appropriated to defray the expenses of the Constitutional Convention.

Which was accepted and the resolution passed.

Ordered, That the Secretary certify the same to the Treasurer of the State

Mr Starkweather of Keene from the same committee by leave made the following report:

The committee on Claims to whom was referred the accounts of Elias E. Horner and L. D. McKean have considered the same and directed me to report the following resolution:

George F. Starkweather for the Committee.

Resolved, That Elias E. Horner be allowed the sum of sixty three dollars and L. D. McKean two dollars and that said sums be paid out of any moneys [*sic*] appropriated to defray the expenses of the Constitutional Convention.

Which was accepted and the resolution passed.

Ordered, That the Secretary certify the same to the Treasurer of the State.

Mr Bell of Gilford by leave presented the claim of Joseph Robinson

Ordered, That it be referred to the committee on Claims

Mr Smith of Unity from the committee on Claims by leave made the following report:

The committee on Claims to whom was referred the account of William P. Hill having had the same under consideration have instructed me to report the following resolution

Hiram Smith for the Committee.

Resolved, That William P. Hill be allowed the sum of forty two dollars and seventy cents in full of his account and that the same be paid out of any money in the Treasury appropriated to defray the expenses of the Constitutional Convention.

Which was accepted and the resolution adopted

Ordered, That the Secretary certify the same to the Treasurer of the State.

The President in the chair.

Mr Roberts of Farmington by leave presented the claims of J. R. Philbrick and D. Harris.

Ordered, That they be referred to the committee on Claims.

Mr Bartlett of Portsmouth sent to the Secretary's table the following resolution which was read by the Secretary.

Resolved, That this Convention tender to the Honorable Franklin Pierce their cordial thanks for the promptness, fidelity and distinguished ability with which he has discharged the arduous duties of the chair.

On motion of Mr Dodge of Hampton Falls—

The question of the passage of the resolution was taken by rising and the resolution was unanimously agreed to.

To which the President replied as follows:

Gentlemen:— While my heart in its fullness acknowledges the obligations under which I have been placed by your uniform courtesy and kindness, I feel that anything like a formal response to the resolution you have just unanimously passed, might be out of place; but you will permit me to say that I shall ever cherish pleasant and grateful recollections of you all. It is a most agreeable and striking fact that during this protracted session, with so many subjects of deep interest— with debates often animated and earnest, nothing has occurred which should, for a moment, produce estrangement between any of the members. I hope, what cannot be confidently anticipated, that your lives may be preserved, and that you all may be here in your places at the adjournment. Accept the assurance of my fervent hope that the family circles to which you are now about to return, may then be unbroken and that your blessings and comforts, social, domestic and otherwise, may long be continued.

Mr Abbot of Nashville in the chair.

Mr Haley from the committee on Claims, by leave, made the following report

The committee on Claims to whom was referred the accounts of Ira R. Philbrick, Joseph Robinson and others, have considered the same and directed me to report the following resolution:

A. Haley for the Committee.

Resolved, That Ira R. Philbrick be allowed the sum of \$134.40, David Harris be allowed the sum of \$143.00, Joseph Robinson be allowed the sum of \$17.50, Grover & Sargent be allowed the sum of \$11.36 and H. P. Rolfe be allowed the sum of \$60.00 in full of their several accounts and that the same be paid out of any

money in the Treasury appropriated to defray the expenses of the Constitutional Convention.

Which was accepted and the resolution was agreed to.

Ordered, That the Secretary certify the same to the Treasurer of the State.

The President in the chair.

Mr Bartlett of Portsmouth moved that this Convention do now adjourn to meet again at this place on Wednesday the sixteenth day of April next at three o'clock in the afternoon.

On the question

Will the Convention agree to the motion?

It was decided in the affirmative

And the President announced that this Convention stood adjourned to meet again at this place on Wednesday the sixteenth day of April next at three o'clock in the afternoon.

Thom Whipple

Secretary

A true copy

Attest Thom Whipple Secretary.

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Wednesday April 16, 1851.

3. O'clock P. M.

The Convention met pursuant to their adjournment

On motion of Mr Smith of Henniker—

Resolved, That information be given to the Secretary of State that the Convention to revise the Constitution of this State have assembled in the Representatives' Hall and are ready to receive the return made to him of the votes upon the amendments to the Constitution submitted to the people at the late session of this Convention.

The President announced that the following communication had been laid upon his table from the Secretary of State.

“To the President of the Constitutional Convention.

I have the honor herewith to lay before the Convention over which you preside the returns of the record of votes from the several towns for and against the alterations and amendments of the Constitution as returned to this office.

John L. Hadley Secretary of State.

Sec'y of State's Office  
April 16, 1851.”

}

On motion of Mr Chamberlain of Keene—

Resolved, That the returns of votes laid before this Convention by the Secretary of State be referred to a Committee to consist of three members from each county to assort, count cast and to report to this Convention.

Ordered, That Messrs. Griffin, Plumer and Marston of the county of Rockingham, Messrs. Wiggin of Dover, Jenness of Strafford and Mathes of Milton of the County of Strafford, Messrs. Woodman of New Hampton, Shaw of Sanbornton, and Wadleigh of Meredith of the County of Belknap, Messrs Wentworth of Sandwich, Rice and Eastman of Conway of the County of Carroll, Messrs. Minot of Concord, Martin of Epsom and Smith of Boscawen of the County of Merrimack, Messrs. Spalding of Nashua, Goodale of Deering and Sanborn of Windsor of the County of Hillsborough, Messrs. Chamberlain of Keene, Reed of Stoddard and Kingman of Winchester of the County of Cheshire, Messrs. George, Walker of Claremont and Quimby of the County of Sullivan, Messrs. Hoit of Bridgewater, Holden of Rumney and Crosby of Hebron of the County of Grafton and Messrs. Brewster of Dalton, Fisk of Whitefield and Tuttle of Carroll of the County of Coos be the committee.

Mr Smith of Henniker introduced the following amendments:

1 To strike out from section 14 of that part of the constitution relating to the form of government the words “shall have an estate within the district which he may be chosen to represent of the value of one hundred pounds one half of which to be a freehold whereof he is seized in his own right.”

Also to strike out from section 29 the words “and seized of a free-hold estate in his own right of the value of two hundred pounds lying within this State.”

Also to strike out from section 42 the words, “and unless he shall at the same time have an estate of the value of five hundred pounds one half of which shall consist of a freehold in his own right within this State.”

2d. Strike from section 14 the words “shall be of the Protestant religion.”

Also to strike from section 29 the words “who is not of the Protestant religion.”

Also strike from section 42 the words “and unless he shall be of the Protestant religion.”

3. Strike out the whole of sections 98, 99 & 100 and insert the following.

Any amendment or amendments to the constitution may be proposed in the Senate or House of Representatives and if the same shall be agreed to by a majority of the members elected to each house such proposed amendment or amendments shall then be entered on their respective journals with the yeas and nays taken therein and referred to the legislature then next to be chosen and shall be duly published. And if in the legislature next afterward to be chosen such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house and the same be seconded on their journals and the yeas and nays taken thereon as aforesaid then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people and if two thirds of the qualified voters of the State present and voting thereon at meetings duly called and warned for that purpose shall approve and ratify the same then such amendment or amendments shall become a part of the Constitution. Provided, that no amendment or amendments shall be submitted to the people oftener than once in ten years and if more than one amendment be submitted they shall be submitted in such manner and form that the

people may vote for or against each amendment proposed to any and every amendment proposed to any and every provision of the Constitution separately.

On motion of Mr Smith of Henniker—

Resolved, That the proposed amendments be laid upon the table.

Mr Pierce of Dover introduced the following resolutions:

Resolved, That the following articles in amendment of the constitution shall be submitted to the qualified voters of this state at a town meeting to be holden in the several towns and places on the twenty first day of May next to be notified and warned by the selectmen of the several towns and places in the manner adopted by the laws of this State.

Article 1. No particular religious belief or property qualification shall be required for any officer under the Constitution.

Article 2. The Senate shall consist of twenty four members and the legislature shall divide the State into twenty four senatorial districts each district to elect one Senator, not less than fifteen shall constitute a quorum and not less than thirteen shall be necessary to pass any bill—districts to be formed and vacancies to be filled in the manner as now prescribed in the constitution.

Article 3. The Legislature may once in every seven years propose amendments to the Constitution such amendments being approved by at least two thirds of all the members of each branch of the legislature and then submitted to the people and if adopted by two thirds of the voters present and voting thereon at any legal meeting called for that purpose such amendments shall become a part of the Constitution.

Resolved, That the sense of the qualified voters shall be taken on each of the above articles by ballot or otherwise as the several towns or places shall respectively determine.

Resolved, That the votes on said Articles shall be recorded, copied directed and forwarded to the Secretary of State on or before the first Wednesday of June next under the same penalty as by law prescribed for neglect to return the votes for Governor and said votes shall be by the Secretary laid before the Governor and Council.

Resolved, That the Governor and Council examine said return and if it appears that any or all of said Articles of amendment have been adopted by the people as required by the Constitution the Governor may be requested to issue his proclamation declaring the same to the people of this State and also communicate the same to the legislature that they may act thereon.

Resolved, That the Secretary of State be directed to transmit to the selectmen of the several towns and places in this State a copy of these resolutions and amendments requiring them to call meetings as stated in the first resolution:

On motion of Mr Pierce of Dover—

Resolved, That the resolutions be referred to the committee on the Judicial Department.

On motion of Mr Pierce of Dover—

The Convention resumed the consideration of the amendments which were introduced by Mr Smith of Henniker—

On motion of Mr Pierce of Dover—

Resolved, That they be referred to the committee on the Judicial Department.

On motion of Mr Wiggin of Dover—

Resolved, That the committee on the Judicial Department be requested to report upon the subjects which have been referred to them, tomorrow in the forenoon at ten o'clock.

On motion of Mr Plumer of Epping—

Resolved, That when this Convention adjourn they adjourn to meet again tomorrow morning at nine o'clock.

On motion of Mr. Read of Manchester—

The Convention adjourned.

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Thursday April 17, 1851.

Mr Shaw of Sanbornton introduced the following preamble and resolution:

Whereas the people of this State have shown themselves dissatisfied with the amendments made to the constitution by this Convention at its former session and believing that the people still desire several amendments made upon the principles of justice and equality, therefore,

Resolved, That this Convention now proceed to make several alterations in the amended constitution as follows; that there shall be a Senate of twenty four to be chosen annually by the people and that the State be divided into twenty four Senatorial districts as near equal as may be without making a division of towns and a House of Representatives to consist of either four or five members from each senatorial district which shall be elected annually.

On motion of Mr Jenness of Strafford—

Resolved, That it be laid upon the table.

Mr Parker of Nashua introduced the following resolution:

Resolved, That it is inexpedient for this Convention to propose any farther amendments to the Constitution.

On motion of Mr Parker of Nashua—

Resolved, That it be laid upon the table.

Mr Swasey of Haverhill in the chair.

The President in the chair.

Mr Chamberlain of Keene from the committee to whom was referred the return of the votes of the State upon the several interrogatories relating to the amended constitution, by leave, made the following

Report:

The committee who were appointed to assort, count and report to this Convention the number of votes cast for and against the several amendments to the Constitution which were submitted to the legal voters of this State have attended to the duty assigned them and herewith submit the following report:

Levi Chamberlain for the Committee.

Question 1st— Do you approve of the Bill of Rights as amended by the Convention?

Rockingham County.

	Affirmative	Negative
Atkinson	29	86
Auburn	21	104
Candia	48	160
Chester	24	181
Deerfield	54	222
Derry	55	199
East Kingston	32	56
Epping	72	116
Exeter	24	436
Greenland	20	40
Hampton	67	101
Hampton Falls	15	58
Hampstead	51	108
Kensington	27	58
Kingston	25	144
Londonderry	48	169
New Castle	12	
Newington	43	20
New Market	16	226
Newton	22	113
North Hampton	32	85
Northwood	17	179
Nottingham	27	105
Plaistow	48	101
Poplin	22	83
Portsmouth Ward 1.	312	12
"    "    2.	376	61
"    "    3.	269	21
Raymond	20	90
Rye	54	32
Salem	49	178
Sandown	23	87
Seabrook	3	116
South Hampton	55	35
South New Market	31	51
Stratham	29	93
Windham	3	95
Gosport	12	
	<u>2085</u>	<u>4020</u>

## Strafford County.

Barrington	48	214
Dover	70	720
Durham	14	138
Farmington	9	201
Lee	39	127
Madbury	3	76
Middleton	3	63
Milton	17	206
New Durham	3	178
Rochester	61	271
Rollinsford	37	59
Somersworth	53	407
Strafford	<u>13</u>	<u>384</u>
	370	3044

## Belknap County.

Alton	29	256
Barnstead	54	330
Centre Harbor	24	91
Gilmanton	72	494
Gilford	47	335
Meredith	83	440
New Hampton	25	227
Sanbornton	<u>137</u>	<u>411</u>
	471	2584

## Carroll County

Albany	4	79
Brookfield		
Chatham	22	30
Conway	11	252
Eaton	21	221
Effingham	1	136
Freedom	54	80
Moultonborough	129	94
Ossipee	7	286
Sandwich		
Tamworth	29	255
Tuftonborough	49	139
Wakefield	1	212
Wolfborough	<u>18</u>	<u>355</u>
	346	2139

## Merrimack County.

Allenstown	21	48
Andover	61	135
Boscawen	55	281
Bow	12	170
Bradford	46	114
Canterbury	24	136
Chichester	22	167
Concord	111	524
Dunbarton	67	94
Epsom	20	135
Franklin	117	93
Henniker	81	111
Hooksett	23	127
Hopkinton	53	284
Loudon		
Newbury	53	75
New London	53	112
Northfield	88	54
Pembroke	42	180
Pittsfield	53	209
Salisbury	37	54
Sutton	25	153
Warner	36	235
Wilmot	<u>48</u>	<u>144</u>
	1148	3635

## Hillsborough County.

Amherst	119	69
Antrim	80	99
Bedford	124	152
Bennington	20	75
Brookline	73	18
Deering	98	80
Francestown	88	114
Goffstown	91	141
Greenfield	22	92
Hancock	99	69
Hillsborough	72	202
Hollis		
Hudson	38	86
Litchfield	61	
Lyndeborough	77	32
Manchester Ward 1,		
"    "    2,	125	46
"    "    3,	141	55
"    "    4,	89	71

" " 5,	266	95
" " 6,	93	84
Merrimack	156	47
Milford	128	26
Mont Vernon	41	34
Nashua	667	5
Nashville	279	69
New Boston	123	7
New Ipswich	69	68
Pelham	81	46
Peterborough	151	91
Shaun	26	8
Weare	24	177
Wilton	114	42
Windsor	8	31
Mason	73	80
Temple	<u>47</u>	<u>39</u>
	3763	2350

## Cheshire County

Alstead	89	123
Chesterfield	144	6
Dublin	91	8
Fitzwilliam	70	71
Gilsum	91	21
Hinsdale	53	40
Jaffrey	82	33
Keene	233	24
Marlborough	88	26
Marlow	84	32
Nelson	84	13
Richmond	56	69
Rindge		
Roxbury	26	17
Stoddard	74	88
Surry	62	17
Swanzey	138	72
Troy	54	18
Walpole	263	29
Westmoreland	159	15
Winchester	203	9
Sullivan	<u>39</u>	<u>15</u>
	2183	777

## Sullivan County

Acworth	90	81
Charlestown	15	124
Claremont	249	157

Cornish	93	97
Croydon	43	89
Goshen	25	107
Grantham	45	67
Langdon	42	52
Lempster	12	149
Newport	123	272
Plainfield	48	110
Springfield	24	164
Sunapee	68	55
Unity	30	140
Washington	<u>12</u>	<u>180</u>
	912	1844

## Grafton County.

Alexandria	13	198
Benton	48	43
Bethlehem	54	67
Bridgewater	23	108
Bristol	20	109
Canaan	19	236
Campton	46	127
Danbury	35	129
Dorchester	51	42
Ellsworth	1	72
Enfield	49	191
Franconia	35	58
Grafton	17	203
Groton	28	93
Haverhill	70	192
Hanover	94	164
Hebron	44	59
Hill	8	148
Holderness	15	209
Landaff	69	93
Lebanon	58	118
Lisbon	166	38
Littleton	97	51
Lyman	75	39
Lyme	111	42
Orford	42	83
Piermont	53	74
Plymouth	38	188
Rumney	79	60
Thornton	68	68
Warren	106	33
Wentworth	140	27
Woodstock	55	16

Bath	107	38
Orange	25	50
Lincoln	8	5
Waterville	<u>7</u>	<u>3</u>
	1974	3474

## Coos County.

Bartlett	50	85
Berlin	21	4
Carroll	88	21
Colebrook	87	23
Columbia	54	34
Clarksville	18	22
Dalton	94	
Erroll	31	2
Jackson	22	59
Jefferson	50	64
Lancaster	162	58
Stewartstown	108	15
Stratford	77	
Shelburne	29	14
Stark	41	2
Whitefield	79	25
Dummer	4	
Gorham	13	9
Harts Location		6
Milan	30	6
Northumberland	93	
Pittsburg	53	6
Randolph		20
Cambridge	<u>      </u>	<u>      </u>
	1204	475

Question 2d. Do you approve of a House of Representatives to be constituted and chosen as provided in the amended Constitution?

## Rockingham County.

	Affirmative	Negative
Atkinson	7	112
Auburn	18	104
Brentwood		
Candia	28	186
Chester	9	198
Danville		
Deerfield	14	271

Derry	22	235
East Kingston	14	83
Epping	24	177
Exeter	11	449
Greenland	7	60
Hampton	25	143
Hampton Falls	3	71
Hampstead	38	120
Kensington	16	71
Kingston	12	153
Londonderry	18	197
New Castle	12	2
Newington	26	37
New Market	6	236
Newton	10	126
North Hampton	19	101
Northwood	10	188
Nottingham	21	108
Plaistow	26	126
Poplin	5	101
Portsmouth Ward 1.	3	322
" " 2.	9	428
" " 3.	11	282
Raymond	10	92
Rye	37	48
Salem	39	189
Sandown	18	93
Seabrook	4	114
South Hampton	24	65
South New Market	10	72
Stratham	8	107
Windham	6	92
Gosport	<u>12</u>	<u>5563.</u>
	588	

## Strafford County.

Barrington	2	263
Dover	6	793
Durham	4	148
Farmington	1	211
Lee	23	132
Madbury	1	76
Middleton	3	69
Milton	5	219
New Durham	1	180
Rochester	12	320
Rollinsford	7	62
Somersworth	31	433

Strafford	<u>2</u>	<u>396.</u>
	98	3302.

## Belknap County

Alton	9	276
Barnstead	35	349
Centre Harbor	19	97
Gilmanton	43	518
Gilford	23	378
Meredith	38	503
New Hampton	16	239
Sanbornton	<u>68</u>	<u>449</u>
	251	2809

## Carroll County

Albany		83
Brookfield		
Chatham	1	51
Conway	5	258
Eaton	17	225
Effingham		137
Freedom	50	85
Moultonborough	105	118
Ossipee		293
Sandwich		
Tamworth	17	265
Tuftonborough	45	144
Wakefield	1	212
Wolfborough	<u>7</u>	<u>350</u>
	248	2221

## Merrimack County.

Allenstown	9	63
Andover	37	162
Boscawen	31	305
Bow	16	165
Bradford	44	117
Canterbury	11	151
Chichester	12	176
Concord	20	615
Dunbarton	48	114
Epsom	13	143
Franklin	43	144
Henniker	58	134
Hooksett	10	141

Hopkinton	38	299
Newbury	48	82
New London	52	113
Northfield	52	89
Pembroke	23	197
Pittsfield	35	230
Salisbury	26	164
Sutton	12	169
Warner	19	252
Wilmot	<u>34</u>	<u>159</u>
	692	4184

## Hillsborough County

Amherst	35	161
Antrim	56	124
Bedford	36	246
Bennington	5	90
Brookline	38	54
Deering	134	48
Francestown	55	149
Goffstown	26	210
Greenfield	18	99
Hancock	7	165
Hillsborough	45	217
Hollis		
Hudson	15	108
Litchfield	15	43
Lyndeborough	21	91
Manchester Ward 1.		
"    "    2.	8	168
"    "    3.	16	186
"    "    4.	8	155
"    "    5.	24	236
Manchester Ward 6.	3	165.
Merrimack	76	134
Milford	17	150
Mont Vernon	59	26
Nashua	150	511
Nashville	78	269
New Boston	76	63
New Ipswich	14	131
Pelham	40	70
Peterborough	85	167
Sharon	2	33
Weare		209
Wilton	41	119
Windsor		37
Mason	30	122

Temple	<u>27</u>	<u>61</u>
	1260	4817

## Cheshire County

Alstead	37	181
Chesterfield	32	116
Dublin	90	21
Fitzwilliam		173
Gilsum	64	51
Hinsdale	18	66
Jaffrey	36	82
Keene	17	284
Marlborough	29	88
Marlow	72	46
Nelson	10	92
Richmond	55	71
Rindge		
Roxbury	4	38
Stoddard	47	115
Surry	4	81
Swanzey	92	118
Troy	24	51
Walpole	106	191
Westmoreland	97	78
Winchester	17	242
Sullivan	<u>21</u>	<u>34</u>
	872	2219

## Sullivan County.

Acworth	67	111
Charlestown	5	141
Claremont	28	386
Cornish	52	138
Croydon	21	110
Goshen	24	105
Grantham	31	85
Langdon	16	72
Lempster	8	154
Newport	68	327
Plainfield	34	112
Springfield	19	169
Sunapee	51	72
Unity	28	142
Washington	<u>9</u>	<u>186</u>
	461	2310

## Grafton County.

Alexandria	8	204
Benton	5	85
Bethlehem	40	84
Bridgewater	25	107
Bristol	10	129
Canaan	8	246
Campton	42	140
Danbury	20	145
Dorchester	28	68
Ellsworth		73
Enfield	31	210
Franconia	23	70
Grafton	16	205
Groton	14	107
Haverhill	38	225
Hanover	36	222
Hebron	21	85
Hill	7	148
Holderness	7	218
Landaff	43	129
Lebanon	21	154
Lisbon	75	132
Littleton	57	104
Lyman	25	92
Lyme	22	136
Orford	9	110
Piermont	42	86
Plymouth	19	211
Rumney	59	82
Thornton	48	89
Warren	48	91
Wentworth	120	48
Woodstock	51	22
Bath	42	107
Orange	13	60
Lincoln	8	5
Waterville	<u>4</u>	<u>5</u>
	1095	4434

## Coos County.

Bartlett	47	86
Berlin	20	5
Carroll	11	47
Colebrook	70	42
Columbia	25	63
Clarksville	15	25

Dalton	84	10
Erroll	1	32
Jackson	15	66
Jefferson	40	75
Lancaster	130	132
Stewartstown	98	25
Strafford	72	5
Shelburne	3	40
Stark	37	7
Whitefield	47	56
Dummer	4	
Gorham	5	19
Hart Location		6
Milan	17	18
Northumberland	84	9
Pittsburg	19	41
Randolph	1	19
Cambridge	—	—
	845	828

Question 3d. Do you approve of a Senate to be constituted and chosen as provided in the amended Constitution?

Rockingham County.

[Affirmative    Negative]

Atkinson	6	112
Auburn	16	104
Brentwood		
Candia	38	177
Chester	19	188
Danville		
Deerfield	38	253
Derry	35	218
East Kingston	26	66
Epping	49	154
Exeter	19	441
Greenland	15	50
Hampton	28	139
Hampton Falls	3	73
Hampstead	45	114
Kensington	22	64
Kingston	22	150
Londonderry	36	182
New Castle	13	
Newington	30	34
New Market	13	239
Newton	11	124
North Hampton	26	93

Northwood	19	178
Nottingham	24	110
Plaistow	50	100
Poplin	11	95
Portsmouth Ward 1	188	138
"    "    2.	152	285
"    "    3.	150	144
Raymond	13	89
Rye	37	49
Salem	41	185
Sandown	25	87
Seabrook	6	113
South Hampton	48	44
South New Market	22	59
Stratham	15	99
Windham	6	92
Gosport	<u>12.</u>	<u>      </u>
	1347	4832.

## Strafford County

Barrington	6	259
Dover	17	783
Durham	4	148
Farmington	4	208
Lee	32	126
Madbury		76
Middleton		66
Milton	7	213
New Durham	4	177
Rochester	20	312
Rollinsford	15	82
Somersworth	48	414
Strafford	<u>5</u>	<u>392</u>
	162	3256

## Belknap County.

Alton	24	261
Barnstead	51	333
Centre Harbor	26	88
Gilmanton	66	496
Gilford	27	366
Meredith	55	486
New Hampton	21	237
Sanbornton	<u>83</u>	<u>456</u>
	353	2723

## Carroll County.

Albany	1	82
Brookfield		
Chatham	1	51
Conway	7	256
Eaton	18	224
Effingham		137
Freedom	46	97
Moultonborough	121	191
Ossipee	3	290
Sandwich		
Tamworth	18	262
Tuftonborough	41	149
Wakefield		213
Wolfborough	<u>9</u>	<u>357</u>
	265	2309

## Merrimack County.

Allenstown	14	54
Andover	38	162
Boscawen	39	296
Bow	15	164
Bradford	38	126
Canterbury	18	144
Chichester	9	180
Concord	53	583
Dunbarton	42	117
Epsom	15	144
Franklin	51	153
Henniker	72	120
Hooksett	11	138
Hopkinton	40	297
Newbury	55	78
New London	49	113
Northfield	69	76
Pembroke	30	193
Pittsfield	49	214
Salisbury	26	162
Sutton	14	166
Warner	33	238
Wilmot	33	159
Loudon		
	<u>813</u>	<u>4077</u>

## Hillsborough County

Amherst	61	129
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Antrim	45	136
Bedford	47	264
Bennington	11	84
Brookline	35	58
Deering	135	44
Francestown	62	140
Goffstown	57	185
Greenfield	18	98
Hancock	71	100
Hillsborough	51	208
Hollis		
Hudson	18	103
Litchfield	28	32
Lyndeborough	41	68
Manchester Ward 1		
"  "  2	12	161
"  "  3	41	153
"  "  4	19	139
"  "  5	57	263
"  "  6	29	146
Merrimack	85	123
Milford	33	129
Mont Vernon	58	24
Nashua	195	467
Nashville	106	241
New Boston	113	19
New Ipswich	34	110
Pelham	35	77
Peterborough	95	152
Sharon	25	10
Weare	48	148
Wilton	49	113
Windsor	2	34
Mason	41	108
Temple	<u>40</u>	<u>46</u>
	1797	4272

## Cheshire County

Alstead	18	203
Chesterfield	25	98
Dublin	54	40
Fitzwilliam	3	164
Gilsum	46	66
Hinsdale	21	59
Jaffrey	36	81
Keene	31	291
Marlborough	21	94
Marlow	65	48

Nelson	11	89
Richmond	53	72
Rindge		
Roxbury	3	39
Stoddard	49	114
Surry	20	61
Swanzey	105	108
Troy	16	54
Walpole	118	166
Westmoreland	97	54
Winchester	7	254
Sullivan	<u>12</u>	<u>41</u>
	811	2246

## Sullivan County.

Acworth	68	110
Charlestown	3	125
Claremont	61	352
Cornish	54	131
Croydon	23	109
Goshen	12	116
Grantham	25	88
Langdon	24	67
Lempster	8	154
Newport	78	316
Plainfield	35	119
Springfield	19	169
Sunapee	52	71
Unity	28	141
Washington	<u>8</u>	<u>107</u>
	498	2175

## Grafton County.

Alexander	11	200
Benton	46	46
Bethlehem	42	79
Bridgewater	24	108
Bristol	13	134
Canaan	14	240
Campton	40	141
Danbury	20	145
Dorchester	39	54
Ellsworth		73
Enfield	42	196
Franconia	40	53

Grafton	16	204
Groton	17	105
Haverhill	58	204
Hanover	72	189
Hebron	19	85
Holderness	7	218
Hill	8	149
Landaff	57	122
Lebanon	28	154
Lisbon	106	101
Littleton	77	75
Lyman	38	78
Lyme	45	110
Orford	16	106
Piermont	44	82
Plymouth	26	200
Rumney	64	77
Thornton	62	79
Warren	22	114
Wentworth	110	57
Woodstock	52	20
Bath	55	91
Orange	60	13
Lincoln	8	5
Waterville	<u>2</u>	<u>—</u>
	41	53

## Coos County.

Bartlett	40	90
Berlin	22	4
Carroll	39	20
Colebrook	68	42
Columbia	23	61
Clarksville	16	24
Dalton	89	3
Erroll	14	13
Jackson	19	62
Jefferson	40	73
Lancaster	124	98
Stewartstown	102	20
Stratford	73	5
Shelburne	10	33
Stark	36	7
Whitefield	47	54
Dummer	4	
Gorham	7	19
Hart Location		6
Milan	17	15

Northumberland	93	
Pittsburg	18	45
Randolph		20
Cambridge	—	—
	921	714

Question 4th. Do you approve of the provisions adopted by the Convention on the subject of Governor and Lieutenant Governor?

Rockington County.

	Affirmative	Negative
Atkinson	9	110
Auburn	19	104
Brentwood		
Candia	49	165
Chester	19	188
Danville		
Deerfield	33	261
Derry	32	221
East Kingston	29	63
Epping	68	123
Exeter	24	435
Greenland	21	44
Hampton	25	142
Hampton Falls	17	58
Hampstead	45	110
Kensington	24	63
Kingston	19	151
Londonderry	46	166
New Castle	14	
Newington	37	27
New Market	19	239
Newton	10	128
North Hampton	24	95
Northwood	15	181
Nottingham	30	104
Plaistow	47	124
Poplin	11	95
Portsmouth Ward 1	310	15
" " 2.	375	62
" " 3.	268	23
Raymond	11	83
Rye	43	41
Salem	36	193
Sandown	20	89
Seabrook	10	109
South Hampton	48	42
South New Market	23	59

Stratham	20	93
Windham	2	96
Gosport	<u>12</u>	<u>        </u>
	1864	4302

## Strafford County.

Barrington	21	244
Dover	189	603
Durham	7	144
Farmington	4	208
Lee	26	131
Madbury	1	76
Middleton	1	6
Milton	13	218
New Durham	3	178
Rochester	37	295
Rollinsford	20	77
Somersworth	51	412
Strafford	<u>2</u>	<u>        </u>
	375	3045

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## Belknap County.

Alton	23	262
Barnstead	37	347
Centre Harbor	21	84
Gilmanton	55	507
Gilford	40	345
Meredith	60	456
New Hampton	17	238
Sanbornton	<u>95</u>	<u>439</u>
	384	2678

## Carroll County

Albany		83
Brookfield		
Chatham	2	50
Conway	7	256
Eaton	9	239
Effingham		137
Freedom	40	97
Moultonborough	119	101
Ossipee	11	281
Sandwich		
Tamworth	21	265
Tuftonborough	39	155

Wakefield		213
Wolfborough		<u>354</u>
	254	2230

## Merrimack County.

Allenstown	20	50
Andover	40	163
Boscawen	47	288
Bow	13	169
Bradford	34	128
Canterbury	17	145
Chichester	13	176
Concord	68	576
Dunbarton	27	124
Epsom	12	146
Franklin	83	122
Henniker	71	140
Hooksett	16	132
Hopkinton	34	299
Newbury	38	91
New London	39	124
Northfield	85	55
Pembroke	28	194
Pittsfield	47	217
Salisbury	21	159
Sutton	10	171
Warner	25	246
Wilmot	30	163
Loudon		
	<u>818</u>	<u>4068</u>

## Hillsborough County.

Amherst	73	118
Antrim	49	132
Bedford	99	170
Bennington	11	84
Brookline	46	48
Deering	137	42
Francestown	93	109
Goffstown	51	156
Greenfield	18	98
Hancock	11	159
Hillsborough	51	211
Hollis		
Hudson	21	99
Litchfield	30	30

Lyndeborough	42	67
Manchester Ward 1		
" " 2	111	58
" " 3.	135	54
" " 4.	70	75
" " 5.	47	124
" " 6.	66	89
Merrimack	102	103
Milford	81	86
Mont Vernon	49	26
Nashua	655	11
Nashville	271	77
New Boston	112	19
New Ipswich	56	90
Pelham	31	73
Peterborough	156	93
Sharon	10	25
Weare	17	147
Wilton	87	68
Windsor	1	37
Mason	36	117
Temple	<u>48</u>	<u>38</u>
	2873	2933

## Cheshire County.

Alstead	57	174
Chesterfield	86	5
Dublin	72	20
Fitzwilliam	46	68
Gilsum	77	37
Hinsdale	26	50
Jaffrey	55	60
Keene	98	169
Marlborough	57	59
Marlow	77	44
Nelson	39	51
Richmond	56	70
Rindge		
Roxbury	13	28
Stoddard	57	103
Surry	44	38
Swanzey	112	98
Troy	33	38
Walpole	210	88
Westmoreland	146	30
Winchester	196	7
Sullivan	<u>27</u>	<u>29</u>
	1584	1266

## Sullivan County.

Acworth	75	120
Charlestown	3	133
Claremont	192	214
Cornish	73	116
Croydon	25	108
Goshen	10	120
Grantham	29	83
Langdon	27	64
Lempster	7	155
Newport	68	326
Plainfield	39	122
Springfield	18	170
Sunapee	42	81
Unity	22	147
Washington	<u>11</u>	<u>184</u>
	641	2143

## Grafton County.

Alexander	7	205
Benton	5	87
Bethlehem	39	81
Bridgewater	23	109
Bristol	21	122
Canaan	16	238
Campton	40	132
Danbury	22	143
Dorchester	32	62
Ellsworth	1	72
Enfield	39	202
Franconia	41	52
Grafton	14	206
Groton	11	111
Haverhill	64	195
Hanover	72	186
Hebron	12	92
Hill	6	150
Holderness	8	215
Landaff	66	108
Lebanon	57	128
Lisbon	162	44
Littleton	97	55
Lyman	72	41
Lyme	105	45
Orford	35	83
Piermont	49	74

Plymouth	27	202
Rumney	63	77
Thornton	65	72
Warren	27	100
Wentworth	110	59
Woodstock	49	23
Bath	95	55
Orange	15	58
Lincoln	8	5
Waterville	<u>7</u>	<u>2</u>
	1475	3891

## Coos County.

Bartlett	37	95
Berlin	16	8
Carroll	22	34
Colebrook	73	37
Columbia	22	66
Clarksville	15	25
Dalton	81	4
Erroll	17	16
Jackson	18	63
Jefferson	31	73
Lancaster	143	73
Stewartstown	97	27
Stratford	67	9
Shelburne	12	29
Stark	30	14
Whitefield	40	62
Dummer		4
Gorham	7	17
Hart Location		6
Milan	9	25
Northumberland	93	
Pittsburg	40	19
Randolph		20
Cambridge	<u>      </u>	<u>      </u>
	736	493

Question 5th. Do you approve of the biennial election of Governor, Lieutenant Governor and Legislature, and of biennial sessions of the Legislature, as adopted by the Convention?

## Rockingham County.

	Affirmative	Negative
Atkinson	5	114

Auburn	15	105
Brentwood		
Candia	11	204
Chester	10	197
Danville		
Deerfield	19	266
Derry	27	229
East Kingston	2	95
Epping	59	134
Exeter	18	442
Greenland	13	50
Hampton	26	142
Hampton Falls	15	61
Hampstead	27	129
Kensington	12	74
Kingston	6	162
Londonderry	23	192
New Castle	11	1
Newington	31	33
New Market	11	231
Newton	6	128
North Hampton	15	104
Northwood	1	191
Nottingham	29	105
Plaistow	13	138
Poplin	3	103
Portsmouth Ward 1	27	301
" " 2	24	411
" " 3.	22	270
Raymond	18	90
Rye	39	47
Salem	23	198
Sandown	5	104
Seabrook	4	115
South Hampton	21	72
South New Market	15	68
Stratham	10	104
Windham	1	99
Gosport	<u>12.</u>	<u>        </u>
	634	5509

## Strafford County

Barrington	4	261
Dover	31	676
Durham	9	143
Farmington	2	210
Lee	28	147
Madbury	1	76

Middleton	2	64
Milton	6	212
New Durham	1	180
Rochester	20	312
Rollinsford	11	86
Somersworth	45	419
Strafford	<u>2</u>	<u>395</u>
	162	3181

## Belknap County.

Alton	9	276
Barnstead	21	361
Centre Harbor	12	103
Gilmanton	31	532
Gilford	32	361
Meredith	52	492
New Hampton	12	228
Sanbornton	<u>68</u>	<u>475</u>
	237	2830

## Carroll County.

Albany	83	
Brookfield		
Chatham	1	51
Conway	8	255
Eaton	9	239
Effingham	0	137
Freedom	39	97
Moultonborough	103	119
Ossipee	3	291
Sandwich		
Tamworth	20	259
Tuftonborough	28	158
Wakefield		213
Wolfborough	<u>63</u>	<u>53</u>
	217	2225

## Merrimack County.

Allentown	6	64
Andover	22	117
Boscawen	26	306
Bow	9	173
Bradford	30	135
Canterbury	9	154
Chichester	8	180

Concord	11	626
Dunbarton	11	149
Epsom	5	153
Franklin	54	154
Henniker	19	192
Hooksett	8	141
Hopkinton	15	324
Newbury	20	109
New London	21	137
Northfield	54	94
Pembroke	13	209
Pittsfield	7	259
Salisbury	15	176
Sutton	7	174
Warner	7	264
Wilmot	9	185
Loudon		
	<hr/>	<hr/>
	392	4535

## Hillsborough County.

Amherst	53	142
Antrim	42	139
Bedford	44	227
Bennington	8	87
Brookline		94
Deering	144	57
Francestown	39	163
Goffstown	26	205
Greenfield	12	103
Hancock	14	159
Hillsborough	40	221
Hollis		
Hudson	13	106
Litchfield	58	8
Lyndeborough	21	90
Manchester Ward 1		
"  "  2	24	152
"  "  3,	29	166
"  "  4,	13	147
"  "  5,	43	264
"  "  6,	14	162
Merrimack	75	135
Milford	40	106
Mont Vernon	57	25
Nashua	185	477
Nashville	249	97
New Boston	74	60
New Ipswich	24	126
Pelham	26	92

Peterborough	59	190
Sharon	8	27
Weare	3	181
Wilton	17	143
Windsor	1	37
Mason	15	137
Temple	<u>30</u>	<u>60</u>
	1500	4585

## Cheshire County.

Alstead	18	211
Chesterfield	101	19
Dublin	5	114
Fitzwilliam	33	106
Gilsum	63	47
Hinsdale	17	51
Jaffrey	33	87
Keene	16	268
Marlborough	42	83
Marlow	74	50
Nelson	39	56
Richmond	50	76
Rindge		
Roxbury	7	35
Stoddard	36	127
Surry	16	64
Swanzey	82	129
Troy	5	69
Walpole	132	167
Westmoreland	104	71
Winchester	140	34
Sullivan	<u>27</u>	<u>33</u>
	1040	1897

## Sullivan County.

Acworth	41	40
Charlestown	5	140
Claremont	115	290
Cornish	34	155
Croydon	10	123
Goshen	3	125
Grantham	15	96
Langdon	16	74
Lempster	5	159
Newport	29	367
Plainfield	29	130

Springfield	17	171
Sunapee	8	115
Unity	22	147
Washington	<u>6</u>	<u>189</u>
	355	2421

## Grafton County.

Alexander	3	209
Benton	45	46
Bethlehem	26	99
Bridgewater	17	115
Bristol	11	138
Canaan	13	242
Campton	35	147
Danbury	13	144
Dorchester	18	76
Ellsworth		73
Enfield	14	227
Franconia	26	67
Grafton	10	210
Groton	8	117
Haverhill	62	201
Hanover	32	226
Hebron	11	95
Hill	3	151
Holderness	6	219
Landaff	17	158
Lebanon	39	148
Lisbon	133	72
Littleton	79	73
Lyman	50	67
Lyme	50	101
Orford	30	85
Piermont	49	74
Plymouth	13	216
Rumney	38	104
Thornton	65	83
Warren	22	114
Wentworth	77	91
Woodstock	39	34
Bath	72	79
Orange	13	60
Lincoln	8	5
Waterville	<u>5</u>	<u>        </u>
	1152	4366

## Coos County.

Bartlett	8	124
Berlin	10	16
Carroll	7	52
Colebrook	68	54
Columbia	13	70
Clarksville	11	29
Dalton	7	17
Erroll		33
Jackson	7	74
Jefferson	24	89
Lancaster	79	142
Stewartstown	53	69
Stratford	36	40
Shelburne	9	33
Stark	1	43
Whitefield	23	81
Dummer		4
Gorham	2	20
HartLocation		6
Milan	4	33
Northumberland	93	
Pittsburg	36	24
Randolph		20
Cambridge	—	—
	493	1064

Question 6th. Do you approve of the amendments proposed by the Convention in relation to the election and appointment of County Judges, Judges of Probate, and other public officers, and their tenure of office?

## Rockingham County.

	[Affirmative	Negative]
Atkinson	10	109
Auburn	19	104
Brentwood		
Candia	62	154
Chester	20	188
Danville		
Deerfield	58	236
Derry	28	230
East Kingston	24	70
Epping	81	120
Exeter	30	434
Greenland	22	43
Hampton	27	112

Hampton Falls	15	60
Hampstead	43	114
Kensington	23	64
Kingston	26	144
Londonderry	43	173
New Castle	12	1
Newington	43	31
New Market	16	226
Newton	15	121
North Hampton	28	91
Northwood	12	185
Nottingham	32	100
Plaistow	35	115
Poplin	17	89
Portsmouth Ward 1	315	13
"  "  2	313	65
"  "  3.	261	30
Raymond	20	81
Rye	38	47
Salem	40	191
Sandown	12	100
Seabrook	9	110
South Hampton	51	42
South New Market	28	57
Stratham	22	91
Windham	1	95
Gosport	<u>12.</u>	<u>        </u>
	1863	4637

## Strafford County.

Barrington	67	197
Dover	229	574
Durham	12	140
Farmington	6	216
Lee	28	140
Madbury	2	76
Middleton	4	61
Milton	15	207
New Durham	2	179
Rochester	62	270
Rollinsford	31	67
Somersworth	50	413
Strafford	<u>4</u>	<u>393</u>
	512	2923

## Belknap County.

Alton	23	262
Barnstead	49	345
Centre Harbor	34	81
Gilmanton	74	488
Gilford	69	331
Meredith	93	446
New Hampton	25	231
Sanbornton	<u>93</u>	<u>434</u>
	460	2618

## Carroll County.

Albany	3	80
Brookfield		
Chatham	1	51
Conway	8	255
Eaton	11	238
Effingham	2	135
Freedom	38	98
Moultonborough	113	107
Ossipee	2	292
Sandwich		
Tamworth	26	262
Tuftonborough	40	148
Wakefield		213
Wolfborough	<u>12</u>	<u>234</u>
	256	2233

## Merrimack County.

Allenstown	23	46
Andover	45	154
Boscawen	43	292
Bow	21	159
Bradford	41	122
Canterbury	27	134
Chichester	18	171
Concord	78	558
Dunbarton	39	111
Epsom	14	144
Franklin	102	104
Henniker	93	107
Hooksett	19	130
Hopkinton	37	301
Newbury	40	90
New London	49	114

Northfield	89	61
Pembroke	36	186
Pittsfield	44	217
Salisbury	30	162
Sutton	24	157
Warner	20	257
Wilmot	25	169
Loudon	<u>957</u>	<u>3940</u>

HillsboroughCounty.

Amherst	85	110
Antrim	77	101
Bedford	44	230
Bennington	9	86
Brookline	38	55
Deering	06	75
Fracestown	84	114
Goffstown	131	101
Greenfield	18	99
Hancock	9	162
Hillsborough	68	195
Hollis		
Hudson	10	112
Litchfield	53	8
Lyndeborough	58	52
ManchesterWard1		
" " 2	114	55
" " 3,	140	55
" " 4,	86	75
" " 5,	145	110
" " 6,	86	90
Merrimack	148	59
Milford	80	71
Mont Vernon	45	39
Nashua	650	11
Nashville	256	93
New Boston	126	8
New Ipswich	62	88
Pelham	47	57
Peterborough	121	125
Sharon	22	13
Weare	96	69
Wilton	92	58
Windsor	6	34
Mason	39	111
Temple	<u>30</u>	<u>60</u>
	3181	2781

## Cheshire County.

Alstead	63	167
Chesterfield	134	
Dublin	50	40
Fitzwilliam	136	
Gilsum	85	26
Hinsdale	84	10
Jaffrey	63	56
Keene	267	4
Marlborough	77	38
Marlow	77	40
Nelson	74	22
Richmond	44	79
Rindge		
Roxbury	15	27
Stoddard	50	113
Surry	37	43
Swanzy	118	95
Troy	30	41
Walpole	265	36
Westmoreland	154	22
Winchester	191	7
Sullivan	<u>35</u>	<u>18</u>
	2049	884

## Sullivan County.

Acworth	65	113
Charlestown	32	71
Claremont	214	194
Cornish	73	116
Croydon	38	95
Goshen	13	116
Grantham	37	77
Langdon	41	50
Lempster	9	153
Newport	85	307
Plainfield	30	129
Springfield	24	164
Sunapee	64	59
Unity	20	148
Washington	<u>13</u>	<u>183</u>
	768	1915

## Grafton County.

Alexander	10	202
Benton	46	45

Bethlehem	36	88
Bridgewater	24	108
Bristol	45	98
Canaan	18	236
Campton	52	129
Danbury	20	145
Dorchester	36	58
Ellsworth	1	72
Enfield	31	210
Franconia	34	59
Grafton	16	204
Groton	29	92
Haverhill	72	189
Hanover	64	199
Hebron	35	71
Hill	10	157
Holderness	11	213
Landaff	61	110
Lebanon	79	105
Lisbon	158	47
Littleton	115	34
Lyman	80	36
Lyme	116	39
Orford	35	83
Piermont	56	68
Plymouth	27	200
Rumney	62	76
Thornton	66	68
Warren	30	105
Wentworth	110	59
Woodstock	58	15
Bath	107	43
Orange	19	54
Lincoln	8	5
Waterville	<u>7</u>	<u>1</u>
	1784	3722.

## Coos County.

Bartlett	44	95
Berlin	18	6
Carroll	24	35
Colebrook	80	28
Columbia	36	54
Clarksville	18	22
Dalton	92	1
Erroll	13	16
Jackson	21	60
Jefferson	46	68
Lancaster	169	50

Stewartstown	103	18
Stratford	74	3
Shelburne	12	29
Stark	39	5
Whitefield	57	75
Dummer	4	
Gorham	5	18
HartLocation		6
Milan	16	21
Northumberland	93	
Pittsburg	49	11
Randolph	<u>4</u>	<u>16</u>
Cambridge	1017	637

Question 7th. Do you approve of the amendments relating to Trial Justices and Courts, and their jurisdiction?

Rockingham County.

	[Affirmative	Negative]
Atkinson	17	102
Auburn	37	104
Brentwood		
Candia	96	117
Chester	22	185
Danville		
Deerfield	74	213
Derry	60	193
East Kingston	44	52
Epping	74	125
Exeter	28	433
Greenland	32	34
Hampton	70	95
Hampton Falls	23	52
Hampstead	63	94
Kensington	37	48
Kingston	38	136
Londonderry	49	166
New Castle	14	1
Newington	41	21
New Market	18	234
Newton	27	111
North Hampton	25	195
Northwood	22	176
Nottingham	32	99
Plaistow	19	133
Poplin	17	89
PortsmouthWard1,	197	131
" " 2,	111	261

" " 3,	163	129
Raymond	26	75
Rye	50	30
Salem	43	184
Sandown	28	92
Seabrook	8	111
South Hampton	69	21
South New Market	33	50
Stratham	20	92
Windham	6	92
Gosport	<u>12</u>	<u>        </u>
	1750	4376

## Strafford County.

Barrington	66	198
Dover	141	655
Durham	14	138
Farmington	8	203
Lee	38	129
Madbury	2	76
Middleton	2	64
Milton	30	203
New Durham	4	177
Rochester	83	249
Rollinsford	39	59
Somersworth	67	394
Strafford	<u>2</u>	<u>395</u>
	496	2940

## Belknap County.

Alton	33	252
Barnstead	48	336
Centre Harbor	36	78
Gilmanton	64	498
Gilford	39	331
Meredith	97	433
New Hampton	31	224
Sanbornton	<u>135</u>	<u>402</u>
	483	2554

## Carroll County.

Albany		83
Brookfield		
Chatham	3	49
Conway	3	260

Eaton	14	235
Effingham	1	136
Freedom	42	94
Moultonborough	115	106
Ossipee	2	288
Sandwich		
Tamworth	23	259
Tuftenborough	42	146
Wakefield		213
Wolfborough	<u>13</u>	<u>354</u>
	258	2223

## Merrimack County.

Allenstown	29	39
Andover	68	135
Boscawen	44	292
Bow	13	168
Bradford	53	112
Canterbury	28	135
Chichester	28	166
Concord	108	527
Dunbarton	42	121
Epsom	18	139
Franklin	114	74
Henniker	163	165
Hooksett	25	126
Hopkinton	59	275
Newbury	48	82
New London	51	112
Northfield	111	43
Pembroke	40	181
Pittsfield	73	192
Salisbury	38	152
Sutton	25	157
Warner	26	245
Wilmot	<u>50</u>	<u>143</u>
	1254	3681

## Hillsborough County.

Amherst	132	62
Antrim	86	97
Bedford	132	140
Bennington	6	89
Brookline	83	10
Deering	93	84
Francestown	65	136

Goffstown	106	133
Greenfield	24	91
Hancock	10	160
Hillsborough	68	189
Hollis		
Hudson	37	87
Litchfield	42	19
Lyndeborough	69	40
Manchester Ward 1,		
"    " 2,	73	46
"    " 3,	90	63
"    " 4,	58	72
"    " 5,	103	113
"    " 6,	60	88
Merrimack	161	47
Milford	121	37
Mont Vernon	33	49
Nashua	652	11
Nashville	275	69
New Boston	124	9
New Ipswich	92	63
Pelham	89	24
Peterborough	198	56
Sharon	27	8
Weare	100	66
Wilton	118	37
Windsor	4	34
Mason	84	69
Temple	<u>79</u>	<u>12</u>
	3494	2310

## Cheshire County.

Alstead	72	158
Chesterfield	136	1
Dublin	96	12
Fitzwilliam	119	24
Gilsum	90	24
Hinsdale	121	1
Jaffrey	31	74
Keene	48	217
Marlborough	88	26
Marlow	82	37
Nelson	77	21
Richmond	76	50
Rindge		
Roxbury	17	25
Stoddard	52	111
Surry	64	16

Swanzey	108	100
Troy	46	20
Walpole	163	48
Westmoreland	140	30
Winchester	219	10
Sullivan	<u>41</u>	<u>23</u>
	1942	985

## Sullivan County.

Acworth	67	105
Charlestown	31	72
Claremont	254	153
Cornish	87	105
Croydon	37	95
Goshen	8	120
Grantham	34	77
Langdon	43	49
Lempster	12	151
Newport	87	306
Plainfield	47	108
Springfield	28	159
Sunapee	65	58
Unity	24	145
Washington	<u>16</u>	<u>180</u>
	850	1883

## Grafton County.

Alexander	14	198
Benton	32	45
Bethlehem	98	24
Bridgewater	23	129
Bristol	48	99
Canaan	27	226
Campton	60	123
Danbury	39	129
Dorchester	41	52
Ellsworth	1	72
Enfield	57	208
Franconia	40	53
Grafton	19	201
Groton	33	90
Haverhill	71	188
Hanover	80	180
Hebron	53	53
Hill	11	145
Holderness	13	212

Landaff	89	87
Lebanon	118	70
Lisbon	173	35
Littleton	137	18
Lyman	84	30
Lyme	110	38
Orford	43	73
Piermont	63	61
Plymouth	34	195
Rumney	65	74
Thornton	84	50
Warren	41	95
Wentworth	130	46
Woodstock	62	11
Bath	122	27
Orange	23	48
Lincoln	8	5
Waterville	<u>7</u>	<u>      </u>
	2153.	3560

## Coos County.

Bartlett	45	85
Berlin	20	5
Carroll	48	11
Colebrook	96	17
Columbia	58	32
Clarksville	18	22
Dalton	94	
Erroll	14	16
Jackson	12	69
Jefferson	76	37
Lancaster	175	42
Stewartstown	109	15
Stratford	75	4
Shelburne	16	25
Stark	36	7
Whitefield	91	14
Dummer	4	
Gorham	8	16
HartLocation		6
Milan	33	8
Northumberland	94	
Pittsburg	54	7
Randolph	5	15
Cambridge	<u>      </u>	<u>      </u>
	1191	453

Question 8th. Do you approve of the abolition of the religious test and property qualification as proposed in the amended Constitution?

Rockingham County.

	[Affirmative	Negative]
Atkinson	25	93
Auburn	27	104
Brentwood		
Candia	40	161
Chester	28	182
Danville		
Deerfield	50	226
Derry	61	206
East Kingston	39	52
Epping	95	108
Exeter	39	422
Greenland	20	45
Hampton	63	106
Hampton Falls	16	58
Hampstead	59	97
Kensington	35	55
Kingston	29	143
Londonderry	54	156
New Castle	15	
Newington	44	19
New Market	20	222
Newton	22	116
North Hampton	30	89
Northwood	18	178
Nottingham	30	101
Plaistow	54	98
Poplin	24	82
Portsmouth Ward 1,	313	15
" " 2,	313	66
" " 3,	270	24
Raymond	11	86
Rye	55	30
Salem	45	186
Sandown	22	88
Seabrook	12	107
South Hampton	69	22
South New Market	31	50
Stratham	21	92
Windham	7	92
Gosport	<u>12</u>	
	2042	<u>3977</u>

## Strafford County.

Barrington	46	207
Dover	415	379
Durham	8	144
Farmington	11	201
Lee	40	129
Madbury	2	76
Middleton	5	61
Milton	19	203
New Durham	4	177
Rochester	61	271
Rollinsford	35	60
Somersworth	67	394
Strafford	<u>12</u>	<u>385</u>
	725	2697

## Belknap County.

Alton	25	259
Barnstead	53	330
Centre Harbor	19	97
Gilmanton	61	494
Gilford	53	333
Meredith	88	450
New Hampton	28	227
Sanbornton	<u>113</u>	<u>424</u>
	440	2614

## Carroll County.

Albany	2	81
Brookfield		
Chatham	6	45
Conway	9	254
Eaton	14	232
Effingham	1	136
Freedom	41	94
Moultonborough	118	105
Ossipee	12	281
Tamworth	28	262
Tuftonborough	42	149
Wakefield	1	212
Wolfborough	11	363
Sandwich	<u>      </u>	<u>      </u>
	285	2214

## Merrimack County.

Allenstown	28	41
Andover	62	133
Boscawen	42	293
Bow	28	153
Bradford	36	128
Canterbury	20	142
Chichester	15	172
Concord	122	509
Dunbarton	53	105
Epsom	17	141
Franklin	97	108
Henniker	126	93
Hooksett	16	132
Hopkinton	58	276
Newbury	26	102
New London	46	116
Northfield	77	71
Pembroke	43	178
Pittsfield	43	219
Salisbury	32	157
Sutton	29	152
Warner	36	235
Wilmot	<u>43</u>	<u>151</u>
	1095	3807

## Hillsborough County.

Amherst	97	94
Antrim	89	94
Bedford	113	161
Bennington	20	75
Brookline	48	46
Deering	116	65
Francestown	83	116
Goffstown	78	161
Greenfield	34	81
Hancock	92	79
Hillsborough	63	197
Hollis		
Hudson	20	102
Litchfield	49	9
Lyndeborough	80	32
Manchester Ward 1,		
" " 2,	63	74
" " 3,	89	62
" " 4,	64	69
" " 5,	93	126

" " 6,	49	99
Merrimack	139	69
Milford	102	51
Mont Vernon	40	43
Nashua	647	16
Nashville	255	95
New Boston	119	16
New Ipswich	94	53
Pelham	25	82
Peterborough	166	85
Sharon	28	7
Weare	94	65
Wilton	119	39
Windsor	5	33
Mason	73	79
Temple	<u>54</u>	<u>31</u>
	3300	2506

## Cheshire County.

Alstead	88	143
Chesterfield	107	4
Dublin	91	14
Fitzwilliam	94	1
Gilsum	86	24
Hinsdale	30	48
Jaffrey	74	82
Keene	233	6
Marlborough	81	32
Marlow	78	44
Nelson	71	27
Richmond	59	65
Rindge		
Roxbury	25	16
Stoddard	74	89
Surry	54	28
Swanzey	106	104
Troy	61	13
Walpole	255	31
Westmoreland	127	47
Winchester	203	6
Sullivan	<u>31</u>	<u>26</u>
	2028	850

## Sullivan County.

Acworth	76	105
Charlestown	76	15

Claremont	245	186
Cornish	101	88
Croydon	61	71
Goshen	23	105
Grantham	33	78
Langdon	36	54
Lempster	13	149
Newport	138	259
Plainfield	54	108
Springfield	24	164
Sunapee	61	62
Unity	44	125
Washington	<u>13</u>	<u>180</u>
	998	1868

## Grafton County.

Alexander	12	200
Benton	45	44
Bethlehem	29	82
Bridgewater	25	107
Bristol	26	123
Canaan	22	230
Campton	39	139
Danbury	23	141
Dorchester	46	70
Ellsworth	1	72
Enfield	56	183
Franconia	15	78
Grafton	17	202
Groton	23	100
Haverhill	67	188
Hanover	101	157
Hebron	42	63
Hill	11	148
Holderness	9	215
Landaff	41	133
Lebanon	102	74
Lisbon	119	81
Littleton	100	50
Lyman	70	44
Lyme	88	57
Orford	31	87
Piermont	48	76
Plymouth	33	196
Rumney	80	62
Thornton	42	96
Warren	105	38
Wentworth	122	40

Woodstock	16	56
Bath	111	38
Orange	15	56
Lincoln	8	5
Waterville	<u>6</u>	<u>1</u>
	1746	3732

Coos County.

Bartlett	45	85
Berlin	17	17
Carroll	32	26
Colebrook	95	34
Columbia	36	50
Clarksville	18	22
Dalton	45	48
Erroll	26	7
Jackson	20	61
Jefferson	36	75
Lancaster	150	52
Stewartstown	93	25
Stratford	68	10
Shelburne	17	24
Stark	23	21
Whitefield	57	41
Dummer		4
Gorham	8	13
HartLocation		6
Milan	6	34
Northumberland	91	2
Pittsburg	33	29
Randolph		20
Cambridge	<u>        </u>	<u>        </u>
	916	706

Question 9th. Do you approve of the mode of making future amendments of the Constitution, as proposed in the amended Constitution?

Rockingham County.

	Affirmative	Negative
Atkinson	15	104
Auburn	24	104
Brentwood		
Candia	61	150
Chester	27	180
Danville		
Deerfield	43	237
Derry	40	213
East Kingston	38	59

Epping	70	130
Exeter	25	437
Greenland	17	50
Hampton	58	111
Hampton Falls	15	59
Hampstead	54	101
Kensington	33	54
Kingston	38	131
Londonderry	53	165
New Castle	10	
Newington	35	30
New Market	18	224
Newton	13	120
North Hampton	23	96
Northwood	12	186
Nottingham	29	104
Plaistow	42	106
Poplin	14	92
PortsmouthWard1	189	138
" " 2,	153	284
" " 3,	142	145
Raymond	20	79
Rye	41	47
Salem	41	183
Sandown	25	84
Seabrook	7	111
South Hampton	58	35
South New Market	29	53
Stratham	16	96
Windham	3	96
Gosport	<u>12</u>	<u>        </u>
	1544	4594

## Strafford County.

Barrington	63	201
Dover	429	360
Durham	14	138
Farmington	10	201
Lee	41	127
Madbury	2	76
Middleton	8	59
Milton	20	211
New Durham	5	176
Rochester	121	211
Rollinsford	32	63
Somersworth	50	416
Strafford	<u>18</u>	<u>379</u>
	813	2618

## Belknap County.

Alton	26	259
Barnstead	48	336
Centre Harbor	27	87
Gilmanton	68	490
Gilford	51	330
Meredith	89	447
New Hampton	28	226
Sanbornton	<u>104</u>	<u>426</u>
	441	2601

## Carroll County.

Albany	3	80
Brookfield		
Chatham	2	49
Conway	2	261
Eaton	16	239
Effingham	1	136
Freedom	42	92
Moultonborough	121	101
Ossipee	12	281
Sandwich		
Tamworth	27	258
Tuftonborough	38	149
Wakefield		213
Wolfborough	<u>11</u>	<u>365</u>
	275	2224

## Merrimack County.

Allenstown	20	50
Andover	49	146
Boscawen	42	292
Bow	14	178
Bradford	30	131
Canterbury	20	142
Chichester	20	169
Concord	92	542
Dunbarton	27	111
Epsom	15	143
Franklin	102	116
Henniker	117	95
Hooksett	11	138
Hopkinton	37	297
Newbury	27	104
New London	52	114

Northfield	81	69
Pembroke	35	186
Pittsfield	50	211
Salisbury	32	158
Sutton	22	158
Warner	20	251
Wilmot	<u>44</u>	<u>149</u>
	959	3940

## HillsboroughCounty.

Amherst	92	102
Antrim	71	108
Bedford	90	182
Bennington	9	86
Brookline	59	35
Deering	133	46
Francestown	87	117
Goffstown	67	167
Greenfield	22	93
Hancock	92	79
Hillsborough	87	204
Hollis		
Hudson	42	31
Litchfield	30	30
Lyndeborough	60	50
ManchesterWard1,		
ManchesterWard2,	116	50
" " 3,	132	56
" " 4,	84	74
" " 5,	137	121
" " 6,	78	95
Merrimack	94	82
Milford	96	47
Mont Vernon	59	26
Nashua	154	8
Nashville	263	83
New Boston	116	14
New Ipswich	81	67
Pelham	35	55
Peterborough	139	102
Sharon	24	10
Weare	30	82
Wilton	102	54
Windsor	3	35
Mason	37	114
Temple	<u>62</u>	<u>26</u>
	3283	2531

## Cheshire County.

Alstead	68	158
Chesterfield	76	
Dublin	83	12
Fitzwilliam	93	52
Gilsum	79	33
Hinsdale	36	23
Jaffrey	68	46
Keene	122	24
Marlborough	87	26
Marlow	83	37
Nelson	55	40
Richmond	85	33
Rindge		
Roxbury	18	24
Stoddard	60	101
Surry	41	38
Swanzey	128	79
Troy	27	43
Walpole	245	51
Westmoreland	151	28
Winchester	267	4
Sullivan	<u>34</u>	<u>19</u>
	1906	871

## Sullivan County.

Acworth	77	98
Charlestown	35	44
Claremont	211	194
Cornish	74	113
Croydon	43	90
Goshen	44	84
Grantham	29	83
Langdon	36	53
Lempster	10	154
Newport	91	297
Plainfield	30	113
Springfield	17	172
Sunapee	33	90
Unity	96	74
Washington	<u>14</u>	<u>181</u>
	840	1840

## Grafton County.

Alexander	8	204
Benton	43	46

Bethlehem	33	90
Bridgewater	24	108
Bristol	19	123
Canaan	19	235
Campton	52	130
Danbury	27	139
Dorchester	42	50
Ellsworth	1	72
Enfield	38	198
Franconia	29	164
Grafton	15	205
Groton	29	92
Haverhill	68	193
Hanover	75	184
Hebron	49	57
Hill	7	149
Holderness	13	211
Landaff	47	127
Lebanon	65	112
Lisbon	147	56
Littleton	92	58
Lyman	71	42
Lyme	112	41
Orford	36	83
Piermont	44	88
Plymouth	31	196
Rumney	100	40
Thornton	63	74
Warren	120	19
Wentworth	120	48
Woodstock	54	19
Bath	107	39
Orange	19	53
Lincoln	8	5
Waterville	<u>7</u>	<u>        </u>
	1835	3650

## Coos County.

Bartlett	41	90
Berlin	19	6
Carroll	37	22
Colebrook	79	32
Columbia	30	58
Clarksville	18	22
Dalton	78	16
Erroll	28	3
Jackson	18	63
Jefferson	31	83

Lancaster	167	53
Stewartstown	100	21
Stratford	74	4
Shelburne	15	28
Stark	29	15
Whitefield	51	43
Dummer	4	
Gorham	13	11
HartLocation		6
Milan	23	17
Northumberland	93	
Pittsburg	36	23
Randolph	1	19
Cambridge		
	<u>985</u>	<u>618</u>

Question 10th. Do you approve of the amendment providing that the Judges of the Supreme Court and the Attorney General shall be elected by the people, and the tenure of their office?

Rockingham County.

	Affirmative	Negative
Atkinson	8	112
Auburn	15	105
Brentwood		
Candia	45	168
Chester	15	193
Danville		
Deerfield	41	242
Derry	27	224
East Kingston	16	83
Epping	57	138
Exeter	24	440
Greenland	14	54
Hampton	20	148
Hampton Falls	11	75
Hampstead	27	130
Kensington	12	75
Kingston	13	159
Londonderry	32	184
New Castle	12	1
Newington	41	22
New Market	15	227
Newton	15	212
North Hampton	16	104
Northwood	9	187
Nottingham	28	104

Plaistow	19	133
Poplin	6	100
Portsmouth Ward 1,	200	129
"    " 2,	158	280
"    " 3,	151	144
Raymond	15	84
Rye	37	47
Salem	35	193
Sandown	3	118
South Hampton	36	53
Seabrook	7	112
South New Market	7	35
Stratham	6	110
Windham	3	95
Gosport	<u>12</u>	<u>        </u>
	1208	5024

## Strafford County.

Barrington	26	239
Dover	184	644
Durham	8	144
Farmington	3	207
Lee	35	134
Madbury	1	76
Middleton	1	66
Milton	17	227
New Durham	2	179
Rochester	47	285
Rollinsford	23	74
Somersworth	53	413
Strafford	<u>3</u>	<u>394</u>
	367	3072

## Belknap County.

Alton	14	271
Barnstead	27	357
Centre Harbor	20	87
Gilmanton	59	503
Gilford	57	327
Meredith	65	471
New Hampton	28	223
Sanbornton	<u>87</u>	<u>448</u>
	357	2687

## Carroll County.

Albany	1	83
Brookfield		
Chatham	2	50
Conway	1	262
Eaton	14	238
Effingham		137
Freedom	37	98
Moultonborough	106	116
Ossipee	2	291
Sandwich		
Tamworth	19	260
Tuftonborough	30	157
Wakefield		213
Wolfborough	<u>11</u>	<u>        </u>
	223	2270

## Merrimack County.

Allenstown	13	59
Andover	31	158
Boscawen	27	310
Bow	21	161
Bradford	41	123
Canterbury	24	138
Chichester	17	172
Concord	45	590
Dunbarton	23	118
Epsom	9	148
Franklin	95	113
Henniker	106	107
Hooksett	26	130
Hopkinton	20	314
Newbury	34	98
New London	44	118
Northfield	74	65
Pembroke	38	182
Pittsfield	22	243
Salisbury	32	160
Sutton	17	164
Warner	18	253
Wilmot	<u>29</u>	<u>167</u>
	806	4091

## Hillsborough County.

Amherst	38	156
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Antrim	71	111
Bedford	93	81
Bennington	5	90
Brookline	16	75
Deering	117	65
Francestown	25	178
Goffstown	104	142
Greenfield	16	100
Hancock	5	167
Hillsborough	55	207
Hollis		
Hudson	7	117
Litchfield	20	36
Lyndeborough	25	84
Manchester Ward 1,		
"    "    2,	46	114
"    "    3,	69	114
"    "    4,	49	110
"    "    5,	88	153
"    "    6,	36	140
Merrimack	136	72
Milford	69	69
Mont Vernon	75	11
Nashua	494	84
Nashville	88	259
New Boston	95	38
New Ipswich	47	97
Pelham	75	43
Peterborough	105	143
Sharon	16	18
Weare	51	89
Wilton	73	80
Windsor	4	34
Mason	38	110
Temple	<u>19</u>	<u>68</u>
	2270	3555

## Cheshire County.

Alstead	61	167
Chesterfield	130	3
Dublin	19	91
Fitzwilliam	166	
Gilsum	87	25
Hinsdale	93	12
Jaffrey	51	62
Keene	75	128
Marlborough	89	28
Marlow	82	41

Nelson	70	24
Richmond	19	111
Rindge		
Roxbury	17	24
Stoddard	32	133
Surry	41	40
Swanzey	100	109
Troy	33	39
Walpole	246	67
Westmoreland	133	44
Winchester	291	1
Sullivan	<u>36</u>	<u>22</u>
	1871	1171

## Sullivan County.

Acworth	41	138
Charlestown	14	59
Claremont	187	227
Cornish	59	136
Croydon	34	98
Goshen	12	113
Grantham	24	88
Langdon	37	54
Lempster	7	156
Newport	87	307
Plainfield	23	136
Springfield	16	171
Sunapee	62	61
Unity	14	155
Washington	<u>8</u>	<u>185</u>
	625	2084

## Grafton County.

Alexander	6	205
Benton		82
Bethlehem	30	90
Bridgewater	22	110
Bristol	57	93
Canaan	16	238
Campton	48	135
Danbury	15	150
Dorchester	30	66
Ellsworth		73
Enfield	34	205
Franconia	37	56
Grafton	11	209

Groton	22	97
Haverhill	63	195
Hanover	48	213
Hebron	17	84
Hill	8	147
Holderness	10	215
Landaff	56	115
Lebanon	70	124
Lisbon	151	55
Littleton	122	37
Lyman	73	44
Lyme	98	59
Orford	23	96
Piermont	48	77
Plymouth	17	211
Rumney	54	86
Thornton	63	71
Warner	33	104
Wentworth	94	76
Woodstock	53	20
Bath	109	39
Orange	13	60
Lincoln	8	5
Waterville	<u>7</u>	<u>5</u>
	1566	3940

## Coos County.

Bartlett	24	109
Berlin	20	6
Carroll	27	32
Colebrook	74	38
Columbia	37	49
Clarksville	18	22
Dalton	60	4
Erroll	25	8
Jackson	18	63
Jefferson	44	70
Lancaster	146	73
Stewartstown	97	23
Stratford	62	16
Shelburne	7	36
Stark	39	5
Whitefield	64	37
Dummer	4	
Gorham	8	16
HartLocation		6
Milan	22	12
Northumberland	93	

Pittsburg	47	13
Randolph	5	15
Cambridge	<u>931</u>	<u>655</u>

Question 11th. Do you approve of the amendment requiring the election of a Superintendent of Public Instruction, as provided in the amended Constitution?

## Rockingham County.

	Affirmative	Negative
Atkinson	7	112
Auburn	21	105
Brentwood		
Candia	47	163
Chester	18	184
Danville		
Deerfield	37	241
Derry	42	216
East Kingston	20	16
Epping	41	151
Exeter	24	437
Greenland	18	46
Hampton	19	147
Hampton Falls	15	61
Hampstead	47	106
Kensington	18	67
Kingston	27	144
Londonderry	39	177
New Castle	8	1
Newington	16	48
New Market	15	227
Newton	18	115
North Hampton	10	109
Northwood	13	183
Nottingham	14	119
Plaistow	50	97
Poplin	5	101
Portsmouth Ward 1,	112	316
"    "    2,	116	418
"    "    3,	19	271
Raymond	17	83
Rye	33	52
Salem	33	189
Sandown	13	98
Seabrook	6	112
South Hampton	45	45
South New Market	28	54
Stratham	16	97

Windham	1	94
Gosport	<u>12</u>	<u>        </u>
	1045	5207

## Strafford County

Barrington	55	208
Dover	54	737
Durham	6	146
Farmington	6	205
Lee	29	139
Madbury	1	76
Middleton	1	63
Milton	9	228
New Durham	3	178
Rochester	47	285
Rollinsford	31	66
Somersworth	45	414
Strafford	<u>        </u>	<u>397</u>
	287	3142

## Belknap County.

Alton	14	271
Barnstead	42	342
Centre Harbor	24	89
Gilmanton	60	502
Gilford	45	346
Meredith	86	459
New Hampton	28	232
Sanbornton	<u>58</u>	<u>473</u>
	357	2716

## Carroll County.

Albany		83
Brookfield		
Chatham	2	50
Conway	7	255
Eaton	8	241
Effingham		137
Freedom	36	99
Moultonborough	104	116
Ossipee	14	279
Tamworth	21	263
Tuftsborough	40	147
Wakefield		213

Wolfborough	9	376
Sandwich		
	<hr/>	<hr/>
	241	2250

## Merrimack County.

Allenstown	6	60
Andover	23	166
Boscawen	29	305
Bow	6	176
Bradford	27	137
Canterbury	12	150
Chichester	10	178
Concord	71	559
Dunbarton	20	137
Epsom	14	142
Franklin	105	101
Henniker	7	227
Hooksett	12	135
Hopkinton	15	320
Newbury	18	114
New London	32	132
Northfield	49	99
Pembroke	28	192
Pittsfield	37	227
Salisbury	35	163
Sutton	6	175
Warner	13	258
Wilmot	14	180
Loudon		
	<hr/>	<hr/>
	589	4333

## Hillsborough County.

Amherst	68	122
Antrim	34	150
Bedford	83	186
Bennington	9	86
Brookline	33	59
Deering	162	23
Fracestown	57	146
Goffstown	65	166
Greenfield	12	103
Hancock	13	159
Hillsborough	38	221
Hollis		
Hudson	21	99
Litchfield	19	28

Lyndeborough	26	80
Manchester Ward 1		
"    " 2,	121	47
"    " 3,	120	60
Manchester Ward 4,	73	85
"    " 5,	147	105
"    " 6,	77	96
Merrimack	128	75
Milford	88	76
Mont Vernon	53	28
Nashua	643	10
Nashville	225	123
New Boston	70	60
New Ipswich	30	70
Pelham	43	35
Peterborough	115	123
Sharon	8	26
Weare		140
Wilton	77	75
Windsor	3	35
Mason	44	106
Temple	<u>42</u>	<u>47</u>
	2747	3050

## Cheshire County.

Alstead	9	219
Chesterfield	3	165
Dublin	75	20
Fitzwilliam	81	53
Gilsum	27	88
Hinsdale	81	8
Jaffrey	51	68
Keene	36	106
Marlborough	71	43
Marlow	71	52
Nelson	58	38
Richmond	7	123
Rindge		
Roxbury	12	29
Stoddard	37	127
Surry	17	63
Swanzey	34	173
Troy	12	62
Walpole	236	74
Westmoreland	54	123
Winchester	51	141
Sullivan	<u>26</u>	<u>26</u>
	1049	1801

## Sullivan County.

Acworth	37	140
Charlestown	15	44
Claremont	49	322
Cornish	30	156
Croydon	17	114
Goshen	2	125
Grantham	14	97
Langdon	14	77
Lempster	8	155
Newport	55	342
Plainfield	29	125
Springfield	8	179
Sunapee	39	84
Unity	13	156
Washington	<u>13</u>	<u>182</u>
	343	2296

## Grafton County.

Alexander	8	203
Benton		82
Bethlehem	14	103
Bridgewater	19	113
Bristol	14	136
Canaan	17	239
Campton	43	134
Danbury	13	153
Dorchester	35	54
Ellsworth	1	72
Enfield	36	204
Franconia	14	79
Grafton	15	205
Groton	11	110
Haverhill	26	235
Hanover	28	231
Hebron	13	88
Hill	5	151
Holderness	9	215
Landaff	11	164
Lebanon	44	140
Lisbon	52	152
Littleton	66	82
Lyman	56	60
Lyme	97	54
Orford	27	87
Piermont	43	81
Plymouth	18	209

Rumney	37	100
Thornton	43	93
Warren	14	123
Wentworth	78	88
Woodstock	58	115
Bath	50	98
Orange	12	61
Lincoln	8	5
Waterville	<u>5.</u>	<u>        </u>
	1040	4419

## Coos County.

Bartlett	19	110
Berlin	12	14
Carroll	9	50
Colebrook	43	70
Columbia	6	78
Clarksville	12	28
Dalton	16	58
Erroll	19	13
Jackson	13	67
Jefferson	23	90
Lancaster	112	97
Stewartstown	38	86
Stratford	51	27
Shelburne	16	26
Stark	8	32
Whitefield	29	71
Dummer	4	
Gorham	6	18
HartLocation	6	
Milan	7	30
Northumberland	92	1
Pittsburg	18	39
Randolph	1	19
Cambridge	<u>        </u>	<u>        </u>
	558	1034

Question 12th— Do you approve of the amendment requiring the election of Commissioner of Agriculture, as provided for in the amended Constitution?

## Rockingham County.

	Affirmative	Negative
Atkinson	8	111
Auburn	14	105
Brentwood		

Candia	44	170
Chester	22	185
Danville		
Deerfield	36	238
Derry	35	217
East Kingston	17	79
Epping	27	165
Exeter	21	440
Greenland	21	21
Hampton	22	145
Hampton Falls	14	62
Hampstead	52	104
Kensington	18	68
Kingston	22	148
Londonderry	36	179
New Castle	7	2
Newington	13	50
New Market	14	228
Newton	15	120
North Hampton	11	108
Northwood	13	182
Nottingham	16	118
Plaistow	37	112
Poplin	4	102
Portsmouth Ward 1,	10	318
"  "  2,	16	419
"  "  3,	6	279
Raymond	13	88
Rye	33	53
Salem	35	193
Sandown	11	99
Seabrook	4	114
South Hampton	27	65
South New Market	28	55
Stratham	16	96
Windham	2	95
Gosport	<u>12</u>	<u>        </u>
	742	5423

## Strafford County.

Barrington	49	213
Dover	57	735
Durham	4	148
Farmington	5	206
Lee	20	148
Madbury	1	76
Middleton	2	64
Milton	11	208

New Durham	2	179
Rochester	48	284
Rollinsford	41	54
Somersworth	58	411
Strafford	<u>4</u>	<u>393</u>
	302	3119

## Belknap County.

Alton	10	275
Barnstead	32	352
Centre Harbor	17	95
Gilmanton	57	506
Gilford	43	338
Meredith	68	469
New Hampton	25	229
Sanbornton	<u>47</u>	<u>486</u>
	299	2750

## Carroll County.

Albany		83
Brookfield		
Chatham		52
Conway	7	255
Eaton	5	244
Effingham		137
Freedom	38	97
Moultonborough	112	108
Ossipee	15	278
Sandwich		
Tamworth	21	261
Tuftonborough	41	147
Wakefield		213
Wolfborough	<u>7</u>	<u>368</u>
	246	2239

## Merrimack County.

Allentown	11	58
Andover	26	168
Boscawen	36	301
Bow	5	177
Bradford	18	142
Canterbury	12	150
Chichester	11	178
Concord	59	572

Dunbarton	14	147
Epsom	12	144
Franklin	74	126
Henniker	3	232
Hooksett	12	135
Hopkinton	15	317
Newbury	15	117
New London	28	135
Northfield	41	105
Pembroke	32	189
Pittsfield	35	230
Salisbury	23	167
Sutton	6	175
Warner	11	260
Wilmot	<u>15</u>	<u>177</u>
	514	4402

## Hillsborough County.

Amherst	45	151
Antrim	26	155
Bedford	62	203
Bennington	16	79
Brookline	29	64
Deering	161	68
Francestown	42	158
Goffstown	59	175
Greenfield	13	104
Hancock	10	164
Hillsborough	38	224
Hollis		
Hudson	19	103
Litchfield	24	35
Lyndeborough	26	80
Manchester Ward 1,		
"    "    2,	115	46
"    "    3,	134	56
"    "    4,	69	90
"    "    5,	170	111
"    "    6,	76	92
Merrimack	112	91
Milford	78	92
Mont Vernon	71	13
Nashua	649	12
Nashville	231	113
New Boston	58	71
New Ipswich	66	73
Pelham	90	20
Peterborough	108	133

Sharon	2	33
Weare		132
Wilton	68	82
Windsor	2	35
Mason	55	97
Temple	<u>17</u>	<u>64</u>
	2740	3169

## Cheshire County.

Alstead	12	217
Chesterfield		158
Dublin	66	27
Fitzwilliam	89	19
Gilsum	21	87
Hinsdale	52	21
Jaffrey	44	70
Keene	25	100
Marlborough	64	48
Marlow	64	57
Nelson	49	47
Richmond	6	121
Rindge		
Roxbury	5	36
Stoddard	30	134
Surry	19	61
Swanzey	26	180
Troy	13	58
Walpole	216	77
Westmoreland	38	137
Winchester	39	145
Sullivan	<u>10</u>	<u>34</u>
	898	1834

## Sullivan County.

Acworth	39	141
Charlestown	10	46
Claremont	90	321
Cornish	40	148
Croydon	15	117
Goshen	1	127
Grantham	10	100
Langdon	12	78
Lempster	6	158
Newport	50	345
Plainfield	42	118

Springfield	12	173
Sunapee	36	87
Unity	15	154
Washington	<u>14</u>	<u>181</u>
	392	2294

## Grafton County.

Alexander	9	202
Benton	9	81
Bethlehem	12	109
Bridgewater	19	113
Bristol	14	134
Canaan	19	236
Campton	47	134
Danbury	12	153
Dorchester	28	63
Ellsworth	1	72
Enfield	28	211
Franconia	12	81
Grafton	15	205
Groton	7	113
Haverhill	27	236
Hanover	26	234
Hebron	8	93
Hill	3	154
Holderness	7	217
Landaff	6	168
Lebanon	37	142
Lisbon	44	162
Littleton	57	94
Lyman	55	62
Lyme	96	54
Orford	26	88
Piermont	38	86
Plymouth	13	215
Rumney	37	101
Thornton	49	84
Warren	15	122
Wentworth	74	90
Woodstock	56	17
Bath	50	100
Orange	14	59
Lincoln	8	5
Waterville	<u>4</u>	<u>    </u>
	982	4490

## Coos County.

Bartlett	8	125
Berlin	10	16
Carroll	7	52
Colebrook	26	84
Columbia	7	74
Clarksville	12	28
Dalton	16	78
Erroll	19	14
Jackson	4	77
Jefferson	20	93
Lancaster	65	153
Stewartstown	14	110
Stratford	46	32
Shelburne	11	31
Stark	6	37
Whitefield	25	76
Dummer		4
Gorham	6	18
HartLocation		6
Milan	4	32
Northumberland	92	1
Pittsburg	6	52
Randolph	1	19
Cambridge	—	—
	405	1202

Question 13th— Do you approve of the amendment provided in the amended Constitution, for deciding all elections by a plurality vote?

## Rockingham County.

	Affirmative	Negative
Atkinson	9	110
Auburn	10	105
Brentwood		
Candia	15	191
Chester	18	190
Danville		
Deerfield	29	256
Derry	48	207
East Kingston	12	84
Epping	69	124
Exeter	23	440
Greenland	19	50
Hampton	25	142
Hampton Falls	6	67
Hampstead	36	118

Kensington	26	56
Kingston	11	158
Londonderry	29	185
New Castle	12	
Newington	35	29
New Market	13	228
Newton	18	123
North Hampton	21	97
Northwood	10	186
Nottingham	13	119
Plaistow	31	116
Poplin	16	90
Portsmouth Ward 1,	303	22
"    "    2,	367	11
"    "    3,	261	33
Raymond	7	91
Rye	34	49
Salem	43	186
Sandown	6	101
Seabrook	7	112
South Hampton	13	80
South New Market	27	57
Stratham	18	92
Windham	1	95
Gosport	<u>12</u>	—
	1652	4400

## Strafford County.

Barrington	13	252
Dover	256	542
Durham	5	147
Farmington	6	206
Lee	27	141
Madbury	2	76
Middleton		66
Milton	14	207
New Durham	2	179
Rochester	38	294
Rollinsford	33	65
Somersworth	59	404
Strafford	<u>6</u>	<u>391</u>
	459	2970

## Belknap County.

Alton	15	270
Barnstead	31	353

Centre Harbor	6	106
Gilmanton	42	522
Gilford	25	353
Meredith	69	471
New Hampton	18	233
Sanbornton	<u>68</u>	<u>464</u>
	274	2772

## Carroll County.

Albany		83
Brookfield		
Chatham	3	49
Conway	4	259
Eaton	19	230
Effingham	1	136
Freedom	32	103
Moultonborough	82	142
Ossipee	3	291
Sandwich		
Tamworth	22	264
Tuftonborough	33	157
Wakefield		213
Wolfborough	<u>12</u>	<u>365</u>
	211	2292

## Merrimack County.

Allenstown	7	60
Andover	37	163
Boscawen	30	306
Bow	8	173
Bradford	26	139
Canterbury	5	157
Chichester	7	181
Concord	70	565
Dunbarton	14	147
Epsom	4	153
Franklin	60	147
Henniker	1	213
Hooksett	6	143
Hopkinton	18	319
Newbury	23	105
New London	35	129
Northfield	34	105
Pembroke	16	205
Pittsfield	17	147
Salisbury	27	162

Sutton	6	175
Warner	16	255
Wilmot	<u>13</u>	<u>181</u>
	480	4330

## Hillsborough County.

Amherst	84	111
Antrim	62	116
Bedford	70	199
Bennington	14	81
Brookline	50	43
Deering	155	25
Francestown	48	154
Goffstown	41	191
Greenfield	25	91
Hancock	12	160
Hillsborough	48	213
Hollis		
Hudson	16	104
Litchfield	8	53
Lyndeborough	42	68
Manchester Ward 1,		
"    "    2,	53	87
"    "    3,	65	94
"    "    4,	44	88
"    "    5,	84	139
Manchester Ward 6,	41	104
Merrimack	90	116
Milford	57	92
Mont Vernon	52	30
Nashua	649	20
Nashville	269	80
New Boston	87	44
New Ipswich	54	96
Pelham	35	71
Peterborough	112	139
Sharon	26	8
Weare	1	140
Wilton	47	119
Windsor	4	34
Mason	71	81
Temple	<u>54</u>	<u>36</u>
	2570	3227

## Cheshire County.

Alstead	45	182
Chesterfield	55	96

Dublin	11	103
Fitzwilliam	3	135
Gilsum	40	75
Hinsdale	53	45
Jaffrey	59	63
Keene	120	29
Marlborough	19	97
Marlow	77	44
Nelson	27	70
Richmond	32	94
Rindge		
Roxbury	9	33
Stoddard	49	118
Surry	61	20
Swanzy	94	118
Troy	36	40
Walpole	200	70
Westmoreland	113	60
Winchester	20	250
Sullivan	<u>18</u>	<u>34</u>
	1141	1874

## Sullivan County.

Acworth	52	120
Charlestown	7	56
Claremont	138	274
Cornish	39	150
Croydon	13	118
Goshen	5	122
Grantham	14	97
Langdon	24	65
Lempster	5	155
Newport	74	319
Plainfield	24	125
Springfield	13	177
Sunapee	4	119
Unity	11	158
Washington	<u>7</u>	<u>185</u>
	420	2240

## Grafton County.

Alexander	3	208
Benton	47	45
Bethlehem	7	117
Bridgewater	22	110
Bristol	8	140

Canaan	6	246
Campton	38	145
Danbury	8	162
Dorchester	20	74
Ellsworth		73
Enfield	18	226
Franconia	8	85
Grafton	16	204
Groton	12	111
Haverhill	53	206
Hanover	68	194
Hebron	8	95
Hill	3	153
Holderness	9	216
Landaff	5	171
Lebanon	69	108
Lisbon	17	193
Littleton	74	77
Lyman	20	95
Lyme	31	122
Orford	24	95
Piermont	41	84
Plymouth	22	205
Rumney	72	67
Thornton	16	117
Warren	21	115
Wentworth	85	82
Woodstock	50	21
Bath	29	122
Orange	3	70
Lincoln	7	6
Waterville	<u>1</u>	<u>6</u>
	941	4566

## Coos County.

Bartlett	2	135
Berlin		26
Carroll	16	43
Colebrook	37	75
Clarksville	11	29
Columbia	13	77
Dalton	8	88
Erroll	3	29
Jackson	2	78
Jefferson	9	105
Lancaster	54	169
Stewartstown	31	95
Stratford	50	28

Shelburne	5	38
Stark	2	42
Whitefield	29	75
Dummer		4
Gorham		24
HartLocation		6
Milan	3	38
Northumberland	78	15
Pittsburg	3	58
Randolph		20
Cambridge		
	376	1297

Question 14th— Do you approve of the amendment abolishing the Council?

Rockingham County.

	Affirmative	Negative
Atkinson	19	99
Auburn	20	104
Brentwood		
Candia	57	154
Chester	20	187
Danville		
Deerfield	51	231
Derry	38	212
East Kingston	35	60
Epping	85	108
Exeter	27	433
Greenland	27	41
Hampton	29	139
Hampton Falls	15	60
Hampstead	49	100
Kensington	28	57
Kingston	22	148
Londonderry	49	162
New Castle	7	
Newington	38	33
New Market	16	229
Newton	12	121
North Hampton	26	93
Northwood	15	182
Nottingham	30	104
Plaistow	52	100
Poplin	5	101
Portsmouth Ward 1,	313	13
"    "    2,	318	61
"    "    3,	269	21
Raymond	20	80
Rye	34	44

Salem	46	188
Sandown	13	189
Seabrook	11	108
South Hampton	62	32
South New Market	29	53
Stratham	20	95
Windham	4	93
Gosport	<u>12</u>	<u>        </u>
	1928	4135

## Strafford County

Barrington	65	300
Dover	197	587
Durham	3	139
Farmington	6	206
Lee	36	132
Madbury	2	76
Middleton	1	65
Milton	14	209
New Durham	3	178
Rochester	46	286
Rollinsford	22	76
Somersworth	53	410
Strafford	<u>3</u>	<u>394</u>
	451	3054

## Belknap County.

Alton	29	256
Barnstead	45	339
Centre Harbor	33	81
Gilmanton	68	489
Gilford	38	331
Meredith	78	451
New Hampton	15	234
Sanbornton	<u>106</u>	<u>433</u>
	312	2614

## Carroll County.

Albany		83
Brookfield		
Chatham	2	50
Conway	8	255
Eaton	15	238
Effingham	1	136

Freedom	43	93
Moultonborough	121	100
Ossipee	14	280
Sandwich		
Tamworth	20	264
Tuftonborough	49	147
Wakefield		213
Wolfborough	<u>11</u>	<u>362</u>
	284	2221

## Merrimack County.

Allenstown	18	61
Andover	53	145
Boscawen	55	282
Bow	21	161
Bradford	43	119
Canterbury	23	139
Chichester	17	170
Concord	79	556
Dunbarton	47	111
Epsom	16	142
Franklin	93	108
Henniker	133	85
Hooksett	17	132
Hopkinton	41	293
Newbury	40	92
New London	45	118
Northfield	89	52
Pembroke	35	184
Pittsfield	49	215
Salisbury	33	158
Sutton	23	158
Warner	33	238
Wilmot	<u>33</u>	<u>166</u>
	1036	3885

## Hillsborough County.

Amherst	82	109
Antrim	48	132
Bedford	98	168
Bennington	10	85
Brookline	45	47
Deering	134	47
Francestown	86	114
Goffstown	59	175
Greenfield	20	96

Hancock	12	158
Hillsborough	48	211
Hollis		
Hudson	21	101
Litchfield	56	4
Lyndeborough	47	61
Manchester Ward 1,		
"  "  2,	107	62
"  "  3,	137	54
"  "  4,	78	81
"  "  5,	184	111
"  "  6,	82	94
Merrimack	147	60
Milford	70	68
Mont Vernon	50	28
Nashua	649	11
Nashville	258	91
New Boston	116	13
New Ipswich	56	82
Pelham	28	60
Peterborough	149	97
Sharon	25	9
Weare	21	102
Wilton	100	50
Windsor	2	36
Mason	43	108
Temple	<u>59</u>	<u>26</u>
	3127	2751

## Cheshire County.

Alstead	68	161
Chesterfield	139	
Dublin	89	11
Fitzwilliam	100	4
Gilsum	75	38
Hinsdale	69	1
Jaffrey	57	52
Keene	105	20
Marlborough	59	53
Marlow	81	39
Nelson	47	45
Richmond	55	70
Rindge		
Roxbury	10	31
Stoddard	57	107
Surry	48	32
Swanzey	114	91
Troy	41	29

Walpole	244	49
Westmoreland	149	29
Winchester	153	14
Sullivan	<u>31</u>	<u>18</u>
	1791	894

## Sullivan County.

Acworth	81	97
Charlestown	20	34
Claremont	194	203
Cornish	88	96
Croydon	31	101
Goshen	14	114
Grantham	30	81
Langdon	35	55
Lempster	8	155
Newport	87	290
Plainfield	37	115
Springfield	18	168
Sunapee	54	69
Unity	24	145
Washington	<u>10</u>	<u>186</u>
	731	1919

## Grafton County.

Alexander	10	202
Benton	47	45
Bethlehem	49	73
Bridgewater	24	108
Bristol	35	113
Canaan	20	234
Campton	58	124
Danbury	32	137
Dorchester	36	58
Ellsworth		73
Enfield	42	199
Franconia	39	54
Grafton	16	202
Groton	22	92
Haverhill	74	187
Hanover	72	185
Hebron	38	65
Hill	6	149
Holderness	9	216
Landaff	71	104
Lebanon	77	106

Lisbon	156	51
Littleton	105	44
Lyman	67	44
Lyme	106	51
Orford	39	79
Piermont	58	67
Plymouth	33	194
Rumney	49	84
Thornton	65	70
Warren	28	104
Wentworth	103	66
Woodstock	24	48
Bath	103	46
Orange	16	57
Lincoln	8	5
Waterville	<u>7</u>	<u>      </u>
	1744	3736

## Coos County.

Bartlett	37	95
Berlin	21	5
Carroll	25	33
Colebrook	79	29
Columbia	31	56
Clarksville	16	24
Dalton	86	7
Erroll	20	13
Jackson	18	63
Jefferson	29	85
Lancaster	102	116
Stewartstown	97	22
Stratford	71	7
Shelburne	10	32
Stark	31	13
Whitefield	56	46
Dummer		4
Gorham	5	19
HartLocation		6
Milan	19	18
Northumberland	93	
Pittsburg	45	15
Randolph		20
Cambridge	<u>      </u>	<u>      </u>
	891	728

Question 15th. Do you approve of the other alterations and amendments, as made in the amended Constitution?

## Rockingham County.

	Affirmative	Negative
Atkinson	8	111
Auburn	16	104
Brentwood		
Candia	26	175
Chester	17	185
Danville		
Deerfield	24	249
Derry	28	224
East Kingston	19	68
Epping	59	126
Exeter	14	444
Greenland	23	43
Hampton	55	109
Hampton Falls	5	65
Hampstead	43	112
Kensington	20	62
Kingston	10	156
Londonderry	35	173
New Castle	10	
Newington	32	35
New Market	10	229
Newton	10	119
North Hampton	21	94
Northwood	10	184
Nottingham	15	110
Plaistow	30	114
Poplin	5	101
Portsmouth Ward 1,	312	12
"    "    2,	311	60
"    "    3,	260	25
Raymond	10	84
Rye	35	45
Salem	33	186
Sandown	12	95
Seabrook	4	114
South Hampton	28	54
South New Market	19	59
Stratham	8	101
Windham	1	95
Gosport	<u>12</u>	<u>        </u>
	1580	4622

## Strafford County.

Barrington	29	234
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Dover	40	748
Durham	9	143
Farmington	3	206
Lee	25	142
Madbury	3	76
Middleton		66
Milton	7	209
New Durham	2	179
Rochester	25	307
Rollinsford	18	73
Somersworth	37	423
Strafford	<u>4</u>	<u>393</u>
	202	3199

## Belknap County.

Alton	16	269
Barnstead	47	337
Centre Harbor	20	95
Gilmanton	38	520
Gilford	26	338
Meredith	61	476
New Hampton	15	237
Sanbornton	<u>65</u>	<u>439</u>
	288	2711

## Carroll County.

Albany		83
Brookfield		
Chatham	2	50
Conway	4	259
Eaton	15	234
Effingham		137
Freedom	39	93
Moultonborough	106	104
Ossipee	3	291
Sandwich		
Tamworth	19	263
Tuftonborough	37	148
Wakefield		213
Wolfborough	<u>4</u>	<u>368</u>
	229	2243

## Merrimack County.

Allenstown	10	59
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Andover	28	161
Boscawen	30	300
Bow	5	176
Bradford	32	128
Canterbury	12	145
Chichester	8	177
Concord	44	581
Dunbarton	30	124
Epsom	14	144
Franklin	79	112
Henniker	122	100
Hooksett	7	137
Hopkinton	25	304
Newbury	21	109
New London	44	118
Northfield	70	61
Pembroke	19	192
Pittsfield	31	224
Salisbury	54	161
Sutton	12	168
Warner	13	258
Wilmot	<u>21</u>	<u>169</u>
	731	4108

## Hillsborough County.

Amherst	60	120
Antrim	44	131
Bedford	66	183
Bennington	9	86
Brookline	43	49
Deering	150	29
Francetown	63	130
Goffstown	46	175
Greenfield	17	99
Hancock	8	161
Hillsborough	41	212
Hollis		
Hudson	12	102
Litchfield	37	33
Lyndeborough	39	65
Manchester Ward 1,		
"    " 2,	39	78
"    " 3,	66	76
"    " 4,	28	84
"    " 5,	74	125
"    " 6,	31	107
Merrimack	93	107
Milford	66	59

Mont Vernon	47	28
Nashua	654	7
Nashville	229	112
New Boston	101	21
New Ipswich	41	91
Pelham	18	62
Peterborough	117	105
Sharon	13	20
Weare	5	118
Wilton	62	74
Windsor	1	35
Mason	26	122
Temple	<u>37</u>	<u>38</u>
	2383	3044

## Cheshire County.

Alstead	36	172
Chesterfield	99	
Dublin	69	8
Fitzwilliam	61	
Gilsum	32	66
Hinsdale	49	14
Jaffrey	57	53
Keene	22	45
Marlborough	60	47
Marlow	75	38
Nelson	43	36
Richmond	49	73
Rindge		
Roxbury	11	29
Stoddard	43	113
Surry	27	35
Swanzey	100	100
Troy	22	46
Walpole	240	42
Westmoreland	128	38
Winchester	139	6
Sullivan	<u>25</u>	<u>16</u>
	1387	977

## Sullivan County.

Acworth	48	100
Charlestown	6	67
Claremont	180	207
Cornish	46	123
Croydon	18	108

Goshen	12	116
Grantham	20	88
Langdon	19	64
Lempster	6	156
Newport	59	322
Plainfield	23	124
Springfield	16	171
Sunapee	37	86
Unity	20	147
Washington	<u>9</u>	<u>185</u>
	519	2066

## Grafton County.

Alexander	8	203
Benton	44	48
Bethlehem	12	15
Bridgewater	23	109
Bristol	5	139
Canaan	9	245
Campton	39	140
Danbury	17	147
Dorchester	25	65
Ellsworth		73
Enfield	22	210
Franconia	14	79
Grafton	14	204
Groton	15	100
Haverhill	51	197
Hanover	61	182
Hebron	19	90
Hill	6	150
Holderness	7	217
Landaff	34	127
Lebanon	32	139
Lisbon	134	59
Littleton	68	64
Lyman	56	52
Lyme	85	55
Orford	26	87
Piermont	49	76
Plymouth	22	202
Rumney	49	90
Thornton	62	69
Warren	21	112
Wentworth	125	42
Woodstock	53	20
Bath	61	79
Orange	15	58

Lincoln	8	5
Waterville	<u>5</u>	<u>        </u>
	1296	4049

## Coos County.

Bartlett	33	103
Berlin	16	7
Carroll	5	46
Colebrook	71	37
Columbia	28	57
Clarksville	15	25
Dalton	84	7
Erroll	16	17
Jackson	18	62
Jefferson	28	86
Lancaster	90	115
Stewartstown	90	26
Stratford	73	5
Shelburne	8	34
Stark	27	13
Whitefield	29	63
Dummer		
Gorham	5	18
HartLocation		6
Milan	4	29
Northumberland	93	
Pittsburg	29	26
Randolph		20
Cambridge	<u>        </u>	<u>        </u>
	762	802

Aggregate of all the votes in the several counties in the State.

## Question 1st.

	Affirmative	Negative
Rockingham	2085	4020
Strafford	370	3044
Belknap	471	2584
Carroll	346	2139
Merrimack	1148	3635
Hillsborough	3763	2350
Cheshire	2183	777
Sullivan	912	1844
Grafton	1974	3474
Coos	<u>1204</u>	<u>475</u>
	14456	24342

## Question 2d.

## Affirmative Negative

Rockingham	588	5563
Strafford	98	3302
Belknap	251	2809
Carroll	284	2221
Merrimack	692	4184
Hillsborough	1260	4817
Cheshire	872	2219
Sullivan	461	2310
Grafton	1095	4434
Coos	<u>485</u>	<u>828</u>
	6410	32687

## Question 3d.

Rockingham	1347	4832
Strafford	162	3256
Belknap	353	2723
Carroll	265	2309
Merrimack	813	4077
Hillsborough	1797	4272
Cheshire	811	2206
Sullivan	478	2175
Grafton	1347	4153
Coos	<u>921</u>	<u>714</u>
	8294	30717

## Question 4th.

Rockingham	1864	4302
Strafford	375	3045
Belknap	348	2678
Carroll	254	2230
Merrimack	818	4068
Hillsborough	2873	2933
Cheshire	1584	1266
Sullivan	641	2143
Grafton	1475	3891
Coos	<u>870</u>	<u>736</u>
	11102	27332

## Question 5th.

Rockingham	634	5509
Strafford	162	3181

Belknap	337	2830
Carroll	217	2255
Merrimack	392	4535
Hillsborough	1500	4585
Cheshire	1040	1897
Sullivan	355	2421
Grafton	1152	4366
Coos	<u>493</u>	<u>1064</u>
	6282	32643

## Question 6th.

Rockingham	1863	4637
Strafford	512	2923
Belknap	460	2618
Carroll	256	2233
Merrimack	957	3940
Hillsborough	3181	2781
Cheshire	2049	884
Sullivan	768	1915
Grafton	1784	3722
Coos	<u>1017</u>	<u>637</u>
	12847	26290

## Question 7th.

Rockingham	1750	4376
Strafford	496	2940
Belknap	483	2554
Carroll	258	2223
Merrimack	1254	3681
Hillsborough	3494	2310
Cheshire	1942	985
Sullivan	850	1883
Grafton	2153	3560
Coos	<u>1191</u>	<u>453</u>
	13871	24965

## Question 8th.

	Affirmative	Negative
Rockingham	2042	3977
Strafford	725	2697
Belknap	440	2614
Carroll	285	2214
Merrimack	1095	3807
Hillsborough	3300	2506
Cheshire	2028	850
Sullivan	998	1868

Grafton	1746	3732
Coos	<u>916</u>	<u>706</u>
	13,575	24,971

## Question 9th.

Rockingham	1544	4594
Strafford	813	2618
Belknap	441	2601
Carroll	275	2224
Merrimack	959	3940
Hillsborough	3283	2531
Cheshire	1906	871
Sullivan	840	1840
Grafton	1835	3650
Coos	<u>985</u>	<u>618</u>
	12881	25487

## Question 10th.

Rockingham	1208	5024
Strafford	367	3072
Belknap	357	2687
Carroll	223	2270
Merrimack	806	4091
Hillsborough	2270	3555
Cheshire	1871	1171
Sullivan	625	2084
Grafton	1566	3940
Coos	<u>931</u>	<u>655</u>
	10,224	28,549

## Question 11th.

	Affirmative	Negative
Rockingham	1045	5207
Strafford	287	3142
Belknap	357	2716
Carroll	241	2250
Merrimack	589	4333
Hillsborough	2747	3050
Cheshire	1049	1801
Sullivan	343	2296
Grafton	1040	4419
Coos	<u>559</u>	<u>1034</u>
	8257	30,248

## Question 12th.

Rockingham	742	5423
Strafford	302	3119
Belknap	299	2750
Carroll	246	2239
Merrimack	514	4402
Hillsborough	2740	3169
Cheshire	898	1834
Sullivan	392	2294
Grafton	982	4490
Coos	<u>405</u>	<u>1212</u>
	7,520	30,932

## Question 13th.

Rockingham	1652	4400
Strafford	459	2970
Belknap	274	2772
Carroll	211	2292
Merrimack	480	4330
Hillsborough	2570	3227
Cheshire	1141	1874
Sullivan	420	2240
Grafton	941	4566
Coos	<u>376</u>	<u>1297</u>
	8524	29968

## Question 14th.

Rockingham	1928	4135
Strafford	451	3054
Belknap	312	2614
Carroll	284	2221
Merrimack	1036	3885
Hillsborough	3127	2751
Cheshire	1791	894
Sullivan	731	1919
Grafton	1744	3736
Coos	<u>891</u>	<u>728</u>
	2295	25937

## Question 15th.

Rockingham	1580	4622
Strafford	202	3199
Belknap	288	2711

Carroll	229	2243
Merrimack	731	4108
Hillsborough	2383	3044
Cheshire	1387	977
Sullivan	519	2066
Grafton	1296	4049
Coos	<u>762</u>	<u>802</u>
	9377	27821

On motion of Mr Plumer of Epping—

Resolved, That the report be entered at large upon the Journal.

Mr Woodbury of Portsmouth from the committee on the Judicial Department made the following

#### Report:

The committee on the Judiciary to whom were referred the two propositions for amending the constitution submitted by the member from Henniker and Dover ask leave to report. That they consider the object of the reference is to have their opinion on the best form of presenting the substance of these propositions and especially those parts in which they coincide in favor of farther action, on the test questions, and the mode of making future amendments to the constitution. Our views are not supposed to be derived on the propriety of the object of the resolution and the expediency of again bringing it to public consideration.

Because the convention has already with great unanimity considered the retention of these tests as now so ill timed and inexpedient about property and the protestant religion as to be improper and has considered an easier and more economical mode of amending the constitution highly desirable under the safeguards against too frequent changes.

In one of these propositions is an alteration of the Senate proposed which not having been yet sanctioned by the convention requires us no comment though it seems now to be in an appropriate form for consideration should it be deemed expedient to take any new matter into consideration for final action.

After a careful examination of the propositions on the other matters we recommend the form annexed to this report.

It seems to us combining most advantages and is composed in part from each of the propositions as it now stands with a new suggestion fixing the period when the first changes may be made on the recommendation of the legislature.

We have also introduced an addition in conformity with the views heretofore expressed by the Convention, which seems appropriate to strike out the word "Protestant" in the Bill of Rights.

The form of making these amendments by separate articles to be added to the old constitution as one of the propositions suggests has some advantages but would in this instance leave it disfigured by retaining in it the former obsolete and obnoxious provisions, which is not the case generally with amended articles, as in the Constitution of the United States— those articles being in most instances as new topics. We likewise obtain the benefit of the object of the amendment being plainly stated in an article by introducing such a statement before designating the sections or parts of sections to be expunged.

We have deemed it proper to leave the date blank, where these amendments are to be submitted again to the people, believing that it can be fixed better in the Convention after interchanging views as to which time might be most convenient and likely to ensure the fullest and fairest consideration.

Levi Woodbury, for the Committee

Amendments to the Constitution of New Hampshire recommended at an adjourned session, held the 16th and 17th days of April 1851 by the Convention appointed for that purpose.

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1. Resolved, That no belief in the doctrines of any particular religious sect shall be required as a test for holding office, or be entitled to any preference whatever under the constitution. And this amendment shall be effected by striking from it, in part 2d, Section 14th, the words "shall be of the Protestant religion;" and from section 29th the words "who is not of the protestant religion;" and from section 42d the words "and unless he shall be of the Protestant religion." and in the Bill of Rights (Art 6th) the word "Protestant."

2. Resolved, That no particular qualification by property shall be required for holding any office under the Constitution. And this amendment shall be effected by striking from it in Part 2d, Section 14th, the words "shall have an estate within the district which he may be chosen to represent of the value of one hundred pounds, one half of which to be a freehold, whereof he is seized in his own right;" and from section 29th the words "and seized of a freehold estate in his own right of the value of a hundred pounds lying within this State;" and Section 42d the words "and unless he shall at the same time have an estate of the value of five hundred pounds, one half of which shall consist of a freehold in his own right within this State."

3. Resolved, That a less expensive mode of amending clauses in the Constitution, with proper guards against too great frequency and haste, should be prescribed. And that this amendment be effected by striking out in 2d part the 99th and 100th sections and inserting these words:

"Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall then be entered on their respective journals, with, the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be duly published. And if, in the Legislature next afterwards to be chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house and the same be recorded on their journals, and the yeas and nays taken thereon as aforesaid, then it shall be the duty of of the legislature to submit such proposed amendment or amendments to the People: and if two-thirds of the qualified voters of this State present and voting thereon at meetings duly called and warned for that purpose, shall approve and ratify the same, then such, amendment or amendments shall become a part of the constitution: provided that no amendment or amendments shall be submitted to the people oftener than once in ten years, the Legislature to fix the first year for such purposes and the number afterwards to be computed from that: and if more than one amendment be submitted, they shall

be submitted in such manner and form that the people may vote for or against each amendment proposed to any and every provision of the Constitution separately.”

4. Resolved, That the mode of submitting and deciding on these amendments be as follows: They shall be laid before the qualified voters of this State at a Town Meeting to be holden, on due notice, in the several towns and places entitled to hold town meetings (blank) to be warned in the manner prescribed by law for the annual town meetings, and the sense of the qualified voters shall be taken on each of the above amendments, by ballot, or otherwise, as the voters in each town or place shall determine. And the State of the final vote on each amendment shall be recorded, and a copy thereof furnished to the Secretary of State, on or before the first Wednesday of June next ensuing the vote, under the penalties by law prescribed for neglect to return the voters for Governor. And the votes so returned shall be laid by the said Secretary before the Governor and Council forthwith after the first Wednesday of the June aforesaid. And the Governor and Council are requested to examine said votes thus returned, and if it appear that any or all of said amendments are adopted by the people as required by the Constitution, the Governor is requested to issue his proclamation declaring the same to the people of the State, and also communicate the same to the Legislature. The Secretary of State is hereby directed to transmit to the several towns and places aforesaid a copy of these resolutions and amendments requiring town meetings to be called as pointed out in these resolutions.

Mr Chamberlain of Keene moved that the further consideration of the report be indefinitely postponed.

Mr Wiggin of Dover moved that the motion to indefinitely postpone the further consideration of the report of the committee on the Judicial Department be laid upon the table.

On the question,

Will the Convention agree to the motion?

It was decided in the negative

And the motion to lay on the table was rejected.

The question recurred

Will the Convention indefinitely postpone the further consideration of the report?

Mr Smith of Henniker moved that the motion be laid upon the table and that he be permitted at this time to introduce a resolution.

On the question

Will the Convention agree to the motion?

It was decided in the negative

And the motion was rejected

The question recurred

Will the Convention indefinitely postpone the further consideration of the report?

On this question

Mr Wiggins of Dover demanded the yeas and nays which was sustained.

Mr Chamberlain by leave withdrew the motion to indefinitely postpone the further consideration of the report.

Mr Jenness of Strafford moved that the further consideration of the report be postponed to the first Wednesday of June next.

On this question

Mr Wiggins of Dover demanded the yeas and nays which was sustained.

Mr Plumer of Epping in the chair.

The President in the chair

The yeas and nays were called.

Those who voted in the affirmative, were Messrs.—

White of Chester	Dickerson
Gale	Walker of Bow
Marston	Langmaid
Kelley of Exeter	Rolfe
Hoyt of Exeter	Rowell
Lamprey	Whittemore
Batchelder of Kensington	Butters
Anderson	Clark of Pittsfield
Tarlton	Kelley of Warner
Hoit of Newton	Eaton
Clark of Northwood	French of Bedford
Bartlett of Nottingham	Sawtelle of Brookline
Bedee	Flanders of Goffstown
Sanborn of Seabrook	Farley
Wingate	Willoughby
Morrison of Windham	Center
Sawyer of Dover	Foster
Varney	Page of Manchester
Freeman of Dover	McGaw
Cushing	Parker of Nashua
Jenness	Sawyer of Nashua
Montgomery	Spalding
Clark of Barnstead	Noyes
Perkins of Gilmanton	Abbot
Morrison of Sanbornton	Atwood
Churchill	S. P. Steele
Eastman of Conway	Dearborn
Leavitt	Hamilton
Haley	Dudley
Whitton	Leonard
Haile	Quimby
Chamberlain	Crawford
Starkweather	Bartlett of Bristol
Converse	Howe
Kingman	Burnham of Enfield
Blanchard	Cass
Stevens of Charlestown	Kimball
Walker of Charlestown	Sartwell of Lebanon
Walker of Claremont	Gould of Littleton
Freeman of Claremont	White of Lancaster
Rossiter	Britton
Sleeper	Sawyer of Piermont

Smith of Lempster  
Freeman of Plainfield

Pitman

Those who voted in the negative, were Messrs.—

Greenough	Wiggins of Dover
Currier	Chesley
Griffin of Danville	Tuttle of Lee
Gregg	Hilton of Middleton
Perham	Wentworth of Rollinsford
Plumer	Coleman
Burleigh	Wells of Somersworth
Dodge	Bell
Page of Kingston	Robinson of Gilmanton
Perkins of New Market	Wadleigh
Woodbury of Portsmouth	Pease
Ayers of Portsmouth	Bean
N. Moses	Woodman
Bailey	Shaw
Colton	Tilton
Goodwin of South Hampton	Ham
Hilton of South New Market	Charles
Felker	Rice
Pierce of Dover	Moulton of Moultonborough
Carter	Clement
Wentworth of Sandwich	Johnson of Manchester
Smith of Sandwich	Read of Manchester
Perkins of Tamworth	Crosby of Manchester
Mordough	French of Manchester
Rust	Clarke of Manchester
Batchelder of Allentown	Putney of Manchester
Little	Weston
Smith of Boscawen	Chase of Milford
Jones of Bradford	Kendall
Sanborn of Canterbury	Cochran
Upham	Gould of New Ipswich
Barton	Wheeler
Minot	J. H. Steele
Shute	Nay
Eastman of Concord	Woodbury of Weare
Putney of Dunbarton	Barrett
Martin of Epsom	Sanborn of Windsor
Nesmith	Severance
Whitney	Brown of Fitzwilliam
Smith of Henniker	Symonds
Gault	Fisher
Clough of Hopkinton	Hardy
Burnham of Hopkinton	eed of Stoddard
Chase of Loudon	Holbrook
Morse of Newbury	Sawyer of Swanzey

Andrews	Whitcomb
Cate	Wright
Harvey	Lathrop
Cross	Hoskins
Flagg	Bennett
Goodale of Deering	Putnam
Hadley	Morse of Croydon
Richardson of Greenfield	Chase of Goshen
Patten	Chase of Langdon
Pierce of Hillsborough	Mudgett
Nettleton	Goodall of Lisbon
George	Moulton of Lyman
Smith of Unity	Cutting
Lang of Bath	Nelson
Whitcher	Holden
Pierce of Bethlehem	Gilman
Hoit of Bridgewater	Weeks of Warren
Wells of Canaan	Blodgett
Clough of Danbury	Gray
Youngman	Bedel
Goodhue	Boynton
Spooner	Tirrell
Davidson	Brewster of Dalton
Colburn	Thurston
Morse of Haverhill	Perkins of Jackson
Swasey	laisted
Richardson of Hanover	Smith of Stewartstown
Crosby of Hebron	Brown of Stratford
Johnson of Hill	Jackson
Cox	Fisk.
Clark of Landaff	

Yeas 87 nays 151.

So the motion was rejected

The question recurred

Will the Convention agree to the report of the committee on the Judicial Department?

Mr Bell of Gilford moved to amend the report by striking out after the word "effected" on the fourth page the words "by striking out in 2nd part the 99th and 100th sections and inserting these words," and inserting the words "by adding a new section to the constitution in the following words," instead thereof, and to fill the blank on the 5th page of the report with the words, "at the next annual meeting held for the choice of State and county officers,"

On the question

Will the Convention agree to the amendments?

It was decided in the affirmative

And the amendments were adopted.

The question recurred,

Will the Convention agree to the report of the committee on the Judicial De-

partment as amended?

On this question a division was called for.

The question being put,

Will the Convention agree to so much of the report of the committee on the Judicial Department as relates to the striking out of the constitution of this State so much as relates to the religious test.

It was decided in the affirmative

And the amendment was adopted

On the question

Will the Convention agree to so much of the report of the committee on the Judicial Department as relates to the striking out of the constitution of this State so much thereof as relates to the property qualification?

It was decided in the affirmative

And the amendment was adopted

On the question

Will the Convention agree to so much of the report of the committee on the Judicial Department as relates to the mode of making future amendments to the constitution of this State as amended?

It was decided in the affirmative

And the amendment as amended was adopted.

On the question

Will the Convention agree to the resolution reported from the committee on the Judicial Department relating to the mode of submitting the foregoing amendments to the people?

It was decided in the affirmative

And the resolution was adopted.

Ordered, That the report of the committee on the Judicial Department be referred to the committee on Revising Business to be engrossed.

Mr Putney of Manchester introduced the following resolution

Resolved, That the Secretary be directed at this time to call the roll of the members of this convention to ascertain the members present with a view to making up the Mileage and pay roll.

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was adopted

The roll was then called.

And the following gentlemen answered to their names.

Greenough

Currier

White of Chester

Griffin of Danville

Gale

Gregg

Perham

Plumer

Marston

Kelley of Exeter

Woodbury of Portsmouth

Ayers of Portsmouth

N. Moses

Scribner

Bailey

Colton

Sanborn of Seabrook

Goodwin of South Hampton

Hilton of South New Market

Wingate

Hoyt of Exeter	Morrison of Windham
Burleigh	Felker
Lamprey	Sawyer of Dover
Dodge	Pierce of Dover
Batchelder of Kensington	Varney
Page of Kingston	Freeman of Dover
Anderson	Wiggins of Dover
Tarlton	Chesley
Perkins of New Market	Tuttle of Lee
Hoit of Newton	Hilton of Middleton
Clark of Northwood	Mathes
Bartlett of Nottingham	Wentworth of Rollinsford
Bedee	Coleman
Cushing	Smith of Boscawen
Wells of Somersworth	Walker of Bow
Jenness	Jones of Bradford
Montgomery	Sanborn of Canterbury
Webster of Barnstead	Langmaid
Clark of Barnstead	Pierce of Concord
Bell	Upham
Robinson of Gilmanton	Barton
French of Gilmanton	Minot
Perkins of Gilmanton	Rolfe
Wadleigh	Shute
Pease	Eastman of Concord
Bean	Putney of Dunbarton
Woodman	Martin of Epsom
Shaw	Nesmith
Tilton	Whitney
Morrison of Sanbornton	Smith of Henniker
Ham	Gault
Churchill	Clough of Hopkinton
Charles	Burnham of Hopkinton
Eastman of Conway	Chase of Loudon
Perkins of Eaton	Rowell
Leavitt	Morse of Newbury
Rice	Andrews
Moulton of Moultonborough	Cate
Carter	Whittemore
Wentworth of Sandwich	Butters
Smith of Sandwich	Clark of Pittsfield
Perkins of Tamworth	Robinson of Salisbury
Haley	Harvey
Mordough	Kelley of Warner
Whitton	Eaton
Rust	Cross
Batchelder of Allenstown	French of Bedford
Dickerson	Flagg
Little	Sawtelle of Brookline
Goodale of Deering	Sanborn of Windsor

Flanders of Goffstown	Severance
Hadley	Hamilton
Richardson of Greenfield	Dudley
Patten	Leonard
Pierce of Hillsborough	Brown of Fitzwilliam
Farley	Haile
Willoughby	Chamberlain
Center	Starkweather
Clement	Batcheller of Marlborough
Johnson of Manchester	Symonds
Foster	Fisher
Read of Manchester	Converse
Crosby of Manchester	Hardy
French of Manchester	Reed of Stoddard
Clarke of Manchester	Holbrook
Putney of Manchester	Sawyer of Swanzey
Weston	Whitecomb
Page of Manchester	Wright
McGaw	Lathrop
Chase of Milford	Hoskins
Parker of Nashua	Bennett
Sawyer of Nashua	Kingman
Spalding	Blanchard
Noyes	Stevens of Charlestown
Abbot	Walker of Charlestown
Cochran	Walker of Claremont
Gould of New Ipswich	Freeman of Claremont
Wheeler	Rossiter
Atwood	Putnam
S. P. Steele	Morse of Croydon
J. H. Steele	Chase of Goshen
Nay	Sleeper
Dearborn	Chase of Langdon
Woodbury of Weare	Smith of Lempster
Barrett	Mudgett
Nettleton	Kimball
Freeman of Plainfield	Sartwell of Lebanon
Quimby	Goodall of Lisbon
George	Gould of Littleton
Smith of Unity	Moulton of Lyman
Crawford	Cutting
Lang of Bath	Britton
Whitcher	Sawyer of Piermont
Pierce of Bethlehem	Nelson
Hoit of Bridgewater	Holden
Bartlett of Bristol	Gilman
Wells of Canaan	Weeks of Warren
Howe	Blodgett
Clough of Danbury	Gray

Youngman	Pitman
Avery	Tuttle of Carroll
Goodhue	Bedel
Burnham of Enfield	Boynton
Spooner	Tirrell
Davidson	Brewster of Dalton
Colburn	Thurston
Morse of Haverhill	Perkins of Jackson
Swasey	Plaisted
Richardson of Hanover	White of Lancaster
Crosby of Hebron	Smith of Stewartstown
Johnson of Hill	Brown of Stratford
Cass	Jackson
Cox	Fisk.
Clark of Landaff	

On motion of Mr. Swasey of Haverhill—

Resolved, That the Secretary be directed to make up the pay roll of the members of the Convention including this day.

The President announced that the Secretary of the State had laid upon his table the returns of votes from the towns of Hollis, Danville, Brookfield, Brentwood, Rindge, Loudon and Ward No. one in the city of Manchester which had been returned since the report of the committee who were appointed to sort, count, cast and report to this convention the return of the votes of the people upon the amendments proposed to the Constitution of this State.

Ordered, That the Secretary be directed to enter said votes upon the Journal of the Convention

Said votes are as follows:

Manchester Ward 1st.

Question 1st. Yeas 122	Nays 70
" 2 " 6	" 196
" 3 " 8	" 194
" 4 " 128	" 73
" 5 " 15	" 181
" 6 " 127	" 72
" 7 " 60	" 83
" 8 " 56	" 86
" 9 " 123	" 75
" 10 " 25	" 125
" 11 " 130	" 69
" 12 " 128	" 68
" 13 " 69	" 75
" 14 " 131	" 66
" 15 " 32	" 83

## Rindge.

Question 1st. Yeas 27	Nays 91
" 2d " 2	" 120
" 3d " 4	" 116
" 4 <sup>th</sup> " 18	" 100
" 5th " 10	" 112
" 6th " 43	" 76
" 7th " 86	" 37
Question 8th Yeas 40	Nays 80
" 9th " 40	" 76
" 10th " 33	" 85
" 11th " 63	" 54
" 12 <sup>th</sup> " 60	" 52
" 13th " 15	" 105
" 14th " 12	" 99
" 15th " 10	" 97

## Brentwood.

Question 1st Yeas 12	Nays 156
" 2d " 4	" 164
" 3d " 5	" 162
" 4th " 9	" 156
" 5th " 6	" 162
" 6th " 11	" 156
" 7th " 7	" 158
" 8th " 11	" 150
" 9th " 34	" 133
" 10th " 7	" 160
" 11th " 9	" 156
" 12th " 10	" 154
" 13th " 3	" 165
" 14th " 12	" 154
" 15th " 4	" 160

## Brookfield.

Question 1st. Yeas 17	Nays 84
" 2d " 12	" 89
" 3d " 6	" 95
" 4th " 11	" 90
" 5th " 6	" 95
" 6th " 7	" 94
" 7th " 9	" 92
Question 8th Yeas 13	Nays 88
" 9th " 11	" 90
" 10th " 3	" 98

" 11th "	3	" 98
" 12th "	3	" 98
" 13th "	12	" 89
" 14th "	14	" 87
" 15th "	2	" 99.

## Hollis.

Question 1st. Yeas	63	Nays	84
" 2d "	53	"	92
" 3d "	34	"	79
" 4th "	46	"	38
" 5th "	21	"	90
" 6th "	37	"	83
" 7th "	70	"	63
" 8th "	106	"	3
" 9th "	130	"	6
" 10th "	4	"	127
" 11th "	2	"	129
" 12th "		"	133
" 13th "	54	"	75
" 14th "	32	"	71
" 15th "	1	"	111

## Danville.

Question 1st Yeas	25	Nays	79
" 2d "	16	"	89
" 3d "	23	"	82
" 4th "	23	"	82
" 5th "	18	"	87
" 6th "	23	"	82
" 7th "	26	"	79
Question 8th Yeas	23	Nays	82
" 9th "	21	"	84
" 10th "	20	"	84
" 11th "	19	"	84
" 12th "	18	"	84
" 13th "	17	"	86
" 14th "	24	"	81
" 15th "	22	"	83

## Loudon.

Question 1st. Yeas	16	Nays	213
" 2d "	10	"	217
" 3d "	11	"	218
" 4th "	8	"	217

" 5th "	5	" 222
" 6th "	4	" 214
" 7th "	18	" 210
" 8th "	12	" 215
" 9th "	13	" 214
" 10th "	12	" 216
" 11th "	13	" 217
" 12th "	6	" 220
" 13th "	13	" 225
" 14th "	14	" 217
" 15th "	10	" 220

The President announced that he had received a communication from the President of the United States acknowledging the receipt of sundry resolutions which had been passed by this Convention and a copy of which he had forwarded to the President of the United States by their order.

Which was read

On motion of Mr J. H. Steele of Peterborough—

Resolved, That the Secretary be directed to enter upon the journal the communication from the President of the United [States] as a part of the proceedings of this Convention

On motion of Mr Chamberlain of Keene—

Resolved, That the Secretary be directed to make a full and fair copy of his Journal of the proceedings of this Convention to be properly certified by the Officers of the Convention and that the same be filed in the office of the Secretary of State.

Mr Shaw moved that the convention resume the consideration of the preamble and resolution relating to the Senate and House of Representatives.

On the question

Will the Convention agree to the motion?

It was decided in the negative.

And the motion was rejected

On motion of Mr Bell of Gilford—

The Convention adjourned.

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Afternoon.

Mr Smith of Henniker, by leave, presented the account of Thomas J. Whipple for postage and of Ira R. Philbrick and David Harris as doorkeepers.

Mr Smith of Henniker introduced the following resolution:

[vacuitas]

On the question

Will the Convention agree to the resolution?

It was decided in the affirmative

And the resolution was agreed to.

Mr Bell of Gilford from the committee on Revising Business reported that they had examined and found correctly engrossed the resolutions reported from the committee on the Judicial Department as amended.

On motion—

Resolved, That the same be signed by the President and countersigned by the Secretary and deposited in the office of the Secretary of State.

On motion of Mr Woodbury of Portsmouth—

The Convention adjourned.

The President then announced that this Convention stood adjourned without day.

Franklin Pierce

President of the Convention to Revise the  
Constitution of the State of New Hampshire

Thom Whipple

Secretary of the Convention

A true copy

Attest, Thom Whipple Secretary of the Convention.

# Appendix.

## The Amended Constitution of the State of New Hampshire.

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### Bill of Rights.

Article 1. All men are born equally free and independent; therefore, all government of right originates with the People, is founded in consent, and instituted for the general good.

2. All men have certain natural, essential, and inherent rights among which are the enjoying and defending life and liberty, the acquiring, possessing and protecting property, and, in a word, the seeking and obtaining happiness.

3. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to insure the protection of others, and without such an equivalent the surrender is void.

4. Among the natural rights, some are in their very nature inalienable, because no equivalent can be given or received for them; of this kind are the rights of conscience.

5. Every individual has a natural and inalienable right to worship God according to the dictates of his own conscience and reason, and no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious professions, sentiments or persuasion, provided he does not disturb the public peace, or disturb others in their religious worship.

6. As morality and piety, rightly grounded on the principles of the Bible, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection and as the knowledge of these is most likely to be propagated through society by the institution of the public worship of the Deity, and of public instruction in morality and religion, therefore to promote those important purposes, the People of this State have the right to empower, and do hereby fully empower, the several religious societies which may at any time exist within this State, to make adequate provision, at their own expense, for the support and maintenance of public teachers of piety, religion and morality; provided, that such religious societies shall at all times have the exclusive right of electing their own public teachers and of contracting with them for their support and maintenance; and no person of any one particular religious sect or denomination, shall ever be compelled to pay towards the support of the teacher, or teachers, of another persuasion, sect or denomination; and every religious denomination, demeaning themselves quietly, and as good subjects of the State, shall be quietly under the pro-

tection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

7. The People of this State have the sole and exclusive right of governing themselves as a free, sovereign and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the government of the United States.

8. All power residing originally in, and being derived from, the People, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

9. No office or place whatsoever in government shall be hereditary, the requisite ability and integrity not being transmitted to posterity or relations.

10. Government being instituted for the common benefit, protection and security of the whole community, and not for the private interest or emolument of any one man, family or class of men, therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought to, reform the old or establish a new government. The doctrine of non-resistance to arbitrary power and oppression, is absurd, slavish and destructive of the good and happiness of mankind.

11. All elections ought to be free, and every inhabitant of the State, having the proper qualifications has an equal right to elect and be elected into office.

12. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property. He is therefore bound to contribute his share of the expense of said protection and to yield his personal service when necessary, or an equivalent. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent or the authority of law. Nor are the inhabitants of this State controlable by any other laws than those enacted in conformity to this Constitution and that of the United States.

13. No person who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent.

14. Every subject of this State is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property or character, to obtain right and justice freely, without being obliged to purchase it, completely and without any denial, promptly and without any delay, conformably to the laws.

15. No subject shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself; to meet the witnesses against him face to face, and to be fully heard in his defence by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers or the law of the land.

16. No subject shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the Legislature make any law that shall subject any person to a capital punishment (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

17. In criminal prosecutions, the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty and estate of the citizen, that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the Judges of the Supreme Court that an impartial trial cannot be had in the county where the offence may be committed, and they shall direct the same to be had in the nearest county in which an impartial trial can be obtained.

18. All penalties ought to be proportioned to the nature of the offence. No wise Legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offences, the People are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reason a multitude of sanguinary laws is both impolitic and unjust, the true design of all punishment being to reform, not to exterminate mankind.

19. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued but in cases and with the formalities prescribed by law.

20. In all controversies concerning property, and in all suits between two or more persons, except in cases otherwise provided for in the Constitution or laws made in pursuance thereof by the Legislature, the parties have a right to trial by a jury, but the court shall try the facts as well as the law in cases where the parties agree.

21. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great [care] ought to be taken that none but qualified persons should be appointed to serve, and such ought to be fully compensated for their travel, time and attendance.

22. The liberty of the press is essential to the security of freedom in a State; it ought therefore, to be inviolably preserved.

23. Retrospective laws are highly injurious, oppressive and unjust. No such laws, therefore should be made, either for the decision of civil causes or the punishment of offences.

24. A well regulated militia is the proper, natural and sure defence of a State.

25. Standing armies are dangerous to liberty and ought not to be raised or kept up without the consent of the Legislature.

26. In all cases, and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

27. No soldier in time of peace, shall be quartered in any house without the consent of the owner; and in time of war, such quarters ought to be made only by the civil magistrate, in a manner ordained by the Legislature.

28. No subsidy, charge, tax, impost or duty shall be established[,] fixed, laid or levied, under any pretext whatsoever, without the consent of the People, or their

representatives in the Legislature, or authority derived from that body.

29. The power of suspending the laws, or the execution of them, ought never to be exercised but by the Legislature, or by authority derived therefrom, to be exercised in such particular cases only as the Legislature shall expressly provide for.

30. The freedom of deliberation, speech and debate, in either house of the Legislature, is so essential to the rights of the People, that its exercise cannot be the foundation of any action, complaint or prosecution against any member thereof in any other court or place whatsoever.

31. The Legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require

32. The people have a right, in an orderly and peaceable manner to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

33. No magistrate, or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

34. No person can in any case be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service.

35. Arrest or imprisonment on mesne or final process, founded on contract, shall not be allowed, unless the creditor, or his agent, shall previously make oath or affirmation of his belief that the debtor has fraudulently concealed or conveyed his property to place it beyond the reach of his creditors, or is about to leave the State to avoid the payment of his debts.

36. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.

37. Economy being a most essential virtue in all States, no pension shall be granted but in consideration of actual services: and such pensions ought to be granted with great caution by the Legislature, and never for more than two years at a time.

38. In the government of this State, the three essential powers thereof to wit: the legislative, executive and judicial, ought to be kept as separate from and independent of each other as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the Constitution in one indissoluble bond of union and amity.

39. A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence, to justice, moderation, temperance industry, frugality and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government. The People ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

40. Knowledge and learning generally diffused through a community being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country, being highly

conducive to promote this end, it shall be the duty of the Legislature and magistrates, in all future periods of this government, to cherish the interests of Literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and all social affections and generous sentiments among the People.

41. Perpetuities are contrary to the genius of a free government, and shall never be allowed; and the Legislature shall possess the power at all times to alter, amend or repeal any legislative act conferring corporate powers, franchises or privileges, as the public good shall be deemed to demand.

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Part Second.

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Form of Government.

1. The People, inhabiting the territory, formerly called the Province of New Hampshire, do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign and independent body politic, or State, by the name of the State of New Hampshire.

Legislature.

2. The supreme legislative power, within this State, shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other.

3. The Senate and House shall assemble once in two years, on the first Wednesday of June next following their election, and at such other times as they may judge necessary; and shall dissolve and be dissolved seven days next preceding the first Wednesday of June two years after; and shall be styled the "Legislature of New Hampshire."

4. The Legislature shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be holden in the name of the State, for the hearing, trying and determining all manner of crimes, offences, pleas, processes, complaints, actions, causes, matters, and things whatsoever, arising or happening within this State, or between or concerning persons inhabiting, or residing or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and issuing execution thereon; to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

5. And further, full power and authority are hereby given and granted to the

said Legislature from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions and instructions, either with penalties or without so as the same be not repugnant or contrary to this Constitution, or the Constitution of the United States, as they may judge for the benefit and welfare of this State, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defence of the government thereof; to provide for the enrolling, organizing and disciplining the Militia, in such manner as they may deem expedient, not repugnant to the constitution and Laws of the United States; and to name and settle, or provide by fixed laws for the naming and settling all civil officers within this State, such officers excepted, the election and appointment of whom are, hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits of the several civil and military officers of this State, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and also to impose fines, mulcts, imprisonments and other punishments; and to impose and levy proportional and reasonable assessments, rates and taxes upon all the inhabitants of, and residents within, the said State, and upon all estates within the same; to be issued and disposed of by warrant under the hand of the Governor of this State, for the time being, for the public service, in the necessary defence and support of the government of this State, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same.

6. And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has been heretofore practiced, in order that such assessments may be made with equality, there shall be a valuation of the estates, within the State, taken anew once in every five years at least, and as much oftener as the Legislature shall order.

7. No member of the Legislature shall take fees, be of counsel, or act as advocate in any cause before either branch of the same; and upon due proof thereof such member shall forfeit his seat in the Legislature.

8. The doors of the galleries of each house of the Legislature shall be kept open to all persons, who behave decently, except when the welfare of the State, in the opinion of either branch, shall require secrecy.

9. All elections by the Legislature, or by either branch thereof, shall be viva voce.

10. All elections by the people shall be determined by a plurality of votes.

11. The Legislature shall have no power, unless by a vote of two thirds of the members elected to either branch thereof, to borrow money or otherwise involve the State in debt, to an amount exceeding one hundred thousand dollars, except in case of war, invasion or insurrection.

12. No town, or incorporated place, shall have the right, either directly or indirectly, to suffer their credit to be used for the special benefit of any corporation, nor to raise money for the purpose of loaning the same to any corporation, nor for taking stock therein.

13. The Legislature shall never authorize any lottery, but shall prohibit, under proper penalties, the sale of lottery tickets within this State.

## House of Representatives.

14. There shall be in the Legislature of this State a representation of the People elected once in two years and founded upon principles of equality; and in order that such representation may be as equal as circumstances will admit, every town or place entitled to town privileges, having one hundred and seventy five ratable polls of twenty one years of age and upwards, who shall have resided in this State six months or more immediately preceding the election, paupers and foreigners not naturalized excepted, may elect one representative; if seven hundred and fifty ratable polls, may elect two representatives; if fifteen hundred and fifty ratable polls may elect three representatives; if twenty five hundred and fifty ratable polls, may elect four representatives; and so proceeding, making one thousand such ratable polls the mean increasing number for every additional representative after the third. Such towns or places as have less than one hundred and seventy five ratable polls may elect a representative such proportion of the time as the number of their ratable polls shall bear to one hundred and seventy five; provided that such towns and places as shall not have one hundred and seventy five ratable polls, and shall be conveniently located for that object, may, on application to the Legislature, be classed for the choice of a representative, such classed towns not to contain less than one hundred and seventy five ratable polls in each representative district so formed; and provided, further, that all towns, cities or places, which now are, or hereafter may be, divided into sections or wards for the choice of representatives, shall, for the purpose of apportioning the number of representatives to the number of ratable polls be considered as undivided; and provided, further, that such towns and places as have less than one hundred and seventy five ratable polls, and are entitled to representation a portion of the time under this Constitution, shall have the right to elect a representative at the first election under this Constitution, as a part of that portion, and that the Legislature may prescribe the manner, in which their rights of election, as to their proportional time, shall be determined; leaving to said towns, or places as far as consistent with this Constitution, the selection of the years when they will exercise their rights.

15. The members of the House of Representatives shall be chosen biennially, in the month of March, and shall be the second branch of the Legislature.

16. All persons, qualified to vote in the election of Senators, shall be entitled to vote, within the district where they dwell, in the choice of Representatives.

17. Every member of the House of Representatives shall be chosen by ballot and for two years, at least, next preceding his election, shall have been an inhabitant of the State, shall be, at the time of his election, an inhabitant of the town or place he may be chosen to represent, and shall cease to represent such town, or place, immediately on his ceasing to be an inhabitant thereof.

18. The members of both houses of the Legislature shall be compensated for their services out of the treasury of the State, by a law made for that purpose, such members attending seasonably and not departing without license.

19. All intermediate vacancies in the House of Representatives may be filled up, from time to time, in the same manner as biennial elections are made.

20. The House of Representatives shall be the grand inquest of the State; and all impeachments made by them shall be heard and tried by the Senate.

21. All money bills shall originate in the House of Representatives; but the

Senate may propose or concur with amendments, as on other bills.

22. The House of Representatives shall have power to adjourn themselves, but no longer than two days at a time.

23. A majority of the members of the House of Representatives shall be a quorum for doing business; but when less than two thirds of the Representatives elected shall be present, the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

24. No member of the House of Representatives or Senate, shall be arrested, or held to bail, on mesne process, during his going to, returning from, or attendance upon, the Legislature.

25. The House of Representatives shall choose their own Speaker, appoint their own officers, and settle the rules of proceeding in their own house; and shall be judges of the returns, elections and qualifications of their members, as pointed out in this Constitution. They shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the House, in its presence, by any disorderly and contemptuous behavior, or by threatening or illtreating any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the House; in assaulting any witness, or other person, ordered to attend, by, and during his attendance of, the House; or in rescuing any person arrested by order of the House, knowing him to be such.

26. The Senate shall have the same powers in like cases; provided that no imprisonment by either, for any offence, shall exceed ten days.

27. The journals of the proceedings, and all public acts of both houses of the Legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by ten members of the House of Representatives, or by two members of the Senate, the yeas and nays upon any question shall be entered on the journal; and any member of the Senate, or House of Representatives, shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve or bill passed, entered on the journal.

#### Senate.

28. The Senate shall consist of thirty members, who shall hold their office for two years from the first Wednesday of June next following their election.

29. And that the State may be equally represented in the Senate, the Legislature shall, from time to time, divide the State into fifteen districts, in each of which two Senators shall be elected, and make known to the inhabitants of the State the limits of such districts. Each of these senatorial districts shall be formed of contiguous territory, of compact and convenient form, and of ratable polls as nearly equal as may be without dividing towns or cities. Changes in the senatorial districts may be made by the Legislature, for the purpose of rendering the number of ratable polls more equal, not oftener than once in six years.

30. The inhabitants of each district, qualified as in this Constitution is provided, shall biennially give in their votes for Senators, at some meeting holden in the month of March.

31. The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner; every male inhabitant of each town, ward and place, with town privileges, and places unincorporated, in this State, of twenty one years of age and upwards, excepting paupers and foreigners not naturalized, shall have a right, at the meetings of the inhabitants of said towns, wards and places, to be duly warned and holden biennially forever in the month of March, to vote in the town, ward or place wherein he dwells, for Senators in the district whereof he is a member.

32. Provided, nevertheless, that no person shall be capable of being elected a Senator, within this State, who is not of the age of thirty years, and who shall not have been an inhabitant of this State for seven years immediately preceding his election; and at the time thereof he shall be an inhabitant of the district for which he shall be chosen, and shall cease to be a Senator when he ceases to be an inhabitant of the district.

33. And every person qualified as this Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in the town, ward or place where he dwells and has his home.

34. And the inhabitants of places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privileges of voting for Senators in the places wherein they reside, as the inhabitants of the respective towns and places aforesaid have. And the meetings of such places, for that purpose, shall be holden biennially in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors and collecting and returning the votes, as the selectmen and town clerks have in their several towns by this Constitution.

35. The meetings for the choice of Governor, Lieutenant Governor, Senators and other officers required to be elected by this Constitution shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen, whose duty it shall be to attend, in open meeting, receive the votes, of all the inhabitants of such towns, wards and places, present, and qualified to vote for Senators; and shall in said meetings, in the presence of the said selectmen and of the town clerk, sort and count the said votes and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person; and the town clerk shall make a fair record of the same at large in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof; and the said town clerk shall cause such attested copy to be delivered to the Secretary of the State, at least thirty days before the first Wednesday of June next following; provided, that the Legislature may authorize, by a general law, all such towns, having more than seven hundred and fifty ratable polls, as may adopt the same, to receive votes at town meetings in such other manner as the Legislature may prescribe.

36. And that there may be a due meeting of Senators on the first Wednesday of June biennially, the Governor and the Secretary of the State shall, as soon as may be, examine the returned copies of such records; and fourteen days before said first Wednesday of June, the Governor shall issue his summons to such persons as ap-

pear to be chosen Senators to attend and take their seats on that day.

37. And in case there shall not appear to be two Senators elected for any district, the deficiency shall be supplied in the following manner, viz: the members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of the two persons, neither of whom are elected, having the highest number of votes in said district, if there is one Senator wanted for said district, and if two Senators are wanted for said district, the names of the four persons having the highest number of votes in said district, and out of them shall elect, by joint vote, the Senator or Senators wanted for such district. And in this manner all such vacancies shall be filled in every district of the State; and in like manner all vacancies in the Senate arising by death, removal out of the district, or otherwise, shall be supplied as soon as may be after such vacancies happen.

38. The Senate shall be final judges of the elections, returns and qualifications of their own members, as pointed out in this Constitution

39. The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time; provided, nevertheless, that whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the Legislature be not assembled on such day, or at such place.

40. The Senate may appoint a President pro tempore and other officers, and determine their own rules of proceeding; and not less than twenty members of the Senate shall make a quorum for doing business; and when not more than twenty two Senators shall be present, the assent of fifteen, at least, shall be necessary to render their acts and proceedings valid.

41. The Senate shall be a court with full power and authority to hear, try and determine all impeachments made by the House of Representatives against any officer or officers of the State, for bribery, corruption, mal-practice or mal-administration in office; with full power to issue summons, or compulsory process, for convening witnesses before them; but previous to the trial of any such impeachment, the members of the Senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer impeached for bribery, corruption, mal-practice or mal-administration in office shall be served with an attested copy of the impeachment and order of the Senate thereon, with such citation as the Senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the Sheriff, or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the Senate may proceed in the hearing of the impeachment giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence by himself and counsel; and may, also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his nonappearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

42. Their judgment however, shall not extend further than removal from office and disqualification to hold or enjoy any place of honor, trust or profit under this State; but the party so convicted shall, nevertheless, be liable to indictment, trial, judgment and punishment according to the laws of the land.

43. Whenever the Governor or Lieutenant Governor shall be impeached the

Chief Justice of the Supreme Court shall, during the trial, preside in the Senate, but have no vote therein.

#### Executive Power—Governor.

44. There shall be a supreme executive magistrate, who shall be styled Governor of the State of New Hampshire: and whose title shall be His Excellency.

45. There shall also be a Lieutenant Governor of the State, whose title shall be His Honor; and whose duty it shall be to preside in the Senate; but he shall have no vote therein, except in case of an equal division.

46. The Governor and Lieutenant Governor shall be chosen biennially in the month of March; and the votes of these officers shall be received, sorted, counted, certified and returned, in the same manner as the votes for Senators; and the Secretary shall lay the same before the Senate and House of Representatives on the first Wednesday of June biennially, to be by them examined; and in case of an election by a plurality of votes through the State, the choice shall be by them declared and published. And the qualifications of electors of Governor and Lieutenant Governor shall be the same as those of Senators. But should it ever so happen that there shall be no choice of Governor or Lieutenant Governor by a plurality of votes by reason of two or more persons voted for, for the same office, having an equal number of votes, then the Senate and House of Representatives shall by joint vote elect one of the two or more persons having the highest number of votes for said offices respectively; and shall declare him Governor or Lieutenant Governor as the case may be. And no person shall be eligible to either of these offices, unless at the time of his election he shall be of the age of thirty years, and shall have been an inhabitant of this State for seven years next preceding.

47. In cases of disagreement between the two Houses with regard to the time or place of adjournment or prorogation, the Governor shall have a right to adjourn or prorogue the Legislature not exceeding ninety days at any one time, as he may determine the public good may require. And he shall dissolve the same seven days before the first Wednesday of June biennially. And in case of any infectious distemper prevailing in the place where the said Legislature at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other, the most convenient, place within the State.

48. Every bill which shall have passed both branches of the Legislature shall, before it become a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections, to that house in which it shall have originated; who shall enter the objections at large on the journal and proceed to reconsider it. If after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered and, if approved by two thirds of that house, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had

signed it, unless the Legislature by their adjournment prevent its return, in which case it shall not become a law.

49. Every resolve shall be presented to the Governor, and, before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by the Senate and House of Representatives according to the rules and limitations prescribed in the case of a bill.

50. All officers, whose election or appointment is not otherwise provided for, shall be nominated by the Governor and confirmed by a majority of the Senate; and every such nomination shall be made at least three days prior to such confirmation. The nomination shall be in writing, signed by the Governor, and the confirmation or rejection shall be signed by the presiding officer of the Senate.

51. Whenever the office of Governor shall become vacant by reason of his death, absence from the State, or otherwise, the Lieutenant Governor shall, during such vacancy, have and exercise all the powers and authorities with which the Governor, by this Constitution is vested, when personally present; and in case the office shall become vacant by reason of the death of the Lieutenant Governor, or other cause, the President pro tempore of the Senate shall, during such vacancy, have and exercise the same powers and authorities; but when the Lieutenant Governor, or President pro tempore of the Senate, shall exercise the office of Governor, he shall not preside in the Senate.

52. The Governor shall have full power and authority in recess of the Legislature, to prorogue the same from time to time, not exceeding ninety days in any one recess, and during the sessions of said Legislature to adjourn or prorogue it to any time the two houses may desire, and to call it together sooner than the time to which it may be adjourned, or prorogued, if the welfare of the State should require the same.

53. The Governor of this State, for the time being, shall be commander-in-chief of the army and navy, and all the military forces of the State, by sea and land; and shall have full power, by himself or by any chief commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; to call forth the militia and to put in warlike posture the inhabitants of the State; to execute the laws of the State and of the United States; to suppress insurrection and repel invasion; and, in fine, the Governor is hereby entrusted with all other powers incident to the office of capital general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the Constitution and the laws of the land; Provided that the Governor shall not at any time hereafter by virtue of any power by this Constitution granted or hereafter to be granted to him by the Legislature, transport any of the inhabitants of this State, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the Legislature, nor grant any commissions for exercising the law martial in any case, without the advice and consent of the Senate.

54. No officer duly commissioned to command in the militia, shall be removed from his office but by the address of both houses to the Governor, or by fair trial in court martial, pursuant to the laws of this State for the time being.

55. The major generals, brigadier generals and commanding officers of regiments, shall appoint the staff officers of the divisions, brigades and regiments respectively; and captains and subalterns their non-commissioned officers.

56. The companies, regiments, brigades and divisions, made in pursuance of

the militia laws now in force, shall be considered as the proper division of the militia of this State until the same shall be altered by some future law.

57. The power of pardoning offences, except such as persons may be convicted of before the Senate, by impeachment of the House, shall be in the Governor; but no charter of pardon, granted by the Governor before conviction, shall avail the parties pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

58. No moneys shall be issued out of the treasury of this State and disposed of, (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or the payment of interest arising thereon,) but by warrant under the hand of the Governor for the time being, for the necessary support and defence of this State, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the Legislature.

59. All public boards, the commissary general, all superintending officers of public magazines and stores, belonging to this State, and all commanding officers of forts and garrisons within the same, shall annually, on the first Wednesday of June, officially, and without requisition, and at other times, when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages and all small arms with their accoutrements, and all other public property under their care respectively; distinguishing the quantity and kind of each as particularly as may be, together with the condition of such forts and garrisons; and the commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors adjacent.

60. The Governor and Lieutenant Governor shall be compensated for their services from time to time by such grants as the Legislature shall think reasonable.

61. Permanent and honorable salaries shall be established by law for the Justices of the Supreme Court.

62. And whereas the elections appointed to be made by this Constitution on the first Wednesday of June biennially, by the two houses of the Legislature, may not be completed on that day, the said elections may be adjourned, from day to day, until the same be completed. And the order of elections shall be as follows: The vacancies in the Senate, if any, shall be first filled up, the Governor and Lieutenant Governor shall then be elected, provided there should be no choice of those officers by the people.

#### Secretary and Treasurer.

63. The Secretary of the State and State Treasurer shall be elected by the people in the same manner, and for the same term, as is provided for the election of Governor.

64. The records of the State shall be kept in the office of the Secretary; and he shall attend the Governor, the Senate and Representatives, in person or by Deputy, as they may require.

65. The Secretary of the State shall at all times have a Deputy, to be by him appointed, for whose conduct in office he shall be responsible; and in case of the death, removal or inability of the Secretary, his Deputy shall exercise all the duties of the office of Secretary of this State, until another shall be appointed.

66. The Secretary before he enters upon the business of his office shall give bond with sufficient sureties, in a reasonable sum, for the use of the State, for the punctual performance of his trust.

County Treasurer. &c.

67. The County Treasurers and Registers of Deeds shall be elected by the inhabitants of the several towns, in the several counties of the State, according to the method provided in this Constitution and the laws of the State.

68. The Legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary, each district to elect a Register of Deeds; and before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

Judiciary Power.

69. All judicial and other officers shall be duly commissioned and sworn; and the tenure they shall have by law in their offices shall be expressed in their respective commissions.

70. Each branch of the Legislature, and the Governor shall have authority to require the opinion of the Attorney General upon important questions of law, and upon solemn occasions.

71. All causes of marriage, divorce and alimony, and all appeals from the respective Judges of Probate, shall be heard and tried by the Supreme Court, until the Legislature shall by law make other provision; and the Legislature shall have power to authorize the trial by jury of all cases in equity, under such rules and regulations as they may from time to time, ordain or establish.

72. There shall be chosen in each town not less than two nor more than three Trial Justices, who shall have exclusive original jurisdiction in all civil causes where the amount in controversy shall not exceed fifty dollars, unless cases where the title to real estate is concerned the Legislature shall otherwise provide; and the Legislature is authorized to extend the jurisdiction of such Justices to such further amount not exceeding one hundred dollars in all, as they shall deem expedient; and in any cause pending before any Trial Justice, either party shall have the right to a trial by a jury, which shall consist of not more than six in number. In all cases where the amount in controversy shall exceed the sum of twenty dollars, either party shall have the right of appeal; but in all cases where a less amount shall be in controversy, the decision shall be final, both as to the law and the facts, subject only to such right of review as the Legislature may prescribe. And in all cases of appeal, the Legislature may provide that the party who appeals shall give security for the costs that may be recovered against him, and for the payment of double costs by such party in all cases in which the decision shall not be changed upon appeal.

73. No Judge of any court, or Trial Justice, shall act as attorney or be of counsel to any party, or originate any civil suit, in matters which shall come or be brought before him.

74. Jurisdiction of matters relating to the probate of wills, and granting letters of administration, shall be exercised by the Judges of Probate in such manner as the Legislature have directed, or may hereafter direct; and the Judges of Probate shall hold their courts at such place or places, and on such fixed days, as the convenience of the People may require, and the Legislature from time to time appoint.

75. No Judge or Register of Probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of Probate in the county of which he is Judge or Register.

#### Appointment of Public Officers and Tenure of Office.

76. Judges of the Supreme Court, and other Judges having jurisdiction throughout the State, the Attorney General and Railroad Commissioners, shall be chosen, by ballot, by a plurality of the qualified voters throughout the State, and shall hold their offices for six years; provided, however, that the Legislature, in order that the Judges of the Supreme Court and the Railroad Commissioners may not all vacate their offices at the same time, may provide that those who may be first elected under this Constitution, may hold their offices for different and shorter periods.

77. County Judges, Judges of Probate, Registers of Probate, Sheriffs and county Solicitors shall be chosen by a plurality of the qualified voters in the several counties, and shall hold their offices for four years.

78. Police Magistrates shall be elected by the voters of cities for four years; and Trial Justices by the voters of towns for two years.

79. Officers of the Militia shall be elected, or appointed, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

80. Commissioners in other States, Bank Commissioners, Notaries Public, Justices of the Peace, Justices of the Quorum, Justices of the Peace throughout the State, Commissary and other officers whose mode of appointment shall not be otherwise provided for in this Constitution, or by the Legislature, shall be appointed by the Governor with the consent of the Senate, and their duties and term of office, shall be defined by the Legislature.

81. The Superintendent of the Asylum for the Insane shall be appointed by the Trustees of that institution, and removable at their pleasure.

82. The Warden of the State Prison shall be appointed by the Governor with the consent of the Senate; and two Commissioners shall be appointed in the same manner, who, together with the Governor, shall constitute a board of Supervisors of the State Prison. And the Warden shall be removable at the pleasure of said board. The duties of said board shall be prescribed by the Legislature.

83. The Judges of the Courts, those of Probate excepted, shall appoint their respective clerks, to hold their offices during pleasure; and no such Clerk shall act as an attorney, or be of counsel in any cause in the Court of which he is Clerk, nor shall he draw any writ originating a civil action.

84. Officers shall be chosen, or appointed, to supply vacancies occurring in any public office, in the same manner in which the same was originally filled; but the Governor shall appoint in the case of vacancies occurring in the offices in which, according to the foregoing provisions, the election or appointment is to be

made for the State at large, and also in the case of vacancies in the office of County Judges.

85. The Judges of Probate, in the several counties, shall fill vacancies in the office of Registers of Probate.

86. The County Judges, or, in case there shall at the time be no such Judges, the Governor, shall fill vacancies occurring in county offices.

87. The officers appointed to fill vacancies, in all the foregoing cases, shall hold their offices only until successors shall be chosen, or appointed, by the regular appointing power.

88. The Governor, upon address of both houses of the Legislature, except where a different mode of removal is provided, may remove any of the foregoing officers for incapacity or malversation in office.

#### Encouragement of Literature, &c.

89. The Legislature shall make provision for the establishment and maintenance of free common schools, at the public expense, and for the assessment and collection, annually, in the several towns and places in this State, of a sum not less than one hundred and twenty five dollars for every dollar of State taxes, apportioned to them respectively, to be applied exclusively to the support of such schools.

90. The supervision of public instruction shall be vested in a State Superintendent, and such other officers as the Legislature shall direct.

91. The State Superintendent shall be chosen, biennially, by the qualified electors of the State, in such manner as the Legislature shall provide; his powers, duties and compensation shall be prescribed by law.

92. There shall also be chosen, biennially, by the qualified electors of the State, a Commissioner of Agriculture, whose duties and compensation, shall be prescribed by law.

Oath and Subscriptions; Exclusion from Offices; Commissions; Writs; Confirmation of Laws; Habeas Corpus; The Enacting Style; Continuance of Officers; Provision for a Future Revision of the Constitution, &c.

93. Any person chosen Governor, Lieutenant Governor, Senator or Representative, military or civil officer, town officers excepted, accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration:

“I, A. B., do solemnly swear and affirm that I will bear faith and true allegiance to the State of New Hampshire, and will support the Constitution thereof. So help me God.”

“I, A. B. do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities, agreeably to the rules and regulations of the Constitution and the Laws of the State of New Hampshire. So help me God.”

Any person, having taken and subscribed the oath of allegiance, and the same being filed in the Secretary's office, shall not be obliged to take said oath again.

Provided, always, When any person chosen or appointed as aforesaid shall be scrupulous of swearing, and shall decline taking the said oaths, such person shall

take and subscribe them, omitting the word “swear” and likewise the words, “So help me God,” subjoining instead thereof[,] “This I do under the pains and penalties of perjury.”

94. The oaths or affirmations aforesaid shall be taken and subscribed by the Governor and Lieutenant Governor, before the chief, or some other justice, of the Supreme Court, in presence of both houses of the Legislature; and by the Senators and Representatives, before the Governor for the time being; and by all other officers before such person and in such manner as the Legislature shall, from time to time direct.

95. All commissions shall be in the name of the State of New Hampshire, signed by the Governor, and attested by the Secretary or his Deputy, and shall have the great seal of the State affixed thereto.

96. All writs issuing out of the Clerk’s office, in any of the Courts of law, shall be in the name of the State of New Hampshire; shall be under the seal of the court whence they issue, and bear test of one of the justices of the court; and be signed by the clerk of such court.

97. All indictments, presentments and informations shall conclude, “against the peace and dignity of the State.”

98. The estate of such persons as may destroy their own lives shall not, for that offence, be forfeited; nor shall any article which shall accidentally occasion the death of any person be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

99. All the laws, which have heretofore been adopted, used and approved in the Province, Colony or State of New Hampshire, and usually practiced on in the courts of law, and not repugnant to the provisions of this Constitution or the Constitution of the United States, shall remain and be in full force until altered or repealed by the Legislature.

100. The privilege and benefit of the habeas corpus shall be enjoyed in this State, in the most free, easy, cheap, expeditious and ample manner, and shall not be suspended by the Legislature, except upon the most urgent and pressing occasions, and for a time not exceeding three months.

101. The enacting style, in making and passing acts, statutes and laws, shall be, “Be it enacted by the Senate and House of Representatives.”

102. No Governor, Lieutenant Governor or Judge of the Supreme Court shall hold any office or place under the authority of this State except such as by this Constitution he is permitted to hold saving that the Judges of said court may hold the office of Justice of the Peace throughout the State; nor shall either of said officers hold any place or office, or receive any pension or salary from any other State, government, or power whatever.

103. No person shall be capable of exercising, at the same time, more than one of the following offices in this State, viz: Judge of Probate, Sheriff, Register of Deeds, and never more than two offices of profit, which may be held by appointment of Governor, or Governor and Senate, or Senate and House of Representatives or courts of law; military offices, and offices of justices of the peace, trial justices, coroners and notaries public [excepted].

104. No person holding the office of Judge of any court, Secretary or Treasurer of the State, Attorney General, Commissary General, military officers receiving pay from the United States, excepting officers of the militia occasionally called

forth on an emergency, Registers of Deeds, Sheriff, Members of Congress, or any person holding an office under the United States, shall at the same time hold the office of Governor or Lieutenant Governor, or have a seat in the Senate or House of Representatives; his being chosen and appointed to, and accepting the same, shall operate as a resignation of his office of Governor, Lieutenant Governor, Senator or Representative; and the place so vacated shall be filled up.

105. No member of the Senate, or House of Representatives, shall be eligible to any office in the State government, within the gift of the executive, or legislative department, during the time for which he shall have been elected, Justices of the Peace, Coroners, Notaries Public, Trial Justices and military officers excepted.

106. No person shall ever be permitted to hold a seat in the legislature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery, or corruption, in obtaining an election or appointment.

107. In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in gold and silver according to the provisions of the laws of the United States.

108. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment, or amendments, shall then be entered on their respective journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be duly published. And if in the Legislature next afterwards to be chosen, such proposed amendment, or amendments, shall be agreed to by a majority of the members elected to each house, and the same be recorded on their journals, and the yeas and nays taken thereon as aforesaid, then it shall be the duty of the Legislature to submit such proposed amendment or amendments, to the People, and if two thirds of the qualified voters of this State, present and voting thereon, at meetings duly called and warned for that purpose, shall approve and ratify the same, then such amendment, or amendments, shall become a part of the Constitution; provided that no amendment, or amendments, shall be submitted to the People oftener than once in six years; and if more than one amendment be submitted, they shall be submitted in such manner and form that the People may vote for or against each amendment proposed to any and every provision of the Constitution separately.

Frank. Pierce, President.

Thomas J. Whipple, Secretary.

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Constitutional Convention.

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Franklin Pierce, President.

Thomas J. Whipple, Secretary.

Charles H. Bell, Assistant Secretary.

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## Members.

## Rockingham County.

Names	Age	Occupation.
Richard Greenough	50,	Farmer.
David Currier	50,	"
Joseph Graves	66,	"
Jonathan Martin	46,	Carpenter
John White	67,	Farmer.
David Griffin	38	"
Israel N. Gale	44	Physician
E. F. Stevens Jr.	42,	Merchant.
Joseph A. Gregg	27	Lawyer
Elbridge G. Perham	39	Farmer
Josiah Morrill	42	Mechanic
William Plumer Jr.	61	Farmer
Gilman Marston	—	Lawyer
John Kelley	64	Pension Agent
J. G. Hoitt	35	Teacher
Theodore A. Burleigh	52	Manufacturer
Uri Lamprey	41	Farmer
George H. Dodge	—	
Jeremy Batchelder	57	Farmer,
John Page	48	Farmer
John N. Anderson	50	Manufacturer
Charles Hurd	59	Farmer
John Tarlton Jr.	38	Carpenter
Thomas J. Furber	39	Farmer
John Perkins	43	"
Elijah Knight	37	Jeweller
John Hoit	42	Farmer
Moses L. Hobbs	50	Physician
Hollis J. Clark	39	Farmer
Bardbury Bartlett	67	"
Reuben Peaslee	—	
Daniel Bedee	46	Farmer
Levi Woodbury	60	Lawyer
James Ayers	44	Cordwainer
Ichabod Bartlett	—	Lawyer
Ichabod Goodwin	52	Merchant
Charles W. Brewster	48	Printer
Nehemiah Moses	49	Merchant Tailor
Levi Moses	63	Joiner
Daniel Scribner	52	Farmer
Thomas J. Parsons	46	Merchant
Moore's Bailey	42	Farmer
Thomas Colton	50	"

William Sanborn	—	
Thos. J. Goodwin	49	Farmer
Geo. O. Hilton	45	"
George Wingate	72	"

## Strafford County.

Levi Felker	53	Miller
Jacob D. Foss	66	Farmer
Thomas E. Sawyer	—	Lawyer
Andrew Pierce	64	Cashier of Bank.
Shubael Varney	—	
Asa Freeman	63	Lawyer
William P. Drew	56	Farmer
John H. Wiggins	30	Lawyer
Wm. J. Chesley	46	Farmer
Hiram Barker	—	Merchant
Jeremiah Roberts	—	Farmer
Joseph Tuttle	62	"
Reuben Hayes Jr.	44	"
James Hilton	44	Merchant
Robert Mathes	38	"
Samuel Downing Jr.	45	Farmer
Benjamin H. Jones	34	Merchant
Lorenzo D. Day	35	Marble worker
John B. Wentworth	56	Lumberer
James Coleman	53	Merchant
Nathl Wells	—	Lawyer
Augustus Cushing	—	
Benning W. Jenness	45	Merchant
Saml. P. Montgomery	44	Farmer

## Belknap County.

Jona. P. Hill	41	Farmer
Henry Hurd	45	"
Robert S. Webster	30	Merchant
Enoch Clark	51	Farmer
James Bell	46	Lawyer
Charles Lane	51	Trader
Finley W. Robinson	56	Farmer
Sylvester H. French	38	"
Peter Perkins	57	"
John Wadleigh	43	"
Noah Pease	49	"
Samuel Bean	—	
Joshua L. Woodman	46	Merchant
David Shaw	63	Farmer

James P. Tilton	54	Inn keeper
Simon R. Morrison	42	Farmer

## Carroll County.

James Ham	57	Farmer
John Churchill	32	"
Russell Charles	52	"
Joel Eastman	52	Lawyer
Joseph E. Perkins	37	Farmer
Jeremiah Leavitt	57	Joiner
Elias Rice	50	Mechanic
Jona. S. Moulton	65	Farmer
John Brown	—	
Sanborn B. Carter	—	Lawyer
Joseph Wentworth	32	Merchant
Lewis Smith	41	Farmer
True Perkins	44	"
Thos. W. Mordough	—	
Abel Haley	—	"
Thos. L. Whitton	38	"
Henry B. Rust		Merchant

## Merrimack County.

Daniel Batchelder	47	Merchant
Watson Dickerson	49	Farmer
Simeon B. Little	52	"
Caleb Smith	61	"
Schuyler Walker	39	"
Samuel Jones	64	"
Benjamin Sanborn	57	"
Edward Langmaid <sup>38</sup>	"	
Frank. Pierce	45	Lawyer (President)
N. G. Upham	49	"
Cyrus Barton	47	Printer
Geo. Minot	44	Cashier
Nathl Rolfe	36	Farmer
Jonathan Eastman	69	Farmer
Moses Shute	60	Blacksmith
Henry Putney	43	Farmer
James Martin	51	"
Geo. W. Nesmith	50	Lawyer
Frederick Whitney	44	Carpenter
Lewis Smith	35	Lawyer
Jesse Gault Jr.	29	Brickmaker
Phinehas Clough	67	Farmer
John Burnham	54	"

Jona. Chase	—	"
Moses Rowell	57	"
Joseph Morse	55	"
Benj. R. Andrews	39	"
Asa P. Cate	37	Lawyer
Aaron Whittemore	42	Farmer
Charles H. Butters	32	Lawyer
Jeremiah Clark	45	Farmer
A. H. Robinson	37	Physician
Joseph Harvey	50	Farmer
Abner B. Kelley	62	"
Leonard Eaton	50	Physician
John Cross	50	Farmer.

## Hillsborough County.

Andrew Wallace	67	Lawyer
Hiram Griffin	41	Farmer
John French	60	"
John W. Flagg	48	Paper-maker
Isaac Sawtelle	56	Farmer
Robert Goodale	59,	Farmer
Danl. Fuller	59,	"
Isaac Flanders	63,	"
Peter E. Hadley	64,	"
Charles Richardson	41,	"
David Patten	51,	"
Henry D. Pierce	38,	"
Samuel G. Barnes	44,	Merchant
Leonard Farley	41,	Farmer
Ethan Willoughby	44,	Millwright
Isaac N. Center	39,	Lumber dealer
Jesse Clement	54,	Farmer
Caleb Johnson	68,	Boarding house
E. C. Foster	59,	Mechanic
Robert Reed	63,	Agt. Man. Co.
Josiah Crosby	—	Physician
Walter French	40,	R. R. Contractor
William C. Clarke	39,	Lawyer
Richard H. Ayer	72,	Brickmaker
William A. Putney	—	Merchant
Amos Weston	59	Farmer
Osgood Page	56	Merchant
Robert McGaw	69	Farmer
George Daniels	45	Manufacturer
Leonard Chase	39	Merchant
Ira Kendall	45	Farmer
Edmund Parker	67	Lawyer
George Y. Sawyer	—	"

Isaac Spalding	50	Merchant	
L. W. Noyes	51	Manufacturer	
Daniel Abbott	73	Lawyer	
Charles G. Atherton	45	"	
Robert B. Cochran	56	Farmer	
Joel Gould	66	"	
Stephen Wheeler	50	"	
Joshua Atwood	44	Dept. Sheriff	
Stephen P. Steele	66	Lawyer	
John H. Steele	61	Farmer	
Samuel Nay	56	"	
Peter Dearborn	49	"	
William Woodbury	46	"	
Oliver Barrett	52	"	"
Waldon Sanborn	56	"	

## Cheshire County.

A. K. Severance	35	Printer and Binder	
Ara Hamilton	62	Farmer	
Moses Dudley	56	"	
Levi W. Leonard	60	Clergyman	
John S. Brown	44	"	
George W. Hammond	48	Physician	
William Haile	43	Manufacturer	
Nehemiah Adams	51	Farmer	
Levi Chamberlain	62	Lawyer	
Geo. F. Starkweather	35	Register of Probate	
Benjamin F. Adams	50		
James Batcheller	59	Physician	
Charles Symonds	65	Farmer	
Samuel Griffin	66	"	
Kendall Fisher	51	"	
Joshua Converse	64	"	
Moses Hardy Jr.	34	"	
Jonas P. Reed	43	"	
Francis Holbrook	66	"	
Elijah Sawyer	67	Merchant	
Carter Whitcomb	56	Farmer	
Lyman Wright	37		
Geo. Huntington	46		
Hope Lathrop	53	Farmer	
Timothy Hoskins	57	Mechanic	
A. H. Bennett	44	Lawyer	
Henry Kingman	58	Wood-dealer	

## Sullivan County.

David Blanchard	62	Farmer
Enos Stevens	70	"
Phinehas Walker	30	"
John S. Walker	—	"
Philander C. Freeman	43	Lawyer
Wm. Rossiter	45	Merchant
John L. Putnam	58	Farmer
Samuel Morse	66	Lawyer
Virgil Chase	54	Cordwainer
Hiram L. Sleeper	47	Farmer
March Chase	43	"
Daniel M. Smith	52	"
Nathan Mudgett	44	"
Bela Nettleton	47	Merchant
Edward Freeman	69	Farmer
Saml. Quimby	50	"
Daniel George	42	Miller
Hiram Smith	48	Farmer
Dyer H. Sanborn	51	Teacher

## Grafton County.

James Crawford	46	Farmer
Ira Whitcher	35	"
John Pierce	51	"
Abram P. Hoit,	53	"
Fred. Bartlett	34	"
Wm. P. Weeks	47	Lawyer
Peter S. Wells	48	Farmer.
Lucius M. Howe	40	Merchant
T. E. Clough	35	Farmer
Jabez Youngman	64	"
Saml. M. Avery	41	"
Converse Goodhue	—	
Paul Burnham	38	Machinist
Simeon Spooner	47	Farmer
Robert D. Davidson	40	"
Ezekiel Colburn	59	"
Jacob Morse	50	"
Saml. Swasey	46	"
Daniel F. Richardson	43	Clergyman
Edwin D. Sanborn	42	Teacher
Isaac Crosby	60	Farmer
Samuel D. Johnson	38	"
Enoch Cass	56	"

Russell Cox	51	"
Moses Clark	44	"
Robert Kimball	64	"
Roswell Sartwell	67	"
David G. Goodall	37	Lumberer
E. Eastman	46	Merchant
M. L. Gould	45	"
Jona. Moulton	53	Farmer
Geo. W. Cutting	45	Clergyman
Abiather G. Britton	74	Lawyer
Joseph Sawyer	65	Farmer
Wm. Nelson	60	Clergyman
Adams N. Holden	44	Camphor-refiner
Jeremiah Gilman	46	Farmer
Enoch R. Weeks	63	"
Jeremiah Blodgett	—	"
John Gray	52	Carpenter

## Coos County.

G. W. M. Pitman	30	Farmer
Benja. Thompson	45	"
Robert Tuttle	48	Inn keeper
Hazen Bedel	32	Merchant
Abram Boynton	67	Farmer
Giddeon Tirrill	60	"
Benj. D. Brewster	42	Clergyman
Moses Thurstin	58	Farmer
Joseph Perkins	46	"
Benj. H. Plaisted	42	Innkeeper
John H. White	57	Farmer
Wm. M. Smith	50	Machinist
J. B. Brown	33	Merchant
John D. Burbank	37	Farmer
Moses Jackson	50	"
Ralph Fisk	46	Machinist

Ira R. Philbrick, David Hanis, Doorkeepers.

William Fisk, Keeper of State House

Elias C. Horner, Porter.

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## President's Letter

Washington Jany 14, 1851.

Dear Sir:

I have the honor to acknowledge the receipt of the Resolutions, passed by the Convention to revise the Constitution of the State of New Hampshire, which you transmitted to me. I am highly gratified to see State after State assuming the high and patriotic ground in favor of the Union, now occupied by New Hampshire; and beg leave to make my grateful acknowledgments to the Convention for the flattering terms in which they have expressed their approbation of the attitude of the Executive of the General Government upon that subject.

Truly Yours

Millard Fillmore.

Hon. Frank. Pierce  
Prest. of New Hampshire  
Reform Convention.

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# Constitution

of

## New-Hampshire, 1851

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Signed and countersigned by the President and Secretary of the convention to revise the Constitution of the State of New Hampshire and deposited with the Secretary of State per order of the Convention

January 3, 1851.

Attest Thom Whipple

Secretary.

The Committee on Revising Business to whom was referred the Bill of Rights and Constitution for the purpose of engrossment report the same as correctly engrossed.

James Bell for the Committee

The amended Constitution of New Hampshire;  
Bill of Rights.

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Article 1.~ All men are born equally free and independent; therefore, all government of right originates with the People, is founded in consent, and instituted for the general good.

2.~ All men have certain natural, essential, and inherent rights, among which are the enjoying and defending life and liberty, the acquiring, possessing and protecting property, and, in a word, the seeking and obtaining happiness.

3.~ When men enter into a state of society, they surrender up some of their natural rights to that society, in order to insure the protection of others, and without such an equivalent the surrender is void.

4.~ Among the natural rights, some are in their very nature inalienable, because no equivalent can be given or received for them; of this kind are the rights of conscience.

5.~ Every individual has a natural and inalienable right to worship God according to the dictates of his own conscience and reason, and no subject shall be hurt, molested or restrained, on his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious professions, sentiments or persuasion, provided he does not disturb the public peace, or disturb others in their religious worship.

6.~ As morality and piety, rightly grounded on the principles of the Bible, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through society by the institution of the public worship of the Deity, and of public instruction in morality and religion, therefore, to promote those important purposes, the People of this State have the right to empower, and do hereby fully empower, the several religious societies which may at any time exist within this State, to make adequate provision, at their own expense, for the support and maintenance of public teachers of piety, religion and morality: provided, that such religious societies shall at all times have the exclusive right of electing their own public teachers and of contracting with them for their support and maintenance; and no person of any one particular religious sect, or denomination, shall ever be compelled to pay towards the support of the teacher, or teachers, of another persuasion, sect or denomination; and every religious denomination, demeaning themselves quietly, and as good subjects of the State, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

7.~ The People of this State have the sole and exclusive right of governing themselves as a free, sovereign and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the government of the United States.

8.~ All power residing originally in, and being derived from, the People, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

9.~ No office or place whatsoever in government shall be hereditary, the requisite ability and integrity not being transmitted to posterity or relations.

10.~ Government being instituted for the common benefit, protection and security of the whole community, and not for the private interest or emolument of any one man; family or class of men, therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought to, reform the old or establish a new government. The doctrine of non-resistance to arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

11.~ All elections ought to be free, and every inhabitant of the State having the proper qualifications has an equal right to elect and be elected into office.

12.~ Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property. He is therefore bound to contribute his share of the expense of said protection, and to yield his personal service when necessary, or an equivalent. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent or the authority of law. Nor are the inhabitants of this State controlable by any other laws than those enacted in conformity to this Constitution and that of the United States.

13.~ No person who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent.

14.~ Every subject of this State is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property or character, to obtain right and justice freely, without being obliged to purchase it, completely and without any denial, promptly and without any delay, conformably to the laws.

15.~ No subject shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally described to him, or be compelled to accuse, or furnish evidence against, himself. And every subject shall have a right to produce all proofs that may be favorable to himself; to meet the witnesses against him face to face, and to be fully heard in his defence by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers or the law of the land.

16.~ No subject shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the Legislature make any law that shall subject any person to a capital punishment, (excepting for the government of the army and navy, and the militia in actual service,) without trial by jury.

17.~ In criminal prosecutions, the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty and estate of the citizen, that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the Supreme Court that an impartial trial cannot be had in the county where the offence may be committed, and they shall direct the same to be had in the nearest county in which an impartial trial can be obtained.

18.~ All penalties ought to be proportioned to the nature of the offence. No wise Legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offences, the People are lead to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same season a multitude of sanguinary laws is both impolitic and unjust, the true design of all punishment being to reform, not to exterminate, mankind.

19.~ Every subject has a right to be secure from all unreasonable searches and seizures of his persons, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in a warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued but in cases and with the formalities prescribed by law.

20.~ In all controversies concerning property, and in all suits between two or more persons, except in cases otherwise provided for in the Constitution or laws made in pursuance thereof by the Legislature, the parties have a right to trial by jury, but the court shall try the facts as well as the law in cases where the parties agree.

21.~ In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve, and such ought to be fully compensated for their travel, time and attendance.

22.~ The liberty of the press is essential to the security of freedom in a State; it ought, therefore, to be inviolably preserved.

23.~ Retrospective laws are highly injurious, oppressive and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offences.

24.~ A well regulated militia is the proper, natural and sure defence of a State.

25.~ Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the Legislature.

26.~ In all cases, and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

27.~ No soldier, in time of peace, shall be quartered in any house without the consent of the owner; and in time of war, such quarters ought to be made only by the civil magistrate, in a manner ordained by the Legislature.

28.~ No subsidy, charge, tax, impost or duty shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the People, or their representatives in the Legislature, or authority derived from that body.

29.~ The power of suspending the laws, or the execution of them, ought never to be exercised but by the Legislature, or by authority derived therefrom, to be exercised in such particular cases only as the Legislature shall expressly provide for.

30.~ The freedom of deliberation, speech and debate, in either house of the Legislature, is so essential to the rights of the People, that its exercise cannot be the foundation of any action, complaint or prosecution against any member thereof in any other court or place whatsoever.

31.~ The Legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

32.~ The People have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

33.~ No magistrate, or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishment.

34.~ No person can in any case be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service.

35.~ Arrest or imprisonment on mesne or final process, founded on contract, shall not be allowed, unless the creditor, or his agent, shall previously make oath or affirmation of his belief that the debtor has fraudulently concealed or conveyed his property to place it beyond the reach of his creditors, or is about to leave the State to avoid the payment of his debts.

36.~ It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.

37.~ Economy being a most essential virtue in all States, no pension shall be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the Legislature, and never for more than two years at a time.

38.~ In the government of this State, the three essential powers thereof, to wit: the legislative, executive and judicial, ought to be kept as separate from and independent of each other as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the Constitution in one indissoluble bond of union and amity.

39.~ A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to justice, moderation, temperance, industry, frugality and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government. The People ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their law-givers and magistrates an exact and constant

observance of them in the formation and execution of the laws necessary for the good administration of government.

40.~ Knowledge and learning generally diffused through a community being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end, it shall be the duty of the legislature and magistrates, in all future periods of this government, to cherish the interests of literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and all social affections and generous sentiments among the People.

41.~ Perpetuities are contrary to the genius of a free government, and shall never be allowed; and the Legislature shall possess the power at all times to alter, amend or repeal any legislative act conferring corporate powers, franchises or privileges, as the public good shall be deemed to demand.

#### Part Second.

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#### Form of Government.

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1.~ The People, inhabiting the territory, formerly called the Province of New Hampshire, do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign and independent body politic, or State, by the name of the State of New Hampshire.

#### Legislature.

2.~ The supreme legislative power, within this State, shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other.

3.~ The Senate and House shall assemble once in two years, on the first Wednesday of June next following their election, and at such other times as they may judge necessary; and shall dissolve and be dissolved seven days next preceding the first Wednesday of June two years after; and shall be styled the "Legislature of New Hampshire."

4.~ The Legislature shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be holden in the name of the State, for the hearing, trying and determining all manner of crimes,

offences, pleas, processes, complaints, actions, causes, matters and things whatsoever, arising or happening within this State, or between or concerning persons inhabiting, or residing, or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and issuing execution thereon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

5.~ And further, full power and authority are hereby given and granted to the said Legislature from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this Constitution, or the Constitution of the United States, as they may judge for the benefit and welfare of this State, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defence of the government thereof; to provide for the enrolling, organizing, and disciplining the Militia, in such manner as they may deem expedient, not repugnant to the Constitution and Laws of the United States; and to name and settle, or provide by fixed laws for the naming and settling, all civil officers within this State, such officers excepted, the election and appointment of whom are, hereafter, in this form of government otherwise provided for; and to set forth the several duties, powers and limits of the several civil and military officers of this State, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and also to impose fines, mulcts, imprisonments and other punishments; and to impose and levy proportional and reasonable assessments, rates and taxes upon all the inhabitants of, and residents within, the said State, and upon all estates within the same; to be issued and disposed of by warrant under the hand of the Governor of this State for the time being, for the public service, in the necessary defence and support of the government of this State, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same.

6.~ And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has been heretofore practised, in order that such assessments may be made with equality, there shall be a valuation of the estates, within the State, taken anew once in every five years at least, and as much oftener as the Legislature shall order.

7.~ No member of the Legislature shall take fees, be of counsel, or act as advocate in any cause before either branch of the same; and upon due proof thereof, such member shall forfeit his seat in the Legislature.

8.~ The doors of the galleries of each house of the Legislature shall be kept open to all persons, who behave decently, except when the welfare of the State, in the opinion of either branch, shall require secrecy.

9.~ All elections by the Legislature, or by either branch thereof, shall be viva voce.

10.~ All elections by the People shall be determined by a plurality of votes.

11.~ The Legislature shall have no power, unless by a vote of two thirds of the members elected to either branch thereof, to borrow money or otherwise involve the State in debt, to an amount exceeding one hundred thousand dollars, except in case of war, invasion or insurrection.

12.~ No town, or incorporated place, shall have the right, either directly or indirectly, to suffer their credit to be used for the especial benefit of any corporation, nor to raise money for the purpose of loaning the same to any corporation, nor for taking stock therein.

13.~ The Legislature shall never authorize any lottery, but shall prohibit, under proper penalties, the sale of lottery tickets within this State.

#### House of Representatives.

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14.~ There shall be in the Legislature of this State a representation of the People elected once in two years, and founded upon principles of equality; and in order such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, having one-hundred and seventy-five ratable polls of twenty-one years of age and upwards, who shall have resided in this State six months or more immediately preceding the election, paupers and foreigners not naturalized excepted, may elect one representative; if seven hundred and fifty ratable polls, may elect two representatives; if fifteen hundred and fifty ratable polls, may elect three representatives; if twenty-five hundred and fifty ratable polls, may elect four representatives; and so proceeding, making one thousand such ratable polls the mean increasing number for every additional representative after the third. Such towns or places as have less than one hundred and seventy-five ratable polls may elect a representative such proportion of the time as the number of their ratable polls shall bear to one hundred and seventy-five: provided that such towns and places as shall not have one hundred and seventy-five ratable polls, and shall be conveniently located for that object, may, on application to the Legislature, be classed for the choice of a representative, such classed towns not to contain less than one hundred and seventy-five ratable polls in each representative district so formed: and provided, further, that all towns, cities or places, which now are, or hereafter may be, divided into sections or wards for the choice of representatives, shall, for the purpose of apportioning the number of representatives to the number of ratable polls, be considered as undivided: and provided, further, that such towns and places as have less than one hundred and seventy-five ratable polls, and are entitled to representation a portion of the time under this Constitution, shall have the right to elect a representative at the first election under this Constitution, as a part of that portion, and that the Legislature may prescribe the manner, in which their rights of election, as to their proportional time, shall be determined; leaving to

said towns, or places, as far as consistent with this Constitution, the selection of the years when they will exercise their rights.

15.~ The members of the House of Representatives shall be chosen biennially, in the month of March, and shall be the second branch of the Legislature.

16.~ All persons, qualified to vote in the election of Senators, shall be entitled to vote, within the district where they dwell, in the choice of Representatives

17.~ Every member of the House of Representatives shall be chosen by ballot, and for two years, at least, next preceding his election, shall have been an inhabitant of the State, shall be, at the time of his election, an inhabitant of the town or place he may be chosen to represent, and shall cease to represent such town, or place, immediately on his ceasing to be an inhabitant thereof.

18.~ The members of both houses of the Legislature shall be compensated for their services out of the treasury of the State, by a law made for that purpose; such members attending seasonably, and not departing without license.

19.~ All intermediate vacancies in the House of Representatives may be filled up, from time to time, in the same manner as biennial elections are made.

20.~ The House of Representatives shall be the grand inquest of the State; and all impeachments made by them shall be heard and tried by the Senate.

21.~ All money bills shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

22.~ The House of Representatives shall have power to adjourn themselves, but no longer than two days at a time.

23.~ A majority of the members of the House of Representatives shall be a quorum for doing business; but when less than two-thirds of the Representatives elected shall be present, the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

24.~ No member of the House of Representative, or Senate, shall be arrested, or held to bail, on mesne process, during his going to, returning from, or attendance upon, the Legislature.

25.~ The House of Representatives shall choose their own Speaker, appoint their own officers, and settle the rules of proceeding in their own house; and shall be judges of the returns, elections and qualifications of their members as pointed out in this Constitution. They shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the House, in its presence, by any disorderly and contemptuous behavior, or by threatening or ill-treating any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during his

attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the House; in assaulting any witness, or other person, ordered to attend, by, and during his attendance of, the House; or in rescuing any person arrested by order of the House, knowing him to be such.

26.~ The Senate shall have the same powers in like cases; provided that no imprisonment by either, for any offence, shall exceed ten days.

27.~ The journals of the proceedings, and all public acts of both houses of the Legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by ten members of the House of Representatives, or by two members of the Senate, the yeas and nays upon any question shall be entered on the journal; and any member of the Senate, or House of Representatives, shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve or bill passed, entered on the journal.

Senate.

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28.~ The Senate shall consist of thirty members, who shall hold their office for two years from the first Wednesday of June next following their election.

29.~ And that the State may be equally represented in the Senate, the Legislature shall, from time to time, divide the State into fifteen districts, in each of which two Senators shall be elected, and make known to the inhabitants of the State the limits of such districts. Each of these senatorial districts shall be formed of contiguous territory, of compact and convenient form, and of ratable polls as nearly equal as may be without dividing towns or cities. Changes in the senatorial districts may be made by the Legislature, for the purpose of rendering the number of ratable polls more equal, not oftener than once in six years.

30.~ The inhabitants of each district, qualified as in this Constitution is provided, shall biennially give in their votes for Senators, at some meeting holden in the month of March.

31.~ The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner: every male inhabitant of each town, ward and place, with town privileges, and places unincorporated, in this State, of twenty-one years of age and upwards, excepting paupers and foreigners not naturalized, shall have a right, at the meetings of the inhabitants of said towns, wards and places, to be duly warned and holden biennially forever in the month of March, to vote in the town, ward or place wherein he dwells, for Senators in the district whereof he is a member: –

32.~ Provided, nevertheless, that no person shall be capable of being elected a Senator, within this State, who is not of the age of thirty years, and who shall not have been an inhabitant of this State for seven years immediately preceding his election; and at the time thereof he shall be an inhabitant of the district, for which

he shall be chosen, and shall cease to be a Senator when he ceases to be an inhabitant of the district.

33.~ And every person qualified as this Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in the town, ward, or place where he dwells and has his home.

34.~ And the inhabitants of places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of Government, or shall be taxed therefor, shall have the same privileges of voting for Senators in the places wherein they reside, as the inhabitants of the respective towns and places aforesaid have. And the meetings of such places, for that purpose, shall be holden biennially in the month of March, at such places respectively therein as the Assessors thereof shall direct: which assessors shall have like authority for notifying the electors, and collecting and returning the votes, as the Selectmen and Town-clerks have in their several towns by this Constitution.

35.~ The meetings for the choice of Governor, Lieutenant Governor, Senators and other officers required to be elected by this Constitution, shall be warned by warrant from the Selectmen, and governed by a Moderator, who shall, in the presence of the Selectmen, whose duty it shall be to attend, in open meeting, receive the votes of all the inhabitants of such towns, wards and places, present, and qualified to vote for Senators; and shall, in said meetings, in the presence of the said Selectmen and of the Town-clerk, sort and count the said votes and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person; and the Town-clerk shall make a fair record of the same at large in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof; and the said Town-clerk shall cause such attested copy to be delivered to the Secretary of the State, at least thirty days before the first Wednesday of June next following:— provided that the Legislature may authorize, by a general law, all such towns, having more than seven hundred and fifty ratable polls, as may adopt the same, to receive votes at town meetings in such other manner as the Legislature may prescribe.

36.~ And that there may be a due meeting of Senators on the first Wednesday of June biennially, the Governor and the Secretary of the State shall, as soon as may be, examine the returned copies of such records; and fourteen days before said first Wednesday of June, the Governor shall issue his summons to such persons as appear to be chosen Senators to attend and take their seats on that day.

37.~ And in case there shall not appear to be two Senators elected for any district, the deficiency shall be supplied in the following manner, viz: the members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of the two persons, neither of whom are elected, having the highest number of votes in said district, if there is one Senator wanted for said district, and if two Senators are wanted for said district, the names of the four persons having the highest number of votes in said district, and out of them shall elect, by joint

vote, the Senator or Senators wanted for such district. And in this manner all such vacancies shall be filled in every district of the State; and in like manner all vacancies in the Senate arising by death, removal out of the district, or otherwise, shall be supplied as soon as may be after such vacancies happen.

38.~ The Senate shall be final judges of the elections, returns and qualifications of their own members, as pointed out in this Constitution.

39.~ The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time: provided, nevertheless, that whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the Legislature be not assembled on such day, or at such place.

40.~ The Senate may appoint a President pro tempore and other officers, and determine their own rules of proceeding; and not less than twenty members of the Senate shall make a quorum for doing business; and when not more than twenty-two Senators shall be present, the assent of fifteen, at least, shall be necessary to render their acts and proceedings valid.

41.~ The Senate shall be a court with full power and authority to hear, try and determine all impeachments made by the House of Representatives against any officer, or officers, of the State, for bribery, corruption, mal-practice or mal-administration in office; with full power to issue summons, or compulsory process, for convening witnesses before them; but previous to the trial of any such impeachment, the members of the Senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer impeached for bribery, corruption, mal-practice or mal-administration in office, shall be served with an attested copy of the impeachment and order of the Senate thereon, with such citation as the Senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the Sheriff, or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the Senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence by himself and counsel; and may, also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

42.~ Their judgment, however, shall not extend further than removal from office and disqualification to hold or enjoy any place of honor, trust or profit under this State; but the party so convicted shall, nevertheless, be liable to indictment, trial judgment and punishment, according to the laws of the land.

43.~ Whenever the Governor or Lieutenant Governor shall be impeached, the Chief Justice of the Supreme Court shall, during the trial, preside in the Senate, but have no vote therein.

## Executive Power.

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Governor

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44.~ There shall be a supreme executive magistrate, who shall be styled Governor of the State of New Hampshire: and whose title shall be His Excellency

45.~ There shall also be a Lieutenant Governor of the State, whose title shall be His Honor; and whose duty it shall be to preside in the Senate; but he shall have no vote therein, except in case of an equal division

46.~ The Governor and Lieutenant Governor shall be chosen biennially in the month of March; and the votes of these officers shall be received, sorted, counted, certified, and returned, in the same manner as the votes for Senators; and the Secretary shall lay the same before the Senate and House of Representatives on the first Wednesday of June biennially, to be by them examined; and in case of an election by a plurality of votes through the State, the choice shall be by them declared and published. And the qualifications of electors of Governor and Lieutenant Governor shall be the same as those of Senators. But should it ever so happen that there shall be no choice of Governor or Lieutenant Governor by a plurality of votes by reason of two or more persons voted for, for the same office, having an equal number of votes, then the Senate and House of Representatives shall by joint vote elect one of the two or more persons having the highest number of votes for said officers respectively; and shall declare him Governor or Lieutenant Governor as the case may be. And no person shall be eligible to either of these offices, unless at the time of his election he shall be of the age of thirty years, and shall have been an inhabitant of this State for seven years next preceding.

47.~ In cases of disagreement between the two Houses with regard to the time or place of adjournment or prorogation, the Governor shall have a right to adjourn or prorogue the Legislature not exceeding ninety days at any one time, as he may determine the public good may require. And he shall dissolve the same seven days before the first Wednesday of June biennially. And in case of any infectious distemper prevailing in the place where the said Legislature at any time is to convene on any other cause whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other, the most convenient, place within the State.

48.~ Every bill which shall have passed both branches of the Legislature shall, before it become a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objection, to that house in which it shall have originated; who shall enter the objection at large on their journal and proceed to reconsider it. If after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered and, if approved by two-thirds of that

house, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons, voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the legislature by their adjournment present its return; in which case it shall not become a law.

49.~ Every resolve shall be presented to the Governor, and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by the Senate and house of representatives according to the votes and limitations prescribed in the case of a bill.

50.~ All officers, whose election or appointment is not otherwise provided for, shall be nominated by the Governor and confirmed by a majority of the Senate; and every such nomination shall be made at least three days prior to such confirmation. The nomination shall be in writing signed by the Governor, and the confirmation or rejection shall be signed by the presiding officer of the Senate.

51.~ Whenever the office of Governor shall become vacant by reason of his death, absence from the State, or otherwise, the Lieutenant Governor shall, during such vacancy, have and exercise all the powers and authorities with which the governor, by this Constitution, is vested, when personally present; and in case the office shall become vacant by reason of the death of the Lieutenant Governor, or other cause, the President pro tempore of the Senate shall, during such vacancy, have and exercise the same powers and authorities; but when the Lieutenant Governor, or President pro tempore of the Senate, shall exercise the office of Governor he shall not preside in the Senate.

52.~ The Governor shall have full power and authority, in recess of the Legislature, to prorogue [sic] the same from time to time, not exceeding ninety days in any one recess, and during the sessions of said Legislature to adjourn or prorogue [sic] it to any time the two houses may desire, and to call it together sooner than the time to which it may be adjourned, or prorogued, if the welfare of the state should require the same.

53.~ The Governor of this State, for the time being shall be commander-in-chief of the army and navy, and all the military forces of the State, by sea and land; and shall have full power, by himself or by any chief commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; to call forth the militia and to put in war like posture the inhabitants of the State; to execute the laws of the State and of the United States; to suppress insurrection and repel invasion; and, in fine, the Governor is hereby entrusted with all other powers incident to the office of captain-general and commander-in chief, and admiral, to be exercised agreeably to the rules and regulations of the Constitution and the laws of the land: Provided that the Governor shall not at any time hereafter, by virtue of any power by this Constitution granted or hereafter to be granted to

him by the Legislature, transport any of the inhabitants of this State, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the Legislature, nor grant any commissions for exercising the law martial in any case, without the advice and consent of the Senate.

54.~ No officer duly commissioned to command in the militia shall be removed from his office but by the address of both houses to the Governor, or by fair trial in court martial, pursuant to the laws of this State for the time being.

55.~ The major generals, brigadier generals and commanding officers of regiments shall appoint the staff officers of their divisions, brigades and regiments respectively; and captains and subalterns their non commissioned officers.

56.~ The companies, regiments, brigades and divisions made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this State until the same shall be altered by some future law.

57.~ The power of pardoning offences, except such as persons may be convicted of before the Senate, by impeachment of the House, shall be in the Governor; but no charter of pardon, granted by the Governor before conviction, shall avail the parties pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

58.~ No moneys shall be issued out of the treasury of this State, and disposed of, (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or the payment of interest arising thereon) but by warrant under the hand of the Governor for the time being, for the necessary support and defence of this State; and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the Legislature.

59.~ All public boards, the commissary general, all superintending officers of public magazines and stores, belonging to this State, and all commanding officers of forts and garrisons within the same, shall annually, on the first Wednesday of June, officially, and without requisition, and at other times, when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and all small arms with their accoutrements, and all other public property under their care respectively; distinguishing the quantity and kind of each as particularly as may be, together with the condition of such forts and garrisons; and the commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors adjacent.

60.~ The Governor and Lieutenant Governor shall be compensated for their services from time to time by such grants as the Legislature shall think reasonable.

61.~ Permanent and honorable salaries shall be established by law for the justices of the Supreme Court.

62.~ And whereas the elections appointed to be made by this Constitution on the first Wednesday of June biennially, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same be completed. And the order of elections shall be as follows: The vacancies in the Senate, if any, shall be first filled up, the Governor and Lieutenant Governor shall then be elected, provided there should be no choice of those officers by the people.

Secretary and Treasurer.

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63.~ The Secretary of the State and State Treasurer shall be elected by the People, in the same manner, and for the same term, as is provided for the election of Governor.

64.~ The records of the State shall be kept in the office of the Secretary; and he shall attend the Governor; the Senate and Representatives, in person or by Deputy, as they may require.

65.~ The Secretary of the State shall at all times have a Deputy, to be by him appointed, for whose conduct in office he shall be responsible; and in case of the death, removal or inability of the Secretary, his Deputy shall exercise all the duties of the office of Secretary of this State, until another shall be appointed.

66.~ The Secretary, before he enters upon the business of his office, shall give bond with sufficient sureties, in a reasonable sum, for the use of the State, for the punctual performance of his trust.

County Treasurer, &c.

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67.~ The County Treasurer and Registers of Deeds shall be elected by the inhabitants of the several towns, in the several counties of the State, according to the method provided in this Constitution and the laws of the State.

68.~ The Legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary, each district to elect a Register of Deeds; and before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

Judiciary Power.

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69.~ All judicial and other officers shall be duly commissioned and sworn; and the tenure they shall have by law in their offices shall be expressed in their respective commissions.

70.~ Each branch of the Legislature, and the Governor, shall have authority to require the opinion of the Attorney General upon important questions of law, and upon solemn occasions.

71.~ All causes of marriage, divorce and alimony, and all appeals from the respective Judges of Probate, shall be heard and tried by the Supreme Court, until the Legislature shall by law make other provision; and the Legislature shall have power to authorize the trial by jury of all cases in equity, under such rules and regulations as they may, from time to time, ordain or establish.

72.~ There shall be chosen in each town not less than two nor more than three Trial Justices, who shall have exclusive original jurisdiction in all civil causes where the amount in controversy shall not exceed fifty dollars, unless in cases where the title to real estate is concerned the Legislature shall otherwise provide; and the Legislature is authorized to extend the jurisdiction of such Justices to such further amount, not exceeding one hundred dollars in all, as they shall deem expedient; and in any cause pending before any Trial Justice, either party shall have the right to a trial by a jury, which shall consist of not more than six in number. In all cases where the amount in controversy shall exceed the sum of twenty dollars, either party shall have the right of appeal; but in all cases where a less amount shall be in controversy, the decision shall be final both as to the law and the facts, subject only to such right of review as the Legislature may prescribe. And in all cases of appeal, the Legislature may provide that the party who appeals shall give up security for the costs that may be recovered against him, and for the payment of double costs by such party in all cases in which the decision shall not be changed upon appeal.

73.~ No Judge of any court, or Trial Justice, shall act as attorney, or be of counsel to any party, or originate any civil suit, in matters which shall come or be brought before him.

74.~ Jurisdiction of matters relating to the probate of wills, and granting letters of administration, shall be exercised by the Judges of Probate in such manner as the Legislature have directed, or may hereafter direct; and the Judges of Probate shall hold their courts at such place or places, and on such fixed days, as the convenience of the People may require, and the Legislature from time to time appoint.

75.~ No Judge or Register of Probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of Probate in the county of which he is Judge or Register.

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Appointment of Public Officers and  
Tenure of Office.

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76.~ Judges of the Supreme Court, and other Judges having jurisdiction throughout the State, the Attorney General and Railroad Commissioners, shall be chosen, by ballot, by a plurality of the qualified voters throughout the State, and shall hold their offices for six years: provided, however, that the Legislature, in order that the Judges of the Supreme Court and the Railroad Commissioners may not all vacate their offices at the same time, may provide that those who may be first elected under this Constitution, may hold their offices for different and shorter periods.

77.~ County Judges, Judges of Probate, Registers of Probate, Sheriffs and County Solicitors shall be chosen by a plurality of the qualified voters in the several counties, and shall hold their offices for four years.

78.~ Police magistrates shall be elected by the voters of cities for four years; and Trial Justices by the voters of towns for two years.

79.~ Officers of the Militia shall be elected, or appointed, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

80.~ Commissioners in other States, Bank Commissioners, Notaries Public, Justices of the Peace, Justices of the Quorum, Justices of the Peace throughout the State, Commissary General and other officers whose mode of appointment shall not be otherwise provided for in this Constitution, or by the Legislature, shall be appointed by the Governor with the consent of the Senate, and their duties and term of office shall be defined by the Legislature.

81.~ The Superintendent of the Asylum for the Insane shall be appointed by the Trustees of that institution, and removable at their pleasure.

82.~ The Warden of the State Prison shall be appointed by the Governor with the consent of the Senate; and two Commissioners shall be appointed in the same manner, who, together with the Governor, shall constitute a board of Supervisors of the State Prison. And the Warden shall be removable at the pleasure of said board. The duties of said board shall be prescribed by the Legislature

83.~ The Judges of the Courts, those of Probate excepted, shall appoint their respective Clerks, to hold their offices during pleasure; and no such Clerk shall act as an Attorney, or be of counsel in any cause in the court of which he is Clerk, nor shall he draw any writ originating a civil action.

84.~ Officers shall be chosen, or appointed, to supply vacancies occurring in any public office, in the same manner in which the same was originally filled; but the Governor shall appoint in the case of vacancies occurring in the offices in which, according to the foregoing provisions, the election or appointment is to be made for the State at large, and also in the case of vacancies in the office of County Judges.

85.~ The Judges of Probate, in the several counties, shall fill vacancies in the office of Registers of Probate.

86.~ The County Judges, or, in case there shall at the time be no such Judges, the Governor, shall fill vacancies occurring in county offices.

87.~ The officers appointed to fill vacancies, in all the foregoing cases, shall hold their offices only until successors shall be chosen, or appointed, by the regular appointing power.

88.~ The Governor, upon address of both houses of the Legislature, except where a different mode of removal is provided, may remove any of the foregoing officers for incapacity or malversation in office.

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Encouragement of Literature, &c.

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89.~ The Legislature shall make provision for the establishment and maintenance of free common schools, at the public expense, and for the assessment and collection, annually, in the several towns and places in this State, of a sum not less than one hundred and twenty-five dollars for every dollar of State taxes, apportioned to them respectively, to be applied exclusively to the support of such schools.

90.~ The supervision of public instruction shall be vested in a State Superintendent, and such other officers as the Legislature shall direct.

91.~ The State Superintendent shall be chosen, biennially, by the qualified electors of the State, in such manner as the Legislature shall provide; his powers, duties, and compensation shall be prescribed by law.

92.~ There shall also be chosen, biennially, by the qualified electors of the State, a commissioner of Agriculture, whose duties and compensation shall be prescribed by law.

Oath and subscriptions; exclusion from offices; commissions; writs; confirmation of laws; habeas corpus; the enacting style; continuance of officers; provision for a future revision of the constitution, &c.

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93.~ Any person chosen Governor[,], Lieutenant Governor[,], Senator or Representative, military or civil officer, town-officers excepted, accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration:

“I, A. B. do solemnly swear and affirm that I will bear faith and true allegiance to the State of New Hampshire, and will support the Constitution thereof. So help me God.

“I, A. B. do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities, agreeably to the rules and regulations of the Constitution and the laws of the State of New Hampshire. So help me God.”

Any person, having taken and subscribed the oath of allegiance, and the same being filed in the Secretary’s office shall not be obliged to take said oath again: provided, always, when any person chosen or appointed as aforesaid shall be scrupulous of swearing, and shall decline taking the said oaths, such person shall take and subscribe them, omitting the word “swear” and likewise the words “So help me God;” subjoining instead thereof “This I do under the pains and penalties of perjury.”

94.~ The oaths or affirmations aforesaid shall be taken and subscribed by the Governor and Lieutenant Governor, before the chief, or some other justice, of the Supreme Court, in presence of both houses of the Legislature; and by the Senators and Representatives, before the Governor for the time being; and by all other officers before such person and in such manner as the Legislature shall, from time to time, direct.

95.~ All commissions shall be in the name of the State of New Hampshire, signed by the Governor, and attested by the Secretary, or his Deputy, and shall have the great seal of the State affixed thereto.

96.~ All writs issuing out of the Clerks office, in any of the courts of law, shall be in the name of the State of New Hampshire; shall be under the seal of the court whence they issue, and bear test of one of the justices of the court; and be signed by the clerk of such court.

97.~ All indictments, presentments and informations shall conclude, “against the peace and dignity of the State.”

98.~ The estate of such persons as may destroy their own lives shall not, for that offence, be forfeited; nor shall any article which shall accidentally occasion the death of any person be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

99.~ All the laws, which have heretofore been adopted, used and approved in the Province, Colony or State of New Hampshire, and usually practised on in the courts of law, and not repugnant to the provisions of this Constitution or the Constitution or [sic] the United States, shall remain and be in full force until altered or repealed by the Legislature.

100.~ The privilege and benefit of the habeas corpus shall be enjoyed in this State, in the most free, easy, cheap, expeditious and ample manner, and shall not be suspended by the Legislature, except upon the most urgent and pressing occasions, and for a time not exceeding three months.

101.~ The enacting style, in making and passing acts, statutes and laws, shall be: "Be it enacted by the Senate and House of Representatives."

102.~ No Governor, Lieutenant Governor or judge of the Supreme Court shall hold any office or place under the authority of this State, except such as by this Constitution he is permitted to hold, saving that the judges of said court may hold the office of Justice of the Peace throughout the State; nor shall either of said officers hold any place or office, or receive any pension or salary from any other State, government, or power whatever.

103.~ No person shall be capable of exercising, at the same time, more than one of the following offices in this State, viz: Judge of Probate, Sheriff, Register of Deeds; and never more than two offices of profit, which may be held by appointment of the Governor, or Governor and Senate, or Senate and House of Representatives, or courts of law; military offices, and offices of justices of the peace, coroners and notaries public excepted.

104.~ No person holding the office of Judge of any court, Secretary or Treasurer of the State, Attorney General, Commissary General, military officers receiving pay from the United States, excepting officers of the militia occasionally called forth on an emergency, Register of Deeds, Sheriff, Members of Congress, or any person holding any office under the United States, shall at the same time hold the office of Governor or Lieutenant Governor, or have a seat in the Senate or House of Representatives; but his being chosen and appointed to, and accepting the same, shall operate as a resignation of his office of Governor, Lieutenant Governor, Senator or Representative; and the place so vacated shall be filled up.

105.~ No member of the Senate, or House of Representatives, shall be eligible to any office in the State government, within the gift of the executive, or legislative department, during the time for which he shall have been elected, justices of the Peace, Coroners, Notaries Public, Trial Justices and military officers excepted.

106.~ No person shall ever be permitted to hold a seat in the Legislature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery, or corruption, in obtaining an election or appointment.

107.~ In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in gold and silver, according to the provisions of the laws of the United States for the time being.

108.~ Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment, or amendments, shall then be entered on their respective journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be duly published. And if in the Legislature next afterwards to be chosen, such proposed amendment, or amendments, shall be agreed to by a majority of the members elected to each house, and the same be recorded on their journals, and the yeas and nays taken thereon as aforesaid, then it shall be the duty of the Legislature to submit such proposed amendment, or amendments, to the People, and if two-thirds of the qualified voters of this State present and voting thereon, at meetings duly called and warned for that purpose, shall approve and ratify the same, then such amendment, or amendments, shall become a part of the Constitution:- provided that no amendment, or amendments, shall be submitted to the People oftener than once in six years; and if more than one amendment be submitted, they shall be submitted in such manner and form that the People may vote for or against each amendment proposed to any and every provision of the Constitution separately.

Frank Pierce.  
President

Thom Whipple  
Secretary

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State of New Hampshire.

In the year of our Lord, one thousand, eight hundred and fifty-one:

In the Convention of Delegates assembled at Concord, on the first Wednesday of November, in the year of our Lord, one thousand eight-hundred and fifty, for the purpose of revising the Constitution of this State, in pursuance of an Act of the Legislature passed July eighth, in the year of our Lord one thousand eight hundred and fifty:

1.~ Resolved, That the alterations and amendments proposed to the Constitution shall be submitted to the qualified voters of the State at the annual town-meetings holden on the second Tuesday of March, in the year of our Lord eighteen hundred and fifty-one, to be by them acted on at said meetings, or any adjournment thereof within the same week.

2.~ Resolved, That the Selectmen of the several towns, wards and places in the State be directed to insert in their warrants, calling the said annual town-meetings, an article to the following effect:

“To take the sense of the qualified voters, whether the alterations and amendments of the Constitution, proposed by the Constitutional Convention, shall be approved?”

3.~ Resolved, That the sense of the qualified voters shall be taken, under the said article, on each of the following questions submitted to them by said Convention, by ballot, or otherwise, as the said towns, wards or places, shall respectively elect and determine:

Question 1st.~ Do you approve of the Bill of Rights, as amended by the Convention?

2d.~ Do you approve of a House of Representatives, to be constituted and chosen as provided in the amended Constitution?

3d.~ Do you approve of a Senate, to be constituted and chosen as provided in the amended Constitution?

4th.~ Do you approve of the provisions adopted by the Convention, on the subject of Governor and Lieutenant Governor?

5th.~ Do you approve of the biennial election of Governor, Lieutenant Governor and Legislature, and of biennial sessions of the Legislature, as adopted by the Convention?

6th.~ Do you approve of the amendments proposed by the Convention in relation to the election and appointment of County Judges, Judges of Probate, and other public officers, and their tenure of office?

7th.~ Do you approve of the amendments proposed relating to Trial Justices and Courts, and their jurisdiction?

8th.~ Do you approve of the abolition of the religious test and property qualification, as proposed in the amended Constitution?

9th.~ Do you approve of the mode of making future amendments of the Constitution, as proposed in the amended Constitution?

10th.~ Do you approve of the amendment providing that the Judges of the Supreme Court and the Attorney General shall be elected by the People, and the tenure of their office?

11th.~ Do you approve of the amendment requiring the election of a Superintendent of Public Instruction, as provided in the amended Constitution?

12th.~ Do you approve of the amendment requiring the election of Commissioner of Agriculture, as provided for in the amended Constitution?

13th.~ Do you approve of the amendment, provided in the amended

Constitution, for deciding all elections by a plurality vote?

14th.~ Do you approve of the amendment abolishing the Council?

15th.~ Do you approve of the other alterations and amendments, as made in the amended Constitution?

4.~ Resolved, That the votes on the said questions shall be recorded, copied, sealed-up, labelled, directed and returned by the Town Clerks to the Secretary of the State, on or before the sixteenth day of April, A. D. 1851, under the same penalty by law prescribed for neglect to return the votes for Governor, and said votes shall be, by the Secretary of the State, laid before the Convention.

5.~ Resolved, That the Secretary of the State is hereby directed to furnish blanks to the Town Clerks of the different towns, wards and places, for the returns of the Votes on said questions, in the following form:

State of New Hampshire.

Town of \_\_\_\_\_ County of \_\_\_\_\_

At a legal meeting of the qualified voters of the town of \_\_\_\_\_ holden on the second Tuesday of March, A. D. 1851, the votes on the several questions involving the alterations and amendments of the Constitution, submitted to the qualified voters, were as follows:

Question 1st.	Yeas	Nays
Question 2d.	Yeas	Nays
&c. to and including		
Question 15th.	Yeas	Nays.

Attest

Town Clerk

6.~ Resolved, That the Secretary of this Convention be directed to procure to be printed seventy thousand copies of the Constitution, as altered and amended by the Convention, and the same number of copies of the questions to be proposed to the qualified voters, and the same number of these resolutions, and to cause the same to be distributed, as soon as may be, to the Town Clerks of the respective towns, wards and places in the State, for the use of the qualified voters, in numbers proportioned, as near as may be, to the number of the legal voters in the said respective towns, wards and places.

Frank. Pierce  
President

Thom Whipple  
Secretary