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NO.5 GRAFTON COUNTY

ACKNOWLEDGMENT

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INVENTORY OF THE COUNTY ARCHIVES

OF NEW HAMPSHIRE

Prepared by

The New Hampshire Historical Records Survey Project
Division of Professional and Service Projects
Work Projects Administration

No. 5. GRAFTON COUNTY

* * * * * * *

Manchester, New Hampshire
The New Hampshire Historical Records Survey Project
April 1940

The Historical Records Survey Program

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FOREWORD

The Inventory of the County Archives of New Hampshire is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Grafton County, is number 5 of the New Hampshire series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by the Historical Records Survey Program attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of the Historical Records Survey Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey Program organized by Luther H. Evans, is now directed by Sargent B. Child, and operates as a nation-wide project in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON
Commissioner

PREFACE

The Historical Records Survey was initiated in January 1936 as a nation-wide undertaking of the Work Projects Administration, but did not begin operations in New Hampshire until April 7. Prior to August 31, 1939, the Survey was a federally sponsored project. After that date it became a local project sponsored by the University of New Hampshire.

The purpose of the Survey is to make accessible to lawyers, historians, and students of government the records of state, county, city, and town offices. In conjunction with this listing of public records, the church records, including those of defunct organizations, will be inventoried so that the ground work may be laid for research in this neglected field of social history.

The Inventory of the County Archives of New Hampshire will, when completed, consist of a separate numbered volume for each county in the state. The units of the series are numbered according to the position of the county in an alphabetical list of all counties in the state. Thus, the inventory herewith presented for Grafton County is No. 5. The various county volumes of the inventory will be issued in mimeographed form for free distribution to state and local officials in New Hampshire and to a number of libraries and governmental agencies outside the state.

The Survey wishes to express its appreciation for cooperation given by Grafton County officials. The Survey is further indebted to the Secretary of State and the Attorney-General for information received. Legal research for the essays was expedited by facilities granted by the Manchester City Library, the Nashua City Library, the New Hampshire State Library and the City of Concord. The work for this volume was planned by Dr. Richard G. Wood, former supervisor of the Survey and brought to conclusion under the direction of the present supervisor.

Requests for information concerning publications may be addressed to the State Supervisor, Hoyt Administration Building, Manchester, New Hampshire.

Frank N. Jordan

Frank N. Jordan
State Supervisor
New Hampshire Historical
Records Survey Project

Manchester, New Hampshire
April 1940

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A. GRAFTON COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

The Indian occupants of the region now included in Grafton County were the Nipmucks, or fresh-water Indians. The Nipmucks were divided into tribes such as the Pemigewassets and the Coosucks. Indian authorities are in agreement that for the most part these tribes were nomadic in their habits. However, in certain towns in the county such as Haverhill, Warren, and Plymouth, relics have been found indicating permanent Indian settlements.[1]

The first visit of a white man to this general region is said to have occurred about 1709 when one Thomas Baker was taken there from Deerfield, Massachusetts, as a captive of the Indians. It is reported that he was ransomed the following year and returned with a knowledge of the route and of Indian customs which was later utilized to advantage by the provincial government.[2] In 1712 a company was raised to return to the region. There is evidence of this expedition "against the Enemy at Coos" in an allowance made from the public treasury to Lieutenant Baker and his company for scalps.[3] According to one account, there was an expedition in 1720; but the editor of the State Papers expressed the belief that the date was erroneous, and that the "1720" expedition was actually the one that occurred in 1712. Anyhow, it is related that Baker, with a scouting party of thirty-four men, went up the Connecticut River, and, at the height of land made a crossing to the Pemigewasset River. In the Plymouth-Campton region, at the point where a small river, later called Baker's River, joins the Pemigewasset, they found and wiped out a party of Indians, lead by the Sachem Walternummus.[4]

The famous expedition of Captain Peter Powers occurred in 1754. The journal of Captain Powers reports that the expedition after going up the Merrimack River to the mouth of the Pemigewasset River, then going up the Pemigewasset to Baker's River, ascended the latter stream and went across by Baker Pond to the Oliverian Stream in the present town of Haverhill, the site eventually chosen for the first settlement in the region now included in Grafton County.[5]

After the close of the French and Indian Wars, Colonel Jacob Bailey of Newbury, Massachusetts, and Captain John Hazen of Haverhill, Massachusetts, became interested in settling and developing the Grafton County region. It is reported that in 1767 Michael Johnston and John Pattie, acting for Bailey and Hazen, went north, and took possession of the "Little Ox Bow" in the present town of Haverhill. It is also reported that the following year Captain Hazen came to the new settlement to build a grist-mill and a saw-mill.[6] This settlement was originally called "Lower Coos", but it was granted as Haverhill, in 1763, to John Hazen and seventy-four others.[7]

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1. Hamilton Child, Gazetteer of Grafton County, (Syracuse, N. Y., 1886), 112 (39)-112 (41).
2. Id.
3. New Hampshire State Papers, 2:635.
4. Id.
5. Excerpts from journal of Capt. Peter Powers in Rev. Grant Powers, Historical Sketches of the Coos Country and Vicinity, (Haverhill,1841), 17-32.
6. Child, op. cit., 112 (45).
7. New Hampshire State Papers, 12:177.

Historical Sketch

(First entry, p. 31)

Early arrangements were made for a church to serve both this new community, and another established about the same time across the Connecticut River at Newbury, Vermont. The Reverend Peter Powers, eldest son of Captain Peter Powers, was their first minister, and, according to report, preached his own installation sermon. Reverend Mr. Powers was the only minister in the vicinity for a number of years, and it is said that his journeys from one group to another were made on the river by canoe, that, often as he travelled he would find small groups waiting at the river's edge to hear his message.[1]

> Those who first settled Haverhill and Newbury were, for the most part, men of some property, and were able to furnish themselves with land, some stock, and tools, to hire laborers, and, in a short time, their houses were well furnished for that day. They were laborious, prudent, and economical, but were very kind to the poor and sick. They were strict in their religious principles, and all attended religious worship on the Sabbath, neither men nor women esteeming it a hard service to travel on foot, four or six miles, with children in their arms, to hear the gospel.[2]

By 1765 several additional settlements had been made in the region. These included Hanover, Lebanon, Lyme, Orford, and Plymouth, the last named settlement containing part of the present town of Hebron.[3] In 1769 a Legislative act established a public road from Charlestown to Boscawen.[4] After that, new settlements were founded rapidly in this northern region. Many of the Grafton County pioneers were from Connecticut, and Connecticut town names are reproduced in the Grafton towns of Lebanon, Enfield, Canaan, and Lyme.

The act of county organization divided New Hampshire into five counties. Grafton, the fifth county, was "to Contain all the Lands in the Province Not Comprehended in the other Counties." Owing to the sparseness of its population, Grafton County was to be annexed to Rockingham County for governmental purposes until the Governor and Council should consider its population sufficient for the exercise of its own jurisdiction.[5] In 1773 the Governor and Council decided that Grafton County had reached that stage of progress, and a Legislative act established court sessions at Haverhill and Plymouth.[6]

The history of Grafton County, like that of Cheshire, was turbulent in the early years. Owing to a long series of differences, the western counties became more and more out of sympathy with the rest of the state. One of their principal grievances was based on the matter of representation in the provincial Legislative body.

While many of the Connecticut Valley towns, including Hanover, were represented in the so-called Fourth Provincial Congress which met at Exeter, May 17, 1775-November 15, 1775, that assembly adopted, on November 14, a

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1. Powers, op.cit., 56, 77.
2. Ibid., 120-121.
3. New Hampshire State Papers, 12:159, 369, 501; 13:126, 222.
4. Laws of New Hampshire, 3:520-521 (1769).
5. Ibid., 3:524-530 (1769).
6. Id.

plan of representation for the Grafton County towns, which caused much dissatisfaction in that county. The Grafton towns were to be arranged in classes and given only six representatives in a body totaling eighty-nine members. Discontent with this plan received its openest expression in the Hanover class, consisting of Hanover, Lebanon, Relhan (Enfield), Canaan, Cardigan (Orange), and Grafton. This class preferring complete lack of representation to such meagre recognition, returned, without action thereon, the election precept received by the Hanover selectmen from the President of the Exeter Congress. Grafton County towns in other classes swallowed their resentment and sent delegates to Exeter, but the Hanover class was unrepresented when the next Congress convened, December 21, 1775.

The Constitution of 1776 added to the dissatisfaction in Grafton County and many of the Grafton inhabitants considered that the rule of the Exeter government was but an even exchange for the tyranny of the British Crown. In the movement to defy the dictates of the Exeter authorities, Hanover and Lebanon took the lead, but they did not remain isolated for any length of time. By March, 1776, the Haverhill class had joined the Hanover class in refusing to send delegates to Exeter. Most of Grafton County and many sections of Cheshire County took a like stand.[1]

The votes taken at town meetings, in the counties of Grafton and Cheshire, in the fall of 1776, throw light on the attitude of the western New Hampshire towns at that particular time. For instance, at a town meeting for Hanover, Canaan, and Cardigan (Orange), held at Hanover, November 27, 1776, the voters expressed their sentiments in the following manner: When the state was declared independent of Great Britain, "the powers of Government reverted to the people at large, and, of course, annihilated the political existence of the Assembly which then was; notwithstanding which they have since presumed to act in the name of the people * * *." Corporate towns, possessing the right to act by themselves, should not be compelled to unite in selecting a representative. The Assembly had wrongfully imposed a property qualification since every voter should have been eligible for election. About the only purpose that could be served by a Council was "to negative the proceedings of the House of Representatives, which * * * ought not to be done in a free State." In cases where Councilors were "needful," they should be chosen at large rather than from any particular section of the state.[2]

A new element entered into the situation when the New Hampshire Grants, west of the Connecticut River, revolted from the jurisdiction of New York, and (January 15, 1777) established the independent state of New Connecticut, the name of which, a few months later, was changed to Vermont.[3] Many of the inhabitants of the river towns in Grafton County were not averse to the idea of union with the newly formed state.[4]

A number of these towns held a convention, June 11, 1777, in Hanover and they served a virtual ultimatum on the New Hampshire government. They were willing to adhere to New Hampshire if each town were accorded the right to send a representative to the Assembly, if the seat of government were

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1. Frederick Chase, A History of Dartmouth College and the Town of Hanover, New Hampshire, (Cambridge, Mass., 1891), 1:422-426.
2. New Hampshire State Papers, 8:421-422.
3. R. A. Upton, Revolutionary New Hampshire, (Hanover, 1936), 189, 192.
4. Jeremy Belknap, History of New Hampshire, (Farmer Edition, Dover, 1831), 386.

moved from Exeter to a more centralized location, and if steps toward the establishment of a new constitution were taken. Otherwise, they "must seek after Connection with some other State, or endeavor to find relief in some other way * * *".[1] In November, 1777, a committee representing the western towns arrived in Exeter where it negotiated vainly with a Legislative committee.[2]

By the early part of 1778, a group of the estranged towns had definitely decided to seek admittance to the State of Vermont. Their petition, however, did not meet with unanimous approval from the inhabitants of that state. Vermont, at that time, was governed by the Bennington party, which was from the western part of the state, and which did not welcome expansion eastward. On the other hand, the Vermont towns between the Green Mountains and the Connecticut River threatened secession and the organization of an independent Connecticut Valley state, if the New Hampshire towns were not admitted; and on June 11, 1778, the Vermont Assembly ratified the admission of sixteen New Hampshire towns.[3]

In the preceding February had occurred the organization as a distinct township of the Dartmouth College Plain, in which locality there had been considerable agitation for a union with the state of New Connecticut prior to its assumption of the name of Vermont. Had the trend of events taken the direction anticipated by many, the Dartmouth Plain might well have become the capital of New Connecticut. The new town was known first as Dartmouth and then as Dresden. Its organization brought no protest from the rest of Hanover, and Dresden remained a separate township until the return of the entire region to New Hampshire.[4]

To trace every step in the secession movement in Grafton and Cheshire Counties would take more space than is available here. For a time in the disputed region there were officers representing both Vermont and New Hampshire. Before the matter was finally adjusted, the governments of New Hampshire, Vermont, New York, and Massachusetts, in addition to the Continental Congress, were concerned in one way or another. Finally, the Connecticut River was confirmed as the boundary and the disaffected Grafton and Cheshire towns were forced to remain with New Hampshire.[5] Matters were considerably improved by the 1784 Constitution which gave the western counties a more liberal representation in the Legislature.[6] Gradually, the bitterness caused by the controversy subsided.

The original incorporation of Grafton County set aside an immense tract of land, taking in almost the entire northern half of the state. This territory was added to in 1782 when Holderness (then called New Holderness) and Campton were disannexed from Strafford County.[7] A minor addition occurred in 1837 when some land in Grantham, Sullivan County, was joined to Enfield in Grafton County.[8]

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1. New Hampshire State Papers, 13:763.
2. Upton, op. cit., 192.
3. Ibid., 192-193; Vermont State Papers, 3:9, 24.
4. Chase, op. cit., 446, 460-463.
5. Belknap, op. cit., 391-395.
6. B. P. Poore, Federal and State Constitutions, (Washington, 1887), 2:1296 (N. H. Constitution of 1784, House of Representatives).
7. Laws of New Hampshire, 4:479 (1782).
8. New Hampshire Laws of 1837, ch. CCXC.

Historical Sketch (First entry, p. 31)

The curtailment of the Grafton boundaries began in 1778 when Conway (now in Carroll County) was removed from Grafton County and added to Strafford County.[1] In 1800 Burton (now the Carroll County town of Albany) was detached from Grafton County and added to Strafford County.[2] Three years later Grafton County was split to form Coos County.[3] In 1805 a tract of Grafton land known as Nash and Sawyer's Location was annexed to Coos County.[4] In 1832 land from New Chester (Hill), in Grafton County, was added to Wilmot in Merrimack County.[5] This preceded by thirty-six years the annexation of the town of Hill, itself, to Merrimack County.[6] The homestead farm of Mahala Gilman in Waterville, Grafton County, was annexed to Sandwich, Carroll County, in 1864.[7] Grafton County lost Danbury to Merrimack County in 1874.[8]

Grafton County is the home of Dartmouth College. The antecedents of Dartmouth may be traced to the Indian Charity School established by Eleazar Wheelock at Lebanon, Connecticut, in 1754.[9] After ten years the school had grown to such proportions that Wheelock felt justified in asking for financial assistance from abroad. Samson Occom, an Indian minister, travelled to London, with the Reverend Nathaniel Whitaker, for the purpose of obtaining such assistance. The Earl of Dartmouth and other prominent men were visited, and contributions were secured. These activities led to the establishment of two boards of trustees, one in England and one in America. Lord Dartmouth was the president of the English board.[10]

As early as 1763, the removal of the school from its original site was given serious consideration. Various locations were discussed in the years that followed. At length, due largely to the friendly interest of Benning and John Wentworth, the choice fell upon western New Hampshire.[11] A charter was granted December 18, 1769 and the institution received the name of Dartmouth College. The purpose of the college, as expressed in the charter, was to provide "for the education & instruction of Youth of the Indian Tribes in the Land in reading, writing & all parts of Learning which shall appear necessary and expedient for civilizing & christianizing Children of Pagans as well as in all liberal Arts and Sciences; and also of English Youth and any others * * *."[12]

When the charter was granted, only the general region of the Connecticut Valley had been selected for the location of the college; the specific site had not been chosen. Several of the western New Hampshire communities made bids for the college. It was not until July, 1770, that Hanover was selected.[13]

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1. Laws of New Hampshire, 4:170 (1778).
2. Ibid., 6:647 (1800).
3. Ibid., 7:206 (1803). In 1839, a proposal was made to divide the county again. See New Hampshire Laws of 1839, ch. CCCCLXXVIII.
4. Laws of New Hampshire, 7:398-399 (1805).
5. Ibid., 10:365-366 (1832).
6. New Hampshire Laws of 1868, ch. XIV.
7. New Hampshire Laws of 1864, ch. 2891.
8. New Hampshire Laws of 1874, ch. XCVI.
9. L. B. Richardson, History of Dartmouth College, (Hanover, 1932), 1:32.
10. Ibid., 1:49-62.
11. Ibid., 1:79-90.
12. General Catalogue of Dartmouth College and the Associated Schools 1769-1925, (Hanover, 1925), 5.
13. Richardson, op. cit., 1:91-97.

August 28, 1771 marked the first Commencement. Governor Wentworth, and his party came up from Portsmouth for the occasion. There were four graduates--Levi Frisbie, Sylvanus Ripley, Samuel Gray, and John Wheelock.[1]

Fears were expressed in some quarters that the newly chartered institution, in its wider field of endeavor, would get away from the original aim of its founder--that of bringing educational advantages to the Indians. Hence, the establishment of Moor's Indian Charity School to take over President Wheelock's original work; the name was chosen in honor of Colonel Joshua More who, fifteen years previously, had donated land and a building to Wheelock's Indian school in Lebanon, Connecticut.[2] Some of the earliest pupils in the Indian School after its establishment at Hanover were descendents of English captives, who, having been adopted by the Indians, had taken marital partners in the tribes of their adoption.[3] By 1775 there were from fifteen to twenty Indians in the school; ten of these were from Canada.[4] Due to financial difficulties, Moor's School was closed, 1829-1837. It was reopened in 1838, but, as an institution, it was finally closed in 1849. Thereafter, Indian students were cared for in other ways.[5]

In the meanwhile Dartmouth College, though beset with difficulties, was growing steadily and surely. In 1783 fourteen degrees were awarded; in 1784, seventeen. The largest class before the turn of the century was forty-nine in 1791.[6] By the middle of the century[7] the Dartmouth student body numbered 251. The college today serves 2,437 students.[8]

Probably the most significant case ever to arise in the courts of Grafton County was the Dartmouth College case. This case arose out of a controversy between John Wheelock, then president of Dartmouth College, and the trustees of the institution. The latter removed the president and appointed a new incumbent. In 1816 the Legislature changed the name of the college to Dartmouth University, and, to all intents and purposes, made it a state institution. The matter became a state-wide political issue. The trustees appealed to the courts, and the case reached the highest tribunal in the land. Daniel Webster, appearing before the United States Supreme Court for the trustees, argued that by abrogating the charter of Dartmouth College the Legislature had threatened the sanctity of contracts everywhere. His famous statement, "It is a small college, but there are those who love it," has since become dear to all Dartmouth men. The Supreme Court decision handed down by Chief Justice John Marshall was in favor of the college trustees.[9]

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1. Richardson, op. cit., 1:110-111.
2. Ibid., 1:33-34, 113-115.
3. Ibid., 1:128.
4. Ibid., 1:150-151.
5. Ibid., 1:418-419.
6. Ibid., 1:202-203.
7. Catalogue . . . Dartmouth College 1850, 18.
8. Dartmouth College Bulletin 1938-1939, sec. III, 96.
9. Laws of New Hampshire, 8:505-508 (1816); "The Trustees of Dartmouth College versus William H. Woodward" in New Hampshire Reports, 1:111-138; 4 Wheaton, 518 (1819); C. M. Fuess, Daniel Webster, (Boston, 1930), 1:215-245.

Historical Sketch (First entry, p. 31)

The west bank of the Connecticut River at low water mark forms the western boundary for the county.[1] Tributaries of this river in the county are the Lower and Wild Ammonoosuc Rivers in the northern part and the Mascoma River in the southern section. Through the central portion flows the Pemigewasset and its branches. Newfound Lake is located in the southern part of the county and Mascoma Lake in the southwestern portion. A part of Squam Lake lies in the southeastern section.

Some of the ranges of the White Mountains rise in the northern section of Grafton County, among them the Franconia Range which contains Cannon Mountain, the site of the "Old Man of the Mountain" profile and of the recently constructed aerial tramway, the only conveyance of its kind in North America. To the southwest in Benton is Moosilauke Mountain.

Grafton County is bounded on the north by Coos County; on the east by Coos, Carroll and Belknap Counties; on the south by Merrimack and Sullivan Counties; on the west by the Vermont counties of Windsor, Orange, and Caledonia. The area of Grafton County is approximately 1700 square miles.[2] It contains thirty-nine towns.[3] By the 1930 census it had a population of 42,816.[4]

In spite of its fine facilities for water power, Grafton County can hardly be called a manufacturing district. Rather, on the whole, the county should be classed as an agricultural section. The agricultural census of 1935 lists 2,504 farms operating in the county as compared with 2,077 in 1930.[5] Although this increase is slight, it seems worthy of note, especially in view of a decrease in farms in the county recorded in several earlier agricultural censuses.[6] The figures of the 1935 census are encouraging; yet it must be admitted that there are many abandoned farms in Grafton County, also farms that are not operated to their full capacity. Likewise, it must be admitted that the trend toward migration from farm land has not left Grafton County unaffected.[7] On the bright side of the picture, there can be noted the increase in dairy farming located largely in the Connecticut River valley. A certain amount of wood and lumber products, stone and clay products, knit goods, and sports wear are manufactured in Grafton County.[8]

In considering the means by which the inhabitants of Grafton County procure a livelihood, the recreational business should not be overlooked. Splendid mountain scenery has attracted visitors to the Grafton County region for many years. While these visitors, at one time, made their appearance almost exclusively during the months of summer, such is not the case at the present time. The development of enthusiasm for winter sports is causing the recreational business to become a year-round industry. The outstanding sports event is the Dartmouth Winter Carnival which draws guests from all over the country.

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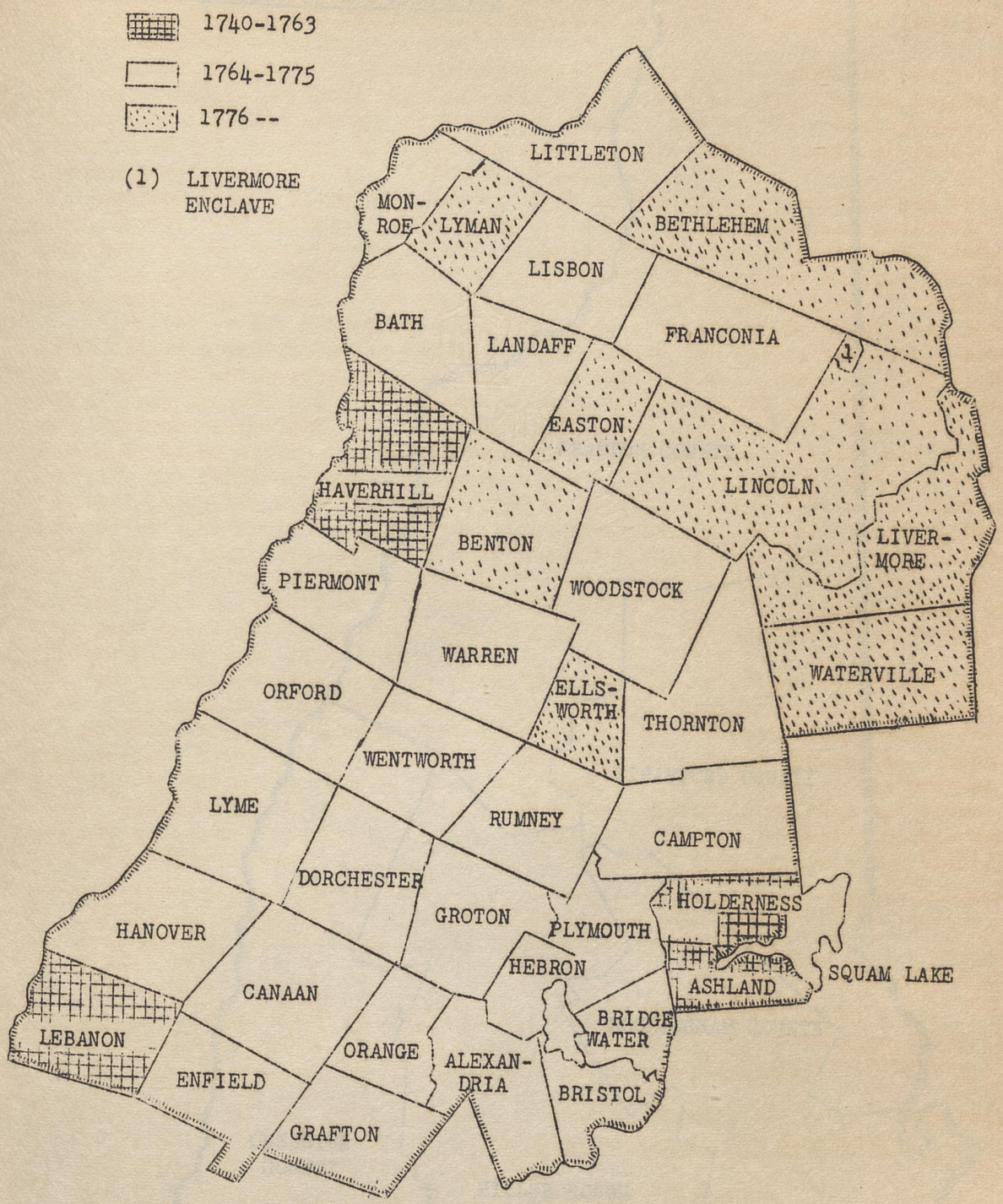
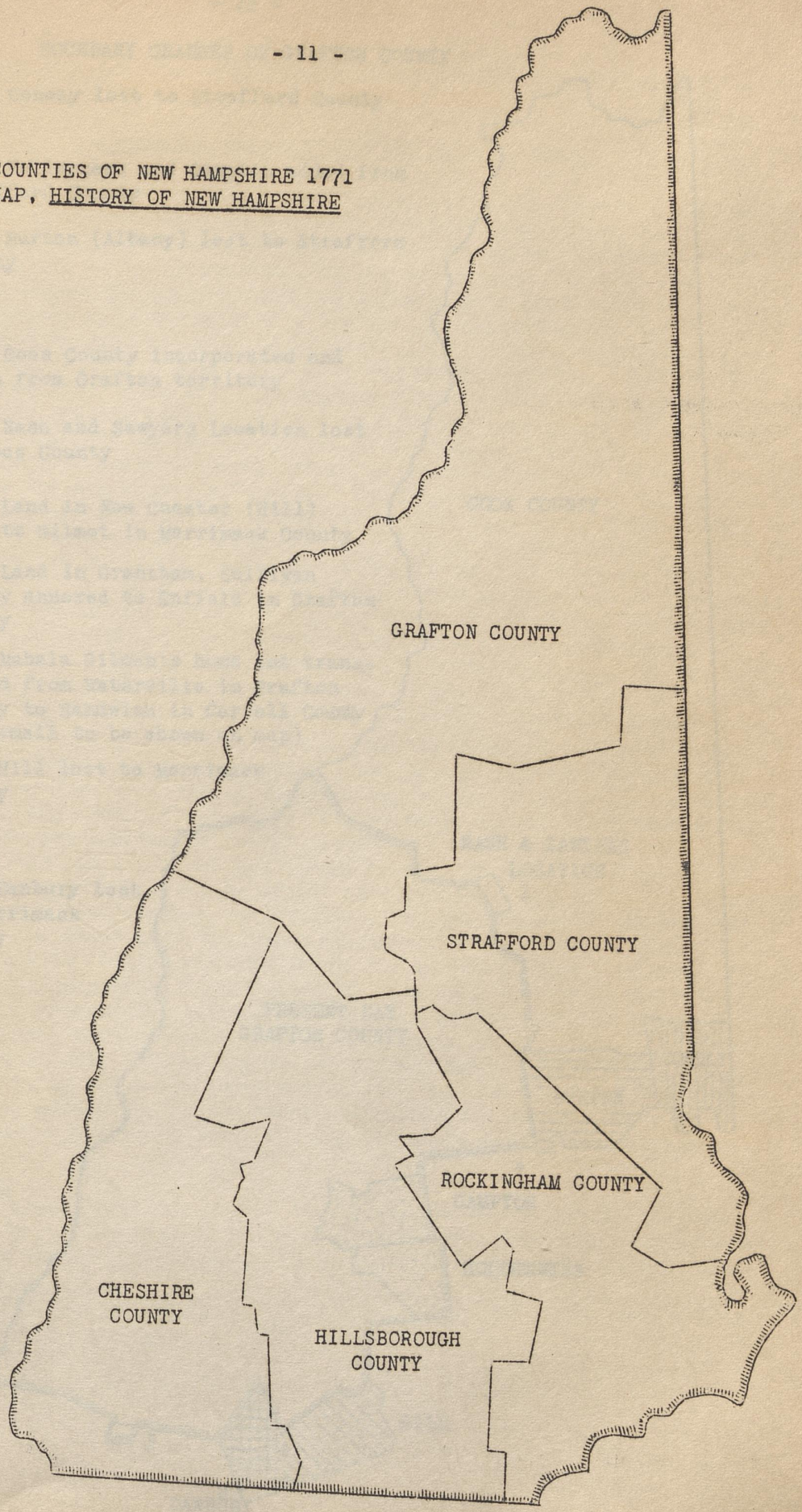
1. Report of the [N.H.] Attorney-General * * * 1932-1934, 224-226.
2. New Hampshire Manual for the General Court, 1939, 116.
3. Ibid., 121.
4. Ibid., 117.
5. United States Census of Agriculture, 1935, (Washington, 1936) 1:15.
6. Thirteenth Census of the United States. Agriculture, (Washington, 1913) 7:113; Fifteenth Census of the United States. Agriculture, (Washington, 1932) 2:144 Part II.
7. For details of the farm situation in Grafton County, see H. C. Woodworth, M. F. Abell, and J. C. Holmes, Land Utilization in New Hampshire, Bulletin 298, (Durham, 1937), passim.
8. New Hampshire Bureau of Labor Report 1937-38, 42-82.

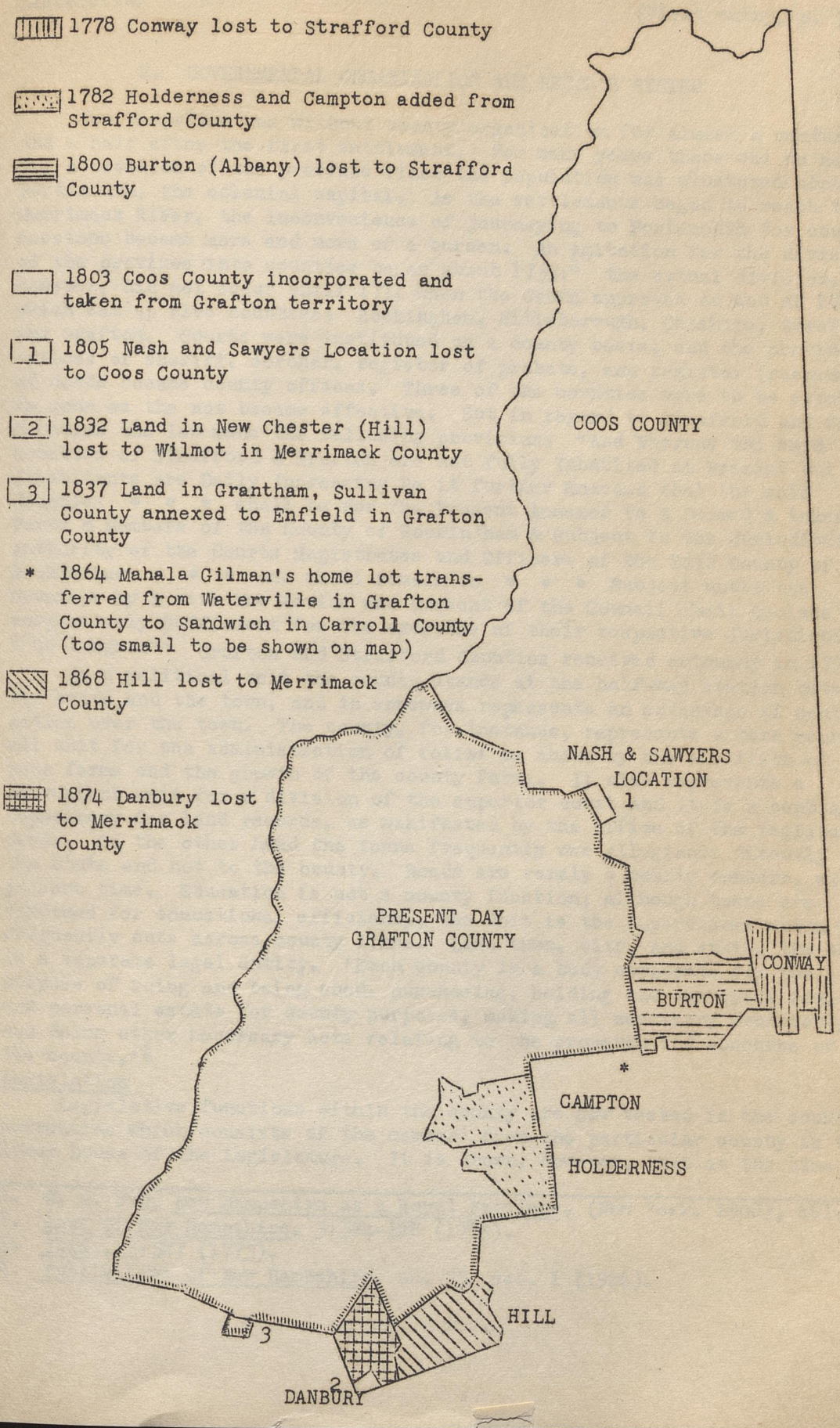
SETTLEMENT MAP OF GRAFTON COUNTY



ORIGINAL COUNTIES OF NEW HAMPSHIRE 1771
J. BELKNAP, HISTORY OF NEW HAMPSHIRE



BOUNDARY CHANGES OF GRAFTON COUNTY



Legislation (First entry, p. 31)

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

New Hampshire was without county organization for almost a century and a half after the first settlement. For many years there was no need for a division of the province since the population was clustered about Portsmouth, the colonial capital. As the settlements began to reach the Merrimack River, the inconvenience of journeying to Portsmouth for court sessions became more and more of a burden. An agitation for the division of the province into counties began about 1755;[1] the actual division, however, did not occur until 1771 when the Crown approved an act of 1769 which set up five counties: Rockingham, Hillsborough, Cheshire, Strafford, and Grafton. Courts were instituted on a county basis, and the provincial offices of sheriff, coroner, register of probate, and register (recorder) of deeds became county offices. Three of the counties were to be established as soon as the act became effective. But in regard to Strafford and Grafton Counties the law made the following provision: "And Whereas the said Counties of Strafford & Grafton are not fully Inhabited at Present but the Inhabitants are Daily Increasing Be it further Enacted that the said Counties * * * shall be for the Present Annexed to & Deemed & taken as Parts & Members of the County of Rockin'ham & Subject to the Jurisdiction & Authority of the Courts Magistrates and Officers of the Said County of Rockin'ham * * * and shall remain so * * * Subject until the Governor by & with the Advice and Consent of the Council shall declare them respectively Sufficient for the exercise of their respective Jurisdiction & no longer."[2] Grafton and Strafford Counties received autonomy in 1773.[3]

As a political unit the county stands at the half-way station between the state and the town, and in someways represents an advantage of centralization over the town. The county, for instance, represents a more economical unit for the administration of relief as shown by the abolition of town poor farms and the growth of the county farms. It also represents a convenient unit for a division of the superior court and it is a centralized depository for land records, as manifested by the office of the register of deeds. On the other hand the towns frequently owe allegiance directly to the state and not to the county. Roads are rarely a county concern, at the present time. Education is not a county function; although towns are combined for educational efficiency, the unit is the supervisory union which frequently cuts across county lines. Like town, city, and state, the county is a separate legal entity. "Each county is a body corporate for the purpose of suing and being sued, purchasing, holding and conveying real and personal estate for county purposes, making all necessary contracts, and doing other necessary acts relating to the property and concerns of the county."[4]

Legislation

Legislative functions within the county are now vested in the county convention which consists of the members from the particular county in the lower house of the Legislature. It is known, however, that at the time of

1. W. H. Fry, New Hampshire as a Royal Province, (New York, 1908), 461.
2. Laws of New Hampshire, 3:524-528 (1769).
3. Ibid., 3:587 (1773).
4. Public Laws of New Hampshire, ch. 35, sec. 1 (1926).

(First entry, p. 31)

the organization of the counties, Legislative functions were in the hands of the court of general sessions of the peace, since the act of organization authorized that court to raise money for county buildings.[1] When the courts of general sessions were abolished in 1794 the same enactment authorized the forming of county conventions.[2]

Administration

County commissioners constitute the principal administrative body of the county. They were preceded by road commissioners who appeared in 1829, at the time when a major function of the county was highway building and maintenance. Five commissioners for each county were appointed by the Governor and Council;[3] the office became elective in 1840.[4] County commissioners appeared in 1856, and were granted broad powers in the administration of county business,[5] which powers they have maintained to date.[6]

Recording

The principal recording officers of the county are the register of probate, the register of deeds, and the clerk of the superior court. This is clearly recognized in the statutes which definitely state that these three officials shall have suitable offices with fire-proof safes.[7] Grafton county meets these requirements with well equipped offices and fire-proof vaults at the Woodsville courthouse.

Judicial

The present judicial system of the county is based primarily on the superior and probate courts. The former, a state court organized on a county basis, finally evolved from the superior court of judicature which was set up in the original counties by the act of county organization.[8] The probate court in the counties is an outgrowth of the provincial probate court. An important adjunct to the probate court is its record-keeping functionary, the register of probate. Both judge and register of probate were authorized by the general act of county organization with no state implications whatever.[9]

The act setting up courts in Grafton and Strafford Counties provided, in Grafton County, for the superior court of judicature, inferior court of common pleas, and court of general sessions of the peace, all three courts meeting at stated times in Haverhill and Plymouth.[10] Although the Grafton organization act did not refer specifically to the probate court, both judge and register took office in the first year of the county's autonomy.[11]

Soon after the courts began operation, however, difficulties were encountered. Owing to the Revolution, the Tory proclivities of one of the

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1. Laws of New Hampshire, 3:529 (1769).
2. Ibid., 6:157 (1794).
3. Ibid., 9:915-923 (1829).
4. New Hampshire Laws of 1840, ch. DVI.
5. New Hampshire Laws of 1855, ch. 1659, secs. 37, 38.
6. Public Laws of New Hampshire, ch. 38, (1926).
7. Ibid., ch. 35, sec. 2 (1926).
8. Laws of New Hampshire, 3:524-530 (1769).
9. Ibid., 3:524-530 (1769).
10. Ibid., 3:587-588 (1773).
11. J. Belknap, History of New Hampshire, (Farmer Edition, Dover, 1831), 420.

judges, and the separatist movement in the Connecticut Valley, the courts in this county were suspended. When they reopened in 1782, it is interesting to note that ten cases were continued from 1775.[1]

In 1813, in New Hampshire counties, the supreme judicial court supplanted the superior court of judicature, and two state-wide circuit courts of common pleas replaced the courts of common pleas for each county.[2] The superior court of judicature was reestablished in 1816, and the courts of common pleas were reorganized.[3] The courts of common pleas were replaced by courts of sessions in 1820 and many of their duties were transferred to the superior court of judicature.[4] A court of common pleas, consisting of one chief and two associate justices, was established in 1824 to take over the jurisdiction of the courts of sessions. This court acted for the entire state, but it met in the different counties.[5] In 1832 a local court of common pleas was established in each county.[6] A law of 1849 stated: "The court of common pleas shall consist of the justices of the superior court of judicature and of the judges of the court of common pleas appointed for each county."[7] Six years later the supreme judicial court replaced the superior court of judicature and the court of common pleas underwent another reorganization.[8] The court of common pleas was abolished in 1859 and its duties transferred to the supreme judicial court.[9] In 1874 the supreme judicial court again gave way to the superior court of judicature, and a circuit court was organized but the superior court of judicature and the circuit court, in regard to personnel, were practically the same court.[10] Another reorganization occurred two years later when the supreme judicial court again supplanted the superior courtof judicature. In this new court the judges were to hold trial terms individually and were to determine issues of law, collectively.[11] The supreme judicial court, constituted in 1876, lost its county affiliation and became a state court in 1901. In that same year the superior court of judicature, organized on a county basis, re-appeared,[12] and has continued to the present time.

Closely allied with the judiciary is the office of justice of the peace, an important one in early county history. It gradually lost much of its importance, particularly in regard to its judicial functions and, at the present time, no justice of the peace within Grafton County is designated as a trial justice.[13] The justification for regarding this as a county office

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1. Hamilton Child, Gazetteer of Grafton County, (Syracuse, 1888), 38.
2. Laws of New Hampshire, 8:251, 255 (1813).
3. Ibid., 8:501-505 (1816).
4. Ibid., 8:934-936 (1820).
5. Ibid., 9:352-356 (1824).
6. Ibid., 10:369-381 (1832).
7. New Hampshire Laws of 1849, ch. 842, sec. 2.
8. New Hampshire Laws of 1855, ch. 1659.
9. New Hampshire Laws of 1859, ch. 2211.
10. New Hampshire Laws of 1874, ch. XCVII; A. S. Batchellor, "The Development of the Courts of New Hampshire" in W. T. Davis, ed., The New England States, (Boston, 1897), 4:2312-2313.
11. New Hampshire Laws of 1876, ch. XXV; Batchellor, op. cit., 4:2313.
12. New Hampshire Laws of 1901, ch. 78.
13. For list of trial justices in other counties, see New Hampshire Manual for the General Court 1939, 411.

is based on a provision in the law that the records are to be filed with the clerk of the superior court in the event of the expiration of the term of the justice or his removal from the county.[1] The New Hampshire Historical Records Survey Project has not been able to discover justice records in all counties. Such records have been found in Grafton County, however.

Law Enforcement

The chief law enforcement officers of the county are the sheriff and the solicitor -- the duty of the sheriff being to apprehend violators of the law, and that of the solicitor to prosecute violators. The sheriff has the assistance of deputies whom he appoints.[2] In the prosecution of law-breakers the solicitor is subject to the supervision of the Attorney-General, the chief prosecuting officer of the state.[3] Since 1937 the sheriff and his deputies have shared with the State Police the responsibility of apprehending, within any county, persons violating the law.[4] The sheriff was one of the officers specifically mentioned in the act which organized the New Hampshire counties.[5] The solicitor appeared in Grafton County in 1794.[6] That Grafton County had a crier, an ancient office related to the sheriff, is noted by the New Hampshire Register, which first listed the Grafton crier for the year 1802; the last listing was for 1834.[7] Somewhat less related to the office of sheriff was that of coroner, which, like the sheriff, was specifically mentioned in the act of county organization.[8] The office was replaced by that of the medical referee in 1903.[9] An old office concerned indirectly with law enforcement was the commissioners of jail delivery found in Grafton County for the years 1831-35.[10] An office responsible for the enforcement of certain specific laws was the sealer of weights and measures, appearing in Grafton County in 1822,[11] abolished by law as a county office in 1919.[12]

Financial

The financial organization of the county is based on these functions: appropriating, auditing, and disbursing. The act instituting counties gave to the court of general sessions of the peace the power to raise money for the payment of bills against the county.[13] When that court was abolished in 1794, tax granting powers were assigned to the county delegates in the General Court (Legislature) who were authorized to form themselves into a convention for that purpose.[14] At the present time the county convention possesses the power to raise county taxes.[15]

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1. Public Laws of New Hampshire, ch. 322, sec. 16 (1926).
2. Ibid., ch. 324, secs. 1, 2.
3. Ibid., ch. 16, sec. 19.
4. New Hampshire Laws of 1937, ch. 134.
5. Laws of New Hampshire, 3:526 (1769).
6. New Hampshire Register 1795, (pages not numbered).
7. New Hampshire Register 1803, 60; New Hampshire Register 1835, 72.
8. Laws of New Hampshire, 3:526 (1769).
9. New Hampshire Laws of 1903, ch. 134.
10. New Hampshire Register 1832, 22; New Hampshire Register 1836, 57; New Hampshire Register 1833-35, passim.
11. New Hampshire Register 1823, 52.
12. New Hampshire Laws of 1919, ch. 149.
13. Laws of New Hampshire, 3:528 (1769).
14. Ibid., 6:157 (1794).
15. Public Laws of New Hampshire, ch. 35, sec., 5 (1926).

Governmental Organization Records System-Welfare; Records System (First entry, p. 31)

What amounted to auditing powers were accorded the court of general sessions of the peace by the act of county organization.[1] By an act of 1865, the county commissioners received authority to audit and allow all accounts for and against the counties except those accounts incidental to the courts which were allowed by the justices of the courts.[2] Auditors, as such, appear in counties by 1872 when the county convention acquired the power to appoint two of them annually.[3] By authority of the Public Statutes (1891), these officials were to be appointed, biennially, one from each of the two leading political parties.[4] In 1897, however, the county convention lost to the supreme judicial court, the predecessor of the present superior court, the prerogative of appointing auditors. The supreme judicial court, at that time, was to appoint the auditors annually; at the present time the superior court makes the annual appointment.[5] The county treasurer shares with the county commissioners, the responsibility of disbursing funds. The treasurer appeared in Grafton County in 1773.[6]

Welfare

During the earlier years of the nineteenth century, the maintenance of paupers was let out to the lowest responsible bidder.[7] Eventually some of the towns established poor farms which gave way to county farms. The Grafton County farm was established in 1866.[8] The superintendent is the official in charge. He is responsible to the county commissioners by whom he is appointed. The commissioners were granted the maintenance of county paupers when their office was established by an enactment of 1855.[9] At the present time the law states: "They shall have the charge and care of county paupers and shall provide for their support upon the county farm or elsewhere * * * when expedient they may appoint agents in the several towns to investigate applications and look after the county poor in such towns."[10] The economic conditions of the last decade have enormously increased in volume the duties of the county commissioners in connection with relief outside of the county farm.

Records System

There are not many changes to be recommended in the records system of Grafton County. In some instances, however, the clerk of court's records, while excellently kept, lack completeness.

Civil judgments since 1903, session judgments since 1920, and equity judgments since 1936 have not been recorded in the volumes, but the clerk of court intends to bring judgments up to date as soon as possible. In July 1939 the clerk's secretary expressed the hope that special funds might be

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1. Laws of New Hampshire, 3:528 (1769).
2. New Hampshire Laws of 1865, ch. 4077.
3. New Hampshire Laws of 1872, ch. XLIII.
4. Public Statutes of New Hampshire, ch. 24, sec. 10 (1891).
5. New Hampshire Laws of 1897, ch. 87, sec. 1; Public Laws of New Hampshire, ch. 35, sec. 18 (1926).
6. J. Belknap, op. cit., 420.
7. For example, see MS. Bristol Town Records, vol. 1, p. 449 (1836).
8. W. F. Whitcher, History of the Town of Haverhill, New Hampshire, (Concord, 1919), 433.
9. New Hampshire Laws of 1855, ch. 1659, sec. 37.
10. Public Laws of New Hampshire, ch. 38, sec. 8 (1926).

provided for this purpose. While there is a docket index for civil and equity cases, 1936--, there is none prior to 1936; and none, at all, for state and session cases.

Current Officers

At present the voters of Grafton County at the biennial elections choose a sheriff, solicitor, register of deeds, register of probate, treasurer, three county commissioners, and the Grafton County representatives in the lower house of the Legislature who constitute the county convention. The Governor and Council appoint the justices of the superior court, the judge of probate, and three medical referees. The superior court appoints a clerk of court and two auditors. The county commissioners appoint a superintendent of the county farm; the sheriff appoints eight deputy sheriffs.

CHART OF GRAFTON COUNTY OFFICERS IN 1773

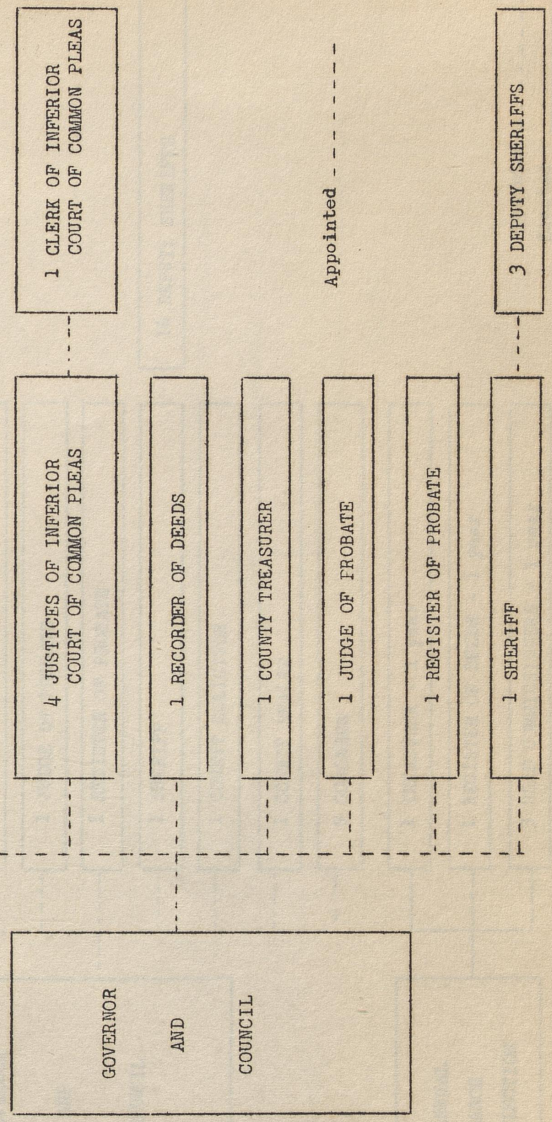

CHART OF GRAFTON COUNTY OFFICERS IN 1850

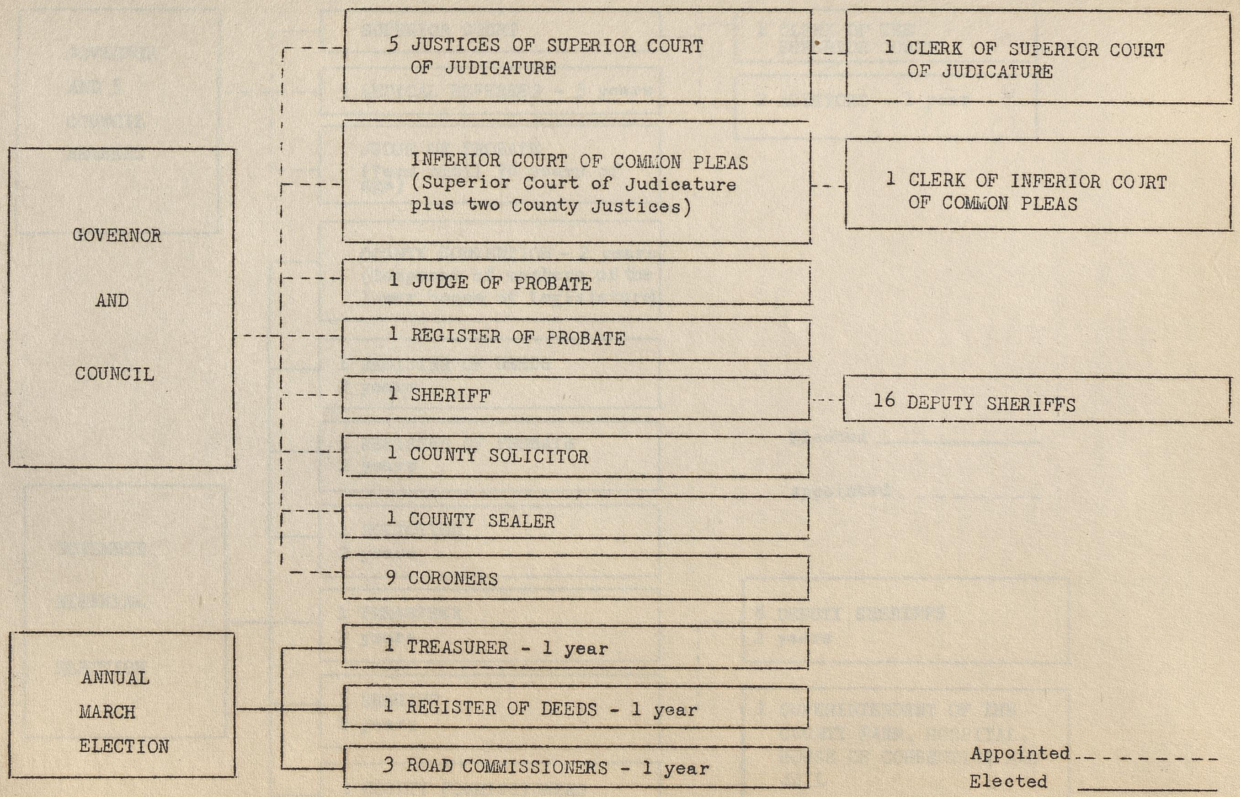

CHART OF PRESENT GRAFTON COUNTY OFFICERS

(First entry, p. 31)

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

When Grafton County was organized, Haverhill became the county seat. The northern section of Haverhill was chosen as the location of a structure in which was combined the first courthouse and jail. The raising of the frame began November 19, 1773 and continued until November 30. The food and drink consumed during this labor included 650 pounds of beef and forty-five gallons of rum.[1]

Although this building stood for fifty years it was not used for a courthouse after 1793. In that year, Colonel Charles Johnston and others built an academy at Haverhill Village, and invited the courts to share the use of the building. The offer was accepted, and courts were held at the academy until the building burned in 1814. On December 16, 1815, School District Number 1 voted to build a brick structure in co-operation with the trustees of the academy. The new building was also used by the courts, the county paying one thousand dollars to the academy trustees.[2]

Grafton County records for many years were housed in the residences and private offices of the county officials. At length (June 21, 1838), the county convention voted to raise two thousand dollars for the construction of a building with "fire safes" in order to preserve the records of the county. The court of common pleas was to have the responsibility of selecting the town in which the building was to be located.[3] The following year the convention voted to raise two hundred dollars "in arrear (& unprovided for by former appropirations) for erecting the County building at Haverhill * * * for the offices of the clerks of the courts, Register of Deeds, & Register of Probate, according to the contract made for the building thereof by the Judges of the Court of Common Pleas * * *."[4]

In 1845 the county and Haverhill School District Number 1 surrendered to Haverhill Academy their interest in the building which for thirty years had served as courthouse, school house, and academy. The county erected a separate building for a courthouse, and courts first met there in 1846.[5]

The 1845 building served as the county courthouse until 1890 when a new structure was erected in the section of the town of Haverhill known as Woodsville. The removal of the courthouse site from its former location to Woodsville was not accomplished without controversy, but the Woodsville location was more convenient, due chiefly to the fact that the village had become a railroad center. Ira Whitcher offered the county, free of charge, a building lot which "he had for years refused to sell, frequently saying that he was holding it in reserve for the Grafton County court house." The county convention took favorable action, and the Woodsville courthouse was ready for occupancy in the fall of 1890.[6]

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1. W. F. Whitcher, History of the Town of Haverhill, New Hampshire, (Concord, 1919), 272, 276.
2. Ibid., 276-279.
3. Grafton County [Convention Records], June 21, 1838. See entry 1.
4. Ibid., June, 1840. See entry 1.
5. Ibid., June 11, 1845. See entry 1; Whitcher, op. cit., 280.
6. Whitcher, op. cit., 280-283; Grafton County Reports 1890, 181.

Housing, Care, and Accessibility of the Records (First entry, p. 31)

It was no longer necessary for county records to be housed in a separate building, and in 1891 the clerk of court, register of deeds, and register of probate were instructed to remove their records to the new courthouse. The building erected in the eighteen-thirties for the storing of county records now accommodates the Haverhill Free Library.[1]

In 1915, at the Woodsville courthouse, there were made important alterations in, and additions to, the county commissioners' room and the offices and vaults of the clerk of court, register of deeds, and register of probate.[2]

In 1774 the court of sessions appointed a committee to build a courthouse and jail in Plymouth. This first Plymouth courthouse remained in continuous use for nearly fifty years. It was in this courthouse, in 1806, Daniel Webster made his famous plea against capital punishment. The building was square with "a stately cupola out of proportion to the diminutive size of the structure."[3] A new and larger courthouse was built in 1823, and June 10, 1824, the convention voted five hundred dollars to William Webster and David M. Russell in discharge of their claim for the construction of that building. The old building was sold and moved to the easterly side of the street, where it was used for a time as a wheelwright shop. In 1876 it was restored, without the cupola, and presented to the Young Ladies' Library Association.[4] It now contains the town library.

At the same time (1889) the Woodsville courthouse was built, ten thousand dollars was appropriated for a new courthouse in Plymouth. A resident of Plymouth, Alvin Burleigh, was included on the committee to assist the county commissioners in arranging for the construction of both buildings.[5]

The 1889 Plymouth courthouse contains the court room, the headquarters of the Plymouth Police Department and an office of the county commissioners. No county records are kept there. Sessions of the superior court meet at Lebanon as well as at Plymouth and Woodsville. As Lebanon does not have a courthouse, superior court sessions are held at the town hall.

The Woodsville courthouse, 87' x 72' x 120', a brick building in which various styles of architecture are combined, has a tower and Romanesque windows.

Record depositories on the first floor consist of the clerk of court's vault, the register of deeds' office and vault, the probate office, two probate vaults, and the offices (outer and inner) of the county commissioners. The basement and a storeroom on the second floor serve as depositories.

On entering the building the first depository at the right is the office of the register of probate. Only one volume of records is kept here, however. From the probate office, entrance is gained to the probate vaults (outer and inner), constructed of brick with cement girders, where most

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1. Whitcher, op. cit., 282, 285; Grafton County Reports 1891, 79.
2. Whitcher, op. cit., 283; Grafton County [Convention Records], Feb. 5, March 31, April 21, 1915. See entry 1.
3. E. S. Stearns, History of Plymouth, New Hampshire, (Cambridge, Mass., 1906), 1:188-189, 194-195.
4. Ibid., 190; Grafton County [Convention Records], June 10, 1824.
5. Whitcher, op. cit., 281; Grafton County Reports 1890, 181.

of the probate records are located. Each vault is 30' x 15' x 11'. There are tables and chairs in each. Each vault has two windows and lighting, (artificial and natural) is excellent. There are sixty-seven linear feet of metal shelving in the combined vaults. Probate records not in the office and vaults are in the courthouse basement.

The county commissioners' offices are also on the right side of the hallway. The outer office, 19' x 8'2" x 10'9", is electrically lighted. There is one window, 3' x 10'. The inner office, 19' x 10'6" x 10'9", is electrically lighted, and it has three windows. Commissioners' records not found in their offices, are located in the register of deeds' vault, the clerk of court's vault, the courthouse basement, room 346 at the county farm, the relief office in the Sargent Block, Woodsville, and the State Library, Concord.

The first room at the left, on entering the building, is the clerk of court's office. The office, however, does not serve as a record depository. The greater amount of the clerk's records are in the adjoining vault, 24' x 22' x 15', constructed of brick and cement. This vault has two windows, and it is electrically lighted. A table, a step ladder, and chairs are provided for users. Records are kept in metal file boxes and on roller shelving. About thirty percent of the clerk's records are in the basement. A few are in the storeroom on the second floor.

Also at the left of the hallway is located the office and vault of the register of deeds. No records are contained in the office, but the vault houses all of the register's records except discarded index volumes kept on shelves in the basement. The brick and cement vault, 34' x 18' x 11', is lighted by electricity, and there are two windows. Equipment includes a table, chairs, and metal shelving.

The basement serves as a general depository. A cupboard and open shelves hold the records stored there. Additional shelves have been constructed since the Survey began its inventory of the records.

At a meeting of the county convention June 12, 1850, a committee of five was elected to inquire into the advisability of purchasing a county farm. This committee, on June 18, was granted on extension of time in which to make its report. On June 20 the committee brought in a resolution which the convention adopted. This resolution provided that the selectmen of the Grafton County towns should be requested to place an article taking the sense of the voters upon the question in the warrants for the next March town meetings. "Is it Expedient to authorise the assistant Justices of the Court of Common Pleas to purchase two county poor farms, one in the Eastern and one in the Western Judicial District." The resolution also provided that the common pleas justices be asked to furnish the selectmen of the different towns with statistics regarding the cost for the support of county paupers for the ten years preceding--the information to be placed before the voters at the town meetings.[1]

Accordingly, the advisability of purchasing a county farm was put before the voters of the county at the March 1851 meetings. By a vote of 1280 to 250, they expressed their opposition to the plan.[2]

In 1866, however, the county convention passed a resolution for the

1. Grafton County [Convention Records], June 12, 18, 20, 1850. See entry 1
2. Whitcher, op. cit., 432.

purchase of a county farm.[1] In September of that year a farm in Haverhill was purchased from Dudley C. and Daniel P. Kimball for twenty thousand dollars. The erection of an alms house was begun the next year.[2] This alms houseserved the county until 1929, in which year the convention voted for the "construction, equipment, and furnishing of a new alms house and additional facilities connected therewith at the Grafton Co Farm in Haverhill."[3] The work was completed in 1930. The alms house, which also serves as the county farm administration building and county hospital, is of Georgian architecture, brick and cement construction, and is rated as fire-proof.

It has already been stated that the first jail was combined with the first courthouse at North Haverhill. When the courts were moved to Haverhill Village, a new jail was constructed (1794) near the academy-courthouse building. The jail was two stories high with one section for the prisoners and another for the jailor. This structure served as a jail until 1845 when the prisoners' section was dismantled and a third jail constructed. This was used until 1897 when county prisoners were removed to a jail constructed that year at the county farm.[4]

The office of the superintendent of the county farm, 13½' x 12½' x 9', is numbered 205, and is located on the first floor of the administration building. The office contains a table and extra chairs which persons may use when consulting the records. Only a few of the records are located in the office, however; these few are contained in a safe, 2½' x 2' x 3'. Most of the records are kept in two small rooms numbered 345 and 346, on the second floor. These rooms are electrically lighted, but have no windows. Room 345 has forty-eight linear feet of shelving; room 346, twenty-four linear feet. There is space for additional shelving in 346 but no additional space in 345. A few records are in the ward office of the hospital section of the administration building, the turnkey's office at the jail building, the jail basement, and the register of deeds' vault at the Woodsville courthouse.

Records pertaining to the duties of the sheriff are found in the vault of the clerk of court, Woodsville courthouse, and at the residence of Claude M. Murray, former sheriff, Church Street, Canaan. No records are kept by the present sheriff.

Treasurer's records are kept at the Woodsville courthouse and at the residence of the treasurer, Harry S. Huckins, 7 Rodgers Street, Plymouth.

Recommendations. The building of an additional vault at the Woodsville courthouse would be advisable. The present vaults are well constructed, but their total capacity is not sufficient to store all of the county records that ought to be preserved. The concentration of the county commissioners' records, now distributed among several locations, is one useful purpose that

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1. Grafton County [Convention Records], See entry 1. The only clue in the convention minutes to the exact date of the meeting at which this action was taken is the attest of the assistant clerk of the supreme judicial court, dated July 23, 1866, that the record of the meeting was received for recording.
2. Whitcher, op. cit., 433.
3. Grafton County [Convention Records], April 10, 1929. See entry 1.
4. Whitcher, op. cit., 283-285.

could be served by a new vault. Such a vault should be of sufficient size to contain those existing county records for which there is not room in the present vaults and to provide for future needs.

Since the Secretary of State's office is the recognized depository of county convention records, it would be logical to transfer to that office the early convention records now in the clerk of court's vault, Woodsville courthouse, and room 345, county farm.

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph.	alphabetical(ly)
anon.	anonymous
approx.	approximate(ly)
arr.	arranged (arrangement)
bsmt.	basement
ch(s).	chapter(s)
chron.	chronological(ly)
f.b.	file box
f.d.	file drawer
hdw.	handwritten (in ink)
ibid.	ibidem (in the same place)
id.	idem (the same; the same as above)
MS(S).	manuscript(s)
no(s).	number(s)
numer.	numerical(ly)
off.	office
op. cit.	opere citato (the work cited)
p(p).	page(s)
ptd.	printed
sec(s).	section(s)
strm.	storeroom
supt.	superintendent (county farm)
v.	vault
vol(s).	volume(s)
--.	to date

Titles: Exact titles of records are written in solid caps without brackets, as in entry 4. In the absence of titles, descriptive titles have been assigned, and are written in solid caps and enclosed in brackets [ ], as in entry 51. If a record title is not descriptive of the contents of the record, an assigned explanatory title, written with initial caps enclosed in brackets is added, as in entry 38. Titles of artificial entries (those procured from another entry) are written in solid caps enclosed in brackets, as in entry 53. In the master entry, from whose description the artificial entry is taken, the titles in the descriptions are written with initial caps enclosed in brackets, as in entry 21, "[Insurance Policies], 1936-37, entry 27." Titles of regular entries used as references in the description of other entries are written with initial caps without brackets, as in entry 16 b, "Cancelled Checks, entry 21."

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 31)

Dates: First and last dates covered by a particular record are shown in the title-line of the entry. Continuous records are shown by a hyphen between the beginning and closing dates, as 1891-1926. Lapses in the records are indicated by a comma between the groups of inclusive dates, as 1897-1913, 1919. Current dates are indicated by two hyphens, thus 1935--.

Labeling: Figures or letters in parentheses, following the number of volumes or file boxes, indicate the labeling of a record.

Cross References: Title-line cross references are used to complete series of records kept separately for a period of time and in other records for different periods of time, as in entry 63. "1801-- in [Original Court Documents], entry 51". Dates are shown in the breakdown of a master entry, only when the dates of the sub-entry differ from those of the master entry.

Separate third-paragraph corss references from entry to entry are used to show prior, subsequent, or related records which are not part of the same series.

Index: Unless the index is self contained, an entry for the index immediately follows its record entry.

A general index to a series of records always preceeds the records, as in entry 31.

Condition: Unless otherwise specified, it is to be assumed that the record is in good condition.

Size: When a series consists of more than one unit, the size or number of pages in the most representative unit, is given. Dimensions are always given in inches, unless otherwise indicated, therefore the symbol (") is omitted.

Miscellaneous: In 1889 the original Article 10 of the Constitution of New Hampshire was deleted; and from that point the articles bear two numbers, the new followed by the old in parentheses.

The appendix of the Inventory contains non-official records found in the various county offices, also records of special historical significance or interest.

(First entry, p. 31)

B. COUNTY OFFICES AND THEIR RECORDS

I. COUNTY CONVENTION

The county convention (delegation) is composed of the members from the lower house of the Legislature for each county. An early reference to a county convention is found in an act of February 21, 1794, which abolished the courts of general sessions of the peace and gave the tax granting power to the county delegates at the General Court, who were authorized to organize themselves into a convention for that purpose.[1] Five years later there appeared a specific reference to the convention of Grafton County. At the preceding session of the Legislature, the judges of the court of common pleas had failed to place before the convention a statement of the conditions of the treasury, which would have enabled the convention to determine the necessity of granting a tax at that session. For the then current session, the county treasurer had stated that a tax was necessary, and a Legislative act authorized the convention to hold a special meeting for granting such a tax.[2] This act seems to be a piece of emergency legislation without having any bearing on the general tax granting powers of county conventions.

An act of 1801 stated that taxes voted by the convention were to be "good and valid in law," and were to be assessed and collected by the county treasurer in the same manner as county taxes had been collected previously. The judges of the court of common pleas were to make their orders on the county treasurer for expending the money agreeable to the appropriations made by the convention.[3]

That committees were sometimes appointed to estimate the current county expenses is indicated by the convention records July 4, 1798. The convention, at that meeting, appointed a committee to consider the treasurer's statement and to give an estimate of the sum necessary for the use of the county. The committee reported that the treasurer's accounts were well vouched and that fifteen hundred dollars would be required to defray county charges. The report was accepted and the sum of fifteen hundred dollars was voted.[4]

By the time the laws were codified in 1891, the financial duties of county conventions had been greatly amplified. They had been given the power to issue bonds for the county's debts; and they were entitled to receive from the Secretary of State a statement of the condition of the county treasury prepared by the county commissioners with their recommendation of the sums necessary for the use of the county for the ensuing two years. The members of the convention were, during each biennial session of the Legislature, to grant county taxes for two years, but the tax for each year was to be voted separately, and collected in the year for which it was voted.[5]

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1. Laws of New Hampshire, 6:157 (1794).
2. Ibid., 6:569-570 (1799).
3. Ibid., 7:23-24 (1801).
4. Grafton County [Convention Records], July 4, 1798. See entry 1.
5. Public Statutes of New Hampshire, ch. 24, secs. 4-6 (1891).

County Convention

(First entry, p. 31)

County conventions still retain the above financial powers.[1] In 1913 the convention was authorized to appropriate money to secure an agent for the development of the farming industry in the county.[2] The convention still retains the right to appropriate money for this purpose.[3]

An act of 1933 stipulates that when the money in the treasury of the county is insufficient to meet the demands, the treasurer, upon the order of the county commissioners, and with the approval of the superior court, may borrow the money necessary upon the note of the county. The approval of the county convention, in addition to the approval of the superior court, is necessary when the sum to be borrowed, "together with the taxes of the same fiscal year that have been collected, shall exceed in amount the total appropriations made for that year by the county convention, plus ten percent of said appropriation * * *."[4] A later act states that the approval of the county convention is not required in instances where "county conventions have not acted upon their appropriations for the ensuing year."[5] A law of 1935 requires the county convention, when making appropriations for poor relief, to take into consideration the amounts the state and Federal agencies will contribute.[6]

In 1872 the convention was authorized to appoint two auditors annually to examine the accounts of the county commissioners and the treasurer.[7] By 1891 the situation had been changed to the extent that the convention appointed two auditors biennially, one from each of the two leading political parties.[8] An act of 1897, however, transferred the appointing power to the supreme court[9] predecessor of the present superior court which now has that prerogative.[10]

In 1863 the convention was empowered to make appropriations to purchase real estate, and to enlarge, repair or erect buildings for the use of the county, when the sum required exceeded one thousand dollars. The county commissioners were forbidden to sell or convey any real estate belonging to the county without the permission of the county convention.[11] Now the county convention has the power to authorize the purchase or the sale and conveyance of real estate for the county, and the erection, enlargement and repair of county buildings, if the expense exceeds one thousand dollars.[12] If the cost of erecting, repairing or enlarging county buildings does not exceed the above sum, the county commissioners are authorized to act.[13]

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1. Public Laws of New Hampshire, ch. 35, sec. 5 (1926).
2. New Hampshire Laws of 1913, ch. 10.
3. Public Laws of New Hampshire, ch. 35, sec. 6 (1926).
4. New Hampshire Laws of 1933, ch. 185.
5. New Hampshire Laws of 1935, (Special Session, 1934), ch. 4.
6. Ibid., ch. 20, sec. 19.
7. New Hampshire Laws of 1872, ch. XLIII.
8. Public Statutes of New Hampshire, ch. 24, sec. 10 (1891).
9. New Hampshire Laws of 1897, ch. 87.
10. Public Laws of New Hampshire, ch. 35, sec. 18 (1926).
11. New Hampshire Laws of 1863, ch. 2735.
12. Public Laws of New Hampshire, ch. 35, sec. 5 (1926).
13. Ibid., ch. 38, sec. 5 (1926).

County Convention (First entry, p. 31)

By an act of 1919 the county convention, by a majority vote, was permitted to appoint a committee of its own members, not exceeding five in number, to investigate county affairs as conducted by the county commissioners. This committee could summon and examine witnesses under oath, could secure a transcript of the testimony, and could perform any other acts necessary for the conduct of the examination. The recommendations of the committee, when accepted by the convention, were to be entered at length in the ensuing county report.[1] At the present time all these provisions are still in effect.[2]

The law of 1801, pertaining to the county convention, authorized members to choose a chairman to preside at the meetings and to appoint a clerk to keep a true record of all business transacted by the convention.[3] An act of 1877 required the Secretary of State to furnish a suitable book for keeping the records of the county convention. This book was to be deposited with the Secretary for safe-keeping, and any certified copy of the records made by the Secretary of State was to have the same validity as the original. A printed copy of all the laws in force, or that might be enacted thereafter, relative to the county convention, was to be inserted in the front of the book. It was the duty of the clerk of the convention to keep a true record of the doings of the delegation in the record book and, immediately after the meeting, to send a certified copy to the clerk of the county commissioners. The minutes of all special meetings, held at any place other than the State House in Concord, were to be recorded by the clerk and forwarded to the Secretary of State to be deposited with the record book of the delegation. An attested copy was also to be sent to the clerk of the county commissioners; and at the next meeting at the State House the clerk of the delegation was to enter into the record book an attested copy of the minutes of the special meeting.[4] The major requirements of this act are still in force.[5]

An act of 1863 gave the county commissioners authority to call special meetings of the convention in case of necessity, and the convention at such meetings was to have the same powers it had during the session of the Legislature.[6] The commissioners still have the power to call special meetings.[7]

In 1885 the county commissioners of each county were required to publish attested copies of the proceedings of the county convention with the printed reports of the county officers for the year in which the proceedings occurred.[8] At the present time the commissioners follow the provisions of this act.[9]

The records of the Grafton County Convention indicate that the first meeting each biennium is concerned principally with the election of a

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1. New Hampshire Laws of 1919, ch. 125.
2. Public Laws of New Hampshire, ch. 35, secs. 7, 9 (1926).
3. Laws of New Hampshire, 7:23-24 (1801).
4. New Hampshire Laws of 1877, ch. XI.
5. Public Laws of New Hampshire, ch. 35, secs. 12-14, 17 (1926).
6. New Hampshire Laws of 1863, ch. 2735, sec. 2.
7. Public Laws of New Hampshire, ch. 35, sec. 15 (1926).
8. New Hampshire Laws of 1885, ch. 21.
9. Public Laws of New Hampshire, ch. 41, sec. 4 (1926).

chairman and a clerk.[1] At subsequent meetings appropriations are voted;[2] committees are appointed;[3] reports of committees are received;[4] repairs on county property are discussed;[5] dates are set for visits to the county farm;[6] the county budget is considered;[7] discussions are held about legislation pertaining to the county;[8] members of the board of county commissioners are heard;[9] and all county matters over which the convention has jurisdiction receive proper attention.

The earliest extant record of a meeting of the Grafton County Convention follows:

> The State of New Hampshire
> At a convention of the Representatives from the County of Grafton, holden at Concord in the County of Rockingham on Tuesday the thirteenth day of December A.D. 1796
> The Honorable Jeremiah Eames is appointed chairman.- George W Livermore Clerk of the Court of Common Pleas for the County of Grafton, attended and being sworn according to Law laid before the Convention a statement of the hearing in the County of Grafton together with an estimate made by the Justices of the Court of Common Pleas afores[d] of what sum in their opinion it would be necessary to raise the ensuing year, for the purposes mentioned in said statement
> Voted to adjourn to meet tomorrow six o'Clock P. M.

Records pertaining to the Grafton County Convention are found in room 345, county farm, Haverhill, and the clerk of court's vault, Woodsville, and at Concord in the basement vault of the Secretary of State and the State Library.

1. GRAFTON COUNTY [Convention Records], 1796--. 4 vols., approx. 50 papers in 1 f. b. (undated, 1 vol., 1 f. b., 1796-1867; dated, 3 vols., 1873--). Missing, prior records and 1868-72. Title varies slightly.

Minutes of meetings of county convention (delegation), showing date, time, and place of meeting, list of members and guests present, election of officers, appointments and reports of special committees, roll call, county commissioners' estimates and recommendations for appropriations, authorizations for commissioners to borrow money and issue notes, county budget, resolutions adopted, discussions, votes taken, and time of adjournment.

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1. For example, see Grafton County [Convention Records], January 7, 1913. See entry 1.
2. For example, see ibid., February 28, 1917.
3. For example, see ibid., February 19, 1919.
4. For example, see ibid., February 13, 1923.
5. For example, see ibid., February 13, 1925.
6. For example, see ibid., February 8, 1927.
7. For example, see ibid., March 1, 1929.
8. For example, see ibid., March 27, 1929.
9. For example, see ibid., March 12, 1931.

County Commissioners (2, 3)

Arr. chron. by date of meeting. No index. Hdw. and typed. 1 vol., 1796-1867, 600 pp. 9½ x 7 x 2½; 1 f. b., 1824-47, 10½ x 4 3/4 x 16; 1 vol., 300 pp. 13½ x 8½ x 1; 2 vols., 1911--, 150 pp. 10½ x 8 x 1. 1 vol., 1 f. b., 1796-1867, clerk of court's v.; 1 vol., 1873-1925, rm. 345, county farm building; 2 vols., 1911--, bsmt. v., Secretary of State.

2. REPORT OF THE BUILDING COMMITTEE ELECTED BY THE COUNTY CONVENTION OF 1889 TO BUILD COURT HOUSES AT PLYMOUTH AND WOODSVILLE. ALSO COPY OF BONDS, AND REPORT OF SPECIAL COMMITTEE APPOINTED AT JANUARY SESSION OF GENERAL COURT 1893,1893. 1 pamphlet.

Report of building committee of 1889 to county convention, showing names of members, action taken in regard to courthouses at Plymouth and Woodsville, description of buildings, and name of clerk of committee; transcript of bonds, showing names of principal and bondsmen, amount, date, condition, and names of signers--bondsmen and witnesses; report of special committee to county convention 1893, showing examination of account of Ira Whitcher in connection with the building of the Woodsville courthouse, recommendation to accept account, and names of committeemen; minutes of convention in 1893 relative to building of Woodsville courthouse with attest of clerk; and appendix, showing expenses and services of building committee. No obvious arr. No index. Ptd. 16 pp. 8 7/8 x 5 5/8 x 1/16. State Library.

3. CIRCULAR TO THE LEGAL VOTERS OF THE SEVERAL TOWNS IN THE COUNTY OF GRAFTON AND PARTICULARLY THE SELECTMENT THEREOF, 1860. 1 pamphlet.

Resolution by county convention to inquire into purchasing county farm; table of costs of paupers, 1841-59; table of costs paid for support of paupers in each town, 1850-59; weekly costs of support of paupers; comparative costs of above at Hillsborough and Belknap county farms; notice to selectmen to insert article in warrants for next town meeting: "Is it expedient to purchase a Farm to support our County Paupers"; date, and names of county commissioners. No obvious arr. No index. Ptd. 8 pp. 7 5/8 x 4½. State Library.

II. COUNTY COMMISSIONERS

The county commissioners, consisting of three residents of the county chosen at the November biennial elections, have control of the general administrative affairs of the county and the promotion of public welfare.

In New Hampshire county commissioners were preceded by road commissioners. An act of January 3, 1829 established a board of five road commissioners in each county for laying out and improving highways. This board was to be appointed by the Governor and Council. The road commissioners were authorized, on petition, to lay out and repair highways crossing one or more town lines and to assess the damages which land owners were to receive from the towns through which the highway passed.[1] By an additional act of 1830, petitions for laying out new or repairing old highways and for damages due land owners were to be tried by the court of

1. Laws of New Hampshire, 9:915-923 (1829).

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common pleas and all records, files and proceedings of the road commissioners were to be deposited with the clerk of that court. By that same act, any fine assessed for defects in making and repairing any highway or bridge was to be used to finance the repairing of the same.[1]

An act of 1840 made the office of road commissioners elective, and the number of commissioners was reduced to three in each county. In case no candidate received a majority, the clerk of the court of common pleas was to appoint a commissioner from the two candidates having the highest number of votes, and the court was likewise empowered to fill all interim vacancies by appointment. The commissioners were to report to the court of common pleas upon all petitions referred to them by that court. They were to act with similar boards from other counties on petitions relating to roads touching more than one county, thus forming one board which would submit similar reports to the court in each county. If any commissioner was interested in the road petitioned for, he could not take in the proceedings.[2] In the same year an act stipulated that the road commissioners were to deposit with the clerk of each town, through which a new highway was laid out, a certificate of the damages awarded to the affected land owners in the town, fifteen days prior to the session of the court to which the report of the laying out of the highway was returnable.[3]

With the coming of railroads, it was deemed advisable to establish a board of railroad commissioners in each county to assess damages for lands or materials taken by railroad corporations.[4] This board was abolished in 1840,[5] and four years later a State Board of Railroad Commissioners was established to work jointly with the road commissioners of each county in assessing proper recompense to land owners for rights of way.[6] In 1848 this act was amended so that Railroad Commissioners, in assessing damages, would work with the selectmen of the towns in which the right of way was laid out as well as with the road commissioners.[7] The road commissioners were required to investigate the need of bars or bridges at railroad crossings upon instruction of the court;[8] and they were empowered to erect and maintain such other bars and gates across rights of way as they thought necessary.[9]

An act of 1855 replaced the road commissioners with three county commissioners. Provisions for their election were as follows: the voters of each county were to choose, on the second Tuesday in March of the year following, three residents to be commissioners--one to hold office for one, another for two, and the third for three years. Thereafter, membership of the board was to be filled by election as the terms of the incumbents expired.[10] In 1877 the term of office was changed to two years, with the commissioners chosen at biennial elections.[11] At the present time, in half of the counties,

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1. Laws of New Hampshire, 10:137-138 (1830).
2. New Hampshire Laws of 1840, ch. DVI.
3. Ibid., ch. DXLIII.
4. New Hampshire Laws of 1836, ch. CCXXXVII.
5. New Hampshire Laws of 1840, ch. CCCCXCVIII.
6. New Hampshire Laws of 1844, ch. 128.
7. New Hampshire Laws of 1848, ch. 621.
8. New Hampshire Laws of 1846, ch. 335.
9. New Hampshire Laws of 1848, ch. 742 (Approved Jan. 1, 1849).
10. New Hampshire Laws of 1855, ch. 1659, sec. 37.
11. New Hampshire Laws of 1877, ch. LXXIV.

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commissioners are elected by districts, but in the other five counties (including Grafton) they are elected at large.[1]

The act of 1855 provided that the commissioners should receive three dollars per day for their services, including expenses, when necessarily employed on business of the county, to be paid from the county treasury upon certificate from the clerk of the court of common pleas, who was to audit the commissioners' accounts.[2] By an act of 1868, each commissioner was to receive "three dollars a day, and a reasonable sum for all necessary expenses".[3] The salary of the commissioners of Grafton County was set at five hundred dollars in 1917[4] and was increased to seven hundred and fifty dollars in 1931.[5] Four years later it was raised to one thousand dollars.[6]

The act instituting the county commissioners provided that before entering office the commissioners were to be sworn to discharge their duties faithfully. Any commissioner could be removed from office for official misconduct, by the supreme judicial court, and the office declared vacant. If, for this or any other reason, a vacancy occurred, the supreme judicial court was to appoint a commissioner who would perform all the duties, be subject to all the requirements and liabilities, and be entitled to all the privileges and emoluments of the vacant office. If a commissioner was interested in any petition relating to roads referred to the board, he was to be barred from serving in connection with that petition, and the temporary vacancy was to be filled by any justice of the court of common pleas or of the supreme judicial court.[7] The manner of removal remains the same today, except that the superior court is now the removing agency;[8] but if any commissioner is temporarily unable to perform his duties by reason of illness or other cause, the superior court, upon application of the solicitor or a majority of the commissioners, may appoint a commissioner for a limited period, and may extend or shorten the time to meet the situation.[9] No person may hold this and the office of sheriff, solicitor, treasurer, register of deeds or register of probate at the same time.[10]

When the road commissioners were replaced by the county commissioners all the power and authority vested in the former was transferred to the latter.[11] Another act of the same date provided that no highway was to be laid out without the unanimous report of the commissioners,[12] but this was repealed three years later.[13] In 1858 the commissioners were empowered to admit or reject any evidence presented at a hearing on a petition to lay out or repair any highway or to discontinue any existing highway.[14] In 1859 the

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1. New Hampshire Laws of 1929, ch. 142; New Hampshire Laws of 1931, ch. 134; New Hampshire Laws of 1937, chs. 43, 83; New Hampshire Laws of 1939, ch. 75.
2. New Hampshire Laws of 1855, ch. 1659, sec. 37.
3. New Hampshire Laws of 1868, ch. XVI.
4. New Hampshire Laws of 1917, ch. 201.
5. New Hampshire Laws of 1931, ch. 153.
6. New Hampshire Laws of 1935, ch. 154.
7. New Hampshire Laws of 1855, ch. 1659, sec. 38.
8. Public Laws of New Hampshire, ch. 36, sec. 8 (1926).
9. New Hampshire Laws of 1937, ch. 38.
10. Public Laws of New Hampshire, ch. 36, sec. 2 (1926).
11. New Hampshire Laws of 1855, ch. 1659, sec. 37.
12. Ibid., ch. 1670.
13. New Hampshire Laws of 1858, ch. 2102.
14. Ibid., ch. 2119.

authority to lay out and repair highways was vested in the selectmen of the towns.[1] Such authority is still vested in the selectmen.[2] In the case, however, of neglect or refusal of the selectmen to lay out or alter a certain highway, the passing of a highway over land not in any town, the passing of a highway over land in two or more towns, the discontinuance by the town of a highway within two years after its laying out by the selectmen, or in the case of dissatisfaction of an individual with the selectmen's decision in laying out or altering a highway or in assessing highway damages, petition may be had to the superior court. "If no sufficient objection is made", such petition is referred to the county commissioners. When the highway crosses land in more than one county, the commissioners of all counties concerned act as a joint board. When the commissioners make their report to the court, any interested party has the right to be heard. The report "may be recommitted or accepted and judgment rendered thereon, establishing the highway, alterations, contributions, apportionment or other matter reported upon." In any case where a person has appealed a decision of the selectmen, the commissioners' report serves as a guide for the court in affirming, modifying, or reversing the decision.[3]

County commissioners are empowered to set aside a certain sum for the improvement of highways in unorganized places.[4] When petitioned by citizens or taxpayers, county commissioners must examine all defective highways and bridges and determine what construction and repairs are necessary. They are empowered to enforce their decisions.[5] Any city, town or unorganized place may make application through the commissioners for state aid for certain highways.[6] The commissioners may free any toll bridge in their county upon petition of twenty taxpayers, if they decide such action is for the best interests of the travelling public.[7] If the place next to any town is unorganized and is on the boundary line of an adjacent county, the commissioners must act in the perambulation of the county line.[8] They must appoint police officers for unorganized places upon petition of five or more residents of such places.[9]

The act of 1855 establishing the county commissioners required the members to attend as long as necessary the sessions of the court of common pleas.[10] The following year this was amended to limit their attendance as long as necessary during the first week of the court term.[11] The requirement was removed altogether in 1921.[12]

At various times, the commissioners have been authorized to remit fines and discharge prisoners held for inability to pay fines or costs;[13] to

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1. New Hampshire Laws of 1859, ch. 2219.
2. Public Laws of New Hampshire, ch. 74, sec. 2 (1926).
3. Ibid., ch. 75 (1926).
4. Ibid., ch. 84, sec. 18 (1926).
5. Ibid., ch. 82, secs. 10-15 (1926).
6. New Hampshire Laws of 1935, ch. 17.
7. Public Laws of New Hampshire, ch. 94 (1926).
8. Ibid., ch. 56, sec. 7 (1926).
9. New Hampshire Laws of 1881, ch. 68; Public Laws of New Hampshire, ch. 58, sec. 2 (1926).
10. New Hampshire Laws of 1855, ch. 1659, sec. 37.
11. New Hampshire Laws of 1856, ch. 1830.
12. New Hampshire Laws of 1921, ch. 13.
13. New Hampshire Laws of 1857, ch. 1959.

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divide the proceeds of the sale of town meeting houses among the proprietors, owners and pewholders;[1] to determine jailors' extra allowance for keeping prisoners at court;[2] to cause bonds to be prepared in the name of the county for the funding of floating debts, upon recommendation of the county convention;[3] to appoint, in conjunction with the aldermen of a city or the selectmen of a town, a master for the house of correction in the city or town, and to supervise his activities and audit his accounts;[4] to petition the courts for the removal of foreign paupers;[5] to permit the use of the bodies of paupers for the advancement of anatomical science;[6] to determine upon petition, the location of schools in case of dispute;[7] to bind out vagrants;[8] to assess upon petition of the owner, the damage to land used for encampment by the New Hampshire National Guard;[9] to appoint fire wardens in unorganized places;[10] to place in orphanages the children of paupers or neglectful parents;[11] and to find permanent homes for orphaned children.[12]

The commissioners choose from their members a chairman and a clerk. "The clerk [shall] keep a record of the proceedings of the commissioners, the claims allowed by them, the annual report of the county treasurer and the proceedings of the county convention, and shall keep on file, in a county safe, all original papers, claims and accounts acted upon by the board." The clerk must also forward to the State Tax Commission a report concerning the financial condition of the county, on or before March first of each year, for neglect of which he is liable to a fine of fifty dollars.[13]

Since the board was established in 1855, the commissioners have had the custody of all county property.[14] Since 1863 they have had the power to enlarge or repair existing buildings and to erect new buildings at expense not exceeding one thousand dollars.[15] They may purchase personal property for the county and can sell any such property that is not needed. Upon the authorization of the convention they may purchase any real estate that is required for the use of the county and may erect, repair and enlarge county buildings at a cost exceeding one thousand dollars, and with such authority may sell county real estate.[16]

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1. New Hampshire Laws of 1858, ch. 2107.
2. Ibid., ch. 2089; New Hampshire Laws of 1862, ch. 2591.
3. New Hampshire Laws of 1860, ch. 2368.
4. New Hampshire Laws of 1862, ch. 2590.
5. Ibid., ch. 2592.
6. New Hampshire Laws of 1869, ch. XL.
7. New Hampshire Laws of 1870; ch. IX; New Hampshire Laws of 1871, ch. IV; New Hampshire Laws of 1921, ch. 88.
8. New Hampshire Laws of 1875, ch. VII.
9. New Hampshire Laws of 1878, ch. 117, part 6, sec. 6.
10. New Hampshire Laws of 1893, ch. 44, sec. 3.
11. Ibid., ch. 61.
12. New Hampshire Laws of 1895, ch. 116, sec. 3.
13. Public Laws of New Hampshire, ch. 38, secs. 1-3 (1926).
14. New Hampshire Laws of 1855, ch. 1659, sec. 37; Public Laws of New Hampshire, ch. 38, sec. 4 (1926).
15. New Hampshire Laws of 1863, ch. 2735; Public Laws of New Hampshire, ch. 38, sec. 5 (1926).
16. Public Laws of New Hampshire, ch. 38, secs. 6, 7 (1926).

County Commissioners (Next entry 4, p. 40)

They shall provide for the support of all county paupers[1] either at the county farm or elsewhere,[2] and when expedient may appoint agents in the various towns to investigate relief applications and take care of the county poor in such towns.[3] They are authorized to appoint a superintendent of the county farm and house of correction;[4] and they may make rules and regulations for those institutions provided no punishment is inflicted other than hard labor or solitary confinement exceeding forty-eight hours, "or the reasonable correction which a parent may inflict upon a child".[5] No county commissioner shall act as superintendent of the county farm.[6] The commissioners have charge of the employment of prisioners in the county jail or house of correction.[7] They are to reimburse towns for all money expended on county charges,[8] provide for the support of dependent children,[9] and decide upon the sexual sterilization of inmates of county institutions.[10] They are authorized to commit feeble-minded persons to the Laconia State School,[11] and may attend all hearings on juvenile delinquency.[12]

By enactments of 1931 and 1935 the county commissioners were authorized to administer assistance to aged and dependent people and to the needy blind within their county;[13] but in 1937 a law was passed, effective July 1, 1938, assigning to the State Department of Public Welfare the care of the needy blind, dependent children and the aged.[14]

The commissioners are to examine and allow all claims against or in favor of the county, except those which the superior court is authorized by law to adjust and allow.[15] They must not allow any pauper claim unless it is accompanied by proper vouchers, and the county treasurer shall not pay any such claim until it has been allowed by the commissioners.[16] Disagreements arising between claimants and the commissioners are submitted to the superior court for decision. Commissioners are authorized to direct proceedings for the recovery of fines, penalties, forfeitures, costs, and other claims due the county; and no claims for services in any action brought for or against the county are allowable without written authorization by the commissioners.[17]

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1. New Hampshire Laws of 1855, ch. 1659, sec. 37; Public Laws of New Hampshire, ch. 38, sec. 8 (1926).
2. New Hampshire Laws of 1860, ch. 2349; Public Laws of New Hampshire, ch. 38 sec. 8 (1926).
3. New Hampshire Laws of 1901, ch. 39; Public Laws of New Hampshire, ch. 38, sec. 8 (1926).
4. Public Laws of New Hampshire, ch. 38, sec. 9 (1926).
5. Ibid., ch. 38, sec. 10 (1926).
6. New Hampshire Laws of 1889, ch. 52; Public Laws of New Hampshire, ch. 38, sec. 11 (1926).
7. New Hampshire Laws of 1927, ch. 112.
8. New Hampshire Laws of 1933, ch. 137.
9. Public Laws of New Hampshire, ch. 109 (1926).
10. New Hampshire Laws of 1929, ch. 138.
11. Public Laws of New Hampshire, ch. 112 (1926).
12. New Hampshire Laws of 1937, ch. 152, sec. 17.
13. New Hampshire Laws of 1931, ch. 165; New Hampshire Laws of 1935, chs. 127, 137.
14. New Hampshire Laws of 1937, ch. 202.
15. New Hampshire Laws of 1865, ch. 4077, sec. 1; Public Laws of New Hampshire, ch. 38, sec. 12 (1926).
16. New Hampshire Laws of 1864, ch. 2880; Public Laws of New Hampshire, ch. 38, sec. 13 (1926).
17. New Hampshire Laws of 1865, ch. 4077; Public Laws of New Hampshire, ch. 38, secs. 15-16 (1926).

County Commissioners

(Next entry 4, p.40)

A record of all receipts and payments of county funds must be made by the treasurer in the county receipts and payments book, and all vouchers are to be filed in the office of the commissioners according to the numbers appearing in the book. In the case of court orders issued directly on the treasurer, the clerk of court must furnish the commissioners with a duplicate order.[1] The commissioners are empowered, upon authorization of the county convention, to cause bonds to be issued to fund the floating debt. These bonds must be signed by at least two of the commissioners and countersigned by the county treasurer, and must be registered by the clerk of court. The commissioners are to advertise in one or more newspapers in the county that they will receive bids for the sale of the bonds.[2]

The clerks of courts, registers of deeds and registers of probate in the different counties may be authorized to work under the direction of the commissioners to copy any public records that have become so faded and defaced that the copying is necessary for their preservation. The officer making the copy attaches a certificate of its correctness; and this copy is to be accepted as evidence in court the same as the original.[3]

Every four years the commissioners are required to visit each town in their county in order to determine if the real and personal estate is appraised properly. For this purpose, they may inspect as much of the real and personal estate as they deem necessary.[4]

The commissioners' accounts must be kept in the form prescribed by the State Tax Commission,[5] and be audited by the county auditors once in every three months.[6] The commissioners must furnish the auditors with all the information required[7] and must file with them a sworn statement of all bills outstanding at the time of the audit.[8] The commissioners and other county officers are required to make up their annual reports to the thirty-first of December to be printed together in pamphlet form before the end of the following February.[9] These reports are to contain a summarized account of all transactions concerning the county, together with statistics pertaining to jail, county farm and all pauper aid. The commissioners are to return these statistics to the State Department of Public Welfare (formerly the State Board of Charities) on or before July first of each year.[10]

Attested copies of the proceedings of the county convention are to be

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1. New Hampshire Laws of 1921, ch. 5; Public Laws of New Hampshire, ch. 38, secs. 18-20 (1926).
2. New Hampshire Laws of 1860, ch. 2368; Public Laws of New Hampshire, ch. 38, secs. 21-22 (1926).
3. New Hampshire Laws of 1881, ch. 19; Public Laws of New Hampshire, ch. 38, secs. 23-25 (1926).
4. New Hampshire Laws of 1878, ch. 73, sec. 4; Public Laws of New Hampshire, ch. 38, sec. 26 (1926).
5. New Hampshire Laws of 1933, ch. 165.
6. New Hampshire Laws of 1897, ch. 87; Public Laws of New Hampshire, ch. 35, sec. 19 (1926).
7. New Hampshire Laws of 1872, ch. XLIII, sec. 2; Public Laws of New Hampshire, ch. 35, sec. 22 (1926).
8. New Hampshire Laws of 1897, ch. 87; Public Laws of New Hampshire, ch. 35, sec. 23 (1926).
9. New Hampshire Laws of 1931, ch. 47.
10. Public Laws of New Hampshire, ch. 41 (1926).

published with the county officers' reports by the commissioners.[1] One copy of these reports is to be sent to the clerk of each town in the county, twenty copies to the Secretary of State,[2] and two copies to the State Library.[3] County commissioners may call special meetings of the county convention.[4]

Prior to the fourth Wednesday of each biennial session of the Legislature, commissioners must sent to the Secretary of State a statement of the condition of the county treasury at the end of the preceding year, accompanied by a detailed estimate of the sums required for the two ensuing years.[5]

When a town or city, desiring to erect an airport, needs land outside its boundaries and cannot acquire such land by purchase or lease, it may petition the commissioners to take the land by eminent domain.[6] If any person, having charge of a cemetery, fails to comply with the regulations concerning its care, the commissioners upon complaint, must act to enforce the regulations.[7] The commissioners are empowered to offer a reward, not exceeding three hundred dollars, for the apprehension of any criminal charged with "a capital or other high crime".[8] They may borrow money in the name of the county with the approval of the superior court and the county convention.[9] In the event of a strike or lockout, actual or threatened, within the county, the county commissioners may notify the State Commissioner of Labor whose duty it is to act as arbitrator in an attempt to settle the disagreement.[10]

From time to time the commissioners of Grafton County have received by Legislative enactment certain specific duties outside of their routine work. For instance, in 1879 it was enacted that in the case of disputes between land owners and the Apthorp Reservoir Company (a corporation formed to bring water into Littleton) over water damages or rights of way, and the application by either party to the supreme court for the determination of damages, the court should refer the application to the county commissioners who were to report their findings to the court.[11] A totally dissimilar instance of a specific duty assigned to commissioners of Grafton County is furnished by a law of 1919 which directed them to issue forty thousand dollars of coupon bonds to refund a like amount of the county's debt.[12]

The commissioners of Grafton County, as do the commissioners of other counties, publish annual reports of the various county officers. In the earlier years these reports were very meagre, but they gradually increased their scope and at the present time are quite detailed. They contain the reports of the county commissioners, county delegation (convention), treasurer,

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1. New Hampshire Laws of 1885, ch. 21; Public Laws of New Hampshire, ch. 41, sec. 4 (1926).
2. Public Laws of New Hampshire, ch. 41, sec. 2 (1926).
3. New Hampshire Laws of 1917, ch. 59, sec. 24; Public Laws of New Hampshire, ch. 10, sec. 24 (1926).
4. Public Laws of New Hampshire, ch. 35, sec. 15 (1926).
5. New Hampshire Laws of 1931, ch. 18.
6. New Hampshire Laws of 1929, ch. 90.
7. Public Laws of New Hampshire, ch. 55, sec. 6 (1926).
8. Ibid., ch. 375 (1926).
9. New Hampshire Laws of 1933, ch. 185.
10. New Hampshire Laws of 1911, ch. 198, sec. 7; Public Laws of New Hampshire, ch. 174, sec. 26 (1926).
11. New Hampshire Laws of 1879, ch. 105.
12. New Hampshire Laws of 1919, ch. 156.

auditors, superintendent of the county farm, clerk of the superior court, county solicitor, and sheriff. Other than the county reports, the most important records kept by the county commissioners are those pertaining to welfare. These include relief affidavits, applications for aid, records of active and inactive cases, commissioners' orders and paid bills, pauper claims, and lists of persons receiving county aid.

The commissioners also keep a few general county financial records, some blue prints, bids, contracts, and bonds regarding county buildings, and an abstract of a deed of county property. (For the latter, see appendix entry 3).

The Woodsville courthouse is the principal depository for the records of the county commissioners. Locations within the courthouse consist of the commissioners' inner and outer offices, the register of deeds' vault, the clerk of court's vault, and the basement. Locations outside of the courthouse consist of room 346, county farm, the relief office, Sargent Block, Woodsville, and the State Library at Concord.

Reports

4. GRAFTON COUNTY REPORTS, 1869--. 69 vols. Missing, prior records and 1917. Title varies slightly. 1876-- also in County Reports [of all counties in New Hampshire], entry 5.
Annual reports of county officers: commissioners, treasurer, auditors, clerk of court, sheriff, superintendent of county farm, hospital, house of correction and jail, and county solicitor, showing date and names and addresses of county officers; names of Grafton County Delegation and copy of minutes of delegation meetings; itemized county receipts and expenditures; county budget sheet; and list of inmates and prisoners at county farm and house of correction. Information meagre for earlier years. Arr. departmentally. No index. Ptd. 50 pp. 9 x 6 x 1/8. State Library.

5. COUNTY REPORTS [of all counties in New Hampshire], 1876--. 63 vols. and 4 duplicate vols. Prior records not kept.
Reports of county officers of each county in New Hampshire, bound together yearly, including Grafton County Reports, entry 4. Arr. alph. by counties and departmentally thereunder within each county. No index. Ptd. 750 pp. 9 x 6 x 2. 63 vols., 1876--, State Library; 4 duplicate vols., 1934-37, inner off.

Welfare

6. AFFIDAVITS, scattered dates 1861-87. Approx. 3500 papers in 5 f. d. Prior records, missing
Depositions by relief applicants as to need: age, name, marital status, reasons for relief, and when and where taxes paid with supporting papers. Also contains:

a. Abatement of taxes, showing name of person, class of rate (minister, poll or other), and year of levy.

b. Highway surveyor's account books for towns of Haverhill and Monroe, showing surveyor's warrants to collect highway taxes: date, number of district, names of taxpayers and highway surveyor, amount of tax, and limits of highway district.

c. Indentures with bonds, showing name of child bound out as an apprentice in learning a trade: date, names and addresses of parents, name of employer, and terms; bonds, showing date, amount, and signatures of parties concerned.

No obvious arr. No index. Hdw. and hdw. on ptd. forms. 16 x 8 x 4½. Bsmt.
For subsequent related records, 1931--, see entry 7.

7. [APPLICATIONS FOR RELIEF], 1931--. Approx. 3000 papers in 3 f. d., 1000 folders in storage cabinet. System began 1931.

Name, address, age, and birth place of applicant; date of application, residence during last ten years, record of poll taxes paid, amount of real estate owned if any, date of marriage, names and birth places of children, number of persons working in family, financial status of family, names and addresses of relatives; requirements of family: food, clothing and fuel; military or naval record, reasons for relief, signature of applicant, and jurat. Disposal of application: date county aid approved, kind and amount of aid given, date claim dissallowed with reason, and signatures of county commissioners. Investigator's report: name and address of recipient, name of investigator, recommendations, and remarks.
Also contains:

a. Correspondence: incoming and carbon copies of outgoing correspondence relating to the above applications.
b. Child placements, 1932-35, showing date, name and birthplace of child, names and addresses of parents andperson with whom placed, date removed, from where removed, cost, name of town or county responsible, and signature of authorizing officer.

Arr. alph. by name of applicant. No index. Typed, and hdw. and typed on ptd. forms. F. d., 14 x 11 x 30; folders, 9½ x 11 3/4; storage cabinet, 7' x 4' x 11". 2 f. d., 1931-33, outer off.; folders, 1932-35, bsmt; 1 f. d., 1934--, relief off.
For prior related records, 1861-87, see entry 6.

8. [ACTIVE RELIEF CASES], 1935--. Approx. 2100 cards in 14 visible control trays in cabinet. System began 1935.

Name and address of recipient, reimbursed by, case number, kind of aid; date, order number, cash, food and household necessities, rent or shelter, clothing, fuel, gas-light-water, medical, seed, feed, board and care, and total; work relief; budget, and numbers in family, single, employable, and receiving work relief. Arr. alph. by name of town and alph. thereunder by name of recipient. No index. Hdw. and typed on ptd. forms. Trays, 14 x 9¼ x 23; cabinet, 17 x 10½ x 24. Outer off.
For prior related records, 1931-1935, see entry 10. For inactive relief cases, 1935--, see entry 9.

9. [INACTIVE RELIEF CASES], 1935--. Approx. 3000 cards in 2 f. d. System began in 1935.

Inactive relief cases, showing information as in entry 8. When a case is closed the card is withdrawn from the visible control tray and placed in the inactive file. Arr. alph. by name of town and alph. thereunder by name of recipient. No index. Hdw. and typed on ptd. forms. 7 5/8 x 9¼ x 16½. Outer off.
For prior related records, 1931-35, see entry 10.

10. GRAFTON COUNTY COMMISSIONERS [Relief Record], 1931-35. 5 vols. (dated, 2 vols., 1931-32; undated, 3 vols., 1933-35). Prior records not kept. Title varies: Grafton County--Pauper Record.

Date, name and address of pauper, case number, names of wife and children with ages, employment status; articles provided: provisions, board and care, fuel, rent, footwear, clothing, medical, miscellaneous, and total; and name and address of vendor. Separate sheet shows yearly amount spent for paupers in all towns: date, names of pauper and town, total for each pauper, and grand total for each year. Arr. alph. by name of town and thereunder by name of pauper. No index. Hdw. on ptd. forms. 1000 pp. 13 3/4 x 9 3/4 x 3. Outer off.

For subsequent records, see entries 8, 9.

11. PAUPER RECORDS [Claims], 1858-98. 13 vols. (dated, 8 vols., 1858-66; undated, 5 vols., 1879-98). Missing, prior records and 1867-78. Title varies: County Commissioner's Reports. 1891-1900 in Journal [Record of Orders], entry 17.

County commissioners' pauper claims: date, claim number, names of recipient and town, amount, and dates examined and allowed. Arr. chron. and numer. thereunder by claim no. No index. Hdw. and hdw. on ptd. forms. 8 vols., 1858-66, 125 pp. 7 x 5 x ½; 5 vols., 1879-98, 500 pp. 15 3/4 x 11½ x 2. Bsmt.

12. POOR OFF FARM--BOARDING CHILDREN, 1931-32. Approx. 2780 cards in 1 f. d. Isolated record.

Record of persons receiving aid, showing name and address of recipient, marital status, names and number of children in family, and date of birth of each child. Record of boarded children, showing name of child, residence, and age. Arr. alph. by names of recipient and boarded child. No index. Typed. F. d., 11 x 14 x 30; cards, 4 x 2½. Outer off.

13. RELIEF GIVEN BY GRAFTON COUNTY, 1935--. Approx. 1200 reports in 1 f. d. System began 1935.

Semi-annual (June 30, December 31) summary of relief expenditures: date, names of town and relief recipients, number in family, total amount received by each recipient for each month and for six-month period; total amount paid for each town per month and for six-month period, and grand total. Arr. chron. by date of report and alph. thereunder by name of town. No index. Typed on ptd. headings. F. d., 11 x 14 x 30; reports, 11 x 9. Outer off.

14. [RECORD OF RELIEF GRANTED BY THE STATE OF NEW HAMPSHIRE FOR GRAFTON COUNTY], 1933-34. 4 vols. (labeled by inclusive letters of the alphabet). Isolated record. Relief handled by state for the above period.

Record shows name of recipient, date, order number, kind of relief, and amount. Reverse side of card, shows name and address of recipient, case number, date of application, and history of case: names of persons in household, dates of births, and proof of residence prior to application; estimated weekly needs: rent, fuel, and household necessities; estimated weekly income, showing source of income and work relief; certification by investigator, approval by supervisor, and date of certification. Arr. alph. by name of town and alph. thereunder by name of recipient. No index. Hdw.

and typed on ptd. forms. 200 pp. 16 x 12 3/4 x 2½. Outer off.
For record of relief orders handled by state, 1933-34, see entry 15.

15. FILED GRAFTON COUNTY ORDERS [N.H.E.R.A.], 1933-34. Approx. 9000 documents in 9 f. d. (dated). Isolated record. Relief handled by state in 1933-34.

Order number, date issued, case number, names and addresses of vendor and relief recipient, kind of aid; groceries or provisions, clothing, fuel, rent, medical and other; names of state director and county supervisor, and signature of issuing officer. Arr. alph. by name of town and numer. thereunder by order no. No index. Hdw. on ptd. forms. 6¼ x 10 x 25½. Bsmt.
For record of relief granted by state, 1933-34, see entry 14.

16. PAID BILLS [and Orders], scattered dates 1774--. Approx. 600,000 documents in 81 f. b., 46 f. d., and 14 bundles in 1 cardboard box (dated). Prior records missing. Title varies: Commissioners Orders; Commissioners Vouchers.

Orders, showing number, kind of case (regular relief, soldiers' aid, old age assistance), town, date issued, names and addresses of vendor and relief recipient, case number; food and household necessities, rent, clothing, fuel, medical, and other; and signatures of overseer of poor or selectmen, authorized agent, and relief recipient. Vendor's statement (bills): date, names of town and county, name and address of vendor; date, number, and amount of order; and signatures of county commissioners.
Also contains:

a. Correspondence, 1935-37, showing information as in entry 25-d.
b. Cancelled Checks, 1933--, entry 21.
c. [Insurance Policies], 1833-38, entry 27.
d. Jury payrolls, 1787-1817, showing date and term of court, name of juror, purpose, and amount.
e. Surety bonds, 1774-1810, showing date, names and signatures of persons bonded and sureties, and amount of bond.

1774-1917, no obvious arr.; 1918--, arr. chron. and alph. thereunder by name of vendor. No index. Hdw. and typed on ptd. forms. 81 f. b., 1774-1917, 7 x 4 x 16; 21 f. d., 1918-38, 11 x 13 x 27; 14 bundles, 1927-32, 8 x 3 x 14 in cardboard box, 28 x 14 x 12; 25 f. d., 1933--, 27 x 12 x 11. 76 f. b., 1774-1917, bsmt.; 5 f. b., 1902-1906, deeds v.; 35 f. d., 1918-38, clerk's v.; 14 bundles in cardboard box, 1927-32, rm. 346 county farm; 11 f. d., 1937--, outer off.

Financial

17. JOURNAL [Record of Orders], 1858-1918. 13 vols. (dated). Missing, prior records and 1866-90, 1902-1904, 1907-14. Title varies: Commissioners Records; County Commissioners Reports.

Record of orders paid out by county commissioners: date, order number, name of payee, purpose, amount, and names of commissioners; and certification by auditors: date and signatures of auditors. Also contains: Pauper Records [Claims], 1891-1900, entry 11. Arr. chron. by date of entry and numer. thereunder by order no. No index. Hdw. and hdw. on ptd. headings. 8 vols., 1858-65, 75 pp. 7 x 5 x 3/8; 1 vol., 1891-1900, 432 pp. 16 x 12 x 2; 4 vols.,

1898-1901, 1905-1906, 1915-18, 300 pp. 8 x 10½ x 1. 8 vols., 1858-65, bsmt.; 5 vols., 1891-1901, 1905-1906, 1915-18, deeds v.

For similar subsequent records, 1922-34, see entry 19.

18. CASH LEDGER--RECEIPTS, 1935--. Approx. 300 documents in 1 f. d. System began in 1935.

Report of receipts by county treasurer to county commissioners, showing date, amount, source, and particulars; bank deposits: date and amount; and order number and signature of treasurer. Arr. chron. and numer. thereunder by order no. No index. Hdw., hdw. on ptd. forms, and typed. F. d., 10 x 14 x 30; reports, 10 x 8½. Outer off.

For duplicate records, see entry 92. For related records, see entry 91.

19. GRAFTON COUNTY PAYMENTS, 1922-34. 7 vols.

Record of all county expenditures, showing date, voucher number, to whom, purpose, and amount. Arr. chron. by date of entry. No index. Hdw. on ptd. forms and headings. 4 vols., 1922-32, 150 pp. 12 x 10 x 2; 3 vols., 1927-34, 175 pp. 9 3/4 x 12 3/4 x 1½. 4 vols., 1922-32, outer off.; 3 vols., 1927-34, clerk's v.

For similar prior records, 1858-1918, see entry 17. For similar prior and related records, 1885--, see entry 91.

20. [CHECK BOOK STUBS], 1909-15. 6 vols. (2-5, 4 vols., 1909-1912; unlabeled, 2 vols., 1913-15). Isolated record.

Date issued, number, name of payee, purpose, and amount. Arr. chron. and numer. thereunder by check no. No index. Hdw. on ptd. forms. 300 pp. 9 x 6 x 1½. Deeds v.

For related subsequent records, 1923-31, see entry 107-b.

21. CANCELLED CHECKS, 1923--. Approx. 9000 checks in 4 f. b., 5 bundles in 2 f. d., 6 cardboard boxes (dated). Missing, prior records and 1927-29. 1933-- also in Paid Bills [and Orders], entry 16-b.

Date, cancellation and check numbers, amount, to whom, purpose, and signatures of payee and county commissioners. Also contains: [Insurance Policies], 1936-37, entry 27. Arr. chron. by date of check. No index. Hdw., and hdw. and typed on ptd. forms. 4 f. b., 1923-26, 1930-32, 10½ x 4 3/4 x 16; 5 bundles in 2 f. d., 6 cardboard boxes, 1933--, 5¼ x 9½ x 24. Clerk's v.

For related and prior records, see entries 93-d, 107-a.

22. RECORD OF BONDS AND COUPONS OUTSTANDING, 1868-1904. 2 vols. (dated 1869, 1 vol., 1868-70; undated, 1 vol., 1881-1904). Missing, prior records and 1871-80. Discontinued. Title varies: Grafton County Bonds.

Date, number, and amount of bond, rate of interest, date due, name of holder, and to whom paid; coupon: number, amount, and notation if paid. 1868-70, no obvious arr.; 1881-1904, arr. chron. by date of bond and numer. thereunder by bond no. No index. Hdw. and hdw. on ptd. forms. 1 vol., 1868-70, 500 pp. 17 x 14 x 2; 1 vol., 1881-1904, 275 pp. 10¼ x 8 x 3/4. Bsmt.

For related subsequent records, see entries 73-75.

23. COUNTY FARM VOUCHERS [Paid Bills], 1867-91. Approx. 2400 documents in 5 f. b. (dated). Missing, 1886-88. Farm purchased 1866.

Bills paid by county commissioners for labor and supplies: date, to whom, purpose, and amount. Arr. chron. No index. Hdw. and hdw. on ptd. forms. 7 x 4 x 16; Bsmt.

For subsequent related records, 1931-32, see entry 105.

24. [DISBURSEMENT RECORD--COUNTY FARM], 1840-80. 1 vol. Prior records not kept. Discontinued.

County commissioners' disbursement record for county farm: date, to whom, purpose, and amount; money due by farm: to whom, purpose, and amount. Arr. chron. by date of disbursement. No index. Hdw. 300 pp. 15½ x 6¼ x 3/4. Bsmt.

For related records, see entry 103.

Miscellaneous

25. [MISCELLANEOUS PAPERS], scattered dates 1896-1928. Approx. 1500 documents in 17 envelopes, 1 steel cabinet, 1 folder.

Contains:

a. Appraisal of Grafton County real estate, 1917, showing name, size, amount of repairs, and valuation of buildings.

b. Bids, contracts, bonds and correspondence for altering heating system at Grafton County farm, 1925. For blue print of heating system, see entry 29.

c. Bids and proposals for hot water heating apparatus for courthouse, 1916.

d. Correspondence, miscellaneous, 1925-26. Dated incoming and carbon copies of outgoing correspondence of county commissioners relative to all county affairs. For subsequent records, 1935-37, see entry 16-a.

e. County convention estimates, payments, and appropriations with recommendations, 1912-28.

f. County reports to State Tax Commission, 1916, 1917, 1924-26, showing balance sheet: assets and liabilities, receipts and payments, totals, and balance; schedule of county property with description and valuation; reimbursements for support of poor; current maintenance and expenses for general government with totals; outlay for new construction; and indebtedness.

g. Financial statement as to condition of county with bills attached, 1915-16, showing date, name of county, and statement of financial condition of county signed by the clerk of the commissioners.

h. Highway petitions, 1916, 1917, 1919, 1921, showing date, nature of petition, and signatures of petitioners; return of hearing; and correspondence.

i. [Insurance Policies], 1915-16, entry 27.

j. Lease of stone quarry at county farm to E. F. Moore, Burlington, Vt., July 1, 1907, showing names of leasee and county, description of property, term of lease, and jurat.

k. Paid bills, 1896, 1915-16, showing date, to whom, and amount.

m. Statement of cost of boarding prisoners at jail and house of correction, 1922-26.

n. Warranty deed, abstract of, land sold to Grafton County March 3, 1903: name of conveyor--Sherburne L. Swasey, Newbury, Vt., names of state and county, location, consideration involved, names of signers--contracting parties and witnesses, and jurat.

o. Writs of attachment, 1927, showing information as in entry 54.

No obvious arr. No index. Hdw., typed, and hdw. and typed on ptd. forms and headings. 17 envelopes, 1896, 1907-28, 9½ x 4¼ x ½; 1 steel cabinet, 1903, 1915-16, 10 x 11 x 17; 1 folder, 1916-27, 12 x 9 x 1. Deeds v.

26. [INVENTORY OF PROPERTY IN GRAFTON COUNTY], 1878-1905. 1 vol. Prior records missing. Discontinued.

Assessment of property in county: date, name of each town, amount of county tax due from each, and signature of county treasurer. Arr. alph. by name of town and chron. thereunder by date of entry. No index. Hdw. on ptd. headings. 145 pp. 13 x 8 x ½. Bsmt.

27. [INSURANCE POLICIES], 1833-38, 1915-16, 1936-37. 1833-38 in Paid Bills [and Orders], entry 16-c; 1915-16 in [Miscellaneous Papers], entry 25-i; 1936-37 in Cancelled Checks, entry 21.

Date, amount, rate, premium, kind of insurance, term, description of property, name of insurance company, and signature of insurance agent.

28. [INSURANCE RECORD], 1906-1909. 1 vol. Isolated record.

Record of insurance for county property: name of insurance company, policy number, designation of property insured, amounts of policy and premium, rate, date, period of time covered, and expiration date. Arr. chron. by date of policy. No index. Hdw. on ptd. headings. 100 pp. 8 x 7 x ½. Deeds v.

29. ALTERATION—HEATING SYSTEM GRAFTON COUNTY FARM, WOODSVILLE, N. H., May 8, 1925. 1 blue print.

Blue print of heating system for Grafton County Farm. Draftsman, G. S. M., Boston, Mass. Consulting engineers, Hollis French and Allan Hubbard, Boston; checked by F. A. M. Blueprint. Scale: boiler room, ¼": 1'; buildings, 1/8": 1'. 56 x 32. Deeds v.

For bids, contracts, bonds, and correspondence relating to alteration of heating system, see entry 25-b.

III. REGISTER OF DEEDS

In the earliest period of New Hampshire history great confusion arose in regard to land titles. One difficulty in securing clear title arose from the conflicting claims of John Mason, the Massachusetts Bay Colony, and others holding grants from the Crown.[1] Another confusing element arose from deeds purporting to be grants of territory from the Indians. Many of the early land holders felt morally obligated to purchase their land from the natives even though they held deeds or grants from the Crown.[2] An act of

1. W. H. Fry, New Hampshire as a Royal Province, (New York, 1908), 209.
2. J. Belknap, History of New Hampshire, (Farmer Edition, Dover, 1831), 40.

1686 passing upon a petition of John Blackwell, and others, relating to lands on the Merrimack River and Lake Winnipesaukee mentions the fact that the deeds to the land are signed by the Sachem Wonolanset and by Robert Mason,[1] who was the grandson of John Mason, the original owner of the Masonian Grant.

The validity of Indian deeds was still a controversial matter as late as 1719 when an act declared null and void all titles or conveyances, obtained from the Indians since 1700, without license or approval of the Assembly.[2]

Concurrent with the growth of the New Hampshire settlements there was an increased interest in the matter of keeping permanent records of land sales. In 1646 the Massachusetts General Court ordered "that Dover hath the same power of recording sales of land as Ipswich hath, and that Wm. Waldren [Waldron] be Recorder there till the Court take further order herein."[3] Later in the same year Richard Waldron petitioned "for a disposall of all publicke & private writings that were in the hands of Wm. Walderne, late recorder of Dover, deceased." The court ordered a committee of two to survey the papers and to reserve them in safety.[4]

During the reign of Charles II an attempt was made to validate the titles held under the Masonian Grant. Edward Cranfield's commission, May 9, 1682, as Lieutenant-Governor, included instructions designed to compensate John Mason's heirs for their claims under the Masonian Grant, and at the same time, clear the titles for the actual occupants of the land by collecting a tax of sixpence on the pound to be paid to the Masonian claimants.[5] This met with much opposition from the New Hampshire settlers. The controversy over the Masonian titles was long and bitter and was not entirely settled until 1746.[6]

An example of the combination of the office of register of deeds with other offices is furnished by an appointment made October 23, 1682, by Edward Cranfield, and couched in the following terms: "That Richard Chamberlain Esqr have the registring or recording of all Bils & Deeds of sale, mortgages (Wills All which are hereby to be so recorded) as Perquisits & appertaining to his Office of Secr & Cl. of the Counsel: As also, That he be Cl of all the Courts of Judicature held within this Province."[7]

On July 26 of the same year, Richard Waldron, upon payment of ten pounds yearly to Richard Chamberlaine, was empowered to supply the place and office of clerk of court and of the probate of wills, and to be deputy register "with Liberty to act himselfe or Recom'end a fitt person to that Service."[8]

After the establishment of New Hampshire's permanent Provincial government in 1692 there were many acts concerning the register of deeds. An act of 1701 defined the duties of the office.[9] The commission of Joseph Dudley in 1702 contained instructions in regard to registering deeds.[10]

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1. Laws of New Hampshire, 1:120 (1686).
2. Ibid., 2:339 (1719).
3. New Hampshire State Papers, 1:182.
4. Ibid., 1:186.
5. Laws of New Hampshire, 1:55 (1682).
6. Fry, op. cit., 319-320; Laws of New Hampshire, 2:454 (1746).
7. Laws of New Hampshire, 1:57 (1682).
8. Ibid., 1:124-125 (1686).
9. Ibid., 1:680-683 (1701).
10. Ibid., 2:11 (1702).

Register of Deeds

(Next entry 30, p. 54)

The term of office of the recorder was set at three years by an act of 1722.[1] In 1743 the recorder was ordered to complete the imperfect and unfinished entries left by his predecessors.[2] Several acts of this period regulated the fees to be collected by the register of deeds.[3]

The act of county organization of 1769, changed the office of register (recorder) of deeds from a Provincial to a county office. At that time, however, Grafton County was not deemed sufficiently inhabited to justify a local county organization, so it was placed under the jurisdiction of Rockingham County.[4] Autonomy came in 1773. A law of that year set a time and place for holding courts in Grafton County and a period of four months during which time the proper officers for administering county affairs were to be commissioned.[5] The situation in regard to the recording of deeds was clarified by a further act of 1773 which declared good and valid all recordings made during the period when the limitations of the previous acts were in force. This act also provided that purchasers of real estate could record their deeds in other counties in addition to the one in which the land lay,[6] thus giving added protection in case the records of any one county were destroyed.

The 1776 Constitution adopted January 5, 1776 in the Congress at Exeter stipulated, "That a treasurer, and a recorder of deeds for each county be annually chosen by the people of each county respectively; the votes for such offices to be returned to the respective courts of General Sessions of the Peace in the county; there to be ascertained as the Council and Assembly shall hereafter direct."[7] The 1792 Constitution not only made provisions for the election of a register of deeds in each county but empowered the Legislature to divide counties into two districts for registering deeds with a register to be elected in each district;[8] but no county has ever been divided in this manner.

The provision in the 1776 Constitution for the election of the register (recorder) of deeds was supplemented by an act specifying that the recorder should be elected annually in the March town meeting.[9] In 1878 the term of office was set at two years.[10] The justices of the court of common pleas were empowered in 1802 to appoint a register in case a vacancy should occur.[11] At present the register of deeds is elected biennially by voters of the county. The superior court examines the votes, issues the certificates of election to the successful candidates, and makes appointments to fill vacancies occurring by sickness, death, departure from the county or by removal from office for misconduct.[12]

The register of deeds, subject to the approval of his bondsmen and the county commissioners, is authorized to appoint for a period not exceeding

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1. Laws of New Hampshire, 2:373 (1722).
2. Ibid., 2:740 (1743).
3. Ibid., 2:390-391 (1726); 3:162 (1757); 3:495 (1768).
4. Ibid., 3:524-530 (1769).
5. Ibid., 3:587-588 (1773).
6. Ibid., 3:604-605 (1773).
7. B. P. Poore, Federal and State Constitutions, (Washington, 1877), 2:1280.
8. New Hampshire Constitution, art. 71 (72), (1792).
9. Laws of New Hampshire, 4:63 (1776).
10. New Hampshire Laws of 1878, ch. 23, secs. 2, 4.
11. Laws of New Hampshire, 7:54 (1802).
12. Public Laws of New Hampshire, ch. 36, secs. 1, 4, 5, 7, 8 (1926).

two years, deputies to perform his duties when he is ill or temporarily absent.[1]

Compensation for the register of deeds has usually been on a fee basis, but in some cases a salary has been paid. A chart of county officers for the year 1773 shows that John Hurd was the recorder of deeds for Grafton County at an annual stipend of thirty pounds.[2] At the present time all registers of deeds are paid on a fee basis except in Strafford County.[3] An act of June 14, 1701 stated the fees to be charged per page for entering and recording deeds.[4] The rates were regulated and clarified by a Legislative vote of 1726.[5] Another vote, in 1757, increased the fees to be charged.[6] In 1768 an act amending previous acts was passed which again revised the charges to be made and which remained in force until the time of the county organization.[7] In 1796 a penalty was prescribed for overcharging.[8] At the present time fees are established by law.[9]

Qualifications for the register of deeds and the conditions under which he might hold office have been prescribed from time to time. An act of 1701 required him to be sworn before entering upon his official duties and also stated: "whereas the Records of this Province are of Great Moment and concern to the Inhabitants thereof * * * they shall not be Committed into the hands of any person whatsoever as Recorder, Unless he be a person of Known Integritie, alsoe that he be a ffreeholder within the same And if a Valuable Estate to Respond any damage that may Accrew."[10]

As early as 1776 the register was required to give bond to the House of Representatives in the sum of two thousand pounds.[11] At present the law states that bonds shall not be less than five thousand nor more than fifty thousand dollars; they must be approved by the county commissioners and are to be deposited with the clerk of the superior court.[12] These bonds are given for the benefit of persons who may suffer loss by the neglect or misconduct of the register or his deputies.[13] The clerk of the superior court must furnish printed bond forms at the expense of the county.[14]

The New Hampshire Constitution bars any person from holding the office of register of deeds in conjunction with that of sheriff, and judge of probate. The register may not be elected Governor or Councillor, nor may he hold a seat in the Legislature.[15]

Beginning with 1792, various laws have exempted the register from

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1. Public Laws of New Hampshire, ch. 36, sec. 10 (1926).
2. Belknap, op. cit., 420.
3. New Hampshire Manual for the General Court, 1939, 415.
4. Laws of New Hampshire, 1:682 (1701).
5. Ibid., 2:390-391 (1726).
6. Ibid., 3:162 (1757).
7. Ibid., 3:493-495 (1768).
8. Ibid., 6:387 (1796).
9. Public Laws of New Hampshire, ch. 40, sec. 13; ch. 66, sec. 36; ch. 332, sec. 6 (1926); New Hampshire Laws of 1929, ch. 52.
10. Laws of New Hampshire, 1:682-683 (1701).
11. Ibid., 4:64 (1776).
12. Public Laws of New Hampshire, ch. 37, secs. 2, 3 (1926).
13. Ibid., ch. 37, sec. 5 (1926).
14. Ibid., ch. 37, sec. 9 (1926).
15. New Hampshire Constitution, art. 93 (94); art. 94 (95),(as amended 1793)

military duty.[1] At one time, however, as evidenced by an act of 1833 (repealed 1842), he was required to pay two dollars for such exemption.[2] The register of deeds is not mentioned, at the present time, in the list of those exempted from military service in the unorganized militia.[3] This official has for a long time been exempt from jury duty.[4]

The act of 1701 regarding duties of the register of deeds stated that he should enter and record at length all deeds, conveyances and mortgages of lands, tenements, rents or other hereditaments which were brought to him for recording; and to note the day, month and year when he received the same.[5] In 1766 provision was made by which a copy of any deed, conveyance, testimony, or affidavit recorded in the registry of deeds might, if the original were lost, be given in evidence in any court where the original would be admitted.[6] This act was repealed in the general repealer act of 1792[7] but in 1881 another act authorized registers of deeds to copy all imperfect records, the copies to have the same force as the originals.[8]

By 1899 New Hampshire law makers had become cognizant of the value of the early records of the state. An act of that year ordered "all the original papers of the province of New Hampshire prior to the time the act for the division of said province into counties took effect, shall be removed * * * to the state library * * *."[9]

The register is now required to receive, file and record all deeds brought to him for that purpose and is empowered to charge the fees stated by law; he must examine these records and give certificates of copies when required.[10]

The records are to be entered in a book which shows the time when received, the names of the grantors and grantees, the name of the town where the real estate is located, and the name of the person to whom the property is delivered. This book shall be open to inspection when required.[11] The register of deeds must "carefully keep in the office provided by the county, at all times, except when he may be required by a court to produce them as evidence or when the same may be removed for the purposes of repair, all books, records, files and papers belonging thereto, and when not in use shall keep them in the safe; and he shall permit no paper there deposited for record to be taken from his office before it is recorded." When necessary he may cause damaged volumes to be repaired at the expense of the county, and he

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1. Laws of New Hampshire, 6:85 (1792); 7:758 (1808); 8:834 (1819); 8:957 (1820); 9:899 (1829); New Hampshire Laws of 1857, ch. 1992, sec. 1; New Hampshire Laws of 1861, ch. 2478, sec. 1; New Hampshire Laws of 1862, ch. 2579; New Hampshire Laws of 1878, ch. 117, sec. 4; New Hampshire Laws of 1895, ch. 59, sec. 3.
2. Laws of New Hampshire, 10:496-497 (1833); Revised Statutes of New Hampshire, ch. 230 (1842).
3. Public Laws of New Hampshire, ch. 124, sec. 15 (1926).
4. New Hampshire Laws of 1887, ch. 44; Public Laws of New Hampshire, ch. 321, sec. 3 (1926).
5. Laws of New Hampshire, 1:682 (1701).
6. Ibid., 3:393-394 (1766).
7. Ibid., 6:34 (1792).
8. New Hampshire Laws of 1881, ch. 19.
9. New Hampshire Laws of 1899, ch. 63.
10. Public Laws of New Hampshire, ch. 40, sec. 2 (1926).
11. Ibid., ch. 40, sec. 3 (1926).

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may permit them to be taken from his office for a reasonable time for that purpose.[1] It remains his duty to make copies of faded or defaced records,[2] and to attach his certificate of correctness thereto, showing when, by whom, and under what authority the copies were made.[3] Such copies shall have the same value as the originals, but the originals must be preserved.[4]

An act of 1785 permitted justices of the peace to extend executions upon real estate in the recovery of small debts. These proceedings were to be recorded by the register of deeds. In June 1787 the act was no longer thought necessary and was repealed.[5]

In order to prevent frauds in the transfer of real estate it was enacted November 5, 1813, that all executions satisfied by levy on real estate must be recorded, with the return thereon, in the registry of deeds; and no judgment debtor could hold his rights in such estate for a term of more than seven years unless the execution and return were so recorded. It was further provided that no title, or lease for more than seven years, could be encumbered by any bond, other deed, or instrument of defeasance unless such encumbrances were recorded with the deed.[6] This provision was amplified by an act of July 4, 1829.[7] At present the law states, "Real estate may be attached on a writ of mesne process by the officer leaving an attested copy thereof, and of his return of the attachment thereon, at the office or the dwelling house of the register of deeds of the county in which the real estate is situate."[8] The officer's return noting the time is sufficient evidence that the copy has been left, the register of deeds must certify on the copy the time when it was received, and must keep it on file.[9] The register keeps a general index, open to public inspection at all times, of all attachments so made and of the copies of all writs and processes filed with him. He enters therein, at the time of receiving a copy, a record of the exact time when it was received, of the court to which the writ is returnable, and the names of the plaintiff and defendant in the action. The defendants' names must be alphabetically arranged.[10]

When an attachment upon real estate is dissolved the discharge shall be recorded with the register of deeds by the owner or defendant within a period of thirty days.[11] The recording in the registry of deeds of a copy of the petition and the proceedings in an attachment case, together with a certificate issued by the superior court that bond has been given to the plaintiff for the amount of the judgment recoverd, dissolves the attachment.[12] When a writ of possession is issued against property the officer executing it must have it recorded, with his return thereon, by the register of deeds.[13]

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1. Public Laws of New Hampshire, ch. 40, sec. 1 (1926).
2. Ibid., ch. 38, sec. 23 (1926).
3. Ibid., ch. 38, sec. 24 (1926).
4. Ibid., ch. 38, sec. 25 (1926).
5. Laws of New Hampshire, 5:101 (1785); 5:268 (1787).
6. Ibid., 8:274-275 (1813).
7. Ibid., 10:94-97 (1829).
8. Public Laws of New Hampshire, ch. 332, sec. 3 (1926).
9. Ibid., ch. 332, sec. 4 (1926).
10. Ibid., ch. 332, sec. 5 (1926).
11. Ibid., ch. 332, sec. 8 (1926).
12. Ibid., ch. 332, sec. 52 (1926).
13. Ibid., ch. 343, sec. 19 (1926).

Register of Deeds (Next entry 30, p.54)

When a levy is made on real estate owned and rented by a debtor, the sheriff, if the tenant refuses to become a tenant of the creditor, must evict him from the premises and take possession of the property for the creditor.[1] A full return of these proceedings shall be made to the register of deeds.[2]

A lien upon real estate previously unattached is not established until the officer making the levy files an attested copy of the execution with a return showing that he has begun such levy and the steps already taken or a record of the completed levy with the register of deeds.[3] It is the duty of the register to certify upon each copy the time when it was received and to keep it on file. He also enters a record of it upon the index of attachments, as in the case of attachments of real estate, with the exception that the record shall state that the writ is a writ of execution.[4]

An act of June 29, 1829 set forth in detail the mode of conveyance by deed.[5] Present day laws on this subject contain the following provisions: All deeds or other conveyances of real estate are valid if signed, sealed and acknowledged by the lawful grantor, duly witnessed before a justice of the peace, notary public, or commissioner, and recorded at length in the registry of deeds.[6] No deed, mortgage or other conveyance or lease for more than seven years, shall be effectual in law unless acknowledged and recorded as aforesaid provided that if the grantor or lessor does not acknowledge the deed or lease signed by him, the grantee or lessee may put it on record and it shall be valid for a period of sixty days.[7] It is provided that in case the grantor or lessor is prevented by death or any cause from acknowledging a deed proof may be had by the subscribing witness before any court of record in the state, or by oath of any two witnesses acquainted with the handwriting of the grantor or lessor and of the subscribing witness. No instrument can be so proved unless the notice and time of place of proving, signed by a justice of the peace, is delivered to the grantor or lessor or left at his usual place of abode fourteen days in advance.[8] The use of a power of attorney in conveying real estate is permitted if the power of attorney is recorded with the register of deeds, and a copy of the recording may be admitted as evidence in cases where a copy of the deed is admitted.[9] Purchasers of real estate may record their deeds in any other county in addition to the county in which the real estate is situated; and in the event of destruction of the originals an attested copy from another county is considered valid.[10]

It was made the duty of the register of deeds to record proceedings of the superior court of judicature in regard to partition of real estate by an act of July 3, 1829. This is still required in the present day laws.[11] An act of June 25, 1830 stipulated that conveyances or leases of any land

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1. Public Laws of New Hampshire, ch. 345, sec. 11 (1926).
2. Ibid., ch. 345, sec. 12 (1926).
3. Ibid., ch. 345, sec. 29 (1926).
4. Ibid., ch. 345, sec. 30 (1926).
5. Laws of New Hampshire, 10:30-32 (1829).
6. Public Laws of New Hampshire, ch. 213, sec. 3 (1926).
7. Ibid., ch. 213, secs. 7, 10 (1926).
8. Ibid., ch. 213, secs. 11-13 (1926).
9. Ibid., ch. 213, sec. 9 (1926).
10. Ibid., ch. 213, sec. 8 (1926).
11. Laws of New Hampshire, 10:58 (1829); Public Laws of New Hampshire, ch. 354, sec. 14 (1926).

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belonging to the state were not legal unless the original deeds had been recorded in the office of the Secretary of State.[1] This, however, was one of the acts that the Revised Statutes repealed.[2]

Formerly it was the duty of the register of deeds to distribute to the towns in his county copies of laws, journals and blanks sent out by the Secretary of State,[3] but this was repealed by Legislative act on January 1, 1849.[4] At present such matters are handled directly by the Secretary of State.[5]

The register is required to keep an index in which he shall enter the names of all parties concerned arranged alphabetically in two lists. The first list shall be of grantors to grantees. The second list shall be of grantees from grantors.[6] Within sixty days after a volume of records is completed the index thereof is to be copied into one or two volumes of indexes to be furnished by the county, properly ruled and prepared according to some system approved by the county commissioners or a committee chosen by the county convention.[7]

Tax collectors must file notices of the posting of tax sales with the register of deeds within seven days.[8] These shall be copied and indexed by the register.[9] Tax collectors are also required to file with the register attested information regarding details of sales for taxes.[10] A recent amendment increased the time allowed for such notice from two to six days.[11] When taxes on property advertised to be sold for taxes are paid before the sale or when property sold is redeemed, the collector must notify the register of the fact and date of such payment or redemption, and of the name of the party so paying or redeeming.[12] This information is to be recorded and indexed by the register.[13] In 1889 an act required the register to keep a record of the descriptions and pedigrees of stallions kept for breeding purposes;[14] such records are now kept by the State Commissioner of Agriculture.[15]

Railroads desiring to have land along their rights of way cleared of underbrush and trees in the interest of public safety may secure an order from the Public Service Commission enabling them to take over the land. These orders must be recorded with the register of deeds.[16] Public utility companies

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1. Laws of New Hampshire, 10:131-132 (1830).
2. Revised Statutes of New Hampshire, ch. 230, p. 487 (1842).
3. New Hampshire Laws of 1840, ch. DXXXI.
4. New Hampshire Laws of 1848, ch. 759.
5. Public Laws of New Hampshire, ch. 5, sec. 10 (1926).
6. Public Statutes of New Hampshire, ch. 29, sec. 4 (1891); Public Laws of New Hampshire, ch. 40, sec. 4 (1926).
7. Public Statutes of New Hampshire, ch. 29, sec. 10 (1891); New Hampshire Laws of 1921, ch. 6; Public Laws of New Hampshire, ch. 40, sec. 10 (1926).
8. Public Laws of New Hampshire, ch. 66, sec. 20 (1926).
9. Ibid., ch. 66, sec. 21 (1926).
10. Ibid., ch. 66, sec. 24 (1926).
11. New Hampshire Laws of 1939, ch. 13.
12. Public Laws of New Hampshire, ch. 66, sec. 28 (1926).
13. Ibid., ch. 66, sec. 29 (1926).
14. New Hampshire Laws of 1889, ch. 77.
15. Public Laws of New Hampshire, ch. 189, sec. 1 (1926).
16. New Hampshire Laws of 1913, ch. 125; Public Laws of New Hampshire, ch. 249, sec. 36 (1926).

exercising rights on public lands must have their licenses recorded with the register in the county where the property is located.[1] Licenses to construct pipe lines must be recorded also.[2] Land cannot be legally considered as classified forest land until the owner has filed for record a certificate from the assessors of the town in which the land is situated, showing that it is qualified as such.[3]

The State Tax Commission prescribes forms on which the register is required to list all conveyances of real estate recorded at the registry during the preceding year. The register must send these lists to selectmen of towns and assessors of cities where the real estate is located. These lists must show names of grantors and grantees, date of conveyance and recording, consideration involved, value of stamps on document, description of transferred property and such other information as the Tax Commission may require.[4]

Recordings of warranty and quitclaim deeds, and recordings of other documents directly affecting the transfer of real estate and other property, dating back to 1773, are contained in 666 volumes kept by the register of deeds in Grafton County. The register, since 1868, has kept a receiving record of all documents as they have come in. He keeps a complete double index (grantor-grantee, grantee-grantor) to all deed papers except the receiving book and writs of attachment (which latter has an index of its own). From 1935 to date this index has been kept currently on cards and transferred periodically to volumes. The register keeps a detailed record of tax sales and redemptions. He keeps writs of attachments affecting real estate and records pertaining to them. Since 1935 the records of the register have included liens on real estate given to the county commissioners by recipients of old age assistance. Among the records of the deeds office are ten volumes of blue prints, maps, plans, photostats, sketches and drawings of land in Grafton County and their related indexes.

The discarded grantor-grantee index is kept on shelves in the basement of the courthouse. All other records of the register are kept in the register of deeds' vault, first floor.

Deeds

30. INDEX-GRAFTON RECORDS GRANTOR - GRANTEE, 1773-1934.
60 vols. (labeled by inclusive letters of the alphabet under grantor and grantee).

Index to: Grafton County Records, entry 34; Grafton County Plans, entry 37; Grafton County Records Tax Book, entry 38; showing date and kind of instrument, names of grantor and grantee, and volume and page where recorded. Arr. alph. by names of grantor and grantee. Hdw. and typed on ptd. headings. 600 pp. 18 x 12 x 3.

For subsequent card index, 1935--, see entry 31.

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1. New Hampshire Laws of 1923, ch. 6; Public Laws of New Hampshire, ch. 244, sec. 14 (1926).
2. New Hampshire Laws of 1929, ch. 113.
3. Public Laws of New Hampshire, ch. 60, sec. 29 (1926).
4. New Hampshire Laws of 1935, ch. 57.

31. GRANTEE - GRANTOR [Card Index], 1935--. Approx. 63,000 cards in 42 f. d. (labeled by inclusive letters of the alphabet under grantee and grantor).

Index to: Grafton County Records, entry 34; Grafton County Plans, entry 37; Grafton County Records Tax Book, entry 38; and [Original Old Age Aissistance Liens], entry 41; showing date and kind of instrument, names of grantee and grantor, location of property, and volume and page reference. Arr. alph. by names of grantee and grantor (warranty deeds - yellow, mortgage deeds - blue, all other instruments - salmon). Typed on ptd. forms. 4 x 11 x 24.

For prior volume index, 1773-1934, see entry 30.

32. [DISCARDED GRANTOR - GRANTEE INDEX], 1773-1896. 204 vols. (191 vols., 1-31, 190, 210, 215, 219, 223-224, 226, 229-230, 232-235, 237-240, 242-248, 250-265, 267-273, 275-282, 285-287, 289-306, 308-311, 313-314, 316, 319-340, 342-357, 359-364, 367-368, 385, 393, 398-403, 405-428; unnumbered, 13 vols.).

Discarded index to all deed records, showing names of grantee and grantor, date and kind of instrument, and volume and page reference. Arr. alph. by names of grantor and grantee. Hdw. 150 pp. 15 x 10 x 1. Bsmt. shelves.

33. GRAFTON COUNTY RECORDS [Index to Discharged Mortgages], 1896--. 2 vols. (434, 581). System started 1896.

Index to discharged mortgages, entry 34; showing names of mortgagor and mortgagee, dates of instrument and discharge, and volume and page reference. Arr. alph. by name of mortgagor. Hdw. on ptd. headings. 600 pp. 18 x 12 x 3.

34. GRAFTON COUNTY RECORDS, 1773--. 666 vols. (1-432, 435-498, 500-517, 519-529, 531-580, 582-584, 586-587, 589-625, 628-639, 641-646, 650-661, 664-669, 671-676, 678-683).

Contains transcripts of: deeds (warranty, mortgage, quitclaim, tax collectors', administrators', conservators', guardians' and trustees'), agreements, advertisements of tax sales, appointments of trustees, inventories, leases, cancellation of leases, licenses for right of way, liens, mortgage foreclosure sales, discharged mortgages, partial releases, petitions for eminent domain, powers of attorney, receipts from heirs and legatees, releases of dower-curtesy and homestead-intestate, resignations of trustees, resolutions for voluntary liquidation, right of way, waivers of wills and release of dower-curtesy and homestead-testate, warrants for dower and homestead, warrants for partition of real estate, warrants to assign real estate, wills, writs of execution, and writs of possession. Instruments in general show date, kind of instrument, names of parties concerned, description of property involved, consideration, names of signers - parties concerned and/or witnesses; jurat, date received, and attest and signature of register of deeds. Also contains: Grafton County Plans, 1773-1895, entry 37. Arr. chron. by date of entry. For index, 1773-1934, see entry 30; 1935--, see entry 31; for index to discharged mortgages, 1896--, see entry 33. Hdw., typed, and hdw. and typed on ptd. forms. 600 pp. 18 x 12 x 3.

35. GRAFTON RECORDS RECEIVING BOOK, 1868--. 12 vols. (4-15). Prior records missing.

Receiving record of documents filed with register, showing date and time received, names of grantee and grantor, location of property, volume and page

reference where recorded, and to whom document delivered. Arr. alph. by town and chron. thereunder by date of entry. No index. Hdw. on ptd. headings. 650 pp. 17½ x 15 x 2½.

Maps and Plans

36. GRAFTON COUNTY TOWN MAPS, 1854--. 2 vols. (labeled by inclusive letters of the alphabet).
Copies of maps of various towns comprising Grafton County, showing town boundaries, streams, lakes, and ponds, and their locations, range lines, and ranges; lots and holdings with names of owners, numbers of lots and holdings written on each; name of surveyor or civil engineer who made copy, date of copy, certification upon oath that copy is true and exact, and name of town. Arr. alph. by name of town. No index. Photostats, blue prints. 23 pp. 19 x 21 x 1.

37. GRAFTON COUNTY PLANS, 1896--. 10 vols. (433, 530, 588, 626, 640, 647, 649, 662, 663, 670). Title varies: Grafton County Records. 1773-1895 in Grafton County Records, entry 34.
Blue prints, maps, plans, photostats, sketches, and drawings of land in Grafton County. 1 vol., 1896-1913, no obvious arr.; 9 vols., 1914--, arr. chron. by date of entry. For index, 1896-1934, see entry 30; 1935--, see entry 31. Blue prints, photostats, sketches. 200 pp. 18½ x 12½ x 3.

Sales of Real Estate for Taxes

38. GRAFTON COUNTY RECORDS TAX BOOK, 1909--. 6 vols. (499, 518, 585, 627, 648, 677). System started 1909. Title varies slightly.
Tax sales record: names of owner and purchaser, description of property, amount of taxes, interest, costs of sale, fee from tax collector, amount paid register, postage, and total amount. Tax redemption notice: date of notice, name of owner, location of property, date of sale, statement that taxes had been redeemed, name of signer - tax collector, date received, and attest and signature of register. Tax notice and affidavit: notice of sale of property for non-payment of taxes, showing date of commitment, name of owner, description of property, amount of taxes, last date for discharge of taxes, date and place of sale, date of notice, and name of signer - tax collector. Affidavit of posting: name of tax collector, certificate of posting notice with date and place, name of signer - tax collector, and copy of jurat; and date received by register with his attest and signature. Arr. chron. by date of entry. For index, 1909-34, see entry 30; 1935--, see entry 31. 1909-19, hdw. on ptd. headings; 1919-24, hdw.; 1924--, typed. 600 pp. 18 x 13 x 3.

Attachments

39. WRITS OF ATTACHMENT, 1911--. Approx. 8100 writs in 9 f. d. (1-8100). System began 1911.
Original order directing sheriff (deputy) to attach and hold goods or estate of defendant in specified amount pending court judgment and to serve summons

on defendant to appear and enter defense: county of origin, names of plaintiff and defendant, date, name, and place of court, amount of attachment, plaintiff's statement of cause for action, date of writ, signature of clerk of court; return of attachment: date and place of return, location of property, exact time attached, amount of fees, and signature of sheriff (deputy); return of summons: date and place of return, name of defendant, amount of fees, and signature of sheriff (deputy); docket number; and summary of court action: court terms of entry and judgment, amount of damage, cost, and execution, and signature of endorser and/or his attorney. Arr. chron. by date of filing and numer. thereunder by attachment no. For index, see entry 40. Hdw. and typed on ptd. forms. 11 x 5 x 18.

For prior records, 1773-1910, see entry 54.

40. [Index to] GRAFTON COUNTY ATTACHMENTS, 1911--. 2 vols. (dated). Title varies slightly.

Index to Writs of Attachment, entry 39, showing date, attachment number, names of plaintiff and defendant, time received, court returnable, and date released. Arr. alph. by name of defendant. Hdw. on ptd. headings. 1911-Oct. 1925, 293 pp. 17 x 11½ x 1½; Nov. 1925--, 600 pp. 18 x 13 x 2 3/4.

Miscellaneous

41. [ORIGINAL OLD AGE ASSISTANCE LIENS], 1935--. 50 liens in 1 f. b. First entry 1938. System began 1935.

Name of state, county, and county commissioners, name and residence of person receiving aid, certification that assistance has been furnished; amount, date first aid given, duration of assistance furnished, date and place of certification, signatures of county commissioners, oath of county commissioners as to validity of statements made in certificate, and signature of justice of peace; on reverse side: names of town, recipient, and receiving office, and date, time, and place received. Arr. alph. by name of town and by name of recipient thereunder. For index, see entry 31 (recipient filed under grantee, and state under grantor). Hdw. and typed on ptd. forms. 5 x 11½ x 17½.

DEVELOPMENT OF THE SUPERIOR COURT IN NEW HAMPSHIRE, 1769--.

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IV. COURT OF GENERAL SESSIONS OF THE PEACE

The court of general sessions of the peace was active in the early days of New Hampshire history. It functioned under such a variety of names as general sessions of the peace,[1] quarter court,[2] sessions,[3] quarterly courts,[4] general quarter sessions,[5] sessions of the peace,[6] quarter sessions,[7] quarter sessions of the peace,[8] general quarter sessions of the peace,[9] and general sessions.[10] Among the laws relating to this court prior to the final provincial period were enactments empowering it to fine, or administer corporal punishment to, persons evading military duty against pirates,[11] administer oaths of office,[12] receive from marshals returns of warrants and executions,[13] appoint gagers and packers wherever necessary,[14] raise money for the payment of bounties on wolves,[15] license public houses,[16] swear in viewers and cullers of staves,[17] and try itinerant peddlers.[18]

When New Hampshire became a royal province in 1692, the courts of sessions were to be held quarterly for a two-day term at Portsmouth.[19] In the sixteen-nineties, the court of sessions was permitted to establish the recompense allowed servants for "Inhuman Severitys" inflicted upon them by employers,[20] license houses of entertainment,[21] and appoint a committee to lay out new highways.[22] During the first two decades of the eighteenth century, the session courts received authority to license the selling of liquors,[23] try cases of forgery or fraud upon the bills of credit of neighboring provinces,[24] and order disposal of estates of insane persons to to their advantage and support.[25]

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1. For example, see Laws of New Hampshire, 1:102 (1686), 662 (1699); 2:131 (1714), 567 (1738); 3:356 (1765).
2. For example, see Ibid., 1:23 (1679), 30, 36 (1680).
3. For example, see Ibid., 1:30 (1680), 185, 203 (1687), 215 (1688).
4. For example, see Ibid., 1:247 (1687), 662 (1699).
5. For example, see Ibid., 1:198 (1687); 2:345 (1719).
6. For example, see Ibid., 1:197 (1687), 542 (1692).
7. For example, see Ibid., 1:204 (1687), 570 (1694), 601 (1698); 2:523 (1730).
8. For example, see Ibid., 1:579 (1696).
9. For example, see Ibid., 2:74 (1706).
10. For example, see Ibid., 2:123 (1714).
11. Ibid., 1:196 (1687). See also ibid., 1:656 (1699).
12. Ibid., 1:203 (1687).
13. Ibid., 1:30 (1680).
14. Ibid., 1:198 (1687).
15. Ibid., 1:204 (1687).
16. Ibid., 1:251 (1687).
17. Ibid., 1:209 (1687).
18. Ibid., 1:215 (1687).
19. Ibid., 1:542 (1692).
20. Ibid., 1:570 (1694).
21. Ibid., 1:589 (1697).
22. Ibid., 1:601 (1698).
23. Ibid., 2:74 (1706).
24. Ibid., 2:106 (1711).
25. Ibid., 2:122 (1714).

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With the act of county organization, the court of general sessions of the peace evolved from a provincial court into a county court, terms still to be held quarterly.[1] This was adjudged to be too often, and in 1789 it was enacted that terms of this court should be held but twice yearly.[2] In 1794 these courts were discontinued, most of their duties being taken over by the court of common pleas,[3] but they were reinstituted in 1820.[4] An act of 1823 stated that the courts of sessions should "ultimately" be composed of a chief justice and two associate justices, any two of them to constitute a quorum,[5] but these courts were abolished the following year, and the court of common pleas was re-established to take over their jurisdiction.[6]

The 1776 Constitution made the votes cast annually in the counties for treasurer and recorder of deeds returnable to the courts of general sessions of the peace.[7] An act of that same year prescribed the method to be employed by the general sessions for handling those votes. The court was to appoint a committee to count the ballots and report their findings, and the court would declare the names of the winning candidates. The selection was made by a majority vote of the justices present in case of a tie. In the event of the death or other incapacity of the county treasurer or recorder of deeds, the court was to appoint a committee whose task it was to provide for the safe keeping of all records and papers of the vacant office.[8]

The courts of general sessions of the peace received authority in 1777 to try persons charged with concealing deserters and those suspected of receiving or purchasing from soldiers goods belonging to the United States.[9] Also in the same year the general sessions were authorized to fine those who should refuse to assist a sheriff enforcing an act for restraining persons dangerous to the state.[10] This court could settle disputes concerning maintenance of the poor,[11] and--in 1790--approve the accounts of selectmen for relief given to non-residents of the state. The court was to certify what they considered a reasonable expenditure for such purpose, to the President (Governor) who, with advice of the Council, was to draw an order on the public Treasurer for the sum required.[12] In 1778 the general sessions court was empowered to grant to persons approved by the selectmen of their town licenses to retail liquor.[13] Four years later it was necessary to enact that where it should appear that the selectmen were unreasonably refusing their approval to certain tavern keepers or retailers, or in the event that the town did not have selectmen, the sessions court itself might issue licenses on its own responsibility.[14]

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1. Laws of New Hampshire, 3:526-527 (1769); 4:35 (1776).
2. Ibid., 5:416 (1789).
3. Ibid., 6:156 (1794).
4. Ibid., 8:936 (1820).
5. Ibid., 9:246 (1823).
6. Ibid., 9:352 (1824).
7. B. P. Poore, Federal and State Constitutions, (Washington, 1877), 2:1280.
8. Laws of New Hampshire, 4:63-64 (1776).
9. Ibid., 4:92, 94 (1777).
10. Ibid., 4:97-98 (1777).
11. Ibid., 4:99 (1777).
12. Ibid., 5:502 (1789).
13. Ibid., 4:200 (1778).
14. Ibid., 4:448 (1782).

The clerk of the court of general sessions was required to keep a list of the rates of ferry service throughout the particular county, and ferry keepers were liable to a fine if their boats were not kept in good repair.[1] Buildings encroaching upon highways were subject to a removal order from this court[2] and rights of way for new highways were controlled by the court.[3]

To promote the business of nail making, the court of general sessions was directed in 1787 to build nail houses within the limits of prison yards, which were to be enlarged for that purpose when necessary. Each nail house was to contain at least two forges, with all proper facilities including coal and nail rods.[4] In 1821 peddlers, hawkers, and show-men were required to obtain licenses from this court.[5]

As previously mentioned, the court of general sessions of the peace existed only from the time of county organization (1769) to 1824, with a lapse from 1794 to 1820. When the court was finally abolished in 1824, its duties were taken up by the inferior court of common pleas.[6] The records of the defunct court of general sessions of the peace, as well as those of the defunct inferior court of common pleas, are in the custody of the clerk of the present superior court. See entries for superior court (supreme court).

V. INFERIOR COURT OF COMMON PLEAS

During the period of the Dominion of New England, it was enacted that within each county of the Dominion there should be held "an Inferior Court of Com'on Pleas by a Judge assisted with two or more of the Justices of the County * * *." This court had jurisdiction over all matters not concerned with land titles, if the value involved was more than forty shillings and less than ten pounds, including the costs of court.[7] In the first year of the final provincial period, it was enacted that a judge and three justices should constitute a quorum for the court of common pleas and that the term of court was to be limited to three days. The value of cases subject to the court's jurisdiction was extended to twenty pounds.[8]

The act of county organization (1769) made Grafton County temporarily a part of Rockingham County, for governmental purposes; and established an inferior court of common pleas for Rockingham County, to be held at Portsmouth and Exeter.[9]

When courts were organized locally in Grafton County, provision was made for an inferior court of common pleas to meet at Haverhill and Plymouth.[10]

When the court system was reorganized at the beginning of the Revolution, it was enacted that the inferior court of common pleas within each county should be held by four justices, three of whom were to constitute a quorum.

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1. Laws of New Hampshire, 4:503 (1783).
2. Ibid., 5:121 (1786).
3. Ibid., 5:120 (1786).
4. Ibid., 5:276-277 (1787).
5. Ibid., 9:40 (1821).
6. Ibid., 9:352 (1824).
7. Ibid., 1:191 (1687).
8. Ibid., 1:542 (1692).
9. Ibid., 3:526-527 (1769).
10. Ibid., 3:588 (1773).

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This court for Grafton County was to meet at Haverhill and Plymouth.[1]

In 1794 the court of common pleas absorbed most of the duties of the lapsed court of general sessions.[2] In 1813 two circuit courts of common pleas for the entire state replaced the courts of that type held previously in each county.[3] Three years later (1816) another reorganization occurred. The state was divided into two districts, with a chief justice of the court within each district appointed by the Governor and Council. Two associate justices for each of the counties within the districts were also appointed. Under this arrangement the new courts were to have the same powers as the circuit courts of common pleas which were thereby abolished.[4] In 1820 the common pleas courts went into abeyance, and the courts of sessions were reinstituted.[5] In 1824 the courts of sessions were permanently abolished, and the court of common pleas was accorded another span of life.[6] In 1832 local courts of common pleas were established within each county,[7] and this arrangement lasted until 1851 in which year a law directed the appointment of four circuit justices of the court of common pleas, with the limitation that only two should be appointed until a vacancy occurred in the superior court of judicature.[8]

An enactment of 1855 stipulated that the court of common pleas was to consist of one chief justice and two associate justices. The supreme judicial court justices were ex-officio justices of the common pleas, to hold terms in the latter court only in the event of emergencies.[9]

But the inferior court of common pleas, like the court of general sessions of the peace which it had absorbed, was not destined to extend its activity down to the present day. It was abolished in 1859 and its duties transferred to the supreme judicial court,[10] known also, at times, as the superior court of judicature.

The duties of the court of common pleas were many and varied. The obligations assigned to it from time to time included trial of violations of a special Revolutionary War act fixing the prices of certain commodities, when forfeiture exceeded forty shillings;[11] release of persons imprisoned for debt;[12] the hearing of appeals from sentences or fines imposed by justices of the peace on persons violating the Sabbath;[13] receiving proofs of deeds and granting writs of protection;[14] issuance of orders on county treasurers for money appropriated by county conventions;[15] the filling of vacancies in the offices of register of deeds and county treasurer;[16] the

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1. Laws of New Hampshire, 4:34-35 (1776).
2. Ibid., 6:189 (1794).
3. Ibid., 8:255 (1813).
4. Ibid., 8:501, 503 (1816).
5. Ibid., 8:936 (1820).
6. Ibid., 9:352-355 (1824).
7. Ibid., 10:369-370 (1832).
8. New Hampshire Laws of 1851, ch. 1092, sec. 1.
9. New Hampshire Laws of 1855, ch. 1659, sec. 1.
10. New Hampshire Laws of 1859, ch. 2211, secs. 1-3.
11. Laws of New Hampshire, 4:81 (1777).
12. Ibid., 4:542 (1784).
13. Ibid., 6:594 (1799).
14. Ibid., 6:381 (1796).
15. Ibid., 7:23 (1802).
16. Ibid., 7:54 (1802).

determination of the sufficiency of sheriffs' bonds;[1] approval and keeping of coroners' bonds to the county;[2] receiving petitions for redress from persons not satisfied with allowance for damages resulting from road construction;[3] hearing and determination of petitions for widening and straightening highways;[4] establishment of the proportion to be paid by the county for highway work;[5] the decision as to whether the county should pay for highway repairs when towns found it burdensome to do so;[6] receiving returns of and counting votes for road commissioners; the approval of road commissioners' report on road petitions;[7] passing upon all accounts in favor of any town for the support of state paupers and certification of those accounts to the Governor and Council;[8] receiving of appeals from justices of the peace in cases between landlord and tenant;[9] receiving reports of railroad commissioners concerning damages to land-owners;[10] the indictment and conviction for larceny of any persons illegally possessing logs found in the Androscoggin River;[11] auditing claims of jailors or deputies, after prisoners had been discharged, and giving order to county treasurer for such sums as appeared just and reasonable;[12] and the trial of persons guilty of selling liquor without a license.[13]

It has already been stated that when the court of common pleas was abolished in 1859, its duties were taken over by the supreme judicial court. The present-day inheritor of the records of the court of common pleas is the superior court. See entries for Superior Court (Supreme Court).

VI. SUPERIOR COURT (SUPREME COURT)

When the Plymouth Council was organized in England in 1620, it received from the British Crown power to regulate the conduct of all British subjects who might go to New England.[14] The Plymouth Council, in its 1629 grant to Captain John Mason, obligated him to establish orderly government, in default of which the people of New Hampshire possessed the right to appeal to the "chief court of justice" of the Council of Plymouth.[15]

Later, under the jurisdiction of Massachusetts, the Massachusetts General Court decreed that a court of justice should be kept in New Hampshire.[16] During the period of 1641-79 the Massachusetts Bay Colony made all provisions

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1. Laws of New Hampshire, 10:18 (1829).
2. Ibid., 10:54 (1829).
3. Ibid., 7:227 (1803).
4. Ibid., 10:137 (1830).
5. Ibid., 10:318 (1832).
6. New Hampshire Laws of 1840, ch. D.
7. Ibid., ch. DVI.
8. Laws of New Hampshire, 8:30 (1811).
9. Ibid., 10:230 (1831).
10. New Hampshire Laws of 1836, ch. CCLXXX.
11. Ibid., ch. CCXCI.
12. New Hampshire Laws of 1838, ch. CCCLXX.
13. New Hampshire Laws of 1848, ch. 620.
14. Abridged Charter of the Plymouth Council in New Hampshire State Papers, 1:7.
15. New Hampshire State Papers, 1:25-26.
16. Introduction to Laws of New Hampshire, 1:xxxi.

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for the administration of New Hampshire justice.[1]

The royal commission which organized the Province of New Hampshire in 1679 made the President and Council a court of justice in all cases.[2] When, by the organization of the Dominion of New England in 1686, New Hampshire lost its provincial status, and became an adjunct of a government centralized in Boston, the commission of President Dudley conferred upon him and his Council the right to exercise judicial powers in their own name, as well as the authority to institute whatever courts they deemed necessary.[3] Soon after its organization, the new government issued an order by which the court for New Hampshire was to meet at Great Island (New Castle) and at Portsmouth.[4] A superior court of judicature was one of the courts authorized during this period.[5]

Courts set up during the first year of the restoration to New Hampshire of a separate provincial government included a "Supreame Courte of Judicature".[6] In 1699, it was enacted that "there be held and kept at Portsmouth * * * and not elsewhere within this Province a Superiour Court of Judicature by one chief Justice, and three other Justices, to be appointed and Commissionated thereto by the Govornour, or in his absence the Commander in Chief for the time being * * *."[7] The superior court of judicature, as well as the inferior court of common pleas and court of general sessions of the peace, was authorized in 1701 to make rules for more orderly procedure before it. Each of these courts was empowered to appoint a clerk.[8]

The act of county organization was an important step forward in judicial progress. The inferior court of common pleas and the court of general sessions of the peace became county courts. The superior court of judicature was accorded jurisdiction throughout the entire province, but it was to hold terms in each of the counties.[9]

In 1776 a new superior court of judicature replaced the one that had existed under the pre-revolutionary form of government. Four justices were appointed and commissioned by the Council and the House of Representatives. Three of the justices were to constitute a quorum. A term of this court was established for each of the counties.[10] In the engrossed copy of the Constitution as amended in 1793, the term supreme judicial court was substituted for superior; but this was done apparently without authority;[11] and there is little doubt that this continued to be the superior court of judicature until the 1813 reorganization.

In 1813 an act was passed reorganizing and changing the name of this court, which then became the supreme judicial court. It was to consist of a

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1. Introduction to Laws of New Hampshire, 1:xxxvii; New Hampshire State Papers, 1:159. For further instances, see New Hampshire State Papers, 1:160-161, 167-169, 172, 184-185, 236, 244, 318.
2. Laws of New Hampshire, 1:2-3 (1680).
3. Ibid., 1:96-97 (1686).
4. Ibid., 1:103 (1686).
5. Ibid., 1:192 (1687).
6. Ibid., 1:543 (1692).
7. Ibid., 1:663 (1699).
8. Ibid., 1:702-703 (1701).
9. Ibid., 3:526-530 (1769).
10. Ibid., 4:34 (1776).
11. New Hampshire Manual for the General Court, 1939, 107.

chief justice and two associate justices. It was to have the powers and jurisdiction of the superseded superior court.[1] But in 1816 the supreme judicial court became known again as the superior court of judicature.[2] In 1820 the court of common pleas was discontinued, and the duties of that court were largely turned over to the superior court of judicature. The remainder were vested in the courts of sessions organized to take the place of the court of common pleas.[3]

The entire judiciary system received a thorough overhauling in 1855 when the superior court of judicature was again supplanted by the supreme judicial court, and was made to consist of one chief justice and four associate justices. Two trial terms of this court were to be held annually in each county, with a single justice presiding for all but capital cases, at which at least two justices were required to attend. For supreme court business other than trial terms, the state was divided into five judiciary districts (Grafton County was combined with Coos County in the fifth district), and law terms held annually within each district. By this act the supreme court was to have exclusive jurisdiction of all criminal cases not within the province of justices of the peace or police courts.[4]

Another judicial shake-up occurred in 1874. The name supreme judicial court was changed again to that of superior court of judicature. The reorganized court consisted of one chief justice and two associate justices. At the same time a circuit court with practically the same personnel was organized. The circuit court was to have jurisdiction over all matters civil and criminal which had previously been cognizable at the trial terms of the supreme judicial court. The law terms of the supreme judicial court were to become known as the terms of the superior court of judicature. Questions of law arising at any term of the circuit court might be transferred by the presiding justice, to the superior court.[5] This judicial arrangement was of short duration, for in 1876 another reorganization took place.[6] The circuit court was abolished along with the superior court of judicature, and a supreme court of one chief justice and five associate justices was established. In this court, the individual judges were to hold trial terms and, collectively, determine issues of law.[7]

In 1901 the interchange of titles for this court came to an end when another reorganization abolished the supreme court as then existing and replaced it with two courts. One of these--the supreme court--was purely a state court, and, as such, has continued to the present day.

The other court organized in 1901 was the superior court. It consisted of one chief justice and four associate justices who were to hold terms at certain times and places within each county.[8] This superior court was to have original jurisdiction over all matters cognizable at the trial terms of

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1. Laws of New Hampshire, 8:251 (1813).
2. Ibid., 8:501 (1816).
3. Ibid., 8:934-936 (1820).
4. New Hampshire Laws of 1855, ch. 1659, sec. 9.
5. New Hampshire Laws of 1874, ch. XCVII; A. S. Batchellor, "The Development of the Courts of New Hampshire" in W. T. Davis, ed., The New England States, (Boston, 1897), 4:2312.
6. New Hampshire Laws of 1876, ch. XXV.
7. Id.; Batchellor, op. cit., 4:2313.
8. New Hampshire Laws of 1901, ch. 78.

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the former supreme court, and the justices of the superior court were to have all the powers in vacation possessed by the justices of that former court in vacation. All precepts, recognizances, or proceedings of any kind then returnable at the trial terms of the supreme court were to become returnable at the first corresponding term of the superior court to be held after the new act went into effect. All causes and proceedings then pending on the trial term dockets of the supreme court were to be transferred to the superior courts for the respective counties.[1]

Today the membership of the superior court consists of a chief justice and five associate justices.[2] It determines the regulations of its procedure.[3] The superior court appoints a clerk of court for each county, who must be a resident of the county for which he is appointed. The clerk is removable by the court at any time.[4] The clerk is required to give bond in favor of the county to be kept by the Secretary of State; the premium on this bond, however, is to be paid by the county.[5] In the event of sickness or temporary absence, the clerk is empowered to appoint a deputy to act for him.[6] The 1784 Constitution states that "Permanent and honorable salaries shall be established by law for the justices of the superior court."[7] Their present salary is seven thousand dollars per annum.[8]

Some of the earlier duties of the superior court are quite different from its present obligations. An emergency duty of the superior court in 1776 was connected with the recovery of fines for violation of the act to prevent the spread of small pox.[9] Two years later the court could try unlicensed persons who inoculated themselves or others with the small pox.[10] The court was given the authority in 1799 to punish any person molesting the health officers of any town in the performance of their duty.[11] During the Revolutionary War, this court had jurisdiction over the trial of persons indicted for harboring deserters, those indicted for treason or suspicion of treason,[12] transported loyalists returning without leave, and the masters of ships aiding in the return of loyalists.[13] Together with the court of general sessions, the superior court in 1782 was burdened with duties involving the confiscation of estates of loyalists.[14] The superior court was given power to order the construction of the first iron mill in the state to be erected subsequent to an act to encourage the manufacture of nails in 1787;[15] and two years later two justices of the court were to certify the erection of the first building in the state which would house the business of manufacturing sail cloth and duck.[16]

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1. New Hampshire Laws of 1901, ch. 78.
2. New Hampshire Laws of 1927, ch. 51.
3. Public Laws of New Hampshire, ch. 316, sec. 7 (1926).
4. Ibid., ch. 320, sec. 1 (1926).
5. Ibid., ch. 320, sec. 2 (1926); New Hampshire Laws of 1931, ch. 120.
6. Public Laws of New Hampshire, ch. 320, sec. 13 (1926).
7. Poore, op. cit., 2:1289.
8. New Hampshire Manual for the General Court 1939, 403.
9. Laws of New Hampshire, 4:58 (1776).
10. Ibid., 5:331 (1788).
11. Ibid., 6:579-580 (1799).
12. Ibid., 4:72, 92 (1777).
13. Ibid., 4:178-179 (1778).
14. Ibid., 4:457 (1782).
15. Ibid., 5:276 (1787).
16. Ibid., 5:377-378 (1789).

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To pass to duties more commonly associated with the superior court the Constitution stated, in 1792, that this court should try cases of divorce and alimony.[1] At present the superior court takes cognizance of petitions for divorce, nullity of marriage, alimony, custody of children, and allowance for support of wife and children.[2]

The superior court, itself, originally audited accounts of county officers,[3] but it was later permitted to appoint county auditors to do that work.[4] Today the court annually appoints two county auditors, determines their compensation, decides upon the frequency of regular audits of county accounts, and orders special audits when it deems advisable.[5] Orders of the county commissioners authorizing the county treasurer to borrow money on the note of the county must be approved by the superior court or one of its justices in vacation.[6] The clerk of court delivers to the sheriff processes for the collection of fines, costs, or other money which accrues to the county during the term of court, and he must also furnish the county commissioners with a list thereof.[7]

In 1812 the superior court and the Governor and Council were constituted visitors to the State Prison to see that all laws and regulations for its government were observed.[8] At present, however, the law names only the Governor and Council as visitors to the State Prison.[9]

The superior court commits to prison or to the State Hospital any person acquitted of crime on grounds of insanity.[10] Any justice of the court may order prisoners removed to some other jail in the event of a jail being closed for any purpose, and the court settles any disputes that might arise from such action.[11]

In 1812 the superior court was authorized, on application, to cause inter-county highways to be surveyed and built, the owners of land taken for that purpose to be compensated.[12] An act of 1893 stipulated that reports made by county commissioners concerning highway repairs were to be filed in the office of the "county clerk,"[13] undoubtedly the clerk of the supreme judicial court. At present the superior court takes cognizance of petitions and appeals relating to highways and property taken therefor and for other public use.[14] Persons taking exception to the decision of the selectmen in the laying out or altering of a highway or assessment of damages have the right to carry their grievance to the superior court. Also, petition may be brought to the court when the selectmen "have neglected or refused to lay out or alter the highway", when a highway traverses lands not in any town

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1. New Hampshire Constitution, art. 75 (76) (1792).
2. Public Laws of New Hampshire, ch. 316, sec. 6 (1926).
3. Laws of New Hampshire, 6:221 (1795).
4. Ibid., 9:201 (1823).
5. Public Laws of New Hampshire, ch. 35, secs. 18-20 (1926).
6. New Hampshire Laws of 1933, ch. 185.
7. Public Laws of New Hampshire, ch. 320, sec. 9 (1926).
8. Laws of New Hampshire, 8:117 (1812).
9. Public Laws of New Hampshire, ch. 400, sec. 7 (1926).
10. Ibid., ch. 369, secs. 1, 3 (1926).
11. Ibid., ch. 397, secs. 4-6, 30 (1926).
12. Laws of New Hampshire, 8:147 (1812).
13. New Hampshire Laws of 1893, ch. 59, sec. 4.
14. Public Laws of New Hampshire, ch. 316, sec. 6 (1926).

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or in two or more towns, and when a town has discontinued a highway within two years after the selectmen have laid it out. When "no sufficient objection is made" the petitions thus presented are referred to the county commissioners. If the proposed highway crosses county boundaries, the commissioners for all of the counties concerned act as a joint board; and upon the return to the superior court of the commissioners' report any interested party may appear and speak in connection therewith. The court may recommit the report or accept it and give judgment thereon. Any person believing that he has been awarded insufficient damages by the commissioners in a highway case may object in writing when the commissioners' report is returned, in which case the court shall cause the damages to be assessed by jury.[1] The court may order to be paid by the county a portion of the expense of making and repairing highways "not in any town or place liable for the repair of highways", the balance of the expense to be borne by the landowners.[2] Any person claiming damages from a town for injuries sustained upon a public highway must file within ten days from the time of the accident a statement with the town clerk and one of the selectmen; the superior court possesses the power to extend the time limit for the filing of such statement, if it believes that the injured person was "unavoidably prevented" from filing the statement within the time allowed.[3]

In connection with the act of 1837 to establish Bank Commissioners, certain duties devolved upon the superior court. If any bank should refuse to afford the necessary facilities for its examination by the Bank Commissioners, or if the Commissioners should deem it against the public interest for the bank in question to issue or circulate its bills or promissory notes, they were to present the facts to one of the superior court justices who was to issue an order or injunction prohibiting the issuance of additional bills by the said bank until the order or injunction should be rescinded. The superior court might under certain circumstances declare a bank charter forfeited. When it should be unsafe for the directors of a bank to continue its operation or when the charter should be forfeited, the Commissioners were then to apply to the superior court for an order transferring all property of the bank to a committee or assignees appointed and bonded by the court; and the court was to inflict penalty for refusal to obey the committee or assignees. On application of the Commissioners, the court might restrain all actions at law by any creditor against the bank and might order publication of notice to creditors to exhibit claims, at any stage of the proceedings.[4] At the present time the Bank Commissioner presents the facts to a justice of the superior court, in the form of a petition, when a bank refuses to cooperate for its examination, or when the Commissioner believes it contrary to public good for the bank to continue transacting business. The court in its discretion may direct the Commissioner to take charge of the institution.[5] The bond furnished by a bank to the county to secure county funds deposited therein, when the amount deposited exceeds 20% of the bank's capital and surplus, is subject to approval by the court.[6]

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1. Public Laws of New Hampshire, ch. 75 (1926).
2. Ibid., ch. 81, secs. 1-3 (1926).
3. Ibid., ch. 89, secs. 9-11 (1926).
4. New Hampshire Laws of 1837, ch. CCCXXI.
5. Public Laws of New Hampshire, ch. 268, secs. 1-3 (1926).
6. New Hampshire Laws of 1929, ch. 92.

Superior Court (Supreme Court) (Next entry 42, p. 72)

Petitions for partition of real estate may be filed in the superior court, or--if there is no question about the title--in the probate court.[1] The Insurance Commissioner may petition the court for the forfeiture of the charter of an insurance company.[2] Any party dissatisfied with damages awarded by the Public Service Commission in the joint use of facilities by railroad corporations may also petition the court.[3] Naturalization actions and proceedings come under the jurisdiction of the superior court.[4] This court is empowered to make final decrees to terminate the affairs of a library district;[5] appoint the third selectman if the other two cannot agree upon a suitable appointee for a vacancy;[6] and to render decision in cases of disputed elections of county officers.[7]

The superior court has appellate jurisdiction in cases that involve the violation of city ordinances;[8] decisions of the Public Service Commission in the matter of grade crossings;[9] tax abatements;[10] decisions of the Commissioner of Labor;[11] zoning regulations;[12] the decisions of building inspectors;[13] and the county's exercise of the right of eminent domain.[14] Appeals for adjustment may be made to the superior court by dissatisfied parties in cases concerned with the erection of telephone, telegraph and power lines.[15]

The superior court may, on petition, remove from office persons guilty of spending public funds in violation of the terms of the Municipal Budget Act. Such a petition takes precedence over other actions before the court and must be acted upon as quickly as possible.[16]

Appeals may be taken to the superior court by parties not satisfied by a decision under "An Act Relative to Unemployment Compensation", provided such parties have exhausted all administrative sources.[17] A person denied a license to operate a motor vehicle or whose license has been suspended or revoked can appeal to the superior court.[18] Persons dissatisfied by an act or order of the Commissioner of Motor Vehicles in connection with an act concerning proof of financial responsibility by owners and operators may

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1. Public Laws of New Hampshire, ch. 354, secs. 2, 18 (1926).
2. Ibid., ch. 273, sec. 27 (1926).
3. New Hampshire Laws of 1929, ch. 180.
4. Public Laws of New Hampshire, ch. 316, sec. 17 (1926).
5. New Hampshire Laws of 1933, ch. 68.
6. Public Laws of New Hampshire, ch. 47, sec. 43 (1926).
7. Ibid., ch. 36, sec. 6 (1926).
8. Ibid., ch. 54, secs. 14-15 (1926).
9. Ibid., ch. 249, secs. 2-6 (1926).
10. Ibid., ch. 64, sec. 14; ch. 65, sec. 26 (1926).
11. Ibid., ch. 177, secs. 25-28 (1926); New Hampshire Laws of 1933, ch. 87, secs. 16-20.
12. Public Laws of New Hampshire, ch. 42, secs. 61-66 (1926).
13. New Hampshire Laws of 1893, ch. 40; Public Laws of New Hampshire, ch. 147, sec. 19 (1926).
14. Public Laws of New Hampshire, ch. 35, sec. 27; ch. 44, secs. 15-16 (1926); New Hampshire Laws of 1935, ch. 153, secs. 12-13.
15. Public Laws of New Hampshire, ch. 97, sec. 10 (1926); New Hampshire Laws of 1935, ch. 100, sec. 7; New Hampshire Laws of 1937, ch. 102, sec. 3.
16. New Hampshire Laws of 1935, ch. 9, sec. 6.
17. New Hampshire Laws of 1937, ch. 178, sec. 5H.
18. Ibid., ch. 85.

Superior Court (Supreme Court) (Next entry 42, p. 72)

petition for a review in the superior court.[1] Violations of the provisions of an act concerned with the transportation of property for hire by means of motor vehicles may be brought to the superior court on petition of the Commissioner of Motor Vehicles, any other public authority, or ten citizens of any city or town in order to secure the restraint of such violations.[2]

The superior court, by injunction or other process, may restrain out-of-state corporations, clubs, or associations from occupying property acquired in violation of the regulations concerning acquirement of property by such organizations.[3] Any person not satisfied with the damages awarded for land taken for the purpose of the conservation of fish may appeal to the superior court.[4] Under certain conditions the court may dissolve corporations. It may make such final and interlocutory orders, judgments, and decrees for winding up the affairs of corporations as justice requires.[5]

The decision of the superior court is conclusive in any case of contest between persons claiming a right or title.[6] Funds held for safe-keeping by the State Treasurer for fifteen years, if unclaimed during that time, become property of the state upon order of the superior court.[7] Sheriffs' bonds are subject to the approval of the presiding justice of the superior court.[8]

"The superior court has jurisdiction of all criminal cases and proceedings; but it may dismiss a prosecution originally begun therein which is within the jurisdiction of a municipal court or a justice of the peace."[9] It has jurisdiction over all appeals in criminal cases from municipal courts, trial justices, and justices of the peace.[10]

Any official or board, having the power to summon witnesses but not to punish for contempt, upon the refusal of the summoned witnesses to appear or testify, may seek an order from the superior court compelling the witnesses to comply with the summons and testify.[11]

When an arrest is made in this state by an officer from another state, the arresting officer must immediately take the prisoner before a justice of the superior or municipal court who is to conduct a hearing and determine if the arrest was lawful. If the legality of the arrest is established, the justice may commit the prisoner for a reasonable time in anticipation of an extradition warrant from the Governor, or release the prisoner on bail pending the issuance of such warrant. If the justice believes the arrest illegal he is to discharge the prisoner.[12] The court may grant writs of habeas corpus.[13]

The superior court possesses powers of equity in cases where there is not a plain, adequate, and complete remedy at law, and in all cases cognizable

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1. New Hampshire Laws of 1937, ch. 161, sec. 2.
2. New Hampshire Laws of 1933, ch. 169.
3. Public Laws of New Hampshire, ch. 197, sec. 62 (1926).
4. New Hampshire Laws of 1935, ch. 124, sec. 6, paragraph 5.
5. Public Laws of New Hampshire, ch. 225, sec. 75 (1926); New Hampshire Laws of 1929, ch. 123, sec. 4.
6. New Hampshire Laws of 1929, ch. 86.
7. Public Laws of New Hampshire, ch. 359 (1926); New Hampshire Laws of 1929, ch. 67.
8. Public Laws of New Hampshire, ch. 37, sec. 3 (1926).
9. Ibid., ch. 362, sec. 1 (1926).
10. Ibid., ch. 362, sec. 2 (1926); New Hampshire Laws of 1927, ch. 10.
11. Public Laws of New Hampshire, ch. 316, secs. 15, 16 (1926).
12. New Hampshire Laws of 1937, ch. 54, sec. 2.
13. Public Laws of New Hampshire, ch. 350, sec. 3 (1926).

 (Next entry 42, p. 72)

in a court of equity.[1]

When the 1901 reorganization took place, records of the former courts passed into the custody of the superior court. Clerks of the superior court in their respective counties might certify copies of those records.[2] The clerk is the record-keeping functionary of the court and is the officer legally qualified to attest such records. His office shall be kept in a town in which a court term is held. At the close of each term he is required to give to the presiding justices an itemized report of all finances of his office, and to furnish the county commissioners with an account of his receipts and disbursements.[3] His yearly report is published with the annual reports of other county officers.[4]

The records of the clerk of the superior court include not only those of the present superior court, 1901 to date, and those of its predecessors, the superior court of judicature and the supreme judicial court, but also those of the defunct courts of common pleas and general sessions of the peace. Some of the records date back to 1773, the year in which courts in Grafton County were first organized.

Original court documents include civil case papers such as judgments, affidavits, writs of injunction, writs of possession, writs of replevin, petitions for attachment, jury payrolls, and appraisals; state case papers such as judgments, mittimuses, writs of capias, indictments, jury payrolls, recognizances, and state vs. payrolls; equity case papers such as judgments, writs of injunction, possession and replevin, petitions for injunction and attachment, bills in equity, libels for divorce, mortgage foreclosures, and settlements of land titles; and sessions case papers such as judgments, writs of injunction, damage awards, and petitions for continuance and discontinuance of highways, rights of eminent domain, and abatement of nuisances.

Regular dockets are contained in volume form up to 1935 and thereafter on cards. The current docket system also includes printed dockets, prepared for the convenience of the court and the attorneys. They are in readiness when each session begins, and describe the status of each case on the calendar. They also contain extraneous material including rules of procedure and a list of members of the Grafton County Bar. The clerk's older records include fourteen volumes of law term dockets, dealing with the type of cases which in 1901 passed under the jurisdiction of the state Supreme Court.

Civil, session, and equity judgments are recorded in volumes for periods of years, although they have not been brought up to date.

The court's naturalization work is represented by petitions, declarations of intention, stubs of certificates of citizenship, and a record of petitions granted and denied. A naturalization docket was discontinued in 1906.

The clerk of court keeps the return of votes cast for county officers, the transcripts thereof, and county officers' bonds and oaths.

Financial records include court payrolls, duplicates of county notes, a petty cash journal, and a full record of disbursements.

All of the clerk of court's records are kept at the Woodsville courthouse, in the clerk's vault, first floor, a storeroom, second floor, and the basement. When not stated otherwise, records are in the vault.

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1. Public Laws of New Hampshire, ch. 317, sec. 1 (1926).
2. New Hampshire Laws of 1901, ch. 78, sec. 8.
3. Public Laws of New Hampshire, ch. 320, sec. 5 (1926).
4. New Hampshire Laws of 1931, ch. 47.

Superior Court (Supreme Court) - Index; Dockets (42-45)

Index

42. [INDEX TO CIVIL AND EQUITY CASES], 1936--. 17 panels. System began 1936.

Direct and indirect index to: [Card Docket of Incompleted] Civil, Equity, State [Cases], entry 44; and [Card Docket of Completed Civil, Equity and State Cases], entry 45, showing names of plaintiff and defendant, docket number, kind of case (equity cases lettered E, civil cases not lettered), and date of entry. Arr. alph. by names of plaintiff and defendant and defendant and plaintiff. Typed. 20 x 6½.

Dockets

43. SUPERIOR COURT [Regular Dockets], 1774-1935. 478 vols. (dated by term of court). Missing, 1776-82. Title varies: Common Pleas Docket; Docket; Sup. Ct.

Names of plaintiff, defendant, and attorneys, docket number, date and kind of instrument filed, abstract of case, disposition, and volume and page where recorded. Docket number serves as a guide to location in [Original Court Documents], entry 52. Arr. chron. by term of court and numer. thereunder by docket no. 1774-85, 1795-97, no index; 1786-94, 1798-1842, indexed alph. by name of plaintiff; 1842-1935, indexed alph. by name of plaintiff and defendant. Hdw. 280 pp. 14 x 9½ x 1.

For subsequent card dockets of complete and incomplete cases, see entries 44, 45.

44. [Card Docket of Incompleted] CIVIL, EQUITY, STATE [Cases], 1926--. Approx. 540 cards in 9 f. d. New system began 1936.

Names of plaintiff, defendant, and their attorneys, date of entry, and action taken. These cards contain incompleted cases as of January 1, 1936 and to date; some of them having their origin as early as 1926. Arr. by type of case and numer. thereunder by docket no. For index, see entry 42; state cases are not indexed. Typed. F. d., 1 x 8½ x 21½; cards, 5 x 8.

For prior related records, see entry 43.

45. [CARD DOCKET OF COMPLETED CIVIL, EQUITY, AND STATE CASES], 1936--. Approx. 4000 cards in 2 f. d. (labeled Jan. Term, 1936--). System began 1936.

Names of plaintiff, defendant and their attorneys, date of entry, and action taken. When case is completed card is transferred from incomplete card docket to this file and becomes a permanent record. Docket number serves as a guide to location in [Original Court Documents], entry 52. Arr. chron. by term of court and thereunder by kind of case and numer. by docket no. For index, see entry 42; state cases not indexed. Typed. F. d., 6 x 8½ x 9; cards, 5 x 8.

For prior related records, see entry 43.

Superior Court (Supreme Court) - Judgments (46-49)

46. SUPREME COURT [Law Term Dockets], 1774-1900. 14 vols. (dated; 1-5, 5 vols., 1774-75, 1782-1819; unnumbered, 9 vols., 1833-1900). Missing, 1776-81 and 1820-32. Questions on points of law, 1901--, are appealed to the state Supreme Court. Title varies: Supreme Judicial Court; Superior Court Docket; Grafton Records Superior Court of Judicature; Superior Court.

Law term cases, showing date, case and docket numbers, names of plaintiff, defendant, and their attorneys; brief summary of case, and disposition. Arr. chron. by term of court and numer. thereunder by docket no. 1774-75, 1782-1819, no index; 1833-50, indexed alph. by name of plaintiff; 1851-1900, indexed alph. by names of plaintiff and defendant. Hdw. 6 vols., 1774-75, 1782-1819, 1833-50, 500 pp. 13½ x 9 x 2; 8 vols., 1851-1900, 200 pp. 14 x 8½ x 1.

47. WASTE DOCKETS, scattered dates 1820-88. 172 vols. (dated by term of court). Prior and subsequent records missing.

Date, name, and term of court; docket number, names of plaintiff and defendant, kind and resume of case, and disposition to date. Arr. chron. by term of court and numer. thereunder by docket no. No index. Hdw. 75 pp. 13 x 8½ x ¼. Bsmt.

48. [Printed] DOCKETS, 1832--. 498 vols., and 24 vols. in 1 f. d. (dated by term of court). Missing, prior records, 1836-52, 1886-87 and 1889.

Names and assignments of justices, date, name, and term of court, days for naturalization, list of members of Grafton County Bar, names of all clerks of court for the various counties, county solicitors, clerical staff, and sheriffs in state, rules of procedure, docket number, and kind of case. Arr. by kind of case and numer. thereunder by docket no. Indexed alph. by names of plaintiff and defendant. Ptd. Vols., 50 pp. 7 x 4 3/4 x ½; 1 f. d., 8 x 4½ x 17½. 364 vols., 1832-35, 1853-83, 1890-1905, 1923-36, bsmt.; 93 vols., 1884-85, 1888, 1906-1909, 1907--, v.; 41 vols., 24 vols. in 1 f. d., 1910-17, strm.

Judgments

49. [Civil Judgments] GRAFTON RECORDS SUPREME JUDICIAL COURT, 1773-1903. 52 vols. (undated, 1-2, III-XII, 12 vols., 1773-74, 1782-1820; dated, 1-13, 13 vols., 1774, 1782-1821, 1836-37; dated, 1-11, 11 vols., 1840-59; dated and unnumbered, 5 vols., 1856-58, 1887-98; dated, 1-10, 10 vols., 1859-86; dated, XV, 1 vol., 1899-1903). Missing, 1775-81, 1822-35, and 1838-39. Subsequent records not yet copied from original court documents. Title varies: Grafton Records Supreme Court; Grafton Records Circuit Court; Grafton Records, C. C. Pleas; Judg.

Transcripts of sentences pronounced by court upon matters on issue before it: name, date, and term of court; names of presiding justice, plaintiff and defendant; case and docket numbers, description and nature of case, decree, disposition, and attest of clerk of court. Arr. chron. by term of court.

Superior Court (Supreme Court) - Court Documents (50-52)

1773-1855, indexed alph. by name of plaintiff; 1856-1903, indexed alph. by names of plaintiff and defendant. Hdw. and hdw. on ptd. forms. 700 pp. 16 x 11 x 2 3/4.

For related judgments, see entries 50, 51.

50. GRAFTON COUNTY, EQUITY RECORDS [Judgments], 1854-1936. 30 vols. (dated, II, III, 4-31). Prior and subsequent records not yet copied from original documents. Title varies: Grafton Records, Equity Records; Grafton Records Judgments.

Equity judgments, showing information as in entry 49. Arr. chron. by term of court and numer. thereunder by docket no. Indexed alph. by names of plaintiff and defendant. Hdw. 600 pp. 16½ x 12 x 2 3/4.

51. GRAFTON RECORDS—SESSION RECORDS [Judgments], 1774-1920. 6 vols. (unnumbered, 3 vols., 1774-75, 1782-1825; I-III, 3 vols., 1840-54, 1856-1920). Missing, 1776-81, 1826-39, and 1855. Subsequent records not yet copied from original documents. Title varies: Grafton Records—Sessions Judgments.

Session judgments, showing information as in entry 49. Arr. chron. by term of court. 3 vols., 1774-75, 1782-1825, no index; 3 vols., 1840-54, 1856-1920, indexed alph. by names of plaintiff and defendant and defendant and plaintiff. Hdw. 1 vol., 1774-75, 18 pp. 12½ x 7½ x 1/8; 2 vols., 1782-1825, 450 pp. 12½ x 8 x 1½; 3 vols., 1840-54, 1856-1920, 600 pp. 16 x 10½ x 2½.

Court Documents

52. [ORIGINAL COURT DOCUMENTS], 1773--. Approx. 500,000 documents in 625 f. b. (state, sessions, and equity cases labeled as such, civil cases unlabeled; dated by term of court).

Original papers in all cases which have been handled by the county courts—the Inferior Court of Common Pleas, Court of General Sessions of the Peace, Superior Court of Judicature, Supreme Judicial Court, and Superior Court—showing Civil Cases, such as judgments, affidavits, writs of injunction, writs of possession, writs of replevin, petitions for attachment, petitions for injunction, summonses, subpoenas, jury payrolls, attorneys' appearance slips, exhibits and evidence, agreements, verdicts, appeals, trustees' depositions, appraisals, records of auction sales of attached property, appointment of referees, bills for costs of court, witness fees, and inquiries, contests, and adjustments of title. State (Criminal) Cases, such as judgments, mittimuses, writs of capias, petitions for information, summonses, subpoenas, indictments, jury payrolls, recognizances, exhibits and evidence, coroners' inquests, verdicts, appeals, bills for costs of court, state vs. payroll, and witness fees. Equity Cases, such as judgments, writs of injunction, writs of possession, writs of replevin, petitions for waiving five day marriage law, petitions for attachment, petitions for injunction, disputed wills and codicils, summonses, subpoenas, jury payrolls, bills in equity, libels for divorce, exhibits and evidence, agreements, verdicts, amendments, appeals, trustees' depositions, mortgage foreclosures, appointments of receivers, witness fees,

bills for costs of court, settlements of land titles, adjustments of partnership accounts, and inquiries, contests and adjustments of titles. Sessions Cases, such as judgments, writs of injunction, petitions for continuance of highways, petitions for discontinuance of highways, jury payrolls, petitions for laying out railroads, petitions for right of eminent domain, petitions for damages against towns, petitions to abate nuisance, petitions for injunction, petitions and orders to remove paupers from county farm, summonses, exhibits and evidence, agreements, damage awards, appeals, bills for costs of court, commissioners' bills, witness fees, settlement of land titles, and inquiries, contests and adjustments of titles. All papers relative to a case show names of parties and attorneys, date, and title of action.
Also contains:

a. [Writs of Attachments], entry 54.
b. [Bail Bonds], entry 65.
c. [Complaints and Warrants], entry 55.
d. [Court] Payrolls, entry 72.
e. Road Petitions, 1801--, entry 64.
f. [Writs of] Ex'ons, entry 53.

Arr. chron. by term of court and numer. thereunder by docket no. No index but dockets in entries 43-45 serve as a guide to location of papers by giving case no., except state and session cases, 1936--. Hdw., hdw. and typed on ptd. forms and headings, and typed. 10½ x 4 3/4 x 15½.

Writs and Warrants

53. [Writs of] EX'ONS, scattered dates 1773--. Approx. 300,000 papers in 89 f. d., 1 closet (dated).
1773-- also in [Original Court Documents], entry 52-f.

Writs of execution empowering sheriff or his deputy to carry judgment into effect, showing date, names of plaintiff, defendant and justice; date and term of court judgment rendered and returnable, sheriffs' costs and fees, and signature of clerk of court.
Also contains:

a. [Writs of Attachments], 1773-1850, entry 54.
b. [Bail Bonds], 1773-1850, entry 65.
c. Jail bonds, 1773-1850, showing names of town, county, state, person bonded, and sureties; amount of bond, signatures of sureties, witnesses and justice of the peace; and approval of bond by justice of peace, attorney for plaintiff, and/or commissioners of jail delivery.

89 f. d., 1773--, arr. chron. by term of court; 1 closet, 1773-1850, no obvious arr. No index. Hdw. on ptd. forms. F. d., 10½ x 4 3/4 x 15; closet, 84 x 48 x 11. 88 f. d., 1773--, v.; 1 f. d., 1804-33, and 1 closet, 1773-1850, bsmt.

54. [WRITS OF ATTACHMENTS], 1773--. In [Original Court Documents], entry 52-a. 1773-1850 also in [Writs of] Ex'ons, entry 53-a.

Instrument demanding sheriff to attach property of defendant: date, names of plaintiff and defendant, term of court returnable, amount of and reasons for attachment, and jurat; order for defendant to appear in court: date, time, and place of court; and sheriff's return: date, particulars, and expenses incurred.

For related records, see entries 25-o, 40, 87.

Superior Court (Supreme Court) - Naturalization (55-58)

55. [COMPLAINTS AND WARRANTS], 1773--.In[Original Court Documents], entry 52-c. 1845-86 also in Receipts for Writs, entry 78-a.

Charges against a person made to court or officer for wrong done or crime committed and authorization of officer to seize offender and bring him to court: date, names of complainant and respondent, complaint in detail, and jurat; order to bring respondent before court: date, time, and place of court. Result of trial, showing verdict, judgment (fine, costs or imprisonment), and disposition.

Naturalization

56. GRAFTON COUNTY—NATURALIZATION [Index and] DOCKET, 1839-1906. 3 vols. (dated). Prior records missing. Discontinued. Title varies slightly.

Docket of naturalization proceedings: name and residence of applicant, date of hearing, action taken, date filed, and docket number which serves as an index to Naturalization [Applications and Petitions], entry 57. Arr. chron. by term of court and numer. thereunder by docket no. Hdw. 200 pp. 14 x 9 x 1.

57. NATURALIZATION [Applications and Petitions], 1868-1906. Approx. 2,000 papers in 4 f. d. (dated). Prior records missing.

Applications for citizenship: date, name, and term of court; name of presiding justice; name, address and age of applicant; government of prior allegiance, country from which emigrated, proof of residence in county, attest of two citizens verifying validity of applicant's statements; plea of applicant to take oath of citizenship, renunciation of allegiance to foreign governments, oath of allegiance to United States, and attest of clerk of court. Arr. chron. by term of court. For index, see entry 56. Hdw. and hdw. on ptd. forms, 10½ x 4 3/4 x 15½.

For subsequent records, see entries 58, 59.

58. DECLARATION OF INTENTION, 1907--. 5 vols. (683-913, 914-, 2 vols., 1929--; unnumbered, 3 vols., 1907-28). System started 1907. Title varies: Record of Declaration of Intention—Naturalization Service—U. S. Dept. of Labor; Record of Declaration of Intention—Division of Naturalization—Dept. of Commerce and Labor.

Application for citizenship, showing intention number, date, name, term, and place of court; name, address, age, date and place of birth, occupation, marital status and personal description of applicant; date and place of emigration, last foreign residence, names of steamship and line, port and date arrived at; declaration of intention to renounce prior allegiance, date sworn, and signatures of petitioner and clerk of court. Arr. numer. by docket no. and chron. thereunder by date of filing. No index. Hdw. and typed on ptd. forms. 200 pp. 11 x 9 x 1.

For prior records, see entry 57.

Superior Court (Supreme Court) - (59-64)
Petitions

59. PETITIONS, 1907--. 13 vols. (1-792). System began 1907.
Title varies: Department of Commerce and Labor—Division of Naturalization—Petition and Record.
Petitions for final naturalization papers: name, residence, occupation, age, and marital status of petitioner; date and place of emigration, port and date of entry, first residence in United States; date and place of declaration, record of continuous residence in United States, statement as to other petitions made, literacy test, renunciation of allegiance to foreign governments; signature of petitioner, affidavits of witnesses, jurat, oath of allegiance, and consideration and order of court to admit or deny petition. Arr. numer. by petition no. and chron. thereunder by date of petition. No index. Hdw. and typed on ptd. forms, and signature on photograph. 100 pp. 11 x 9 x 1.
For prior related records, see entry 57.

60. [STUBS OF CERTIFICATES OF CITIZENSHIP], 1917--. Approx. 500 documents in 1 f. d. System began 1917.
Name, residence, and age of petitioner, dates of admission and certificate, name and place of court, numbers of petition and certificate, and name of signer—petitioner. Arr. chron. by term of court. No index. Hdw., typed, and hdw. and typed on ptd. forms. 10½ x 4 3/4 x 15½.

61. LIST PETITIONS & DENIED, 1937--. 1 loose leaf vol. Prior records not kept.
Naturalization petitions upon which final court action has not been taken. After court action these are filed under proper classification. Arr. numer. as case is called. No index. Hdw. on ptd. forms. 280 documents. 18 x 12 x 2.

62. [PETITIONS FOR CITIZENSHIP, GRANTED AND DENIED], 1931--. 2 vols. Prior records not kept.
Petition granted: number, names of court and petitioner, change of name if any, date, and signature of justice; petition denied: number, date, names of court and petitioner, reasons for denial, and signature of justice; also statement of facts regarding case. Arr. chron. by date of entry. No index. Hdw. and hdw. in pencil on ptd. forms. 1 vol., 1931--, 100 pp. 8½ x 7 x ½; 1 vol., 1937--, 300 pp. 18 x 12 x 2.

63. [CLERK'S MONTHLY AND QUARTERLY REPORTS OF NATURALIZATIONS], 1931--. 1 vol. Prior records not kept.
Periodic reports of naturalizations: date, number of petitions acted upon (granted, denied); statement of facts concerning case; certificates of arrival issued; bank drafts and transcripts of requisitions to Washington. Arr. chron. by date of entry. No index. Hdw. in pencil. 100 pp. 8½ x 7 x ½.

Petitions

64. ROAD PETITIONS, 1773-1800. Approx. 200 documents in 1 f. b. (dated). 1801-- in [Original Court Documents], entry 52-e.
Original petitions for highways: date, names of petitioners, description of proposed highway and signatures of petitioners; summons to selectmen by court to appear at hearing; and court action. No obvious arr. No index. Hdw. 7 x 4 x 16.

Superior Court (Supreme Court) - (65-71)
Court Proceedings; Elections,
Bonds, Oaths; Financial

Court Proceedings

65. [BAIL BONDS], 1773--. In [Original Court Documents], entry 52-b. 1773-1850 also in [Writs of] Ex'ons, entry 53-b.
Date, names of sureties and persons bonded, amount, limitations and conditions of bond, and signatures of sureties and witnesses.

66. [CASES APPEALED TO SUPREME COURT], 1927-34. 94 vols. Prior and subsequent records missing.
Complete printed testimony of cases appealed from superior court and brought before Supreme Court for settlement of issues at law. No obvious arr. No index. Ptd. 75 pp. 10 x 8 x ½. Bsmt.

Elections, Bonds, Oaths

67. VOTES FOR COUNTY OFFICERS, 1835--. Approx. 13,000 papers in 13 f. b. Prior records missing.
Return of votes cast for county officers at biennial elections as reported by town clerks, showing names of offices and candidates, number of votes cast in each town, total number of votes cast for each candidate and office, and attest of town clerk as to correctness of return. Arr. chron. by date of election and alph. thereunder by name of town. No index. Hdw. on ptd. forms. 8 f. b., 1835-93, 8½ x 4 x 16½; 5 f. b., 1894--, 10½ x 4 3/4 x 15½. 8 f. b., bsmt.; 5 f. b., v.
For records of votes cast for county officers, see entry 68.

68. GRAFTON RECORDS VOTES FOR CO. OFFICERS, 1878--. 2 vols. Prior records missing.
Transcripts of return of votes cast for county officers at biennial elections as returned by town clerks, showing information as in entry 67. Arr. chron. by date of election and alph. thereunder by name of town. No index. Hdw. on ptd. forms. 300 pp. 18¼ x 12 3/4 x 1½.

69. CO. OFFICERS BONDS, OATHS &c., scattered dates 1919--. 2 f. d. Prior records missing.
Survey workers not permitted to fully examine contents. Nature of arr., indexing and recording not known. 10½ x 4 3/4 x 15½.

Financial

70. JOURNAL [Petty Cash Book], 1874--. 10 vols. Prior records destroyed.
Record of petty cash payments: date, name of creditor, purpose, and amount. Arr. chron. by date paid. No index. Hdw. 250 pp. 13½ x 8 3/4 x 1.
For related records of disbursements, see entry 71.

71. LEDGER [Record of Disbursements], 1880-83, 1906--. 5 vols. Prior records missing.
Date, name and address of creditor, purpose, and amount. Arr. chron. by date paid. No index. Hdw. 150 pp. 9½ x 7½ x ½.
For related records of petty cash payments, see entry 70.

Superior Court (Supreme Court) - (72-77)
Miscellaneous

72. [Court] PAYROLLS, scattered dates 1792--. Approx. 1,300 papers in 4 f. d. Missing, 1887-1935. Title varies: G. C. Payroll. 1773-- also in [Original Court Documents], entry 52-d; 1845-86 also in Receipts for Writs, entry 78-c.
Date, name and address of payee, and purpose; time worked, rate of pay, amount to each payee, total amount, examined and allowed by solicitor; approval of judge, and signature and attest of clerk of court. No obvious arr. No index. Hdw. and typed carbons on ptd. forms. 10½ x 5 x 15½. 2 f. d., 1792-1886, bsmt.; 2 f. d., 1936--, v.
For related records, 1788-1930, see entry 93-c.

73. [DUPLICATES OF AUTHORIZATIONS TO BORROW MONEY], 1931--. 1 vol. Prior records missing.
Names of state and county, amount treasurer authorized to borrow, date of commissioners' meeting, names of signers—county commissioners, approval of superior court justice, and date attested and recorded by clerk of court. Arr. chron. by date of issue. No index. Hdw. on ptd. forms. 100 pp. 6 3/4 x 13½ x 3/4.
For stubs of authorizations to borrow money, 1931--, see entry 94. For related prior records, 1868-1904, see entry 22.

74. [DUPLICATE COUNTY NOTES], 1931--. 1 vol. System began 1931.
Duplicates of county notes, showing information as in entry 75. Arr. chron. by date of issue. No index. Hdw. on ptd. forms. 100 pp. 12 x 12½ x 3/4.
For stubs of county notes, 1931--, see entry 95. For prior related records, 1868-1904, see entry 22.

75. NOTE RECORD—GRAFTON COUNTY, 1899-1933. 2 vols. Prior records not kept. Discontinued.
Date and term of court, name of county, date and amount of note, to whom payable, date recorded and attested by clerk of court, and names of signers—county commissioners and presiding justice. Arr. chron. by date of issue. No index. Hdw. on ptd. forms. 200 pp. 10¼ x 9¼ x 1 3/4.
For prior related records, 1868-1904, see entry 22. For duplicate county notes, 1931--, see entry 74.

76. TREASRS. VOUCHERS, 1915, 1929-33. Approx. 4,000 documents in 8 f. d. (1930 to 1932). Isolated record.
Survey workers not allowed to fully examine contents. Nature of arr., indexing, and recording not known. 10½ x 4 3/4 x 15½.

Miscellaneous

77. MEDICAL REGISTER—GRAFTON COUNTY, 1875-93. 1 vol. Isolated record. Licensing physicians became a state function in 1897.
Transcripts of certificates issued to physicians by the boards of censors of medical associations: name and address of physician, names of state and county, branches of medicine and surgery qualified to practice, names of signers—board of censors, and date received, attested, and signed by clerk of court. Arr. chron. by date of issue. No index. Hdw. on ptd. forms. 300 pp. 14 x 9 x 1½.

78. RECEIPTS FOR WRITS, scattered dates 1845-86. Approx. 780 documents in 2 f. b.

Receipts for trustee writs and entries in court, showing names of plaintiff, defendant, and clerk of court, amount involved, and date and term of court. Also contains:

a. [Complaints and Warrants], entry 55.
b. Correspondence, incoming and copies of outgoing, relative to business of the clerk's office.
c. [Court] Payrolls, entry 72.
d. Verdicts of the supreme judicial court in cases referred to it on points of law.

Condition poor. No obvious arr. No index. Hdw. and typed. 8 x 4½ x 17½. Bsmt.

VII. JUSTICES OF THE PEACE (TRIAL JUSTICES)

Because of the vastness of the territory comprising Norfolk County, to which New Hampshire was attached at the time of its first union with Massachusetts, the existing magistrates were unable to carry out their judicial duties throughout its entire expanse. Accordingly the General Court, as a remedy, appointed commissioners of small causes for that county on May 3, 1665. These commissioners were to administer oaths in civil cases, issue warrants, search for stolen goods, punish inferior crimes, bind offenders over to the county courts, and solemnize marriages. The duties of the commissioners of small causes were similar to those later assigned to justices of the peace.[1]

Three years after New Hampshire was organized as a royal province, the commission of Lieutenant-Governor Cranfield authorized the appointment of "Justices of the pease."[2] On May 25, 1686, at the time of the inauguration of the Dominion of New England, the President and Council, deeming it necessary for the maintenance of peace, appointed justices "in the Severall Countyes, Proecints and Principall Townes."[3] At the time of the second union with Massachusetts five justices of the peace were appointed, three for Portsmouth, and one each for Dover and Exeter.[4] When New Hampshire was again organized as a royal province in 1692, Governor Allen was empowered to appoint justices of the peace.[5] The New Hampshire Constitution of 1784[6] and that of 1792[7] provided that justices of the peace be commissioned for five years subject to renewal.[8] This is still in effect.

1. Nathaniel Shurtleff, ed., Records of the Governor and Company of the Massachusetts Bay in New England, (Boston 1853-1854), 4: (Part 2) 147 (1665).
2. Laws of New Hampshire, 1:51 (1682).
3. Ibid., 1:100 (1686).
4. Ibid., 1:372 (1690).
5. Ibid., 1:505 (1692).
6. B. P. Poore, Federal and State Constitutions, (Washington, 1877), 2:1290.
7. New Hampshire Constitution, art. 74 (75) (1792).
8. Id.

Justices of the Peace (Trial Justices) (Next entry 79, p. 87)

The members of the Council were ordered in 1686 to administer the following oath to justices of the peace:

> Yee shall swear that as Justices of the Peace in the County of Suffolk &c'a according to the Commission Given you Yee shall do equall right to the Poor and to the rich after your best understanding and knowledge according to Law, and yee shall not be of Councill of any Quarrell that shall come before you, yee shall not lett for gift or other cause, but well and truly You shall do your office of Justice of the Peace in that behalfe takeing only appointed Fees, and you shall not direct or cause to be directed any Warrant (by you to be made) to the Partyes, but you shall direct all Your Warrants to Constables tithing men and other Officers proper for the execuc'on of the same in the sd County haveing alwayes regard to his Majestyes Gracious Indulgence in matters of Religion and this shall Yee do without favour or respect to Persons, so help you God.[1]

From time to time certain qualifications and prohibitions were connected with the office of justice of the peace. In 1686 Governor Andros was instructed to appoint to the office only "Men of Estate and Abilities, and not necessitous People * * *."[2] The New Hampshire Constitution of 1792 provided that no justice could act as attorney for any party, or originate any civil suit, in matters which were to appear before him.[3]

At various times different fees were prescribed for the justices of the peace.[4] At present justices of the peace receive for a blank writ of summons, ten cents; for swearing each witness and caption of deposition, thirty-four cents; for writing a deposition, each page, seventeen cents; for travel to swear witnesses, each mile, six cents;[5] for appointing appraisers for impounded animals or lost goods, twenty-five cents; for receiving such appraisal, twenty-five cents; for adjusting charges and expenses for such appraisal, twenty-five cents;[6] and for performing a marriage, one dollar.[7] Since 1921 the fee for justices' commissions, payable to the Secretary of State, has been five dollars.[8]

In 1682 justices of the peace were empowered to deal with the profanation of the Sabbath,[9] and to restrain mates and seamen from leaving their ships without permission of the Governor.[10] Four years later they were authorized to try those accused of selling liquor without a license and, upon conviction, levy a fine.[11]

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1. Laws of New Hampshire, 1:109 (1686).
2. Ibid., 1:157 (1686).
3. New Hampshire Constitution, art. 78 (79) (1792).
4. Laws of New Hampshire, 2:146 (1714); 6:381-382 (1796); 8:1003-1005 (1820).
5. Public Laws of New Hampshire, ch. 337, sec. 19 (1926).
6. Ibid., ch. 221, sec. 13 (1926).
7. Ibid., ch. 286, sec. 30 (1926).
8. New Hampshire Laws of 1921, ch. 84.
9. Laws of New Hampshire, 1:62 (1682).
10. Ibid., 1:80 (1682).
11. Ibid., 1:106 (1686).

Justices of the Peace (Trial Justices) (Next entry 79, p. 87)

In 1686 it was ordered that before any money could be raised for defraying the public charges, the account must be first presented to and underwritten by two justices of the peace within the county or by a member of the Council resident in the county. Then the selectmen or raters were to submit their lists of assessments to a justice or member of the Council, who was to make his warrant to the constable to collect the same.[1] In 1698 an act was passed stating "the rates & Assessm'ts Soe made to be committed to the Constables of the respective Towns * * * with Warr't from a Justice of peace & the Select men & assess'rs to Collect the Same & pay it into the Treasurer for the time being in money * * *."[2] It was provided in 1703 that any rates and assessments made by the selectmen to buy provisions for those serving in the militia were to be signed by a justice of the peace.[3]

By an act of 1687 justices of the peace were to provide for the necessary relief of the poor in such a manner as directed by the laws and statutes of England.[4] Before town charges could be indentured by the overseers of the poor in 1766, the consent of two justices of the peace was required.[5] In the same year the justices were to recover the penalties levied upon those, who neglected to inform the selectmen or town clerk, when entertaining visitors more than twenty days. One half of the fine was to go to the poor and the rest to the person informing.[6] Five years later three justices of the peace, unus quorum, were empowered to settle disputes over the support of the poor.[7] An act of 1805 stipulated that any justice, on complaint, was to hear and pass judgment on any case of negligence, cruelty or breach of covenant between any master and indentured apprentice.[8] In 1862 a justice, upon complaint of the county commissioners or overseers of the poor, could, by warrant directed to a constable, cause the removal of any pauper not having a settlement in this state to any other state, or, if the pauper should be an alien, to his native land.[9] These last two provisions are still in force.[10]

In 1688 two justices of the peace, one being of the quorum, were empowered to appoint some qualified person to fill any vacancy in the office of selectmen, townsman or commissioner, when the person elected refused to serve.[11] Any justice was authorized to grant a warrant to a constable for the apprehension of any inhabitant who had refused to serve as constable, and had not paid the resultant fine.[12] In 1694 justices were given the power to summon before them persons, who refused to accept the validity of deeds, and might commit such persons to jail on continued refusal.[13] Affidavits relating to houses and lands in 1701 were to be "taken before Some Court of Record or Two or more Justices of the Peace Quorum Unus."[14]

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1. Laws of New Hampshire, 1:115-116 (1686).
2. Ibid., 1:603 (1698).
3. Ibid., 2:56 (1703).
4. Ibid., 1:254-255 (1687).
5. Ibid., 3:391 (1766).
6. Ibid., 3:395 (1766).
7. Ibid., 3:551 (1771).
8. Ibid., 7:473-474 (1805).
9. New Hampshire Laws of 1862, ch. 2592.
10. Public Laws of New Hampshire, ch. 176, secs. 7-9; ch. 107, sec. 18 (1926).
11. Laws of New Hampshire, 1:219 (1688).
12. Ibid., 1:601 (1698).
13. Ibid., 1:568-569 (1694).
14. Ibid., 1:690 (1701).

Upon complaint to one or more justices of the peace of any forceable entry and wrongful detainer the justice or justices were to accompany the sheriff at a convenient time to the place where the entry occurred. If inquiry showed that entry had been wrongfully made the property was recovered upon order of the justices of the peace and restored to the party who had been ejected. Justices were authorized to impose fines on the offenders and hold them for the next court of general sessions of the peace, if they were unable to secure bail.[1] In 1791 justices of the peace were given authority to inquire by jury into cases of forceable entry or trespass, and to fine persons guilty in such cases.[2]

By an act of 1858 justices of the peace were authorized to call witnesses for testimony in the event of a contested election for representative to the General Court.[3] At the present time justices may attest an affidavit concerning the right of any voter challenged at the polls, or may investigate, on petition, the honesty of any election.[4] An act of 1895 stipulated that the Supreme Court, upon the petition of the aldermen of a city or the selectmen of a town, might appoint three or more justices of the peace and quorum as commissioners to fix and receive bail in criminal cases.[5] Justices of the peace may issue subpoenas compelling the attendance of witnesses and the production of evidence in proceedings before the State Tax Commission.[6]

In 1701 justices were authorized to take depositions from witnesses in civil or criminal cases, when the witnesses were signed to go to sea before the date of the trial; when the witnesses were living more than five miles from the place where the hearing was to be held; or when the witnesses, through age, sickness or bodily infirmity, were incapable of appearing at the place of the hearing.[7] At present a justice of the peace may summon witnesses to appear before him or any other justice or notary "to give depositions in any matter or cause in which the same may be lawfully taken."[8]

An enactment of 1791 stated that, if any owner of an impounded animal refused to pay the damage caused by the animal, a justice of the peace, on application, was to notify the owner to appear before him. If the owner failed to appear, the justice was to appoint one or more disinterested persons to appraise the damage. Upon the payment of the damage, and the fees of the justice and appraisers, the impounded animal was to be released. If the owner refused to pay the damage and costs the animal was to be sold at public auction.[9] At the present time if the owner neglects for forty-eight hours, or refuses to pay the estimated damage, either party may apply to a justice of the peace. The justice, after a hearing, shall appoint three disinterested persons to appraise the damage. After payment of appraised damage and fees the animal will be released. If the animal is unclaimed after four days, the justice may order its sale.[10]

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1. Laws of New Hampshire, 2:134-135 (1714).
2. Ibid., 5:714 (1791).
3. New Hampshire Laws of 1858, ch. 2085, sec. 3.
4. Public Laws of New Hampshire, ch. 33, secs. 18, 20, 21 (1926).
5. New Hampshire Laws of 1895, ch. 37.
6. Public Laws of New Hampshire, ch. 68, sec. 19 (1926).
7. Laws of New Hampshire, 1:689-690 (1701).
8. Public Laws of New Hampshire, ch. 336, sec. 4 (1926).
9. Laws of New Hampshire, 5:631-632 (1791).
10. Public Laws of New Hampshire, ch. 220, secs. 7-11 (1926).

Justices of the Peace (Trial Justices) (Next entry 79, p. 87)

During the Revolution several wartime duties were given to justices of the peace. In 1777 they were authorized to examine any persons suspected of deserting from the army, and those found guilty were to be placed in jail.[1] The following year justices were ordered to administer, to all officers required to subscribe to it, the oath of fidelity, and they were required to return to the Secretary of State certificates of their proceedings and lists of all officers who refused to take the oath.[2] In 1781 justices were empowered to try, give judgment and issue execution against persons charged with making defective shoes for the use of the United States Army.[3]

By an enactment of 1683 justices of the peace might grant permission to call a town meeting when necessity was shown.[4] An act of 1714, authorized them, in conjunction with the selectmen, to call a meeting of all the inhabitants in a town. At the meeting a list was to be taken, and recorded in a book, of those having an estate of value or income of at least forty shillings per year or personal estates of fifty pounds or more. Only those whose names were inscribed in the book were to be permitted to vote at any town meeting.[5] In 1761 justices were authorized to call meetings of the proprietors of land held in common.[6] Five years later it became the duty of any justice of the peace, upon petition of ten freeholders of any town, to call a meeting for the choice of town officers, and to preside at the meeting until a moderator was elected.[7] By an enactment of 1875, town meetings might be called on application of ten voters of the town, or one-sixth of the voters, by warrant from a justice of the peace, when the annual meeting for that particular year had not been held; when no legal meeting had been held at anytime; and when it happened from resignation or other cause that no member of the board of selectmen remained in office.[8] In 1883 justices of the peace were given the same authority to call meetings in fire districts.[9] Four years later these officers, on application, were empowered to call meetings in dissolved school districts.[10] At present a justice of the peace may issue warrants for a town meeting upon petition of ten or more voters, if the selectmen unreasonably neglect or refuse to do so.[11] On application of three or more voters, residing in a dissolved school district, a justice may call a meeting to choose officers to settle any business of the district.[12] If the school board of a regular school district "does not cause a warrant for the annual meeting to be posted on or before the second Tuesday of March, in any year, or for a special meeting * * * after application therefor is made to them, a justice of the peace, upon application of ten or more voters, or of one sixth of the voters of the district, may issue such warrant and cause it to be posted."[13]

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1. Laws of New Hampshire, 4:92 (1777).
2. Ibid., 4:159 (1778).
3. Ibid., 4:391 (1781).
4. Ibid., 1:81 (1683).
5. Ibid., 2:154 (1714).
6. Ibid., 3:231 (1761).
7. Ibid., 3:381-382 (1766).
8. New Hampshire Laws of 1875, ch. II.
9. New Hampshire Laws of 1883, ch. 6.
10. New Hampshire Laws of 1887, ch. 75.
11. Public Laws of New Hampshire, ch. 45, sec. 8 (1926).
12. Ibid., ch. 119, sec. 42 (1926).
13. Ibid., ch. 120, sec. 8 (1926).

Authority is possessed by justices of the peace to call a meeting of the stockholders of a business corporation upon petition of the owners of one twentieth of the stock, if the corporation fails to hold its annual meeting.[1]

During the time of the New England Dominion justices of the peace were given the authority to perform marriages.[2] In 1791 they were forbidden to do so without a certificate from the town clerk. When they did perform marriages by authority of such certificate they were required to return to the clerk a record of the names and residences of the contracting parties and the date of marriage.[3] By an enactment of 1851, every justice was ordered to send an annual record of the marriages performed by him to the clerk of the city or town where the ceremony was performed. Justices were also to send a certified copy of the record to the clerk of the city or town wherein the contracting parties resided, if within this state.[4] Three years later a fine of sixty dollars was imposed on any justice who united persons in marriage without a certificate from the town clerk.[5] At present justices of the peace have the power to perform marriages.[6]

By an act of 1694 justices of the peace were authorized to take acknowledgments of deeds of sale or gifts.[7] An act of 1823, repealed six years later, provided for the summoning of one justice of the peace on each coroner's inquest as one of the jurors.[8] An act of July 10, 1846 stated that justices were no longer to "take cognizance or grant a certificate" to persons in pursuit of fugitive slaves.[9] As early as 1791 justices of the peace had the authority to administer the oath of office to all town officers in the prescribed form.[10] They still possess this authority.[11]

By an act of 1682 justices of the peace were empowered to hear and determine any civil action where the debt or damages did not exceed forty shillings.[12] During the time of the New England Dominion, any two justices might give judgment and award execution where the amount involved did not exceed the above sum.[13] In 1791 the justices of the peace were authorized to hear and determine all pleas and actions, except where the title of real estate was concerned, when the damages demanded did not exceed forty shillings.[14] The New Hampshire Constitution of 1792 allowed the General Court to authorize justices of the peace to take civil jurisdiction in cases where damages were not more than four pounds and the title of real estate was not involved.[15] Accordingly the General Court in 1794 extended this jurisdiction to the justices of the peace.[16] This was repealed in 1810 and the figure set

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1. Public Laws of New Hampshire, ch. 225, sec. 60 (1926).
2. Laws of New Hampshire, 1:109 (1686).
3. Ibid., 5:689-690 (1791).
4. New Hampshire Laws of 1851, ch. 1103, sec. 3.
5. New Hampshire Laws of 1854, ch. 1518, sec. 5.
6. Public Laws of New Hampshire, ch. 286, sec. 28 (1926).
7. Laws of New Hampshire, 1:568-569 (1694).
8. Ibid., 9:179 (1823); 10:58 (1829).
9. New Hampshire Laws of 1846, ch. 315.
10. Laws of New Hampshire, 5:746 (1791).
11. Public Laws of New Hampshire, ch. 48, secs. 1, 2 (1926).
12. Laws of New Hampshire, 1:72 (1682).
13. Ibid., 1:104 (1686).
14. Ibid., 5:635 (1791).
15. New Hampshire Constitution, art. 76 (77) (1792).
16. Laws of New Hampshire, 6:158 (1794).

at thirteen dollars and thirty-three cents.[1] Despite a constitutional amendment of 1877 allowing the General Court to give justices of the peace jurisdiction in cases up to one hundred dollars,[2] the figure still remains at thirteen dollars and thirty-three cents.[3]

An act of 1687 provided that in each county there should be held "Quarterly a Court of Sessions by the Justices of the peace of the same County * * * to heare and Determine all matters relateing to the Conservac'on of the Peace and Punishment of Offenders; And whatsoever else is by them Cognizable, according to Law * * *."[4] During the interval of self-government in New Hampshire, between the New England Dominion and the second union with Massachusetts, the justices of the peace were the only officers with any executive or judicial authority.[5] The quarterly trial court was continued in 1691, and was granted the power to appoint a marshall for that year.[6] In 1911 the Governor and Council upon petition of 25% of the voters in a town could appoint a justice of the peace residing in the town to act as a trial justice.[7] Since 1915 it has been provided that the Governor and Council, upon petition of the selectmen, or the vote of the town, may appoint a trial justice. He has cognizance of all offenses referred to as offenses against the police.[8] There are no trial justices in Grafton County at this time.[9]

It was enacted in 1791 that each justice of the peace should keep a record of all civil and criminal cases which came before him and of all oaths administered by him to town officers. In the event of the death of the justice, these records were to be lodged by his executor in the court of common pleas.[10] In 1841 all records and files of justices of the peace were to be transferred from the office of the superior court of judicature to the office of the clerk of the court of common pleas in the same county.[11] The law at the present time obligates justices of the peace, acting as trial justices, to file their records with the clerk of the superior court, upon removing from the county.[12] This is the justification for regarding the office of the trial justice as a county office.

In Grafton County there are extant justice records not only in the Woodsville courthouse but also at the Baker Memorial Library, Dartmouth College; the New Hampshire Antiquarian Society, William Long Building, Hopkinton; and the town clerk's office, Littleton.

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1. Laws of New Hampshire, 7:896 (1810).
2. New Hampshire Constitution, art. 76 (77) (1792).
3. Public Laws of New Hampshire, ch. 322, sec. 1 (1926).
4. Laws of New Hampshire, 1:190-191 (1687).
5. Ibid., 1:260 (1689).
6. Ibid., 1:476 (1691).
7. New Hampshire Laws of 1911, ch. 86.
8. Public Laws of New Hampshire, ch. 323, sec. 5 (1926); New Hampshire Laws of 1915, ch. 30, sec. 4.
9. See New Hampshire Manual of the General Court, 1939, 411.
10. Laws of New Hampshire, 5:746-747 (1791).
11. New Hampshire Laws of 1841, ch. DCIII.
12. Public Laws of New Hampshire, ch. 322, sec. 16 (1926).

79. [JUSTICE RECORDS], scattered dates 1772-1909. 54 vols., approx. 75 bundles. Missing, 1881-1907 and subsequent records.

Justice records and supporting documents: state (criminal) and civil dockets, oaths of office, marriages and intentions, writs of execution, voluntary examinations in morals cases, complaints and warrants, and fines and costs of court. Volumes by names of justice and town, and inclusive dates, are as follows:—

NAME OF JUSTICE	TOWN	DATES AND VOLUMES
Aiken, Luke	Wentworth	1835-48, 1 vol.
Bailey, Simon	Wentworth	1814-23, 1 vol.
Baker, Moses	Campton	1810-14, 1821-28, 2 vols.
Bedell, Moody	Bath	1829-40, 1 vol.
Bishop, Joshia	Concord (Lisbon)	1811-18, 1 vol.
Blodgett, Jeremiah	Wentworth	1874-80, 1 vol.
Bowers, Jeremiah	Bristol	1816-43, 1 vol.
Buck, Amasa	Bath	1801-30, 2 vols.
Carlton, Ebenezer	Bath	1820-35, 2 vols.
Cummings, Jona	Plymouth	1842-46, 1 vol.
Currier, John	Canaan	1805-26, 2 vols.
Dickey, Davis	Haverhill	1843-58, 1 vol.
Dow, Moses	Haverhill	1808-11, 2 vols.
Ely, Guy	Littleton	1820-47, 3 vols.
Gibson, David	Wentworth	1808-18, 1 vol.
Gilbert, Benjamin	Hanover	1804-15, 1 vol.
Grout, Solon	Hanover	1829-35, 1 vol.
Hinds, Justin	Hanover	1831-34, 1 vol.
Hoskins, Samuel	Lyman	1839-56, 1 vol.
Hoyt, Ebenezer	Grafton	1794-1812, 1 vol.
Hutchins, Jeremiah	Bath	1803-1809, 1 vol.
McClury, John	Bristol	1831-65, 1 vol.
Merrill, Jonathan	Warren	1802-19, 1 vol.
Morrison, William	Bath	1840-48, 1 vol.
Olcott, Mills	Hanover	1831-35, 1 vol.
Perley, Ira	Hanover	1828-30, 1 vol.
Richardson, William	Canaan	1797-1805, 1 vol.
Robin, Joseph	Littleton	1820-39, 1 vol.
Rogers, John	Plymouth	1792-1805, 2 vols.
Sinclair, Jonathan	Hanover	1834-41, 1 vol.
Smith, Micajah M.	Orange	1829-46, 1 vol.
Stevens, John G. B.	Franconia	1838-42, 1 vol.
Taylor, Karl Trafton	Warren	1908-1909, 1 vol.
Towne, Amos	Bath	1829-45, 1 vol.
Tuttle, Jona	Lincoln	1808-13, 2 vols.
Woodward, Bezaleel	Hanover	1772-1804, 6 vols.
Woodward, William H.	Hanover	1772-73, 1798-1800, 4 vols.

Arr. chron. by date of entry. No index. Hdw. 100 pp. 8 x 6½ x ½. 39 vols., 75 bundles, 1772-1880, 1908-1909, bsmt. courthouse; 10 vols., 1772-1815, 1831-35, Baker Library v., Dartmouth College, Hanover; 1 vol. 1816-43, N. H. Antiquarian Society, William Long Building, Hopkinton; 4 vols., 1820-47, town clerk's off., Littleton.

(Next entry 80, p.96)

VIII. REGISTER OF PROBATE

Probate Court

The probate situation in New Hampshire at the beginning of the first provincial period, is thus summarized by Albert S. Batcheldor, the editor of the New Hampshire State Papers:-

> The 1679 commission to John Cutt and his Council for the government of New Hampshire in terms constituted the President [Governor] and Council the supreme court, with a very comprehensive jurisdiction. They evidently construed their powers to include the administration of the probate law. It appears by the records that the President and Council transacted the probate business, the councilors sometimes acting individually. Such business seems to have been disposed of in court also in 1681. The records and files for this period however are meagre.[1]

With the advent (1686) of the Dominion of New England, with a government centralized in Boston, the probating of wills was handled by judges and clerks appointed by the President (Governor).[2] In the second year of the Dominion this arrangement was somewhat modified. In counties distant from Boston, the examination of witnesses to a will came under the jurisdiction of the judge of the inferior court of common pleas. The judge and the clerk certified the testimony and the will "to the secreataryes office at Boston" for probate. When the value of an estate did not exceed fifty pounds the local judges were empowered to grant probate or letters of administration. Appeals could be taken to the Governor or any person designated by him.[3]

That New Hampshire had a probate court in 1693, the second year of the final provincial period, is proved by an act of that year referring to a "Judge for probate of wills And granting Administrations."[4] This office was again referred to in an act of June 14, 1701.[5] Later acts in 1714,[6] 1718,[7] and 1745[8] mentioned a judge of probate.

By the act of 1769 which organized the original New Hampshire counties, the judge of probate became a county officer rather than an official of the province.[9] Grafton County, at the time, was not considered sufficiently populated to justify a local county organization, and it was placed under the temporary jurisdiction of the "Courts Magistrates and Officers" of Rockingham County.[10] It acquired local county officers, including a judge of probate, in 1773.[11]

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1. New Hampshire State Papers, 31:xv.
2. Laws of New Hampshire, 1:104-105 (1686).
3. Ibid., 1:206-207 (1687).
4. New Hampshire State Papers, 31:xx; Laws of New Hampshire, 1:567 (1693).
5. Laws of New Hampshire, 1:683-684 (1701).
6. Ibid., 2:139 (1714).
7. Ibid., 2:295 (1718).
8. Ibid., 3:14 (1745).
9. Ibid., 3:526 (1769).
10. Ibid., 3:527 (1769).
11. Ibid., 3:587-588 (1773); J. Belknap, History of New Hampshire, (Farmer Edition, Dover, 1831), 420.

Register of Probate - (Next entry 80, p. 96)
Probate Court

An act of 1766 permitted persons dissatisfied with an order or decree of the judge of probate to appeal to the court of supreme probate,[1] which it appears from an act of 1774, was composed of the Governor and Council.[2] In 1789 the superior court of judicature was empowered to hear appeals from the probate court in cases arising from acts concerning the settlement of intestate and testate estates.[3] The supreme judicial court was given exclusive jurisdiction of appeals from probate courts by an enactment of July 14, 1855.[4] At present appeals may be made to the superior court within sixty days after the decision.[5]

A law passed in 1866 prohibited judges of probate from receiving compensation other than that allowed by law for performing the duties of their office.[6] This restriction is still in effect.[7] Their salary is prescribed by the Legislature. An act of 1925 set the salary of the judge of probate of Grafton County at eighteen hundred dollars per year,[8] which remains the same at the present time.[9]

Judges of probate receive their appointment from the Governor and Council.[10] They cannot hold office after reaching the age of seventy years.[11]

The New Hampshire Constitution prohibits judges of probate from acting as counsel in any case before them.[12] An act of 1829 prohibited judges of probate from presiding over cases in which they had a personal interest. In such cases, they were to delegate their authority to the probate judge of an adjoining county.[13] This requirement is still in effect.[14]

In 1774 it was specified that when an estate lay in several counties, the judge of probate in the "County where the Deceased was an Inhabitant" should have jurisdiction.[15] At the present time, probate jurisdiction over the estate of a deceased resident of New Hampshire belongs to the court in the county where the deceased was last an inhabitant. Probate jurisdiction over the estate of a non-resident may be assumed by the court in any county where the deceased had property or in any county where "the personal representative or kin of such person has a cause of action."[16]

Judges of probate are not qualified to draw up wills for persons other than themselves, and all wills so made after July 16, 1864 are void.[17]

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1. Laws of New Hampshire, 3:397 (1766).
2. Ibid., 3:625 (1774).
3. Ibid., 5:384, 390 (1789).
4. New Hampshire Laws of 1855, ch. 1659.
5. Public Laws of New Hampshire, ch. 311, secs. 1-2 (1926).
6. New Hampshire Laws of 1866, ch. 4251, sec. 1.
7. Public Laws of New Hampshire, ch. 293, sec. 24 (1926).
8. New Hampshire Laws of 1925, ch. 172, sec. 1.
9. New Hampshire Manual for the General Court 1939, 404.
10. New Hampshire Constitution, art. 45 (46), (1792).
11. Public Laws of New Hampshire, ch. 18, sec. 2 (1926).
12. New Hampshire Constitution, art. 78 (79), (1792). See also Public Laws of New Hampshire, ch. 293, sec. 13 (1926).
13. Laws of New Hampshire, 10:29-30 (1829).
14. Public Laws of New Hampshire, ch. 293, secs. 15-19 (1926).
15. Laws of New Hampshire, 3:616-617 (1774).
16. Public Laws of New Hampshire, ch. 293, sec. 8 (1926).
17. Ibid., ch. 293, sec. 12 (1926).

Register of Probate - Probate Court

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During the American Revolution, lands belonging to proprietors guilty of treason were confiscated and committees were named in each county to make inventories of the seized estates and report to the General Court.[1] Later the disposal of these forfeited estates was placed in the hands of the judges of probate.[2] Although an act of 1786, passed in compliance with the treaty of peace between the United States and Great Britain, returned many of these properties to their original owners,[3] the administration of the remainder continued to be a duty of the probate courts as late as 1791.[4]

The constitution of 1792 provided that all matters relating to the probate of wills and the granting of administration were to be exercised by the judges of probate in such manner as the Legislature had directed or might direct.[5]

A resolution was adopted by the Legislature in 1820 naming a committee to revise the probate laws of the state and giving instructions to report by bill to the next session of the Legislature.[6] In 1822 a series of eight acts were approved which defined the duties of the probate court and recodified the probate laws of New Hampshire.[7] These acts of 1822 form the basis of our present probate laws.

The New Hampshire Legislature, at an early date, attempted to fashion probate law to meet local conditions. One of the earliest probate acts, that of May 14, 1718, declared that a proprietor might will his land to his younger children who, having spent a greater portion of their time at home, had been most generally useful in helping to build up the estate.[8] Such a provision was in sharp contrast to the existing English law of inheritance, which was based on the doctrine of primogeniture.[9]

An act of 1789 established the powers of any sane person over twenty-one to make a will; provided for the rights of posthumous children; clarified the rights of all other children; and defined the form of the will and the duties of the executor.[10]

In 1790 it was provided that a copy of any will made and proved out of the state should be filed in the probate court of the county where the property was situated.[11]

The 1822 revision of the probate laws included a definition of the duties of the judge of probate,[12] and rules for the devising of real estate, the attestation and recording of wills and the distribution of testate estates.[13]

In 1848 it was stipulated that no will, except that of a soldier in service or of a mariner at sea, was to be effectual unless signed by the

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1. Laws of New Hampshire, 4:192 (1778).
2. Ibid., 4:216 (1779).
3. Ibid., 5:195 (1786).
4. Ibid., 5:553 (1791).
5. New Hampshire Constitution, art. 79 (80), (1792).
6. Laws of New Hampshire, 8:1014 (1820).
7. Ibid., 9:98-132 (1822).
8. Ibid., 2:295 (1718).
9. W. H. Fry, New Hampshire as a Royal Province, (New York, 1908), 438.
10. Laws of New Hampshire, 5:380 (1789).
11. Ibid., 5:497 (1790).
12. Ibid., 9:110-123 (1822).
13. Ibid., 9:98-102 (1822).

Register of Probate - Probate Court

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testator or some person designated by him in the presence of three or more competent witnesses.[1] Apparently, the exception in favor of soldiers and sailors still holds true, since subsequent provisions have stated that such persons "may dispose of [their] movables and personal estate as [they] might heretofore have done."[2] In 1923 an act amending the Public Statutes permitted married persons under the age of twenty-one to make wills.[3] This privilege is still granted.[4]

A law of 1693 decreed that administration in intestate estates should be granted to the widow or next of kin, or upon their refusal, to one of the creditors as the judge thought fit.[5]

The following, in the order named, are entitled, at the present time, to receive administration papers: the person named as executor in the will; the widow(er), one of the next of kin, or someone whom they, or any of them, may nominate; a devisee or creditor; any person whom the judge of probate considers suitable.[6]

The judge of probate was required in 1837 to appoint an administrator for the estate of any person under death sentence or committed to prison for life.[7] Current laws provide for the granting of administration in such cases in the same manner as in cases of natural death.[8] An enactment of 1872 permitted the probate court to grant administration for the estates of persons missing for more than a year, but distribution of such estates could not be made for five years. The present law makes this same provision.[9] In cases where a legatee cannot be located, the law provides for the disposition of the legacy by the court.[10] From 1826 to the present time the judge of probate has been authorized to allow a reasonable sum for the erection of a monument at the grave of the deceased by the administrator of the estate.[11] The judge may also make allowance for perpetual care of the cemetery lot.[12]

An act of 1907 permitted administrators appointed in other states, or non-resident administrators, to have their accounts approved and allowed in the probate courts of New Hampshire without being present in person.[13]

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1. New Hampshire Laws of 1848, ch. 726.
2. Compiled Statutes of New Hampshire, ch. 165, sec. 7 (1853); Public Statutes of New Hampshire, ch. 186, sec. 16 (1891); Public Laws of New Hampshire, ch. 297, sec. 15 (1926).
3. New Hampshire Laws of 1923, ch. 10.
4. Public Laws of New Hampshire, ch. 297, sec. 1.
5. Laws of New Hampshire, 1:566-567 (1693).
6. New Hampshire Laws of 1919, ch. 34; Public Laws of New Hampshire, ch. 299, sec. 2 (1926).
7. New Hampshire Laws of 1836, ch. CCLXXIII, sec. 4.
8. Public Laws of New Hampshire, ch. 369, sec. 8 (1926).
9. New Hampshire Laws of 1872, ch. XXII; Public Laws of New Hampshire, ch. 299, sec. 18 (1926).
10. New Hampshire Laws of 1893, ch. 14, sec. 1; New Hampshire Laws of 1897, ch. 7; New Hampshire Laws of 1935, ch. 75.
11. Laws of New Hampshire, 9:517 (1826); Public Laws of New Hampshire, ch. 300, sec. 21 (1926).
12. New Hampshire Laws of 1917, ch. 65; Public Laws of New Hampshire, ch. 300, sec. 22 (1926).
13. New Hampshire Laws of 1907, ch. 34.

Register of Probate - (Next entry 80, p. 96)
Probate Court

The law states, at the present time, that any executor or administrator appointed in New Hampshire, and holding an appointment to the same office from a court outside the state, or any non-resident executor or administrator, may, if the judge is willing, procure the allowance of his accounts without personally appearing before the New Hampshire court.[1]

New duties for the probate court arose from a constitutional amendment of 1903 by which property passing by will and inheritance was recognized as a legitimate tax object.[2] An act of 1905 imposed a 5% tax on inheritances passing by will or by the laws governing intestate estates to collateral heirs. By this act the probate court having jurisdiction was empowered to hear and determine all questions relative to the tax affecting any devise, legacy or inheritance. No final account of an executor, administrator or trustee could be allowed by the court until the tax was paid.[3] The constitutionality of this act was upheld on December 4, 1906 by a decision of the Supreme Court.[4] In 1911 a revision of the laws regarding inheritance taxes provided that an executor, administrator or trustee could apply to the probate court for an abatement of the tax as determined by the State Treasurer.[5] All of these provisions are still in force.[6]

An act of 1767 empowered the judge of probate, with the majority of the selectmen of a town, to examine any person to determine his sanity.[7] By virtue of an enactment of 1851, a man whose wife had continued insane for more than a year might apply to the judge of probate for a license to sell and convey his real estate in such a manner as to bar any claim or right of dower which his wife might otherwise have therein.[8] In 1874 the judge of probate was named as one of the officials who could commit any person to the State Hospital on the certificate of two reputable physicians.[9] Present day laws grant the same power to the judge in such cases.[10] The judge of probate, on the certificate of two physicians, may commit feeble-minded persons to the Laconia State School.[11]

In 1745 judges of probate were authorized to appoint guardians for minors and irresponsible persons.[12] At present the probate court has power, upon petition, to appoint guardians for insane persons, spendthrifts and minors. The court collects from every guardian a bond with sureties; sees that such guardians settle their accounts at least once in three years, and issues all licenses to sell, lease, or mortgage real estate of wards. The court may revoke any guardianship as the circumstances require. If such a vacancy occurs, of if the guardian resigns, the court appoints a successor.[13] In the case of

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1. Public Laws of New Hampshire, ch. 300, sec. 27 (1926).
2. New Hampshire Constitution, art. 6 (1792 as amended 1903).
3. New Hampshire Laws of 1905, ch. 40, secs. 14, 16.
4. Thompson vs. Kidder, 74 N. H., 89.
5. New Hampshire Laws of 1911, ch. 42, sec. 12.
6. Public Laws of New Hampshire, ch. 72, secs. 1, 12, 60 (1926).
7. Laws of New Hampshire, 3:476 (1767).
8. New Hampshire Laws of 1851, ch. 1097, sec. 1.
9. New Hampshire Laws of 1874, ch. CII.
10. Public Laws of New Hampshire, ch. 11, secs. 16-18 (1926).
11. Ibid., ch. 112, sec. 9 (1926).
12. Laws of New Hampshire, 3:11 (1745).
13. Public Laws of New Hampshire, ch. 289 (1926).

a minor the court may appoint any home for orphans or the New Hampshire Society for the Prevention of Cruelty to Children as guardian.[1] The judge of probate may appoint and remove conservators of estates.[2]

The probate court hears and decides all petitions for adoption.[3] It has authority to grant permission for marriages under the age of consent or by waiver of the five day notice of intention.[4] Upon application, and for reason shown, the court may grant change of name.[5]

Register of Probate

The register of probate is the record-keeping functionary of the probate court. An examination of the early laws and records indicates that this office antedates the probate court itself. There was probably a register of probate as early as 1656 and definitely one by 1661.[6] In the first year of the Dominion of New England the officer who performed the duties of register of probate was called a clerk,[7] but from 1714 the term register was used. Originally an office of the province, this became a county office with the act of county organization in 1769.[8]

This office was originally held by appointment. An act of 1817 decreed that registers of probate appointed in the state should hold office until reaching the age of seventy years subject to removal by the Governor, with consent of the Council, upon address of both houses of the Legislature.[9] An act of 1836 limited the tenure of office to five years.[10] An act passed three years later terminated all appointments made prior to 1817.[11] In 1877, an amendment to the New Hampshire Constitution made the office elective.[12] At present registers of probate are elected every two years and may be removed by the superior court for official misconduct.[13]

The New Hampshire Constitution prohibits the register of probate from acting as counsel in cases before the court of which he is register and from acting as appraiser in such cases.[14]

The register must live in the town where the probate records are kept or must employ a clerk who lives there, and either the register or his clerk must be present when the probate office is required to be open.[15]

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1. Public Laws of New Hampshire, ch. 290, sec. 6 (1926).
2. Ibid., ch. 293, sec. 4 (1926).
3. Ibid., ch. 292, sec. 1 (1926).
4. Ibid., ch. 286, secs. 6, 7, 24 (1926).
5. New Hampshire Laws of 1872, ch. LIII; Public Laws of New Hampshire, ch. 293, sec. 7 (1926).
6. New Hampshire State Papers, 33:vi.
7. Laws of New Hampshire, 1:105 (1686).
8. Ibid., 3:526 (1769).
9. Ibid., 8:650 (1817).
10. New Hampshire Laws of 1836, ch. CCXLVII.
11. New Hampshire Laws of 1839, ch. CCCXXXIX.
12. New Hampshire Constitution, art. 70 (71), (1792 as amended 1877).
13. Public Laws of New Hampshire, ch. 36, secs. 1, 7 (1926).
14. New Hampshire Constitution, art. 80 (81), (1792); Public Laws of New Hampshire, ch. 293, secs. 13, 14 (1926).
15. New Hampshire Laws of 1843, ch. 56; Public Laws of New Hampshire, ch. 294, sec. 1 (1926).

Register of Probate (Next entry 80, p.96)

Fees were established for the register of probate in 1714, 1768, 1791, and 1796.[1] An act of 1826 established a salary of three hundred and eighty dollars a year for the register of probate in Grafton County.[2] An act of July 1, 1837 provided that every register of probate whose commission was dated prior to June 14, 1836 should receive fifty dollars a year in full compensation for his services, rather than his then present salary. But it was also provided that any register who resigned, and was reappointed under the law limiting his commission to five years, should not have his salary decreased.[3] An act of July 9, 1862 stipulated that the fees for registers of probate in all business relative to proceedings concerning insolvent debtors should be established by the supreme judicial court.[4] On July 20, 1876 registers of probate were prohibited from taking compensation for any services covered by their salaries.[5] At present, the register's fees are limited in that "He shall not receive any fees for making petitions, bonds, or other papers in any proceeding pending in or to be brought into the court of which he is register, nor for any other service relating to probate business, except his salary and reasonable pay for copies and certificates."[6] The present salary of this official in Grafton County is two thousand dollars per year.[7]

On July 4, 1861 registers of probate were bonded to their respective counties in the sum of five thousand dollars. The bond was subject to the approval of the judge of probate.[8] At the present time the bond must be approved by the county commissioners.[9] The register of probate in Grafton County may appoint a deputy register temporarily who must also be bonded.[10]

An act of November 26, 1832 provided that in case of a vacancy by death, resignation or otherwise, or the sickness or necessary absence of any judge of probate, it should become the duty of the register to adjourn the probate court from time to time until the vacancy was supplied or the judge attended.[11] At present the register is authorized to adjourn court in the absence of the judge of probate.[12]

An act of July 2, 1822 made provision for the recording in the probate court of wills proved outside of the state which pertained to property in the state.[13] In the same year it was enacted that all wills and their probates should be recorded in the probate office.[14] This is still required.[15]

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1. Laws of New Hampshire, 2:146 (1714); 3:491-492 (1768); 5:617-618 (1791); 6:384-385 (1796).
2. Ibid., 9:534 (1826).
3. New Hampshire Laws of 1837, ch. CCCXLV.
4. New Hampshire Laws of 1862, ch. 2594, sec. 6.
5. New Hampshire Laws of 1876, ch. XLII.
6. Public Laws of New Hampshire, ch. 294, sec. 15 (1926).
7. New Hampshire Laws of 1925, ch. 172, sec. 2; New Hampshire Manual for the General Court 1939, 414, 415.
8. New Hampshire Laws of 1861, ch. 2485, sec. 1.
9. Public Laws of New Hampshire, ch. 37, sec. 3 (1926).
10. Ibid., ch. 36, sec. 10 (1926).
11. Laws of New Hampshire, 10:349 (1832).
12. Public Laws of New Hampshire, ch. 294, sec. 11 (1926).
13. Laws of New Hampshire, 9:101-102 (1822).
14. Ibid., 9:123 (1822).
15. Public Laws of New Hampshire, ch. 294, sec. 7 (1926).

Register of Probate (Next entry 80, p. 96)

A copy of every will containing taxable legacies must be sent by the register to the State Treasurer.[1]

On May 15, 1714 it was enacted that every executor should exhibit to the register's office an inventory of the entire estate of the deceased.[2] By an act of September 8, 1767 guardians of persons found to be mentally unable to manage their own affairs were required to file an inventory of the possessions of their charges with the register of probate for purposes of recording.[3] An act of 1822 required all inventories of executors and administrators to be recorded in the office of the register of probate.[4] Registers are required, at the present time, to furnish appraisers with suitable blanks. Property of an estate is classed under twelve specified heads.[5] The register must record the amount of the footing of each class of property specified in the inventory.[6]

An act of 1935 required the register to keep a list of the names of deceased persons whose estates were entered for probate. The list was to be indexed alphabetically by the names of the deceased and by the names of the devisees or heirs-at-law.[7] This was repealed in 1939,[8] but the register is still required to send to the selectmen of towns and assessors of cities a list of estates with property in those towns and cities.[9]

The register must record all names changed by the probate court and submit the list every odd numbered year to the Secretary of State.[10]

He is obligated to enter insolvency cases in a docket. He computes all dividends. Oaths in insolvency proceedings may be administered by him.[11]

The register of probate must retain in safe-keeping all records, files, and papers belonging to his office; and can remove them only when "they are needed at probate courts held elsewhere or when he is required to produce them as evidence in court."[12] He shall keep a docket of cases and an index, which shall be open to public inspection.[13]

He shall keep a record of "all proceedings with regard to real estate; all accounts settled, and all orders, decisions and appointments from which an appeal may be claimed."[14]

The register of probate for Grafton County keeps 845 file boxes of original documents such as wills; probate of wills; letters of administration, conservatorship, trust, and guardianship; inventories; administrators', conservators', executors', guardians', and trustees' accounts; and papers relating to dower-curtesy and homestead, adoption, change of name, and insolvency. There are 120 volumes containing transcripts of the original documents.

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1. Public Laws of New Hampshire, ch. 72, sec. 18 (1926).
2. Laws of New Hampshire, 2:139 (1714).
3. Ibid., 3:476 (1767).
4. Ibid., 9:123 (1822).
5. Public Laws of New Hampshire, ch. 294, sec. 6 (1926).
6. Ibid., ch. 294, sec. 7 (1926).
7. New Hampshire Laws of 1935, ch. 57, sec. 3.
8. New Hampshire Laws of 1939, ch. 111.
9. New Hampshire Laws of 1935, ch. 57, sec. 4.
10. Public Laws of New Hampshire, ch. 294, sec. 12 (1926).
11. Ibid., ch. 401, sec. 3 (1926).
12. Ibid., ch. 294, sec. 4 (1926).
13. Ibid., ch. 294, sec. 5 (1926).
14. Ibid., ch. 294, sec. 7 (1926).

Register of Probate - Dockets (80, 81)
Documents

A series of docket volumes contain a complete record of all cases coming before the court and their disposition.

A characteristic record of all probate courts in New Hampshire is that record which is referred to in some counties as the "White Book" and in other counties as the "Full Record". Grafton County uses the term White Book, (See entry 85). In these volumes are recorded any instrument so voluminous that it cannot be recorded on the regular printed forms. It is obvious that dates will be scattered. The gaps, of course, are filled by the regular records.

The register keeps an inheritance tax record, showing name and address of decedent, date of decease, name and address of administrator or executor, condition of bond, and the dates of filing the inventory and sending the same to the State Treasurer.

Bound indexes are kept to administrators', executors', trustees', commissioners', guardians', conservators', change of name, and adoption papers in the original documents and the transcripts thereof, including the "White Book."

Records are located in the probate office, the inner and outer probate vaults, and the basement, Woodsville courthouse.

Dockets

80. DOCKET GRAFTON COUNTY, 1866-68, 1885-89, 1903--.
144 vols. (labeled by year, term, and name of town in which court was held, 138 vols., 1866-68, 1885-89; unlabeled, 3 vols., 1903-11; no. 3, no. 4, no. 5, 3 vols., 1911--). Prior records missing. Title varies: Probate Dockets, 1866-68, 1885-89, 138 vols.; Dockets, 1903-1905, 1 vol.; Grafton County Probate Court Docket, 1905-1907, 1 vol.; Untitled, 1907-11, 1 vol.

Probate docket, 1866-68, showing date and term of court, names of petitioner and estate, and disposition; 1885-89, showing county, date, names of principals and/or estate identifying case, nature of business transacted, and court disposition; 1903--, showing in addition place and term of court. Arr. chron. by term of court. No index. 1866-68, 1885-89, hdw.; 1903--, hdw. on ptd. forms. 138 vols., 1866-68, 1885-89, 12 pp. 8¼ x 6¾ x 1/8; 6 vols., 1903--, 300 pp. 14½ x 10 x 2. 138 vols., bsmt. shelves; 6 vols., inner v.

Documents

81. [ORIGINAL PROBATE DOCUMENTS], 1773--. Approx. 422,500 papers in 845 f.b. (dated and labeled by inclusive letters of the alphabet within each year).

Original probate papers in probate cases, such as wills, probate of wills in common form, probate of wills and codicils in common form, probate of wills in solemn form, petitions to re-examine probate of wills, petitions for dedemus potestatem in proof of wills, citations to prove wills in solemn form, depositions in proof of wills, waivers of wills, petitions to file and record authenticated copies of wills and probate, inventories and appointments of appraisers; administrators', executors', conservators', guardians' and trustees' accounts; releases of dower-curtesy and homestead, notices by committee

to assign dower and homestead, petitions for dower and decree or homestead, warrants for dower and homestead, petitions and licenses to sell real estate, petitions and licenses to sell real estate as intended by will, petitions and licenses to sell and convey real estate to bar rights of insane, petitions for sale of real estate by consent of heirs or devisees, petitions and licenses to convey real estate according to contract, petitions to assign or partition real estate; administrators', executors', guardians', and trustees' petitions and licenses to sell real estate; guardians' petitions to mortgage real estate, petitions and licenses to sell timber and wood growing and standing, petitions and licenses to sell or transfer stocks and bonds, petitions for and allowances to widows, petitions by widow(er) to be allowed not exceeding $5000 out of personal estate, petitions and licenses to sell goods and chattels, petitions for conservators, petitions for and appointments of guardians ad litem, petitions for trustees named in will, petitions for appointments of agents, petitions for agents-partitions, petitions to revoke appointments of probate agents, petitions for commissioners of insolvency, petitions for extension of commissions of insolvency, petitions for leave to sue bond; petitions for executors, administrators, guardians or trustees to furnish new bonds, petitions and letters for guardians of minors, adults, insane, and spendthrifts, petitions by wards to revoke guardianship, petitions for inquisition - relative or friend, petitions to commit to New Hampshire State Hospital or Laconia State School, petitions for administration, petitions for administration with will annexed, petitions for administration upon estate of persons not heard of, or from, for one year or more, petitions and letters for special administration, petitions and letters for administration de bonis non with will annexed, petitions for administrators or executors to settle accounts, petitions by executors for letters testamentary and appointments of agents, petitions by executors - residuary legatees - for letters testamentary, petitions for distribution to heirs, petitions to pay sum of money to State Treasurer and decrees, petitions for trustees - no provision for perpetuating trust under will, petitions for compromise - partnership, petitions for adoption and change of name, guardians' licenses to sell and mortgage real estate, licenses to adjust partnership affairs, letters testamentary, letters of conservatorship, letters of trustee appointments, letters of administration intestate, appointments of agents, appointments of agents without the state, appointments of agents-partitions, appointments of commissioners to take depositions, resignations and declinations as probate agents, certificates of appointments, certificates of copies, certificates of adoption and change of name, certificates of change of name, certificates of settlement of accounts, certificates of judge as to register of probate and of register as to judge of probate, certificates of justices of the peace and notaries, commissioners' warrants and reports, warrants to assign real estate, warrants for partition of real estate, warrants for inquisition of insane person, orders of notices - personal services, orders to pay sum of money not exceeding $1500, orders of notices by publication, administrators' and guardians' citations-licenses; administrators', commissioners' guardians' or trustees' citations; executors' or administrators' citations with private claims and with decrees of distribution, executors' or administrators' notices with returns and with agents, notices by committees to assign real estate; guardians', conservators', and commissioners' notices with returns; notices of appeals; administrators', executors', trustees', and conservators' bonds; guardians' bonds-minors-insane-spendthrifts, bonds for sale of real estate, bonds on appeal, bonds of

appeal by creditor, administrators' or executors' receipts, returns of sales of personal property, real estate reports, appeals from decree of court, appeals from commissioners' reports by heirs or creditors, names of heirs or legatees, and decrees of distribution to heirs. Arr. chron. and alph. thereunder by name of estate. For index to conservators', guardians', change of name, and adoption papers, see entry 83; for index to executors', administrators', trustees', and commissioners' papers, see entry 82. Hdw., typed, and hdw. and typed on ptd. forms and headings. 10½ x 5 x 16¼. 604 f.b., 1773-1916, inner v.; 241 f.b., 1917--, outer v.

For transcripts, see entries 84, 85.

Indexes

82. ADMINISTRATORS [Executors', Trustees', Commissioners'] INDEX GRAFTON COUNTY PROBATE COURT, 1773--. 4 vols. (dated and labeled A-Y, 2 vols., 1773-1900; 4, 1 vol., 1900-34; unlabeled, 1 vol., 1935--). Title varies: Administ'ers Index Grafton County Probate Records, 1773-1900, 2 vols.

Index to administrators', executors', trustees' and commissioners' papers in [Original Probate Documents], entry 81; transcripts in Probate Record - Grafton County, entry 84; and White Book - Probate Records - Grafton County, entry 85; showing date, names of town and estate, location of estate, kind of probate business, and volume and reference where recorded. Arr. chron. and alph. thereunder by name of estate. Hdw. on ptd. headings. 2 vols., 1773-1900, 600 pp. 18 x 12½ x 2½; 1 vol., 1900-1934, 800 pp. 18¼ x 15 x 3½; 1 vol., 1935--, 350 pp. 18 x 14½ x 2. Inner v.

83. GUARDIANS [Conservators] INDEX-CHANGE OF NAME [and Adoption], 1773--. 4 vols. (dated and labeled A-Z, 2 vols., 1773-1900; undated and unlabeled, 2 vols., 1900--). Title varies: Guardians Index Grafton County Probate Records, 1773-1900, 1 vol.

Index to guardians', conservators', change of name and adoption papers in [Original Probate Documents], entry 81; transcripts in Probate Records—Grafton County, entry 84; and White Book——Probate Records—Grafton County, entry 85; showing date, names and addresses of petitioner, wards or estates, and volume and page reference where recorded. Arr. chron. and alph. thereunder by name of ward, person changing name, or estate. Hdw. and typed on ptd. headings. 3 vols., 1773-1937, 600 pp. 18¼ x 13 x 2½; 1 vol., 1938--, 200 pp. 18 x 14½ x 1. Inner v.

Records

84. PROBATE RECORDS-GRAFTON COUNTY, 1773--. 120 vols. (19-24, 26-28, 30-32, 34-36, 38-44, 46-56, 59-66, 68-74, 76-86, 88-100, 102-106, 108-116, 118-125, 127-134, 136-150, 152-154).

Transcripts of original probate documents, showing information as in entry 81. Arr. chron. by date of entry. For index to conservators', guardians', change of name, and adoption documents, see entry 83; for index to executors',

administrators', trustees' and commissioners' documents, see entry 82. Hdw., and hdw., and typed on ptd. forms. 600 pp. 17 x 10½ x 2½. Inner v.

85. WHITE BOOK—PROBATE RECORDS—GRAFTON COUNTY, 1773--.
35 vols. (A, 1-18, 25, 29, 33, 37, 45, 57, 58, 67, 75, 87, 101, 107, 117, 126, 135, 151).
Transcripts of original probate documents too voluminous to be copied on one page of the regular records, showing information as in entry 81. Arr. chron. by date of entry. For index to conservators', guardians', change of name, and adoption documents, see entry 83; for index to executors', administrators', trustees' and commissioners' documents, see entry 82. Hdw. 600 pp. 17 x 10½ x 2½. Inner v.

Taxation

86. INHERITANCE TAX BOOK—STATE OF NEW HAMPSHIRE, 1910--.
4 vols. Prior records not kept.
Inheritance tax record, 1910-18, showing date of bond, names of decedent, and town, and name and address of administrator or executor; 1919-24, showing date, name of decedent and town, date sent, name and address of administrator or executor, and kind of bond; 1924--, showing name and address of decedent, date of decease, date of probate of will or appointment of administrator or executor with name and address, condition of bond, and dates inventory filed in court and copy sent to State Treasurer. 2 vols., 1910-24, arr. alph. by name of decedent; 1 vol., 1924-33, no obvious arr.; 1 vol., 1933--, arr. chron. by date of probate of will or appointment of administrator or executor. No index. 2 vols., 1910-24, hdw. on ptd. headings; 2 vols., 1924--, hdw. in pencil. 200 pp. 13 x 10¾ x 1. 2 vols., 1910-24, inner v.; 1 vol., 1924-33, outer v.; 1 vol., 1933--, off.

IX. SHERIFF (COUNTY CRIER)

The sheriff, a traditional officer of old England has early mention in New Hampshire history. In 1682 Lieutenant-Governor Edward Cranfield was empowered to appoint a sheriff.[1] In 1686 Sir Edmund Andros, Governor of the Dominion of New England, was instructed to appoint able men of estate, "Wel affected to Our Government,"[2] It was further stipulated that the sheriff should not be removed without good and sufficient cause.[3] In 1702 it was required that sheriffs must be "men of good Life."[4] When New Hampshire was organized as a royal province in 1692, the commission of Governor Allen granted him the same power of appointing sheriffs that had been accorded to the executives of the New England Dominion.[5] The Governor was not allowed to execute the sheriffs' office by deputy or to allow any person to execute more than one office by deputy.[6] In 1701 a fine of fifty pounds might be

1. Laws of New Hampshire, 1:51 (1682).
2. Ibid., 1:157 (1686).
3. Ibid., 1:161 (1686).
4. Ibid., 2:15 (1702).
5. Ibid., 1:505 (1692).
6. Ibid., 1:512 (1692).

levied against any unauthorized person that pretended to be a sheriff.[1]

In the early eighteenth century, when all able bodied men, and even boys, were liable to military duty, the sheriff was one of the few exempt from such duty by virtue of his office.[2]

By the act of 1769 which organized New Hampshire counties, including Grafton, the sheriff ceased to be a provincial officer and became a county officer.[3] In 1776 it was provided that sheriffs should "hold and exercise within their respective Counties the same Power and Authority, as [they] held and exercised" prior to the establishment of the new government.[4]

All civil and military officers, deputy sheriffs, under sheriffs and jail keepers were required to take and subscribe an oath of fidelity to the state by an act of February 1, 1778.[5]

Under the constitution of 1784 the President (Governor) and Council were to appoint all sheriffs.[6] An act of 1818 required a sheriff to deposit with the Secretary of State an attested record of the time of his birth, or an affidavit stating the place of his birth and age at the time of his appointment.[7] The sheriff's term of office was fixed at five years in 1799.[8] At the present time the voters of each county elect a sheriff biennially;[9] the first biennial election of the sheriff occurred in 1878.[10] In 1799 the sheriff was made "subject to be removed by the Senate by impeachments and by the Governor with Consent of Council upon the address of both houses of the Legislature."[11] At the present time the superior court has the power of removal for official misconduct, and the power to fill vacancies.[12]

The state Constitution adopted in 1792 provided that a sheriff could not hold office after he had attained the age of seventy years;[13] the same provision is in force at the present time.[14] The sheriff is prohibited from acting also as judge of probate, register of deeds, county solicitor, county treasurer, or county commissioner.[15]

In 1714 the sheriff was required to give bonds to the Queen in the sum of two thousand pounds.[16] An act of 1791 required him to give a bond of between one and three thousand pounds.[17] A bond of twenty thousand dollars to the state was required in 1813.[18] It was enacted in 1814 that a person

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1. Laws of New Hampshire, 1:685-686 (1701).
2. Ibid., 2:286 (1718).
3. Ibid., 3:526 (1769).
4. Ibid., 4:34-35 (1776).
5. Ibid., 4:108 (1777) .
6. B. P. Poore, Federal and State Constitution, (Washington, 1877), 2:1288.
7. Laws of New Hampshire, 8:739 (1818).
8. Ibid., 6:584 (1799).
9. Public Laws of New Hampshire, ch. 36, sec. 1 (1926).
10. New Hampshire Laws of 1877, ch. XXXIII, sec. 2.
11. Laws of New Hampshire, 6:584 (1799).
12. Public Laws of New Hampshire, ch. 36, secs. 7-8 (1926).
13. New Hampshire Constitution, art. 77 (78), (1792).
14. Public Laws of New Hampshire, ch. 18, sec. 2 (1926).
15. New Hampshire Constitution, art. 93 (94), (1792); Public Laws of New Hampshire, ch. 165, sec. 2 (1926).
16. Laws of New Hampshire, 2:145 (1714).
17. Ibid., 5:608 (1791).
18. Ibid., 8:259 (1813).

(Next entry 87, p. 106)

injured by the malfeasance, misfeasance or nonfeasance of a sheriff or his deputy could cause a suit to be instituted against the sheriff's bond in the name of the State Treasurer.[1] An act of 1829 provided that the sheriff of Grafton County should furnish a bond of twenty thousand dollars to the county.[2] By an act of 1919, it was stipulated that the bond of the sheriff of any county should be approved by the presiding justice of the superior court for that county;[3] this stipulation still holds.[4] The bond is not to exceed twenty thousand dollars.[5] The county pays the premium.[6]

A law of 1768 established the fees to be paid the sheriff for performing the various duties of his office.[7] Other laws relating to the sheriff's fees have been enacted from time to time.[8]

The salary of the sheriff of Grafton County was set at four hundred dollars in 1889.[9] It became six hundred dollars in 1907[10] and eight hundred dollars in 1925.[11] The present salary is one thousand dollars.[12]

The sheriff, on June 14, 1701, was given power to demand necessary assistance in the performance of his duties.[13] He was again empowered to command assistance in 1791. A person who refused was liable to a fine of forty shillings or four hours in the stocks.[14] At the present time, any officer authorized to make arrests, or serve process, may command suitable aid. Refusal to render such aid is punishable by a fine of not exceeding twenty dollars.[15] An enactment of 1791 allowed the sheriff to appoint a deputy, or deputies, for whose conduct he would be accountable.[16] During vacancies in the office of sheriff, the deputies were to continue the business of the office in the name of the sheriff.[17] Before becoming valid, deputations and dismissals of deputy sheriffs were to be recorded in the court of common pleas.[18] At the present time, the sheriff may appoint any number of deputies he believes necessary. The sheriff is liable for the conduct of his deputies and he may dismiss them at will.[19] Sheriffs and their deputies are exempt from jury service.[20]

It would be well, at this point, to mention the county crier, an ancient office related to the sheriff. A clue to the crier's duties in 1714 is obtained from a listing of that official's fees: he was given six pence for

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1. Laws of New Hampshire, 8:331-332 (1814).
2. Ibid., 10:19 (1829).
3. New Hampshire Laws of 1919, ch. 111.
4. Public Laws of New Hampshire, ch. 37, sec. 3 (1926).
5. Ibid., ch. 37, sec. 2 (1926).
6. New Hampshire Laws of 1931, ch. 120.
7. Laws of New Hampshire, 3:490-491 (1768).
8. For example, Ibid., 5:616-617 (1791); New Hampshire Laws of 1841, ch. DCXV; New Hampshire Laws of 1917, ch. 44; Public Laws of New Hampshire, ch. 324, sec. 28 (1926).
9. New Hampshire Laws of 1889, ch. 40, sec. 4.
10. New Hampshire Laws of 1907, ch. 11.
11. New Hampshire Laws of 1925, ch. 74.
12. Public Laws of New Hampshire, ch. 324, sec. 27 (1926).
13. Laws of New Hampshire, 1:685 (1701).
14. Ibid., 5:608-609 (1791).
15. Public Laws of New Hampshire, ch. 324, sec. 10 (1926).
16. Laws of New Hampshire, 5:608 (1791).
17. Ibid., 5:785 (1791).
18. Ibid., 6:370 (1796).
19. Public Laws of New Hampshire, ch. 324, secs. 1, 25-26 (1926).
20. General Laws of New Hampshire, ch. 213, sec. 3 (1878); Public Laws of New Hampshire, ch. 321, sec. 3 (1926).

calling the jury; twelve pence for a default or non-suit; and twelve pence for a verdict.[1] That the crier had the same duties in 1768 is proved by a listing of his fees in that year.[2] Similar lists in 1791 and 1796 mentioned the defaults, non-suits, and verdicts, but failed to refer to calling the jury.[3] An enactment of 1805 stated that the clerk of the court of common pleas should pay the crier's fees in all cases connected with the court.[4] In 1816 it was enacted that the fees which previously had been paid to the crier were to be turned into the county treasury. The crier, however, was to receive the sum of $2.50 per day to be paid by the county treasurer.[5] This fee was reduced to $2.00 in 1820.[6] The office disappeared relatively early in the nineteenth century. The crier for Grafton County last listed in the New Hampshire Register was for the year 1834.[7]

The provincial sheriff was involved in a rather unusual law passed in 1768. Under the pretext of celebrating the anniversary of the defeat of the Gunpowder Plot, idlers and rioters surrounded "Peoples doors with Clamor & rudely Demanding money or Liquor making mock Shows of the Pope & other Exhibitions making bonfires Whereby buildings are in Danger in Populous places & Stealing Materials for such fires with many other Irregularities which Disturb the Peace of Such places * * *." The disorders were to be surpressed; it should "be Lawful for any Justice of the peace Judge of the Superior Court of Judicature Inferior Court of Common pleas or the Sheriff of the Province Upon their own View, or the Information of any credible Witness to Cause any such Offenders or Offender to be brought before him & on Conviction to Commit the Offender [for forty-eight hours] unless they shall upon warning * * * by any householder * * * Immediately Disperse & Retire."[8] This act was revived three years later. The preamble to the reviving act stated that the original law had "been found by experience to be very useful, by effectually surpressing the licentious Practices prohibited therein * * *."[9]

The sheriff, by an act of 1792, might tatoo persons convicted of stealing livestock by one line over the eyebrows from temple to temple and another line from the centre of the first line to the end of the nose.[10]

At the time of the War for American Independence various emergency duties were vested in the sheriff. He was required to seize, by warrant, from persons refusing to sell at a reasonable rate, any goods needed by the American military or naval forces.[11] An enactment directed the sheriff to make inquiry as to the prices of sundry regulated articles. In case the prices varied from those fixed by law the sheriff informed or prosecuted by complaint to the majority of the selectmen.[12] The sheriff was authorized and

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1. Laws of New Hampshire, 2:150 (1714).
2. Ibid., 3:491 (1768).
3. Ibid., 5:617 (1791); 6:384 (1796).
4. Ibid., 7:414 (1805).
5. Ibid., 8:580 (1816).
6. Ibid., 8:1008 (1820).
7. New Hampshire Register 1835, 72.
8. Laws of New Hampshire, 3:514-515 (1768).
9. Ibid., 3:542 (1771).
10. Ibid., 10:268 (1831).
11. Ibid., 4:81 (1777).
12. Ibid., 4:90-91 (1777).

required to execute all warrants against deserters, harborers of the same, and persons accused of the embezzlement of government goods. In the case of a known deserter the sheriff could apprehend without waiting for process of law.[1] He was charged, by an act of 1778, to arrest and carry before a justice of the peace, within the same county certain specified individuals who had joined, or were suspected of intending to join, the enemies of the United States. These persons included John Wentworth, Benning Wentworth, and Major Robert Rogers (of Roger's Rangers).[2] Upon orders from the judge of the court maritime, the sheriff was directed to complete the jury in prize cases with "good and lawful men present" whenever the panel was not full.[3] He was also authorized upon precept from the same judge to sell prize vessels or cargoes at a public vendue.[4] The naval officer, whenever searchers sent by him should meet resistance from ship-masters, could require the sheriff to render aid.[5] Prisoners of war were to be delivered to the county jail, unless there was a nearby "Commissary of prisoners". The sheriff or jailer was to report to the President of the Council the number and names of prisoners immediately after their arrival.[6] By an act of 1781 the sheriffs were commanded to execute warrants against the selectmen of towns delinquent in supplying their quota of rum to the army.[7] Sheriffs also were ordered to make returns of executions against towns delinquent in the raising of recruits for the army.[8] An act of 1790 directed sheriffs to keep Federal prisoners in county jails at the cost of the central government, and it obligated them to return to the county treasurer all money thus received, except fees for committing and discharging the prisoners.[9]

In 1692 it was specified that "all process & writs of what nature soever" summoning persons to appear in the court of common pleas, and orders to carry into effect the judgments and executions of that court should be directed to the sheriff and executed by him or by his deputy.[10] Writs now returnable either to the Supreme or superior court are directed to the sheriff or his deputy.[11]

A law of 1829 required the sheriff to account to the county treasurer for all fines and forfeitures imposed by the court of common pleas and the superior court.[12] By an act of 1859 the sheriff was obligated at least once every year to settle his account of the public funds in his possession.[13] An act of 1865 required the sheriff to account to the county commissioners for the collection of all processes delivered to him by the clerk of court. He was required to charge himself with the full amount of all fines to be collected from the processes and pay the same to the county treasurer. He was credited

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1. Laws of New Hampshire, 4:93 (1777).
2. Ibid., 4:177-179 (1778).
3. Ibid., 4:28 (1776).
4. Ibid., 4:29 (1776).
5. Ibid., 4:186 (1778).
6. Ibid., 4:284-285 (1780).
7. Ibid., 4:418 (1781).
8. Ibid., 4:486 (1782).
9. Ibid., 5:479 (1790).
10. Ibid., 1:542-543 (1692).
11. Public Laws of New Hampshire, ch. 330, sec. 3 (1926).
12. Laws of New Hampshire, 10:22 (1829).
13. New Hampshire Laws of 1859, ch. 2437, sec. 1.

Sheriff (County Crier) (Next entry 87, p.106)

with fines from those processes which he could prove were irrecoverable.[1]

At the present time, the sheriff is accountable to the county commissioners for all county funds in his possession "and for fines, forfeitures and costs, for which warrants or other process are issued to him by the clerk [of court], unless he satisfies the commissioners that the same have not been and cannot be collected."[2]

The sheriff, with various other county officials, was required, in 1878, to make an annual report which was to be printed and distributed for the information of the taxpayers.[3] The sheriff is one of the county officials who at the present time is required to contribute to the annual printed county reports.[4]

Under the Constitution of 1784, it was the duty of the sheriff to deliver to the Secretary of State the votes for state President (Governor) and state Senators which he received from the towns.[5] The sheriff was liable to a fine of twenty pounds for every occasion on which he was delinquent in the return of votes.[6] By an enactment of 1857, the sheriff was relieved of the responsibility of returning votes to the Secretary of State.[7]

A law of 1794 gave the sheriff the same power of collecting taxes in unincorporated places that collectors had in towns.[8] At the present time, whenever an unorganized place lacks officers qualified to assess and collect taxes, or whenever the name of the collector is not returned to the treasurer of the state or county by December thirty-first, "such treasurer" shall assess the tax and commit the same to the sheriff.[9]

An act of 1777 required the sheriff to execute any sentence of death passed by the justices of the superior court.[10] Later he was merely required to be present at executions unless prevented by "sickness or other unavoidable casualty." He was to designate two deputies to be present, and he might require any extra aid that he deemed necessary.[11] In 1885 it was provided that the scaffold and gallows of the State Prison might be used by the sheriffs without charge.[12] At the present time, sentences of death are executed within the walls or yard of the State Prison. The sheriff of the county where the condemned person was convicted, and two of his deputies, must be present, if possible.[13]

Custody of her majesty's jail in Portsmouth was given to the provincial sheriff in 1714.[14] Under an act of 1791, the sheriff was to have custody of all prisoners in the county jail.[15] An act of 1813 stated that the sheriff

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1. New Hampshire Laws of 1865, ch. 4077, sec. 7.
2. Public Laws of New Hampshire, ch. 324, sec. 15 (1926).
3. New Hampshire Laws of 1878, ch. 44.
4. Public Laws of New Hampshire, ch. 41, sec. 1 (1926).
5. Poore, op. cit., 2:1285, 1287-1288.
6. Laws of New Hampshire, 5:112-113 (1786).
7. New Hampshire Laws of 1857, ch. 1972.
8. Laws of New Hampshire, 6:172-173 (1794).
9. Public Laws of New Hampshire, ch. 67 (1926).
10. Laws of New Hampshire, 4:74 (1777).
11. New Hampshire Laws of 1836, ch. CCLXXIII, sec. 5.
12. New Hampshire Laws of 1885, ch. 91.
13. Public Laws of New Hampshire, ch. 369, sec. 7 (1926).
14. Laws of New Hampshire, 2:145 (1714).
15. Ibid., 5:608 (1791).

should have custody of all jails in his county.[1] The custody of county jails is still vested in the sheriff, except where the jail is located on the county farm, in which case the superintendent of the county farm has charge.[2]

In 1699 the sheriff was commanded to impanel and return jurors. He was to "cause each person named in his Pannel to be duly Summonded and Warned to attend the Service of the Court * * *."[3] In 1726 it was specified that jury summons to be valid must be delivered to a person or left at his abode by the sheriff or a deputy and that the sheriff should make return to the clerks of the respective courts.[4] At a later date the sheriff and coroner respectively were authorized to fill up a jury by returning talesmen as the case might require.[5] If a sufficient number of grand jurors did not appear at the court of general sessions of the peace or superior court of judicature the said courts could order the sheriff to return grand jurors from persons present.[6] At the present time, the clerk of the superior court issues writs of venire facias to the clerks of such towns as the court may direct for the return of a specified number of jurors. The writs are to be delivered to the town clerk twenty-five days, or to the sheriff forty days, prior to the sitting of the court. Such venires as the sheriff shall receive must be delivered by him to the clerk twenty-five days before the court meets.[7] At the command of the court, the sheriff, or other officer, may return jurors from those present.[8] Grand jurors shall be procured in the same way as trial jurors; when ordered by the court the sheriff, or other officer, may return not exceeding five talesmen.[9]

An act of June 18, 1747 required the sheriff to arrest persons using profane language in his presence and to testify against them.[10] In April, 1754 the sheriff was empowered to order the dispersing of any unlawful group or assembly, and was authorized to require the assistance of any able person in the performance of such an act. Those responsible for such disturbances were to be arraigned before a justice of the peace for trial in a higher court.[11] An act for the better observation of Sunday in 1785 provided that no one should work, travel, or keep open places of entertainment on that day; and required the sheriff to inform a justice of the peace of all breaches of this act and to apprehend such persons upon receiving a warrant.[12] On July 3, 1838 sheriffs or their deputies were directed to bring before a justice of the peace any person who should wilfully interrupt or disturb a religious meeting, or who should illegally sell liquor, provisions, or goods within two miles of a public religious assembly.[13] On July 10, 1846 sheriffs and deputy sheriffs were forbidden to arrest, detain, or imprison any person suspected of being a fugitive slave unless such sheriff or deputy held a commission from the government of the United States.[14] At present the sheriff possesses general police

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1. Laws of New Hampshire, 8:259 (1813).
2. Public Laws of New Hampshire, ch. 397, sec. 9 (1926); New Hampshire Laws of 1931, ch. 112.
3. Laws of New Hampshire, 1:657-658 (1699).
4. Ibid., 2:392-393 (1726).
5. Ibid., 5:69 (1785).
6. Ibid., 5:586 (1791).
7. Public Laws of New Hamphire, ch. 321, secs. 8-9 (1926).
8. Ibid., ch. 321, sec. 24 (1926).
9. Ibid., ch. 367, sec. 2 (1926).
10. Laws of New Hampshire, 3:30 (1747).
11. Ibid., 3:77-78 (1754).
12. Ibid., 5:75-76 (1785).
13. New Hampshire Laws of 1838, ch. CCCLXXXII.
14. New Hampshire Laws of 1846, ch. 315.

powers; and by virtue of a warrant may arrest persons offending against the law, or may arrest without a warrant, upon view of an offence. He must bring the offender before the proper court as quickly as possible.[1] It is the duty of the sheriff to break up riots, and he may summon military assistance for that purpose.[2]

A sheriff, discovering any person illegally transporting liquor in any vehicle, must seize the liquor, take possession of the vehicle, arrest whoever may be involved, and proceed against such person or persons in any court of competent jurisdiction. Without a warrant, however, he is not authorized to stop any vehicle on a public highway in order to search for intoxicating liquor, unless he has "reasonable cause to believe" that the vehicle is at that time being used for illegal transportation.[3] Any person operating a vehicle in the legal transportation of alcoholic beverages must produce his permit on demand of the sheriff.[4]

There are no records in the hands of the present sheriff of Grafton County, but a sheriff's docket, 1901 - March 31, 1939, is retained by the former sheriff, Claude M. Murray, Canaan. A record of deputations is found in the clerk of court's vault, Woodsville courthouse.

87. SHERIFF DOCKET, 1901-March 31, 1939. 3 vols. Prior records not kept. Discontinued due to change in office of sheriff.

Record of writs and processes served: date, names of attorneys and parties concerned, date and place of court, dates of attachment and summons, number of miles travelled, fee and costs of service of writ, total fees, and remarks. Also contains:

a. Report of sheriff's sales, showing date, name of debtor, list of articles taken, advertisement and notice of posting of sale, time and place of sale, fees, service, travel, description of property to be sold, proceeds of sale, amount of bills to be paid including those due tax collector, and total amount left to debtor.

b. Writs of attachment, sheriff's copy, showing information as in entry 54.

Arr. chron. by date of entry. No index. Hdw. on ptd. headings. 145 pp. 14 x 8½ x 1½. Res.

88. GRAFTON SS. - SHERIFFS RECORDS [Deputations], 1809--. 7 vols. Prior records missing. Title varies: Sheriffs Deputations; Record.

Appointments of deputy sheriffs, showing salutation, oath, date of appointment, names of sheriff and appointee, and term of office. Arr. chron. by date of appointment. No index. Hdw. and hdw. on ptd. forms. 200 pp. 14 x 10 x 2. Clerk's v.

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1. Public Laws of New Hampshire, ch. 364 (1926).
2. Ibid., ch. 374, secs. 1, 3 (1926).
3. New Hampshire Laws of 1935, ch. 148.
4. New Hampshire Laws of 1933, ch. 99, sec. 34.

(Next entry 89, p. 109)

X. MEDICAL REFEREE (CORONER)

Since coroners had been appointed in England from the close of the twelfth century,[1] it is not surprising that an office so long established should appear among the English settlements in the New World. While the office of coroner is not mentioned in the commission organizing New Hampshire as a royal province (1692),[2] an enactment of August 7, 1699 provided that the coroner might impanel and return the jury, and serve writs, in cases where the sheriff was concerned.[3] When counties appeared in New Hampshire in 1769, the coroner became a county officer;[4] but there is no evidence that this office appeared in Grafton County in the very earliest years that followed the act organizing autonomous government in that county. It is certain, however, that Grafton County had the office of coroner by 1786. There were sixteen coroners at that time.[5] By authority of the Constitution of 1792 the coroner received his office by appointment from the Governor and Council.[6] He had to be sworn to the faithful performance of his duty, prior to assuming office, by some justice of the peace in his county.[7]

In 1903 the Legislature replaced the office of coroner with that of medical referee, and in making the appointments for that position, the Governor and Council were directed to select "able and discreet men, learned in the science of medicine." This qualification is not more specific at the present day; even now it is not stipulated that referees hold medical degrees.[8]

From July 3, 1829, coroners--and later, the medical referees--held their office subject to removal by act of the Senate, or upon cause, by the Governor and Council.[9] In 1903 it was stipulated that, when the medical referee for the county was ill or unable to perform his duties, the county solicitor should designate a referee from an adjoining county to act in the particular instance.[10] At present, however, each referee is required to deputize a competent physician to act for him when he, for any reason, is not available.[11]

An act of June, 1829 established a five-year term of office for coroners.[12] Under the title of medical referees the same five-year term has continued to date.[13] In 1905 the law required three referees to be appointed for Grafton County, and three are still appointed.[14]

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1. G. M. Trevelyan, History of England, (London, 1926), 166.
2. Laws of New Hampshire, 1:501-508 (1692).
3. Ibid., 1:658 (1699).
4. Ibid., 3:526 (1769).
5. New Hampshire Register 1787 (pages not numbered).
6. New Hampshire Constitution, art. 45 (46), (1792).
7. Laws of New Hampshire, 6:142-143 (1794).
8. New Hampshire Laws of 1903, ch. 134, sec. 1; Public Laws of New Hampshire, ch. 376, sec. 1 (1926).
9. Laws of New Hampshire, 10:54 (1829); New Hampshire Laws of 1903, ch. 134, sec. 3; Public Laws of New Hampshire, ch. 376, sec. 3 (1926).
10. New Hampshire Laws of 1903, ch. 134, sec. 2.
11. New Hampshire Laws of 1907, ch. 97; New Hampshire Laws of 1911, ch. 181; Public Laws of New Hampshire, ch. 376, sec. 5 (1926).
12. Laws of New Hampshire, 10:54 (1829).
13. Public Laws of New Hampshire, ch. 376, sec. 3 (1926).
14. New Hampshire Laws of 1905, ch. 60, sec. 1; New Hampshire Register 1939, 18.

Medical Referee (Coroner) (Next entry 89, p. 109)

In the eighteenth century the coroner met certain obligations not now included among the duties of the medical referee. For instance, in 1747 he was expected to inform a justice of the peace upon hearing any person use profane language, and help to secure the conviction of the offender.[1] He was also expected to call a justice's attention to any profanation of the Sabbath.[2] The coroner's power to make arrests is shown negatively by an act of 1846 which forbade various officers, including coroners, from arresting or detaining alleged fugitive slaves.[3]

A coroner has always been expected to conduct inquests of felonies and deaths of a suspicious nature, even though this activity was eventually limited. An enactment of 1823 required the coroner, before holding an inquest, to receive the consent of a majority of selectmen from the town in which the death had occurred.[4] An 1876 law stipulated that, before proceeding to investigate a death of a suspicious nature, the coroner must receive a written request from the selectmen.[5]

In 1903, when the coroners evolved into medical referees, new provisions were made concerning their duties, and some of the older provisions were clarified. The duties as outlined then have remained substantially the same down to the present time. Upon receipt of notice that death by a supposed violent or unlawful act had occurred within his county, the medical referee is to view the body as soon as possible, and inquire into the cause and manner of death. If it should seem to him that further examination should be made, he is to notify the county solicitor, and the county solicitor or the Attorney-General may authorize the holding of an autopsy and the removal of the body. This autopsy is to be made by a pathologist of the State Laboratory of Hygiene in the presence of the medical referee and such other persons as the referee may designate as witnesses, and a detailed report of the finding of the body and autopsy, with names and addresses of any witnesses giving evidence mentioned in the report must be made out for the solicitor and Attorney-General by the medical referee. A report of the death, with a personal description of the deceased for possible identification, must be made out for the clerk of the city or town where the death occurred.[6]

The Attorney-General or county solicitor may deem it necessary, judging from the information contained in the medical referee's report, to direct an inquest. Testimonies of witnesses during the inquest must be reduced to writing. While the solicitor or Attorney-General may examine the witnesses under oath, the medical referee presides at the inquest and is responsible for the transcription of testimony. To this end he is permitted to employ a clerk or stenographer to do any necessary writing connected with the investigation. He must make a full report of his conclusions in the case, submitting copies to the superior court in his county, to the solicitor, or to the Attorney-General.[7]

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1. Laws of New Hampshire, 3:30-31 (1747).
2. Ibid., 5:76 (1785).
3. New Hampshire Laws of 1846, ch. 315.
4. Laws of New Hampshire, 2:320 (1718); 9:179 (1823).
5. New Hampshire Laws of 1876, ch. XIX.
6. New Hampshire Laws of 1903, ch. 134, secs. 5-6; Public Laws of New Hampshire, ch. 376, secs. 7-16 (1926).
7. New Hampshire Laws of 1903, ch. 134; New Hampshire Laws of 1905, ch. 60; Public Laws of New Hampshire, ch. 376, secs. 17-19 (1926).

The medical referee is then expected to deliver the body to relatives or friends of the deceased. If the body is unidentified or unclaimed, it is to be buried at public expense unless the county commissioners or the overseer of the poor in the town have given their consent to have the body sent to the medical department of Dartmouth College. The medical referee has charge of money and other personal property found with the body of the deceased and will, at the conclusion of his investigation, deliver the same to individuals entitled to receive them. In the event of doubt as to the identity of the rightful owner, the referee is charged to seek and accept instructions from the judge of probate.[1] After bringing his case to a conclusion, the referee submits an account of his expenses, including his fees, to the county solicitor for auditing and approval before payment by the county treasurer.[2]

The record books, blank returns, and other papers to be used by the medical referees are determined by the Attorney-General and Secretary of State, printed at the expense of the state, and distributed to the medical referees. Medical referees must keep their records open for inspection by the Attorney-General and the county solicitor.[3]

At present, the only records of the medical referees for Grafton County are their reports to the county solicitor which are in the custody of the Attorney-General, State House, Concord. They are located in the Attorney-General's office and in the basement.

89. [Reports of Medical Referee] COUNTY SOLICITOR, GRAFTON COUNTY, 1912--. 1 packing case, 1 folder in 1 f. d. (unlabeled, 1 packing case, 1912-23; labeled Old Business 246A-813F, 1 folder in f. d., 1924--). Prior records missing. Survey workers not permitted to examine packing case containing records 1912-23.

Reports of medical referees to county solicitor containing records of autopsies: names of state and Attorney-General, reasons for autopsy, name and age of deceased, supposed cause of death, authority to perform autopsy; time, date, month, and year autopsy made; names and addresses of witnesses, description of clothing; body markings: condition of chest, abdomen, and head; pathological findings and cause of death; record of articles taken from body: date, names of referee, county, and deceased, place of death, description of property, signature and address of relative, and signatures of witnesses; record of expenses of referee; name of deceased if known, time, place, and date of autopsy, circumstances of death, to whom body delivered, itemized statement of expenses, and signature of referee; and record of inquisition: date, time, place, name of referee, name and address of deceased if known, findings of referee as to cause of death, date of death, and signature of referee. Arr. chron. For index, see entry 90. Hdw. and typed on ptd. forms, and typed. Folder, 10 x 13 x 1; f. d., 11 x 16 3/4 x 25. Packing case, 1912-23, bsmt.; 1 folder in f. d., 1924--, off.

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1. New Hampshire Laws of 1903, ch. 134; Public Laws of New Hampshire, ch. 376, secs. 23-25 (1926).
2. New Hampshire Laws of 1903, ch. 134, secs. 11-12; Public Laws of New Hampshire, ch. 376, sec. 26 (1926).
3. New Hampshire Laws of 1903, ch. 134, sec. 14; Public Laws of New Hampshire, ch. 376, secs. 30-32 (1926).

90. [INDEX TO REPORTS OF MEDICAL REFEREES], 1912--.
5 f. b. (labeled by inclusive letters of the alphabet).

Index to medical referees' reports of all counties, including [Reports of Medical Referee] County Solicitor, Grafton County, entry 89, showing name of deceased, date of report, and number or name of folder containing report. Arr. alph. by name of deceased. Typed. 4 x 5 3/4 x 16. Off.

XI. SOLICITOR

The office of county solicitor is substantially that of prosecuting attorney, since the solicitor must appear in behalf of the county and the state, in the absence of the Attorney-General or when so instructed by him in any or all cases in his respective county in which the county or state may be a party.[1]

In the provincial period there was one solicitor for the entire province known as the Attorney-General or King's Attorney.[2] While the act which instituted local government in Grafton County[3] did not mention the office of solicitor, Grafton County had that office by 1794.[4]

A law of 1789 made the office of county solicitor an appointive one, and vested the power of appointment in the Governor and Council.[5] In 1877 the office was made elective by an amendment to the constitution.[6] A law amplifying the amendment stated that the first election should occur in November 1878.[7] A law of July 5, 1878 provided that county solicitors should assume office the first Wednesday in June.[8] In 1917 it was provided that the solicitor should assume office the first of April next succeeding his election.[9] The office of solicitor is still an elective one,[10] with the term of office beginning on the first of April, except that in Coos and Merrimack Counties the term begins on the first of January.[11]

In 1799 an act was passed setting the tenure of office at five years.[12] The tenure was set at two years in 1879,[13] and the same holds true at the present time.[14]

No person is eligible to the office of county solicitor unless he is a resident of the county for which he is chosen. No person shall hold the office of county solicitor at the same time with that of sheriff, county treasurer, register of deeds, register of probate or county commissioner.[15]

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1. Public Laws of New Hampshire, ch. 16, sec. 19 (1926).
2. W. H. Fry, New Hampshire as a Royal Province, (New York, 1908), 468.
3. Laws of New Hampshire, 3:587-588 (1769).
4. New Hampshire Register 1795 (pages not numbered.)
5. Laws of New Hampshire 5:463 (1789).
6. New Hampshire Constitution, art. 70 (71), (1792). (Provision inserted 1877).
7. New Hampshire Laws of 1877, ch. XXXIII.
8. New Hampshire Laws of 1878, ch. 23, sec. 2.
9. New Hampshire Laws of 1917, ch. 9.
10. Public Laws of New Hampshire, ch. 16, sec. 18 (1926).
11. Ibid., ch. 36, sec. 1 (1926); New Hampshire Laws of 1939, ch. 107.
12. Laws of New Hampshire, 6:584 (1799).
13. New Hampshire Laws of 1879, ch. 1.
14. Public Laws of New Hampshire, ch. 36, sec. 1 (1926).
15. Public Statutes of New Hampshire, ch. 25, sec. 2 (1891); Public Laws of New Hampshire, ch. 36, sec. 2 (1926).

Solicitor

(Next entry 91, p. 117)

An act of June 28, 1841 awarded to the county solicitor of Grafton County fifty dollars for his services at each term of the court of common pleas at which he should perform the duties of the Attorney-General during the latter's absence.[1]

In January 1861 provisions were made for solicitors to be paid by their respective counties rather than by the state. The salary of the Grafton County solicitor was three hundred and fifty dollars per year.[2] In 1889 it was increased to six hundred dollars.[3] An act was passed in 1909 which provided that the salary of the county solicitor should be paid from the county treasury in equal quarterly payments.[4] In 1911 the salary of the Grafton County solicitor was increased to eight hundred dollars,[5] and in 1925 it was raised to twelve hundred dollars,[6] which is the sum allowed at the present time.[7]

According to the Revised Statutes of New Hampshire each solicitor was required by 1842 to give bond to the state in the penal sum of one thousand dollars, the bond to be kept by the Secretary of State.[8] In 1860 an act was passed increasing the amount of the bond to five thousand dollars,[9] which is the amount at the present time.[10] The premium is now paid by the county.[11]

If a vacancy occurs in the office, or if a solicitor is absent at any term of court or unable to discharge the duties of his office, the superior court is to appoint a solicitor for the time being.[12]

In 1836 solicitors were required to be present at the execution of sentences of death in their respective counties.[13] At the present time, the list of those persons whom the sheriff must request to attend executions includes "the attorney-general or solicitor."[14]

A law of 1907 stated that the board of health, if it had satisfactory evidence of the violation of the pure food laws, could report the facts to the county solicitor who should prosecute the violator.[15] At the present time the State Board of Health can prosecute through an authorized agent or make a complaint to a prosecuting officer if food and drug laws are violated.[16]

By an act of 1911 the county solicitor was to prosecute violations of acts relating to the sale of dairy products and butter substitutes.[17] At

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1. New Hampshire Laws of 1841, ch. DCIV.
2. New Hampshire Laws of 1861, ch. 2486.
3. New Hampshire Laws of 1889, ch. 40.
4. New Hampshire Laws of 1909, ch. 86.
5. New Hampshire Laws of 1911, ch. 12.
6. New Hampshire Laws of 1925, ch. 130.
7. New Hampshire Laws of 1937, ch. 117.
8. Revised Statutes of New Hampshire, ch. 13, secs. 6-7 (1842).
9. New Hampshire Laws of 1860, ch. 2348.
10. Public Laws of New Hampshire, ch. 37, sec. 2 (1926); New Hampshire Laws of 1931, ch. 120.
11. New Hampshire Laws of 1931, ch. 120.
12. New Hampshire Laws of 1937, ch. 38.
13. New Hampshire Laws of 1836, ch. CCCXXIII.
14. Public Laws of New Hampshire, ch. 369, sec. 7 (1926).
15. New Hampshire Laws of 1907, ch. 48, sec. 8.
16. Public Laws of New Hampshire, ch. 139, sec. 13 (1926); New Hampshire Laws of 1929, ch. 45.
17. New Hampshire Laws of 1911, ch. 71.

Solicitor (Next entry 91, p. 117)

the present time, the law states that if either the Commissioner of Agriculture, the State Board of Health or its agents, or the milk inspectors of cities or towns shall have information concerning the violation of regulations about oleomargarine such official shall inform the proper chief of police or the county solicitor for purposes of prosecution.[1]

The solicitor must prosecute every violation of the general provisions to ensure the purity of elections,[2] and the acts concerning political expenditures.[3] It is his duty to prosecute violations of the acts concerning cruelty to or neglect of children[4] and the employment of illiterates.[5] He must prosecute when selectmen fail to report the correct number of persons liable for military duty.[6]

Among the laws the violation of which the solicitor must prosecute are those concerning the regulation of horse racing,[7] the control of forest fires,[8] and the prevention of nuisances.[9] The solicitor, at the request of the Attorney-General, prosecutes violations of the act regarding unemployment compensation.[10] Whenever requested, the solicitor gives assistance and advice to parole officers and the various county officers.[11] The State Department of Public Welfare may request the solicitor to represent it and to furnish it with advice.[12]

The solicitor's report, within the annual printed county reports,[13] must include full statistics regarding crimes and misdemeanors committed in his county.[14] At the close of each term of court the solicitor must transmit to the county commissioners a list of all civil actions pending at the term of court involving the county with names of the parties, the nature and the amount of claims, and the progress made in each case, for neglect of which he is liable to a fine of twenty dollars.[15]

No records are kept by the solicitor of Grafton County.

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1. Public Laws of New Hampshire, ch. 163, sec. 50 (1926).
2. New Hampshire Laws of 1885, ch. 94; Public Laws of New Hampshire, ch. 33, secs. 2, 21-22 (1926).
3. Public Laws of New Hampshire, ch. 34, secs. 12-14 (1926).
4. Ibid., ch. 113, secs. 5, 11 (1926); New Hampshire Laws of 1937, ch. 152.
5. Public Laws of New Hampshire, ch. 118, sec. 47 (1926).
6. New Hampshire Laws of 1917, ch. 123, sec. 9; Public Laws of New Hampshire, ch. 124, sec. 13 (1926).
7. New Hampshire Laws of 1933, ch. 62, sec. 25; New Hampshire Laws of 1935, ch. 27, sec. 26.
8. New Hampshire Laws of 1927, ch. 50, sec. 32.
9. Public Laws of New Hampshire, ch. 360, secs. 3, 37 (1926).
10. New Hampshire Laws of 1937, chs. 178, 14 B.
11. New Hampshire Laws of 1935, chs. 66, 137.
12. New Hampshire Laws of 1931, ch. 165, sec. 7.
13. Public Laws of New Hampshire, ch. 41 (1926); New Hampshire Laws of 1931, ch. 47.
14. Public Laws of New Hampshire, ch. 16, sec. 24 (1926).
15. Ibid., ch. 16, sec. 25 (1926).

(Next entry 91, p. 117)

XII. COUNTY TREASURER

The act of county organization in 1769 did not mention the office of county treasurer, but the court of general sessions of the peace was authorized to raise money for the payment of county bills.[1]

The brief constitution of 1776 provided that the people of each county were to choose a treasurer annually. The votes for this officer were to be returned to the court of general sessions of the peace "there to be ascertained as the Council and Assembley shall hereafter direct."[2] Detailed provisions were made December 13, 1776 in regard to the handling and counting of votes.[3] An act of 1791 required that any person to be eligible for the office of county treasurer must be a resident of the county in which he sought office.[4] In 1802 the justices of the court of common pleas in each county were authorized to meet and choose a county treasurer, if a vacancy had occurred in the office and no provision had been made for filling the vacancy. The appointee, after giving bonds and being sworn, was to hold office until another was chosen and qualified.[5] An act of 1823 imposed a fine of not less than twenty nor more than fifty dollars upon any town clerk who neglected or refused to make a return of the votes for county treasurer.[6] In 1878 the county treasurer became a biennially elected official.[7] The treasurer is elected biennially at the present time. He takes office on April first succeeding the election.[8] The justices of the superior court, examine, count and record the votes and declare elected the person who has received the largest number.[9] In case of a tie the court appoints one of the candidates to the office and said candidate is duly declared elected.[10] The candidate must be a resident of the county in which he seeks office.[11]

The treasurer may be removed from office by the superior court for official misconduct.[12] If any person elected or appointed to the office refuses to serve, resigns, departs from the county, or becomes insane, the superior court may appoint a commissioner to perform the duties of the vacant office. Such commissioner is subject to the requirements and liabilities and entitled to the privileges and emoluments of the office.[13] If any treasurer through illness, accident, or absence from the state, becomes unable to perform his duties, the court may, on application of the solicitor or a majority of county commissioners, declare a temporary vacancy and fill the same for a certain time expressed in the appointment. The

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1. Laws of New Hampshire, 3:528 (1769).
2. B. P. Poore, Federal and State Constitutions, (Washington, 1877) 2:1280.
3. Laws of New Hampshire, 4:63-64 (1776).
4. Ibid., 5:743 (1791).
5. Ibid., 7:54 (1802).
6. Ibid., 9:202-203 (1823).
7. New Hampshire Constitution, art. 70 (71), (1792); New Hampshire Laws of 1877, ch. XXXIII.
8. Public Laws of New Hampshire, ch. 36, sec. 1 (1926).
9. Ibid., ch. 36, sec. 4 (1926).
10. Ibid., ch. 36, sec. 5 (1926).
11. Ibid., ch. 36, sec. 2 (1926).
12. Ibid., ch. 36, sec. 7 (1926).
13. Ibid., ch. 36, secs. 8-9 (1926).

court may shorten or extend the time if necessary and may award proper compensation to the appointee for services and expenses.[1]

By an enactment of 1776 county treasurers were required to furnish a bond of two thousand pounds, with ample sureties to the clerk of the court of general sessions of the peace.[2] In 1791 the bond was set at not less than three hundred nor more than ten thousand pounds.[3] An act of 1827 raised the amount of the bond to not less than two thousand and not more than fifty thousand dollars.[4] At present the treasurer must post a bond of not less than five nor more than fifty thousand dollars for the benefit of any person who may be injured by his neglect or misconduct. The premium of the bond is to be paid by the county.[5]

An act of 1835 set the compensation of the treasurer of Grafton County at one hundred and fifty dollars annually.[6] At present the salary is three hundred dollars per year,[7] and in addition the treasurer receives a twenty-five cent fee for each permit for motor vehicle registration that he issues to persons residing in unincorporated places.[8]

An act of 1781 authorized the county treasurer, when a town or place neglected to choose officers for assessing and levying its proportioned tax, to issue an execution to the sheriff directing him to procure the proportioned tax by selling the property of two or more named residents of the town or place.[9] Ten years later the county treasurer was instructed to issue an execution to the sheriff requiring him to sell the real or personal estate of deficient tax collectors to procure the sum committed to them for collection.[10] On February 22, 1794 the county treasurer was given the same authority as the State Treasurer in the collection of county taxes, and he was required to transmit the warrants for such to the sheriff. He was also given authority to collect taxes in those towns and places that were incapable of choosing town officers.[11]

At the present time, taxes granted by the county convention are payable to the county treasurer, who issues his warrants to the respective towns, making assessments for the taxes due and requiring the payment of these assessments on or before the first of December of each year.[12]

Executions issued by a county treasurer, under his hand and seal, in cases authorized by law, are to be deemed executions against the person and property. Towns, selectmen, tax collectors and property owners are liable to extents where the town officers are delinquent in assessing, collecting and paying county taxes set forth in the county treasurer's warrant.[13] Taxes for unorganized places, where no other arrangements have been made, are assessed to the proprietors in one sum by the county treasurer, unless he is

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1. New Hampshire Laws of 1937, ch. 38.
2. Laws of New Hampshire, 4:64 (1776).
3. Ibid., 5:743 (1791).
4. Ibid., 9:643 (1827).
5. Public Laws of New Hampshire, ch. 37, secs. 2, 4-5 (1926).
6. Laws of New Hampshire, 10:655 (1835).
7. New Hampshire Laws of 1939, ch. 11.
8. Public Laws of New Hampshire, ch. 100, sec. 17 (1926).
9. Laws of New Hampshire, 4:387 (1781).
10. Ibid., 5:638 (1791).
11. Ibid., 6:172-173 (1794).
12. Public Laws of New Hampshire, ch. 39, sec. 10 (1926).
13. Ibid., ch. 71, secs. 1-4 (1926).

(Next entry 91, p. 117)

notified prior to December 31 that the property has been divided. He commits the taxes to the sheriff, who is liable to an extent for delinquency on his part.[1] The balance of the state income tax in the State Treasurer's hands on December 31 of each year is to be distributed by him to the cities, towns and unorganized places. The county treasurer receives a proportionate share when the owner of a taxable income resides in an unorganized place.[2]

An act of 1843 stipulated that when the money in the county treasury was insufficient to meet the demands, the treasurer, upon an order of the court of common pleas, was to borrow such sums as were necessary. He was authorized to bind the county for repayment.[3] At the present time, the county commissioners, upon the authorization of the county convention, issue bonds to raise money for county uses. The bonds are countersigned by the treasurer.[4]

An act of 1855 stated that the proceeds derived from the sale of any confiscated liquor were to be deposited with the treasurer and were to be paid to a trustee, appointed by the court of common pleas, for the use of the wife and children of the former owner provided the court was satisfied of their need.[5] At present the proceeds of the sale of any liquor, bottles, cases and automobiles, seized for violations of the liquor regulations, are paid into the treasury of the county in which the case was tried after deducting the expenses of seizure and proceedings. The treasurer receives the proceeds of any liquor or beverage taken from the person or car of anyone convicted of drunken driving.[6]

An act of 1795 stated that all sums, allowed by courts for the apprehending of offenders against the laws of the state, should be drawn on the county treasury.[7] At present, the commissioners of any county have the power of offering a reward, not exceeding three hundred dollars, to be drawn from the county treasury for the apprehension of any person or persons charged with a capital or other high crime.[8]

In 1831 the court of common pleas was empowered to order the county, through which a highway was to run, to bear a portion (not to exceed one-half) of the cost of the highway. The court was authorized to draw its orders upon the treasurer of the county for the sum necessary.[9] The county treasurer was obligated in 1839 to honor any order by the court of common pleas for money for the use of the towns in supporting a public highway, which the court considered too heavy a burden for the town. The sum, however, could not exceed one-half of the total expense.[10] At the present time "The superior court, on petition and notice to the county commissioners, may order any part of the expense of repairing a highway to be paid by the county, when the whole would be burdensome to the town, or when the county convention has recommended such order." The court is to draw its order upon the county treasurer for the sum necessary.[11]

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1. Public Laws of New Hampshire, ch. 67, secs. 1-3 (1926).
2. New Hampshire Laws of 1929, ch. 32.
3. New Hampshire Laws of 1843, ch. 34, sec. 1.
4. Public Laws of New Hampshire, ch. 38, sec. 21 (1926).
5. New Hampshire Laws of 1855, ch. 1658, sec. 22.
6. New Hampshire Laws of 1935, ch. 148.
7. Laws of New Hampshire, 6:221 (1795).
8. Public Laws of New Hampshire, ch. 375, sec. 1 (1926).
9. Laws of New Hampshire, 10:276 (1831).
10. New Hampshire Laws of 1839, ch. CCCCXXXV.
11. Public Laws of New Hampshire, ch. 80, secs. 4-5 (1926).

County Treasurer (Next entry 91, p. 117)

The county treasurer must not pay any pauper bill without the allowance of the county commissioners.[1] Pauper accounts, as well as county convention appropriations, and all other sums which may be charged to the county, are paid upon the county commissioners order, provided the order states briefly the nature of the claim.[2] On the commissioners' order, treasurers are required to reimburse towns for money expended on paupers.[3]

By a law of 1935 all claimants for aid to the blind, whose claims were accepted by the county commissioners, were paid not over thirteen dollars per month by the county treasurer. The commissioners kept records, reports, and accounts of these transactions, as prescribed by the State Department of Public Welfare.[4] Care of the needy blind is an exclusive state function at the present time.[5]

All county funds not permanently invested are deposited in solvent banks that will pay the highest interest on daily average balances. The amount deposited in any bank must not exceed twenty per cent of its paid up capital and surplus, and deposit shall be made after the county treasurer has advertised for bids from solvent banks within the county.[6]

Executions that may issue against the county are to be paid by the county treasurer upon demand; if the funds in the treasury are insufficient, the treasurer shall issue his warrants to the selectmen of the various towns, who shall collect and pay the sums assessed into the county treasury within forty days.[7]

In 1794 the county treasurer was instructed to make an annual statement to the court of common pleas, indicating the amount of money he considered it was necessary to raise, and indicating for what purpose it was needed.[8] An act of 1801, which empowered the treasurer to draw money from the treasury for contingent expenses on the orders of the judges of the court of common pleas, also directed him to make out and certify to the judges of that court, in December of each year, a statement of the treasury and in May of each year to furnish the clerk of the court with a true copy of his accounts.[9] On July 3, 1823 an act was passed requiring treasurers

> to make out and deliver to the Clerks of the Courts of Sessions in their respective counties on or before the first day of June annually a statement of their accounts as Treasurers * * * for the year ending at the time of the then last annual settlement of said accounts;—in which statements shall be specified the amount of monies paid out of the treasury for that year, and the purposes for which such payments were made; and when payments have been made for the support of County paupers, the sum paid to each town; also, all monies received into the treasury, from whom received, and for what purpose * * *."

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1. Public Laws of New Hampshire, ch. 38, sec. 13 (1926).
2. Ibid., ch. 39, secs. 5-6 (1926).
3. New Hampshire Laws of 1933, ch. 137, sec. 1.
4. New Hampshire Laws of 1935, ch. 137, secs. 1-2.
5. New Hampshire Laws of 1937, ch. 202, sec. 6, paragraphs I, IV.
6. Public Laws of New Hampshire, ch. 39, secs. 2-3 (1926).
7. Ibid., ch. 39, sec. 11 (1926).
8. Laws of New Hampshire, 6:157 (1794).
9. Ibid., 7:23-24 (1801).

The clerks of the sessions were directed to cause the report to be delivered to the Secretary of State or left at his office on or before the second Wednesday of June in each year.[1] An act of February 16, 1921 stated "A record of all receipts and payments of county funds shall be made by the county treasurer in the county receipts and payments book, prescribed by the state tax commission, showing in the case of receipts, the date, source and amount, and in case of payments, the name of the payee, the voucher number and amount, properly classified according to the uniform classification prescribed by said commission."[2]

The county treasurer is still required to keep a record of all receipts and payments of county funds in a book prescribed by the State Tax Commission.[3] Annually, or oftener if required, the treasurer renders to the county commissioners a detailed statement of all sums received and disbursed since the last statement.[4]

The treasurer must report to the State Tax Commission in regard to the assessment and collection of taxes.[5] Once every three months the county auditors examine the treasurer's accounts and make a report on the same to the State Tax Commission.[6] The report of the county treasurer, to the close of December 31, is printed with the reports of the other county officers by the following February.[7]

The most important record kept by the treasurer of Grafton County is that of county receipts and payments. Other records kept by this official include a copy of his report to the county commissioners concerning receipts and deposits, stubs of authorizations to borrow money, stubs of county notes, copies of town invoices, and an annual record of county tax warrants sent to the selectmen of the various towns.

The treasurer's records in Grafton County are found at the residence of the treasurer, Harry S. Huckins, 7 Rodgers Street, Plymouth, and at the Woodsville courthouse. Locations at the courthouse consist of the courthouse basement, the clerk of court's vault, the county commissioners' outer office, and the register of deeds' vault. For annual reports of the treasurer, see entries 4, 5.

Receipts and Payments

91. GRAFTON COUNTY TREASURERS CASH BOOK, 1885-1900, 1926--.
7 vols. Prior records missing. Title varies: Record—County Treasurer, 1885-1900, 1 vol.; Receipts & Payments Grafton County, 1926-34, 3 vols.

Treasurer's record of receipts and payments. Receipts, show taxes, county farm, other, total receipts, date, from whom, particulars, check number, and amount; payments, show date, amount, and purpose: poor off farm, aid to soldiers and their families, board and care of children, old age assistance, aid to needy blind, jail, hospital, county officers (salaries and

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1. Laws of New Hampshire, 9:247 (1823).
2. New Hampshire Laws of 1921, ch. 5.
3. Public Laws of New Hampshire, ch. 38, sec. 18 (1926).
4. Ibid., ch. 39, sec. 7 (1926).
5. Ibid., ch. 68, sec. 11 (1926).
6. Ibid., ch. 35, sec. 19 (1926); New Hampshire Laws of 1933, ch. 165.
7. Public Laws of New Hampshire, ch. 41, sec. 7 (1926); New Hampshire Laws of 1931, ch. 47.

expenses), care and supplies for courthouse, superior court expenses (jury payrolls, state vs. payrolls, counsel fees, stenographer, etc., clerk of superior court, and sheriff and deputies), registers of deeds and probate, outlay for construction and equipment, indebtedness (principal and interest), farm bureau, and all other payments (amount and account). Arr. chron. by date of entry. No index. Hdw. and hdw. on ptd. headings. 1 vol., 1885-1900, 350 pp. 10¼ x 8¼ x 1½; 3 vols., 1926-34, 200 pp. 11¼ x 17¼ x 1 3/4; 3 vols., 1935--, 275 pp. 19½ x 11 x 2½. 1885-1900, bsmt.; 1926-34, clerk of court's v.; 1935--, county commissioners' outer off.

For related records, see entries 18, 19.

92. [COUNTY TREASURER'S REPORT OF RECEIPTS AND DEPOSITS], 1935--. 4 vols. (1-4). System began 1935.

Copy of treasurer's report to county commissioners concerning receipts and deposits. Receipts: date, source, particulars, and amount; deposits: date and amount; date of report, and signature of county treasurer. This report is recorded in the treasurer's cash book by clerk in county commissioners' office. Arr. chron. by date and numer. thereunder by no. of report. No index. Hdw. 500 pp. 11 x 8½ x ¼. Res.

For original records, 1935--, see entry 18.

Vouchers

93. TR[easurer's] VOUCHERS, scattered dates 1788-1930. Approx. 150,000 papers in 134 f. b., 1 bundle (dated). Prior and subsequent records missing. Title varies slightly.

Date of voucher, name of town, purpose, and amount of payment; deposition of overseer of poor; date of payment, signature of payee, and jurat. Endorsement: voucher number, name of payee, and signatures of county commissioners. Also contains:

a. County commissioners' orders for payments, showing names of state, county, and payee, amount, receipt number, and signatures of county commissioners.
b. Receipted bills from vendors, showing date, purpose, and amount.
c. Payrolls sent to treasurer for approval: date and term of court, name of payee, amount, and signature of clerk; and date approved by treasurer. For related payrolls, 1792-1886, 1936--, see entry 72.
d. Cancelled checks: date, cancellation and check numbers, amount, to whom, and signature of treasurer. For related records, 1923--, see entry 21.
e. Cancelled negotiable orders made out to treasurer by county commissioners: date, name of county, amount, name of payee, purpose, signatures of county commissioners, number of order, and signature of payee.
f. Court orders on treasurer: date, term, and place of court, amount, name of payee, and signature of justice of court.
g. Bank statements: name of bank, date, in account with, previous balance, deposits, withdrawals, and present balance.

Arr. numer. by voucher no. No index. Hdw. and hdw. on ptd. forms. F. b., 8½ x 4 x 16½; bundle, 9 x 3 x 3. 133 f. b., 1 bundle, 1788-1930, bsmt.; 1 f. b., 1901-1902, deeds v.

County Treasurer - Authorizations; County Notes; Tax Assessments and Receipts; Town Invoices (94-97)

Authorizations

94. [STUBS OF AUTHORIZATIONS TO BORROW MONEY], 1931--. 1 vol. System began 1931.

County treasurer's stubs for authorization to borrow money for county, usually in anticipation of taxes, showing name of county, date of commissioners' meeting, name of justice approving authorization, and date recorded by and name of clerk of court. Arr. chron. by date of authorization. No index. Hdw. on ptd. forms. 100 pp. 6 3/4 x 16½ x 3/4. Res.

For duplicate authorizations to borrow money, 1931--, see entry 73.

County Notes

95. [STUBS OF COUNTY NOTES], 1931--. 1 vol. Prior records not kept.

Stubs of county notes issued by authorization of superior court to borrow money: name of county, date, number and amount of note, name of purchaser of note, date note becomes due, and name and address of bank where payable. Arr. chron. by date of issue. No index. Hdw. on ptd. forms. 100 pp. 12 x 15½ x 3/4. Res.

For duplicate county notes, 1931--, see entry 74.

Tax Assessments and Receipts

96. GRAFTON COUNTY TAX ASSESSMENT RECORDS, 1794, 1906--. 2 vols. (dated, 1 vol., 1794; undated, 1 vol., 1906--). Prior records missing. Title varies: Grafton County Tax.

Record of annual county tax warrants sent to selectmen of the various towns in county, showing date, year of levy, ultimate date of payment, and names of towns and amounts assessed each. Receipts: date of payment, amount paid, and name of town official making payment (town treasurer). Attested each year by county treasurer as to correctness. Arr. chron. and alph. thereunder by name of town. Hdw. 1 vol., 1794, 150 pp. 5 x 5 x ½; 1 vol., 1906--, 145 pp. 10½ x 8 x ½. 1794, bsmt.; 1906--, res.

Town Invoices

97. [TOWN INVOICE BOOKS], 1878, 1886. 42 vols. Isolated record.

Copies of town invoices in Grafton County: date, list of towns, names of resident and non-resident taxpayers, and number of school district. Arr. numer. by school district and alph. thereunder by name of taxpayer. No index. Hdw. on ptd. forms. 150 pp. 8 3/4 x 11½ x ½. Bsmt.

(Next entry 98, p. 124)

XIII. AUDITORS

An act of 1865 provided that the county commissioners were to audit and allow all accounts for and against the counties except those accounts incidental to the courts, which were allowed by justices of the courts.[1]

To provide greater safeguards for the county funds and to secure an impartial audit of the county offices handling public money, the Legislature of 1872 empowered the county convention to appoint two auditors annually.[2] The compilation of 1891 shows that the two county auditors, one from each of the two major political parties, were to be appointed biennially by the county convention.[3] The power to appoint the county auditors was transferred to the supreme court March 25, 1897. On or before April 1 annually two auditors for each county, one from each of the two leading political parties, were to be appointed.[4] In 1913 the superior court was delegated with the appointment of auditors -- a power which it retains at the present time.[5]

By a law of 1897, compensation of the auditors was to be determined by the supreme court.[6] The superior court now determines the compensation of auditors.[7]

The duties of the auditors, when they were instituted in 1872, were to examine and certify the accounts of the county commissioners and the treasurer. The county commissioners were to furnish "said auditors all the aid and information required by them in the performance of their duties".[8] By the time of the issuance of the Public Statutes in 1891, the county treasurer was also required to furnish aid and information to the auditors.[9] The duty of the auditors to examine the accounts of the county commissioners and the treasurer was reaffirmed at that time, and the auditors were to state in their report whether the sums charged in the accounts for articles purchased were according to market value, and whether they were used for the county.[10]

An enactment of 1897 made provisions for the auditors to audit the accounts of the county commissioners, superintendent of the county farm, and the county treasurer, once in three months. The auditors were also to audit, every three months, the bills of the county commissioners for services and expenses; and make a report to the supreme court. However, if the court should deem an annual or semi-annual audit to be sufficient in any county, it might so order; or it might direct special audits to be made.[11] The commissioners were obligated to file with the auditors at each audit a sworn statement of all outstanding bills.[12]

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1. New Hampshire Laws of 1865, ch. 4077, sec. 1.
2. New Hampshire Laws of 1872, ch. XLIII, sec. 1.
3. Public Statutes of New Hampshire, ch. 24, sec. 10 (1891).
4. New Hampshire Laws of 1897, ch. 87, sec. 1.
5. New Hampshire Laws of 1913, ch. 130; Public Laws of New Hampshire, ch. 35, sec. 18 (1926).
6. New Hampshire Laws of 1897, ch. 87, sec. 3.
7. Public Laws of New Hampshire, ch. 35, sec. 18 (1926).
8. New Hampshire Laws of 1872, ch. XLIII, secs. 1-2.
9. Public Statutes of New Hampshire, ch. 24, sec. 12 (1891).
10. Ibid., ch. 24, sec. 11 (1891).
11. New Hampshire Laws of 1897, ch. 87, sec. 1.
12. Ibid., ch. 87, sec. 2.

When requested, the county auditors might issue an itemized statement of the receipts and expenditures of the county, immediately after each audit. This statement might be published in any or all newspapers in the county, provided no expense to the county was incurred. Auditors were also to make an annual report of the county receipts and disbursements to be published in the printed county reports; with this annual report they might make such recommendations as they considered necessary.[1]

At present auditors are directed to make reports to the State Tax Commission upon request from that body.[2] In all counties, except Strafford County, the auditors may direct that a reasonable amount for expenses be added to the salary of each county commissioner.[3] Otherwise, the present duties of county auditors are essentially the same as they have been in the past.[4]

The auditors for Grafton County keep no records. For auditors' annual reports, see entries 4, 5.

XIV. SUPERINTENDENT OF THE COUNTY FARM

The superintendent of the county farm is an official who, in addition to managing the county farm, serves as head of the house of correction whenever that institution is located on the same premises as the farm. He also has general charge of the county hospital.

One of the first provisions for the care of the poor was an order of 1643 made by the court in Exeter:—

> that Thomas Wardell, William Winberne, Samuel Walker and Robert Reade, shall have liberty and authority to search the house or houses of any person within this jurisdiction, and to take into their custody [and make] sale of any such corne as they shall find in them which is more than the party or parties shall have need of for their own families till harvest next; and provided that the parties above named make good pay for the said corn and as good a price as it is generally sold for in the River, and these parties to dispose of such corn * * * unto such poor people as stand in most need of it, for the best pay they can make * * *.[5]

By the time of the inauguration of the Dominion of New England there is a definite mention of the office of overseer of the poor.[6] Late in 1687 it was ordered that justices of the peace should care for the poor "in such manner as by the Laws and Statutes of England is directed."[7] An act of 1692 authorized freeholders to choose overseers of the poor.[8]

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1. New Hampshire Laws of 1897, ch. 87, sec. 4.
2. New Hampshire Laws of 1933, ch. 165.
3. Ibid., ch. 186; New Hampshire Laws of 1935, ch. 154; New Hampshire Laws of 1937, ch. 44.
4. Public Laws of New Hampshire, ch. 35, secs. 19-25 (1926).
5. Laws of New Hampshire, 1:742 (1643).
6. Ibid., 1:99-100 (1686).
7. Ibid., 1:254-255 (1687).
8. Ibid., 1:526-527 (1692).

Superintendent of the County Farm (Next entry 98, p. 124)

The instructions from the Crown to Edmund Andros in 1686[1] and again in 1688,[2] to Samuel Allen in 1692,[3] and to the Earl of Bellomont in 1697,[4] recommended the erection of public workhouses in convenient places to provide employment for the poor of the province.

By 1771 it was necessary to secure legal aid in handling the disputes concerning the support of the poor, for in that year an act was passed which provided that three justices of the peace, unus quorum, should settle all cases brought before them by the selectmen or any interested petitioner, and penalties were established for disobeying their orders.[5] In 1797 paupers, living in any town of which they were not residents, were forcibly ejected by warrant from the selectmen; that is, carried to the town or place of their last residence.[6] Later, the poor were auctioned off for their support.[7] This practice was continued throughout the state well into the nineteenth century; in Grafton County as late as 1836, for in that year in the town of Bristol "all the poor of the town were struck off to Blake Fowler for $270 * * *".[8]

In 1821 the Levi Woodbury Committee submitted a report to the Legislature concerning the pauper situation in the state. This report listed a ratio of increase of paupers three times faster than the total population. This calculation was based upon statistics covering the years 1790-1800. The report stated that the only aid European paupers of the sixteenth century received was voluntarily contributed by monasteries, and commented that instead of limiting dependence, this led to indolence. The Committee pointed out that most of Europe had no civil laws aiding paupers, and censured the local poor laws as a departure from some of the first principles of political economy. It stressed the over-generous provisions for the care of paupers and the lack of discipline or labor "to reform the idle and vicious", encouraging many "to indulge in indolence, prodigality and vice". It also urged drastic revision of the laws and the establishment of poor farms and workshops.[9] A number of New Hampshire towns, including some towns in Grafton County did establish poor farms.[10]

In 1855 a board of county commissioners was established for each county and was given the custody of all county property together with the responsibility of supporting and maintaining county paupers, subject to the revision of the court of common pleas.[11] By the eighteen-sixties, town almshouses were giving way to similar county institutions, to which the county commissioners were authorized to cause the removal of county charges. No town was

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1. Laws of New Hampshire, 1:165 (1686).
2. Ibid., 1:241 (1688).
3. Ibid., 1:514 (1692).
4. Ibid., 1:630 (1697).
5. Ibid., 3:551-552 (1771).
6. Ibid., 6:468-469 (1797).
7. For example, see MS. Plymouth Town Minute Books, vol. 3, p. 202 (1827).
8. Richard W. Musgrove, History of the Town of Bristol, N. H., (Bristol, N. H., 1904), 162.
9. The Levi Woodbury Committee, Report on the Paupers of New Hampshire, 3-14 (1821).
10. See MS. Lebanon Town Minute Books, vol. 6, pp. 15, 18 (1838); MS. Bristol Town Minute Books, vol. 2, pp. 27, 87 (1839); MS. Haverhill Town Minute Books, vol. 5, p. 8 (1838).
11. New Hampshire Laws of 1855, ch. 1659, sec. 37.

to be entitled to compensation for the support of these charges after neglecting or refusing to comply with the order for their removal to the county farm.[1] In 1869 county farms were made exempt from taxation.[2]

The commissioners had the power to appoint a superintendent for the county farm and house of correction, and could establish rules and regulations for the government of the same. No punishment was to be inflicted "exceeding hard labor, or solitary confinement for forty-eight hours at one time, or the reasonable correction which a parent may inflict upon a child".[3] These provisions are still in force.[4]

At the present time the superintendent of the county farm not only has charge of the farm but also the house of correction and the county hospital whenever these institutions are located in the same place. He is responsible for the maintenance, well-being, and discipline of the inmates. Whenever he considers it best for the interests of society that an inmate be sterilized, he must have the inmate examined by two registered physicians, and must send his and their signed opinion to the county commissioners. Upon receiving the consent of the latter, he may have such an operation performed.[5]

The superintendent is a large contributor to the printed county reports and a twenty-five dollar fine may be imposed upon him for failing to make his report.[6] He must keep his accounts in the form prescribed by the State Tax Commission.[7]

The Grafton County Farm was purchased in 1866.[8] The first annual printed report of the superintendent appeared for the year ending April 30, 1879. This report contained a list of the inmates and the length of time each had been supported. It also contained the following:—

> During the past year the attics in the Almshouse have been finished, affording additional room for fifty inmates, increasing the capacity of the Almshouse to two hundred, at a cost of about $350.00.
>
> A new schoolhouse has also been built for the use of the children, at a cost of about one hundred dollars in addition to the two hundred dollars received from the school district. There has also been a new picket fence built around the garden. The above expenditure is included in the cost of support of paupers on the farm.
>
> Respectfully submitted
> I. K. George[9]

The superintendent keeps a full record of prisoners', inmates, and hospital patients, showing date of admission, name, age, residence, and other information. He keeps orders for commitment and finger print cards.

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1. New Hampshire Laws of 1860, ch. 2349.
2. New Hampshire Laws of 1869, ch. XXXVII.
3. Public Statutes of New Hampshire, ch. 27, sec. 7 (1891).
4. Public Laws of New Hampshire, ch. 38, secs. 9-10 (1926).
5. New Hampshire Laws of 1929, ch. 138.
6. New Hampshire Laws of 1931, ch. 47.
7. New Hampshire Laws of 1933, ch. 165.
8. W. F. Whitcher, History of the Town of Haverhill, New Hampshire, (Concord, 1919), 433.
9. Grafton County Reports 1879, 12.

Superintendent of the County Farm - Mittimus; Prisoners and Inmates (98-101)

Financial records include an account of daily transactions at the farm, showing, in detail, receipts and expenditures; and a record of orders issued by county commissioners to meet farm expenses.

The records are located in the superintendent's office, first floor, rooms 345 and 346, second floor, and the ward office of the hospital section, administration building; the turnkey's office and basement, jail building; and the register of deeds' vault, Woodsville courthouse.

For annual reports of the superintendent, see entries 4, 5.

Mittimus

98. MITTIMUS, 1931--. Approx. 1400 papers in 1 f. d., 1 wooden chest. Prior records missing.
Order to sheriff (deputy sheriff or police officer) to transfer prisoner to house of correction or jail, showing complaint, date, by whom issued, court, disposition, time, costs, commitment, date of order, signature of clerk of court, attest of officer that conveying order has been carried out, statement of fees (cost of service, travel, conveyance, copy, and mittimus), and date of discharge. Arr. chron. and numer. thereunder by mittimus no. No index. Typed on ptd. forms. F. d., 25 x 19 x 17; chest, 24 x 10 x 10. Chest, 1931-38, jail bsmt.; f. d., 1938--, off., supt.

Prisoners and Inmates

99. PRISONERS ADMITTED--HOUSE OF CORRECTION, 1902--. 3 vols. Prior records missing.
Record of prisoners confined in house of correction; date of admittance, name, age, nationality, and residence of prisoner, reason for incarceration, length of sentence, amount of fine and costs, sex, marital status, absconded and returned, number of times committed, and dates of expiration and discharge. Arr. chron. by date of admittance. No index. Hdw. on ptd. headings. 70 pp. 17 x 14 x ½. 2 vols., 1902-34, room 346; 1 vol., 1935--, turnkey's off.

100. PRISONERS ADMITTED JAIL, 1902--. 2 vols. Prior records missing.
Record of prisoners confined in county jail, showing information as in entry 99. Arr. chron. by date of incarceration. No index. Hdw. on ptd. headings. 70 pp. 17 x 14 x ½. 1 vol., 1902-30, room 346; 1 vol., 1931--, turnkey's off.

101. PAUPERS ADMITTED AND DISCHARGED GRAFTON COUNTY FARM, 1868--. 9 vols. Prior records missing.
Record of persons admitted and discharged from county farm, showing date of admission, name, age, residence, birthplace, date of birth, sex, color, marital status, and occupation; names and occupations of parents, number of times admitted, length of time boarded at county farm, and date of discharge. Also contains: Grafton County Houspital Register, 1868-1909, entry 113. Arr. alph. by name of town. No index. Hdw. on ptd. headings. 100 pp. 17 x 14 x 1. 6 vols., 1868-1932, room 345; 2 vols., 1933-36, room 346; 1 vol., 1937--, off., supt.

Superintendent of the County Farm - (102-106)
Financial

102. [FINGER PRINT CARDS], 1934--. Approx. 300 cards in 1 f. b. System began 1934.
Name of prisoner, alias, number, color, sex, classification reference, prints of eight fingers and both thumbs taken simultaneously, amputations, verified by, classified by, searched by, signature of prisoner, town from which committed, court committing, name of justice, dates of arrest and sentence, arresting officer, crime, sentence, nationality, personal description, remarks, criminal history, and front and side view photographs. Some cards contain information received from the Federal Bureau of Investigation, Identification Division. No obvious arr. No index. Hdw. and typed on ptd. forms. 12 x 12 x 3. Room 346.

Financial

103. JOURNAL [Receipts and Expenditures], 1882--. 8 vols. Missing, prior records and 1896, 1917-18.
Record of daily transactions at county farm, showing receipts: date, source, purpose, amount, and total; payments: date, to whom, purpose, amount, and total; balance; and semi-annual audit of accounts: date, place, and certification and signatures of auditors. Arr. chron. No index. Hdw. 2 vols., 1882-1893, 1897-1910, 250 pp. 13½ x 8 x 1; 4 vols., 1893-95, 1911-16, 1919-33, 250 pp. 10½ x 8 x 1; 2 vols., 1933--, 200 pp. 14 x 8 3/4 x 5/8. 2 vols., 1882-95, room 346; 5 vols., 1897-1916, 1919-38, room 345; 1 vol., 1938--, off. supt.
For related records, see entries 24, 106. For commissioners' orders to pay county expenses, see entry 104.

104. JOURNAL [Commissioners' Orders for County Farm Expenses], 1902-13, 1922-24. 4 vols. Isolated record.
Record of orders issued by county commissioners for county farm expenses, upkeep, etc.: date, order number, name of payee, purpose, amount, date of commissioners' meeting, and signatures of commissioners; audit: date and place of audit, and certification and signatures of auditors. Arr. chron. by date of order and numer. thereunder by order no. No index. Hdw. 300 pp. 10½ x 8 x 1¼. Room 345.
For records of county farm expenses, see entry 103.

105. [PAID BILLS], 1931-32. Approx. 10,500 bills in 29 file envelopes, 41 folders, 3 envelopes. Prior and subsequent records missing.
Paid bills for county farm expenses, showing date, to whom, amount, purpose, and receipted by. No obvious arr. No index. Hdw. on ptd. forms. File envelopes, 9 x 4 x 3; folders, 12 x 9 x ¼; envelopes, 9½ x 4¼. Room 346.
For prior related records, 1867-91, see entry 23.

106. COUNTY FARM REVENUE, EXPENSE AND OUTLAY, 1921. 1 vol. Isolated record.
County farm record of receipts and expenditures, showing receipts: date, name, source, other, and total receipts; expenditures: date, administration (salaries and payrolls), operation and maintenance of plant, cost of equipment and farming, minor repairs and expenses, health, provisions, and total.

Superintendent of the County Farm - (107-112)

Miscellaneous; Blue Prints, Plans, Specifications

Arr. chron. by date of transaction. No index. Hdw. on ptd. headings. 50 pp. 11 x 14 x ½. Room 345.

For related records of receipts and expenditures, see entry 103.

107. [CANCELLED CHECKS AND STUBS], 1923-31. Approx. 500 documents in 1 bundle. Prior and subsequent records missing.

Contains:

a. Cancelled checks, showing information as in entry 21.

b. Check book stubs, showing information as in entry 20.

Arr. chron. No index. Hdw. on ptd. forms. 15 x 10 x 1. Room 345.

Miscellaneous

108. JOURNAL [Inventory of County Farm], scattered dates 1893--. 10 vols., approx. 400 documents in 4 bundles (dated). Prior records missing.

Numbers and values of horses, cows, live stock, produce and supplies, farming tools, and household furniture in farm buildings; almshouse, jail, house of correction, hospital, and chapel, and summary of totals. Departmentally arr. No index. Hdw. and typed. Vols., 300 pp. 10 x 8½ x 1; bundles, 10 x 8½ x ½. 9 vols., 4 bundles, 1893-1916, 1921--, room 345; 1 vol., 1917-20, deeds v.

109. [GUEST REGISTER], 1885-1929. 1 vol. Prior records not kept. Discontinued.

Register of persons visiting county farm on tours of inspection: date, and names and residences of visitors (including county delegation whose names appear in groups). Arr. chron. by date of visit. No index. Hdw. 150 pp. 11½ x 8½ x ½. Room 345.

Blue Prints, Plans, Specifications

110. [BLUE PRINTS], 1917. 31 plans.

Blue print plans and specifications for new buildings at county farm in Haverhill, N. H. These buildings were erected in 1929. Wells and Hudson, checked by A. T. G. and A. E. H. Hanover, N. H. Blue prints. Scale 1":40'. 1 plan, 32 x 21; 19 plans, 30 x 22; 11 plans, 34 x 22. Room 345.

111. SPECIFICATIONS FOR BUILDING NEW GRAFTON COUNTY BUILDINGS, July 1929. 1 vol. Isolated record.

Specifications for county farm buildings in town of Haverhill submitted by Wells and Hudson architects and engineers of Hanover, showing date, proposed building, instructions governing bids, and quality of material demanded with plans. No obvious arr. No index. Typed. 100 pp. 11½ x 9 x ¼.. Room 345.

112. PLAN TO PROPOSED WATER LINE TO COUNTY FARM, Mar. 1930. 1 map.

Proposed line for water supply to county farm buildings. W. I. Richardson. Littleton, N. H. Black and white, hand drawn. Scale 1":400' horizontal; 1":20' vertical. 27 x 17½. Room 345.

Hospital Records

113. GRAFTON COUNTY HOSPITAL REGISTER, 1910--. 3 vols.
1868-1909 in Paupers Admitted and Discharged Grafton County Farm, entry 101.

Date of admittance, name, age, color, sex, residence, birthplace, marital status, and occupation of patient; diagnosis of disease, result of treatment, date of discharge or death, and length of time in hospital. Arr. chron. by date of admittance. No index. Hdw. on ptd. headings. 70 pp. 17 x 14 x ½. 1 vol., 1910-23, room 345; 1 vol., 1924-34, room 346; 1 vol., 1935--, ward off.

XV. SEALER OF WEIGHTS AND MEASURES

By an act of 1718, the provincial Treasurer was to provide one set of weights and measures, according to the approved Winchester Measures. The Exchequer in England accepted those measures and the province was expected to recognize them as standard. Town clerks were required to prove town weights and measures by the provincial standard and pay to the province Treasurer a fee of two pence for every weight and measure thus proved and sealed.[1]

A law of 1797 directed the Governor and Council to appoint, for each county, a sealer of weights and measures who was to procure a complete set of weights and measures similar to those then owned by the state. He was to prove, at least once in each five years, all scale beams, steelyards, and other weights and measures brought in from the towns within his county. He was to determine the seal that he would use, and file a description of it in the office of the Secretary of State.[2] In 1848 town and county sealers were required to prove their weights and measures every three years.[3] By an enactment of 1860, town sealers were instructed to check their weights and measures with those of the county sealers, who, in turn, were to check theirs with the standard weights and measures kept in the office of the Secretary of State.[4]

A law of 1919 abolished the sealer of weights and measures as a county office. The work of the county sealers was taken over by inspectors responsible to the State Commissioner of Weights and Measures.[5] No records for the sealer have been found in Grafton County.

XVI. COMMISSIONERS OF JAIL DELIVERY

An act of 1828 directed the Governor and Council to appoint for each county three commissioners of jail delivery for a term of five years. Any two of the commissioners were to possess the same authority possessed by any two justices of the superior court or court of common pleas to administer oaths or affirmations to those persons imprisoned on executions who were entitled to take the oath or affirmation. Either of the commissioners, on

1. Laws of New Hampshire, 2:317 (1718).
2. Ibid., 6:444-446 (1797).
3. New Hampshire Laws of 1848, ch. 706.
4. New Hampshire Laws of 1860, ch. 2339.
5. New Hampshire Laws of 1919, ch. 149.

application, might take any action connected with the discharge of a person imprisoned on execution that could be taken by a justice either of the superior court or court of common pleas.[1]

The original act was amended the following year to provide for the appointment in Rockingham County of six commissioners of jail delivery. Any commissioner who administered "the oath * * * for the ease and relief of persons imprisoned for debt" was to make a report to the clerk of the court of common pleas.[2]

Grafton County had commissioners of jail delivery by 1831, but no trace of such officials can be found in that county for any year subsequent to 1835.[3] The law establishing commissioners of jail delivery was repealed by the Revised Statutes.[4] No records of this office have been found in Grafton County.

1. Laws of New Hampshire, 9:796-797 (1828).
2. Ibid., 9:875-876 (1829).
3. New Hampshire Register 1832, 22; New Hampshire Register 1836, 57.
4. Revised Statutes of New Hampshire, ch. 230 (1842).

APPENDIX

1. DEED OF PHILIP, INDIAN CHIEF, 1796. 1½ pp.
Copy of original deed of Indian Chief Philip deeding certain tracts of lands, lakes, and islands to Thomas Eames, in the region beginning at the mouth of the Ammonoosuc River, running into Maine, and back to the beginning; he reserved the rights for himself and his successors to hunt, fish, and plant on said territories. Deed was signed by Philip and his two squaws— Molley Massell and Mooseleck Sussop, thus (x). Deed made June 8, 1796; recorded Nov. 22, 1796. Typed. Vol. 23, pp. 174-175. 18 x 12. Register of deeds' v.

2. [WILL OF ELEAZAR WHEELOCK], 1779. 4 pp.
Typewritten copy of original will of Eleazar Wheelock, founder and first president of Dartmouth College, in which President Wheelock makes bequests to his wife, sons, and Moor's Indian Charity School; frees his slaves; provides support for his successors; and bequeaths to them his "chariot" presented to him by John Thornton of London. Inner probate v.

3. SHERIFFS ACCOUNTS, 1818-32. 1 vol. (1818).
Isolated record.
Accounts of sheriff Amos A. Brewster, showing date, name and residence of person indebted, and nature and amount of account. Col. Amos A. Brewster erected in 1813 the Dartmouth Hotel, now the Hanover Inn. Arr. chron. by date of account. No index. Hdw. 100 pp. 7½ x 6¼ x ½. Bsmt. v., Baker Library, Hanover, N. H.

4. BAR ASS'N LETTERS & C., scattered dates 1774-1895.
Approx. 1,000 papers in 1 f. b. (A). Isolated record.
Manuscript material gathered for publication in Grafton and Coos Bar Association Reports: eulogies upon and sketches of the lives of prominent attorneys; constitution of the Coos and Grafton Bar Association; and letters relative to early court history in Grafton County, the makeup of the courts and incidents in regard to the judiciary. Some examples of harsh justice in the early years of the county's history: In 1774, on an indictment for forgery, the respondent was tried and found guilty by a jury without leaving their seats: the prisoner was sentenced to be set in the pillory and there have one of his ears cut off, and be imprisoned for one year or "mainprize & pay costs of prosecution &c &c". In 1775, for stealing one yard of "shallen" (shalloon) value three shillings, the sentence was a fine to the King of ten shillings or ten stripes on the naked back from the common whipper, and also payment to the complainant of nine shillings, treble the value of goods stolen, and costs; in default of payment of the nine shillings and costs, the prisoner was to be sold in servitude by the complainant to any of his "Majesty liege subjects" for the term of six months. In 1783 upon conviction for counterfeiting the offender was sentenced to sit in the pillory one hour, have one ear cut off, be imprisoned one year, and furnish bail of 200 pounds for good behavior for two years more. In 1796 "A Transient person, for Horse Stealing", was sentenced to "be marked with a Indian Ink * * * across the forehead from hair of the temple on one side to the hair of the temple on the other side, and write a line from the center of the line aforesaid to

the tip end of the nose on the most prominent part thereof & pay to the said [complainant] the sum of one and seventy dollars being two fold the value of the mare stolen &c &c and stand committed &c &c". In 1797 for stealing goods the culprit was sentenced to "be whipped 30 stripes on his naked back * * * stand 2 hours in the pillory * * * be imprisoned 6 months * * * pay [a sum to complainant] & costs of prosecution * * * & in default * * * said [complainant] have liberty to dispose of the said [prisoner] in service to any citizen of the United States for the term of two years & stand committed &c &c". At the same term of court a person convicted of horse stealing, in default of fine and costs, was "to be disposed of in Service to any Citizen of U. S. for four years". No obvious arr. No index. Hdw., and hdw. and typed on ptd. forms. 16 x 4 x 7. Bsmt. shelves, courthouse.

5. BAR ASSOCIATION [Reports], scattered dates 1891-98. 7 vols. Isolated record.

Record of trials, court histories, lives and letters of lawyers, early incidents, and other matters of interest. Arr. chron. No index. Ptd. 600 pp. 9½ x 6 x 1. Bsmt. strm., courthouse.

6. BAR RECORDS-RECORDS OF THE BAR IN THE COUNTY OF GRAFTON, STATE OF NEW HAMPSHIRE, 1788-1838. 1 vol. Subsequent records missing.

Articles voted upon in the formation of the bar association, June 1788; and minutes of meetings held: date, time and place of meeting, business transacted, reports and recommendations of committees, and notices of court to law offices to receive students. Arr. chron. by date of meeting. No index. Hdw. 171 pp. 8 x 7 3/4 x ½. V., clerk of court.

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1. Inventory of the Roman Catholic Church Records in New Hampshire. (Manchester, New Hampshire, 1938)

2. Inventory of the County Archives of New Hampshire-No. 1. Belknap County. (Manchester, New Hampshire, 1938)

3. Inventory of the County Archives of New Hampshire-No. 2. Carroll County. (Manchester, New Hampshire, 1939)

4. Inventory of the County Archives of New Hampshire-No. 3. Cheshire County. (Manchester, New Hampshire, 1939)

5. Inventory of the County Archives of New Hampshire-No. 4. Coos County. (Manchester, New Hampshire, 1940)

6. Inventory of the County Archives of New Hampshire-No. 5. Grafton County. (Manchester, New Hampshire, 1940)

7. Inventory of the Town Archives of New Hampshire-No. 8. Rockingham County Vol. I. Town of Atkinson. (Manchester, New Hampshire, 1939)

8. Inventory of the Town Archives of New Hampshire-No. 8. Rockingham County Vol. II. Town of Auburn. (Manchester, New Hampshire, 1939)