FW 4.14
N42h/no.3

UNIVERSITY OF KENTUCKY
3 0425 4959586 H

INVENTORY OF THE COUNTY ARCHIVES OF NEW HAMPSHIRE



U.S. GOV.
DO NOT DISCARD
PRESERVATION COPY

DEPOSITORY
UK LIBRARIES

NO. 3
CHESHIRE COUNTY

INVENTORY OF THE COUNTY ARCHIVES

OF NEW HAMPSHIRE

Prepared by

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

No. 3. CHESHIRE COUNTY

* * * * * * * *

Manchester, New Hampshire
The Historical Records Survey
August 1939

The Historical Records Survey

Luther H. Evans, National Director
Sargent B. Child, Regional Supervisor
Richard G. Wood, State Director

Division of Professional and Service Projects

Florence Kerr, Assistant Commissioner
Robert Y. Phillips, Regional Supervisor
Mary H. Head, State Director

WORK PROJECTS ADMINISTRATION

F. C. Harrington, Commissioner
John J. McDonough, Regional Director
William P. Fahey, State Administrator

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 Cheshire County, is number 3 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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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 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, 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 was organized and has been directed by Luther H. Evans, 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 Works Progress Administration, but did not begin operations in New Hampshire until April 7. The purpose of the Survey is to make accessible to lawyers, historians, and students of government the records of state, county, municipal, 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.

This is the third published volume of a series of publications by the Historical Records Survey concerning the county archives of New Hampshire. A volume on church records has already appeared and volumes on town records will be published also. The Historical Records Survey made the first listing of the Cheshire County records in the summer of 1936; the recheck was made in the autumn of 1937. The list of records was brought up to date in February 1939.

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 of the state. Thus, the inventory herewith presented for Cheshire County is No. 3. The various county volumes of the inventory will be issued in mimeographical 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 Cheshire 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 Projects Administration of New Hampshire has been generous in its grant of space for our editorial activities.

Requests for information concerning publications should be addressed to the state director, Hoyt Administration Building, Manchester, New Hampshire.

Richard G. Wood
Richard G. Wood
State Director
The Historical Records Survey

Manchester, New Hampshire
August 1939

TABLE OF CONTENTS

Page

A. Cheshire County and its Records System

1. Historical Sketch 3
Settlement Map of Cheshire County 10
Original Counties of New Hampshire 1771 (After Belknap) 11
Boundary Changes of Cheshire County 12
2. Governmental Organization and Records System 13
Chart of Cheshire County Offices in 1772 20
Chart of Cheshire County Offices in 1850 21
Chart of Present Cheshire County Offices 22
3. Housing, Care, and Accessibility of the Records 23
Recommendations 25
4. Abbreviations, Symbols, and Explanatory Notes 26

B. County Offices and their Records

I. County Convention 29
II. County Commissioners 33
Minutes and Reports. Welfare: Affidavits; Active Cases-Direct Relief; Paupers; Claims; County Farm; Orders, Bills, Receipts; Miscellaneous. Financial: Orders; Bills, Purchases, Receipts; Payrolls; Checks, Check Stubs, Bank Statements. Highways. Maps, Plans, Deeds. Prisoners. Miscellaneous.
III. Register of Deeds 50
Deeds. Writs of Attachment. Maps and Plans. Tax Sales of Real Estate. Miscellaneous.
Development of the Superior Court in New Hampshire, 1769--. 62
IV. Clerk of the Superior Court 63
Indexes. Court Dockets. Judgments. Court Documents. Jurors. Mittimus. Writs and Warrants. Naturalization. Petitions and Orders. Wills. Court Proceedings. Attachment of Property. Elections, Appointments, Oaths. Financial. Adjustment of Titles and Accounts. Certificates and Licenses. Miscellaneous.
V. Justices of the Peace (Trial Justices) 101
Justice Documents. Petitions, Writs, Warrants. Justice Proceedings. Appointments. Financial.

Table of Contents Page

VI. Register of Probate 112
Probate Court 112
Register of Probate 118
Probate Dockets. Probate Documents. Wills. Inventories and Accounts. Homestead. Sale of Real Estate, Securities, Personal Property. Petitions, Licenses, Letters: Administration; Guardianship; Trusteeship and Conservatorship; Adoption and Change of Name. Insolvent Estates. Probate Bonds. Claims. Miscellaneous.
VII. Sheriff (County Crier) 134
VIII. Medical Referee (Coroner) 144
IX. Solicitor 150
X. County Treasurer 152
Reports. Receipts and Payments. Tax Receipts. Bonds. Orders.
XI. Auditors 160
XII. Superintendent of the County Farm 161
Mittimus. Prisoners and Inmates. Deaths. Financial. Inventory. Miscellaneous. Hospital Records
XIII. Sealer of Weights and Measures 169
XIV. Commissioners of Jail Delivery 170

Appendix 171
Bibliography 173
Publications by the New Hampshire Historical Records Survey 174
Addenda 175
Chronological Index to Records 176
Subject Index to Inventory 179

(First entry, p. 33)

A. CHESHIRE COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

Cheshire County, New Hampshire, was named after Cheshire County, England, "celebrated for its manufacture of cheese."[1] The Indians who occupied the lands which became Cheshire County were known as Squakheags and their domain extended as far east as Mount Monadnock. They were probably allied to the Nashaways who were located in the vicinity of the Nashua and Merrimack Rivers. The Squakheags appear to have disbanded about 1720 when, it is thought, many of them emigrated to Canada and joined the St. Francis tribe. Some years afterward, the latter tribe played a prominent part in the raids which wrought havoc among the early white settlements along the Connecticut Valley and retarded the development of the entire Cheshire County region. Many of the early attempts at colonization failed; yet the work continued despite setbacks. In 1734 pioneers came to the present site of Keene, then called Upper Ashuelot,[2] but the early Keene settlements were abandoned in 1746 because of Indian hostility. Permanent settlements in the Keene locality did not occur until 1750.[3]

In the meanwhile in 1737 a settlement had been made in what is now the town of Hinsdale; Daniel Shattuck had built a large log house in Merry's Meadow, and other houses in the vicinity were erected soon afterward.[4] Charlestown was settled by David, Samuel, and Stephen Farnsworth in 1740.[5] Other relatively early permanent settlements were Walpole, 1749;[6] Swanzey (Lower Ashuelot), 1750;[7] and Winchester (Arlington), about 1751.[8] Charlestown is now a part of Sullivan County; but Walpole, Swanzey, and Winchester are within the present confines of Cheshire.

County division in New Hampshire did not receive legislative enactment until 1769. Since Cheshire was one of the original New Hampshire counties, it is proper at this time to trace the events that resulted in that act of county division. In the early years of the colony Portsmouth was designated as the place where the courts should meet.

---

1. D. H. Hurd, History of Cheshire and Sullivan Counties, (Phila., 1886), 1.
2. Ibid., 8, 9.
3. New Hampshire Manual for the General Court 1917, 17-18.
4. Ibid., 40-41; Hurd, op. cit., 357-358.
5. Hurd, op. cit., 23.
6. New Hampshire Manual for the General Court 1917, 66.
7. Ibid., 64.
8. A. J. Fogg, The Statistics and Gazetteer of New Hampshire, (Concord, 1874), 375.

Such an arrangement at that time was entirely convenient, owing to the fact that settlements were limited to the coastal region. This practice, however, turned out to be very inconvenient when the interior became inhabited, and an agitation was begun to have the courts more centrally located or held in different towns. An effort was made in this direction during the administration of Governor Belcher, who served 1730-41, when two of the courts were held quarterly at Portsmouth, Exeter, Dover, and Hampton. This new arrangement lasted only until 1735, however, since in that year the home government signified its disapproval, with the result that all courts were again held in Portsmouth.[9]

Those in the interior continued to be dissatisfied with the exclusive Portsmouth arrangement, and lost no opportunity to point out the inconvenience and added expense of such a procedure. The conservative element along the coast and the Council, generally speaking, were content for the courts to be held in Portsmouth, while the Assembly, being more representative of the province in its entirety, was inclined to support the contention of the inhabitants in the interior. The question of salaries for the judiciary became involved in the controversy. The Governor in 1755 urged upon the Assembly the necessity of providing the justices with a salary not inconsistent with the dignity of their office. The Assembly indicated its compliance on condition that the province be divided into two counties; the object of this condition was to bring about the abandonment of Portsmouth as the exclusive meeting place of the courts. It was impossible, however, to secure an agreement at that time. The matter dragged along until 1769 when an act of county organization was finally passed, with the proviso that it should not be effective until royal approbation should be received. This occurred in 1771.[10]

While the act of organization marked the boundaries of five counties in the order named -- Rockingham, Strafford, Hillsborough, Cheshire, and Grafton -- only three of these were to receive their full legal status by virtue of the enactment. Two of them, Strafford and Grafton, were not to receive such status until the Governor and Council should deem the population sufficient.[11]

Provision was made in the organization act for the Cheshire County courts of common pleas to be held at Keene the second Tuesdays of July and October and at Charlestown the second Tuesdays of January and April. The courts of general sessions of the peace were to be held "at Keene on the thursdays next after the Second Tuesdays in October & July And at Charlestown on the Thursdays next after the Second Tuesdays of January & April Annually."[12] It is apparent, therefore, that both Keene and Charlestown were regarded as shire towns. Charlestown does not appear to have had a courthouse, at any time, however; and the earliest

---

9. W. H. Fry, New Hampshire as a Royal Province, (New York, 1908), 459-460; New Hampshire Manual for the General Court 1891, 118.
10. Fry, op. cit., 460-464.
11. Laws of New Hampshire, 3:525-528 (1769).
12. Ibid., 3:527 (1769).

court sessions in Keene were held in meeting-houses. In 1796 there was constructed in Keene a building planned definitely for service as a courthouse. In this edifice, built largely as a result of individual contributions, courts met for a period of twenty-eight years.[13] Town meetings were also held there.[14] When a new courthouse was built in 1824, the old structure "was sold to Silas Angier and Eliphalet Briggs, and was hauled away to Prison street by James Keith with sixty yoke of oxen, and used for a boarding and tenement house."[15] It was later purchased by John H. Fuller who divided it into two buildings: one was moved to railroad square and used for commercial purposes; the other became a dwelling house.[16] The section that was moved to railroad square is now owned and operated by the Farm Service Stores, a subsidiary of General Mills, Inc. The section used for a dwelling house is now owned by the Heald Brothers of Keene and is rented to tenants. (For information concerning subsequent courthouses, see Housing, Care, and Accessibility of the Records).

The history of this county was turbulent in the years immediately following its organization. Owing to a long series of differences, Cheshire and Grafton Counties became more and more out of sympathy with the rest of the state. When Vermont declared its independence from New York, there was started in a number of the Cheshire and Grafton towns an agitation to join the new state west of the Connecticut River. Sentiment for joining Vermont, however, was far from unanimous: some of the inhabitants preferred to keep their New Hampshire allegiance; others wished to form an independent Connecticut Valley state which would owe allegiance neither to New Hampshire nor to Vermont. If this latter proposed venture had actually been carried out, it is probable that a number of towns on the western as well as the eastern bank of the Connecticut River would have been included within the state thus formed. Space here is not sufficient to trace the details of the controversy that raged during the closing years of the Revolution. It should be stated, however, that a number of the disaffected towns on the New Hampshire side of the river were actually admitted to the Green Mountain State by act of the Vermont Assembly and their representatives were received in the Assembly at Windsor.[17] 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 Cheshire and Grafton towns were forced to remain with New Hampshire, but many of the inhabitants indicated their resentment by adopting an obstructionist policy in

---

13. Hurd, op. cit., 6.
14. S. G. Griffin, A History of the Town of Keene, (Keene, 1904), 302.
15. Ibid., 388.
16. Id.
17. J. Belknap, History of New Hampshire, (Farmer Edition, Dover, 1831), 385-388; Vermont State Papers, 3:9, 24; New Hampshire State Papers, 10:276.

the courts. But the "well judged combination of firmness and lenity" displayed by the authorities kept the situation in hand.[18] Matters were considerably improved by the 1784 constitution which gave the western counties a more liberal representation in the Legislature.[19] Gradually, the bitterness caused by the controversy subsided.

Cheshire County lost a small amount of territory to Hillsborough County in 1778,[20] and again in 1787.[21] It was divided in 1827: the northern section became Sullivan County, and the southern section retained the name of Cheshire.[22] There are twenty-two towns within the present confines of Cheshire County: Alstead, Chesterfield, Dublin, Fitzwilliam, Gilsum, Harrisville, Hinsdale, Jaffrey, Marlborough, Marlow, Nelson, Richmond, Ringe, Roxbury, Stoddard, Sullivan, Surry, Swanzey, Troy, Walpole, Westmoreland, and Winchester. Jaffrey is the largest town; its population in 1930 was 2,845. There is one city, Keene, the county seat, which had a population in 1930 of 13,794. The population of the county in 1930 was 33,685.[23] Its area is 728 square miles.[24]

The Connecticut River, serving as the western boundary of Cheshire County, was at one time an important lane of commerce. "Present residents along the course of the Connecticut river can hardly imagine the fact that a century ago this river was teeming with both freight and passenger boats, and that it furnished the only means of transportation north and south except the cumbrous ox teams over the most primitive roads imaginable."[25] In 1903 Charles Davenport, then more than ninety years old, and one of the Connecticut River captains, furnished some reminiscences of his boating days: "When 19 years of age * * * I ran away. I hired out to the captain of a river boat as a deck hand. I followed boating on the Connecticut continuously for 30 years with the exception of a few years experience on the Mississippi river. The larger part of the time I was captain of different boats, and my boating on the Connecticut was confined to flat-boats. Most of the boats on the Connecticut were 72 feet long and 11½ feet wide, and when loaded to their capacity of 30 tons would draw two to three feet of water."[26]

Of certain boats on the Connecticut it has been said: "They were flat-bottomed boats, having a cabin at the stern, a mast in the centre, around which the freight was packed, and with a gunwale extending around the entire boat. The main sail was about twenty feet square * * * A top sail was about eight feet wide at its bottom, narrowing toward the

---

18. Belknap, op. cit., 391-395.
19. B. P. Poore, Federal and State Constitutions, (Washington, 1887), 2:1284-1287.
20. Laws of New Hampshire, 4:189 (1778).
21. Ibid., 5:280-281 (1787).
22. Ibid., 9:649-653 (1827).
23. New Hampshire Manual for the General Court 1939, 119.
24. New Hampshire Register 1937, 28.
25. L. S. Hayes, The Connecticut River Valley in Southern Vermont and New Hampshire, (Rutland, Vt., 1929), 31.
26. Ibid., 31-32.

top. In addition to these a third sail was placed above the top sail in very light winds * * * When the wind was not available as a motive power, the men used long stout poles in pushing the boats along * * *."[27]

Not always, however, was navigation on the Connecticut confined to sail or propulsion by means of poles. Steam navigation was practiced at times. Among the steamboats on the Connecticut was the "William Hall," built at Hartford, Connecticut, in 1831, which on at least one occasion came as far north as Bellows Falls on its own power. This "was a stern wheel boat similar to those in use on the Mississippi * * *."[28]

Naturally the coming of the railroads removed much of the necessity for navigation on the Connecticut. The Cheshire Railroad was a product of the eighteen-forties. It began to operate from South Ashburnham, Massachusetts, to Keene in 1848. Other early railroads in this county were the Monadnock, the Ashuelot, and the Manchester and Keene Railroads. Of the Manchester and Keene Railroad it was written in 1885: "That portion of the road lying in Cheshire county is built upon hills and over deep ravines; but its wooden trestles are rapidly being replaced by iron trestles or by fillings."[29]

Cheshire County comprises the southwest corner of New Hampshire. The land is well watered by the Connecticut River on the western border, and the Ashuelot and other streams in the interior. Mount Monadnock situated in the eastern part of the county is the highest elevation in southern New Hampshire. This mountain appeared on a map as early as 1677, though merely as an unnamed height of land; it was referred to by 1704 as "Manadnuck Hill."[30] Thoreau, the sage of Walden Pond, made four trips to Monadnock in 1843 or 1844, 1852, 1858, and 1860.[31] An abridged account of his ascent of 1858 follows:

> Arrived at Troy Station at 11.5 and shouldered our knapsacks, steering northeast to the mountain, some four miles off, - its top. It is a pleasant hilly road, leading past a few farm-houses, where you already begin to snuff the mountain, or at least up-country air * * *
>
> Almost without interruption we had the mountain in sight before us, - its sublime gray mass - that antique, brownish-gray Ararat color * * * that gray color of antiquity, which nature loves; color of unpainted wood, weather-stain, time-stain; not glaring nor gaudy; the color of all roofs, the color of things that endure * * * Methought I saw the same color with which Ararat and Caucasus and all earth's brows are stained * * *

---

27. Ibid., 162.
28. Ibid., 165-168.
29. Hamilton Child, Gazetteer of Cheshire County, N. H., (Syracuse, N. Y., 1885), 56, 57.
30. Helen Cushing Nutting, Monadnock Records of 3 Centuries, (Ashburnham, Mass., 1925), 9, 13-16.
31. Allen Chamberlain, The Annals of the Grand Monadnock, (Concord, 1936), 70.

> We left the road at a schoolhouse, and, crossing a meadow, began to ascend gently through very rocky pastures * * *
>
> The neighboring hills began to sink, and entering the wood * * * we took our dinner by the rocky brook-side * * *
>
> Having risen above the dwarfish woods (in which mountain-ash was very common) * * * we proceeded to prepare our camp * * * perhaps half a mile from the summit * * *
>
> Having left our packs here * * * we went up to the summit * * * Our path lay through a couple of small swamps and then up the rocks * * *
>
> As it was quite hazy, we could not see the shadow of the mountain well, and so returned just before the sun set to our camp * * *
>
> Notwithstanding the newspaper and egg-shell left by visitors, these parts of nature are still peculiarly unhandselled and untracked. The natural terraces of rock are the steps of this temple, and it is the same whether it rises above the desert or a New England village * * *.[32]

Apparently the Monadnock region was at one time terrorized by wolves. Thoreau, writing of a certain thicket on Monadnock, made the following statement: "A man in Peterboro told me that his father told him that [wolves] came down at night, killed sheep, etc., and returned to their dens, whither they could not be pursued before morning; till finally they set fire to the thicket, and it made the greatest fire they had ever had in the county, and drove out all the wolves, which have not troubled them since * * *."[33]

Many kinds of articles have been manufactured at one time or another in the towns of Cheshire County. For example: bits, augurs, brush-handles, doors, and blinds in Chesterfield;[34] shoe-knives in Jaffrey;[35] tubs, boxes, hoops, pails, and buckets in Swanzey;[36] sharpening-stones in Winchester;[37] and waterwheels, mill castings, carriages, edge tools, and soap in Hinsdale.[38]

A glass factory was established in Keene about the time of the War of 1812.[39] Bottles, decanters, and similar glassware were manufactured in Keene by Perry & Wood in 1822;[40] and about 1840 three glass factories were in operation there.[41] The last makers of glass in Keene were J. D. Colony & Company who carried on the manufacture of window glass about 1850.[42]

---

32. Bradford Torrey, ed., Thoreau's Journal, (Boston, 1906), 10:452-458.
33. Ibid., 4:345-346. (This is from the entry for Sept. 6, 1852).
34. Child, op. cit., 97.
35. Ibid., 207.
36. Ibid., 430, 431.
37. Ibid., 529.
38. Ibid., 185.
39. Griffin, op. cit., 348.
40. Ibid., 392.
41. Ibid., 432.
42. Ibid., 576.

Historical Sketch (First entry, p. 33)

An example of a manufacturing enterprise that has continued for more than a century is furnished by the Faulkner and Colony Company of Keene. In 1815 Francis Faulkner and Josiah Colony purchased some mills on the Ashuelot River.[43] These mills were burned in 1823, but were rebuilt so rapidly that later in the same year the company stated that they were "ready to receive Wool to Card and Cloth to Dress."[44] In 1838 this company suffered another loss from fire, but rebuilding operations commenced immediately. The new structures consisted of a brick mill for manufacturing flannels, a saw mill, and a grist mill.[45] It is interesting to note that in 1867 "Mr. George K. Wright and his brother, Charles 2d, cut and hauled to Faulkner & Colony's mill fourteen logs from a single white pine tree and its two main branches. The tree measured 121 feet in height, eighteen and one-half feet in circumferance four feet from the ground, and contained 9,000 feet of lumber * * * Its age was calculated from its rings to be about three hundred years * * * the largest tree in Cheshire county."[46] In 1889 Faulkner & Colony became a corporation.[47]

One of the products of this corporation until 1895 "was a flannel cloth 27 inches wide, colored in primary colors * * * The 'Forty-Niners' illuminated the western scenery with Faulkner and Colony red flannel. Some of it was blue, and that, in turn, was worn by the longshoremen and stevedores of New Orleans."[48] White flannel was the principal product of Faulkner and Colony from about 1900 until the World War; the vogue of red flannel failed to survive the Gay Nineties. During the World War, this corporation manufactured a fuse cloth used in high powered shells. At the present time a large variety of fabrics are manufactured by this concern.[49]

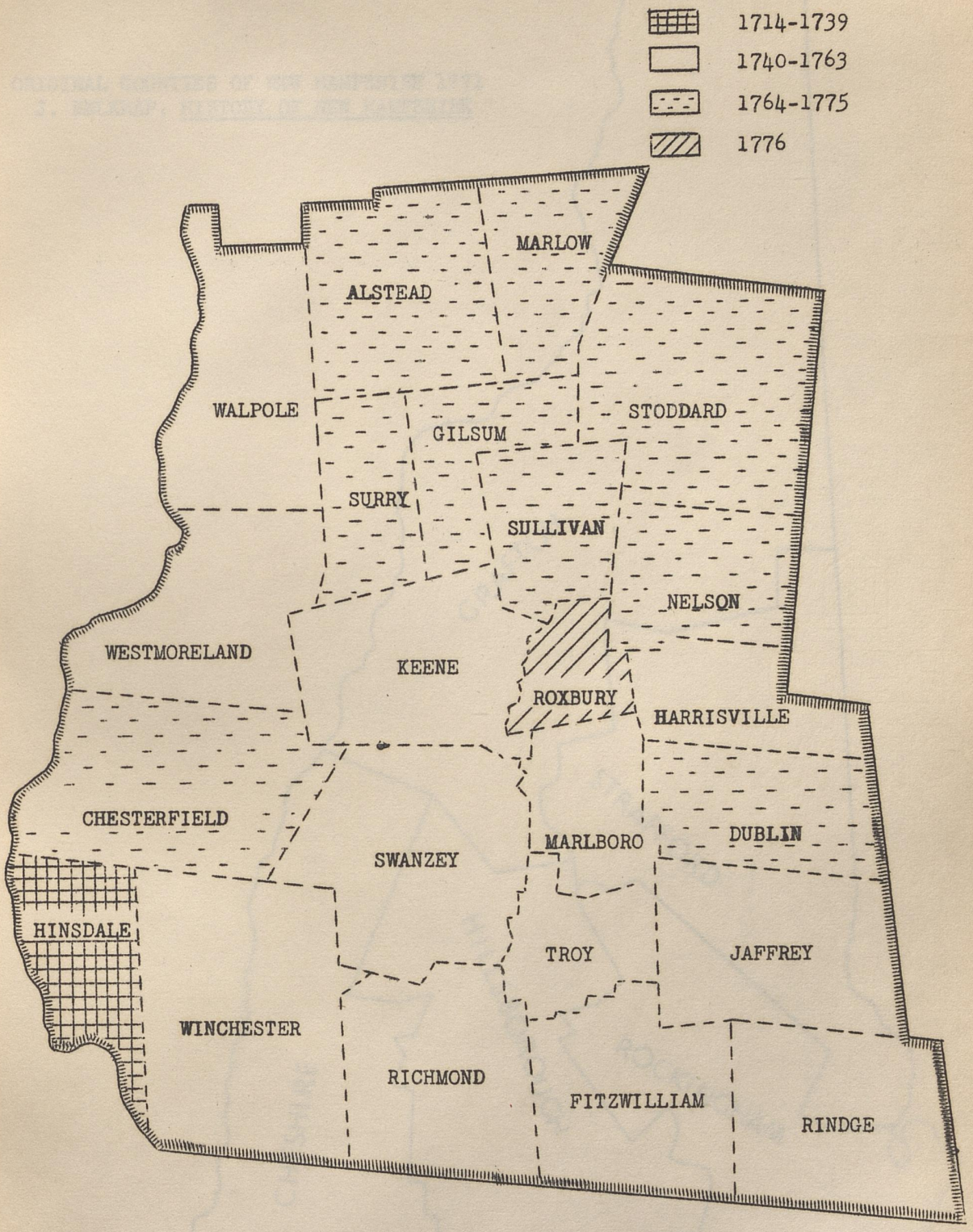
When the raising of grain was a matter of course in New Hampshire, grist mills were a frequent sight in Cheshire County. At the present time three of the principal sources of livelihood of the inhabitants of this county are manufacturing, farming, and the entertainment of summer visitors.

This county is bounded on the north by Sullivan County; on the east by Hillsborough County; on the south by the Massachusetts counties of Franklin and Worcester; and on the west by the Connecticut River which separates Cheshire County from Windham County in Vermont.

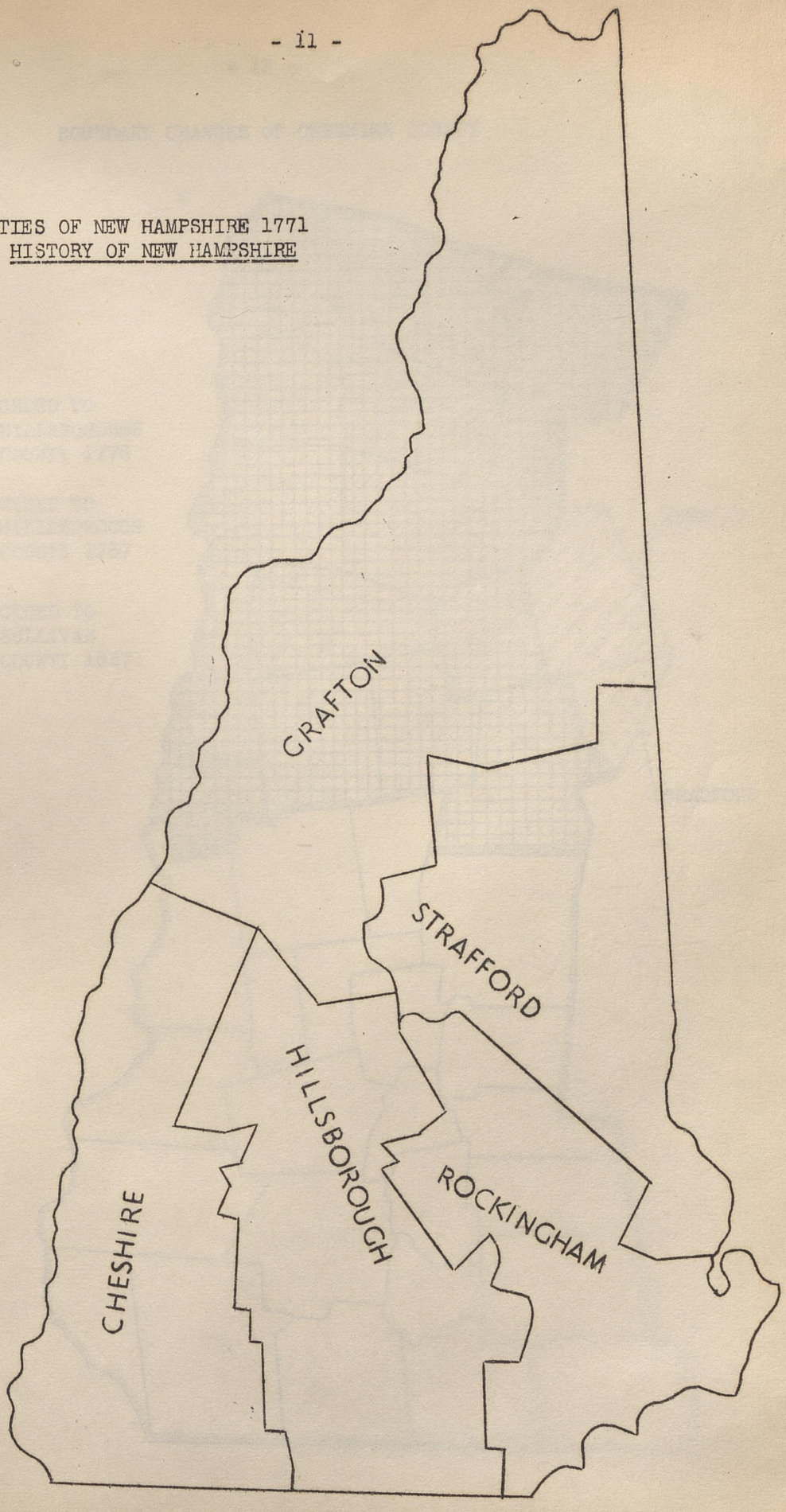
---

43. Ibid., 369.
44. Ibid., 394.
45. Ibid., 429.
46. Ibid., 531.
47. Ibid., 691
48. Anon. "A Brief Sketch of a Yankee Woolen Mill" in Yankee, Oct. 1935, 45.
49. Id.

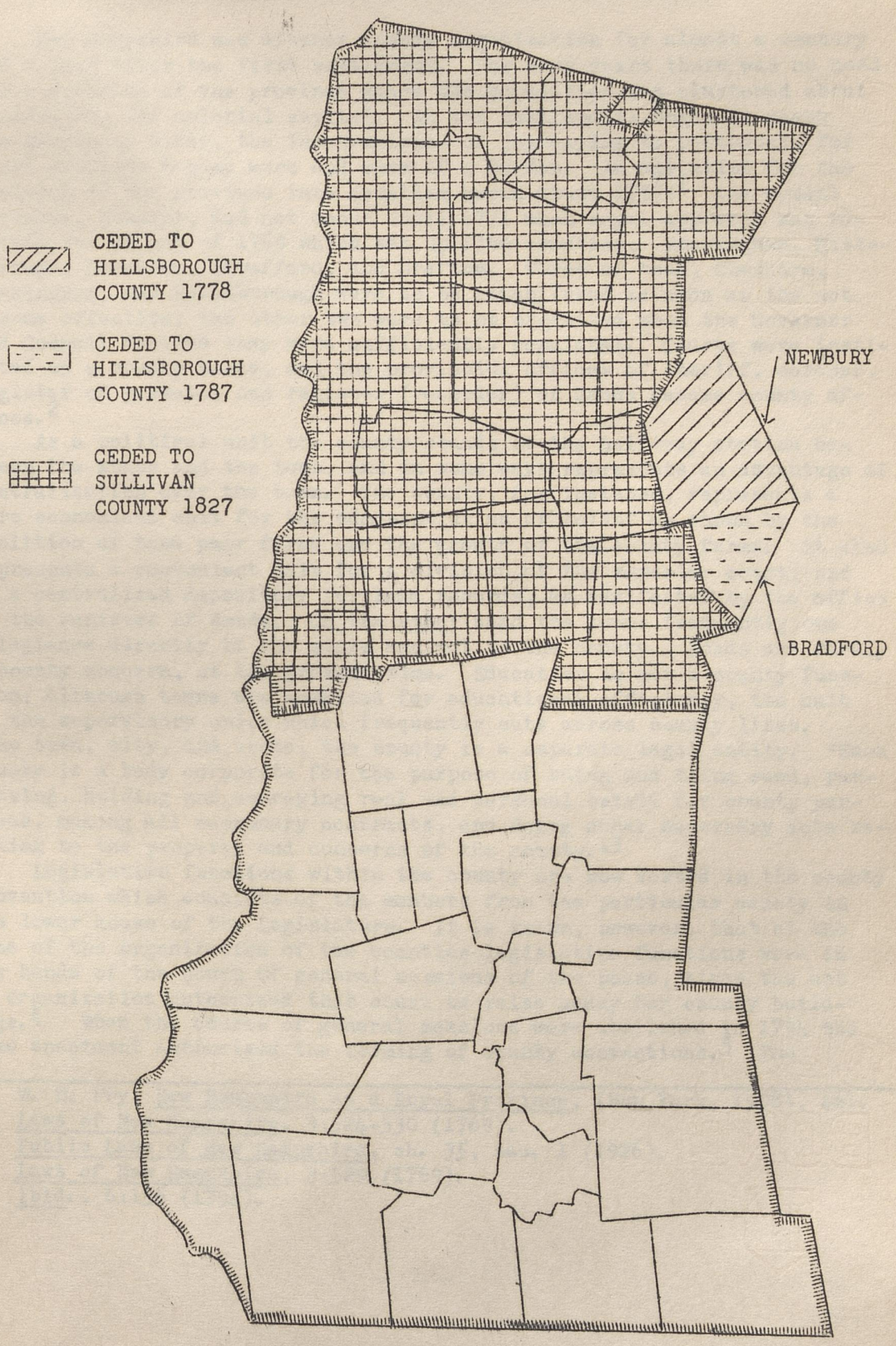
SETTLEMENT MAP OF CHESHIRE COUNTY



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



BOUNDARY CHANGES OF CHESHIRE COUNTY



(First entry, p. 33)

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 royal approval was received for an act of 1769 which set up five counties: Rockingham, Hillsborough, Cheshire, Strafford, and Grafton. Three of them, Cheshire, Rockingham, and Hillsborough were to be established as soon as the act became effective; the other two were to be organized when the Governor and Council decided they were sufficiently populated. 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.[2]

As a political unit the county stands at the half-way station between the state and the town, and in some ways 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 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."[3]

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 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.[4] When the courts of general sessions were abolished in 1794 the same enactment authorized the forming of county conventions.[5] The

---

1. W. H. Fry, New Hampshire as a Royal Province, (New York, 1908), 461.
2. Laws of New Hampshire, 3:524-530 (1769).
3. Public Laws of New Hampshire, ch. 35, sec. 1 (1926).
4. Laws of New Hampshire, 3:529 (1769).
5. Ibid., 6:156 (1794).

Cheshire County Convention was specifically mentioned in the statutes as early as 1796.[6]

Administration

County commissioners constitute the principal administrative body of the county. They were preceded by road commissioners who appeared in 1829, at a 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;[7] the office became elective in 1840.[8] County commissioners appeared in 1856 and were granted broad powers in the administration of county business,[9] which powers they have maintained to date. In appointing county auditors, the county convention possessed an administrative function at one time.[10] That function is now exercised by the superior court[11] which also must examine the accounts of certain county expenditures.[12]

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.[13] Cheshire County amply meets these legal requirements with well equipped offices and fire-proof vaults.

Judicial

The judicial system of the county is primarily based 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 provided for in the act of county organization with the court of general sessions of the peace and the inferior court of common pleas.[14] The history of the development of the judiciary in the New Hampshire counties is extremely complicated. The court of general sessions of the peace was abolished in 1794 and its duties transferred to the courts of common pleas.[15] In 1813 the supreme judicial court supplanted the superior court of judicature, and two circuit courts of common pleas replaced the courts of common pleas for each county.[16] The superior court of judicature was reestablished in 1816, and the courts of common pleas were

---

6. Ibid., 6:311-312 (1796).
7. Ibid., 9:915-923 (1829).
8. New Hampshire Laws of 1840, ch. DVI.
9. New Hampshire Laws of 1855, ch. 1659, secs. 37, 38.
10. New Hampshire Laws of 1872, ch. XLIII, sec. 1.
11. Public Laws of New Hampshire, ch. 35, sec. 18 (1926).
12. Ibid., ch. 35, sec. 19.
13. Ibid., ch. 35, sec. 2.
14. Laws of New Hampshire, 3:524-530 (1769).
15. Ibid., 6:156-157 (1794).
16. Ibid., 8:251-258 (1813).

organized.[17] 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.[18] 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.[19] In 1832 a local court of common pleas was established in each county.[20] 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."[21] Six years later the supreme judicial court replaced the superior court of judicature; and the court of common pleas underwent another reorganization.[22] The court of common pleas was abolished in 1859 and its duties transferred to the supreme judicial court.[23] 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.[24] Another reorganization occurred two years later when the supreme judicial court again supplanted the superior court of judicature. In this new court the judges were to hold trial terms individually; and were to determine issues of law, collectively.[25] 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, reappeared,[26] and has continued to the present time.

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 act of county organization with no state implications whatever.[27]

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; although there are at the present time two Cheshire County towns,

17. Ibid., 8:501-505 (1816).
18. Ibid., 8:934-936 (1820).
19. Ibid., 9:352-356 (1824).
20. Ibid., 10:369-381 (1832).
21. New Hampshire Laws of 1849, ch. 842, sec. 2.
22. New Hampshire Laws of 1855, ch. 1659.
23. New Hampshire Laws of 1859, ch. 2211.
24. 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.
25. New Hampshire Laws of 1876, ch. XXV; Batchellor, op. cit., 4:2313.
26. New Hampshire Laws of 1901, ch. 78.
27. Laws of New Hampshire, 3:526 (1769).

Fitzwilliam and Harrisville, which have justices of the peace designated as trial justices.[28] The justification for regarding this as a county office 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.[29] The Historical Records Survey has not been able to discover justice records in all counties. However, such records have been found in Cheshire.

Law Enforcement

The chief law enforcement officers of the county are the sheriff and the solicitor -- the duty of the sheriff being to apprehend violaters of the law, and that of the solicitor to prosecute violations. The sheriff has the assistance of deputies whom he appoints.[30] In the prosecution of law-breakers the solicitor is subject to the supervision of the Attorney-General, the chief prosecuting officer of the state.[31] Since 1937 the sheriff and his deputies have shared with the State Police the responsibility of apprehending, within any county, persons violating the law.[32] While the sheriff was one of the officers mentioned in the act of county organization of 1769, the solicitor received no mention there.[33] He appeared by 1789; a law at that time imposed upon the Governor and Council the duty of appointing a solicitor for each of the counties.[34] That Cheshire County had a crier, an ancient office related to the sheriff, is noted by the New Hampshire Register. Isaac Temple was the incumbent in 1795;[35] the last crier for Cheshire County was Elijah Sawyer, who served in 1835.[36] Somewhat less related to the office of sheriff was that of coroner, provided for by the act of county organization,[37] but replaced by the medical referee in 1903.[38] An old office concerned indirectly with law enforcement was the commissioners of jail delivery, found in Cheshire County 1830-36.[39]

Financial

The financial organization of the county is based on these functions: appropriating, disbursing, and auditing. 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.[40] When that court

28. New Hampshire Manual for the General Court 1939, 411.
29. Public Laws of New Hampshire, ch. 322, sec. 16 (1926).
30. Ibid., ch. 324, secs. 1, 2.
31. Ibid., ch. 16, sec. 19.
32. New Hampshire Laws of 1937, ch. 134.
33. Laws of New Hampshire, 3:524-530 (1769).
34. Ibid., 5:463 (1789).
35. New Hampshire Register 1795, (pages not numbered).
36. New Hampshire Register 1835, 72.
37. Laws of New Hampshire, 3:526 (1769).
38. New Hampshire Laws of 1903, ch. 134; New Hampshire Register 1903, 288, 293.
39. New Hampshire Register, 1830-36.
40. Laws of New Hampshire, 3:528 (1769).

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.[41] At the present time the county convention possesses the power to raise county taxes.[42]

The treasurer, disbursing officer of the county, was not mentioned in the act of county organization.[43] This official appeared at least by the beginning of the Revolution, since the 1776 constitution stated that the voters of the county were to choose a treasurer annually.[44] At the present time this official is elected biennially.[45]

What amounted to auditing powers were accorded the court of general sessions of the peace by the act of county organization.[46] 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.[47] Auditors, as such, appear in counties by 1872 when the county convention acquired the power to appoint two of them annually.[48] By authority of the Public Statutes (1891), these officials were to be appointed, biennially, one from each of the two leading political parties.[49] 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.[50]

Education

As stated previously, education is not a county function in New Hampshire. It might be of interest to note in passing, however, that within the confines of Cheshire County is located one of the two state normal schools.[51] A legislative act of 1909 decreed the establishment in Keene of a normal school to be managed by the trustees of the state normal school already established.[52] The total enrollment of this school, 1937-38, was 348. Its purpose is to prepare teachers for New Hampshire

---

41. Ibid., 6:156 (1794).
42. Public Laws of New Hampshire, ch. 35, sec. 5 (1926).
43. Laws of New Hampshire, 3:524-530 (1769).
44. B. P. Poore, Federal and State Constitutions, (Washington, 1877), 2:1280.
45. Public Laws of New Hampshire, ch. 36, sec. 1.
46. Laws of New Hampshire, 3:528 (1769).
47. New Hampshire Laws of 1865, ch. 4077.
48. New Hampshire Laws of 1872, ch. XLIII.
49. Public Statutes of New Hampshire, ch. 24, secs. 10-12 (1891).
50. New Hampshire Laws of 1897, ch. 87, sec. 1; Public Laws of New Hampshire, ch. 35, sec. 18 (1926).
51. The other state normal school is at Plymouth, Grafton County.
52. New Hampshire Laws of 1909, ch. 157.

schools. "Admission to the normal school presupposes the intention of the student to teach in New Hampshire."[53]

Welfare

In 1771 an act was passed to authorize "three Justices of the Peace, Unus Quorum" to hear and determine all disputes concerning the support of the poor. The act prescribed the procedure in such cases; appeals might be made to the superior court.[54] Although this act was to be in force for only three years, it was renewed at the end of that time for a space of five years.[55] During the earlier years of the nineteenth century, the maintenance of paupers was let out to the lowest bidding responsible citizen.[56] Eventually, some of the towns established poor farms[57] which gave way to county farms. The Cheshire County Farm was purchased in 1867.[58] The official in charge had the title of superintendent by 1873, at least.[59] 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.[60] 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."[61] 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

The record-keeping system in Cheshire County is entirely adequate in most respects. The clerk of court's unbound docket system is particularly good. Records in the clerk of court's basement vault, however, need rearrangement. The system used by the register of probate could be improved by rebinding the volumes in canvas, renumbering them, and making a card index for them. The register of deeds ought to have additional standard maps and plan books in which to enter records of that nature.

At present the voters of Cheshire County at the biennial elections elect a sheriff, solicitor, register of deeds, register of probate,

---

53. State Normal School Keene, New Hampshire, Catalogue and Circular 1937-1938, 24, 34.
54. Laws of New Hampshire, 3:551-552 (1771).
55. Ibid., 3:608 (1774).
56. See O. E. Randall, History of Chesterfield, (Brattleboro, Vt., 1882), 180.
57. See ibid., 180, 181.
58. County Farm Invoice Book, 1867 , (first entry in invoice book), see entry 248.
59. Cheshire County Reports 1873, 15.
60. New Hampshire Laws of 1855, ch. 1659.
61. Public Laws of New Hampshire, ch. 38, sec. 8 (1926).

treasurer, and three county commissioners. The Governor appoints a medical referee and a judge of probate. The superior court appoints a clerk of court and two auditors. The county commissioners appoint a superintendent of the county farm; and the sheriff appoints nine deputy sheriffs. The county convention (delegation) consists of the members of the lower house of the Legislature from this county.

CHART OF CHESHIRE COUNTY OFFICES IN 1772

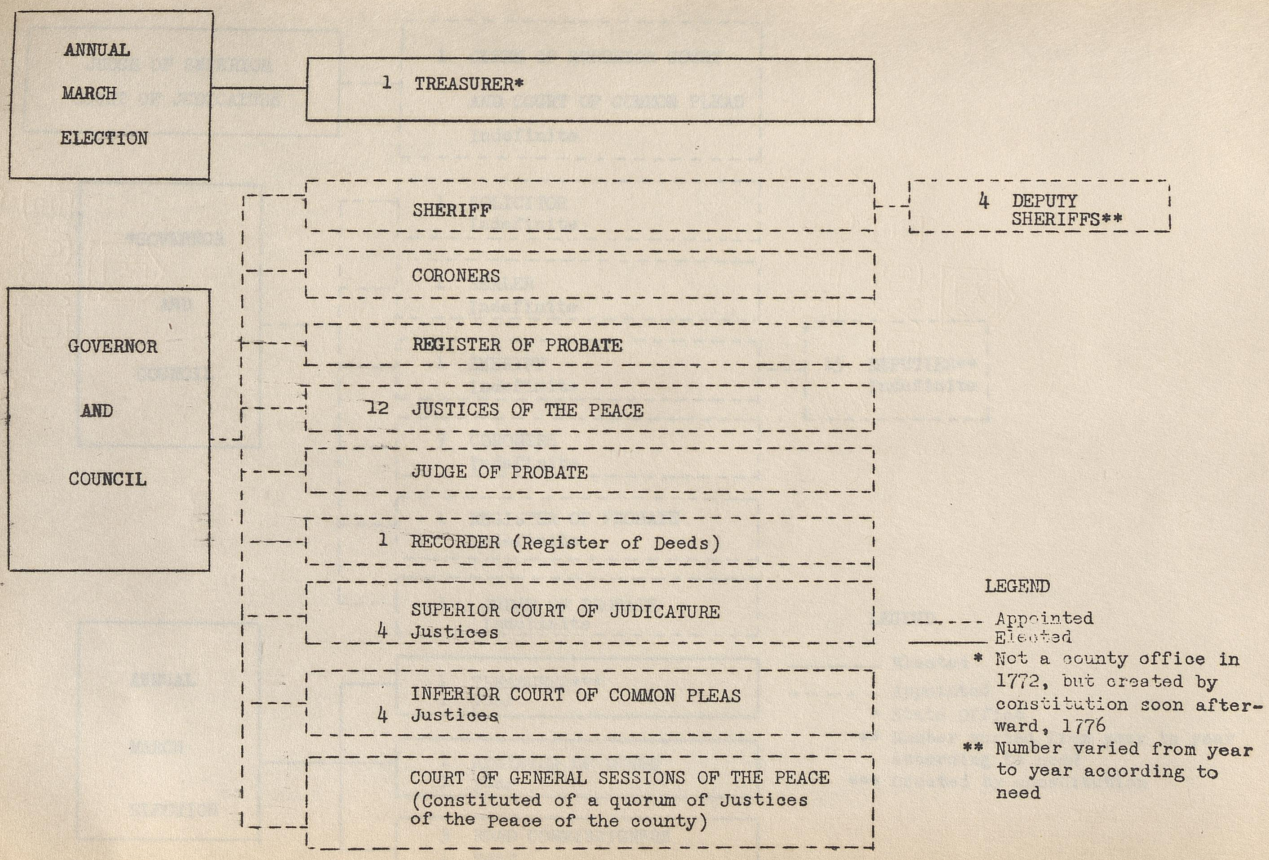


CHART OF CHESHIRE COUNTY OFFICES IN 1850

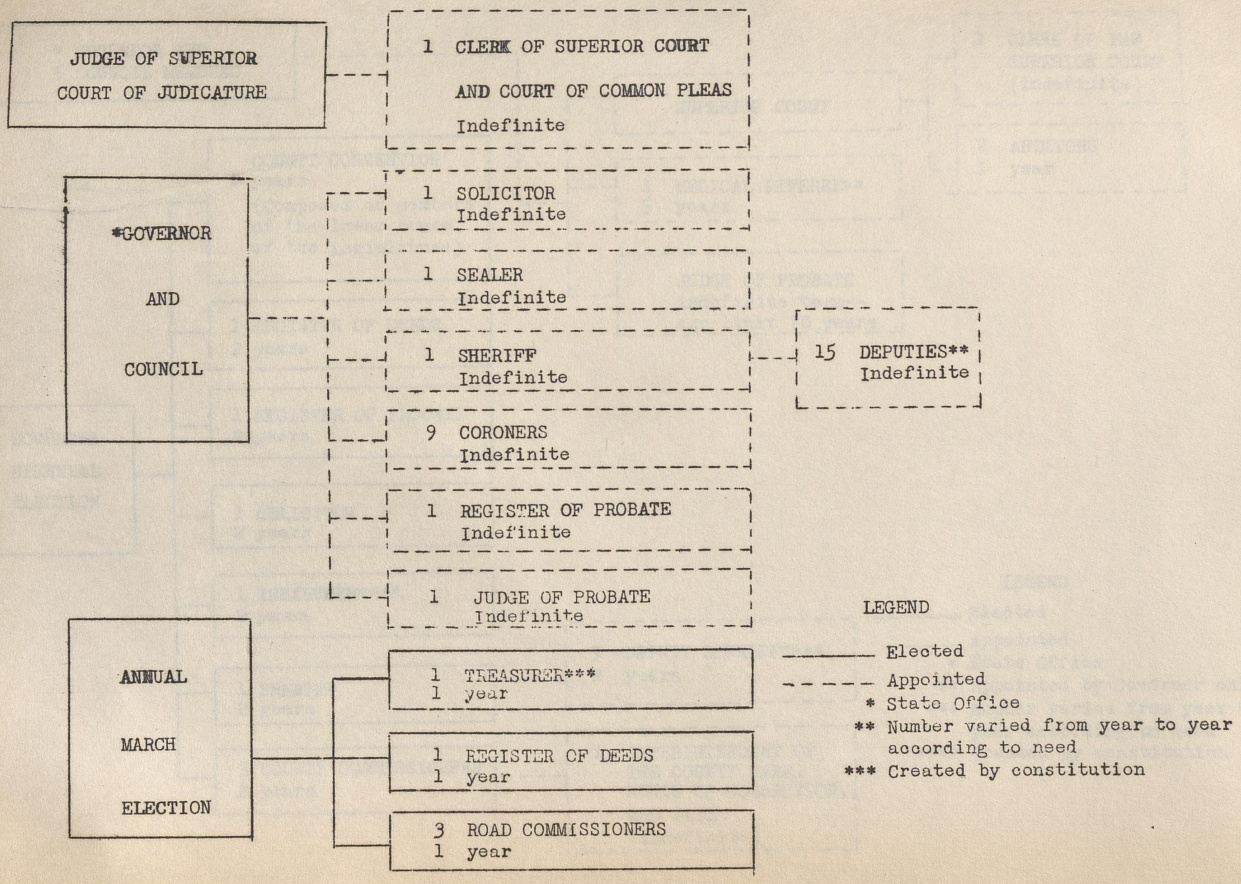
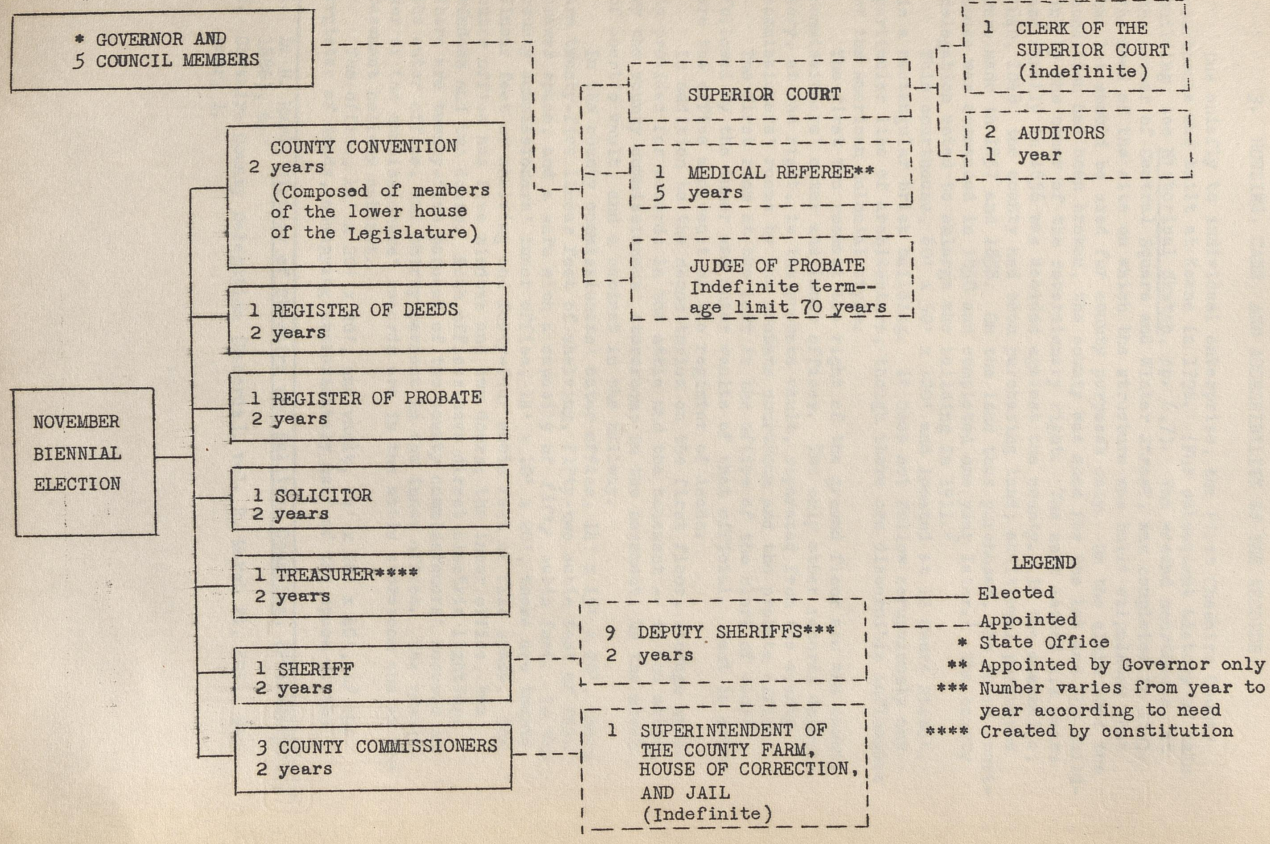


CHART OF PRESENT CHESHIRE COUNTY OFFICES



(First entry, p. 33)

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

Due chiefly to individual enterprise, the first Cheshire County courthouse was built at Keene in 1796. (For subsequent history of this building, see Historical Sketch, pp. 6,7). The second courthouse, at the corner of Central Square and Winter Street, was completed in 1825. The deed of the site on which the structure was built stipulated that the lot should be used for county purposes only. On the claim that the condition had been broken, the county was sued for the lot and the building by the owner of the reversionary right. The suit lasted six years and finally in 1856 was decided against the county. In the meanwhile, 1840, 1848, the county had been purchasing land; additional purchases were made in 1857 and 1858. On the land thus purchased, the third courthouse was commenced in 1858 and completed one year later.[1] The county delegation voted to enlarge the building in 1911.[2]

This courthouse, 60' x 50' x 120' and located at 12 Court Street, is a rectangular brick building. It does not follow scrupulously any particular line of architecture, though there are discernible influences of the American Colonial style.

The first two rooms at the right of the ground floor are the county commissioners' outer and inner offices. The only other records depository, at the right, is the probate vault, separated from the county commissioners' rooms by the probate courtroom and the probate office.

The first room at the left is the office of the clerk of court, followed by the inner and outer vaults of that official. Next in order are the office and vault of the register of deeds.

In addition to the depositories on the first floor, storage space is provided for records in the attic and the basement -- in the attic, by the county commissioners' storeroom; in the basement, by the clerk of court's vault, and a cabinet in the hallway.

In the county commissioners' outer office, 14' x 15' x 20', there are twenty-five linear feet of shelving, fifty-two cubic feet of file drawer space, and a safe with a capacity of fifty cubic feet. In the county commissioners' inner office, 14' x 10' x 20', there are twenty linear feet of shelving and forty-four cubic feet of file space. The outer office has five windows and two doors; the inner office, two windows and two doors. Both offices have direct electric lighting. There are twenty-five percent of the county commissioners' records in the outer office, and thirty percent in the inner office. The remainder of the commissioners' records are in the attic storeroom and in the basement hallway cabinet.

The office, 14' x 20' x 30', and vault, 14' x 20' x 40', of the register of deeds, occupying approximately half of the space at the

---

1. D. H. Hurd, History of Cheshire and Sullivan Counties, (Philadelphia, 1886), 6.
2. Cheshire County Delegation [Records], vol. 2, March 21, 1911, see entry 1.

rear left of the ground floor, contain ample equipment and are well lighted and ventilated. The office contains fifty-six linear feet of shelving and twenty-three cubic feet of filing space; the vault contains 1,210 linear feet of shelving and eighty-six cubic feet of filing space. Only a small amount of records, about two percent, are kept in the register's office. Ninety percent are in the vault. The remainder are in the county commissioners' attic storeroom and the clerk of court's basement vault.

The clerk of court's office, 14' x 15' x 18', and his inner and outer first floor vaults, 14' x 12' x 25' and 14' x 13' x 25', occupy the front left corner of the ground floor. The clerk of court has a third vault, 8' x 14' x 9', located in the basement. The two former vaults are thoroughly modern; the latter vault is less modern. No records are kept in the office. In the outer vault, which contains sixty-four linear feet of shelving and sixty-five cubic feet of filing space, there are ten percent of the clerk's records. In the inner vault, which contains sixty-five linear feet of shelving and 150 cubic feet of file space, there are forty-seven percent of the records. In the basement vault, which has no shelving but contains fifty-five cubic feet of filing space, there are thirty-two percent of the clerk's records. Other records of the clerk of court are found in the basement hallway cabinet and the county commissioners' attic storeroom.

The register of probate's office, 14' x 12' x 14', and vault, 14' x 20' x 35', occupy the rear right corner of the ground floor. The vault is of excellent modern construction. Both office and vault are well lighted, and space is ample. Tables and chairs are available to users. The vault contains 363 linear feet of shelving and 302 cubic feet of filing space. No records are kept in the office. Ninety-five percent are kept in the probate vault; the other five percent are in the clerk of court's basement vault.

The treasurer, sheriff, and solicitor have no depositories of their own. The treasurer's records are in three locations: thirty-six percent are in the county commissioners' attic storeroom; thirty-two percent are in the county commissioners' outer office; and thirty-two percent are in the basement vault of the clerk of court. The sheriff's records are also in three locations: twenty-seven percent are in the basement vault of the clerk of court; fifty-four percent are in the clerk of court's inner vault; and nineteen percent are in the basement hallway cabinet. The only extant solicitor's record is in the basement vault of the clerk of court.

Early records of the county convention (delegation) are found in the county commissioners' attic storeroom and in the basement hallway cabinet. Later records are housed in the basement vault of the Secretary of State, Concord.

The Cheshire County Farm in Westmoreland was purchased in 1867.[3] A jail was built in 1884,[4] and located on the so-called "Glass Factory

3. County Farm Invoice Book, Nov. 20, 1867,(first entry in invoice book), see entry 248.
4. Plan of Cheshire County Jail Grounds-Keene, N. H., 1886, see entry 42.

lot."[5] Prisoners formerly lodged at Westmoreland were brought to Keene.[6] In Westmoreland an addition to the county farm buildings was made in 1891;[7] a building for the care of the insane poor was erected in 1897;[8] and the present county hospital was built around 1915.[9] In 1925 and 1926 the county convention (delegation) voted to convey the title of the county jail at Keene to the city of Keene, and to remodel a building at the county farm in Westmoreland for the housing of prisoners.[10] Seven years later the delegation voted to replace a barn, previously burned.[11]

The county farm buildings are located in a picturesque setting beside the Connecticut River. The office of the superintendent, on the first floor of the wooden administration building, is electrically lighted and provided with regular office furniture. It has metal walls and ceiling, and a wooden floor. The office is not crowded and there is room for expansion. A sprinkler system has been installed. Records in this office are kept in desk drawers and in cupboards. Records of the superintendent, not found in this office, are located as follows: current hospital records are in the doctor's office, on the first floor of the hospital building; some herd records are kept at the dairy barn; and some of the superintendent's older records are in the county commissioners' attic storeroom.

Recommendations. Most of the equipment at the Cheshire County courthouse is modern and well adapted to the purpose of safeguarding the county records. One suggested improvement, however, is the building of an additional vault in the basement. This, apparently, could be done without excessive cost by making use of brick walls already standing. It would seem that the only added requirements would be a fireproof door and ceiling; and, if the vault were located directly under the first floor vault of the register of deeds, it might be that only a fireproof door would need be added. The construction of such a vault would prove advantageous, since the clerk of court's basement vault is crowded at present, and some of the county commissioners' records are in an old cabinet in the basement hallway. Also, the county commissioners' attic storeroom, in which records of various officials are now kept, furnishes no fireproof protection. If the county does not deem the construction of the suggested vault advisable, it is to be recommended that the records in the attic storeroom, at least, should be sorted; and such records as the county officials consider of sufficient value should be placed in one of the excellent fireproof vaults on the first floor. A few old county convention records in the attic storeroom and in a cabinet in the

5. Cheshire County Delegation [Records] vol. 1, pp. 36-38, see entry 1.
6. Hurd, op. cit., 6.
7. Map of Cheshire County Farm and Alms House, Westmoreland, N. H., 1891, see entry 41.
8. Cheshire County Delegation [Records], vol. 1, pp. 103-104, see entry 1.
9. Authority of present superintendent.
10. Cheshire County Delegation [Records], April 30, 1925; May 20, 1926, see entry 1.
11. Ibid., vol. 3, pp. 102-108, see entry 1.

basement hallway would seem especially worth safeguarding. The clerk of court should be provided with additional funds with which to re-arrange and improve the conditions of his basement vault.

Since the administration building at the county farm is constructed of wood and protected from fire only by a sprinkler system, it is to be recommended that the superintendent's office contain a safe of sufficient size to hold the more important records.

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph.	alphabetical(ly)
anon.	anonymous
approx.	approximate(ly)
arr.	arranged (arrangement)
aver.	average
bsmt.	basement
ch(s).	chapter(s)
chron.	chronological(ly)
comm.	commissioners (county)
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)
L.	Library
ms(s).	manuscript(s)
N.H.H.S.	New Hampshire Historical Society
no(s).	number(s)
num.	numerical(ly)
off.	office
op. cit.	the work cited
p(p).	page, pages
ptd.	printed
r.d.	register of deeds
r.p.	register of probate
sec(s).	section(s)
sh.	sheriff
sol.	solicitor
strm.	storeroom
supt.	superintendent (county farm)
treas.	treasurer
v.	vault
vol(s).	volume(s)
--.	to date

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 33)

Titles: Exact titles of records are written in solid caps without brackets, as in entry 3. In the absence of titles, descriptive titles have been assigned, which are written in solid caps and enclosed in brackets, as in entry 7. If a record title is not descriptive of the contents of the record, an assigned explanatory title, written with initial caps and enclosed in brackets, has been added, as in entry 74. Titles of artificial entries (those procured from another entry) are written in solid caps and enclosed in brackets, as in entry 97. In the master entry (the entry from whose description the artificial entry is taken) the titles in the description are written in initial caps and enclosed in brackets, as in entry 92, "[Summonses], entry 127." Titles of regular entries used as references in the description of other entries are written in initial caps without brackets, as in entry 93, "Judgments, 1860-73, entry 86."

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 1888-1909. Lapses in the records are indicated by a comma between the groups of inclusive dates, as 1888-90, 1920. Current dates are indicated by two hyphens, thus 1932--.

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 79, "1771-1918 in entry 78." They are also used in all artificial entries -- entries for records which must be shown separately under their proper office or section heading, even though they are kept in files or records appearing elsewhere in the Inventory, as in entry 137, "In entry 87." In both instances, the description of the master entry or the entry covering a record of miscellaneous content shows the title and entry number from which the cross reference is made, as in entry 167, "Contains: [Orders on Treasurer], 1840-66, entry 236." Dates shown in the description of the master entry are only for the part or parts of the records contained therein, and are shown only when they vary from those of the master entry.

An original record and its transcript are considered as parts of the same series, and title line cross references to either are used interchangeably to complete the series, as in entry 191, "Originals 1771-- in entry 188;" and in entry 194, "Transcripts 1821-27, 1857-- in entry 190."

Separate third-paragraph cross references from entry to entry and "See also" references under subject headings, 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. Cross references are given for exceptions to this rule.

A general index to a series of records always precedes the records, as in entry 50.

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

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 33)

Size: When a series consists of more than one volume, it is understood that the average number of pages is given. The same rule applies to measurements of volumes, file boxes, drawers, etc. Measurements are always given in inches, unless otherwise indicated, and, therefore, the symbol (") has been 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 number of the article is followed by the old number (enclosed in parentheses). In order to avoid confusion in this inventory, the new numbering only has been followed in all references to the constitution.

The Appendix of the Inventory contains non-official records found in various county offices.

(First entry, p. 33)

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. Early reference to a county convention is found in an act (February 21, 1794) abolishing the courts of general sessions of the peace and delegating tax granting powers to the county delegates in the General Court, who were authorized to form themselves into a convention for that purpose.[1] Two years later a specific reference to the convention of Cheshire County is found in an enactment which stated that the justices of the court of common pleas for Cheshire County had petitioned the General Court that an act be passed authorizing the county treasurer to assess $1,303.34 to discharge the county debt. In answer to this petition the Legislature authorized the Cheshire County Representatives to meet in convention and raise the mentioned sum, or any other sum that might seem to them necessary. The county treasurer was authorized to collect the money so raised in the same manner as though the convention had raised such money at the preceding session of the Legislature.[2] An enactment of the following year, after stating that it was necessary "before the time appointed by law" that money be raised to meet the expenses of Cheshire County, authorized the Cheshire County Representatives to form a convention during that session to raise taxes for their county.[3] In both instances these acts appear to be emergency legislation, having no connection with the general tax granting powers of county conventions. Further general legislation connected with tax granting powers of the county convention received enactment in 1801, however. Taxes voted by the convention were described as "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 for each county were to issue orders on the county treasurer who was authorized to pay out money appropriated by the convention.[4] That the justices of the court of common pleas in Cheshire County reported to the convention on matters pertaining to county finances is proved by the records of the convention for 1812. They include a report to the convention by the justices who stated that they had examined the treasurers' accounts and found them correct. The justices made estimates of county expenses for the then ensuing year. Their estimates included a recommendation for the raising of fifteen hundred dollars for the repair of county buildings. They reported repairs to the courthouse by subscription and the fact that a fund was being raised to repair the jail.[5] That early conventions in Cheshire

---

1. Laws of New Hampshire, 6:157 (1794).
2. Ibid., 6:311-312 (1796).
3. Ibid., 6:397 (1797).
4. Ibid., 7:23-24 (1801).
5. Cheshire County Delegation [Records], May 7, 1812, entry 1.

County sometimes appointed committees to estimate current county expenses is shown by an entry in the records of the convention for 1816 which states that a committee appointed by the convention reported that three thousand dollars would be necessary for county expenses. That sum was accordingly raised.[6] The Cheshire Convention received the report of the county treasurer.[7] Records of the convention in 1868 indicate the financial relation of the convention and the county commissioners. A meeting of the convention was held to question the propriety of instructing county commissioners to postpone further expenditures upon the county farm until the next session of the Legislature; but it was resolved that it was inexpedient to interfere with or suspend the operation of the county commissioners in regard to the county farm.[8]

By the time of the codification of the laws in 1891, legislation had amplified the financial powers of county conventions. They had jurisdiction over the issuance of county bonds for debts; and 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 detailed recommendation of the sums necessary to be raised in the county for the succeeding two years. During each biennial session of the Legislature, county taxes were to be granted by the convention for two years, the tax for each year to be voted separately and collected in the year for which it was voted.[9] By 1926 the convention had acquired the specific power of raising and appropriating money to secure a county agent for the development of the farming industry within the county.[10]

The county convention received (1872) the power to appoint two auditors for each succeeding year.[11] The manner of appointing these officials had been modified by 1891 when the convention appointed them biennially, one from each of the two leading political parties.[12] In 1897, however, the appointing power was transferred to the supreme court[13] (predecessor of the present superior court, which retains that prerogative).

The Public Statutes of New Hampshire furnish evidence that by 1891 the county convention had acquired power to approve the purchase, sale, and conveyance of real estate for the county, and had charge of the erection, repairs, and alteration of county buildings where the expense exceeded one thousand dollars.[14]

A later prerogative is that of appointing a committee (not exceeding five) of its own members to investigate the conduct of the county commissioners in county affairs. This committee may summon witnesses and

---

6. Ibid., June 13, 1816.
7. For example, see ibid., March, 1822.
8. Ibid., April 21, 1868.
9. Public Statutes of New Hampshire, ch. 24 (1891).
10. Public Laws of New Hampshire, ch. 35 (1926).
11. New Hampshire Laws of 1872, ch. XLIII.
12. Public Statutes of New Hampshire, ch. 24, secs. 10, 11 (1891).
13. New Hampshire Laws of 1897, ch. 87.
14. Public Statutes of New Hampshire, ch. 24 (1891).

examine them under oath; secure a transcript of the testimony; and do other necessary acts connected with such an investigation, reasonable expenses of which are payable by the county upon the approval of the superior court. The recommendations of the investigating committee, when accepted by the convention, are entered at length in the next county report.[15]

The 1801 law pertaining to the county convention allowed it to choose a chairman and appoint a clerk whose duty it was to keep a true record of all business transacted in the convention.[16] At one time the clerk of the court of common pleas had the duty of keeping the convention records;[17] but in 1877 a law required that the Secretary of State procure a suitable book for each county, at the expense of that county, in which the records of the convention were to be recorded. This record book was to be deposited with him for safekeeping and attested copies made from this book were to be evidence whenever the original would be evidence. A printed copy of all laws in force, or that might thereafter be enacted, relative to the meetingsof county conventions, their powers, and the duties of their officers was to be inserted at the beginning of this record book. It was the duty of the clerk of the convention to keep a true record of the proceedings of that body in the book thus furnished and to send, immediately after each meeting, a certified copy to the clerk of the county commissioners who was to record the same. The latter was required to send the county treasurer an attested copy of each vote for raising taxes. The minutes of all special meetings of the convention held other than at the State House in Concord were to be recorded by the clerk of the convention and forwarded to the Secretary of State. It was also the clerk's duty to send an attested copy to the county commissioners, and, at the next regular convention meeting in the State House, to enter at length in proper order an attested copy of the records of such special meetings. The county commissioners might call special meetings of the convention at any time and place, taking due care that the members were notified of the time place and purpose of the meeting. At such meetings the convention was to have all the powers it had at the regular meetings.[18] The major requirements of the law of 1877 are in force at the present time.[19]

By an act of 1885, it became the duty of the county commissioners to publish attested copies of the proceedings of the county convention with the reports of the county officers for the year in which the proceedings occurred.[20] That this was not done immediately in all counties is evidenced by the Cheshire County Reports which contain the proceedings of the county convention for the first time in 1888. At the present time the commissioners continue to follow the provisions of the aforementioned act.[21]

---

15. Public Laws of New Hampshire, ch. 35 (1926).
16. Laws of New Hampshire, 7:23-24 (1801).
17. Revised Statutes of New Hampshire, ch. 23, sec. 3 (1842).
18. New Hampshire Laws of 1877, ch. 11.
19. Public Laws of New Hampshire, ch. 35 (1926).
20. New Hampshire Laws of 1885, ch. 21.
21. Public Laws of New Hampshire, ch. 41, sec. 4 (1926).

County Convention (First entry, p. 33)

The records of the Cheshire County convention indicate that the first meeting each biennium is concerned principally with the election of a chairman and a clerk. At subsequent meetings appropriations are voted;[22] committees are appointed;[23] reports of committees are received;[24] repairs on county property are discussed;[25] official communications are read;[26] dates are set for visits to county farm;[27] discussions are held about legislation pertaining to the county;[28] the county budget is considered;[29] members of the board of county commissioners are heard;[30] and all county matters over which the convention has jurisdiction receive proper attention.

As required by law the minutes of the Cheshire County Convention (1878-date) are on deposit with the Secretary of State.[31] The first entry follows:

First Meeting

June 12th 1878

Cheshire County Delegation met according to the call of the Speaker and organized as follows Viz

George W. Stearns was chosen Chairman
William J. Ruel was chosen Secretary

1st Voted to accept and adopt the report of the County Commissioners.
2nd Choose Henry O. Coolidge and George W. Tilden County Auditors.
3d Mr. Hubbard recommended an appropriation of thirty two thousand dollars as current expenses for the year ensuing.
4th Mr. Sargent asked for an appropriation of eight hundred dollars as a fund for Building a new barn at the County Farm.
5 Voted to adjourn subject to the call of the Chairman.

William J. Ruel

22. For example, see Cheshire County Delegation [Records], June 26, 1878, entry 1.
23. For example, see ibid., February 18, 1931.
24. For example, see ibid., March 21, 1911.
25. For example, see ibid., April 15, 1936.
26. For example, see ibid., January 27, 1937.
27. For example, see ibid., May 29, 1935.
28. For example, see ibid., March 2, 1915.
29. For example, see ibid., June 16, 1933.
30. For example, see ibid., February 25, 1937.
31. New Hampshire Laws of 1877, ch. 11; Public Laws of New Hampshire, ch. 35 (1926).

In addition to these records over the period for which the law required that they be kept, there are in Cheshire County some convention records of an earlier date. These earlier records consist of two bundles of manuscript, 1811-31, in the attic of the courthouse and three envelopes 1868-70, 1873, in the courthouse basement. The regular convention records are kept in the basement vault of the Secretary of State, Concord.

1. CHESHIRE COUNTY DELEGATION [Records], 1811-13, 1815-36, 1838, 1845, 1850-51, 1855-56, 1858-66, 1868-70, 1872-73, 1878--. 5 bundles, 3 envelopes, 4 vols. (dated). Prior records missing. 1832-89 in entry 92. Transcripts 1878-81 in entry 2.

Minutes of meetings of county convention (delegation): date, election of officers, action in regard to county finances and buildings, reports of committees, and discussion of county affairs. Certificate of jailor that Charlestown jail has been repaired, 1813. Also contains: C. C. P. Accounts and Convention Proceedings [Treasurer's Reports to County Delegation], 1811-31, entry 230. Arr. chron. by date of entry. No index. Hdw. and typed. Bundles, 8½ x 3½ x 2; envelopes, 8 x 3 x 1/8; vols., 152 pp. 10 x 8 x 5/8. 2 bundles, 1811-13, 1815-31, attic strm.; 3 bundles, 1832-36, 1838, 1845, 1850-51, 1855-56, 1858-66, bsmt. v.; 3 envelopes, 1868-70, 1872-73, bsmt. hallway.; 4 vols. 1878--, bsmt. v., Secretary of State, Concord.

II. COUNTY COMMISSIONERS

The board of county commissioners has control of the general administrative affairs of the county and the promotion of public welfare. This board consists of three residents of the county chosen at the biennial election.

In New Hampshire road commissioners preceded county commissioners. An act of January 3, 1829 established a board of five road commissioners in each county for the laying out and repairing of highways, to be appointed by the Governor and Council.[1] By an additional act of 1830, petitions for new highways, for making existing highways wider and straighter, and for damages due land owners were to be tried and determined by the court of common pleas before being referred to the commissioners; and all records, files, and proceedings of the commissioners were to be deposited with the clerk of that court. Also, fines for defects in making or repairing any highway or bridge were to be imposed by the superior court which was to appoint one or more persons to collect the fines; and the commissioners were to use these fines for financing the repairing of the defective highway or bridge.[2]

1. Laws of New Hampshire, 9:103 (1829).
2. Ibid., 10:137-138 (1830).

County Commissioners (Next entry 2, p. 41)

This office was made elective in 1840; and the number of commissioners was reduced to three in each county. In the event of a tie vote a commissioner was to be appointed by the clerk of the court of common pleas 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 required to take an oath before entering office; to examine all petitions concerning highways referred to them by the court of common pleas, and report back to the court on such petitions; and 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 joint reports to the court in each county. The act also provided that if one of the commissioners was interested in the road petitioned for, he would not be allowed to take part in the proceedings.[3] Later in the same year an act provided that the road commissioners must deposit with the clerk of each town through which they laid out a new highway a certificate of the damages awarded the several land owners in that town, fifteen days prior to the session of the court to which the report of said laying out was returnable.[4]

With the coming of the railroads it was deemed advisable to establish a board of railroad commissioners in each county.[5] In 1844 it was provided that the State Board of Railroad Commissioners should work jointly with the road commissioners in each county in assessing proper recompense to land owners for rights of way.[6] Four years later this act was amended so that Railroad Commissioners would work with the selectmen of the towns in which the right of way was laid out rather than with the road commissioners.[7] The road commissioners were also required to investigate the need for bars or bridges at railroad crossings upon instruction from the court,[8] and empowered to erect and maintain such other bars and gates across a highway as they saw fit.[9]

The board of county commissioners replaced the road commissioners in 1855. Specific provision for the election of the commissioners was as follows: in each county three residents were to be chosen by the voters on the second Tuesday in March of the following year -- one to hold office as commissioner for one year, another for two years, and the third for three years. Thereafter, membership of the board was to be filled by election as terms of the incumbents expired.[10] In 1878 the term of office was changed to two years, with the commissioners chosen at biennial elections.[11] At the present time in four counties (Belknap, Coos, Hillsborough, and Sullivan) commissioners are elected by districts; but in

---

3. New Hampshire Laws of 1840, ch. DVI.
4. Ibid., ch. DXLIII.
5. New Hampshire Laws of 1836, ch. CCXXXVI.
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 1849, ch. 742.
10. New Hampshire Laws of 1855, ch. 1659.
11. New Hampshire Laws of 1878, ch. 23.

the remaining counties (including Cheshire) they are elected at large.[12]

The act of 1855 also provided that the commissioners should receive three dollars per day when necessarily employed on the 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. In 1868 this part of the act was amended to include "a reasonable sum for all necessary expenses * * *."[13] In 1921 the salary of the Cheshire County commissioners was set at five hundred dollars per year.[14] It increased to eight hundred dollars in 1935,[15] and to one thousand dollars in 1937.[16]

The act instituting the board of county commissioners provided further that prior to entering office the commissioners should take an oath to discharge their duties faithfully, administered by the clerk of the court; and that any commissioner might be removed from office, for official misconduct, by the supreme judicial court, and the office declared vacant. If, for this or any other reason, there should be a vacancy, 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 incident to the office. At the same time it was established that if any commissioner should be interested in any petition referred to the board, he was to be barred from serving in connection with that particular petition. Any justice of the court of common pleas or of the supreme judicial court might substitute for the disqualified commissioner. The manner of removal remains the same today (except that the removing agency is the superior court); but if a commissioner is temporarily unable to perform the duties of office by reason of illness or any other cause the court, upon application of the county solicitor or a majority of the commissioners, may appoint a commissioner for a limited period, and may extend or shorten the period to meet the situation. No person may hold this and any other office at the same time.[17]

When the board of county commissioners replaced the road commissioners all the power and authority exercised by the latter was transferred to it. Another act of the same date provided that no highway should be laid out except as a result of a unanimous report of the commissioners;[18] this act, however, was repealed three years later.[19] Since

---

12. New Hampshire Laws of 1929, ch. 142; New Hampshire Laws of 1931, ch. 134; New Hampshire Laws of 1937, chs. 43, 83.
13. New Hampshire Laws of 1868, ch. XVI.
14. New Hampshire Laws of 1921, ch. 149.
15. New Hampshire Laws of 1935, ch. 147.
16. New Hampshire Laws of 1937, ch. 44.
17. Public Laws of New Hampshire, ch. 36 (1926); New Hampshire Laws of 1937, ch. 38.
18. New Hampshire Laws of 1855, ch. 1670.
19. New Hampshire Laws of 1858, ch. 2102.

1859 the authority to lay out and repair highways has rested with the selectmen of the various towns in which the highway is situated.[20] If the selectmen of the towns through which the highway is laid out cannot reach an agreement concerning the apportionment of the expense among the towns, a petition for settlement may be filed with the clerk of the superior court, said court referring the petition to the commissioners who must apportion the expense of the construction or repairs as they deem reasonable among the towns concerned. If the highway is situated in more than one county, the commissioners of such counties shall act as one board. If any commissioner is interested in the petition under consideration, he is barred from serving, and the vacancy may be filled by any judge of the superior court.[21]

The commissioners are required to hold a hearing on every petition referred to them; and if one of them is unable to attend on the appointed day, the others may appoint "a person who has served in such office to act in his stead." They must return a report of the hearing to the court together with full description of the highway, an estimate of the expense involved, the names of all the owners of property taken for the highway, and an assessment of all land damages. If the commissioners decide to lay out the highway, they may apportion the expense among the towns benefited by the highway as they deem reasonable. They may also apportion the costs of the hearing among the interested parties; and are allowed ten cents a mile for actual travel when examining the proposed highway, and three dollars a day when employed on such examination.[22]

The commissioners may order the county to assume a part (not more than half) of the expense of a highway if in their opinion the cost would be excessively burdensome to the town or towns involved.[23] They are also empowered to set aside a certain sum for the improvement of highways in unorganized places.[24] In the event of the discontinuance of a highway the commissioners are obliged to assess the damages in the same manner as for the building of highways, upon petition referred to them by the superior court.[25] They must examine all defective highways upon notice and determine what construction and repairs are necessary, and are empowered to enforce their decision.[26] A city, town, or unincorporated place may make application through the commissioners for state aid for certain highways.[27] The commissioners may free any toll bridge in their county upon petition of twenty tax payers of the county if they

---

20. New Hampshire Laws of 1859, ch. 2219.
21. New Hampshire Laws of 1861, ch. 2494; New Hampshire Laws of 1863, ch. 2726; Public Laws of New Hampshire, ch. 75, sec. 5-9 (1926).
22. Public Laws of New Hampshire, ch. 76 (1926).
23. Ibid., ch. 78, sec. 9 (1926).
24. New Hampshire Laws of 1927, ch. 102.
25. Public Laws of New Hampshire, ch. 79, secs. 3, 4 (1926).
26. Ibid., ch. 82, secs. 11-15 (1926).
27. New Hampshire Laws of 1935, ch. 17.

decide such action is for the best interests of the travelling public.[28] 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.[29] They must appoint police officers for unorganized places upon petition of five or more residents of such places.[30]

For a time after their institution commissioners were required to attend the term of the court of common pleas as long as the discharge of their duties made it necessary.[31] This was amended in 1856 to limit their attendance to the first week of the court term;[32] and repealed in 1921.[33]

At various times county commissioners were empowered to remit fines and discharge prisoners held for inability to pay any fines or costs, or to procure securities;[34] to apportion and regulate the distribution of proceeds of the sale of town meeting-houses;[35] to determine the allowance of county jailers over and above the prescribed amount;[36] to cause bonds to be prepared in the name of the county for the funding of floating debts;[37] to appoint jointly with the aldermen or selectmen of the city or town in which the house of correction was located a master for that institution, supervise his activities, and audit his accounts;[38] to petition the supreme judicial court, any police court, or any justice of the peace for the removal of foreign paupers;[39] to bind out vagrants;[40] to appoint fire wardens in regions lacking town organization;[41] to place the children of paupers in an orphanage;[42] to determine the location of school houses in cases of dispute;[43] and to permit the use of bodies of paupers for the advancement of anatomical and surgical science.[44]

Powers of the commissioners were defined and limited in an enactment of July 1863,[45] restraining them from using any monies or pledging

---

28. Public Laws of New Hampshire, ch. 94 (1926).
29. Ibid., ch. 56, sec. 7 (1926).
30. Ibid., ch. 58, secs. 2-6 (1926).
31. New Hampshire Laws of 1855, ch. 1659.
32. New Hampshire Laws of 1856, ch. 1830.
33. New Hampshire Laws of 1921, ch. 13.
34. New Hampshire Laws of 1857, ch. 1959; New Hampshire Laws of 1872, ch. XXX.
35. New Hampshire Laws of 1858, ch. 2107.
36. Ibid., ch. 2089; New Hampshire Laws of 1862, ch. 2591.
37. New Hampshire Laws of 1860, ch. 2368; New Hampshire Laws of 1869, ch. II.
38. New Hampshire Laws of 1862, ch. 2590.
39. Ibid., ch. 2592.
40. New Hampshire Laws of 1875, ch. VII, sec. 5.
41. New Hampshire Laws of 1893, ch. 44.
42. Ibid., ch. 61.
43. New Hampshire Laws of 1870, ch. IX; New Hampshire Laws of 1871, ch. IV; New Hampshire Laws of 1872, ch. XIII; New Hampshire Laws of 1921, ch. 88.
44. New Hampshire Laws of 1869, ch. XL; Public Laws of New Hampshire ch. 376, sec. 24 (1926).
45. New Hampshire Laws of 1863, ch. 2735.

the credit of the county to an amount exceeding one thousand dollars (except on vote of the county convention) and from selling or conveying any real estate belonging to the county unless authorized by the convention.[46] An act of 1866 required all orders drawn by the commissioners on the county treasury to specify the purpose for which they were drawn.[47]

The commissioners must choose from their number a chairman and a clerk. "The Clerk [shall] keep a record of the proceedings of the commissioners, all claims allowed by them, the annual report of the county treasurer and the proceedings of the county convention, and keep on file, in a county safe, all original papers, claims and accounts acted upon by the board." He must 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.[48]

Since the institution of the board, the commissioners have had charge of all county property; and may repair, enlarge, or erect county buildings, if the cost does not exceed one thousand dollars. "They may purchase personal property for the use of the county, its courts and officers; and may sell any of the county personal property that is not needed for its uses. When so authorized by the county convention they may purchase such real estate as may be required for a house of correction, county farm, jail or other county uses, and may repair, enlarge or erect county buildings at a cost not exceeding one thousand dollars; and, with like authority, they may sell any of the county's real estate."[49]

They are obligated to care for county paupers,[50] and when necessary they may appoint agents in the several towns to investigate applications and look after the county poor in such towns. They have the oversight of the county farm and house of correction, appointing the superintendent and any other officers that may be required. They may establish rules and regulations for the government of these institutions, provided that no punishment be inflicted other than hard labor, or solitary confinement for forty-eight hours at one time "or the reasonable correction which a parent may inflict upon a child."[51] They have charge of the employment of prisoners.[52] No commissioner may act as superintendent of the county farm.[53] They must reimburse towns for all money expended on county charges;[54] provide support for dependent children;[55] and decide all

---

46. Id.
47. New Hampshire Laws of 1866, ch. 4258.
48. Public Laws of New Hampshire, ch. 38, secs. 1-3 (1926).
49. Ibid., ch. 38, sec. 4-7 (1926).
50. New Hampshire Laws of 1855, ch. 1659, sec. 37; Public Laws of New Hampshire, ch. 107 (1926).
51. Public Laws of New Hampshire, ch. 38, secs. 8-10 (1926).
52. New Hampshire Laws of 1927, ch. 112.
53. Public Laws of New Hampshire, ch. 38, sec. 11 (1926).
54. New Hampshire Laws of 1933, ch. 137.
55. Public Laws of New Hampshire, ch. 109; ch. 111, sec. 9 (1926).

petitions for the sexual sterilization of any inmate of a county institution.[56] They may commit feeble-minded minors to the State School,[57] and attend all hearings on juvenile delinquency.[58] By enactments of 1931 and 1935, the county commissioners administered old age assistance and relief to the needy blind.[59] In 1937 a law was passed (effective July 1, 1938) assigning to the State Department of Public Welfare duties having to do with the care of dependent children, the needy aged, and the blind. The county reimburses the state twenty-five percent of the expenditures.[60] Accordingly, since the summer of 1938, the State Department of Public Welfare has provided for old age assistance and blind aid in Cheshire County. Due to expediency, however, the county affords temporary care for dependent children until otherwise placed.

Any disagreement regarding administration of poor relief between the commissioners and the director of state relief must be settled by the State Department of Public Welfare whose decision is final.[61]

The commissioners shall audit 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. They must not allow any pauper bill or claim unless it is accompanied by the proper vouchers and supported by an affidavit of the claimant, and no such bill or claim may be paid by the treasurer unless certified by them. If any disagreement arises between any claimant and the commissioners, it must be submitted to the superior court for a decision. They are authorized to direct proceedings for the recovery of fines, penalties, forfeitures, costs, and other claims due the county, and no claims may be allowed unless authorized in writing by the commissioners. 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.[62]

When so authorized by the county convention, the commissioners may issue bonds to raise money for the use of the county, subject to the provisions of the laws covering the issuance of bonds. Such bonds must be signed by at least two of the commissioners, countersigned by the treasurer, and registered by the clerk of court for the county.[63] When any public records have become so faded, worn out, or otherwise defaced that it is necessary to copy them to safeguard their preservation, the

---

56. New Hampshire Laws of 1929, ch. 138.
57. Public Laws of New Hampshire, ch. 112, sec. 3 (1926).
58. New Hampshire Laws of 1937, ch. 152, sec. 17.
59. New Hampshire Laws of 1931, ch. 165; New Hampshire Laws of 1935, chs. 127, 137.
60. New Hampshire Laws of 1937, ch. 202.
61. New Hampshire Laws of 1935, ch. 20.
62. Public Laws of New Hampshire, ch. 38, secs. 12-16, 18-20 (1926).
63. Ibid., ch. 38, secs. 21, 22 (1926).

commissioners may authorize that process.[64] In the months of September and October, every four years, the commissioners shall visit every town in their county, not exceeding two days each, and inspect as much of the real and personal estate as they deem necessary to decide whether it is justly appraised.[65]

The accounts of the commissioners shall be kept in the form prescribed by the State Tax Commission,[66] and be audited once in three months by the county auditors with whom the commissioners must file a sworn statement of all bills outstanding at each audit.[67] The commissioners and other county officers are required to make up their reports annually to the thirty first of December and have them printed together in pamphlet form during the February following.[68] The reports should contain an account of all transactions which concern the county, together with full statistics pertaining to the county farm, jail, and all pauper aid. These statistics are to be returned by the commissioners to the State Department of Public Welfare on or before July first of every year. The published report is to include an attested copy of the proceedings of the county convention during the period covered by it. One copy of the report shall be received by the town clerk of every town in the county, twenty copies by the Secretary of State,[69] and two copies by the State Library.[70]

The county commissioners may call a special meeting of the county convention by mailing a notice of the place, time, and purpose of the meeting to each member of the convention at least a week before the appointed day, and by publishing a notice for one week prior to the meeting.[71] Prior to the fourth Wednesday of each biennial session of the Legislature, the commissioners are obliged to send the Secretary of State a statement of the condition of the county treasury with their recommendation of the sums necessary for the county during each of the ensuing two years, stating in detail the objects for which such money is needed.[72]

When a town or city is unable to purchase or lease at a reasonable price land needed for an aircraft landing field, it may petition the commissioners to acquire the same by right of eminent domain.[73] If any person having charge of a cemetery shall fail to carry out the provisions for the maintenance of burial grounds, the commissioners must enforce these provisions when requested in a written complaint.[74] The commissioners may offer a reward, not exceeding three hundred dollars, for the

---

64. Ibid., ch. 38, sec. 23 (1926).
65. Ibid., ch. 38, sec. 26 (1926).
66. New Hampshire Laws of 1933, ch. 165.
67. Public Laws of New Hampshire, ch. 35, secs. 19-23 (1926).
68. New Hampshire Laws of 1931, ch. 47.
69. Public Laws of New Hampshire, ch. 41 (1926).
70. Ibid., ch. 10, sec. 24 (1926).
71. Ibid., ch. 35, sec. 15 (1926).
72. New Hampshire Laws of 1931, ch. 18.
73. New Hampshire Laws of 1929, ch. 90.
74. Public Laws of New Hampshire, ch. 55, sec. 6 (1926).

apprehension of any criminal charged with "a capital or other high crime."[75] They may borrow money in the name of the county upon approval of the superior court and the county convention.[76]

From time to time Cheshire County Commissioners have received by legislative enactment certain specific duties outside of their routine work. For instance, they were empowered in 1857 to assess damages and settle disputes arising in connection with the construction of the Keene Aqueduct;[77] in 1861 the construction of the Keene water works;[78] and in 1893 the construction of the North Walpole Fire District water works.[79]

The commissioners of Cheshire County, as do the commissioners of other counties, publish annually the reports of various county officers. These reports were very meagre in the earlier years, but they gradually increased their scope until they have now become quite detailed. They now contain the reports of the commissioners, county delegation (convention), treasurer, auditors, superintendent of the county farm, county farm physician, clerk of the superior court, county solicitor, and sheriff.

The 1937 county report states: "The relief situation has grown in leaps and bounds owing to the fact that the manufacturing industry throughout the County and particularly in Keene has not given employment as in the past." Therefore, it is not surprising that the county commissioners have a large amount of welfare records. These include orders and bills; relief summary cards; investigators' reports and recommendations; agreements of the county to furnish supplies; relief affidavits; list of names of county paupers; pauper claims; aid for dependent children; dependent soldiers' claims; and monthly relief statements. Financial records include orders drawn by the commissioners; receipts for money received by them; schedules for bills receivable; and payrolls.

The commissioners also keep a few blue prints and drawings of county buildings; deeds to property owned by the county; an abstract of title to land of the county farm; and bids, contracts, and specifications having concern with work at the county farm.

Records of the county commissioners are distributed among their inner and outer offices, the attic, and the basement hallway, courthouse.

For non-official records found in this office, see App. entries 1-6.

Minutes and Reports

2. RECORDS [of Commissioners] CHESHIRE COUNTY, 1867-83.
1 vol. Isolated record. 1885 in entry 16.
Minutes of commissioners' meetings; record of bond issues; and appointments of master (1875) and assistant keeper (1882) of the house of correction. Also contains: Cheshire County Delegation [Records], 1878-81, entry 1; and [Indentures], 1875-76, entry 49. Arr. chron. No index. Hdw. 396 pp. 13¾ x 9 x 1. Attic.

---

75. Ibid., ch. 375 (1926).
76. New Hampshire Laws of 1933, ch. 185.
77. New Hampshire Laws of 1857, ch. 2031.
78. New Hampshire Laws of 1861, ch. 2545.
79. New Hampshire Laws of 1893, ch. 292.

3. REPORTS OF THE COUNTY COMMISSIONERS COUNTY TREASURER AND OTHER OFFICERS OF CHESHIRE COUNTY, 1872-94, 1896, 1899, 1919-21, 1923, 1925, 1927, 1929-32, 1934--. 41 vols. (21 of which, 1872-92, are bound in 2 vols.). Prior records missing. Title varies: Reports of the County Comm. Cheshire County; Cheshire County Reports. 1875-- in entry 4.

Annual reports of county officers showing date, names and addresses of county officers, copy of minutes of Cheshire County delegation meetings; annual reports of county officers (commissioners, treasurer, auditors, superintendent of county farm and house of correction and hospital, county farm physician, clerk of superior court, solicitor, and sheriff); itemized county receipts and expenditures, county budget sheet, and list of inmates and prisoners at county farm and house of correction. Early reports meagre in information. Arr. departmentally. No index. Ptd. Vols. 80 pp. 8¾ x 6 x 1/8; vols. bound together 400 pp. 9 x 6 x 1¼. Inner off.

4. COUNTY REPORTS [of all Counties in New Hampshire], 1875--. 56 vols. (dated). Missing, prior records and 1878, 1899, 1903, 1921, 1923, 1930-31.

Annual reports of County officers of each county in New Hampshire, bound together yearly, including Reports of the County Commissioners County Treasurer and Other Officers of Cheshire County, entry 3, showing information as in entry 3. Arr. departmentally. No index. Ptd. 530 pp. 8½ x 5¾ x 2¼. 49 vols., 1875-1929, inner off.; 7 vols., 1932--, outer off.

Welfare

Affidavits

5. [Relief] AFFIDAVIT, 1901-33. 1 wooden box, 1 f.b. 1930-- in entry 6.

Name of applicant, date and place of birth, present residence, how long in state, length of residence in other places in state, personal statistics, property now or previously owned, amount of insurance (if any), military or naval service, pension, previous relief, need of relief, remarks, signature of applicant, and jurat. Arr. alph. by names of applicants. No index. Hdw., and hdw. and typed on ptd. forms. File box, 11 x 5 x 16; wooden box, 11 x 10 x 10. Wooden box, 1901-29, attic; f.b., 1901-33, outer off.

Active Cases-Direct Relief

6. ACTIVE CASES IN KEENE-RELIEF CASES IN TOWNS, 1930--. 3 f.d. Prior records not kept.

Investigation, dated reports and recommendations, agreements of county to furnish supplies, applications for aid, descriptions of families, tax records of applicants, and correspondence concerning these cases. Also contains: [Relief] Affidavit, entry 5. Arr. alph. by names of towns and thereunder by names of cases. No index. Hdw., hdw. and typed on ptd. forms and headings, and typed. 12 x 14½ x 26½. Outer off.

7. [MONTHLY TABULATIONS OF DIRECT RELIEF], 1933-36.
3 folders. System began 1933. 1937-- in entry 19.
Summary of relief to county cases: order number, date, town or city, case number, name of recipient, kind of aid (groceries, clothing, fuel, rent, medical, hospital, board and care, cash for work relief, milk, miscellaneous), amount, totals, and grand total. Arr. chron. by date of entry. No index. Typed on ptd. headings. 14 x 9½ x 1. Attic.

8. [RELIEF SUMMARY CARDS], 1933--. 1 bundle, 1 f.b.
System began 1933.
Name, address, case number, reimbursed by; 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, other, and total; work relief: name, date, case number, budget, number in family, single, employables, and receiving work relief. 1933-34, no obvious arr.; 1935--, arr. alph. by names of cases. No index. Hdw. and typed on ptd. forms. Bundle, 10 x 8¾ x 4; f.b., 6¾ x 9½ x 16¾. Bundle, 1933-34, attic; f.b., 1935--, outer off.

9. TOWNS IN CHESHIRE COUNTY-COUNTY CASES, 1933-34.
2 vols. Prior records missing. Discontinued.
Applications for relief: name, address, case number, date of application, members of household, estimates of weekly needs and weekly income, proof of residence, and work relief record; if relief granted, date, order number, kind of relief, and amount. Arr. alph. by towns and thereunder by names of applicants. No index. Hdw. and typed on ptd. forms. 1 vol., 600 pp. 9 x 11 x 4; 1 vol., 400 pp. 16 x 12½ x 2½. Inner off.

Paupers (See also entry 239)

10. [NAMES OF COUNTY PAUPERS], 1863-82. 1 vol. Prior records missing. Discontinued.
List of persons adjudged paupers: name, town, date considered, age, and remarks. Arr. chron. by term of court and alph. thereunder by names of paupers, adults, and children. No index. Hdw. 250 pp. 12¾ x 8 x ¾. Attic.

11. RECORD OF PAUPERS-COUNTY OF CHESHIRE, 1885-1914.
2 vols. (1, 2). No prior records kept. Discontinued.
Case number, date, name, town, age, personal statistics, and remarks. Arr. chron. Indexed alph. by names of cases. 525 pp. 14¼ x 8¾ x 2. Attic.

Claims

12. CLAIMS, 1899--. 12 wooden boxes, 19 f.d. (labeled by inclusive claim numbers). 1835-98 in entry 167.
Claim jacket showing number, amount, name of claimant, service or commodity, and signatures of county commissioners; included in jacket: original claims, commissioners' orders, invoices, and cancelled check (order) in payment of claim. Also contains: [Pauper Claims], 1908--,

entry 13; [Dependent Soldiers' Claims], entry 14; and [Payrolls], 1908--, entry 33. 1899-1936, no obvious arr.; 1937--, arr. num. by claim numbers. No index. Hdw., hdw. and typed on ptd. forms and headings, and typed. Boxes, 10 x 11 x 21½; f.d., 10 x 5¼ x 17. 12 boxes, 1899-1936, attic; 19 f.d., 1937--, inner and outer off.

13. [PAUPER CLAIMS], 1862--. 1862-1907 in entry 47; 1908-- in entry 12. Transcripts 1865-1919 in entry 16.
Name of person, town, date adjudged county pauper, age, weeks charged and allowed for clothing and incidentals, amount per week, total amount charged and allowed, order number, dates settled and paid, and remarks.

14. [DEPENDENT SOLDIERS' CLAIMS], 1899--. In entry 12. Transcripts 1865-1919 in entry 16.
Date, name of soldier, town, age, weeks charged and allowed for clothing and incidentals, amount per week, total amount charged and allowed, order number, dates settled and paid, and remarks.

15. COMR'S ORDERS [Claims] CHESHIRE COUNTY, 1867-80. 1 vol. Isolated record.
Accounts of claims presented to and allowed by commissioners: date, order number, name of person receiving order, amounts applied for and allowed, and number of adults and children in family. Arr. chron. by date of entry. No index. Hdw. 388 pp. 14 x 9 x 1½. Attic.

16. PAUPER CLAIMS [Miscellaneous], 1865-1919, 1926-33. 92 vols. and 8 duplicate vols. Title varies: Dependent Soldiers Claims. No prior records kept.
Contains transcripts of: Records [of Commissioners] Cheshire County, 1885, entry 2; [Pauper Claims], 1865-1919, entry 13; [Dependent Soldiers' Claims], 1865-1919, entry 14; and Receipts for Money Received by County Commissioners, 1926-33, entry 30. Arr. chron. by date of entry. 1865-1909, indexed alph. by towns, num. by wards in Keene, and alph. by claimants thereunder; 1910-19, 1926-33, no index. Hdw. and hdw. on ptd. headings. 65 pp. 13½ x 8¼ x ¼. Attic.

County Farm (See also entries 239-241)

17. [INMATES AT COUNTY FARM], 1917--. 1 f.b.
Record of present, discharged, and deceased inmates of county farm. Face of card: name and address, date and place of birth, age, marital status, sex, color, occupation, case history, names and birthplaces of parents, occupation of each, citizenship status, names of relatives, admitted from, dates (admitted, discharged, deceased), and general information. Reverse of card shows additional information regarding town cases: date, items (board, hospital), charges (dates covered, rate per week or month), and total amount and date paid by towns. Also contains: [Board and Care of Children], 1921--, entry 18. Arr. alph. by names of inmates and children. No index. Hdw. and typed on ptd. forms and typed. 11 x 12 x 24. Inner off.

18. [BOARD AND CARE OF CHILDREN], 1921--. In entry 17.
Dependent children being cared for and discharged at county farm: name and address, date and place of birth, names and birthplaces of parents, date admitted, where boarding (rate of board per month), date discharged, and remarks.

19. AT COUNTY FARM-DECEASED-MISCELLANEOUS, 1934--. 1 f.d.
Relief application of county farm inmates (town and county cases): date, name, town, length of residence, statement of property held, employment status, names of relatives, and correspondence pertaining to these cases. Date of decease also added upon occurrence. Also contains: [Monthly Tabulation of Direct Relief], 1937--, entry 7; and W.P.A. Payrolls, 1938--, entry 34. Arr. topically. No index. Hdw. on ptd. forms; correspondence, hdw., typed, and carbons. 10 x 14 x 26. Inner off.

Orders, Bills, Receipts

20. CHESHIRE COUNTY RECORDS [Town and County Relief Orders], 1935--. Approx. 4500 papers in 4 f.b. No prior records kept.
Relief orders: date, order number, kind of relief, town, name and address of vendor, items, and signature of relief agent. Arr. chron. by date of issue. No index. Hdw. pencil carbon on ptd. forms. 6½ x 10 x 26. 2 f.b., 1935-36, attic; 2 f.b., 1937--, inner off.

21. SUITS AND OVERCOATS [W.P.A. Certification Orders and Receipts for Clothing], Nov. 1938--. Approx. 200 papers in 1 f.d. No prior records kept.
Case name, address, number of persons in family, kind of aid, name of person signing for commodity, date received, and quantity and description of clothing. No obvious arr. No index. Hdw. and typed on ptd. forms. 4 x 12½ x 21½. Inner off.

22. STATE RECORDS OF COUNTY CASES, 1933-34. Approx. 10,000 papers in 3 cardboard boxes. Agency existed only 2 years. Discontinued.
Triplicate carbon copies of New Hampshire Emergency Relief Administration relief orders showing aid for soldier, blind, old age, board and care of children: name and address of recipient, date and case number; name and address of vendor, commodity (groceries, clothing, fuel, rent, medical, miscellaneous), and signature of county supervisor; and dates: received and by whom, checked, posted, check mailed, and filed. No obvious arr. No index. Hdw. on ptd. forms. 12½ x 10½ x 15. Attic.

23. [R. F. C. ACCOUNTS PAID TO TOWNS], 1933. Approx. 500 papers in 4 envelopes and 8 bundles. Isolated record.
Bills rendered by towns for aid to needy families: names of recipient and vendor, itemized accounts of merchandise furnished and receipts for same, and related correspondence. No obvious arr. No index. Hdw. and typed on ptd. forms. Bundles, 9 x 4½ x 1½; envelopes, 4½ x 9 x ¼. Attic.

24. CANCELLED STATE BILLS, 1934. 1 folder. Isolated record.
Bills paid by state for relief: date, case number, kind of relief, miscellaneous, and total. No obvious arr. No index. Typed on ptd. headings. 13 x 9½ x ¼. Attic

Miscellaneous

25. CHESHIRE COUNTY WOOD BOOK, 1887-99. 2 vols. (1 vol. dated). Isolated record.
Account of wood delivered by Arthur P. Howland, overseer of the poor, to needy persons in Keene: date, amount and kind of wood (size), and name of recipient. Arr. chron. No index. Hdw. 130 pp. 8½ x 7 x ½. Attic.

26. [BIDS, CONTRACTS, SPECIFICATIONS, AGREEMENTS], 1906, 1912--. 1 f.d. Last entry 1933. Prior records and 1907-11 not kept.
1906, agreement between county commissioners and Dartmouth Medical School regarding cadavers; 1912-33, bids, acceptances, and contracts for wiring, plumbing, repairs, and construction at county farm (date, costs, specifications, contracting parties), and related correspondence; 1913-33, agreements of county commissioners regarding support of adults (date, names of persons concerned, and particulars). No obvious arr. No index. Hdw. and typed. 3 x 9 x 15½. Outer off.

Financial
(See also entries 155-161, 185, 186, 242-246)

Orders

27. CHESHIRE COUNTY ACCOUNTS, 1882-Feb. 1935. 8 vols. Prior records not kept. Discontinued. Title varies: Division of Accounts-County of Cheshire.
Copies of orders drawn by county commissioners for expenses of almshouse, outside poor, care of courthouse, jail, county offices, blind aid, medical referee, roads, farm bureau, soldiers, salaries, temporary loans, miscellaneous, county hospital, and all other. Payments show date, number, item, and amount. Arr. chron. No index. Hdw. on ptd. forms. 250 pp. 11½ x 14 x 1. Attic.

Bills, Purchases, Receipts

28. [SCHEDULE OF BILLS RECEIVABLE], 1931--. 1 vol. Prior records not kept.
Date, town, name, purpose, amount, and date paid. Arr. chron. Indexed alph. by names of persons and towns. Hdw. 275 pp. 10 x 9 x 1. Outer off.

29. RECORD OF PURCHASES-COUNTY OF CHESHIRE, 1878-1913. 8 vols. (A, B, B-G). Prior records not kept. Discontinued.

Date, by whom ordered, from whom purchased, address of vendor, item and quantity, price, total, and remarks. Arr. chron. 1878-84, indexed alph. by names of vendors; 1885-1913, no index. Hdw. on ptd. forms. 250 pp. 14 x 9 x 1¾. Attic.

30. RECEIPTS FOR MONEY RECEIVED BY COUNTY COMMISSIONERS, 1933--. 1 vol. 1926-33 in entry 16.

Record of money received by the county commissioners. Date and source: county farm, outside aid, fines, notes, taxes, rents, old age assistance, blind aid reimbursements, and miscellaneous. Arr. chron. No index. Hdw. 150 pp. 11 x 9 x 1. Outer off.

31. [BANK RECEIPTS FOR MONEY RECEIVED], 1932--. Approx. 1,000 papers in 6 bundles. Prior records not kept.

Receipt for money deposited to credit of county commissioners: number, date, amount, names of county and city, from whom, for account of, and signature of bank official. Arr. num. No index. Hdw. and typed on ptd. forms. 3¼ x 6¼ x 2. 3 bundles, 1932-36, attic; 3 bundles, 1937--, outer off.

32. [CHESHIRE COUNTY FARM RECEIPTS], 1938--. Approx. 250 papers in 1 f.d. Prior records not kept.

Commissioners' carbon copies of county farm receipts for commodities sold or services rendered: date, town, receipt number, received from, purpose, and signature of farm superintendent. Arr. num. No index. Hdw. on ptd. forms. 4 x 12½ x 21½. Inner off.

Payrolls

33. [PAYROLLS], 1862--. 1862-1907 in entry 47; 1908-- in entry 12.

Name and address of payee, purpose, amount, and signatures of commissioners.

34. W.P.A. PAYROLLS, 1935--. Approx. 200 papers in 2 f.d. System began 1935. 1938-- also in entry 19.

Carbon copy of payroll showing name and kind of project, project and symbol numbers, names of workers or services, amount of each wage or service, total, and name of disbursing officer. No obvious arr. No index. Typed on ptd. forms. 3¾ x 12½ x 22. Inner off.

35. [COUNTY COMMISSIONERS' COPIES OF COURT PAYROLLS], 1922, 1924-34. 1 paper box, 1 wooden box. Prior records missing. Discontinued.

Name and address of payee, amount, and purpose; name, date, place, and approval of court; and signature of clerk of court. Arr. chron. by date of issue. No index. Hdw., and hdw. and typed on ptd. forms and headings. Paper box, 5 x 11 x 12; wooden box, 7 x 9½ x 23. Attic.

For original court payrolls, see entry 158.

County Commissioners - Highways; (36-40)
Maps, Plans, Deeds

Checks, Check stubs, Bank Statements

36. [COURT ORDERS ON BANK], 1935--. 4 bundles. Prior records missing.

Commissioners' carbon copies of orders issued by clerk of court to pay court expenses: number, name of bank, term of court; names of city, county and court; purpose, name of payee, amount, date, and name of clerk of court. Arr. num. No index. Hdw. on ptd. forms. 3½ x 7½ x 1¾. 2 bundles, 1935-37, attic; 2 bundles, 1938--, outer off.

37. ORDER BOOK COUNTY COMMISSIONERS [Check Stubs], 1897--. 37 vols., 10 bundles. Missing, prior records and 1909-10, 1914, 1920, 1923.

Stubs of orders on bank in payment of claims against county: number, amount, date and place issued, to whom, purpose, and audited by. Arr. chron. by date of issue. No index. Hdw. and hdw. and typed on ptd. forms. Vols., 250 pp. 14 x 10¼ x ⅝; bundles, 10 x 7 x 2. Vols. and 8 bundles, 1897-1937, attic; 2 bundles, 1938--, outer off.

38. [BANK STATEMENTS], 1936--. 4 bundles. Prior records not kept.

Name of bank, date, in account with, previous balance, deposits, withdrawals, and present balance. No obvious arr. No index. Hdw. and typed on ptd. headings. 9 x 4 x 1½. 2 bundles, 1936-37, attic; 2 bundles, 1938--, outer off.

Highways
(See also entries 114-117, 120)

39. ROAD HEARINGS, HIGHWAY PETITIONS, 1919--. 1 f.d. Last entry 1933. Prior records missing.

Dated petitions for laying out, altering, and discontinuing highways; damages incurred thereby; and decisions of county commissioners regarding petitions. No obvious arr. No index. Hdw., hdw. in pencil, and typed. 3 x 9 x 15½. Outer off.

Maps, Plans, Deeds
(See also entries 58, 61-65)

40. [MAPS, PLANS, AND SKETCHES], scattered dates 1827--. 66 maps, plans, and sketches in 1 wooden box, 1 bundle. Last entry 1933.

Blueprints and drawings: (Keene) jail stable, railroad tracks Westmoreland station, addition to Cheshire County courthouse, various roads in county, plans of almshouse, county hospital; and sketches and plans used in different court trials in the county, all dated. No obvious arr. No index. Blue prints, drawings, and sketches. Box, 10⅛ x 13 x 21; bundle, 6 x 8 x 24. 1 box, 1827-1916, attic; 1 bundle, 1933, outer off.

County Commissioners - Prisoners; Miscellaneous (41-46)

41. MAP OF CHESHIRE COUNTY FARM AND ALMSHOUSE, WESTMORELAND N. H., 1891. 1 map.

Framed physical map of county farm and almshouse lands. Inset shows plan of buildings at county farm. Surveyed and drawn by Saml Wadsworth. Black and white. Scale of map, 3":45 rods; of inset, 1":80'. 38 x 28. Outer off. wall.

42. PLAN OF CHESHIRE COUNTY JAIL GROUNDS KEENE, N. H., 1886. 1 map.

Framed physical map shows bounds of county jail grounds. A. P. French. Black and white. Scale, 5":200'. 29 x 32. Outer off. wall.

43. PLAN OF THE CHESHIRE COUNTY COURT HOUSE LOT KEENE, 1891. 1 map.

Framed physical map of Cheshire County courthouse lot. Surveyed and drawn by Saml Wadsworth. Black and white. Scale, 3":60'. 23 x 19½. Outer off.

44. DEEDS AND PLANS ABSTRACT, scattered dates. 1866--. 1 f.d. Last entry 1923.

Deeds of property owned by county, 1866-1917; agreement between Boston and Maine railroad and county regarding sidetrack at county farm, 1916; and abstract of title to county farm lands, 1923. No obvious arr. No index. Hdw. on ptd. forms, and typed. 3 x 9 x 15½. Outer off.

Prisoners

(See also entry 238)

45. RECORD OF PRISONERS COUNTY OF CHESHIRE, 1885-1921. 1 vol. No prior records kept. Discontinued.

Record of prisoners confined in the house of correction at Keene: date, name, sex, adult or minor, white or colored, place of birth, literacy, marital status, prison record (if any), cause of present committment, residence, personal description, authority, time received and discharged, reasons for discharge, and remarks. Arr. chron. by date of committment. No index. Hdw. and hdw. on ptd. headings. 500 pp. 18 x 15½ x 2½. Attic.

Miscellaneous

46. CHESHIRE COUNTY [Correspondence], 1915--. 1 wooden box, 9 f.b. (2, 4, 5, 7, 8, 10-13 and dated), 1 f.d. Prior records missing.

Dated official incoming and outgoing correspondence of the commissioners concerning all county affairs. 1 wooden box, 9 f.b., 1915-32, arr. alph. by names of correspondents; 1 f.d., 1932--, arr. topically. No index. Hdw. and typed. Wooden box, 1915-31, attic; f.b., 1924-32, inner off.; f.d., 1932--, outer off.

47. [MISCELLANEOUS], scattered dates. 1785-1842, 1862-1907. 1 bundle, 61 f.b. Discontinued.

Contains: Vouchers, 1862-1907: date, to whom, purpose, and amount; county farm expenses, 1862-1907: date, item, and amount; bills, 1862-1907: date, name of vendor, items, and amount; plans of jail in Keene, 1832; deeds to county property, 1785-1842; extract from survey of the Third New Hampshire Turnpike made 1801, copied 1829; reports of summer schools, and school districts 1-8, 1832-33; surveyor's book for Redmond Road, 1828; letters from clerk of court, 1842; and reports of Democratic-Republican party, 1835-36: resolutions regarding congress, minutes of meetings, and financial accounts. Also contains: [Pauper Claims], 1862-1907, entry 13; [Payrolls], 1862-1907, entry 33; [Treasurer's Statements], 1862-1907, entry 231; [Cancelled Bonds], 1862-1907, entry 235; and [Orders on Treasurer], 1862-1907, entry 236. No obvious arr. No index. Hdw. and hdw. on ptd. forms and headings. Bundle, 4 x 3 x 10; f.b., 6 x 4 x 14½. Bundle, 1785-1842, attic; f.b., 1862-1907, bsmt. hallway.

48. [INSURANCE POLICIES], 1936--. Approx. 70 papers in 2 bundles.

Fire insurance policies expired and in force on county buildings, with dates. No obvious arr. No index. Hdw. and typed on ptd. forms. 8½ x 3¾ x 3. Outer off.

49. [INDENTURES], 1875-76. In entry 2.

Date, names of parties concerned, conditions of the agreement, and signatures of the contracting parties.

III. REGISTER OF DEEDS

In view of the fact that land hunger was one of the reasons for colonizing the new world, it is not surprising to find as early as 1646 a concern for registering land titles on the part of the Massachusetts General Court which ordered "that Dover hath the same power of recording sales of land as Ipswich hath, and that Wm Waldren [Waldron] be a recorder there till the court shall take further order herein."[1] In the same year, following the petition of Richard Waldern for a "disposall of all publicke & private writings that were in the hands of Wm Walderne, late recorder of Dover, deceased," a committee of two was ordered by the Court "to survey the bookes & writings that were in the hands of the said Wm Walderne & to give to every one that which belongs to them, & such public writings as belong to the courte at Piscataqua or any parte of this jurisdiction to reserve in safety * * *."[2] During the period of the New England Dominion references having New Hampshire connotation are found bearing upon the office of register or recorder of deeds.

1. New Hampshire State Papers, 1:182 (May 6, 1646).
2. Ibid., 1:186 (November 4, 1646).

Register of Deeds (Next entry 50, p. 57)

From an order of June 12, 1686 providing that unregistered deeds to lands by the Merrimack River and Lake Winnipesaukee be acknowledged before some member of the Council before they should "pass to the Registry," it is learned that the king had previously commissioned a register for recording deeds and conveyances.[3] On June 26 of the same year Richard Waldron, upon payment of ten pounds 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 himself or Recom'end a fit person to that Service."[4] The act of county organization, of 1769, changed the office of register (recorder) of deeds from a provincial office to a county office. This act automatically provided a register for Cheshire County, since it was one of the three original New Hampshire counties.[5]

The first New Hampshire 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 in each county respectively; the votes for such officers 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."[6] This was supplemented in the same year by an act specifying that the recorder of deeds should be elected annually in the March town meetings.[7] The Constitution of New Hampshire for 1792 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. On June 10, 1802 provision was made authorizing the justices of the court of common pleas to appoint a register of deeds after he had given bond and been sworn as the law directed, when a vacancy should occur in the office and there should be no provision for filling it. The same act furthermore stated that the office of register of deeds was at that time vacant in Cheshire County, and it specifically authorized the court of common pleas in that county to fill the particular vacancy.[9] An act of 1878 provided that after the 1880 election registers of deeds should hold office for two years.[10] At present the register of deeds for each county is chosen by the voters at the biennial election, or is appointed by the superior court in the event of a tie. He takes office on the first day of April next succeeding his election.[11] The register may be removed by the superior court for official misconduct.[12] If he declines to accept the office, removes from the county, resigns, dies, or becomes insane, or when there

3. Laws of New Hampshire, 1:118-120 (1686).
4. Ibid., 1:124-125 (1686).
5. Ibid., 3:524-530 (1769).
6. Federal and State Constitutions, (Washington, 1877), 2:1280.
7. Laws of New Hampshire, 4:63 (1776).
8. New Hampshire Constitution, art. 71 (1776).
9. Laws of New Hampshire, 7:54 (1802).
10. New Hampshire Laws of 1878, ch. 23.
11. Public Laws of New Hampshire, ch. 36, secs. 1, 5 (1926).
12. Ibid., ch. 36, sec. 7 (1926).

is manifest hazard to the public good, the superior court may declare the office vacant and appoint a commissioner to fill the vacancy.[13]

The register of deeds is authorized to appoint deputies to perform his duties when he is ill or temporarily absent. Such appointments, not exceeding a term of two years, must be made in writing and approved by the bondsmen and the county commissioners. The register is responsible for the neglect or official misconduct of his deputy and must pay all charges for his services. The deputy is required to give bond in the same manner as the register appointing him.[14]

Fees for the register of deeds were established as early as 1701.[15] They were increased in 1757,[16] and again in 1796, when a penalty was prescribed for overcharging.[17] The present fees of registers of deeds are stated in the Public Laws.[18] The register of deeds in Strafford County has a regular salary; but compensation is by fees in the other counties, including Cheshire.[19]

Qualifications of the register (recorder) and the conditions under which he might hold his 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 concerne 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, also that he be a ffreeholder within the Same. And if a Valuable Estate to Respond any damage that may accrew."[20] The Constitution of New Hampshire for 1792 provided that a register of deeds could hold no other office.[21] Since that year, also, he has been exempt from military service.[22] At present he is required to be a resident of the county for which he is elected; and may not hold the office of sheriff, county solicitor, register of probate, or county commissioner in conjunction with that of register of deeds. Neither may he be elected as Governor or Councilor, nor may he hold a seat in the Senate or the House of Representatives.[23] Registers of deeds are exempt from jury service.[24]

In 1776 the register was required to give bond to the House of Representatives in the sum of two thousand pounds.[25] The bonds now shall be

---

13. Ibid., ch. 36, secs. 8, 9 (1926).
14. Ibid., ch. 36, sec. 10 (1926).
15. Laws of New Hampshire, 1:682 (1701).
16. Ibid., 3:162 (1757).
17. Ibid., 6:387 (1796).
18. 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.
19. New Hampshire Manual for the General Court, 1939, 415.
20. Laws of New Hampshire, 1:682 (1701).
21. New Hampshire Constitution, art. 94 (1792).
22. Laws of New Hampshire, 6:85 (1792).
23. New Hampshire Constitution, art. 95 (1792).
24. Public Laws of New Hampshire, ch. 321, sec. 3.
25. Laws of New Hampshire, 4:64 (1776).

not less than five thousand nor more than fifty thousand dollars; must be subject to the approval of the county commissioners; and be deposited with the clerk of the superior court.[26] These bonds are for the benefit of persons who may be injured by the neglect or misconduct of the register or of his deputies.[27] The clerk of the superior court is required to provide printed forms for these bonds at the expense of the county.[28]

An act (June 14, 1701) directed the recorder to enter and record at length all deeds, conveyances, and mortgages of lands, tenements, rents, or other hereditaments which should be brought to him to record; and note the day, month, and year when he received the same.[29] It was provided in 1776 that copies of testimony or affidavits recorded in the registry of deeds might, if the original were lost, be given in evidence in any court where the original would lawfully be admitted.[30] This act, however, was repealed on June 20, 1792.[31] In 1802 notaries were given the same power as justices of the peace in the taking of depositions and acknowledgements of deeds.[32] For legal fees the register is now required to receive, file, and record all deeds and instruments brought for that purpose; examine the records; and give certificates of copies when required.[33] As soon as he receives a record he must enter in a book open to inspection the time when the record is received, the names of the grantors and grantees, the name of the town in which the land is situated, and the name of the person to whom the instrument is delivered after recording.[34] 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 purpose 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 to be taken from his office before it is recorded * * *." When necessary, he is to cause damaged volumes to be repaired at the expense of the county, and he may permit them to be taken from his office for a reasonable time for that purpose.[35] At the direction of the county commissioners it is his duty to make copies, in books provided by the county, of any records which have become faded or otherwise defaced;[36] and attach his certificate of their correctness thereto, showing when, by whom, and under what authority the copies were made.[37] Such copies shall have the same force as the

---

26. Public Laws of New Hampshire, ch. 37, secs. 2, 3 (1926).
27. Ibid., ch. 37, sec. 5 (1926).
28. Ibid., ch. 37, sec. 9 (1926).
29. Laws of New Hampshire, 1:680-683 (1701).
30. Ibid., 3:393-394 (1776).
31. Ibid., 6:34 (1792).
32. Ibid., 7:93 (1802).
33. Public Laws of New Hampshire, ch. 40, sec. 2 (1926).
34. Ibid., ch. 40, sec. 3 (1926).
35. Ibid., ch. 40, sec. 1 (1926).
36. Ibid., ch. 38, sec. 23 (1926).
37. Ibid., ch. 38, sec. 24 (1926).

originals, but the originals must still be preserved.[38]

From November 9, 1785 to June 28, 1787 proceedings upon executions, issued by a justice of the peace and extended upon real estate, were required to be recorded in the registry of deeds.[39] In order to prevent frauds in the transfer of real estate it was enacted, November 5, 1813, that all executions satisfied by being levied on real estate must be recorded with their return in the registry of deeds; and no judgment debtor could hold his right 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 of real estate for seven years from the making thereof could be encumbered by any bond, other deed, or instrument of defeasance unless such instruments were recorded at length in the registry of deeds.[40] This act was reaffirmed on July 4, 1829.[41] At present "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 situated.[42] The officer's return noting the time is sufficient evidence that the copy has been so left; but the register of deeds must certify on the copy the time when it was received, and must keep it on file.[43] 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 proce sses 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 of the names of the plaintiff and defendant in the action. The defendants' names must be alphabetically arranged.[44]

Defendants or owners of land shall cause the discharge of attachment on real estate to be recorded in the office of the register of deeds in which the attachment was recorded.[45] The recording in the registry of deeds of a copy of proceedings in attachment, together with a certificate, issued by the superior court that bond has been given to the plaintiff for the amount of judgment recovered, dissolves the attachment.[46] The officer executing a writ of possession is required to cause it and his return thereon to be recorded at length in the registry of deeds of the county.[47] 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 turn him out and take possession of the property for the creditor.[48] A full return of these proceedings shall be made to the register of deeds.[49]

---

38. Ibid., ch. 38, sec. 25 (1926).
39. Laws of New Hampshire, 5:101 (1785), 268 (1787).
40. Ibid., 8:274-275 (1813).
41. Ibid., 10:94-97 (1829).
42. Public Laws of New Hampshire, ch. 332, sec. 3 (1926).
43. Ibid., ch. 332, sec. 4 (1926).
44. Ibid., ch. 332, sec. 5 (1926).
45. Ibid., ch. 332, sec. 8 (1926).
46. Ibid., ch. 332, sec. 52 (1926).
47. Ibid., ch. 343, sec. 19 (1926).
48. Ibid., ch. 345, sec. 11 (1926).
49. Ibid., ch. 345, sec. 12 (1926).

(Next entry 50, p. 57)

A lien upon real estate not attached is established when the officer making the levy files in the registry of deeds an attested copy of the execution with a record of the complete and incomplete levy.[50] The register certifies upon each copy the time when it was received, and keeps 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 states that the writ is one of execution.[51]

An act of June 29, 1829 set forth in detail the mode of conveyance by deed. It contained the following provisions: All conveyances of real estate within the state were valid if signed, sealed, and acknowledged by the lawful grantor, duly witnessed before a justice of the peace, and recorded at length in the registry of deeds. No deed, lease, or other conveyance for more than seven years should be effectual in law unless acknowledged and recorded as aforesaid, provided that if the grantor or lessor refused to acknowledge the deed or lease by him signed, the grantee or lessee might put it on record notwithstanding, and for sixty days it would be as effectual as if acknowledged. It was further provided that in the event the grantor or lessor refused to acknowledge the deed or lease by him signed or should be prevented by death or removal from so doing proof might be made by oath of one or more of the subscribing witnesses before the justices of the superior court or the court of common pleas. No instrument might be so proved, however, unless the notice of the time and place of proving signed by a justice of the peace was delivered to the grantor or lessor. Powers of attorney had to be recorded in the registry of deeds when real estate was conveyed by means of them. Purchasers of real estate might record their deeds in any county or counties in addition to the county in which the real estate was situated; and in the event of destruction of the copy recorded in the county in which the real estate lay, an attested copy from another county was to be considered authentic.[52]

The superior court of judicature was authorized (July 3, 1829) to cause partition of real estate, proceedings of which were to be recorded both by the clerk of the court and the register of deeds.[53] An act of June 25, 1830 stipulated that conveyances or leases of any land belonging to the state were not legal unless the original deeds had been recorded in the office of the Secretary of State.[54] This, however, was one of the acts that the Revised Statutes repealed.[55]

A resolution of June 20, 1840 provided that all blanks, packages, laws, and journals sent out annually by the Secretary of State should be forwarded to the office of the register of deeds in each county to be distributed by him to the towns within the county.[56] This was repealed

---

50. Ibid., ch, 345, sec. 29 (1926).
51. Ibid., ch, 345, sec. 30 (1926),
52. Laws of New Hampshire, 10:30-32 (1829).
53. Ibid., 10:58-61 (1829).
54. Ibid., 10:131-132 (1830).
55. Revised Statutes of New Hampshire, ch. 230 (1842).
56. New Hampshire Laws of 1840, ch. DXXXI.

by the 1848 legislative session on January 1, 1849.[57] Married women were authorized in 1846 to receive and convey property in their own right; and such conveyances were required to be recorded in the registry of deeds in the county where the real estate was situated.[58]

From 1921 the register has been required to keep a separate index of grantors to grantees and grantees from grantors.[59] If there are several grantors or grantees, the name of the first grantor with the words "and others", or the name of the first grantee with the words "and others" must be entered on the index. Within sixty days after any volume of records is completed the register required to "cause the index thereof to be * * * copied into one or more volumes of indexes * * * properly ruled and prepared for entering the names of grantors to grantees and grantees from grantors * * *."[60]

Land cannot legally be considered as classified forest land until the owner has filed for record in the registry of deeds a certificate from the assessors of the town in which the land is situated showing that it is qualified to be classified forest land.[61] Tax collectors must file notices of the posting of tax sales, together with their affidavits, with the register of deeds within seven days after posting.[62] These shall be copied and indexed by the register.[63] Within two days after a tax sale, the collector is required to file with the register attested information concerning the details of the sale.[64] When taxes on property advertised are paid before the sale or when property sold is redeemed, the collector, within seven days after such payment and two days after such redemption, 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.[65] This information is to be recorded and indexed by the register.[66]

On forms prescribed by the State Tax Commission the register of deeds is duty bound to list all conveyances of real estate, including deeds and mortgages, recorded at the registry during the preceding tax year, and send the lists to selectmen of towns and assessors of cities where the real estate was 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 State Tax Commission may require.[67]

---

57. New Hampshire Laws of 1848, ch. 759.
58. New Hampshire Laws of 1846, ch. 327, sec. 3.
59. New Hampshire Laws of 1921, ch. 6.
60. Public Laws of New Hampshire, ch. 40, sec. 10 (1926).
61. Ibid., ch. 60, sec. 29 (1926).
62. Ibid., ch. 66, sec. 20 (1926).
63. Ibid., ch. 66, sec. 21 (1926).
64. Ibid., ch. 66, sec. 24 (1926).
65. Ibid., ch. 66, sec. 28 (1926).
66. Ibid., ch. 66, sec. 29 (1926).
67. New Hampshire Laws of 1935, ch. 57.

Since the primary duty of the register of deeds is to act as the custodian of deeds, it is not surprising that the register in Cheshire County has 481 volumes of recorded deeds, dating back to the beginning of the county. These include warranty, mortgage, quitclaim, and tax collector's deeds. There is one volume of deeds, 1781-90, copied from the recording volumes in instances where the writing was illegible. In addition to the recorded deeds there are two file drawers of unrecorded deeds and some bundles and file drawers of uncalled for deeds. Since 1890 an entry record has been kept of all deeds as they come in; this might be referred to as a deed reception record. The register keeps a complete double (grantor-grantee, grantee-grantor) index to all deeds. Since 1937 an additional index to deeds of property acquired by towns has been kept. The register keeps a detailed record of tax sales and redemptions. This official also keeps writs of attachments and records pertaining thereto. Also among the records of the register are maps and plans of property and their related indexes.

Some uncalled for deeds are in the basement vault of the clerk of court. The other records of the register are distributed among the register of deeds' vault and the adjoining office.

For non-official records found in this office, see App. entries 7, 8.

Deeds

50. CHESHIRE REGISTRY-GRANTOR-GRANTEE [Index], 1771--. 36 vols. (labeled by inclusive letters of the alphabet, numbered variously, and dated), 96 f.d. (labeled by inclusive letters of the alphabet).
Index to Cheshire Registry [Deeds], entry 51; and Writs [of Attachments], 1911--, entry 56, showing date, names of grantor and grantee, location of property, kind of instrument, and volume and page reference. Since 1911 the number of the writ of attachment is noted. Arr. alph. by names of grantors and grantees. Hdw. and typed on ptd. forms. 36 vols., 1771-1930, 500 pp. 18½ x 13 x 2¾; 96 f.d., 1931--, 4½ x 5¼ x 17¼. V.

51. CHESHIRE REGISTRY [Deeds], 1771--. 481 vols. (1-470, 472-482) and 1 duplicate vol. (1).
Transcripts of: deeds (warranty, mortgage, quitclaim, foreclosure, tax collectors'), assignments, transfers, discharges, redemption of mortgages, notices of foreclosure, and leases; all showing date, names of principals, description of property, particulars, conditions and jurat. Detailed record of trials involving land ownership. Duplicate volume, 1781-90, contains typed copies of certain deeds of that period that were illegibly recorded. The copied version is attested by the register of deeds. Also contains: Writs [of Attachments], entry 56; Plan Book, 1771-1897, entry 58; [Tax Collectors' Sales], 1909--, entry 66; [Accounts and Reports of Sales of Real Estate], 1909--, entry 68; [Petitions of Debtors' Widows], entry 70; [Waivers of Dower], entry 71; [Commissioners' Reports, Divisions and Partitions], entry 72; and [Power of Attorney Granted by Mortgagor], entry 73. Arr. chron. For index, see entries 50, 52. 1771-1901, hdw., and hdw. on ptd. forms; 1901--, typed on ptd. forms. 500 pp. 18 x 11 x 3. V.

For uncalled for deeds, see entry 54.

52. [INDEX TO DEEDS BY TOWNS], Apr. 1937--. 24 f.d. (labeled by names of towns). System began Apr. 1937.
Index to deeds of property acquired by towns, recorded in Cheshire Registry [Deeds], entry 51, showing names of grantor, grantee, and town, kind of instrument, location of property, consideration, date of deed and recording, and volume and page reference. Arr. alph. by names of towns. Typed on ptd. forms. 4¼ x 5¼ x 17½. V.

53. [UNRECORDED DEEDS], scattered dates 1771--. 43 envelopes in 2 f. d. Survey workers not permitted to examine records.
Original deeds showing information as in entry 51. Deeds not recorded, due to lack of payment of recording fees. Arr. alph. by towns. No index. Hdw., and hdw. and typed on ptd. forms. F.d., 6 x 9 x 12. V.

54. [UNCALLED FOR DEEDS], scattered dates 1772-1938. 59 bundles, 1 box, 1 f.d. 1939-- in entry 56.
Uncalled for warranty, mortgage and quitclaim deeds showing information as in entry 51. 1772-1878, arr. chron.; 1879-1938, arr. alph. by towns and chron. thereunder. No index. Hdw., and hdw. and typed on ptd. forms. Bundles, 9 x 3 x 3; box, 11 x 15 x 20; f.d., 10½ x 14 x 20. 27 bundles, 1772-1839, attic; box, 32 bundles, 1840-1911, bsmt. v.; f.d., 1912-38, off.

55. CHESHIRE REGISTRY BOOK OF ENTRY, 1890--. 13 vols. (9-21). Prior records not kept.
Notations of deeds received for recording: names of grantor and grantee, location of property, kind of instrument, and date and by whom received. Arr. chron. by date received. No index. Hdw. on ptd. headings. 250 pp. 19 x 13 x 2½. 5 vols., 1890-Aug. 7, 1914, v.; 8 vols., Aug. 8, 1914--, off.

Writs of Attachment
(See also entries 97, 172)

56. WRITS [of Attachment], 1911--. 7 f.b. Law passed 1911 required register of deeds to keep all writs of attachments. Transcripts 1771-- in entry 51.
Original instrument commanding 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; and date and time of recording by register. Also contains: [Uncalled for Deeds], 1939--, entry 54; and [Tax Sales and Releases], 1935--, entry 69. Arr. num. Indexed by defendant as grantor in entry 50. Hdw. and typed on ptd. forms. 6 x 19 x 12. V.

57. CHESHIRE REGISTRY-ATTACH'NT BOOK, 1911--. 1 vol. (1). System began 1911.
Notations of writs of attachments received: number, names of plaintiff and defendant, date and time received, and damages; date, name and term

of court; names of attorney and officer; and date of dissolution. Arr. chron. by date received. No index. Hdw. and typed on ptd. headings. 150 pp. 18 x 12 x 1¾. V.

Maps and Plans
(See also entries 40-44)

58. PLAN BOOK, 1898--. 6 vols. (1-2, 1-4). 1771-1897 in entry 51.
Blueprints, photostats, and original plans of parcels of land, railroad extensions, and transmission lines and lots. Arr. chron. For index, see entries 59, 60; 1898-1913 also self-contained index by name of estate, location, and kind of plat. Pen and ink, blueprints, and photostats. 100 pp. 36 x 24 x 2. Off.

59. INDEX OF PLANS BY NAMES [of Grantors and Grantees], 1898--. 1 f.d. System began 1898.
Index to Plan Book, entry 58, showing names of grantor and grantee, location of property, and volume and page reference. Arr. alph. by names of grantor and grantee. Typed on ptd. forms. 4 x 12 x 30. Off.

60. INDEX OF PLANS BY TOWNS, 1898--. 1 f.d. System began 1898.
Index to Plan Book, entry 58, showing information as in entry 59. Arr. alph. by names of towns and thereunder by names of grantor and grantee. Typed on ptd. forms. 4 x 12 x 30. Off.

61. MAPS AND PLANS, 1762-1912. 1 table drawer (some maps dated).
Blueprints, reprints, and pen and ink copies of maps of towns chiefly in Cheshire County. No obvious arr. No index. Blueprints, and black and white drawings. 5 x 29 x 39. V.

62. [PHYSICAL MAP OF CHESHIRE COUNTY], approx. 1787. 1 map.
Map showing townships, roads, rivers, and other features. Includes part of Hillsborough County and that part of Cheshire County which is now Sullivan County. Artist, place of publication, and publisher unknown. Reprint, some mountains and lakes shaded. Scale, approx. 1":5 miles. 15½ x 11½. V.

63. [Physical and Political] MAP OF TOWN OF DUBLIN, N. H., Jan. 1, 1853. 1 map.
Map showing buildings (names of owners or tenants), public buildings, burial grounds, townships, mountains, lakes, ponds, rivers, brooks, schools, and other features. Thomas Fisk. Place of publication unknown. L. H. Bradford & Co. Lith. Ptd.; mountains, contour lines, lakes and ponds shaded. Scale, 1":100 rods. 22 x 28. V.

64. [Physical and Political] MAP OF CHESHIRE CO. NEW HAMPSHIRE, 1858. 1 map.

Map showing location of buildings and names of occupants. Insets: 25 maps of important towns. 6 pictures of Main Street, Keene; Cheshire House, Keene; School house, East Jaffrey; Walpole High School; Monadnock Mountain and Lake; and Eagle Hotel, Keene. 8 tables and Keene business directory. L. Fagan. Philadelphia. Smith & Morey. Ptd., engraved, and colored. Scale, 1½":1 mile. 59 x 60. V.

65. [Political] MAP OF THE VILLAGE OF KEENE NEW HAMPSHIRE, 1873. 1 map.

Map showing names and locations of buildings, and names of owners or tenants. Inset: Keene subscribers' directory; and maps showing Keene Village in 1750, and in 1800. Sanford and Everts. Engraved by Worley and Bracher. Place of publication not known. Printed by F. Borquin. Engraved, ptd., and colored. Scale, 1":200'. 59 x 44. V.

Tax Sales of Real Estate

66. [TAX COLLECTORS' SALES], 1909--. In entry 51.

Tax collector's sale of real estate for delinquent taxes: date, name and address of owner; names of tax collector, purchaser, and town; consideration involved, description of property; amount of tax, interest and costs, register's fee, total; advertisement record, redeemed by, and signatures of two witnesses and town clerk.

67. CHESHIRE REGISTRY-TAX SALE RECORDS, 1909--. 4 vols. (1, 2, 1909-33; two vols., 1933--, unnumbered). System began 1909.

Name of owner, description of property, amount of tax, interest, and fees; tax paid and record of redemption. Arr. chron. by date received. No index. Typed, and typed on ptd. headings. 600 pp. 19 x 14 x 3. V.

68. [ACCOUNTS AND REPORTS OF SALES OF REAL ESTATE], 1909--. In entry 51.

List of property sold at auction: date, name of estate, names and addresses of appraisers, valuation and tax assessment, date property advertised and time and place of sale, name of purchaser, report of sale, and amount received and how applied to debt.

69. [TAX SALES AND RELEASES], 1935--. In entry 56.

Tax sales: names of owner and occupant, description of property, amount of tax, date of sale, and name of tax collector. Releases: names of owner and purchaser, description of property, total tax and costs, date of sale, name of redeemer, date redeemed, and name of tax collector. Arr. chron. by date received. No index.

Miscellaneous

70. [PETITIONS OF DEBTORS' WIDOWS], 1771--. In entry 51.
Petition of debtor's widow to have homestead set off in value of $500 as the law allows: date, name and address of widow, location of estate, and names of appraisers.

71. [WAIVERS OF DOWER], 1771--. In entry 51.
Relinquishment of dower: description of land set off for widow, signatures of witnesses and widow, and jurat.
For release of dower and homestead, 1771--, see entry 202.

72. [COMMISSIONERS' REPORTS, DIVISIONS AND PARTITIONS], 1771--. In entry 51.
County, name and location of estate, names of devisees, accounts of notices of meetings, account of partition (description of land set off), cost of making partition, and signatures of committees and devisees accepting the partition.
For related reports of divisions and partitions, see entry 201.

73. [POWER OF ATTORNEY GRANTED BY MORTGAGOR], 1771--. In entry 51.
Authority for one person to act for another: names and addresses of mortgagee, mortgagor, and attorney; conditions of appointment, date, volume and page reference to mortgage deed, and signatures of mortgagor and witnesses.

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

(Next entry 74, p.82)

IV. CLERK OF THE SUPERIOR COURT

The development of the court system in New Hampshire represents a complicated process. Various arrangements for the administration of justice were in effect prior to the establishment of the counties. The earliest judicial authority was the Plymouth Council. While New Hampshire was under the jurisdiction of Massachusetts, that colony made judicial provisions for New Hampshire from time to time. When the first province was organized, judicial authority was given to the President and Council. With the advent of the Dominion of New England, the President and Council thereof received authority to exercise judicial power, themselves, and to set up whatever courts they thought necessary. During this period of the New England Dominion, and that of the second provincial period, adjustments of a varied nature were made in the judiciary system from time to time. Courts appearing at that time included a court of chancery, superior court of judicature, inferior court of common pleas, and a court of quarter sessions.

The act of county organization is of great significance in the history of the New Hampshire judiciary. The court system set up in this act consisted of a court of general sessions of the peace and an inferior court of common pleas for each of the counties, and a superior court of judicature for the entire province to hold terms in each of the counties.

The courts of general sessions of the peace were suspended in 1794, and reestablished in 1820. They were finally abolished in 1824.

The courts of common pleas for each county continued until 1813 when they were replaced by two circuit courts of common pleas. In 1816 "for the better reorganization of the Courts of Common Pleas" two districts were set up in the state. In 1820 the courts of common pleas were replaced by the courts of general sessions reestablished at that time; but in 1824 when the latter courts were finally abolished, a single court of common pleas was established to replace them. In 1832 local courts of common pleas were instituted in each of the counties. The courts of common pleas underwent reorganization in 1849, 1851, and 1855. The year 1859 marked their abolishment.

The superior court of judicature became the supreme judicial court in 1813, but the original terminology was restored in 1816 and was in use until 1855. In the latter year the supreme judicial court again became the legal name of this court. The superior court of judicature was returned in 1874 to be replaced two years later by the supreme judicial court which continued until 1901. At that time existing supreme court was replaced by two courts -- a supreme court for the entire state to meet annually at Concord, and a superior court to hold terms within each county.

The foregoing brief summary of the development of the court system in New Hampshire is now to be supplemented with a more comprehensive account.

When the Plymouth Council was organized in England in 1620 it received from the British Crown the power to regulate the conduct of all

British subjects who might go to New England.[1] The Plymouth Council, granting New Hampshire to Captain John Mason in 1629, obligated him to establish an orderly government in the region assigned, 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.[2]

In 1641, when the New Hampshire settlements became subject to the jurisdiction of Massachusetts, the Massachusetts General Court decreed that a court of justice should be kept in New Hampshire;[3] and during the period, 1641-79, the statutes of the Massachusetts Bay Colony "were those of New Hampshire."[4] Six men were given judicial authority in the Piscataqua region on August 8, 1641, and on December 10 of the same year it was ordered that a clerk of the writs be appointed in each town to grant summonses and attachments.[5] The Massachusetts authorities made other judicial provisions for New Hampshire from time to time.[6]

The royal commission which organized the Province of New Hampshire in 1679 made the President and Council "a constant & setled Court of records for the administrac'on of justice * * * in all causes, as well civill as criminall."[7] The General Assembly enacted, March 16, 1679, that three courts were to be held by the President and Council "or any six of the Councel whereof the President or his Deputy to be one; together with a jury of twelve honest men," for those who wished to receive jury trial.[8] By an executive order in 1682, Richard Chamberlain was made clerk of all courts of judicature within the province.[9] In the same year justices of the peace in the towns of their residence were given limited jurisdiction in civil actions.[10]

By the organization of the Dominion of New England, 1686, New Hampshire losts its independent 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 throughout the Dominion whatever courts they deemed necessary.[11] 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.[12] Early in this period provision was made for the holding within the Dominion of a court of chancery, superior court of judicature, inferior court of common pleas, and a court of quarter sessions.[13]

---

1. Abridged Charter of the Plymouth Council in New Hampshire State Papers, 1:7 (1620).
2. New Hampshire State Papers, 1:25-26 (1629).
3. Introduction to Laws of New Hampshire, 1:xxxi.
4. Ibid., 1:xxxvii.
5. New Hampshire State Papers, 1:159.
6. For example, see ibid., 1:160-161, 167-169, 172, 184-185, 236, 244, 318.
7. Laws of New Hampshire, 1:1-8 (1679).
8. Ibid., 1:24-25 (1679).
9. Ibid., 1:57-58 (1682).
10. Ibid., 1:72 (1682).
11. Ibid., 1:96-97 (1686).
12. Ibid., 1:102-108 (1686).
13. Ibid., 1:190-194 (1686-87).

Clerk of the Superior Court (Next entry 74, p. 82)

In the first year of the restoration to New Hampshire of a separate provincial government, an act organizing the judiciary was passed. This act set up four "quarterly Courts of Sessions of the peace," a "Courte of Com'on Please," and a "Supreame Courte of Judicature."[14] Various adjustments of the judiciary system were made during the interval from that time until the organization of the counties.[15]

The act of county organization, enacted 1769;[16] effective 1771,[17] was an important step forward in judicial progress. Courts were established primarily on a county rather than a provincial basis. Provisions were made for a superior court of judicature, an inferior court of common pleas, and a court of general sessions of the peace. The superior court retained some of its provincial character, since there was to be only one superior court having jurisdiction throughout the entire province. Yet it was in a sense a county court, as it was to hold terms in each of the counties. The term for Cheshire County was to be held at Keene. The other two courts were county courts without qualification.

The superior court of judicature established by the act of county organization, despite changes in nomenclature, has actually continued to the present day. Neither the court of general sessions of the peace, however, nor the inferior court of common pleas has survived. The first to be abolished was the court of general sessions of the peace. It will, therefore, be convenient to trace first the history of the general sessions.

By authority of an enactment of 1776, the courts of general sessions of the peace were to be held at Portsmouth, Exeter, Amherst, Keene, Charlestown, Dover, Durham, Haverhill, and Plymouth.[18] In 1789 it was enacted that they were to be held twice a year rather than quarterly.[19] The year 1794 marked the abolishment of these courts and the transference of most of their duties to the courts of common pleas.[20] In 1820, however, the common pleas gave way to reinstated courts of sessions.[21] 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 were to constitute a quorum.[22] However, the courts of sessions were abolished the following year. A court of common pleas was established to take over their jurisdiction.[23]

The 1776 constitution made the votes cast annually in the counties for treasurer and recorder of deeds returnable to the courts of general

---

14. Ibid., 1:541-544 (1692).
15. Examples: ibid., 1:662-666 (1699); 1:702-705 (1701).
16. Ibid., 3:524-530 (1769).
17. New Hampshire State Papers, 7:274 (1771).
18. Laws of New Hampshire, 4:35 (1776).
19. Ibid., 5:416-417 (1789).
20. Ibid., 6:156-157 (1794).
21. Ibid., 8:934-936 (1820).
22. Ibid., 9:245-246 (1823).
23. Ibid., 9:352-356 (1824).

sessions of the peace.[24] An act of that same year prescribed the method to be employed by the general sessions for handling these votes. The court was to appoint a committee to count the ballots and report their findings; and it (the court) was to 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.[25]

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 colonies.[26] 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.[27] At the same time, the general sessions were permitted to determine disputes concerning maintenance of the poor.[28] In 1790 an enactment provided that if any non-resident of the state should be in need of relief, the selectmen of the town or place where such person happened to be at the time should bring an account before the general sessions. The courts were to certify what they considered a reasonable expenditure to the President (Governor) who, with advice of the Council, was to draw an order on the public treasurer for the sum required.[29]

A law of 1778 provided that forfeitures, exceeding forty shillings, imposed for restraint of "Sharpers and Oppressors" were to be recovered by a jury of the court of general sessions of the peace in the county where the offense was committed.[30] In the same year the general sessions were empowered to grant licenses to retail liquor to persons approved by the selectmen of their town.[31] Four years later it was enacted that where it should appear to the general sessions that the selectmen of a town were unreasonably refusing their approval to certain taverners or retailers, or that the town did not have selectmen, the court might issue licenses on its own responsibility.[32] An act of 1783 ordered the keeping by the clerk of the sessions of a list of ferriage rates throughout the particular county. Every keeper of a ferry was obligated to maintain his boat or boats in good repair and suitable to the waters they were to cross; otherwise, he was to suffer a fine before a justice of the court.[33]

---

24. B. P. Poore, Federal and State Constitutions, (Washington, 1877), 2:1280.
25. Laws of New Hampshire, 4:63 (1776).
26. Ibid., 4:92 (1777).
27. Ibid., 4:97 (1777).
28. Ibid., 4:99 (1777).
29. Ibid., 5:502 (1789).
30. Ibid., 4:139 (1778).
31. Ibid., 4:199 (1778).
32. Ibid., 4:448 (1782).
33. Ibid., 4:503 (1783).

The general sessions were empowered in 1786 to order the removal of buildings encroaching upon highways.[34] Another act of the same year required the court, whenever it should cause a new highway to be laid out through an unincorporated tract of land, to have an advertisement thereof printed in a New Hampshire newspaper obligating the proprietors to make the thoroughfare passable within a fixed reasonable time. In case of failure to comply, the court was to assess the tract of land at so much an acre.[35] An act of 1821 limited to three the membership of committees appointed by the courts of sessions to lay out highways.[36]

To promote the business of nail making, it was enacted in 1787 that the general sessions were to cause nail houses to be erected within the limits of prison yards in their respective counties, the limits to be enlarged when necessary for the purpose. At least two forges were to be placed in each nail house with all proper facilities, including coal and nail rods.[37] Two years later a law accorded tax payers the privilege of appealing to the general sessions.[38] In 1821 peddlers, hawkers, and showmen were required to obtain licenses from that court.[39] These duties were all transferred to the court of common pleas upon the abolishment of the general sessions.[40]

It is now in order to trace the history of the court of common pleas during the years that succeeded the act of county organization until it was abolished.

A law of 1776, after the upset of royal authority, stated that the justices of the common pleas were to have the same power and authority that they had prior to the establishment of the new government,[41] and when the general sessions were abolished in 1794, "the Judicial Powers Authorities & Jurisdiction and All Other Powers, Excepting Granting Taxes Heretofore by Law Vested in Said Courts of General Sessions of the Peace" were transferred to the common pleas.[42]

In 1813 two circuit courts of common pleas replaced the courts of common pleas for each county.[43] Another reorganization occurred in 1816, when "for the better reorganization of the Courts of Common Pleas" the state was divided into two districts: the first district included Rockingham, Strafford, and Hillsborough Counties; the second district, Cheshire, Grafton, and Coos Counties. The Governor and Council were to appoint a chief justice of the court within each district; and "two persons, inhabitants of the counties for which they [were to] be commissioned associate justices of the Courts of Common Pleas, in and for each and every of the counties * * *." The common pleas under this arrangement

34. Ibid., 5:121 (1786).
35. Ibid., 5:117-120 (1786).
36. Ibid., 9:17 (1821).
37. Ibid., 5:275-278 (1787).
38. Ibid., 5:429-433 (1789).
39. Ibid., 9:39-41 (1821).
40. Ibid., 9:352-356 (1824).
41. Ibid., 4:34 (1776).
42. Ibid., 6:189 (1794).
43. Ibid., 8:251-252 (1813).

were to have the same powers as the circuit courts of common pleas thereby abolished.[44] In 1820 the common pleas were replaced entirely by courts of sessions;[45] but four years later a court of common pleas was established to take over the courts of sessions.[46] The year 1832 marked the reestablishment of local courts of common pleas within each county.[47]

In 1849 the law 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."[48] A further reorganization occurred in 1851 when 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. At this time the court of common pleas was to consist of the justices of the superior court, such circuit justices as might be appointed agreeably to the then present act, and the judges of the court of common pleas for each county.[49] A law two years later permitted the common pleas to refer any civil action to the consideration of one or more commissioners on motion of either party concerned.[50] In the 1855 judiciary reorganization, the common pleas was to consist of one chief justice and two associate justices, with the justices of the supreme judicial court ex-officio justices of the common pleas; the supreme court justices, however, were to hold terms of the common pleas only in emergencies.[51] The court of common pleas was abolished in 1859 and its duties transferred to the supreme judicial court.[52]

In 1777 justices of the common pleas were required to subscribe to the oath of fidelity,[53] and they received jurisdiction to try persons aiding in the return of loyalists.[54] A clue to the duties of the common pleas in 1796 is furnished by an act passed in that year regulating the fees of the justices. They were to be paid ninety cents for every action, petition, or complaint entered in the court; seventeen cents for every appeal; twenty-five cents for receiving proof of a deed; and seventeen cents for granting a writ of protection.[55] In 1777, also, forfeitures exceeding forty shillings, due to violation of an act fixing the prices of certain commodities, were originally triable in the common pleas.[56] Seven years later the court received powers connected with the release from confinement of persons imprisoned for debt.[57] It was stipulated that

---

44. Ibid., 8:501-505 (1816).
45. Ibid., 8:934-936 (1820).
46. Ibid., 9:352-356 (1824).
47. Ibid., 10:369-381 (1832).
48. New Hampshire Laws of 1849, ch. 842.
49. New Hampshire Laws of 1851, ch. 1092.
50. New Hampshire Laws of 1853, ch. 1280.
51. New Hampshire Laws of 1855, ch. 1659.
52. New Hampshire Laws of 1859, ch. 2211.
53. Laws of New Hampshire, 4:107 (1777).
54. Ibid., 4:179 (1777).
55. Ibid., 6:381 (1796).
56. Ibid., 4:81 (1777).
57. Ibid., 4:541 (1784).

(Next entry 74, p. 82)

appeals from sentences or fines imposed by justices of the peace on persons traveling or doing secular work on Sunday might be made to the common pleas.[58] The law in 1801 empowered the judges of the common pleas to issue orders on county treasurers for monies appropriated by county conventions.[59] The following year the common pleas were authorized to appoint a register of deeds or a county treasurer whenever either office should become vacant.[60] An added duty in 1829 of the court was the determination of the sufficiency of sheriffs' bonds;[61] In the same year coroners were required to give bonds to the county, sureties to be approved by the justices of the common pleas and the bonds kept by the clerk;[62] and in 1846 an act relating to constables declared that no constable should be deemed qualified to perform any duty of his office, other than serving precepts from a justice of the peace within the town, until he should give bond with securities approved by the common pleas.[63]

In 1803 it was provided that any person not satisfied with the allowance for damages resulting from road construction might petition the court of common pleas for redress.[64] The court was required (1830) to hear and determine petitions for widening and straightening highways.[65] According to a law passed in 1832 the court could set the proportion to be paid by the county of the cost of laying out, widening, and straightening highways within any town.[66] An amendment to this act was passed July 3, 1839 and stated that the court of common pleas might order the county to pay "not exceeding one half of the whole necessary expenditure" toward the repair and upkeep of any general public highway which in the court's opinion was too heavy a burden for the towns through which the highway passed.[67] A further amendment of June 20, 1840 provided that the court of common pleas in any county, believing a certain highway to be of general public utility, might order the county to pay for repairs to the same, in case the town or towns found such repairs burdensome.[68] An act of the same year stipulated that votes for road commissioners should be returned to the common pleas and counted by them. The court was also instructed to refer all road petitions to the road commissioners who were to examine the petitions and report their findings. If such a report was accepted by the court, it was to have force and validity. From that time no road was to be laid out, widened, or straightened by the common pleas in any other manner.[69]

---

58. Ibid., 6:594 (1799).
59. Ibid., 7:23-24 (1802).
60. Ibid., 7:54 (1802).
61. Ibid., 10:18 (1829).
62. Ibid., 10:54-58 (1829).
63. New Hampshire Laws of 1846, ch. 331.
64. Laws of New Hampshire, 7:227 (1803).
65. Ibid., 10:137-138 (1830).
66. Ibid., 10:318 (1832).
67. New Hampshire Laws of 1839, ch. CCCCXXXV.
68. New Hampshire Laws of 1840, ch. D.
69. Ibid., ch. DVI.

Clerk of the Superior Court (Next entry 74, p. 82)

The common pleas were authorized in 1811 to pass upon all accounts in favor of any town for the support of state paupers, certifying the accounts to the Governor and Council.[70] In 1831 appeal was permitted in cases between landlord and tenant from justices of the peace to the court of common pleas.[71] By an enactment of 1836 reports of railroad commissioners concerning damages to land-owners were returnable to the common pleas.[72] In January of the next year provision was made that the common pleas, upon indictment and conviction of any person illegally possessing logs found in the Androscoggin River, should adjudge such person guilty of larceny.[73] Under the act establishing Bank Commissioners in 1837 the common pleas were empowered, after the filing of information by the Attorney-General, to declare the charter of banks forfeited, unless the information should be transferred to the superior court.[74]

In 1838 it became the duty of the common pleas to audit the claims of jailers or deputies, after the prisoners had been discharged, for payment of expenses incurred in keeping prisoners for debt, and to give to the county treasurer an order for such sums as appeared just and reasonable.[75] At its own discretion the common pleas in 1839 could grant permission to a jury to view the premises in all actions concerning right to real estate, provided either party made a motion to that effect.[76] It was enacted (1842) that any person disturbing a religious meeting could be required to put up security to insure his appearance before the common pleas, and was obligated to answer all charges against him.[77] In 1845 town clerks were required to direct the returns of votes for county officers to the court of common pleas.[78] A law of 1848 directed that a magistrate believing an unlicensed person guilty of selling liquor, or a retailer guilty of selling liquor for consumption on his premises, should hold the offender in bail to appear at the common pleas.[79] As has been stated already these duties and powers were transferred to the supreme judicial court in 1859 when the court of common pleas was abolished.[80]

Now that the court of general sessions of the peace and the court of common pleas have been dealt with as amply as space will permit, it is necessary to trace the destinies of the supreme/superior court, which represents the main line of judicial progress.

In 1776 a new superior court of judicature replaced the one that had existed under the pre-revolutionary form of government. The new superior court consisted of four justices appointed and commissioned by the Council and the House of Representatives; three of the justices

---

70. Laws of New Hampshire, 8:30 (1811).
71. Ibid., 10:229-231 (1831).
72. New Hampshire Laws of 1836, ch. CCXXXVII, sec. 3.
73. Ibid., ch. CCXCI.
74. New Hampshire Laws of 1837, ch. CCCXXI.
75. New Hampshire Laws of 1838, ch. CCCLXX.
76. New Hampshire Laws of 1839, ch. CCCCXXXIV.
77. New Hampshire Laws of 1842, ch. DCLXVII.
78. New Hampshire Laws of 1845, ch. 240.
79. New Hampshire Laws of 1848, ch. 620.
80. New Hampshire Laws of 1859, ch. 2211.

constituted a quorum. A term was established for each of the existing counties.[81] In the engrossed copy of the constitution as amended in 1793 supreme judicial court was substituted for superior court, apparently without authority.[82] There is little doubt that this continued to be the superior court of judicature until the 1813 reorganization. An act of 1813 replaced the superior court of judicature with a supreme judicial court to consist of a chief justice and two associate justices. The supreme court was to have the powers and jurisdiction of the superseded superior court.[83] 1816 marked the abandonment of the supreme judicial court and the return of the superior court of judicature.[84] The latter tribunal continued until 1855. In 1820 many of the duties formerly belonging to the courts of common pleas were transferred to the superior court.[85]

The entire judiciary system received a thorough overhauling in 1855 when the superior court of judicature was supplanted by the supreme judicial court, to consist of one chief justice and four associate justices. Two trial terms of this court were to be held annually in each county, a single justice presiding, except for capital cases at which at least two justices were to attend. For supreme court business other than trial terms, the state was divided into five judiciary districts as follows: one, Rockingham and Strafford Counties; two, Merrimack and Hillsborough Counties; three, Cheshire and Sullivan Counties; four, Belknap and Carroll Counties; and five, Grafton and Coos Counties. Law terms were to be held annually within each of the districts. 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.[86]

Another judicial shakeup occurred in 1874 when the supreme judicial court was supplanted by the superior court of judicature consisting of one chief justice and two associate justices. At the same time a circuit court was organized, but the superior court of judicature and the circuit court, in regard to personnel, were practically the same court. The circuit court was to have jurisdiction over all matters civil and criminal that were previously cognizable at the trial terms of the supreme 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.[87] The 1874 judicial arrangement was of short duration, and another reorganization took place in 1876.[88] The superior court of judicature and the circuit court were abolished.

---

81. Laws of New Hampshire, 4:34 (1776).
82. New Hampshire Manual for the General Court, 1939, 105.
83. Laws of New Hampshire, 8:251-258 (1813).
84. Ibid., 8:501-505 (1816).
85. Ibid., 8:934-936 (1820).
86. New Hampshire Laws of 1855, ch. 1659.
87. 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.
88. New Hampshire Laws of 1876, ch. XXV.

There was established a supreme court consisting of one chief justice and five associate justices. In this new court the judges, individually, were to hold trial terms and, collectively, determine issues of law.[89]

The judicial system was again reorganized in 1901 when an act was passed abolishing the then existing supreme court and replacing it with two courts: a supreme court consisting of one chief justice and four associate justices to hold one general term annually in the courtroom of the State Library Building, Concord; and a superior court consisting of one chief justice and four associate justices to hold terms at certain times and places within each county. The new supreme court was to have jurisdiction over all matters of which the previous supreme court had jurisdiction at its law terms. Questions of law that might arise during the trial of any case in superior court might be transferred to the supreme court. Any party not satisfied "by the ruling, direction, or judgment of the superior court, seasonably objecting, may allege exception thereto, in writing, which, being conformable to the truth of the case, shall be allowed by the trial justice and be entered in the supreme court for determination. Reserved cases and bills of exception may be entered in the supreme court at any time * * *." The justices of the supreme court were to "do and perform all the duties reasonably requisite and necessary to be done by a court of final jurisdiction of questions of law and general superintendence of inferior courts * * *." The superior court was to have original jurisdiction over all matters cognizable at the trial terms of 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.[90] The new supreme court organized by this act was purely a state court and has so remained to the present day. The superior on the other hand, in spite of the fact that there was only one superior court in the entire state, was organized decidedly on a county basis. To all intents and purposes it was a county court, which status it has retained to the present day. It is subject to the general superintendence of the supreme court; and, like other courts of lesser jurisdiction, is the recipient of writs of certiorari, prohibition, and habeas corpus from the supreme court. The chief justice or senior associate justice of the superior court, when there is an excessive amount of business to be transacted, may request the loan of a justice from the supreme court.[91]

The membership of the superior court consists of a chief justice and five associate justices.[92] It determines the regulations of its procedure.[93] The superior court appoints a clerk of the court for each

89. Id.; Batchellor, op. cit., 4:2313.
90. New Hampshire Laws of 1901, ch. 78.
91. Public Laws of New Hampshire, ch. 316, sec. 2 (1926).
92. New Hampshire Laws of 1927, ch. 51.
93. Public Laws of New Hampshire, ch. 316, sec. 7 (1926).

county, who must be a resident of the county for which he is appointed, and may be removed by the court at any time.[94] He 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 paid by the county.[95] The clerk is allowed to appoint a deputy to act for him in the event of his sickness or temporary absence.[96] The 1784 constitution stated that "Permanent and honorable salaries shall be established by law for the justices of the superior court."[97] Their present salary is $7,000 per annum.[98]

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 smallpox.[99] In 1788 it became the duty of that court to try unlicensed persons who inoculated themselves or others with the smallpox.[100] An act of 1799 provided that any person molesting the health officers of any town in the performance of their duty should be punished before the superior court.[101] Among the duties of the superior court indirectly concerned with the prosecution of the Revolutionary War were those of trying persons indicted for harboring deserters and those indicted for treason or suspicion of treason;[102] also the duty of trying transported loyalists returning without leave and the masters of ships aiding in their return.[103] In 1782 the superior court, together with the court of general sessions, was burdened with duties involving the confiscation of estates of loyalists.[104]

It is interesting to note that the certification of the proper construction of the first iron mill in the state to be erected subsequent to an act to encourage the manufacture of nails devolved upon the superior court in 1787.[105] Two years later two justices of the superior court were to certify the erection of the first building in the state to carry on the manufacture of sail cloth and duck.[106]

In 1789, also, the superior court was empowered to hear appeals from the probate court in cases arising from acts concerning the settlement of intestate and testate estates.[107] The constitution of 1792 stated that all appeals from the respective judges of probate should be heard and tried by the superior court until the Legislature should by law make other provision.[108] An act approved July 2, 1822 permitted creditors

---

94. Ibid., ch. 320, sec. 1 (1926).
95. Ibid., ch. 320, sec. 2 (1926); New Hampshire Laws of 1931, ch. 120.
96. Public Laws of New Hampshire, ch. 320 (1926).
97. Poore, op. cit., 2:1289.
98. New Hampshire Manual for the General Court 1939, 403.
99. Laws of New Hampshire, 4:58 (1776).
100. Ibid., 5:331 (1788).
101. Ibid., 6:578-582 (1799).
102. Ibid., 4:92 (1777).
103. Ibid., 4:179 (1778).
104. Ibid., 4:456 (1782).
105. Ibid., 5:275-278 (1787).
106. Ibid., 5:377-378 (1789).
107. Ibid., 5:380-391 (1789).
108. New Hampshire Constitution, art. 76 (1792).

against insolvent estates, not satisfied with the adjustment of their claims by the probate court, to appeal to the superior court; similarly, executors and administrators, when they should deem a claim unjustly allowed.[109] In 1855 the supreme judicial court was given jurisdiction over all applications for appeals from courts of probate, for review or new trial founded on any statute, and over all petitions for partition of real estate, except in cases where the judge of probate had then by law jurisdiction of petitions for partition.[110] The superior court still has jurisdiction over appeals from probate courts and applications therefor.[111]

The constitution of 1792 stated that all causes of marriage, divorce, and alimony should be tried by the superior court.[112] At present the superior court takes cognizance of petitions for divorce, nullity of marriage, alimony, custody of children, and allowance to wife from husband's property for support of herself and children.[113]

In 1795 it became the duty of this court to examine accounts presented for services in apprehending law-breakers.[114] The superior court was empowered (1823) to appoint an auditor when, in an action before the court, it appeared necessary to investigate accounts.[115] Six years later the clerk of the superior court was required, immediately upon adjournment of the respective court, to make out and deliver to the sheriff and to the county treasurer an attested list of all fines and forfeitures imposed by the court.[116] At present this court appoints annually two county auditors, fixes their compensation, decides if an annual or semi-annual audit, instead of a quaterly audit, is sufficient; and directs special audits when it deems advisable.[117] After auditing the expense accounts of the county commissioners, it may order that a reasonable sum be added for such expenses to the annual salary of each commissioner.[118] 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.[119] The clerk of the superior court shall deliver to the sheriff processes for the collection of fines, costs, or other money which accrue to the county during the term of court; and also furnish the county commissioners with a list thereof.[120]

---

109. Laws of New Hampshire, 9:104-110 (1822).
110. New Hampshire Laws of 1855, ch. 1659.
111. Public Laws of New Hampshire, ch. 316, sec. 6 (1926).
112. New Hampshire Constitution, art. 76 (1792).
113. Public Laws of New Hampshire, ch. 316, sec. 6 (1926).
114. Laws of New Hampshire, 6:221 (1795).
115. Ibid., 9:201-202 (1823).
116. Ibid., 10:18 (1829).
117. Public Laws of New Hampshire, ch. 35, secs. 18-20 (1926).
118. New Hampshire Laws of 1927, ch. 111.
119. New Hampshire Laws of 1933, ch. 185.
120. Public Laws of New Hampshire, ch. 320, sec. 9 (1926).

Clerk of the Superior Court

(Next entry 74, p. 82)

In 1812 the superior court and the Governor and Council were constituted visitors of the State Prison to see that all laws and regulations for its government were observed.[121] At present, however, the law names only the Governor and Council as visitors of the State Prison.[122] In 1822 it was stipulated that when an arrested person, answerable to the superior court, should be acquitted by the petit jury or should not be indicted by the grand jury because of insanity, and the going at large of such person should be deemed dangerous, the court might commit the individual to prison until he should be restored to his right mind or otherwise delivered by due course of law. The superior court could release such a person from confinement or commit such prisoner to a friend, upon application, if the applicant should first give bonds to the judge of probate.[123] The law now states that when an indictment is refused or a person is acquitted on grounds of insanity the jury is to certify that fact to the court, which may commit the person to prison or to the State Hospital until freed by due course of law.[124] In 1832 it became a prerogative of the superior court or any two of its justices in vacation, on written application from the sheriff, to order removal of prisoners because of jail repairs or the prevalence of any contagious disease to another jail in the same or an adjoining county.[125] Present statutes on jails state that when a jail is closed, any justice of the superior court may order the prisoners to be removed to some other jail in the same, or a different, county. When prisoners are transferred to another county the court determines, in case of dispute, the amount which shall be paid for their board and care by the county from which they were transferred. If the two counties cannot agree the superior court also decides the amount to be paid for labor of the prisoners by the county housing them to the county from which they came.[126] Jailers are obligated to submit a list of their prisoners to the court.[127] Because of serious illness or other special and extraordinary reason, the Governor or any justice of the superior court may order the temporary removal of any prisoner from a county jail or other place of detention.[128]

In 1812 the superior court was authorized, on application, to cause intercounty highways to be surveyed and built, the owners of land taken for that purpose to be compensated.[129] 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,"[130] undoubtedly the clerk of the supreme judicial court. At present the superior court takes cognizance of petitions and appeals relating to highways and

---

121. Laws of New Hampshire, 8:117 (1812).
122. Public Laws of New Hampshire, ch. 400, sec. 7 (1926).
123. Laws of New Hampshire, 9:145 (1822).
124. Public Laws of New Hampshire, ch. 369, secs. 1, 3 (1926).
125. Laws of New Hampshire, 10:341 (1832).
126. Public Laws of New Hampshire, ch. 397, secs. 4-6 (1926).
127. Ibid., ch. 397, sec. 13 (1926).
128. Ibid., ch. 397, sec. 30 (1926).
129. Laws of New Hampshire, 8:147 (1812).
130. New Hampshire Laws of 1893, ch. 59.

property taken therefor and for other public use.[131] 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 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.[132] 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.[133] 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.[134]

A law of 1814 directed that any bank neglecting to return an annual statement to the Governor and Council should suffer a fine recoverable by an action of debt or bill of indictment in the supreme court.[135] 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

131. Public Laws of New Hampshire, ch. 316, sec. 6 (1926).
132. Ibid., ch. 75 (1926).
133. Ibid., ch. 81 (1926).
134. Ibid., ch. 89, secs. 9-11 (1926).
135. Laws of New Hampshire, 8:315, 316 (1814).

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.[136] 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.[137] 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.[138]

In 1821 the superior court received chancery powers in cases of real and personal estate given to charitable uses.[139] At present powers of equity are granted to the superior court in cases which involve charities.[140] In 1829 the superior court was authorized to cause partition of real estate by a committee of not less than three nor more than five freeholders.[141] At the present time petitions for partition may be filed in the superior court, or, if there is no question about the title, in the probate court.[142]

By an act of June 29, 1838 any applicant to practice as attorney, approved by the superior court, was entitled to practice in that court and in all courts of the state.[143] At the present time, however, the supreme court has jurisdiction over admissions to legal practice.[144]

In the act establishing Insurance Commissioners in 1851 a superior court justice was permitted to issue an injunction prohibiting accused insurance companies from issuing further policies. After a hearing the justice might dissolve, modify, or continue the injunction.[145] It is now stipulated that if the Insurance Commissioner believes the charter of a company should be forfeited he shall so petition in the superior court of the county where the principal place of business of the company is located.[146]

In 1851, also, the court acquired the duty of appointing a board of referees whenever railroad companies were unable to agree upon terms by which one railroad would connect with another.[147] At present the superior court possesses "summary power to make all orders and decrees necessary" to carry into effect the law pertaining to the trusteeship of railroads.[148] Any party dissatisfied with an order of the Public Service

---

136. New Hampshire Laws of 1837, ch. CCCXXI.
137. Public Laws of New Hampshire, ch. 268 (1926).
138. New Hampshire Laws of 1929, ch. 92.
139. Laws of New Hampshire, 9:13 (1821).
140. Public Laws of New Hampshire, ch. 317, sec. 1 (1926).
141. Laws of New Hampshire, 10:58-61 (1829).
142. Public Laws of New Hampshire, ch. 354, secs. 2, 18 (1926).
143. New Hampshire Laws of 1838, ch. CCCLXXI.
144. Public Laws of New Hampshire, ch. 325, sec. 2 (1926).
145. New Hampshire Laws of 1851, ch. 1111.
146. Public Laws of New Hampshire, ch. 273, sec. 27 (1926).
147. New Hampshire Laws of 1851, ch. 1113.
148. Public Laws of New Hampshire, ch. 252, sec. 8 (1926).

Commission awarding damages in connection with the joint use of facilities by several railway corporations may file a petition in the superior court to have damages assessed by a jury.[149]

The supreme judicial court of 1855 had jurisdiction over petitions for the redemption and foreclosure of mortgages.[150] The present superior court takes cognizance of petitions for the redemption and foreclosure of mortgages,[151] and has powers of equity in cases involving such redemption and foreclosure.[152]

An act of 1856 accorded the supreme court jurisdiction connected with the administration of naturalization laws.[153] The supreme court was undoubtedly one of the courts referred to in the naturalization law of July 20, 1876 which asserted that any court of record should have jurisdiction of naturalization. Specifically, this law provided that aliens might make preliminary declaration at any time when court was in session, the record to be entered upon the docket by the clerk of court. The certificate was not to be granted until five days after application; was to be duly entered on docket, and the applicant's witnesses examined under oath.[154] Naturalization actions and proceedings are at present subject to the jurisdiction of the superior court.[155]

In 1893 it was enacted that the supreme court, predecessor of the present superior court, was to have custody of the State Library Building.[156] At the present time the custody of the Building is vested in the trustees of that institution, but the present supreme court has exclusive control over its chambers there.[157] The superior court is empowered to make final decrees to terminate the affairs of a library district, liquidate its debts, and distribute assets.[158]

Power was granted to the supreme court in 1893 to fill vacancies on boards of selectmen when the two selectmen in office had not filled the vacancy; and to determine contested election cases of county officers.[159] At present the superior court may appoint the third selectman if the other two cannot agree on a suitable appointee for a vacancy on the board.[160] In regard to contested election cases of county officers the law states: "The superior court, or any justice thereof in vacation, may, on petition of any candidate interested in a contest for any county office, find the facts relating to the election as well before the term of office begins as after; and any question of law arising upon exception may be heard by the supreme court. The superior court

149. New Hampshire Laws of 1929, ch. 180.
150. New Hampshire Laws of 1855, ch. 1659, sec. 11.
151. Public Laws of New Hampshire, ch. 316, sec. 6 (1926).
152. Ibid., ch. 317, sec. 1 (1926).
153. New Hampshire Laws of 1856, ch. 1829.
154. New Hampshire Laws of 1876, ch. XLVII.
155. Public Laws of New Hampshire, ch. 316, sec. 17 (1926).
156. New Hampshire Laws of 1893, ch. 11.
157. Public Laws of New Hampshire, ch. 10, sec. 29 (1926).
158. New Hampshire Laws of 1933, ch. 68.
159. New Hampshire Laws of 1893, ch. 45.
160. Public Laws of New Hampshire, ch. 47, sec. 43 (1926).

shall issue a certificate of election to the candidate who is found on such proceeding to be elected, and the person receiving such certificate shall assume and discharge the duties of the office."[161]

Powers of equity are granted to the superior court in cases which involve "trusts, fraud, accident and mistake; the affairs of partners, joint tenants or owners and tenants in common * * * the assignment of dower; contribution; waste and nuisance; the specific performance of contracts; discovery; cases in which there is not a plain, adequate and complete remedy at law, and all other cases cognizable in a court of equity * * *."[162] Consistent with the rules of equity, or in line with the course of such proceedings at common law, the court may cause issues of facts to be framed and tried by a jury; but in probate appeals and bills of equity, the verdict of the jury on issues framed and tried is advisory and may be set aside or limited "if not satisfactory to found a decree upon."[163]

This court also has appellate jurisdiction in cases that involve the violation of city ordinances; decisions of the Public Service Commission in the matter of grade crossings;[164] tax abatements;[165] decisions of the Commissioner of Labor;[166] zoning regulations;[167] the decisions of building inspectors;[168] and the exercise by the county of the right of eminent domain.[169] In cases where by eminent domain a municipality takes any land or water right needed for construction or extension of its lighting system and it disagrees with the property owner as to just damages either party may apply to the superior court to have the damages determined.[170] Appeal for relief may be made to the superior court by dissatisfied parties in cases concerned with the erection of telephone, telegraph, and power lines.[171]

Spending agencies in towns adopting the provisions of the Municipal Budget Act are prohibited from spending or agreeing to spend money not called for by an appropriation or by a judgment against the town or school district, though in the case of an emergency the selectmen of the town may secure permission from the State Tax Commission, and the school board from the State Board of Education. If this prohibition is not respected the guilty persons are subject to removal from their office on petition to the superior court. Such petition takes precedence over

---

161. Ibid., ch. 36, sec. 6 (1926).
162. Ibid., ch. 317, sec. 1 (1926).
163. Ibid., ch. 316, sec. 11 (1926); New Hampshire Laws of 1935, ch. 120.
164. Public Laws of New Hampshire, ch. 249, secs. 2-6 (1926).
165. Ibid., ch. 64, sec. 14; 65, sec. 26 (1926).
166. Ibid., ch. 177, secs. 25-28 (1926); New Hampshire Laws of 1933, ch. 87, secs. 16-20.
167. Public Laws of New Hampshire, ch. 42, secs. 57-59 (1926).
168. New Hampshire Laws of 1893, ch. 40; Public Laws of New Hampshire, ch. 147, sec. 19 (1926).
169. Public Laws of New Hampshire, ch. 35, sec. 27 (1926).
170. Ibid., ch. 44 (1926); New Hampshire Laws of 1935, ch. 153.
171. Public Laws of New Hampshire, ch. 97 (1926); New Hampshire Laws of 1935, ch. 100; New Hampshire Laws of 1937, ch. 102.

other actions before the court and must be acted upon as quickly as possible.[172]

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.[173] A person denied a license to operate a motor vehicle or whose license has been suspended or revoked can appeal to the superior court.[174] 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 petition for a review in the superior court.[175] Violations of the provisions of an act concerned with the carriage 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.[176]

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 such property by such organizations.[177] 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.[178] Under certain conditions the court may dissolve business corporations. It may make such final and interlocutory orders, judgments, and decrees for winding up the affairs of corporations as justice requires.[179]

The decision of the superior court is conclusive in any case where "any person claiming a present legal or equitable right or title" maintains an action against another claimant of that same title.[180] Funds held for safe-keeping by the State Treasurer for fifteen years, and unclaimed during that time, become property of the state, upon the order of the superior court.[181] Sheriff's bonds are subject to the approval of the presiding justice of the superior court of the county.[182]

"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

172. New Hampshire Laws of 1935, ch. 9.
173. New Hampshire Laws of 1937, ch. 178.
174. Ibid., ch. 85.
175. Ibid., ch. 161.
176. New Hampshire Laws of 1933, ch. 169.
177. Public Laws of New Hampshire, ch. 197, secs. 61, 62 (1926).
178. New Hampshire Laws of 1935, ch. 124, sec. 6, paragraphs 1-10.
179. Public Laws of New Hampshire, ch. 225, sec. 75 (1926); New Hampshire Laws of 1929, ch. 123, sec. 4.
180. New Hampshire Laws of 1929, ch. 86.
181. Public Laws of New Hampshire, ch. 359 (1926); New Hampshire Laws of 1929, ch. 67.
182. Public Laws of New Hampshire, ch. 37,sec. 3 (1926).

peace."[183] It possesses jurisdiction of all appeals from municipal courts, trial justices, and justices of the peace.[184] All juvenile cases before a municipal court in which the offense is a felony, or would be a felony in an adult, may be certified to and decided by the superior court. Juveniles may await disposition of their cases by that court in the custody of the probation officer or in the industrial school.[185]

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.[186] 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 minicipal court who is to conduct a hearing and determine if the arrest was lawful. If the lawfulness 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 unlawful he is to discharge the prisoner.[187] The court may grant writs of habeas corpus.[188]

When the 1901 reorganization took place records of the former supreme court passed into the custody of the superior court. Clerks of the superior court in their respective counties might certify copies of those records.[189] 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 render to the presiding justices an "account of all money belonging to the county, and of all fines, forfeitures and costs imposed by the court in criminal cases, received by him and not before accounted for, and of all his legal fees and charges against the county * * *." He is also obligated to furnish the county commissioners an account of his receipts and disbursements.[190] He must take up an annual report to be printed with the reports of other county officers.[191]

The records kept by the clerk of the superior court are many and varied. Some of them date back to the year when the act of county organization took effect in 1771. Not only are included records of the supreme/superior court which, with many vicissitudes, managed to survive from the beginning of the counties to the present time, but also records of the defunct court of common pleas.

---

183. Ibid., ch. 362, sec. 1 (1926).
184. Ibid., ch. 362, sec. 2 (1926); New Hampshire Laws of 1927, chs. 10, 49.
185. New Hampshire Laws of 1937, ch. 152.
186. Public Laws of New Hampshire, ch. 316, secs. 15, 16 (1926).
187. New Hampshire Laws of 1937, ch. 54.
188. Public Laws of New Hampshire, ch. 350, sec. 3 (1926).
189. New Hampshire Laws of 1901, ch. 78, sec. 8.
190. Public Laws of New Hampshire, ch. 320 (1926).
191. New Hampshire Laws of 1931, ch. 47.

Clerk of the Superior Court - Indexes (74, 75)

Dockets occupy a prominent place among the records of the court. Types of court cases are represented by dockets classified as civil, state, equity, and session. In addition to the separate dockets for each of these types there are waste dockets and printed dockets which include records of all cases. The waste dockets are for the entry of all cases as they come in. The printed dockets are 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. Among the older records are a few law term dockets which are concerned with cases of the type that are now under the jurisdiction of the present supreme court.

Among the other important bound records of the court is an excellent series of judgment volumes. The function of the superior court in regard to naturalization is represented by dockets, first papers, second papers, records of first and second papers, and records of petitions granted and denied.

Original court documents kept by the clerk--in addition to naturalization papers--include writs of execution, possession, attachment, and replevin, petitions for injunction, summonses, agreements, verdicts, trustees' depositions, appraisals, venires, judgments, complaints and warrants, mittimuses, indictments, bail bonds, disputed wills and codicils, subpoenas, mortgage foreclosures, settlements of land titles, adjustments of partnership accounts, bills in equity, libels for divorce, highway petitions, petitions for damages against towns, railroad petitions, eminent domain petitions, and damage awards.

For a complete and detailed description of the court's records, it is necessary to consult the entries. Except for one isolated record, Court Records [Writs of Execution], in the vault of the register of deeds; the records of the clerk of court are found in five locations--the inner and outer first floor vaults of this official; the basement vault; the basement hallway; and the county commissioners' attic storeroom.

For annual reports of the clerk of court, see entries 3, 4. For non-official records found in this office, see App. entry 9.

Indexes

74. [Index to Dockets and Cases] CIVIL-PLAINTIFF, 1919--. 12 f.b. (labeled by inclusive letters of the alphabet). Title varies: Civil-Defendant. Index to Civil [Dockets], entry 79; Judgments, entry 86; Civil [Cases], entry 88; and [Writs of] Executions, entry 99; showing names of plaintiff and defendant, docket number, date, plea, sentence or disposition, costs, and volume and page of record in judgments. Arr. alph. by names of plaintiff and defendant. Typed. 4¼ x 5¼ x 17. Outer v.

75. [Index to Dockets and Cases] STATE, 1919--. 2 f.b. Index to State [Dockets], entry 80; Judgments, entry 86; Criminal [State] Cases, entry 89; and [Writs of] Executions, entry 99; showing names of defendants, indictment, charge or offense, and case number. Arr. alph. by names of defendants. Typed. 4¼ x 5¼ x 17. Outer v.

Clerk of the Superior Court - Court Dockets (76-81)

76. [Index to Dockets and Cases] EQUITY-PLAINTIFF, 1919--. 12 f.b. (labeled by inclusive letters of the alphabet). Title varies: Equity-Defendant.

Index to Equity [Dockets], entry 81; Judgments, entry 86; Equity [Cases], entry 90; and [Writs of] Executions, entry 99; showing names of plaintiff and defendant, docket number, and volume and page of record in judgments. Arr. alph. by names of plaintiffs, defendants, libelants, libelees, and petitioners. Typed. 4¼ x 5¼ x 17. Outer v.

77. [Index to Dockets and Cases] SESSIONS, 1919--. 1 f.b.

Index to Session [Dockets], entry 82; Judgments, entry 86; and Session [Cases], entry 91; showing names of plaintiffs and defendants, and docket number. Arr. alph. by names of plaintiffs. Typed. 4¼ x 5¼ x 17. Outer v.

Court Dockets

78. SUPERIOR COURT DOCKET, 1771-1918. 362 vols. (dated). Title varies: Supreme Court Dockets; S. J. C. Docket; S. C. J. Docket; C. C. P. Docket.

Contains: Civil [Dockets], entry 79; State [Dockets], entry 80; Equity [Dockets], entry 81; and Sessions [Dockets], entry 82. By giving case numbers these dockets also serve as a guide to location of records in entries 87-91, 99, 105. Arr. chron. and num. by docket nos. thereunder. 1771-1887, no index; 1888-1918 indexed alph. by names of plaintiff and defendant. Hdw. 200 pp. 14 x 9 x 1. 299 vols., 1771-1887, bsmt. v.; 63 vols., 1850-51, 1888-1918, inner v.

79. CIVIL [Dockets], 1919--. 7 f.b. (labeled by inclusive docket numbers). 1771-1918 in entry 78.

Names of plaintiff and defendant, docket number, volume and page of recording, date and kind of instrument filed, and disposition to date. Arr. chron. For index, see entry 74. Typed on ptd. forms. 9 x 6 x 17½. Outer v.

80. STATE [Dockets], 1919--, 2 f.b. 1771-1918 in entry 78.

State vs. names of defendant and his attorney, docket number, date, abstract of case, disposition, and volume and page of recording. Arr. chron. For index, see entry 75. Typed on ptd. forms. 9 x 6 x 17½. Outer v.

81. EQUITY [Dockets], 1919--, 3 f.b. (labeled by inclusive docket numbers). 1771-1918 in entry 78.

Names of plaintiff and defendant, docket number, date, kind of instrument filed, volume and page of recording, and disposition to date. Arr. chron. For index, see entry 76. Typed on ptd. forms. 9 x 6 x 17½. Outer v.

Clerk of the Superior Court - (82-86)
Judgments

82. SESSIONS [Dockets], 1919--. 2 f.b.
1771-1918 in entry 78.
Names of plaintiff and defendant, docket number, date and kind of instrument filed, disposition to date, and volume and page of recording. Arr. chron. For index, see entry 77. Typed on ptd. forms. 9 x 6 x 17½. Outer v.

83. CHESHIRE SUPERIOR COURT [Printed] DOCKET, 1883--. 106 vols. (dated by term of court). Prior records missing. Title varies: Cheshire Supreme Court Docket.
Contains assignment of justices, days for naturalization, list of members of Cheshire County Bar, names of chief and associate justices; all clerks of court, sheriffs, and county solicitors in state; clerical staff; rules of procedure; and docket and kind of case. Arr. num. by docket nos. Indexed alph. by names of plaintiffs and defendants in each vol. Ptd. 75 pp. 7 x 5 x ¼. 6 vols., 1883-88, attic; 44 vols., 1889-1911, bsmt. v.; 56 vols., 1912--, outer v.

84. WASTE DOCKET [All Courts], 1838--. 213 vols. (dated by term of court). Prior records missing.
Date, name, and term of court; presiding justice; names of jurors trying case, plaintiffs, and defendants; kind and history of case, and disposition. Arr. chron. and num. by docket nos. thereunder. Indexed alph. by names of plaintiffs and defendants in each vol. Hdw. 100 pp. 14 x 9 x ¾. 91 vols., 1838-75, attic; 92 vols., 1855-1918, bsmt. v.; 30 vols., 1918--, outer v.

85. DOCKETS-SUPREME COURT LAW TERM, 1865-85, 1895-99. 7 vols. (dated). Prior records missing. Discontinued. Title varies: Docket of Law Terms S. J. C.
Law term cases: date, case number; names of plaintiff, defendant, and their attorneys; brief summary of case, and disposition. 1895-99, 5 vols., contain also cases of all other New Hampshire counties. Arr. chron. and num. by docket nos. thereunder. Indexed alph. by names of plaintiffs and defendants in each vol. 1865-85, hdw.; 1895-99, ptd. 2 vols., 1865-85, 250 pp. 14 x 9 x 1¼; 5 vols., 1895-99, 75 pp. 7¾ x 5 x ¼. 1865-85 inner v.; 1895-99, bsmt. v.

Judgments
(See also entry 182)

86. JUDGMENTS, 1771-1859, 1874--. 63 vols. (1-63). Title varies: Trial Term Records. 1772-1899 in entries 92, 93. Originals 1771-- in entries 87-91.
Transcripts of sentences pronounced by court upon matters in issue before it: name, date and term of court; names of presiding justice, plaintiff and defendant; case number, description and nature of case, decree, disposition, and attest of clerk of court. Also contains: C[ourt] C[ommon] P[leas] [Record of] Exec[utions], 1884--, entry 100. Arr. chron. by terms

of court. 1771-1918, indexed alph. by names of plaintiffs; for index, 1919--, see entries 74-77. 1771-1918, hdw.; 1919--, typed. 500 pp. 16 x 10 x 3. Inner v.

Court Documents

87. [CIVIL, STATE, EQUITY, SESSIONS COURT DOCUMENTS], 1771-1916. 47 f.d., 2 wooden boxes, 151 f.b. (Undated, 47 f.d., 2 wooden boxes, 1771-1845; dated, 151 f.b., 1846-1916).

Original documents: Civil [Cases], 1771-1907, entry 88, including Judgments, entry 86; [Writs of Attachment], entry 97; [Writs of] Executions, 1771-80, entry 99; [Writs of Injunction], entry 102; [Writs of Possession], entry 103; [Writs of Replevin], entry 104; [Petitions for Attachment], entry 122; [Petitions for Injunction], entry 123; [Summonses], entry 127; [Subpoenas], entry 128; [Attorneys' Appearance Slips], entry 135; [Exhibits and Evidence], entry 136; [Agreements], entry 138; [Verdicts], entry 139; [Appeals], entry 142; [Trustees' Depositions], entry 143; [Appraisals], entry 144; [Records of Auction Sales of Attached Property], entry 146; [Appointments of Referees], entry 150; [Bills for Costs of Court], entry 155; [Witness Fees], entry 159; and [Inquiries, Contests, and Adjustments of Titles], entry 162. Criminal [State] Cases, 1771-1915, entry 89, including Judgments, entry 86; Mittimuses, 1771-1815, entry 96; [Writs of Capias], entry 98; [Writs of] Executions, 1771-80, entry 99; Complaints and Warrants, entry 105; [Petitions for Information], entry 113; [Summonses], entry 127; [Subpoenas], entry 128; [Indictments], entry 131; [Recognizances], entry 133; [Bail Bonds], entry 134; [Exhibits and Evidence], entry 136; [Coroners' Inquests], 1771-1903, entry 137; [Verdicts], entry 139; [Appeals], entry 142; [Bills for Costs of Court], entry 155; [Court] Payrolls, 1771-1829, entry 158; and [Witness Fees], entry 159. Equity [Cases], 1771-1913, entry 90, including Judgments, entry 86; [Writs of Attachment], entry 97; [Writs of] Executions, 1771-80, entry 99; [Writs of Injunction], entry 102; [Writs of Possession], entry 103; [Writs of Replevin], entry 104; [Petitions for Waiving Five Day Marriage Law], entry 112; [Petitons for Attachment], entry 122; [Petitions for Injunction], entry 123; [Disputed Wills and Codicils], entry 126; [Summonses], entry 127; [Subpoenas], entry 128; [Affidavits], entry 129; [Bills in Equity], entry 130; [Libels for Divorce], entry 132; [Exhibits and Evidence], entry 136; [Agreements], entry 138; [Verdicts], entry 139; [Amendments], entry 140; [Appeals], entry 142; [Trustees' Depositions], entry 143; [Appraisals], entry 144; [Mortgage Foreclosures], entry 145; [Appointments of Receivers], entry 151; [Bills for Costs of Court], entry 155; [Witness Fees], entry 159; [Inquiries, Contests, and Adjustments of Titles], entry 162; [Settlements of Land Titles], entry 163; and [Adjustments of Partnership Accounts], entry 164. Sessions [Cases], 1771-1916, entry 91, including Judgments, entry 86; [Writs of Injunction], entry 102; (Petitions for Highways], 1771-1825, 1829-1916, entry 114; [Petitions for Continuance of Highways], entry 115; [Petitions for Discontinuance of Highways], entry 116; [Petitions for Laying Out of Railroads], entry 118; [Petitions for Right of Eminent Domain], entry 119; [Petitions Against Towns for Damages], entry 120; [Petitions to Abate Nuisance], entry 121; [Petitions for

Injunction], entry 123; [Petitions and Orders to Remove Paupers from County Farm], entry 124; [Summonses], entry 127; [Exhibits and Evidence], entry 136; [Agreements], entry 138; [Damage Awards], entry 141; [Appeals], entry 142; [Bills for Costs of Court], entry 155; [Commissioners' Bills], entry 156; [Witness Fees], entry 159; [Inquiries, Contests, and Adjustments of Titles], entry 162; and [Settlements of Land Titles], entry 163. Arr. chron. by terms of court and num. by case nos. thereunder. No index, but dockets in entry 78 serve as a guide to location of records by giving case nos. Hdw., typed, and hdw. and typed on ptd. forms and headings. F.d., 8¾ x 12¾ x 48; wooden boxes, 10½ x 13 x 21; f.b., 10 x 5 x 13½. 47 f.d., 2 wooden boxes, 1771-1845, bsmt. v.; 151 f.b., 1846-1916, inner v.

88. CIVIL [Cases], 1908--. 55 f.b. (labeled by inclusive case numbers). 1771-1907 in entry 87.
Original court documents in civil action: Judgments, entry 86; [Writs of Attachment], entry 97; [Writs of Injunction], entry 102; [Writs of Possession], entry 103; [Writs of Replevin], entry 104; [Petitions for Attachment], entry 122; [Petitions for Injunction], entry 123; [Summonses], entry 127; [Attorneys' Appearance Slips], entry 135; [Exhibits and Evidence], entry 136; [Agreements], entry 138; [Verdicts], entry 139; [Appeals], entry 142; [Trustees' Depositions], entry 143; [Appraisals], entry 144; [Records of Auction Sales of Attached Property], entry 146; [Appointments of Referees], entry 150; [Bills for Costs of Court], entry 155; [Witness Fees], entry 159; and [Inquiries, Contests, and Adjustments of Titles], entry 162. Arr. chron. by terms of court and num. by case nos. thereunder. 1908-18, no index, but dockets in entry 78 serve as a guide to location of records by giving case nos.; for index 1919--, see entry 74. Hdw., typed, and hdw. and typed on ptd. forms and headings. 10 x 5 x 13½. Inner v.

89. CRIMINAL [State] CASES, 1916--. 8 f.b. (labeled by inclusive case numbers). 1771-1915 in entry 87.
Original court documents in criminal (state) cases: Judgments, entry 86; Mittimuses, 1920--, entry 96; [Writs of Capias], entry 98; Complaints and Warrants, entry 105; [Petitions for Information], entry 113; [Summonses], entry 127; [Subpoenas], entry 128; [Indictments], entry 131; [Recognizances], entry 133; [Bail Bonds], entry 134; [Exhibits and Evidence], entry 136; [Verdicts], entry 139; [Appeals], entry 142; [Bills for Costs of Court], entry 155; and [Witness Fees], entry 159. Arr. chron. by terms of court and num. by case nos. thereunder. 1916-18, no index, but dockets in entry 78 serve as a guide to location of records by giving case nos.; for index 1919--, see entry 75. Typed and hdw. on ptd. forms and headings. 4¼ x 5¼ x 17. Outer v.

90. EQUITY [Cases], 1914--. 35 f.b. (labeled by inclusive case numbers). 1771-1913 in entry 87.
Original court documents in equity cases: Judgments, entry 86; [Writs of Attachment], entry 97; [Writs of Injunction], entry 102; [Writs of Possession], entry 103; [Writs of Replevin], entry 104; [Petitions for Waiving Five Day Marriage Law], entry 112; [Petitions for Attachment], entry 122;

[Petitions for Injunction], entry 123; [Disputed Wills and Codicils], entry 126; [Summonses], entry 127; [Subpoenas], entry 128; [Affidavits], entry 129; [Bills in Equity], entry 130; [Libels for Divorce], entry 132; [Exhibits and Evidence], entry 136; [Agreements], entry 138; [Verdicts], entry 139; [Amendments], entry 140; [Appeals], entry 142; [Trustees' Depositions], entry 143; [Appraisals], entry 144; [Mortgage Foreclosures], entry 145; [Appointments of Receivers], entry 151; [Bills for Costs of Court], entry 155; [Witness Fees], entry 159; [Inquiries, Contests, and Adjustments of Titles], entry 162; [Settlement of Land Titles], entry 163; and [Adjustments of Partnership Accounts], entry 164. Arr. chron. by terms of court and num. by case nos. thereunder. 1914-18, no index, but dockets in entry 78 serve as a guide to location of records by giving case nos.; for index 1919--, see entry 76. Hdw. and typed on ptd. forms and headings, and typed. 10 x 5 x 13½. Inner v.

91. SESSIONS [Cases], 1917--. 1 f.b. 1771-1916 in entry 87. Transcripts 1772-1899 in entry 92.
Original court documents in sessions cases: Judgments, entry 86; [Writs of Injunction], entry 102; [Petitions for Highways], entry 114; [Petitions for Continuance of Highways], entry 115; [Petitions for Discontinuance of Highways], entry 116; [Petitions for Laying Out of Railroads], entry 118; [Petitions for Right of Eminent Domain], entry 119; [Petitions Against Towns for Damages], entry 120; [Petitions to Abate Nuisance], entry 121; [Petitions for Injunction], entry 123; [Petitions and Orders to Remove Paupers from County Farm], entry 124; [Summonses], entry 127; [Exhibits and Evidence], entry 136; [Agreements], entry 138; [Damage Awards], entry 141; [Appeals], entry 142; [Bills for Costs of Court], entry 155; [Commissioners' Bills], entry 156; [Witness Fees], entry 159; [Inquiries, Contests, and Adjustments of Titles], entry 162; and [Settlements of Land Titles], entry 163. Arr. chron. by terms of court and num. by case nos. thereunder. 1917-18, no index, but dockets in entry 78 serve as a guide to location of records by giving case nos.; for index 1919--, see entry 77. Hdw. and typed on ptd. forms and headings, and typed. 10 x 5 x 13½. Inner v.

92. ROADS & SESSION RECORDS, 1772-1899. 4 vols. (3 vols. dated; 1 vol. numbered 2). Discontinued.
Transcripts of Sessions [Cases], entry 91, including Judgments, entry 86; [Writs of Injunction], entry 102; [Petitions for Highways], entry 114; [Petitions for Continuance of Highway], entry 115; [Petitions for Discontinuance of Highway], entry 116; [Petitions for Laying Out of Railroads], entry 118; [Petitions for Right of Eminent Domain], entry 119; [Petitions Against Towns for Damages], entry 120; [Petitions to Abate Nuisance], entry 121; [Petitions for Injunction], entry 123; [Petitions and Orders to Remove Paupers from County Farm], entry 124; [Summonses], entry 127; [Exhibits and Evidence], entry 136; [Agreements], entry 138; [Damage Awards], entry 141; [Appeals], entry 142; [Bills for Costs of Court], entry 155; [Commissioners' Bills], entry 156; [Witness Fees], entry 159;

[Inquiries, Contests, and Adjustments of Titles], entry 162; and [Settlements of Land Titles], entry 163. Also contains: court orders for new county jail, 1831-32; petitions to overseers of the poor in regard to paupers, 1831-55; Cheshire County Delegation [Records], 1832-89, entry 1; Naturalization Records [Applications and Petitions], 1831-59, entry 107; Record [of] Votes for County Officers, 1831-55, entry 148; and Record-Peddlar License, 1772-1848, entry 166. Arr. chron. 1772-1831, indexed alph. by names of towns; 1832-55, no index; 1856-89, indexed alph. by names of persons and subjects; 1890-99, no index. Hdw. 500 pp. 16½ x 10½ x 2½. Inner v.

93. [Records] S[uperior] C[ourt] J[udicature] CHESHIRE [and Supreme Judicial Court], 1772-1883. 20 vols. (1-15, XVI-XIX, 20).

Transcripts of: Judgments, 1860-73, entry 86; Venires [and Returns], entry 94; C[ourt] C[ommon] P[leas] [Record of] Exec[utions], 1772-99, 1817-83, entry 100; and Complaints and Warrants, entry 105. Arr. chron. by terms of court. Indexed alph. by names of cases in each vol. Hdw. 500 pp. 15½ x 10¼ x 2¼. Inner v.

Jurors

94. VENIRES [and Returns], 1771-1885, 1926--. 2 f.d., 1 wooden box, 1 f.b. and approx. 400 loose papers in pigeon hole. 1835-95 in entry 167. Transcripts 1772-1883 in entry 93.

Order to town or city clerk directing qualified persons be drawn to serve as jurors: date, name of town, number of jurors to be drawn (grand and petit), and date and place of court to which jurors must report. Returns: attest of town or city clerk that jurors have been drawn and notified (date, time and place of drawing, place where notice was posted, number of jurors drawn, and notification to those drawn). Arr. chron. by terms of court. No index. Hdw. and typed on ptd. forms. F.d., 8¾ x 12¼ x 48; wooden box, 10½ x 13 x 21; f.b., 10 x 5 x 13½. 2 f.d., 1 wooden box, 1771-1885, bsmt. v.; 1 f.b., 1926-33, inner v.; loose papers, 1934--, outer v.

95. [List of] JURORS, 1938--. 1 f.b. Records destroyed yearly.

Town, name, address, and telephone number of juror. Arr. alph. by names of towns and thereunder by names of jurors. Typed. 4¼ x 5¼ x 17. Outer v.

Mittimus

(See also entry 237)

96. MITTIMUS, 1816-1919. Approx. 2,000 papers in 2 wooden boxes. 1771-1815 in entry 87; 1920-- in entry 89.

Court order to sheriff or deputy to transfer prisoner to house of correction or jail showing docket number, complaint, date, by whom issued, court, disposition (fine, or sentence, or both), commitment, date of order and

signature of clerk of court; return on mittimus: attest of officer that conveying order has been carried out, statement of fees (costs for service, travel, conveyance, copy, and mittimus), and date of discharge. No obvious arr. No index, 1816-59, hdw.; 1860-1915, hdw. on ptd. forms; 1916-19, typed on ptd. forms. 10½ x 13½ x 20. Attic.

Writs and Warrants

97. [WRITS OF ATTACHMENT], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90.
Instrument commanding sheriff to attach property of defendant: date, names of plaintiff and defendant, term of court returnable, amount and reasons of 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 writs of attachment, see entries 56, 172.

98. [WRITS OF CAPIAS], 1771--. 1771-1916 in entry 87; 1916-- in entry 89.
Instrument commanding sheriff or his deputy to take body of person named and bring him to court: date, name, and term of court; charge, names of plaintiff and defendant, and return of grand jury.
For related justice court capias writs, see entry 173.

99. [Writs of] EXECUTIONS, 1781--. 154 bundles, 3 boxes, 12 f.b. 1771-80 in entry 87.
A judicial writ empowering sheriff or his deputy to carry judgment into effect: date, names of plaintiff, defendant, and justice; date and term of court; judgment rendered and returnable, sheriff's costs and fees, and signature of clerk of court. Also contains: Complaints and Warrants, 1781-1868, entry 105; [Appraisals], 1781-1868, entry 144; and tax lists. 1781-1856, no obvious arr.; 1857--, arr. num. by docket nos. 1781-1918, no index, but dockets in entry 78 serve as a guide to records by giving case nos.; for index 1919--, see entries 74-76. Hdw. on ptd. forms. Bundles, 7¾ x 2¾ x 6; boxes, 19 x 11 x 7; f.b., 10 x 5 x 13½. 154 bundles, 3 boxes, 1781-1868, attic; 12 f.b., 1857--, inner v.
For related justice court writs of execution, see entry 174.

100. C[ourt] C[ommon] P[leas] [Record of] EXEC[utions], 1800-16. 3 vols. (dated, 1-3). 1772-99, 1817-83 in entry 93; 1884-- in entry 86.
Transcripts of writs of executions showing information as in entry 99. Arr. chron. by date of entry. No index. Hdw. on ptd. forms. 150 pp. 12 x 8 x ¾. Bsmt. v.

101. COURT RECORDS [Writs of Execution], 1814-30. 2 vols. (A, B). Isolated record.
Notations of writs of execution showing date of judgment, consideration involved, names of parties concerned, petition for execution, and attestations of oaths and financial reports of appraisers. Arr. chron. 1814-21, indexed alph. by names of persons demanding execution; 1822-30, no index. Hdw. 600 pp. 17 x 10½ x 2¾. V., r.d.

102. [WRITS OF INJUNCTION], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original document granted by court, whereby a party is required to do or refrain from doing certain acts: date, names of plaintiff and defendant, and conditions and particulars of restraining order from court.

103. [WRITS OF POSSESSION], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90.

Instrument directing sheriff to put plaintiff in peaceable possession of property recovered from defendant: date, names of plaintiff and defendant, term of court, amount of judgment rendered, costs of court; and command to cause debtor to pay plaintiff the amount of judgment with lawful interest, or to arrest debtor and commit to jail until discharged by creditor or otherwise by law.

104. [WRITS OF REPLEVIN], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90.

Instrument by which property is recovered that has been wrongfully taken or detained: date, description of articles taken, names of plaintiff and defendant, conditions of writ, amount of bond; order for defendant to be brought to court; and return of writ.

105. COMPLAINTS AND WARRANTS, 1784-1816, 1874-1912.
Approx. 275 papers in 11 bundles, 29 f.b.
1771-1915 in entry 87; 1781-1868 in entry 99; 1916-- in entry 89; 1835-95 in entry 167.
Transcripts 1772-1883 in entry 93.

Original complaints and warrants. 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, sworn to and attested by complainant and witnesses before justice of the peace; and order to bring respondent before court: date, time, and place of court. Result of trial showing verdict; judgment: fine, costs, or imprisonment; and disposition. 1784-1816, no obvious arr.; 1874-1912, arr. num. by case nos. No index, but dockets in entry 78 serve as a guide to records, 1874-1912, by giving case nos. 1784-1816, hdw.; 1874-1912, hdw. and typed on ptd. forms. Bundles, 6½ x 2¾ x 2½; f.b., 10 x 5 x 13½. Bundles, 1784-1816, attic; f.b., 1874-1912, inner v.

For related justice court complaints and warrants, see entry 175.

Naturalization

106. NAT'N [Index and] DOCKET, 1869-1906, 1919--.
7 vols., 1 f.b. (dated). 1907-18 not kept.

Docket serving as index to Naturalization Records [Applications and Petitions], 1869-1906, entry 107; Declarations [of Intention], 1919--, entry 108; Petitions [for Naturalization], 1919--, entry 109; and [Uncalled for, Disputed, and Dropped] Naturalization [Cases], 1869-1906,

1919--, entry 110. 1869-1906: court session, case number, name of applicant, date of application, and date admitted and sworn. 1919--: name, age, and residence of applicant; dates admitted and certified, court of issue, petition number, and signature of holder of certificate. Arr. alph. by names of applicants. 1869-1906, hdw.; 1919--, typed. Vols. 175 pp. 14 x 8¾ x 1; f.b., 4½ x 5½ x 17. 7 vols., 1869-1906, inner v.; 1 f.b., 1919--, outer v.

107. **NATURALIZATION RECORDS** [Applications and Petitions], 1860-1906. 4 vols. 1831-59 in entry 92. Discontinued.

Date, name, and term of court; name of presiding justice; name, age, and address 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, pleas of applicant to take oath of citizenship, renunciation of allegiance to foreign governments, oath of allegiance to the United States, and attest of clerk of court. Arr. chron. Indexed alph. by names of applicants in each vol. Also, for index 1869-1906, see entry 106. Hdw. 600 pp. 18 x 12½ x 2½. Inner v.

For related subsequent records, see entries 108-110.

108. DECLARATIONS [of Intention], Oct. 1906--. 8 vols. (1 dated vol., 1906-09; II-IV, 3 vols., 1910-29; 4 vols., 1927--, labeled by inclusive declaration nos.). System started 1906. Title varies: Record of Declaration of Intention.

Application for citizenship showing intention number; date, name, term and place of court; name, address, age, occupation, marital status, personal description; date and place of birth, and 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 declarant and clerk of court. Arr. chron. and num. by intention nos. Indexed alph. by names of declarants in each vol. Also, for index 1919--, see entry 106. Hdw. and typed on ptd. forms. 250 pp. 11 x 9 x 1. Inner v.

For related prior records, see entries 107, 110.

109. PETITIONS [for Naturalization], 1907--. 12 vols. (labeled by inclusive petition nos.). System started 1907. Title varies: 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 and 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, and jurat; oath of allegiance, and consideration and order of court to admit or deny petition. Arr. chron. Indexed alph. by names of petitioners in each vol. Also, for index 1919--, see entry 106. Hdw. on ptd. forms. 250 pp. 18 x 12 x 2¾. Inner v.

For related prior records, see entries 107, 110.

Clerk of the Superior Court - Petitions and Orders (110-115)

110. [Uncalled for, Disputed, and Dropped] NATURALIZATION [Cases], 1848--. 8 f.b. (dated). Prior records not kept.

Miscellaneous naturalization papers, including applications and petitions, 1848-1906, showing information as in entry 107; first papers, 1906--, showing information as in entry 108; and second papers, 1907--, showing information as in entry 109. Arr. chron. 1848-68, 1907-18, no index; for index 1869-1906, 1919--, see entry 106. Hdw. and typed on ptd. forms. 10 x 5 x 13½. Inner v.

111. [PETITIONS FOR CITIZENSHIP, GRANTED AND DENIED], 1930--. 1 vol. Prior records not kept.

Petition granted: number, names of court and petitioner, change of name, if any, and date and signature of justice; petition denied: number, names of court and petitioner, reason for denial, date, and signature of justice. No obvious arr. No index. Typed on ptd. forms. 25 pp. 11 x 9 x ¼. Inner v.

Petitions and Orders

112. [PETITIONS FOR WAIVING FIVE DAY MARRIAGE LAW], 1771--. 1771-1916 in entry 87; 1914-- in entry 90.

Plea for exemption in obtaining marriage license: date, name, place, and term of court; and names and addresses of contracting parties.

113. [PETITION FOR INFORMATION], 1771--. 1771-1916 in entry 87; 1916-- in entry 89.

Proceedings in the nature of a prosecution without action by grand jury: date, name, term and place of court; name of county solicitor, name and address of defendant, date of offense, plea of defendant, and signature of county solicitor.

114. [PETITIONS FOR HIGHWAYS], 1826-28. 15 papers in 1 bundle. 1771-1825, 1829-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original petitions for highways: date, names of petitioners, description of proposed highway; summons to selectmen by court to appear at hearing, and court action. No obvious arr. No index. Hdw. 3½ x 8 x 1½. Attic.

For related highway petitions, see entry 39.

115. [PETITIONS FOR CONTINUANCE OF HIGHWAYS], 1771--. 1771-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original petitions for continuance of highways: date, names of petitioners, description of highway, reasons why road should be kept open and gates and bars be removed, and court action.

For related highway petitions, see entry 39.

Clerk of the Superior Court - Petitions and Orders (116-121)

116. [PETITIONS FOR DISCONTINUANCE OF HIGHWAYS], 1771--. 1771-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1889 in entry 92.

Original petitions for discontinuance of highways: date, name, place, and term of court; names of petitioners, description of highway, reason why road should be closed and gates and bars erected, and court action.

For related highway petitions, see entry 39.

117. RECORD OF HIGHWAYS AND SCHOOL HOUSES, COUNTY OF CHESHIRE, 1885-1908. 1 vol. Isolated record.

Transcripts of petitions to towns to discontinue highways: notification by clerk of court of hearing, court order referring petition to county commissioners, and certificate of printing notice of hearing; petition to court for hearing on new highway: county commissioners' report, and recommendation to court. Petition for changing school district lines: notification of hearing, and report; and petition to court for relocation of schoolhouse; and certification of posting notice of hearing. Arr. chron. Indexed alph. by names of towns. Hdw. 512 pp. 14¼ x 8½ x 2. Attic.

118. [PETITIONS FOR LAYING OUT OF RAILROADS], 1771--. 1771-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original petitions for laying out of railroads: date, names of petitioners, conditions and reasons for petition, approval of Public Service Commission, and award of land damages.

119. [PETITIONS FOR RIGHT OF EMINENT DOMAIN], 1771--. 1771-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original petitions for authority to take private property for public use: date, name of corporation, town, city, or state filing petition; conditions and reasons for petition, description of property involved, and court action.

120. [PETITIONS AGAINST TOWNS FOR DAMAGES], 1771--. 1771-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original petitions against towns for damages resulting from highways: date, names of petitioners, conditions of petition, amount of damages, and court action.

For related damage petitions, see entry 39.

121. [PETITIONS TO ABATE NUISANCE], 1771--. 1771-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original petitions for abatement of nuisance: date, name, place, and term of court; complaint, names of complainant and defendant, and court action.

Clerk of the Superior Court - (122-127)
Wills; Court Proceedings

122. [PETITION FOR ATTACHMENT], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90.

Petition for writ to hold property of defendant pending court action or judgment: date, names of plaintiff and defendant, attested reasons for attachment, and court action.

For related justice court petitions for attachment, see entry 171.

123. [PETITIONS FOR INJUNCTION], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original petitions for court orders to require persons to do, or refrain from doing, certain acts: date, place, and term of court; names of plaintiff and defendant, reasons for petition, and court action.

124. [PETITIONS AND ORDERS TO REMOVE PAUPERS FROM COUNTY FARM], 1771--. 1771-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original petitions and orders to remove paupers from the county farm: date, name, place, and term of court; name of pauper, reasons for petition, signatures of county commissioners, and court action.

125. [WARNINGS TO LEAVE TOWN], 1789-95, 1825-80. 2 bundles. Missing, 1796-1824. Discontinued.

Orders to constables from selectmen of towns in Cheshire County to warn paupers to leave town: date, names of parties concerned, particulars, conditions, and attest of constable that order was executed. No obvious arr. No index. Hdw. 7½ x 3 x 2½. 1 bundle, 1789-95, bsmt. v.; 1 bundle, 1825-80, bsmt. hallway.

Wills

(See also entries 191-194)

126. [DISPUTED WILLS AND CODICILS], 1771--. 1771-1916 in entry 87; 1914-- in entry 90.

Date, names of parties concerned, and official court interpretation of the will and codicil.

Court Proceedings

127. [SUMMONSES], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1916-- in entry 89; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original written notification warning a person to appear in court to answer to plaintiff or testify as a witness: date, time, and place of court; names and addresses of plaintiff and defendant, conditions of and reasons for summons, and signature of clerk of court.

Clerk of the Superior Court - Court Proceedings (128-135)

128. [SUBPOENAS], 1771--. 1771-1916 in entry 87; 1914-- in entry 90; 1916-- in entry 89.
Command for person to appear in court: name and address of person; date, time, and place of court; date and condition of subpoenas, and signature of clerk of court.

129. [AFFIDAVITS], 1771--. 1771-1916 in entry 87; 1914-- in entry 90.
Sworn statement: date, name and address of deponent, place made, conditions and particulars, signature of affiant, and jurat.

130. [BILLS IN EQUITY], 1771--. 1771-1916 in entry 87; 1914-- in entry 90.
Action whereby both plaintiff and defendant receive fair settlement: date, names of plaintiff and defendant, charges and contents of bill, signature of attorney for plaintiff, and attest of clerk of court.

131. [INDICTMENTS], 1771--. 1771-1916 in entry 87; 1916-- in entry 89.
Formal charge of crime preferred to court by a grand jury under oath: date, name, place and term of court; name and address of defendant, detailed description of charges, and attest and signatures of county solicitor and foreman of grand jury.

132. [LIBELS FOR DIVORCE], 1771--. 1771-1916 in entry 87; 1914-- in entry 90.
Declaration of grounds for divorce: date, names of libelant and libelee, signature of attorney for libelant, and attest of clerk of court.

133. [RECOGNIZANCES], 1771--. 1771-1916 in entry 87; 1916-- in entry 89.
Personal obligation to appear in court: date, name, place, and term of court; names of witnesses and defendant, amount of bond, conditions and limitations of action, signatures of witnesses and defendant, and attest of clerk of court.
For related recognizances issued by justices of the peace, see entry 176.

134. [BAIL BONDS], 1771--. 1771-1916 in entry 87; 1916-- in entry 89.
Names of sureties and person bonded, amount and conditions of bond, and signature of sureties and witnesses.
For related jail bonds of justices of the peace, see entry 186.

135. [ATTORNEYS' APPEARANCE SLIPS], 1771--, 1771-1916 in entry 87; 1908-- in entry 88.
Docket number, date entered, names of plaintiff and defendant, and signatures of attorneys for each, and attest of clerk of court.

Clerk of the Superior Court - (136-142)
Court Proceedings

136. [EXHIBITS AND EVIDENCE], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1916-- in entry 89; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original records of exhibits and evidence introduced during trial by plaintiff and/or defendant showing plans and blueprints of buildings and lands, copies of deeds, letters bearing on cases, and copies of court trials.

137. [CORONERS' INQUESTS], 1771-1903. In entry 87.

Order to make inquest into violent, accidental, or suspicious death: name of deceased, place body held, reasons for inquest, and signature(s) of official(s) requesting inquest; copy of autopsy report: date, name of deceased, description of findings, and signature of physician performing autopsy; and testimony taken at inquest.

For reports of medical referees, 1916--, see entry 227.

138. [AGREEMENTS], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1917-- in entry 91. Transcripts 1772-1898 in entry 92.

Original agreements between two or more parties: date, names of parties concerned, conditions, and signatures of principals and witnesses.

For related justice court agreements, see entry 181.

139. [VERDICTS], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1916-- in entry 89.

Decision of jury on evidence submitted in trial: name, date, and place of court; names of plaintiff and defendant, and finding or award of damages.

140. [AMENDMENTS], 1771--. 1771-1916 in entry 87; 1914-- in entry 90.

Correction of error in writ or process: date, name, place, and term of court; names of parties concerned, and court instructions to jury.

141. [DAMAGE AWARDS], 1771--. 1771-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original records of awards as result of trial or arbitration: date, to whom, purpose, and amount.

142. [APPEALS], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1916-- in entry 89; 1917--in entry 91. Transcripts 1772-1899 in entry 92.

Original requests to transfer cases from an inferior to a superior justice or court: date, names of plaintiff and defendant, and particulars; order or refusal to transfer to higher court, signature of presiding justice, and attest of clerk of court.

For related appeals from justice courts, see entry 183.

Clerk of the Superior Court - (143-148)
Attachment of Property;
Elections, Appointments, Oaths

Attachment of Property

143. [TRUSTEES' DEPOSITIONS], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90.
Statement by trustee of condition of defendant's property in his care: name, date, and place of court; names of plaintiff, defendant and trustee; time writ served and description of defendant's property in hands of trustee at time; and attest of trustee as to correctness.

144. [APPRAISALS], 1771--. 1771-1916 in entry 87; 1781-1868 in entry 99; 1908-- in entry 88; 1914-- in entry 90.
Inventory of property in litigation: date, names of appraisers, and property appraised, itemized with valuation.
For related appraisals by justices of the peace, see entry 180.

145. [MORTGAGE FORECLOSURES], 1771--. 1771-1916 in entry 87; 1914-- in entry 90.
Proceeding depriving mortgagor of right to redeem mortgaged property: date, names of principals, conditions and limitations, and court order and approval.

146. [RECORDS OF AUCTION SALES OF ATTACHED PROPERTY], 1771--. 1771-1916 in entry 87; 1908-- in entry 88.
Date, to whom sold, list of articles sold, and amount received.

Elections, Appointments, Oaths

147. [Return of] VOTES [for County Officers], 1841--. 2 f.b., 6 f.d. Prior records missing.
Votes cast for county officers at biennial election as returned by city and town clerks showing names of offices and candidates, number of votes cast in each town and city, total number of votes cast in county for each candidate and office, and attest of town and city clerk as to correctness of return. Arr. chron. by dates of elections. No index. Hdw. on ptd. forms. F.b., 8¾ x 12¼ x 48; f.d., 10 x 5 x 13½. F.b., bsmt. v.; f.d., inner v.

148. RECORD [of] VOTES FOR COUNTY OFFICERS, 1858-98, 1920--. 2 vols. Missing, 1856-57. 1831-55 in entry 92.
Transcripts of return of votes cast for county officers at biennial elections as returned by city and town clerks showing information as in entry 147. Arr. chron. by dates of elections. No index. Hdw. and typed on ptd. headings. 200 pp. 16 x 11 x 1½. Inner v.

Clerk of the Superior Court - (149-155)
Elections, Appointments, Oaths; Financial

149. [APPOINTMENTS TO FILL VACANCIES], 1912--.
In entry 167.
Date, name and address of appointee, office to which and by whom appointed, date effective, conditions of and reasons for appointment, and signature of clerk of court.
For appointments of deputy sheriffs, see entry 225.

150. [APPOINTMENTS OF REFEREES], 1771--. 1771-1916 in entry 87; 1908-- in entry 88.
Persons, usually attorneys, appointed by court to adjudicate disputes: date, name, and place of court; name of presiding justice; names and addresses of plaintiff, defendant, and referee; instructions to referee, and signatures of attorneys and clerk of court.
For related appointments of referees by justices of the peace, see entry 184.

151. [APPOINTMENTS OF RECEIVERS], 1771--. 1771-1916 in entry 87; 1914-- in entry 90.
Person appointed, usually by court, to hold in trust money or other property subject to litigation, pending suit; person appointed to settle affairs of an individual, firm, or estate: date, name and address of receiver, and conditions of receivership.

152. CHESHIRE COUNTY JUSTICE OF THE PEACE AND NOTARY PUBLIC, 1875-82, 1901-19. 2 vols. Discontinued.
Appointments, reappointments, and resignations of justices of the peace and notaries public showing date, name of justice or notary, and date of expiration of commission. Arr. alph. by names of towns and thereunder by names of appointees. No index. Hdw., hdw. in pencil, and typed. 150 pp. 10½ x 8 x ½. Inner v.

153. JUSTICES AND NOTARIES [Present Incumbents], 1919--. 1 f.b. System began 1919.
Appointments of justices of the peace and notaries public: name of appointee, date and kind of appointment, and date of oath of office. Arr. alph. by names of towns and thereunder by names of appointees. No index. Typed. 4¼ x 5½ x 17. Outer v.

154. [OATHS OF COUNTY OFFICERS], 1888--. In entry 167.
Date, names of officers, state, and county; office, affirmation to discharge duties to best of ability, oath of allegiance to state constitution, and jurat.

Financial
(See also entries 27-38, 185, 186, 242-246)

155. [BILLS FOR COSTS OF COURT], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1916-- in entry 89; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.
Original bills for costs of court: date, time, and place of court; names of plaintiff and defendant, docket number, costs (itemized), and signature of clerk of court.
For related costs of justice courts, see entry 185.

Clerk of the Superior Court - (156-162)
Adjustment of Titles and Accounts

156. [COMMISSIONERS' BILLS], 1771--. 1771-1916 in entry 87; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original bills for expenses incurred by commissioners for surveying, travel, court attendance, serving notices, and acting as witnesses.

157. COUNTY NOTES, 1884--. 2 vols. (dated). Prior records not kept.

Record of notes showing date, to whom payable, purpose and amount, names of county commissioners and presiding justice, and attest of clerk of court. Arr. chron. No index. Hdw. on ptd. forms, and typed. 150 pp. 11 x 8½ x 1. Inner v.

158. [Court] PAYROLLS, 1896--. 11 f.b. 1771-1829 in entry 87; 1830-95 in entry 167.

Court payrolls showing name and address of payee, amount, and purpose; name, date, place, and approval of court; and signature of clerk of court. Arr. chron. by date of issue. No index. Hdw., and hdw. and typed on ptd. forms and headings. 10 x 5 x 13½. Inner v.

For county commissioners' copies of court payrolls, 1922, 1924-34, see entry 35.

159. [WITNESS FEES], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1916-- in entry 89; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original bills rendered by witnesses for travel and court attendance: date, time, and place of court or hearing before master, referee, or auditor; names of plaintiff and defendant, name of witness and for whom testified, fees for travel, date of attendance, total charges, and jurat.

160. [BONDS OF COUNTY OFFICERS], 1888--. In entry 167.

Date, names of surety and official, amount and conditions of bond, and signatures of parties concerned and witnesses.

161. COUNTY OF CHESHIRE-ORDERS CLERK COURT, 1919--. 3 vols. Prior records missing.

1919-Aug. 1934: date, and order number; date, name and term of court; name of payee, purpose, and amount. Sept. 1934--: date, order number, payee, name of bank at which payable; name, date, and term of court; name of county, purpose, amount, and signature of clerk of court. Arr. chron. No index. 1919-Aug. 1934, hdw. on ptd. forms; Sept. 1934--, typed on ptd. forms. 2 vols., 1919-Aug. 1934, 167 pp. 9¼ x 12 x 1; 1 vol., Sept. 1934--, 285 pp. 4½ x 10 x 2. Inner v.

Adjustment of Titles and Accounts

162. [INQUIRIES, CONTESTS, AND ADJUSTMENTS OF TITLES], 1771--. 1771-1916 in entry 87; 1908-- in entry 88; 1914-- in entry 90; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.

Original records of inquiries, contests, and adjustments of titles: date, names of principals, conditions and limitations, court order, and attest of clerk of court.

Clerk of the Superior Court - (163-167)
Certificates and Licenses;
Miscellaneous

163. [SETTLEMENTS OF LAND TITLES], 1771--. 1771-1916 in entry 87; 1914-- in entry 90; 1917-- in entry 91. Transcripts 1772-1899 in entry 92.
Original records of settlement of land titles: date, names of parties concerned, particulars in dispute, description, and volume and page reference of conveyance as recorded in Cheshire Registry [Deeds], entry 51.

164. [ADJUSTMENTS OF PARTNERSHIP ACCOUNTS], 1771--. 1771-1916 in entry 87; 1914-- in entry 90.
Calculating and awarding amount each partner shall receive in settlement under partnership agreement: date, names of partners, and summary of accounts approved.

Certificates and Licenses

165. MEDICAL REGISTER OF CHESHIRE CO., 1876-97. 1 vol. Prior records not kept; subsequent records kept by State.
Record of certifications of board of Medical Censors showing date, name and residence of person certified, branches of medicine for which certified, and names of Board of Censors of New Hampshire Medical Society and Homeopathic Medical Society. Arr. chron. Indexed alph. by names of physicians. Hdw. on ptd. forms. 288 pp. 13½ x 8¾ x 1. Inner v.

166. RECORD-PEDDLAR LICENSE, 1849-93. 1 bundle, 3 vols. (2 vols. dated). Title varies: Exemptions. Records kept by State after 1893. 1772-1848 in entry 92.
Petitions and certificates for peddlers' licenses: date, name and address of peddler, conditions and reasons for petition, court action, signature of clerk of court, and exemption (if any). Arr. chron. 1849-77, no index; 1878-93, indexed alph. by names of peddlers. 1849-87, hdw.; 1888-93, hdw. on ptd. forms. Bundle, 10 x 12 x 6; vols., 400 pp. 14 x 9 x 1½. 1 bundle, 2 vols., 1849-86, bsmt. v.; 1 vol., 1887-93, inner v.

Miscellaneous

167. [MISCELLANEOUS PAPERS], 1830--. 3 wooden boxes, 4 f.b. Prior records not kept.
Contains: Claims, 1835-98, entry 12; Venires [and Returns], 1835-95, entry 94; Complaints and Warrants, 1835-95, entry 105; [Appointments to Fill Vacancies], 1912--, entry 149; [Oaths of County Officers], 1888--, entry 154; [Court] Payrolls, 1830-95, entry 158; [Bonds of County Officers], 1888--, entry 160; [Cancelled Bonds], 1848-75, entry 235; [Orders on Treasurer], 1840-66, entry 236; returns of tax collector and returns of assessments to county treasurer for all towns in county, 1860; application for discharge from jail, 1835-95; and application to take poor debtor's oath, 1835-95. Arr. chron. No index. Hdw., hdw. and typed on ptd. forms and headings, and typed. 2 wooden boxes, 10 x 13 x 21; 1 wooden box, 23 x 18 x 33; 2 f.b., 8¾ x 12¼ x 48; 2 f.b., 10 x 5 x 13½. 3 wooden boxes, 2 f.b., 1830-87, bsmt. v.; 2 f.b., 1888--, inner v.

168. BAR ASSOCIATION, 1803. 1 vol. Isolated record.
Rules and regulations of Cheshire County Bar Association. Arr. topically. No index. Hdw. 100 pp. 9½ x 6½ x ½. Inner v.

169. BANK CASES, 1915. 1 f.b. Isolated record.
Name, date and term of court; names of bank commissioners, bank, and assignee; court decree, and filing date. No obvious arr. No index. Typed. 10 x 5 x 13½. Inner v.

V. JUSTICES OF THE PEACE (TRIAL JUSTICES)

Norfolk County, to which New Hampshire was attached at the time of its first union with Massachusetts, contained so much territory that the General Court, because of the remoteness of that region from magistrates, appointed on May 3, 1665 commissioners of small causes within that county 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.[1] The duties of the commissioners of small causes were similar to those of justices of the peace.

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] At the time of the inauguration of the Dominion of New England, the President and Council appointed (May 25, 1686) justices of the peace whose duty it was to maintain the peace "in the Several Counteys and Precincts and Principall Towns."[3] Governor Andros was instructed by the Crown to appoint justices of the peace.[4] At the advent of the second union with Massachusetts five justices of the peace were appointed, three for Portsmouth and one each for Dover and Exeter.[5] When the Crown organized New Hampshire as a royal province in 1692, the commission of Governor Allen empowered him to appoint justices of the peace.[6] The New Hampshire Constitution of 1784[7] and that of 1792[8] provided that justices of the peace be commissioned for five years subject to renewal.

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.
3. Ibid., 1:100 (1686).
4. Ibid., 1:157 (1686).
5. Ibid., 1:371-373 (1689-90).
6. Ibid., 1:505 (1692).
7. B. P. Poore, Federal and State Constitutions, (Washington, 1877), 2:1290.
8. New Hampshire Constitution, art. 75 (1792).

Justices of the Peace (Trial Justices) (Next entry 170, p. 107)

The members of the Council in 1686 were 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 tything 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.[9]

Certain qualifications and prohibitions were connected with the office of justice of the peace from time to time. Governor Andros was instructed by the Crown to appoint to this office men owning property who were loyal to the government.[10] The New Hampshire Constitution of 1792 provided that a justice could not act as attorney or be of counsel to any party, or originate any civil suit in matters which were to be brought before him.[11] All justices of the peace were exempt from military duty.[12]

Various judicial duties have been prescribed for the justices. In 1682 they were empowered to determine actions where the debt or damages were not more than forty shillings.[13] During the time of the New England Dominion, any two justices of the peace might give judgment and award execution where the amount involved did not exceed forty shillings.[14] In 1791 justices of the peace were again authorized to hear cases where the amount involved did not exceed forty shillings.[15] The New Hampshire Constitution of 1792 allowed the General Court to authorize justices of the peace to take civil jurisdiction in cases where the damages were not more than four pounds and the title of real estate was not an issue.[16] In accordance with this constitutional provision, the General Court in 1794 gave the justices of the peace civil jurisdiction in causes of four pounds value, but repeal of this provision occurred in 1810.[17]

---

9. Laws of New Hampshire, 1:109 (1686).
10. Ibid., 1:157.
11. New Hampshire Constitution, art. 79 (1792).
12. Laws of New Hampshire, 6:85 (1792).
13. Ibid., 1:72 (1682).
14. Ibid., 1:104 (1686).
15. Ibid., 5:635-641 (1791).
16. New Hampshire Constitution, art. 77 (1792).
17. Laws of New Hampshire, 6:158 (1794); 7:896 (1810).

In 1682 justices of the peace were also empowered to deal with profanations of the Sabbath;[18] and restrain mates and seamen from leaving their ships without permission of the Governor.[19] Four years later they were authorized to try those accused of selling liquor without license and, upon conviction, levy a fine.[20] At present this magistrate may inspect at any time all books, certificates, and prescriptions pertaining to liquor sales.[21]

By another act of 1686 justices of the peace allowed and underwrote the sum of money appropriated at town meetings by the inhabitants of any town to pay public charges. The selectmen or raters then submitted their list of assessments to a justice who made his warrant to the constables to collect the same.[22] It was provided in 1703 that rates and assessments made by the selectmen to buy provisions for the militia were to be signed by a justice of the peace.[23] The following year it was provided that rates and assessments for defraying provincial expenses were to be committed to the constables with warrants from a justice, the selectmen, and the assessors to collect the same.[24]

The Governor and Council enacted on March 3, 1686-87 that in each county of the Dominion 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 relating to the Conservac'on of the Peace and Punishment of Offenders; And whatever else * * * by them Cognizable, according to Law * * *."[25] 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.[26] The quarterly court for trial causes was continued in 1691, and was granted the power to appoint a marshal for that year.[27] At present the Governor and Council, upon the vote of a town or on petition of the selectmen of a town, may appoint a justice of the peace within the town to act as trial justice, having cognizance of offenses referred to as offenses against the police.[28] The office of trial justice is a county office only in the sense that the law contains a provision that the records are to be filed with the clerk of the superior court, in the event of the justice removing from the county.[29] At the present time the only towns in Cheshire County having the office of trial justice are Fitzwilliam and Harrisville.[30]

---

18. Ibid., 1:62 (1682).
19. Ibid., 1:80 (1682).
20. Ibid., 1:106 (1686).
21. Public Laws of New Hampshire, ch. 144, sec. 15 (1926).
22. Laws of New Hampshire, 1:115-116 (1686).
23. Ibid., 2:56 (1703).
24. Ibid., 2:60 (1704).
25. Ibid., 1:190 (1686-87).
26. Ibid., 1:260-261 (1689).
27. Ibid., 1:476 (1691).
28. Public Laws of New Hampshire, ch. 323, sec. 5 (1926).
29. Ibid., ch. 322, sec. 16 (1926).
30. New Hampshire Manual for the General Court 1939, 411.

Justices of the Peace (Trial Justices) (Next entry 170, p. 107)

In 1687 justices of the peace were ordered to provide for the "maintenance of the Poore in each Towne in such manner as by the Laws and Statutes of England [was] directed * * *."[31] Before town charges and children could be indentured by overseers of the poor in 1766, assent had to be given by two justices of the peace.[32] Penalties were recovered from persons who neglected to notify the selectmen or town clerk that they had entertained visitors more than twenty days; one half of the fine was used for the poor of the town, the other half went to the informer.[33] In 1771 it was enacted that disputes over the settlement and support of the poor should be determined by three justices of the peace, unus quorum.[34]

In 1687-88 two justices of the peace, one being of the quorum, were empowered to fill vacancies where selectmen, townsmen, overseers, or commissioners refused to serve after they were duly elected.[35] In 1694 justices of the peace might summon before them persons who refused to accept the validity of deeds, and might commit such persons to jail on continued refusal.[36] 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."[37]

Upon complaint to one or more justices of the peace of 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 reseized upon order of the justices of the peace and restored to the party who was put out. 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.[38] 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.[39]

Justices of the peace were authorized in 1858 to call witnesses for testimony in the event of a contested election for representatives to the General Court.[40] At the present time they may attest an affidavit concerning the right of any voter challenged at the polls or investigate, upon petition, the honesty of an election.[41] It was enacted in 1895 that three or more justices of the peace and quorum might be appointed by the supreme court as commissioners authorized to fix and receive bail in criminal cases.[42] Since 1921 the fee for the justices commission, payable

---

31. Laws of New Hampshire, 1:254-255 (1687).
32. Ibid., 3:390-392 (1766).
33. Ibid., 3:395-396 (1766).
34. Ibid., 3:551-552 (1771).
35. Ibid., 1:218-221 (1687-88).
36. Ibid., 1:568-569 (1694).
37. Ibid., 1:689-690 (1701).
38. Ibid., 2:134 (1714).
39. Ibid., 5:714-718 (1791).
40. New Hampshire Laws of 1858, ch. 2085.
41. Public Laws of New Hampshire, ch. 33, secs. 16-18, 20, 21 (1926).
42. New Hampshire Laws of 1895, ch. 37.

to the Secretary of State, has been five dollars.[43] He may issue subpoenas compelling the attendance of witnesses and the production of evidence in proceedings before the State Tax Commission.[44]

In 1701 every justice of the peace was empowered to summon witnesses to appear before him in any civil or criminal case where the witness was signed to go to sea before the trial.[45] 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 manner or cause in which the same may be lawfully taken."[46] Justices in any other state or country may also take depositions in civil causes.[47]

If the owner of an impounded animal refuses to pay any damages done by the creature, either the owner or the person claiming damages may apply to a justice of the peace who shall announce a time and place for a hearing and appoint three disinterested appraisers to return a sworn report. Upon payment of the damages and the fees of justices and appraisers the animal may be released from the pound. If the animal is unclaimed four days after notice is posted, the justice may order the animal sold.[48] Unclaimed goods may be sold in like manner.[49]

Justices of the peace had many duties in addition to their judicial activities. In 1682 they could grant permission to call a town meeting when necessity was shown.[50] The justices with the selectmen were authorized in 1714 to call a meeting of all the inhabitants in every town. At that meeting a list was taken of those having an estate of value or income of forty shillings per year or personal estates of at least fifty pounds. These names were recorded in a book which was always brought to the town meeting, as only those persons whose names were in this record were qualified to vote.[51] In 1761 justices were required to warn meetings of the proprietors of lands held in common.[52] 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.[53] 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 in the town had been held at any time; and when it happened from resignation or other cause that no member of the board of selectmen remained in office.[54] At present a justice of the

---

43. New Hampshire Laws of 1921, ch. 84.
44. Public Laws of New Hampshire, ch. 68, sec. 19 (1926).
45. Laws of New Hampshire, 1:690 (1701).
46. Public Laws of New Hampshire, ch. 336, sec. 4 (1926).
47. Ibid., ch. 337, sec. 2 (1926).
48. Ibid., ch. 220, secs. 7-12 (1926).
49. Ibid., ch. 221, secs. 4-8 (1926).
50. Laws of New Hampshire, 1:81 (1682-83).
51. Ibid., 2:154 (1714).
52. Ibid., 3:231-233 (1761).
53. Ibid., 3:381-382 (1766).
54. New Hampshire Laws of 1875, ch. II.

peace may issue warrants for town meetings upon petition of ten or more voters, if selectmen unreasonably neglect or refuse to do so.[55] On application of three or more voters whose residence is within the limits of a dissolved school district he may call a meeting of such dissolved district for the purpose of choosing officers to act in the settlement of the business of such districts.[56] 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 within ten days after application therefor is made to them, a justice of the peace, upon the application of ten or more voters, or one sixth of the voters of the district may issue such warrant and cause it to be posted."[57] Authority is possessed by the justices 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.[58]

During the time of the New England Dominion, justices of the peace possessed authority to perform marriages.[59] In 1791 they were forbidden to do so without a certificate from the town clerk, and were required to send him a record of the names, ages, and residences of all persons they married.[60] By an enactment of 1851, every justice of the peace was to return annually to the clerk of the city or town where the ceremony was performed a record of the marriages performed by him. He was also to send a certified copy of his record to the town or city clerk where the contracting parties resided, if within this state.[61] A fine of sixty dollars was imposed, three years later, upon any justice who joined persons in marriage without a certificate from the town clerk.[62] At present justices of the peace have the power to solemnize marriage.[63]

In 1694 justices of the peace were empowered to take acknowledgments of deeds of sale or gifts.[64] In 1701 two or more justices of the superior court, or lesser courts, were authorized to commission justices of the peace to take affidavits from persons going to sea prior to the date of the trial, or from the ill, aged, and infirm residing more than five miles from court and unable to travel.[65] 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.[66] An act of July 10, 1846 stated that justices of the peace were no longer to "take cognizance or grant a certificate" to persons in pursuit of fugitive slaves, in connection with cases arising under federal legislation concerning fugitives

---

55. Public Laws of New Hampshire, ch. 45, secs. 8-10 (1926).
56. Ibid., ch. 119, sec. 42 (1926).
57. Ibid., ch. 120, sec. 8 (1926).
58. Ibid., ch. 225, secs. 59-61 (1926).
59. Laws of New Hampshire, 1:109 (1686).
60. Ibid., 5:689-690 (1791).
61. New Hampshire Laws of 1851, ch. 1103.
62. New Hampshire Laws of 1854, ch. 1518.
63. Public Laws of New Hampshire, ch. 286, sec. 28 (1926).
64. Laws of New Hampshire, 1:568-569 (1694).
65. Ibid., 1:689-690 (1701).
66. Ibid., 9:179-180 (1823); 10:54-58 (1829).

from justice and persons fleeing from service.[67] Justices of the peace are at present authorized to administer the oath of office to all town officers in the prescribed form.[68]

With regard to records: 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.[69] In 1841 all records and files of justices of the peace were to be transferred from the office of the clerk of the superior court of judicature to the office of the clerk of the court of common pleas in the same county.[70] 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.[71]

The only justice records discovered in Cheshire County cover the years 1783-1886. These contain records of various justices in towns of Cheshire and Sullivan counties. The judicial function of the office is represented by records of criminal and civil cases; the non-judicial functions, by marriage records and oaths of office administered to public officials. These records are found in the courthouse attic, and in the basement vault.

Justice Documents

170. [JUSTICE RECORDS], scattered dates 1783-1886.
132 vols., 1 bundle. Prior records missing.
Discontinued.

Records contain: [Petitions for Attachment], entry 171; [Writs of Attachment], entry 172; [Writs of Capias], entry 173; [Writs of Execution], entry 174; [Complaints and Warrants], entry 175; [Recognizances], entry 176; [Confessions of Debt], entry 177; [Divisions of Fences], entry 178; [Voluntary Examination, Morals Cases], entry 179; [Appraisals], entry 180; [Agreements], entry 181; [Judgments], entry 182; [Appeals], entry 183; [Appointment of Referees], entry 184; [Costs of Court], entry 185; and Gaol Bonds, entry 186. Also contains: marriage ceremonies performed; oaths of office of town and militia officers and toll gatherers; selectmens' receipts for fines; and pertinent correspondence. List of justices, towns, and dates and volumes of records as follows:

NAME OF JUSTICE	TOWN	DATES AND VOLUMES
Alexander, Rueben	Winchester	1787-1810, 2 vols.
Ammidon, Jacob	Chesterfield	1792-1824, 3 vols.
Bingham, James	Lempster	1795-1825, 2 vols.
Bisbee, Job	Richmond	1848-50, 2 vols.

67. New Hampshire Laws of 1846, ch. 315.
68. Public Laws of New Hampshire, ch. 48, secs. 1, 2, 7 (1926).
69. Laws of New Hampshire, 5:746-747.
70. New Hampshire Laws of 1841, ch. DCIII.
71. Public Laws of New Hampshire, ch. 322, sec. 16 (1926).

Justices of the Peace (Trial Justices) - Justice Documents (170)

NAME OF JUSTICE	TOWN	DATES AND VOLUMES
Britton, Asa	Chesterfield	1809-18, 1 vol.
Britton, William	Westmoreland	1805-37, 2 vols.
Brook, Jeremiah	Keene	1791-94, 1 vol.
Brown, Ephraim	Westmoreland	1805-15, 1 vol.
Burt, Joseph	Westmoreland	1793-1817, 2 vols.
Cady, Albe	Plainfield	1802-14, 1 vol.
Campbell, James	Acworth	1800-12, 1 vol.
Chamberland, Levi	Keene	1821-60, 2 vols.
Chandler, Joel	Alstead	1812-13, 1 vol.
Chapman, Joseph	Plainfield	1805-07, 1 vol.
Chase, Ithaman	Cornish	1800-17, 2 vols.
Cooke, Noah	Keene	1803-27, 3 vols.
Coolidge, Henry	Keene	1824-42, 4 vols.
Coolidge, Oscar	Chesterfield	1847-61, 1 vol.
Copit, Ambrose	Claremont	1799-1808, 1 vol.
Currier, Joshua	Wendell (Sunapee)	1804-22, 1 vol.
Dinsmoor, Samuel	Keene	1806-27, 2 vols.
Dwight, Daniel	Westmoreland	1815-30, 1 vol.
Edgerton, James	Langdon	1792-1801, 1 vol.
Farrar, E.	Keene	1848-86, 2 vols.
Farrar, E. and Salma Hale	Keene	1852-67, 1 vol.
Fenimore, James	Washington	1798-99, 1 vol.
Fields, William	Walpole	1824-29, 1 vol.
Fiske, Samuel	Claremont	1800-27, 2 vols.
Forbes, David	Keene	1804-08, 1 vol.
Frost, Ephraim	Swansey	1827-33, 1 vol.
Griffin, Samuel	Packersfield (Nelson)	1793-1810, 2 vols.
Hale, Moses	Alstead	1809-25, 2 vols.
Hale, Salma (See Farrar, E.)		
Hawkins, Daniel	Winchester	1796-1811, 1 vol.
Heald, David	Washington	1813-23, 1 vol.
Hills, Samuel	Surry	1811-25, 1 vol.
Huntley, Amos	Alstead	1833-42, 1 vol.
Hubbard, John	Walpole	1790-1802, 3 vols.
Jewett, Edward	Rindge	1785-1819, 14 vols.
Jewett, Thomas	Rindge	1820-27, 1 vol.
Kimball, Daniel	Plainfield	1785-1808, 2 vols.
Kingman, Marshall	Winchester	1855-63, 1 vol.
Kingsbury, Absolom	Alstead	1783-94, 1 vol.
Kingsbury, Daniel	Plainfield	1808-18, 2 vols.
Kneeland, John	Westmoreland	1820-34, 1 vol.
Maccarty, Thaddeus	Keene	1798-1802, 1 vol.
Matson, Francis	Stoddard	1825-34, 1 vol.
Meade, Larkin	Chesterfield	1822-39, 1 vol.
Meade, Walton	Walpole	1834-64, 2 vols.

Justices of the Peace (Trial Justices) - Petitions, Writs, Warrants (171)

NAME OF JUSTICE	TOWN	DATES AND VOLUMES
Newell, James I.	Marlborough	1858-60, 1 vol.
Nourse, Brown	Troy	1839-57, 1 vol.
Parker, Abel	Jaffrey	1789-1823, 4 vols.
Parker, Nahum	Fitzwilliam	1796-1816, 1 vol.
Penniman, Thomas	Washington	1791-1802, 1 vol.
Perkins, Robinson	Jaffrey	1809-46, 1 vol.
Porter, Rueben	Chesterfield	1839-53, 1 vol.
Ripley, William	Cornish	1785-99, 1 vol.
Shaw, Wilson	Unity	1809-11, 1 vol.
Shepherd, Amos	Alstead	1788-1810, 4 vols.
Shurtleff, Benoni	Keene	1808-12, 1 vol.
Slader, Thomas	Acworth	1805-13, 1 vol.
Smith, Francis	Plainfield	1798-1803, 1 vol.
Smith, Rufus	Alstead	1851-59, 1 vol.
Snow, John	Dublin	1808-29, 1 vol.
Sprague, Peleg	Keene	1793-98, 1 vol.
Stevens, Josiah	Claremont	1800-25, 2 vols.
Story, Abraham	Washington	1813-29, 2 vols.
Styles, Jeremiah	Keene	1791-1800, 3 vols.
Taggart, John	Dublin	1831-, 1 vol.
Ticknor, George	Keene	1850-66, 2 vols.
Towne, Gardner	Stoddard	1793-1815, 1 vol.
Towne, Isreal	Stoddard	1788-92, 1 vol.
Townsley, Nicanor	Walpole	1801-30, 2 vols.
Watson, Aaron	Stoddard	1806-24, 1 vol.
Wild, Nathan	Chesterfield	1822-36, 1 vol.
Willard, Levi	Swansey	1830-49, 1 vol.
Willard, Lockhart	Keene	1800-18, 6 vols.
Wright, Ebenezer	Fitzwilliam	1807-29, 2 vols.

Some vols. arr. chron. by date of cases; other vols. no obvious arr. Only a few vols. indexed alph. by names of cases. Majority of vols. no index. Hdw. 50 pp. 8 x 6 x ½. 1783-1827, 1846-47, 1859-72, 1876-86, attic; 1828-45, 1848-58, 1873-75, bsmt. v.

Petitions, Writs, Warrants

171. [PETITIONS FOR ATTACHMENT], 1783-1886. In entry 170. Petition for writ to hold property of defendant pending court action or judgment: date and place of court, names of justice, plaintiff, and defendant; attested reasons for attachment, and court action.

For related superior court petitions for attachment, see entry 122.

Justices of the Peace (Trial Justices) - Justice Proceedings (172-178)

172. [WRITS OF ATTACHMENT], 1783-1886. In entry 170.
Instrument commanding constable or sheriff to attach property of defendant: date and place of court; names of justice, plaintiff, and defendant; date returnable, amount and reasons of attachment, and jurat. Order for defendant to appear in court: date, time, and place of court. Return of constable or sheriff: date, particulars, and expenses incurred.
For related writs of attachment, see entries 56, 97.

173. [WRITS OF CAPIAS], 1783-1886. In entry 170.
Instrument commanding constable or sheriff to take body of person named and bring him before the justice: date and place of court, charge, names of plaintiff and defendant, and action of justice.
For related superior court capias writs, see entry 98.

174. [WRITS OF EXECUTION], 1783-1886. In entry 170
Judicial writ empowering constable or sheriff to carry judgment into effect: date, names of plaintiff, defendant, and justice; place of court judgment rendered and returnable; constable's or sheriff's costs and fees, and signature of justice.
For related superior court writs of execution, see entry 99.

175. [COMPLAINTS AND WARRANTS], 1783-1868. In entry 170.
Charges against a person made to justice for wrong done or crime committed; and authorization of constable or sheriff to seize offender and bring him to court: date, names of complainant and respondent, complaint in detail, sworn to and attested by complainant and witnesses before justice; order to bring respondent before court with date and place of court. Also result of trial showing judgment: fine, costs, or imprisonment; and disposition.
For related superior court complaints and warrants, see entry 105.

Justice Proceedings

176. [RECOGNIZANCES], 1783-1886. In entry 170.
Personal obligations to appear in court: date and place of court, names of witnesses and defendant, amount of bond, condition and limitation of action; signatures of witnesses, plaintiff, and defendant; and attest of justice.
For related recognizances issued by superior court, see entry 133.

177. [CONFESSIONS OF DEBT], 1783-1886. In entry 170.
Names of state, county, and town; date, names of deponent and justice, admission of debt and amount, name of creditor, request of debtor and creditor that record of confession be made and execution issued, date of execution, and attest of justice.

178. [DIVISION OF FENCES], 1783-1886. In entry 170.
Apportionment of fences between abutting land owners upon request of owners as established by fence viewers: date; names of state, county, and town; names and addresses of parties concerned, description of new bounds, conditions and agreements, and signatures of fence viewers.

Justices of the Peace (Trial Justices) - Appointments; Financial (179-186)

179. [VOLUNTARY EXAMINATION-MORALS CASES], 1783-1886. In entry 170.
Date, name of justice, town (not always given), names of complainant, a woman, and defendant, nature of complaint, disposition of case, and signature of justice.

180. [APPRAISALS], 1783-1886. In entry 170.
Inventory of property in litigation: date, names of appraisers, and property appraised, itemized with valuation.
For related superior court appraisals, see entry 144.

181. [AGREEMENTS], 1783-1886. In entry 170.
Compact between two or more parties: date, names of parties concerned, conditions, and signatures of principals, witnesses, and justice.
For related superior court agreements, see entry 138.

182. [JUDGMENTS], 1783-1886. In entry 170.
Sentence pronounced by justice upon a matter in issue before him: date and place of court; names of justice, plaintiff and defendant; description and nature of case, decree, disposition and attest of justice.
For related superior court judgments, see entry 86.

183. [APPEALS], 1783-1886. In entry 170.
Request to transfer a case from an inferior to a superior justice or court: date and place of court, names of plaintiff and defendant, and particulars; order to transfer to higher court, and signature and attest of justice.
For related superior court appeals, see entry 142.

Appointments

184. [APPOINTMENT OF REFEREES], 1783-1886. In entry 170.
Persons appointed by justice to settle disputes: date and place of court, name of justice; names and addresses of plaintiff, defendant, and referees; and signature of justice.
For related appointments of referees by superior court, see entry 150.

Financial
(See also entries 27-38, 155-161, 242-246)

185. [COSTS OF COURT], 1783-1886. In entry 170.
Date and place of court, names of plaintiff and defendant, itemized costs and signature of justice.
For related costs of superior court, see entry 155.

186. GAOL BONDS, 1818-63. Approx. 175 papers in 3 bundles in wooden box. Title varies: Jail Bonds. 1783-1886 in entry 170.
Names of town, county, and state; names of person bonded and sureties; amount of bond; signatures of sureties, witnesses and justice of the peace; and occassional approval of bond by justice of the peace, attorney

for plaintiff, and commissioners of jail delivery. No obvious arr. No index. Hdw. and hdw. on ptd. forms. Bundles, 8 x 3 x 2; box, 10½ x 13½ x 20. Attic.

For related bail bonds of superior court, see entry 134.

VI. REGISTER OF PROBATE

Probate Court

In probate matters New Hampshire was under the jurisdiction of Massachusetts during half of the seventeenth century. With the advent of the Dominion of New England in 1686, the President of the Dominion and his clerk held an office of "Probate of Wills and Granting Administrations" in Boston. In the sections of the Dominion far removed from Boston that function was managed by such judges and clerks as the President appointed.[1] During that same period it was enacted that the probate of wills and the granting of letters of administration should be granted by the Governor or such person as he should "Commissionate". Wills concerning estates in the counties of Suffolk and Middlesex were to be proved at Boston before the Governor or some one designated by him; but in remote counties the inferior court of common pleas was empowered to examine witnesses to wills, and to certify the examination and the will "to the secretaryes office at Boston". On unusual occasions the judges of the inferior courts in the distant counties, assisted by two justices of the peace, were authorized "at any tyme out of Court" to examine witnesses to any will properly brought before them. If a real necessity existed the judges of the inferior courts in the remote sections were permitted to grant probate of a will or letters of administration if the estate did not exceed fifty pounds; however, appeals could be made to the Governor or to a person designated by him.[2] There was a regular judge of probate at least by 1745, since an enactment of that year stated that judges of probate should complete the unfinished work of their predecessors.[3] In the instructions to Governor Wentworth (June 30, 1761) jurisdiction over the probate of wills was reserved to the Governor.[4] The Governor, however, in many instances delegated this power to some person appointed by him to act as judge of probate. An act of 1766 stipulated that any person not satisfied with the decisions handed down by the judge of probate might appeal to the court of supreme probate, the Governor and Council, within six months of the decree and no later.[5] By the act of 1769 which organized the original New Hampshire counties, including Cheshire, the judge of probate became a county officer instead of an official of the province.[6] The supreme judicial court had exclusive jurisdiction over appeals from probate courts by an enactment of July 14, 1855.[7] At present any person

1. Laws of New Hampshire, 1:104-105 (1686).
2. Ibid., 1:206-207 (1687).
3. Ibid., 3:14 (1745).
4. Ibid., 3:274-275 (1761).
5. Ibid., 3:396-397 (1766).
6. Ibid., 3:526 (1769).
7. New Hampshire Laws of 1855, ch. 1659.

Register of Probate - Probate Court

(Next entry 187, p. 123)

aggrieved by a decision of the probate court may appeal to the superior court within sixty days of the decision.[8]

The consitution of 1792 decreed that a judge of probate could not hold office after he was seventy years old,[9] and this restriction is still in force.[10] The constitution also forbade him to act as counsel in cases before him,[11] which is likewise forbidden today,[12] and barred him from holding any other office while he was judge of probate.[13] On January 13, 1837 it was enacted that when a judge of probate was interested in any matter coming before his court, the matter must be brought before the judge of probate for an adjoining county.[14] In the early eighteen-sixties it was provided that if a judge of probate considered that he was disqualified to sit on a certain case, he was to record the fact, adjourn the court to a convenient time, and let the case be taken over by a judge in another county.[15] The judge is still barred from hearing cases in which he is interested,[16] An act of June 27, 1857 exempted judges of probate from military duty.[17] Judges of probate were forbidden in 1876 to accept pay, outside of their salaries, for any probate business except copies of instruments and certificates.[18] They are still prohibited from receiving any other compensation than that allowed by law.[19] No judge of probate may enter office until he has deposited an attested record of his birth with the Secretary of State.[20] He may not draw up a will for any person other than himself. If necessary he may hold a special session of the court, and he receives five dollars per day for each day of the session. When the judge of probate for a certain county is unable to attend court his place is taken by a judge from another county; such a substitute receives ten dollars for each day employed in court, and a reasonable sum for travel and expenses.[21] The salary of the judge of probate for Cheshire County was set at two hundred and twenty-five dollars in 1827.[22] This was reaffirmed in 1853.[23] The present salary is fifteen hundred dollars.[24]

---

8. Public Laws of New Hampshire, ch. 311 (1926).
9. New Hampshire Constitution, art. 78 (1792).
10. Public Laws of New Hampshire, ch. 18, secs. 1, 2, 4 (1926).
11. New Hampshire Constitution, art. 79 (1792).
12. Public Laws of New Hampshire, ch. 293, secs. 12-19, 23, 24 (1926).
13. New Hampshire Constitution, art. 94 (1792).
14. New Hampshire Laws of 1836, ch. CCLXXVI.
15. New Hampshire Laws of 1864, ch. 2882.
16. Public Laws of New Hampshire, ch. 293, secs. 12-19, 23, 24 (1926).
17. New Hampshire Laws of 1857, ch. 1992.
18. New Hampshire Laws of 1876, ch. 42.
19. Public Laws of New Hampshire, ch. 293, secs. 12-19, 23, 24 (1926).
20. Ibid., ch. 18, secs. 1, 2, 4 (1926).
21. Ibid., ch. 293, secs. 12-19, 23, 24 (1926).
22. Laws of New Hampshire, 9:653 (1827).
23. New Hampshire Laws of 1852, ch. 1288.
24. Public Laws of New Hampshire, ch. 293, sec. 22 (1926).

Register of Probate - Probate Court

(Next entry 187, p. 123)

Soon after the organization of New Hampshire as a royal province in 1692, it was enacted that administration of intestate estates should be granted to the widow or next of kin or, upon their refusal, to one of the creditors as the judge should think fit.[25] On September 27, 1745 the following provisions were made concerning intestate estates: The judge of probate was required to appoint two or more suitable persons to appraise the inventory of property of those dying intestate; and he had power to settle the estate, giving preference to sons, on so many of the children as it would accommodate without prejudice to or spoiling of the whole. This act was in force only five years.[26] In 1789 an act was passed regulating proceedings in the settlement of intestate estates and defining the duties of administrators.[27] The constitution of 1792 placed the granting of letters of administration under the direction of the judge of probate.[28] An act of 1840 provided that if any person died, leaving property subject to taxation, and the heirs neglected longer than six months to take out letters of administration, the selectmen of the town in which the property was situated could apply to the judge of probate who must then appoint an administrator.[29] Property of a married woman dying intestate, providing such property was set off to her by a written contract prior to her marriage, reverted to her husband by a law of 1846 unless the contract had provisions to the contrary.[30] In 1848 judges of probate were authorized to grant licenses to administrators to convey real estate to the person for whom it was held in trust in cases when a deceased person held such real estate in trust at the time of his death.[31] In the early eighteen-sixties it was enacted that a widow was entitled to one-third of her husband's estate, and could occupy his house forty days after his death free of rent.[32] The granting of letters of administration on intestate estates is among the present duties of the judge of probate.[33]

In 1714 executors were required to exhibit to the judge of probate a true inventory of the estate in their hands within three months from the time the will was probated, or within such longer time as the judge of probate might allow.[34] An act of February 3, 1789 laid down rules for the settling of testate estates. It established the power 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.[35] In the following

25. Laws of New Hampshire, 1:566-567 (1693).
26. Ibid., 3:9-14 (1745).
27. Ibid., 5:380-384 (1789).
28. New Hampshire Constitution, art. 80 (1792).
29. New Hampshire Laws of 1840, ch. DL, sec. 2.
30. New Hampshire Laws of 1846, ch. 327.
31. New Hampshire Laws of 1848, ch. 732.
32. New Hampshire Laws of 1862, ch. 2599.
33. Public Laws of New Hampshire, ch. 293 (1926).
34. Laws of New Hampshire, 2:139 (1714).
35. Ibid., 5:380-384 (1789).

Register of Probate - Probate Court

(Next entry 187, p.123)

year a copy of any will proved outside the state or in a foreign country relating to property in the state was required to be filed in the probate court of the county in which the property was situated.[36] The constitution of 1792 placed all matters of the probate of wills under the direction of the judge of probate.[37] Hearings on wills in 1814 had to be petitioned for within six years of the probate on the will, except in cases of persons out of the country, imprisoned, insane, or otherwise disabled who might petition within two years from the time their disability was removed.[38] This act was repealed July 2, 1822.[39] By an enactment of 1838, judges of probate were authorized, on application, to rule on the sale of property held in trust under a will.[40] In 1845 sane women over twenty-one were allowed to dispose of their property by written will as they wished.[41] In 1848 it was stipulated that any will, except that of a soldier in service or of a mariner at sea, was to be effectual only if the testator or some person designated by him and in his presence signed the instrument; and three or more creditable witnesses made due attestation thereof.[42] In cases where the deceased person at the time of his death held real estate in trust, the judge of probate, upon application, could grant a license to the executor to convey the real estate to the person for whom it was held in trust by the deceased.[43] At present a judge of probate has jurisdiction over the probate of wills in his county.[44]

The judge in 1693 was to appoint three commissioners to examine claims of creditors on an insolvent estate and make a report thereon to the court which was to order a proportional distribution of the estate among the creditors.[45] By provisions of an act adopted eight years later, executors or administrators appointed to the charge of any insolvent estate were required to report the condition of the estate to the judge of probate before making any payments. He, in turn, was to appoint two or more disinterested persons to receive and examine all claims. Although this act was disallowed by the Queen, it was reenacted with additional clauses in 1718.[46] In 1844 it was enacted that unpaid claims of creditors against insolvent estates of insane persons or spendthrifts, under guardianship, survived during the existence of such guardianship and for three years after the disability of the ward was removed.[47] The probate court today has original jurisdiction over all cases of insolvent estates.[48]

---

36. Ibid., 5:497 (1790).
37. New Hampshire Constitution, art. 80 (1926).
38. Laws of New Hampshire, 8:333 (1814).
39. Ibid., 9:131 (1822).
40. New Hampshire Laws of 1838, ch. CCCLXXII.
41. New Hampshire Laws of 1845, ch. 236.
42. New Hampshire Laws of 1848, ch. 726.
43. Ibid., ch. 732.
44. Public Laws of New Hampshire, ch. 293, secs. 1-3 (1926).
45. Laws of New Hampshire, 1:566-567 (1693).
46. Ibid., 1:683-684 (1701); 2:295-298 (1718).
47. New Hampshire Laws of 1844, ch. 136.
48. Public Laws of New Hampshire, ch. 401 (1926).

Register of Probate
Probate Court

(Next entry 187, p.123)

In 1745 judges of probate were authorized to appoint guardians for minors and other irresponsible persons, and make provision for widows.[49] An act of 1767, repealed two years later by the King in Council, stated that guardians of insane persons or those unable to handle their own affairs were permitted to appeal from decisions of the judge of probate to the Governor and Council acting as a supreme court of probate. The judge was to receive bonds from the guardians, and they were required to render a true account of their guardianship whenever required.[50] Guardians of minors in 1841 were required to give bonds to the judge of probate; and the latter was forbidden to order the sale of property for the maintenance of minors except on the petition of the guardians.[51] A legal guardian in 1844, upon a return of the inventory of the personal estate of his ward, could apply to the judge of probate for a license to sell such estate at public auction.[52] An act passed two years later provided that when a man and his wife were both under guardianship and the guardian of one of them had obtained a license from the judge of probate to sell any of the estate of his ward, the guardian of the other, without license, could join in such sale and release his ward's interest or contingent right of dower in the premises thus sold.[53]

It was enacted in 1857 that bonds, stocks, and other evidences of debt in the hands of the administrator of a solvent estate to which there were minor heirs need not be sold, but might be transferred to the guardians of such heirs at the discretion of the administrator on an order from the judge of probate.[54] Guardians of insane or spendthrift persons were permitted in 1839 to purchase a homestead for their wards upon license from the judge of probate.[55] If a minor had a share greater than one-half in any real estate, his guardian, by an enactment of 1871, could use the ward's funds to purchase the remainder if he deemed it expedient, upon license from the probate court.[56] Legal corporations could be considered by a judge of probate to be sufficient surety for the bonds of guardians or trustees, by an enactment of 1874.[57] At present the probate court has power, upon petition, to appoint guardians for insane persons, spendthrifts, and minors. The court collects from any guardian a bond with sureties; sees that such guardian settles his accounts at least once in three years, under penalty of forfeiting his trust; and issues all licenses to sell, lease, or mortgage real estate of a ward. The court may revoke any guardianship when it is deemed necessary. If such a vacancy occurs, or if the guardian resigns,

---

49. Laws of New Hampshire, 3:9-14 (1745).
50. Ibid., 3:475-478 (1767).
51. New Hampshire Laws of 1841, ch. DCVII, secs. 1, 2.
52. New Hampshire Laws of 1844, ch. 135, sec. 1.
53. New Hampshire Laws of 1846, ch. 336.
54. New Hampshire Laws of 1857, ch. 1963, sec. 1.
55. New Hampshire Laws of 1859, ch. 2262, secs. 1, 2.
56. New Hampshire Laws of 1871, ch. XXXV.
57. New Hampshire Laws of 1874, ch. XXXII.

Register of Probate - Probate Court

(Next entry 187, p. 123)

the court must appoint a successor.[58] In the case of a minor the court may appoint any home for orphans or the New Hampshire Society for the Prevention of Cruelty to Children as guardian.[59] Any minor not under legal guardianship is entitled to receive any legacy less than two hundred dollars, subject to the approval of the court.[60] The court must hear and decide all petitions for adoption; and no petition for adoption may be granted when the petitioner is married unless both husband and wife agree to the said adoption.[61]

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.[62] By virtue of an enactment of 1851, a man whose wife had continued insane for more than one 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.[63] In 1874 the judge of probate was accorded power to issue a certificate concerning the state of mind of any insane person to be committed to the State Hospital. Without such a certificate either from the judge of probate or certain other officers, the patient could not be committed.[64] Upon petition and report of two physicians appointed by the court, the probate court may now commit any person to the State Hospital or the State School.[65]

A war measure of 1779 required the judge of probate, in the case of forfeited estates belonging to absentees, to appoint a trustee for the estate and direct him as to its disposition.[66] Three years later an act provided that the clerk of the inferior court of common pleas should send a copy of the writ of habere facias possessionem issued by that court against persons gone over to the enemy to the judge of probate for the same county, who was authorized to proceed against the estate in the same fashion as against any estate confiscated by an act of the Assembly. Allowances to the wife or widow of the owner of such estate could be made if she had remained within the jurisdiction of the United States. Similar allowances could be made to indigent relatives.[67]

It was enacted in 1854 that when it was necessary to sell real estate of a deceased person in order to pay debts a license to sell the whole of the real estate might be obtained, with the consent of the widow, from the judge of probate. The widow shared in the proceeds of such a sale.[68] At present the probate court has jurisdiction over all matters relating to the sale, settlement and final distribution of

---

58. Public Laws of New Hampshire, ch. 289 (1926).
59. Ibid., ch. 290, sec. 6 (1926).
60. New Hampshire Laws of 1937, ch. 37.
61. Public Laws of New Hampshire, ch. 292 (1926).
62. Laws of New Hampshire, 3:475-478 (1767).
63. New Hampshire Laws of 1851, ch. 1097.
64. New Hampshire Laws of 1874, ch. CII.
65. Public Laws of New Hampshire, ch. 11, secs. 16, 17; ch. 112, sec. 9 (1926).
66. Laws of New Hampshire, 4:216 (1779).
67. Ibid., 4:456 (1782).
68. New Hampshire Laws of 1854, ch. 1532.

estates of deceased persons.[69] If petitioned by any of the parties concerned, it may cause partition of real estate after a proper hearing.[70]

If a legatee of a sum of money could not be located, according to a law of 1893, the money was to be paid into the State Treasury.[71] The law now states that if the heir or legatee cannot be found after three years the judge shall order the money paid into the State Treasury "where it shall be subject to the claims of persons entitled thereto, upon application to the legislature."[72] The State Treasurer was authorized in 1921 to determine the amount of taxes on estates of deceased persons. Any person aggrieved by his demands could appeal to the probate court for the abatement of part or all of the tax.[73] At present the probate court may adjust grievances resulting from a decision of the State Tax Commission regarding inheritance taxes.[74] The probate court may grant permission for marriages under the age of consent or waiver of the five day period.[75]

Register of Probate

There was probably a register of probate in New Hampshire as early as 1656, and certainly by 1661.[76] At the beginning of the New England Dominion period an officer who evidently performed the duties of register of probate was referred to as a clerk.[77] From 1714 the term "register" was constantly used. Originally a provincial office, this became a county office with the act of county organization in 1769.[78]

The New Hampshire Constitution of 1792 forbade the register of probate to act as counsel in cases coming before him.[79] On June 28, 1859 he was again forbidden to act as counsel or advocate or receive any fees for such services in the probate court of the county in which he held his office.[80] This requirement is still in force.[81] It was provided, 1822, that no register of probate in this state could be appointed an appraiser of any estate under administration in any probate office in which he was register.[82] He is still forbidden to act as appraiser under these conditions.[83] A resolution of 1843 stipulated that the register must live in towns where the probate records were required to be kept.[84] He must do that now, or employ a clerk who lives there.

---

69. Public Laws of New Hampshire, ch. 293, secs. 1-3 (1926).
70. Ibid., ch. 354, secs. 18-29 (1926).
71. New Hampshire Laws of 1893, ch. 14.
72. Public Laws of New Hampshire, ch. 307, sec. 8 (1926).
73. New Hampshire Laws of 1921, ch. 72.
74. Public Laws of New Hampshire, ch. 72, secs. 8-34 (1926).
75. Ibid., ch. 286, secs. 6, 7, 24 (1926).
76. New Hampshire State Papers, 33:vi.
77. Laws of New Hampshire, 1:105 (1686).
78. Ibid., 3:526 (1769).
79. New Hampshire Constitution, art. 79 (1792).
80. New Hampshire Laws of 1859, ch. 2232.
81. Public Laws of New Hampshire, ch. 294, secs. 13, 14 (1926).
82. Laws of New Hampshire, 9:110-123 (1822).
83. Public Laws of New Hampshire, ch. 294, secs. 13, 14 (1926).
84. New Hampshire Laws of 1843, ch. 56.

Either the register or the clerk, if there is one, must be present on days when the probate office is required to be open.[85]

Fees were established for the register of probate in 1714, 1768, 1791, and 1796.[86] On July 5, 1827 it was enacted that the register of probate for Cheshire County should receive a salary of three hundred dollars.[87] This was repealed January 2, 1829.[88] An act of July 1, 1837 provided that every register of probate whose commission was dated prior to June 14, 1836 should then receive fifty dollars a year in full compensation for his services, rather than his present salary. It was also provided, however, that if any such register resigned and was reappointed under the law limiting his commission to five years, the salary he then received was not to be affected.[89] Legislation affecting the salary of the register of probate in Cheshire County was adopted in 1853 when it again became three hundred dollars annually.[90] An act of July 9, 1862 provided that the fees for registers of probate in all business relative to proceedings concerning insolvent debtors should be established by the supreme judicial court.[91] On July 20, 1876 registers of probate were prohibited from taking compensation for any services covered by their salaries.[92] 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."[93] In addition to his salary he is allotted a certain sum for clerk hire.[94] The present salary of this official in Cheshire County is fifteen hundred dollars.[95]

It was enacted on June 14, 1836 that registers of probate be appointed to hold office for a term of five years.[96] An amendment to the New Hampshire Constitution in 1877 made the register an elective office.[97] In 1836 he was made subject to removal by the Governor and Council, upon the address of both houses of the Legislature.[98] At the present time the law states, "Any officer of a county may be removed from office by the superior court for official misconduct."[99]

---

85. Public Laws of New Hampshire, ch. 294, sec. 1 (1926).
86. Laws of New Hampshire, 2:146 (1714); 3:486-496 (1768); 5:617-618 (1791); 6:381-385 (1796).
87. Ibid., 9:649-653 (1827).
88. Ibid., 9:879-882 (1829).
89. New Hampshire Laws of 1837, ch. CCCXLV.
90. New Hampshire Laws of 1852, ch. 1288.
91. New Hampshire Laws of 1862, ch. 2594, sec. 6.
92. New Hampshire Laws of 1876, ch. XIII.
93. Public Laws of New Hampshire, ch. 294, sec. 15 (1926).
94. Ibid., ch. 294, secs. 18, 21 (1926).
95. New Hampshire Manual for the General Court 1939, 414, 415.
96. New Hampshire Laws of 1836, ch. CCXLVII.
97. New Hampshire Constitution, art. 71 (1792) (amended 1877).
98. New Hampshire Laws of 1836, ch. CCXLVII.
99. Public Laws of New Hampshire, ch. 36, sec. 7 (1926).

Register of Probate (Next entry 187, p. 123)

On July 4, 1861, registers of probate were required to give bond under penalty to their respective counties in the sum of five thousand dollars, the bond to be approved by the judge of probate.[100] At the present time the register must give bond to the county, but the bond is subject to the approval of the county commissioners.[101] Registers of probate in Hillsborough, Merrimack, and Rockingham Counties appoint deputies.[102] In the remaining counties, they may appoint deputy registers temporarily.[103] Deputy registers must be bonded.[104]

An act of November 26, 1832 provided that in the case of a vacancy by death, resignation or otherwise, or the sickness or necessary absence of any judge of probate, it became the duty of the register to adjourn the probate court from term to term until the vacancy was supplied or the judge attended.[105] This act was repealed December 23, 1842.[106] At present the register is authorized to adjourn court in the absence of the judge of probate.[107]

On June 19, 1828 the register of probate was required to provide at the expense of the county the blanks and stationery necessary in performing the probate business, the expenses of which were to be paid to him out of the county treasury.[108] This act was repealed January 2, 1829.[109] At present he is authorized to furnish suitable inventory blanks to appraisers for listing and to provide all blanks and stationery for the business of the probate court, for which he is reimbursed from the county treasury.[110]

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.[111] By an act of September 8, 1767 guardians of persons found to be mentally unable to manage their own affairs were required to file a true inventory of the possessions of their charges with the register of probate for purposes of recording.[112] An act of March 21, 1776 provided that the inventories of idiots and distracted persons made out by guardians appointed by the judge of probate were to be filed in the register's office.[113] In 1822 all inventories of executors and administrators were required to be recorded in the office of the register of probate.[114] The register is now required to record "the amount of footing

---

100. New Hampshire Laws of 1861, ch. 2485.
101. Public Laws of New Hampshire, ch. 37, secs. 1, 3 (1926).
102. Ibid., ch. 36, sec. 11 (1926).
103. Ibid., ch. 36, sec. 10 (1926).
104. Ibid., ch. 36, secs. 10, 11 (1926).
105. Laws of New Hampshire, 10:349 (1832).
106. Revised Statutes of New Hampshire, ch. 230 (1842).
107. Public Laws of New Hampshire, ch. 294, sec. 11 (1926).
108. Laws of New Hampshire, 9:738 (1828).
109. Ibid., 9:877-879 (1829).
110. Public Laws of New Hampshire, ch. 294, secs. 6, 8 (1926).
111. Laws of New Hampshire, 2:139 (1714).
112. Ibid., 3:475-478 (1767).
113. Ibid., 4:6 (1776).
114. Ibid., 9:110-123 (1822).

of each class of property as expressed in the inventory."[115] Failure on the part of the executor or administrator to file inventories must be reported to the State Treasurer by the register.[116]

An act of July 2, 1822 made provision for the recording in the probate office of the affected county of wills proved outside of New Hampshire yet pertaining to property within this state.[117] In the same year it was enacted that all wills and their probates should be recorded in the probate office.[118] This is still required.[119] A copy of every will containing taxable legacies must be sent by the register to the State Treasurer, to whom the register is required to report executors who fail to file names of legatees in the probate office.[120] Names of deceased persons whose estates are entered for probate with the names of the devisees or heirs-at-law shall be kept by the register; and at stated intervals he must send a copy of the names to the selectmen of the towns and assessors of cities where the deceased had property.[121]

It was enacted on July 2, 1822 that executors' and administrators' receipts, accounts, proceedings relative to real estate, and all orders, decisions, and appointments from which appeal might be claimed should be recorded in the probate office "in some suitable book or books furnished for that purpose." Every executor, administrator, and guardian was entitled to have certified copies of all proceedings relating to their trust, and were to be credited the expense thereof in their respective accounts.[122] The oaths of executors or administrators obtaining licenses to sell real estate were required to be filed in the probate office. Proceedings of the sale could be filed there also upon petition to that effect to the judge of probate by the heirs or legatees.[123] This act was repealed December 23, 1842.[124] The register is now required to record in a book prepared for the purpose "all proceedings with regard to real estate, all accounts settled, and all orders, decisions and appointments from which an appeal may be claimed." All statements and accounts sent him by administrators are filed in his office.[125] The register must record all names changed and submit the list every odd year to the Secretary of State.[126]

An act of July 3, 1861 provided that within ten days of the execution of the assignment to him, every assignee in pursuance of Revised Statutes Chapter 134 should file in the office of the register of probate in the county where the debtor was residing a schedule of all the property

---

115. Public Laws of New Hampshire, ch. 294, sec. 7 (1926).
116. Ibid., ch. 72, secs. 12, 13, 18 (1926).
117. Laws of New Hampshire, 9:98-102 (1822).
118. Ibid., 9:110-123 (1822).
119. Public Laws of New Hampshire, ch. 294, sec. 7 (1926).
120. Ibid., ch. 72, secs. 12, 13, 18 (1926).
121. New Hampshire Laws of 1935, ch. 57.
122. Laws of New Hampshire, 9:110-123 (1822).
123. Ibid., 9:123-127 (1832).
124. Revised Statutes of New Hampshire, ch. 230 (1842).
125. Public Laws of New Hampshire, ch. 72, secs. 12, 13, 18 (1926).
126. Ibid., ch. 294, sec. 12 (1926).

embraced in the assignment and a list of the names and residences of the creditors of the debtor, verified by the oaths of the debtor and the assignee. The assignee was required to give bonds with securities for the faithful performance of his duties. This bond, after having been approved by the judge, must be filed in the probate office within five days of the filing of the schedule.[127] Every case of insolvent estates must now be entered on the docket of the probate court, and the register may administer the oath in insolvency proceedings.[128] At present 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.[129] These records must be docketed and indexed, the docket and index to be kept open for public inspection.[130]

Original documents kept by the register of probate of Cheshire County include divisions and partitions, releases of dower and homestead, assignments of real estate, allowances to widows, inventories, wills, probate of wills, petitions and licenses, letters of administration, letters of trust, letters of guardianship, adoptions and changes of name, probate bonds, waivers of wills, and papers relating to proceedings regarding insolvent estates.

Extensive bound probate records are kept, including dockets and abstracts of original documents. Other bound probate records include administrators', executors', guardians', conservators', and trustees' inventories, with the court order to take the inventory, the oath regarding the completeness of the inventory, and probate of the inventory. Wills are bound in volumes with information concerning the probate of the same. An important bound record consists of accounts of administrators, guardians, executors, and trustees, showing receipts and expenditures and other information regarding their trust. Another bound financial record consists of copies of receipts from legatees. There are bound petitions and licenses concerned with the sale, mortgage, and conveyance of real and personal estate; petitions for appointment, and the appointment of, a probate agent when the executor, administrator, or trustee does not finish the settlement of the estate; and petitions for the appointment, and the appointment of, other officers of the court. There are volumes containing records of insolvency proceedings, also volumes containing claims against estates. One special type of record is a volume, 1832-1856, kept as a result of an act of Congress in 1832,[131] and shows the number, name, and residence of Revolutionary pensioners.

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. In Cheshire County this is called Probate Records Miscellaneous, entry 190. In these volumes are recorded

---

127. New Hampshire Laws of 1861, ch. 2488.
128. Public Laws of New Hampshire, ch. 401, sec. 3 (1926).
129. Ibid., ch. 294, sec. 4 (1926).
130. Ibid., ch. 294, sec. 5 (1926).
131. The Public Statutes at Large of the United States of America, CXXVI, 529-530 (1832).

any instrument so voluminous that they cannot be recorded on the regular printed forms. It is obvious that dates will be scattered. The gaps, of course, are filled by the records on printed forms.

Unless otherwise stated, all records are in the office vault of the register of probate, courthouse.

Probate Dockets

187. PROBATE RECORDS-DOCKET, 1828--. 36 vols. (unnumbered, 13 vols., 1828-94; 1-19, 58-61, 23 vols., 1883--). Prior records missing. Title varies: Docket of the Court of Probate; Probate Court.

Brief history of each case handled by the probate court. 1828-94: date, names of petitioners and kind of instrument. 1883--: name of estate, volume and page reference, kind of instrument, date filed, and names of probate agents concerned. 1828-94, arr. chron. by sessions of court; 1883--, arr. num. by docket nos. 1828-94, no index; 1883--, indexed alph. by names of estates in each vol. 13 vols., 1828-94, hdw.; 23 vols., 1883--, hdw. on ptd. forms. 8 vols., 1828-58, 75 pp. 8 x 7 x ¼; 5 vols., 1859-94, 200 pp. 10 x 8 x 1; 19 vols., 1883-1936, 800 pp. 12 x 10 x 4; 4 vols., 1937--, 200 pp. 12 x 10 x 1½. 1828-94, bsmt. v.; 1883--, off. v.

Probate Documents

188. [ORIGINAL PROBATE DOCUMENTS], 1771--. 555 f.b. (labeled by inclusive letters of the alphabet and by inclusive case numbers thereunder).

Original probate documents: Probate Records Wills, entry 191; Probate Records Probate of Wills Letters Testamentary, entry 192; Probate Records Probate of Wills & Letters to Pay Debts & C., entry 193; [Waiver of Wills], entry 194; Probate Records [Administrators' and Executors'] Inventories, entry 195; Probate Records Guardians Inventories, entry 196; Probate Records Trustees Inventories, entry 197; Probate Records Administrators and Executors Accounts, entry 198; Probate Records Guardians and Conservators Accounts, entry 199; Probate Records-Trustee Accounts, entry 200; [Divisions and Partitions], entry 201; [Release of Dower and Homestead], entry 202; Probate Records-Homestead, entry 203; Probate Records Dower Book, entry 204; Assent of Widow-Sale of Real Estate, entry 205; Probate Records-Guardians Sale of Real Estate, entry 206; Probate Records-Administrators Sale Real Estate, entry 207; Probate Records-Sale of Securities, entry 208; Probate Records-Sale of Goods & Chattels, entry 209; Probate Records-Letters of Administration, entry 210; Probate Records Letters of Adm'rn-De Bonis Non-Will Annexed, entry 211; Probate Records-Letters of Guardianship, entry 212; [Letters of Guardians of Insane], entry 213; Probate Records-Letters of Trust, entry 215; [Conservators' Letters], entry 216; [Adoption and Change of Name], entry 217; Probate Records Petitions & Commissions Insolvency, entry 218; Probate Records Proportions [Claims Against Insolvent Estates], entry 219; [Probate Bonds], entry 220; Probate Records Claims, entry 221;

Probate Records Receipts, entry 222; and [Temporary Allowances to Widows], entry 223. Arr. alph. by names of estates and num. by case nos. thereunder. Hdw., hdw. and typed on ptd. forms and headings, and typed. 12 x 6 x 18.

189. [INDEX TO ORIGINAL PROBATE DOCUMENTS], 1771--. 19 f.d. (labeled by inclusive letters of the alphabet),

Index to [Original Probate Documents] entry 188, showing name and location of estate, docket number, date, kind of instrument, and case number. Arr. alph. by names of parties concerned. Typed on ptd. forms. 3 x 10 x 24.

190. PROBATE RECORDS MISCELLANEOUS, scattered dates 1821-27, 1857--. 4 vols. (45, No. 2; 101, No. III; 117, No. 4; 159, No. 5). Prior to 1821 and 1828-56 not kept. Title varies: Probate Records Dowers & C.

Transcripts of probate documents: Probate Records Probate of Wills Letters Testamentary, entry 192; [Waiver of Wills], entry 194; Probate Records [Administrators' and Executors'] Inventories, entry 195; Probate Records Guardians Inventories, entry 196; Probate Records Trustees Inventories, entry 197; Probate Records Administrators and Executors Accounts, entry 198; Probate Records-Guardians and Conservators Accounts, entry 199; Probate Records-Trustee Accounts, entry 200; [Divisions and Partitions], entry 201; [Release of Dower and Homestead], entry 202; Probate Records-Homestead, entry 203; Probate Records Dower Book, entry 204; Assent of Widow-Sale of Real Estate, entry 205; Probate Records-Guardians Sale of Real Estate, entry 206; Probate Records-Administrators Sale Real Estate, entry 207; Probate Records-Sale of Securities, entry 208; Probate Records-Sale of Goods & Chattels, entry 209; Probate Records-Letters of Administration, entry 210; Probate Records Letters of Adm'rn-De Bonis Non-Will Annexed, entry 211; Probate Records-Letters of Guardianship, entry 212; [Letters of Guardians of Insane], entry 213; Probate Records-Letters of Trust, entry 215; [Conservators' Letters], entry 216; [Adoption and Change of Name], entry 217; Probate Records Petitions and Commissions Insolvency, entry 218; [Probate Bonds], entry 220; and [Temporary Allowances to Widows], entry 223. 1 vol., 1821-27, no obvious arr.; 3 vols., 1857--, arr. chron. by date of entry. 1 vol., 1821-27, indexed alph. by names of persons concerned; 3 vols., 1857--, indexed alph. by names of estates in each vol. 3 vols., 1821-27, 1857-1921, hdw.; 1 vol., 1922--, typed. 1 vol., 1821-27, 550 pp. 16 x 10½ x 2½; 3 vols. 1857--, 600 pp. 18 x 12 x 2½.

Wills
(See also entry 126)

191. PROBATE RECORDS WILLS, 1799--. 15 vols. (3, No. 8; 76-81, Nos. 1-6; 98, No. 7; 123, No. 9; 132, No. 10; 144, No. 11; 153, No. 12; 166, No. 13; 177, 185; also dated, 6 vols., 1799-1881). Originals 1771-- in entry 188.

Transcript of will: written statement of the disposition of a person's property, real and personal, after his decease, naming the devisees; description and conditions of legacy; dated and signed by testator and

three disinterested persons as witnesses; declaration by one or more of the witnesses made when will is offered for probate regarding the mental condition of the testator at time will was drawn; date of probate; and probate court action. Arr. chron. by date of filing of will. Indexed alph. by names of estates in each vol. Hdw. and typed. 600 pp. 18 x 12 x 2.

192. PROBATE RECORDS PROBATE OF WILLS LETTERS TESTAMENTARY, 1828--. 6 vols. (82, No. 3; 83, No. 4; 99, No. 5; 115, No. 6; 146, 172; also dated, 2 vols., 1828-68). Title varies: Probate Records Probate of Wills. 1821-28, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of probate of wills and executors' letters. Probate of wills: date, time, and place of court; names and addresses of executor and testator, approval of court that said will is last will and testament of the devisor, signature of judge of probate, and attest of register of probate. Executors' letters: date of instrument; date, time, and place of court; names and addresses of executor and devisor, conditions and limitations of the letter to take and return inventory of estate and render an account of the administration of the estate, signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. Hdw. on ptd. forms. 600 pp. 18 x 12 x 2½.

193. PROBATE RECORDS PROBATE OF WILLS & LETTERS TO PAY DEBTS & C., 1839-1915. 2 vols. (56, 107, No. 2). Originals 1771-- in entry 188.

Transcripts of probate of wills and letters to pay debts. Probate of wills: date, time, and place of court; name and residence of testator, name of executor, court approval that will is last will and testament of the devisor, signature of judge of probate, and attest of register of probate. Letters to pay debts: date of instrument, date of probate of will, names and residences of testator and executor, authorization of executor to pay all debts, funeral charges, legacies and bequests, and to render an account thereof, signature of judge of probate, and attest of register of probate. Arr. chron. by date of probate of will. Indexed alph. by names of estates in each vol. Hdw. on ptd. forms. 600 pp. 18 x 12 x 2½.

194. [WAIVER OF WILLS], 1771--. In entry 188. Transcripts 1821-27, 1857-- in entry 190.

Date, name of person waiving will, condition and purpose of waiver, and signature and oath of petitioner.

Inventories and Accounts

195. PROBATE RECORDS [Administrators' and Executors'] INVENTORIES, 1805--. 35 vols. (57-59, 60-65, Nos. 1-6; 66-75, Nos. 1-9, X; 97, Vol. XI; 109, No. 12; 118, No. 13; 122, No. 14; 130, No. 15; 137, No. 16; 141, No. 17; 147, No. 18; 156, No. 18; 162, No. 19; 165, No. 20; 170, No. 21; 178, 180, 186, 191; also dated, 18 vols., 1805-82). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.
Transcripts of administrators' and executors' inventories--court order and authorization to take inventory: date, names and addresses of administrator or executor and estate, itemized schedule of real and personal property including securities, appraisers' valuation, total valuation, signatures and oaths of appraisers, administrators' or executors' oaths (date, name of administrator or executor, name and address of estate, certification that all property was shown to appraisers, signature of justice of the peace), probate on same, date recorded, signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. 30 vols., 1805-1926, hdw. on ptd. forms; 5 vols., 1927--, typed on ptd. forms. 600 pp. 18 x 12 x 2½.

196. PROBATE RECORDS GUARDIANS INVENTORIES, 1883--. 5 vols. (104, No. 2; 113, No. 3; 131, No. 4; 157, No. 5; 169, No. 6). 1872-82 in entry 199; 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.
Transcripts of guardians' inventories--court order and authorization to take inventory: date, names and addresses of guardian, estate, and ward; itemized schedule of real and personal property including securities, appraisers' valuation, total valuation, signatures and oaths of appraisers, probate on same, date recorded, signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates. 4 vols., 1883-1926, hdw. on ptd. forms. 1 vol., 1927--, typed on ptd. forms. 600 pp. 18 x 12 x 2½.

197. PROBATE RECORDS TRUSTEES INVENTORIES, 1921--. 1 vol. (161). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.
Transcripts of trustees' inventories. Court order and authorization to take inventory: date, names and addresses of trustee and estate, itemized schedule of all real and personal property including securities, appraisers' valuation, total valuation, signatures and oaths of appraisers, and probate on same: date, time, and place of court; names and addresses of trustee and estate, court action on the inventory, signature of judge of probate, attest of register of probate, and date recorded. Arr. chron. by date of entry. Indexed alph. by names of estates. Typed on ptd. forms. 600 pp. 18 x 12 x 2½.

198. PROBATE RECORDS ADMINISTRATORS AND EXECUTORS ACCOUNTS, 1881--. 12 vols. (100, No. 7; 110, No. 8; 121, No. 9; 129, No. 10; 138, No. 11; 145, No. 12; 155, No. 13; 163, No. 14; 168, No. 15; 179, No. 16; 181, 189). Title varies: Probate Records Administrators Accounts. 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of administrators' and executors' accounts: date, names and addresses of administrator or executor and estate; itemized schedule of all receipts, payments, and expenses; total receipts and expenditures, balance in hands of administrator or executor, oath of administrator or executor taken before judge of probate, and probate on same: date, time, and place of court; certification that account has been exhibited, examined, and filed; statement of balance, signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. 10 vols., 1881-1932, hdw. on ptd. forms; 2 vols., 1933--, typed on ptd. forms. 600 pp. 18 x 12 x 2½.

199. PROBATE RECORDS GUARDIANS AND CONSERVATORS ACCOUNTS, 1872--. 6 vols. (103, No. 1; 105, No. 2; 128, No. 3; 143, 164, 190). Title varies: Probate Records Guardians Accounts; Probate Records Guards & Trustees Accts.; Guardian Accts. and Inventories. 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of guardians' and conservators' accounts: date, names and addresses of guardian or conservator and ward or spendthrift; itemized schedule of all receipts, payments, and expenses; total amount of receipts and expenditures, balance in hand of guardian or conservator, oath of guardian or conservator taken before judge of probate, and probate on same: date, time, and place of court; certification that account has been exhibited, examined, and filed; signature of judge of probate, attest of register of probate. Also contains transcripts of: Probate Records Guardians Inventories, 1872-82, entry 196; and Probate Records-Trustee Accounts, 1912-16, entry 200. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. 5 vols., 1872-1935, hdw. on ptd. forms; 1 vol., 1936--, typed on ptd. forms. 600 pp. 18 x 12 x 2½.

200. PROBATE RECORDS-TRUSTEE ACCOUNTS, 1917--. 2 vols. (150, 182). 1912-16 in entry 199; 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of trustee accounts: date, names and addresses of trustee and estate, amount of original trust fund, itemized schedule of all receipts, payments, and expenses; total amount of receipts and expenditures, balance in hand of trustee, oath of trustee taken before judge

of probate, and probate on same: date, time, and place of court; certification that account has been exhibited, examined, and filed; statement of balance, signature of judge of probate, attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. 1 vol., 1917-32, hdw. on ptd. forms; 1 vol., 1933-- typed on ptd. forms. 600 pp. 18 x 12 x 2½.

Homestead

201. [DIVISIONS AND PARTITIONS], 1771--. In entry 188. Transcripts 1821-27, 1857-- in entry 190.

Reports of divisions and partitions of real estate: date, name and address of estate, date of decease of testator, authorization to partition (date, time, and place of partition), names of heirs at law notified, names of those objecting, description of property set off, signatures of committee, and probate court action.

For related reports of divisions and partitions, see entry 72.

202. [RELEASE OF DOWER AND HOMESTEAD], 1771--. In entry 188. Transcripts 1821-27, 1857-- in entry 190.

Date, name of widow or widower, conditions and purpose of release, description of estate with reference to deed, and oath of petitioner.

For waivers of dower, 1771--, see entry 71.

203. PROBATE RECORDS-HOMESTEAD, 1860-86. 1 vol. (No. 1). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of petitions for and assignments of homesteads. Petition: date, names and addresses of petitioner and estate, description of estate, names of children of deceased, prayer of widow that homestead be set off in value of $500, signature of petitioner, and probate on petition: date, time, and place of court; date, time and place of hearing to be held on petition; order to administrator to give due notice of hearing, order that notice of hearing be published in a specified newspaper for three successive weeks, signature of judge of probate, and attest of register of probate. Record of hearing on petition: date, time, and place of court; decree that petition be or be not granted; signature of judge of probate; and attest of register of probate. Appointment of committee to make assignment: date of appointment, names and residences of committeemen, names of estate and widow, duties of committee, conditions of appointment, signature of judge of probate, and oath and jurat of committee before a justice of the peace. Report of committee: name and location of estate, names and addresses of widow and children, date that notice of meeting was given, dates that notices of meetings were published in newspaper as ordered, names of persons appearing before committee, description of premises set off, value of assignment made, signatures of committeemen, date of document, and probate on same: date approved by court, signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates. Hdw. on ptd. forms. 352 pp. 18 x 12 x 1½.

Register of Probate - Sale of Real Estate, Securities, Personal Property (204-206)

204. PROBATE RECORDS DOWER BOOK, 1827-86. 2 vols. (46, No. 3; 47, No. 4. Title varies: Probate Records Dowers & C. 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of assignments of dower to widows; petitions by widows for assignments of dower; appointment of committee to set off dower; report of committee; and approval and certification of report by judge of probate. All showing date, names and addresses of petitioner and estate, date of decease of testator, and signatures of parties concerned. The appointment of committee also shows names of committeemen, date appointed, statement of duties, and signature of judge of probate. The report of the committee also shows date of assignment, certification that due notice was given, action taken, and signatures of committeemen. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. 1 vol., 1827-45, hdw.; 1 vol., 1846-86, hdw. on ptd. forms. 500 pp. 16 x 11 x 2½.

Sale of Real Estate, Securities, Personal Property

205. ASSENT OF WIDOW-SALE OF REAL ESTATE, 1855-1929. 1 vol, (49). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of widow's assent to sell real estate. Petition: date of petition, names and addresses of widow (petitioner) and deceased husband, assent to sale of entire estate, and relinquishment of all dower claims with provision that the widow is to receive the present value of the estate, according to her age, to be estimated by the judge of probate. Administrator's return: date, names and addresses of widow, administrator, and estate; and considerations involved. Probate court's estimate of present value of right of dower: date, time, and place of court; names and addresses of widow and estate, estimate of present value of right of dower, signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates. Hdw. on ptd. forms. 392 pp. 13¾ x 8¾ x 1¾.

206. PROBATE RECORDS-GUARDIANS SALE OF REAL ESTATE, 1869--. 4 vols. (2, No. 3; 134, 152, 183). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of guardians' petitions for and licenses to sell, mortgage, or convey real estate. Petition: date, names and addresses of guardian and ward, reason for request of license, signature of guardian, and probate on same: date, time, and place of court; date, time, and place of hearing on petition; order to notify all persons concerned to appear at court, order to publish notice in a newspaper for three successive weeks, signature of judge of probate, and attest of register of probate. Record of hearing on petition: date, time, and place of court; certification that due notice of hearing was given, certification of posting, results of hearing, and signature of judge of probate. License: date, names and addresses of guardian and ward, reasons for license, signature of judge of probate, oath of guardian taken before judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. 2 vols., 1869-1918, hdw. on ptd. forms; 2 vols., 1919--, typed on ptd. forms. 600 pp. 18 x 12 x 2½.

Register of Probate - Sale of Real Estate, Securities, Personal Property (207-209)

207. PROBATE RECORDS-ADMINISTRATORS SALE REAL ESTATE, 1877-. 6 vols. (90, No. 3; 125, No. 4; 140, No. 5; 158, No. 6; 175, 187). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of administrators' and executors' petitions and licenses to sell, mortgage, or convey real estate as per contract. Petition: date, names and addresses of administrator or executor and estate, reasons for petition, signature of petitioner, and probate on same (date, time, and place of court; certification that due notice of hearing on petition was given, certification that notice of hearing was published in a newspaper for three successive weeks at least thirty days before date of hearing, court decree on petition, granted or denied, amount of real estate to be sold, signature of judge of probate, and attest of register of probate). License: date, county, names and addresses of administrator or executor and estate, reasons for license, conditions and limitations of license, signature of judge of probate, oath of licensee taken before judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. 2 vols., 1877-1909, hdw. on ptd. forms; 1 vol., 1910-21, hdw. and typed on ptd. forms; 3 vols., 1921--, typed on ptd. forms. 600 pp. 18 x 12 x 2½.

208. PROBATE RECORDS-SALE OF SECURITIES, 1928--. 1 vol. (174). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of administrators' and executors' petitions and licenses to sell or convey securities, as per contract. Petition: date, names and addresses of administrator or executor and estate, reason for petition, signature of petitioner, and probate on same. License: date, names and addresses of administrator or executor and estate, conditions and limitations of the license, signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates. Hdw. on ptd. forms. 600 pp. 18 x 12 x 2½.

209. PROBATE RECORDS-SALE OF GOODS & CHATTELS, 1874-1932. 5 vols. (93, No. 5; 114, No. 6; 136, 154, 173). Title varies: Probate Records-Personal Estates. 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of administrators' and executors' petitions and licenses to sell personal property. Petition: date, names and addresses of administrator or executor and estate, reasons for petition, signature of petitioner, and probate on same. License: date, county, names and addresses of administrator or executor and estate, reasons for license, conditions and limitations of license, signature of judge of probate, oath of licensee taken before judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. 4 vols., 1874-1918, 1928-32, hdw. on ptd. forms; 1 vol., 1919-27, typed on ptd. forms. 600 pp. 18 x 12 x 2½.

Petitions, Licenses, Letters

Administration

210. PROBATE RECORDS-LETTERS OF ADMINISTRATION, 1823--. 10 vols. (84-88, Nos. 0-4; 120, No. 5; 133, No. 6; 148, No. 7; 167, No. 8; 184, No. 9; also dated, 4 vols., 1823-83). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of administrators' and executors' petitions and letters of administration. Petition: date, names, and addresses of petitioner and estate, name and address of person suggested as administrator or person named as executor, signature of petitioner, and probate on same. Letter: date, county, names and addresses of administrator or executor and estate, statement of duties (conditions and limitations of letter), signature of judge of probate, and attest of register of probate. Arr. chron. by date of letters. Indexed alph. by names of estates in each vol. 9 vols., 1823-1933, hdw. on ptd. forms; 1 vol., 1934--, typed on ptd. forms. 600 pp. 18 x 12 x 2½.

211. PROBATE RECORDS LETTERS OF ADM'RN-DE BONIS NON-WILL ANNEXED, 1840--. 4 vols. (55, No. 1; 89, No. 2; 135, 192). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of petitions and letters of administration-de bonis non-with will annexed. Petition: date, names and addresses of petitioner and estate, name of suggested appointee as administrator de bonis non, and probate on same. Letter: date, name of administrator de bonis non; conditions, limitations, and duties of administration; signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. 3 vols., 1840-1936, hdw. on ptd. forms; 1 vol., 1937--, typed on ptd. forms. 600 pp. 18 x 12 x 2½.

Guardianship

212. PROBATE RECORDS-LETTERS OF GUARDIANSHIP, 1881--. 3 vols. (91, No. 6; 126, No. 7; 151, No. 8). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of petitions and letters of guardianship. Petition: date, names and addresses of petitioner and ward, name of person suggested as guardian, reasons for guardianship, signature of petitioner, and probate on same. Letter: date, county, names and addresses of guardian and ward, statement of duties, conditions and limitations of guardianship, signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of wards in each vol. Hdw. on ptd. forms. 600 pp. 18 x 12 x 2½.

213. [LETTERS OF GUARDIANS OF INSANE], 1771--. In entry 188. Transcripts 1821-27, 1857-- in entry 190; 1871-- in entry 214.

Date, time, and place of court; names and residences of guardian and ward, reasons for guardianship, conditions and limitations of duties of guardians, signature of judge of probate, and attest of register of probate.

214. PROBATE RECORDS-LETTERS GUARDIANS INSANE-LETTERS CONSERVATORSHIP, 1871--. 3 vols. (102, No. 1; 116, No. 2; 176). Title varies: Probate Records Letters of Guardianship Insane.

Contains transcripts of: [Letters of Guardians of Insane], entry 213; and [Conservators' Letters], 1930--, entry 216. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. Hdw. on ptd. forms. 600 pp. 18 x 12 x 2½.

Trusteeship and Conservatorship

215. PROBATE RECORDS-LETTERS OF TRUST, 1886--. 2 vols. (108, No. 1; 160, No. 2). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of trustees' letters: date, time, and place of court; names and addresses of trustee and estate, statement of duties, conditions and limitations of trusteeship, signature of judge of probate, and attest of register of probate. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. Hdw. on ptd. forms. 600 pp. 18 x 12 x 2½.

216. [CONSERVATORS' LETTERS], 1771--. In entry 188. Transcripts 1821-27, 1857-- in entry 190; 1930-- in entry 214.

Conservators' letters for spendthrifts: date, time, and place of court; names and addresses of conservator and estate, reasons for conservatorship, conditions and limitations of duties of conservator, signature of judge of probate, and attest of register of probate.

Adoption and Change of Name

217. [ADOPTION AND CHANGE OF NAME], 1771--. In entry 188. Transcripts 1821-27, 1857-- in entry 190.

Petition for adoption: date, county, names and addresses of intended foster parents, child, and legitimate parents; place and date of birth of child, statement of ability of intended foster parents to care for child, consent for adoption and change of name given by legitimate parents; and signatures of intended foster parents, legitimate parents, and witnesses. Petition by adult for change of name: date, county, name and address of petitioner, reason for wishing change, name desired, place and length of residence, place and date of birth, names of parents, dates of filing and granting, and probate court action.

Register of Probate - Insolvent Estates; Probate Bonds; Claims (218-221)

Insolvent Estates

218. PROBATE RECORDS PETITIONS & COMMISSIONS INSOLVENCY, 1869-1931. 3 vols. (95, No. 4; 106, No. 5; 121, No. 6). 1821-27, 1857-- in entry 190. Originals 1771-- in entry 188.

Transcripts of petitions and appointments of commissioners to administer insolvent estates. Petition: date, names and addresses of administrator or executor and estate, prayer that estate be administered as insolvent and that a commissioner of insolvency (name suggested) be appointed, signature of administrator or executor, and probate on same. Commission of insolvency: date, name of commissioner, name and address of insolvent estate, conditions and limitations (duties) of commission, signature of judge of probate, and oath of commissioner before justice of the peace. Report of commissioner: date, name and address of estate, list of all claims allowed, signature of commissioner, and probate on same. Arr. chron. by date of entry. Indexed alph. by names of insolvent estates in each vol. Hdw. on ptd. forms. 600 pp. 18 x 12 x 2½.

219. PROBATE RECORDS PROPORTIONS [Claims Against Insolvent Estates], 1835--. 2 vols. (53, No. I; 54, No. II). Originals 1771-- in entry 188.

Proportionment of claims of creditors against insolvent estates: date, list of claimants, amount of claims, proportion allowed each claim, and order of the judge of probate that the administrator distribute to the creditors the amount allotted to each. Arr. chron. by date of entry. Indexed alph. by names of insolvent estates in each vol. 1 vol., 1835-56, hdw.; 1 vol., 1857--, hdw. on ptd. forms. 400 pp. 16½ x 11 x 2.

Probate Bonds

220. [PROBATE BONDS], 1771--. In entry 188. Transcripts 1821-27, 1857-- in entry 190.

Date, names of person bonded, surety, and probate agent, amount and number of bond, conditions, duration, dates of filing and recording, and probate court action.

Claims

221. PROBATE RECORDS CLAIMS, 1878-90, 1893--, 3 vols, (96, No. 5; 119, No. 6; 142, No. 7). Originals 1771-- in entry 188.

Transcripts of claims against estates of deceased; date, names of claimants, particulars and specifications of the claims, and probate on same. Arr. chron. by date of entry. Indexed alph. by names of estates in each vol. Hdw. on ptd. forms. 600 pp. 18 x 12 x 2½.

Miscellaneous

222. PROBATE RECORDS RECEIPTS, 1794--. 10 vols. (50-52, Nos. I-III; 94, No. 4; 112, No. 5; 127, No. 6; 139, No. 7; 149, No. 8; 171, No. 9; 188). Originals 1771-- in entry 188.

Transcripts of receipts from legatees: date, names of testator and probate agent, docket number, amount, purpose, and signature of legatee. Arr. chron. by date of entry. Indexed alph. by names of legatees in each vol. 7 vols., 1794-1915, hdw.; 1 vol., 1916-25, hdw. and typed; 2 vols., 1926--, typed. 600 pp. 18 x 12 x 2½.

223. [TEMPORARY ALLOWANCES TO WIDOWS], 1771--. In entry 188. Transcripts 1821-27, 1857-- in entry 190.

Petitions by widows for temporary subsistence: name of deceased husband, signature of widow, and probate court action.

224. REVOLUTIONARY PENSIONERS DOCKET-PROBATE COURT-CHESHIRE COUNTY, 1832-56. 1 vol. (dated). Isolated record.

This record of pensioners of the Revolutionary War was established in accordance with an Act of the United States Congress in 1832 and shows: number, name and address of pensioner, and statement that testimony or evidence submitted was satisfactory. Arr. chron. by date of entry. No index. Hdw. 150 pp. 7¾ x 6¼ x ¾. Bsmt. v.

VII. SHERIFF (COUNTY CRIER)

Since the sheriff was a traditional officer of old England, his appointment in New New Hampshire at an early date was to be expected. In New Hampshire this officer dates back at least to 1682 when the Lieutenant-Governor was empowered to appoint a sheriff.[1] Governor Andros' commission of April 7, 1688 empowered the Governor of the New England Dominion to appoint sheriffs and administer the usual oaths.[2] During this period it was also stipulated that the sheriff could not be removed without good and sufficient cause.[3] When the province of New Hampshire was organized (1692) the commission of Governor Allen granted him the same power that had been accorded to the executives of the New England Dominion with regard to the sheriff.[4] By the act of 1769 organizing New Hampshire counties, including Cheshire, the sheriff ceased to be a provincial officer and became a county officer.[5] Justices of the peace were authorized in 1794[6] to administer

1. Laws of New Hampshire, 1:51 (1682).
2. Ibid., 1:229 (1688).
3. Ibid., 1:161 (1686).
4. Ibid., 1:505 (1692).
5. Ibid., 3:526 (1769).
6. Ibid., 6:142 (1794).

the oaths prescribed by the Constitution of 1792[7] to sheriffs and their deputies. 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] In the case of a tie vote, choice is made by the superior court.[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]

Various qualifications have been prescribed at different times for the sheriff. During the period of the New England Dominion there appears to have been some concern on the part of the Crown in regard to political and financial stability of the colonial officers; a stipulation was made in 1686 that care was to be taken that sheriffs be men "of Estate and Abilities, and not necessitous People or much in Debt, and that they be persons well affected to [the] Government."[13] Sheriffs were exempted from military duty on October 6, 1703.[14] The New Hampshire Constitution of 1792 provided that a sheriff could not hold office after he had attained the age of seventy years;[15] the same provision is in force today.[16] The constitution also provided that he could hold no other office while he was sheriff.[17] At the present time the sheriff cannot, while acting in the capacity of sheriff, hold the office either of county solicitor, county treasurer, register of deeds, register of probate, or county commissioner.[18] On December 25, 1844 it was enacted "That no sheriff or deputy shall be disqualified from serving any writ or precept, in which any town or other corporation is a party, by reason of such sheriff or deputy being a citizen of such town, or a member of such corporation."[19] At present the sheriff must be a resident of the county for which he is chosen. He cannot act as attorney in a lawsuit.[20] If a sheriff is interested in any process or is related to either of the parties, the process may be served by a sheriff from another county, or by one of his deputies. However, a sheriff is not prevented from serving a process or levying an execution "in any case in which he is plaintiff by virtue of the receiptor given him."[21] Prior to assuming office, the sheriff must deposit in the office of the Secretary of State an attested copy of the record of his birth or, if such record

---

7. New Hampshire Constitution, art. 84 (1792).
8. Laws of New Hampshire, 6:584 (1799).
9. Public Laws of New Hampshire, ch. 36, secs. 1, 2 (1926).
10. Ibid., ch. 36, sec. 5 (1926).
11. Laws of New Hampshire, 6:584 (1799).
12. Public Laws of New Hampshire, ch. 36, secs. 7, 8 (1926).
13. Laws of New Hampshire, 1:157 (1686).
14. Ibid., 2:55 (1703).
15. New Hampshire Constitution, art. 78 (1792).
16. Public Laws of New Hampshire, ch. 18, secs. 1, 2 (1926).
17. New Hampshire Constitution, art. 78 (1792).
18. Public Laws of New Hampshire, ch. 36, secs. 1, 2 (1926).
19. New Hampshire Laws of 1844, ch. 140.
20. Public Laws of New Hampshire, ch. 324, sec. 23 (1926).
21. Ibid., ch. 324, sec. 5 (1926); New Hampshire Laws of 1937, ch. 19,

is not extant, an affidavit stating the date and place of his birth.[22] In 1701 any person not a sheriff and pretending to be one was ordered to be fined not exceeding fifty pounds.[23] At the present time the penalty for impersonating a sheriff, or other officer, is a fine of not more than three hundred dollars.[24]

In 1714 the sheriff was required to give bonds to the Queen in the sum of two thousand pounds.[25] On June 14, 1813 he was required to give bonds to the state. Failure to give these bonds was sufficient cause for his removal by the Governor and Council.[26] An act of June 29, 1829 provided that the sheriff should furnish bond to the county.[27] At the present time, before entering upon his duties, the sheriff must give a bond with sufficient sureties, assuming liability not only for his conduct in office but also for that of his deputies. This bond, not to exceed twenty thousand dollars and subject to the approval of the superior court, is deposited in the office of the clerk of that court.[28] The county pays the premium on the bond.[29]

On March 12, 1768 sheriff's fees were established for writs of summons or scire facias; capias writs or attachments without summonses; attachments with summonses; bail bonds; writs of facias habere possessionem; levies of executions in personal actions; travel in the service of executions in mesne processes; executions upon court judgments for partition of real estate; attendance at trials; defaults; and precepts for the choice of representatives.[30] In 1837 the sheriff of Cheshire County was allowed a salary of two hundred and twenty-five dollars.[31] By an act of June 27, 1857 the marshal or sheriff committing any person for refusing to give evidence in a court martial was allowed the same fees as were allowed to sheriffs for like services on civil processes.[32] In 1927 the salary of the sheriff of Cheshire County was set at nine hundred dollars.[33]

The sheriff on June 14, 1701 was given power to demand necessary assistance in the performance of his duties.[34] An act of June 23, 1813 stipulated that when a sheriff or deputy sheriff while legally attaching personal estate was put to trouble and expense in moving the same, or if he found it necessary to procure assistance, the court should allow him a reasonable sum for such trouble and expense.[35] The act of June 29, 1829 regulating the office of sheriff placed among his powers

---

22. Public Laws of New Hampshire, ch. 18, secs. 1, 2 (1926).
23. Laws of New Hampshire, 1:685-686 (1701).
24. Public Laws of New Hampshire, ch. 394, sec. 18 (1926).
25. Laws of New Hampshire, 2:145 (1714).
26. Ibid., 8:259-260 (1813).
27. Ibid., 10:18 (1829).
28. Public Laws of New Hampshire, ch, 37 (1926).
29. New Hampshire Laws of 1931, ch. 120,
30. Laws of New Hampshire, 3:490-491 (1768),
31. New Hampshire Laws of 1837, ch. CCXXIII, sec, 3,
32. New Hampshire Laws of 1857, ch. 1992, sec, 21 (of Courts Martial).
33. New Hampshire Laws of 1927, ch, 79.
34. Laws of New Hampshire, 1:685-686 (1701).
35. Ibid., 8:246 (1813).

the demanding of aid when needed.[36] At present the sheriff is entitled to command assistance in making arrests.[37]

On December 13, 1796 it was enacted that sheriffs, when deputizing deputy sheriffs, should "make out a certificate of deputation to be in writing under the hand and seal of the Sheriff * * *." No deputy was to be considered as being in office until this certificate was so recorded. In discharging a deputy, the sheriff was required to make out a certificate of dismissal to be read to the deputy by some other deputy sheriff, or some creditable person, and to be recorded in the manner of his certificate of deputation. The sheriff was made responsible for the acts of any discharged deputy until his certificate of dismissal was so recorded.[38] Deputies were to function when the office of sheriff was vacant.[39] The appointing of deputy sheriffs by sheriffs was again mentioned in an act of June 29, 1829.[40] At present the sheriff is authorized to appoint any number of deputies he believes necessary. Such appointments must be made in writing, and recorded with the certificates of the appointees' oaths in a book kept for that purpose by the clerk of the court. The sheriff may appoint a special deputy for the service of any particular process; and may discharge any of his deputies from office by a written notice served by another deputy who may read the notice to the discharged deputy or serve an attested copy.[41]

Before discussing the detailed duties of the sheriff, it might be worth while to mention the county crier, an ancient office relating 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 four pence for calling the jury; twelve pence for a default or non-suit; and twelve pence for a verdict.[42] That the crier had these same duties in 1768 is proved by a listing of his fees in that year.[43] Similar lists in 1791 and 1796 mentioned the defaults, non-suits, and verdicts, but failed to refer to calling the jury.[44] 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.[45] It was enacted in 1816, however, that instead of fees the crier of each court was to receive $2.50 per day in full compensation for his services, to be paid by the county treasurer. The fees which previously had been paid to the crier were to be turned into the county treasury by the clerk of court.[46] An act of 1820 stated that the crier was to be paid two dollars per day.[47] The office disappeared

---

36. Ibid., 10:20 (1829).
37. Public Laws of New Hampshire, ch. 364, sec. 2 (1926).
38. Laws of New Hampshire, 6:370 (1796).
39. Ibid., 8:259-260 (1813).
40. Ibid., 10:19 (1829).
41. Public Laws of New Hampshire, ch. 324, secs. 1, 2, 25 (1926).
42. Laws of New Hampshire, 2:150 (1714).
43. Ibid., 3:491 (1768).
44. Ibid., 5:616-617 (1791); 6:383-384 (1796).
45. Ibid., 7:414 (1805).
46. Ibid., 8:580 (1816).
47. Ibid., 8:1008 (1820).

relatively early in the nineteenth century. The crier for Cheshire County, Elijah Sawyer, last listed in the New Hampshire Register was for the year 1835.[48]

Certain duties of the sheriff were mentioned by October 7, 1692. An enactment of that date stated that "for the more orderly proceedings" in the court of common pleas "all process and writs of what nature soever" summoning persons to appear at court and orders to carry into effect the judgments and executions of the court should be "directed to the Sherife of this province & Executed by him his under Sheriff or deputy * * *."[49] In 1699 it was directed that all writs and processes for bringing any actions or suits to trial in any of the courts should be directed to the sheriff or his deputy.[50] An act of December 6, 1709 directed the sheriff to deliver summonses to the defendant against whom writs of attachment were issued, and to make a return thereon.[51] It was provided, 1714, that when a woman was accorded a judgment to recover her dower in any estate, a writ of seizin was to be directed to the sheriff who was to cause the dower to be set forth by five freeholders.[52] On June 21, 1787 an act directed sheriffs to set off mutual executions against each other.[53] By an act of July 2, 1822 sheriffs, deputy sheriffs, and constables were to serve probate warrants and processes.[54] The serving of all writs and precepts directed to him by lawful authority was among the duties prescribed for the sheriff in an act of June 29, 1829.[55] The same year he was required to serve writs of dower and seizin, after judgment had been given, for the benefit of widows in cases where the heir or freeholder of an estate had not set off or assigned the dower.[56] On July 4 of that year he was empowered to serve writs of execution against the lands, tenements, or hereditaments of judgment debtors.[57] It was enacted, December 10, 1840, that when a defendant in a suit resided in one county and his property lay in another a justice of the peace might require the sheriff in any county to serve the process.[58] By an act of July 4, 1851 sheriffs were prohibited from attaching any homestead not exceeding five hundred dollard in value.[59] At present the sheriff must "by himself or his deputies, serve and execute all writs and other precepts to him directed, issuing from lawful authority."[60] When a creditor obtains a judgment against a debtor and an execution shall have been issued by the

---

48. New Hampshire Register 1835, 72.
49. Laws of New Hampshire, 1:541-544 (1692).
50. Ibid., 1:660-666 (1699).
51. Ibid., 2:96-97 (1709).
52. Ibid., 2:135 (1714).
53. Ibid., 5:254 (1787).
54. Ibid., 9:110-123 (1822).
55. Ibid., 10:18-23 (1829).
56. Ibid., 10:44-47 (1829).
57. Ibid., 10:94-97 (1829)
58. New Hampshire Laws of 1840, ch. DLXII.
59. New Hampshire Laws of 1851, ch. 1089.
60. Public Laws of New Hampshire, ch. 324, sec. 3 (1926).

court, the sheriff carries out the writ of execution. He also enforces writs of possession.[61] If the sheriff avoids payment to an execution creditor of money received by him on the execution for that creditor, he must pay five times the lawful interest thereon during the length of time he retains the funds after they are demanded.[62]

The sheriff was authorized in 1692, in cases where constables neglected their duties in the collection of rates, to collect upon warrant the amount from the estate of the constable in question.[63] On August 5, 1693 the sheriff was empowered to levy rates, by a warrant, on the estate of any person who had removed from the town where he was rated.[64] If the selectmen failed to make rates and assessments raising money to buy provisions for those doing military duty or if the constables failed to collect the same, it was made lawful in 1703 for the sheriff, on complaint, to serve warrants granted by a justice of the peace against the estates of such selectmen and constables.[65] On February 21, 1754 it became the duty of the sheriff to serve warrants issued by a justice of the peace on persons who refused to obey the summons of surveyors of highways to work out their taxes on the roads.[66] By an act of January 10, 1758 the sheriff was required to execute warrants issued for distress and sale of goods of selectmen or justices of the peace who should refuse to arrange for the quartering and billeting of soldiers in a tavern within their town; and also of tavern owners who should refuse to supply the needs of the soldiers at rates established by Parliament.[67] On April 6, 1781 the State Treasurer and the county treasurers were authorized to issue warrants of distress against any two individuals in a town that had failed to levy the annual state and county tax, the warrant to be directed to the sheriff of the county in which the town was situated.[68] Sheriffs were commanded by an act of August 31, 1781 to execute warrants against selectmen of towns delinquent in supplying their quota of West India rum to the Continental Army.[69] The sheriff was empowered, June 21, 1782, to seize vessels and goods forfeited for non-compliance with an act imposing duties on certain goods brought into the state.[70] In 1794 he was given the same power of collecting taxes in unincorporated places as collectors had in towns.[71] At present the state or county treasurer commits assessments for taxes in unorganized places to the sheriff for collection. Sales of land for such taxes must be duly advertised. When concerned with unorganized

---

61. Ibid., ch. 343 (1926).
62. Ibid., ch. 324, secs. 15, 17, 19 (1926).
63. Laws of New Hampshire, 1:555 (1692).
64. Ibid., 1:559-560 (1693).
65. Ibid., 2:55 (1703).
66. Ibid., 3:67-68 (1754).
67. Ibid., 3:164-165 (1758).
68. Ibid., 4:386 (1781).
69. Ibid., 4:415-419 (1781).
70. Ibid., 4:562-563 (1784).
71. Ibid., 6:170 (1794).

places, returns such as collectors are required to make to town clerks are to be made by the sheriff to the clerk of the superior court. The sheriff must deposit with the clerk of the court all documents having to do with his proceedings in the sale of land for taxes.[72]

In 1714 the sheriff was given custody of her Majesty's jail at Portsmouth.[73] It was enacted on September 3, 1767 that in case of the escape of a person imprisoned for debt, after bond had been posted guaranteeing his not attempting to escape, the sheriff must remit the bond to the creditor.[74] By act of March 1780, sheriffs were required to return fugitives from justice to the state from which they had escaped; and to furnish the Council with a list of prisoners in their jails.[75] On November 28, 1781 the sheriff of Cheshire County was required to release people imprisoned as a result of the Vermont controversy, and to apprehend and put in jail any people exercising any pretended authority from Vermont in the county of Cheshire.[76] On June 23, 1786 the sheriff was forbidden to hold the body of a debtor by an execution after the debtor had satisfied the execution.[77] An act of January 14, 1790 directed sheriffs to keep federal prisoners in county jails at the cost of the United States and obligated them to return all money thus received to the county treasurers, except the fees for committing and discharging the prisoners.[78] The sheriff was directed, December 18, 1792, to mark in India ink the forehead of any person convicted of stealing livestock and keep him in custody for not more than thirty days to make sure the marks were securely affixed, for which service the sheriff was to receive a sum from the county treasury.[79] The sheriff was given custody of all the jails in his county on June 24, 1813.[80] An act of June 29, 1820, which prescribed the duties of the sheriff, mentioned the keeping of jails and prisoners within the county, and the appointing of jail keepers.[81] The sheriff still has custody of jails in his county, and of the inmates, which he must keep in person or by deputy, except when the jail is located at the county farm; in that event custody is entrusted to the superintendent of the county farm.[82] He must recommit paroled convicts to the State Prison whenever the parole is revoked. When prisoners from the county jail are employed on highway building, the preparation of road materials, or in forestry work they continue subject to the custody of the sheriff.[83]

On August 17, 1699 it became the duty of the sheriff to impanel grand and petit jurors on a writ of venire facias issued by the clerk of

---

72. Public Laws of New Hampshire, ch. 67 (1926).
73. Laws of New Hampshire, 2:145 (1714).
74. Ibid., 3:471-473 (1767).
75. Ibid., 4:252-253 (1780).
76. Ibid., 4:429-430 (1781).
77. Ibid., 5:173 (1786).
78. Ibid., 5:479 (1790).
79. Ibid., 6:68 (1792).
80. Ibid., 8:259-260 (1813).
81. Ibid., 10:20 (1829).
82. New Hampshire Laws of 1931, ch. 112.
83. Public Laws of New Hampshire, ch. 369, secs. 35, 47, 48 (1926).

the court.[84] The sheriff or coroner was directed, March 1, 1754, to return so many grand and petit jurors as were required by special venires issued by the several courts.[85] An act of July 3, 1776 authorized the sheriff, upon orders from the judge of the Maritime Court, "to fill up the jury with good and lawful men present" whenever a jury panel was not complete.[86] He was obligated in 1791 to return grand jurors when so ordered by the court of general sessions of the peace or the superior court of judicature.[87] At present the sheriff continues to have duties connected with the selection of jurors; and he must cause venires received by him from the clerk of the superior court to be delivered to town clerks twenty-five days before the court convenes. During the session the sheriff, if directed by the court, may return jurors from persons in attendance. Talesmen for grand juries, not more than five in number, may be returned by the sheriff at the direction of the court. The sheriff himself is exempt from juror service; his name is not to be placed on the list.[88]

An act of June 18, 1747 required the sheriff to arrest persons using profane language and to testify against them.[89] 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.[90] The sheriff was given authority (October 28, 1768) to punish demonstrations carried on under pretext of celebrating the anniversary of the "Gunpowder Plot."[91] 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.[92] 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.[93] 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.[94] At present the sheriff possesses general police powers; and by virtue of a warrant may arrest persons offending against the law, or

---

84. Laws of New Hampshire, 1:657-659 (1699).
85. Ibid., 3:71-72 (1754).
86. Ibid., 4:28 (1776).
87. Ibid., 5:584-587 (1791).
88. Public Laws of New Hampshire, ch. 321, sec. 3 (1926).
89. Laws of New Hampshire, 3:29-32 (1747).
90. Ibid., 3:77-80 (1754).
91. Ibid., 3:514-515 (1768).
92. Ibid., 5:75-77 (1785).
93. New Hampshire Laws of 1838, ch. CCCLXXXII.
94. New Hampshire Laws of 1846, ch. 315.

may arrest without a warrant, upon view of an offense. He must bring the offender before the proper court of justice as quickly as possible.[95] It is the duty of the sheriff to attempt to break up riots, and he may summon military assistance for that purpose.[96]

On January 17, 1777 the sheriff was required, after receiving a warrant from the Council and House of Representatives, to execute any judgment or sentence of death passed by the justices of the superior court of judicature.[97] An act of January 13, 1837 required the sheriff to be present at executions unless prevented by sickness or other unavoidable casualty. Two of his deputies, designated by him, were also required to be present. He had authority to require the aid and attendance of such other deputies, constables, prison officers, military guards, and assistants as he saw fit. He was to request the presence of the Attorney-General or solicitor, clerk or clerks of the court in the county, and other citizens.[98] At present death sentences are executed within the walls or yard of the State Prison, and the sheriff of the county where the person was convicted is obliged to be present with two of his deputies.[99]

Among the war duties imposed upon the sheriff during the period of the Revolution were the seizing of goods for the use of the Army and Navy from people who refused to sell such goods; the apprehension of deserters and loyalists; and the rendering of assistance to naval officers in the forcible searching of ships.[100]

An important provision was made February 24, 1786 when a fine of twenty pounds was fixed as a penalty for any sheriff neglecting to return votes agreeable to the Constitution.[101] On June 27, 1857 the sheriff was relieved of the responsibility of returning votes to the Secretary of State, and the town clerk was made solely responsible for such returns.[102] The sheriff performs the duties of the crier of the court.[103]

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.[104] Any person operating a vehicle in the legal transportation of alcoholic beverages must produce his permit on demand of the sheriff.[105]

---

95. Public Laws of New Hampshire, ch. 364 (1926).
96. Ibid., ch. 374, secs. 1, 3 (1926).
97. Laws of New Hampshire, 4:71 (1777).
98. New Hampshire Laws of 1836, ch. CCLXXIII, sec. 5.
99. Public Laws of New Hampshire, ch. 369, sec. 7 (1926).
100. Laws of New Hampshire, 4:78, 92 (1777); 4:177 (1778).
101. Ibid., 5:112-113 (1786).
102. New Hampshire Laws of 1857, ch. 1972.
103. Public Laws of New Hampshire, ch. 324, sec. 3 (1926).
104. New Hampshire Laws of 1935, ch. 148.
105. New Hampshire Laws of 1933, ch. 99, sec. 34.

Sheriff (County Crier) (Next entry 225, p. 144)

The sheriff possesses authority in the enforcement of requirements in the motor vehicle law relating to through ways and stop signs.[106] He must, upon the discovery of any motor vehicle apparently abandoned or seeming to have been involved in an accident, take the vehicle into his custody and cause the same to be stored in some suitable place.[107] The guest registers required for all hotels, public lodging houses, tourist camps, or cabins must be open at all times to the sheriff for inspection.[108] Hawkers' or peddlers' licenses are to be shown to a sheriff on demand.[109] It is his duty to act in cases involving cruelty to animals;[110] and he is obligated, on request, to aid the Commissioner of Agriculture in the investigation of diseases among domestic animals.[111]

The sheriff acts as messenger in insolvency proceedings; and, on warrant from the probate court, takes "possession of all the estate of the debtor, except such as is by law exempt from attachment, and of all his deeds, books of accounts and papers * * *." He "is safely to keep the same until the appointment of an assignee [and he is] to send written notices by mail, or otherwise, to all creditors upon the debtor's schedule, and to publish and give such other notices as the judge may direct."[112] On a warrant from a justice, the sheriff is qualified to search for stolen property, counterfeit bills or coins, implements of counterfeiting, gambling implements, burglars' tools, and other articles illegally possessed.[113]

An act of June 29, 1829, which prescribed the duties and regulated the office of the sheriff, stipulated among his duties the accounting to the county treasurer for all fines and forfeitures imposed by the court of common pleas and the superior court of judicature.[114] By an act of 1859 the sheriff was obligated to settle his accounts of public funds of which he had possession, at least once every year.[115] He is held accountable to the county commissioners for county funds in his possession; and for "fines, forfeitures and costs, for which warrants and other process are issued to him by the clerk [of the superior court] unless he satisfies the commissioners that the same have not and cannot be collected." He must deliver to the commissioners at each term of the superior court a list of uncollected processes for fines, forfeitures, and costs received by him from the clerk of the court, and must return them to the clerk for renewal.[116] The sheriff submits annually to the

---

106. Public Laws of New Hampshire, ch. 90 (1926); New Hampshire Laws of 1929, ch. 119; New Hampshire Laws of 1935, ch. 73.
107. New Hampshire Laws of 1931, ch. 83.
108. New Hampshire Laws of 1927, ch. 68; New Hampshire Laws of 1933, ch. 107.
109. New Hampshire Laws of 1931, ch. 102.
110. Public Laws of New Hampshire, ch. 382, sec. 14 (1926).
111. Ibid., ch. 187, sec. 30 (1926).
112. Ibid., ch. 401, sec. 7 (1926).
113. Ibid., ch. 365 (1926).
114. Laws of New Hampshire, 10:22 (1829).
115. New Hampshire Laws of 1859, ch. 2237.
116. Public Laws of New Hampshire, ch. 324, secs. 15, 17, 19 (1926).

county commissioners a detailed statement of services rendered by him and his deputies chargeable to the county.[117]

The fact that he submits this statement to the county commissioners, and the fact that the annual report of the sheriff is published with the County Reports,[118] obviates the necessity of the sheriff's keeping of financial records. In Cheshire County the only financial records found were a bundle of accounts, 1855-66. The only current record of the sheriff of this county is a record of the appointment of deputies. The law required such appointments to be made in writing. It is the duty of the clerk of court to make a record of sheriffs' deputations.[119] There are eight volumes of sheriffs' deputations in Cheshire County. The question is open to debate as to whether such records should be credited to the clerk of court or the sheriff, but the Survey has credited them to the sheriff because they are the records of the exercise of an important prerogative of that official. In some counties the sheriff keeps a record of fees, but such a record is generally regarded as a personal record of the incumbent, and not a public one.

The bundle of sheriff's accounts are located in the basement hallway of the courthouse. The records of the appointments of deputies are found in the clerk of court's basement vault and the first floor inner vault.

For sheriff's annual reports, see entries 3, 4.

225. [Appointment of] DEPUTY SHERIFF, 1797--. 9 vols. (1-8, 8 vols., 1797-1898; unnumbered, 1 vol., 1899--). Prior records missing.

Appointments of deputy sheriffs showing salutation, oath, date of appointment, names of sheriff and appointee, and term of office. Arr. chron. by dates of appointments. 1797-1823, 1829--, no index; 1824-30, indexed alph. by names of deputies. Hdw., and hdw. on ptd forms. 200 pp. 12 x 8 x 1. 3 vols., 1797-1823, 1829-37, bsmt. v.; 6 vols., 1823-30, 1838--, inner v.

For related court appointments, see entry 149.

226. [SHERIFFS' ACCOUNTS], 1855-66. 1 bundle in wooden box. Isolated record.

Name of sheriff or deputy, and itemized fees with purpose and amount. No obvious arr. No index. Hdw., and hdw. on ptd. forms. 10 x 4 x 2. Bsmt. hallway.

VIII. MEDICAL REFEREE (CORONER)

Coroners were an outgrowth of an old English office designed to "defend the King's judicial and financial rights in the shire." Toward the close of the twelfth century Hubert Walter, Archbishop of Canterbury and chief officer of the Crown, ordered "that the suitors of the Shire Court,

---

117. Ibid., ch. 324, sec. 18 (1926).
118. Ibid., ch. 41, sec. 1 (1926).
119. Ibid., ch. 324, sec. 1 (1926).

Medical Referee (Coroner) (Next entry 227, p.149)

in other words the local gentry, should choose four of their own number to act as Coroners."[1] It was not surprising that an English office so long established should appear at an early date among the English settlers in the New World. Though the commission given Governor Samuel Allen when New Hampshire was organized as a royal province in 1692[2] did not mention the office of coroner, yet the province must have adopted this office at an early date since an enactment of August 7, 1699 provided that in cases where the sheriff was a party or related to either of the parties the jury was to be impanelled and returned by the coroner, who was also empowered to serve writs where the sheriff was concerned.[3] By the act of county organization, 1769, the coroner ceased to be a provincial officer and became a county officer.[4] The Legislature in 1903 replaced the office of coroner with that of medical referee.[5] The Constitution of New Hampshire for 1792 provided that coroners should be nominated and appointed by the Governor and Council.[6] In 1903 the Governor and Council were directed to appoint "in each county able and discreet men, learned in the science of medicine, to be medical referees in such county as they reside."[7]

In 1829 coroners were required to be commissioned for a term of five years.[8] The same term of office for medical referees was designated in the act of 1903.[9] An act of 1718 required the coroner to take due oath for the faithful performance of his duties, prior to assuming office.[10] By an act of February 12, 1794 a coroner's oath could be administered by any justice of the peace in his county.[11] In 1903 medical referees were required to be duly sworn before entering office.[12]

"An Act Regulating the Office of Coroner" passed July 3, 1829 to take effect December first of that year provided that coroners were to hold their office subject to removal by act of the Senate or by the Governor and Council on the address of both Houses of the Legislature.[13] In 1903 it was stipulated that when the medical referee for the county concerned was ill or absent from the state, the county solicitor should designate a referee from an adjoining county to act in the particular instance. Medical referees were also made liable to removal for cause at any time by the Governor and Council.[14] At the present time it is stipulated that each referee is to "deputize competent physicians to act

---

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 Laws of 1903, ch. 134.
6. New Hampshire Constitution, art. 46 (1792).
7. New Hampshire Laws of 1903, ch. 134, sec. 1.
8. Laws of New Hampshire, 10:54-58 (1829).
9. New Hampshire Laws of 1903, ch. 134, sec. 3.
10. Laws of New Hampshire, 2:320 (1718).
11. Ibid., 6:142-143 (1794).
12. New Hampshire Laws of 1903, ch. 134, sec. 4.
13. Laws of New Hampshire, 10:54-58 (1829).
14. New Hampshire Laws of 1903, ch. 134, secs. 2, 3.

in all cases, whenever from ill health or other cause such referee cannot attend."[15]

In 1768 coroners' fees for serving writs, attending trials, taking inquisitions, and traveling were regulated.[16] An act of 1836, authorizing the giving to corporations and interested individuals of notices of petitions to the General Court, provided that such notices might be served by any coroner whose fees were to be paid by the petitioners.[17] At present fees allowed a medical referee must not exceed five dollars for a view and inquiry without an autopsy; ten dollars a day for the time actually spent in holding an inquest; and ten cents a mile for travel.[18] On July 5, 1839 it was enacted that when any action should be commenced thereafter against any coroner for any official misconduct or default in his office, it should be an action on the case and not an action of debt.[19]

At least by 1718 the duties of the coroner were specifically prescribed. He was empowered to take inquests of felonies and other violent and casual deaths occurring in the province. Upon the occurrence of a violent or untimely death, he was to issue a warrant to the constables of the town concerned requiring them to summon eighteen jurymen to appear before him. After the jurors were sworn, the coroner was to charge them to declare if the person died from felony, mischance, or accident: if by felony, whether by his own act or the act of others; and if by mischance or misfortune, whether by divine or human means. The jury was to declare in detail all of the circumstances of the death that could be arrived at from presumption and was to deliver its written and attested verdict to the coroner who was to make return at court of all the inquisitions taken before him; and in case of verdict of death by felony or misfortune of another was to inform one or several justices of the peace for the apprehension and securing for trial of the accused party.[20] An act of June 13, 1823 provided that no coroner should take inquests of violent or casual deaths in his county without the written consent of a majority of the selectmen of the town in which the death occurred. When any inquest was taken by the coroner, he was to summon three reputable freeholders, one of whom must be a justice of the peace. After taking the prescribed oath, they might inquire as to the cause and circumstances of the death.[21]

An act of 1829 recapitulated the provisions of previous acts with some few changes. It was the duty of the coroner's jury of three freeholders to determine, on the basis of the evidence, whether the deceased succumbed from accident or felony, and the circumstances of his death. The jury was required to deliver its written verdict to the coroner to be signed by him and returned with written evidence and any recognizances

15. Public Laws of New Hampshire, ch. 376, sec. 5 (1926).
16. Laws of New Hampshire, 3:491 (1768).
17. New Hampshire Laws of 1836, ch. CCXCIX (Approved January 13, 1837).
18. Public Laws of New Hampshire, ch. 376, sec. 27 (1926).
19. New Hampshire Laws of 1839, ch. CCCCLIII.
20. Laws of New Hampshire, 2:320-324 (1718).
21. Ibid., 9:179-180 (1823).

that might have been taken to the next superior court of judicature. In the case of felony or misfortune by another, the coroner was bound to inform a justice of the peace of the county so that the person killing or being instrumental in the death of the deceased might be arrested. After the inquest the coroner was required to bury the body decently, the expenses of such burial to be paid to the coroner out of the county treasury, his account being examined and allowed by the justices of the superior court.[22] It was enacted on July 10, 1874 that in the event of the sudden death of any patient in the New Hampshire Asylum for the Insane, a coroner's inquest should be held.[23] An act two years later provided that no coroner's inquest should be held at the expense of any town, city, or county unless the coroner had received a written request to hold the same from the selectmen of the town or the aldermen of the city, the solicitor for the county, or the Attorney-General.[24]

New provisions were made in 1903 concerning the duties of the medical referee. Upon receipt of notice that death, supposedly by violence or unlawful act, had occurred within his county, he was to view the body as soon as he could get to the place where it was located, and inquire into the cause and manner of death. If it should seem to him that further examination should be made, he was to notify the county solicitor; and, upon written authorization, was to make an autopsy in the presence of two suitable persons, one of them a physician whose attendance he might compel by subpoena if necessary. Immediately he was to write or cause to be written "every fact and circumstance tending to show the condition of the body and the cause and manner of death, together with the names and addresses of said witnesses giving evidence to which record he shall subscribe."[25]

If he believed that death was caused by violence, criminal or otherwise, he was to notify the Attorney-General and the county solicitor, and furnish each an attested copy of the record of the case. He was also to report to the city or town clerk all essential facts concerning the death, with a personal description of the deceased for identification. If the Attorney-General or the county solicitor believed that a death was caused by violence or unlawful act, either of these officials possessed authority to direct an inquest, even though the medical referee was of a contrary opinion.[26]

In his investigation the medical referee with the advice and consent of the Attorney-General or the solicitor may summon the aid of a chemist or other expert. He might employ a clerk to do the necessary writing connected with the investigation. After the completion of the examination, the medical referee was to deliver the body to relatives or friends of the deceased. If the body was unidentified or unclaimed it was to be buried at public expense; unless, with the consent of the county commissioners or the overseer of the poor in the town, it was to be sent to the medical department of Dartmouth College.[27]

---

22. Ibid., 10:54-58 (1829).
23. New Hampshire Laws of 1874, ch. CII.
24. New Hampshire Laws of 1876, ch. XIX.
25. New Hampshire Laws of 1903, ch. 134, sec. 5.
26. Ibid., ch. 134, secs. 6-8.
27. Ibid., ch. 134, secs. 9, 10.

Medical Referee (Coroner) (Next entry 227, p. 149)

It was the duty of the medical referee to take charge of money and other personal property found with the body of the deceased, and deliver the same to the person or persons entitled to receive such property. If any doubt should exist as to who was the rightful owner of the property, he was to seek instructions from the judge of probate. An account of the expenses of each case must be submitted to the county solicitor for auditing and approval before payment by the county treasurer.[28]

If they deemed necessary, the medical referee and the county solicitor might procure a physician or surgeon as one of the witnesses at an autopsy, who was to be accorded reasonable compensation. Such compensation was to be audited by the referee and the solicitor.[29]

At present any person discovering the body of any person suspected of meeting death from violence or unlawful act is required to notify the medical referee and the county solicitor. Autopsies are to be made by a pathologist of the State Laboratory of Hygiene in the presence of the medical referee and witnesses designated by the referee. If circumstances do not permit such pathologist to make the autopsy, the solicitor is to determine under whose supervision the autopsy is to be made.[30]

When the Attorney-General or the county solicitor receive the reports of the medical referee and find that some persons are probably implicated, either may "authorize the referee to take an inquest upon the view of the dead body of a person whose death is supposed to have been occasioned unlawfully, and said referee shall thereupon summon to appear before him such witnesses as the attorney-general or county solicitor may direct, who shall be examined under oath by said attorney-general or solicitor."[31]

After an inquest the referee must report to the superior court his conclusions as to the manner in which the deceased met his death; if by homicide, the name of the guilty party if known to him. He must furnish to the Attorney-General and the county solicitor a copy of his report to the court.[32]

The coroner was required by an act of June 18, 1747, upon hearing any person use profane language, to give information to a justice of the peace in order to secure conviction of the offender.[33] Coroners were required in 1785 to bring profanations of the Sabbath to the attention of justices of the peace.[34] An act of 1754 required the sheriff or coroner, whenever a sufficient number of jurors should be lacking, to return the number required, by means of a special venire issued by the several courts.[35]

An act of 1836 authorized notification of corporations and interested individuals of notices when petitions were to be presented to the General Court, and provided that such notices might be made or served

---

28. Ibid., ch. 134, secs. 11, 12.
29. Ibid., ch. 134, sec. 13.
30. Public Laws of New Hampshire, ch. 376, secs. 6, 11, 12 (1926).
31. Ibid., ch. 376, sec. 17 (1926).
32. Ibid., ch. 376, sec. 19 (1926).
33. Laws of New Hampshire, 3:32 (1747).
34. Ibid., 5:76 (1785).
35. Ibid., 3:71-72 (1754).

by any coroner.[36] In 1841 coroners, as well as sheriffs and deputy sheriffs, were empowered to commit fradulent debtors to jail on a mittimus from the justices of the court of common pleas.[37]

An act of July 10, 1846 forbade coroners to be concerned in any way with the apprehension of fugitive slaves. The penalty for violation of this act was a fine of not less than five hundred dollars nor more than one thousand dollars, or imprisonment for not less than six, nor more than twelve months.[38] This act was of particular significance since it was in line with the growing determination of northern states to resist the extradition of runaway slaves. On June 27, 1859 it was enacted that every coroner handling public funds should settle his accounts at least once a year.[39]

With regard to records: the 1903 law provided that the Attorney-General and the Secretary of State were to agree upon the form of record books, blanks, and other necessary papers to be printed at the expense of the state and distributed to the medical referees. The referees were to enter their reports on the prescribed forms, and keep them ready for inspection by the solicitor or the Attorney-General. Whenever a medical referee should vacate his office, he was to turn the records over to his successor.[40]

At the present time the only records of the Cheshire County Medical Referee consists of his reports to the county solicitor, which are kept in the custody of the Attorney-General at the State House, Concord.

227. [Records of Medical Referee] COUNTY SOLICITOR, CHESHIRE CO., 1916--. 1 packing case, 1 folder in f.d. Prior records destroyed. Survey workers not permitted to examine packing case containing records 1916-22.

Reports of medical referees to county solicitors 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, referees' findings as to cause of death, date of death, and signature of referee.

---

36. New Hampshire Laws of 1836, ch. CCXCIX, sec. 3. (Approved January 13, 1837).
37. New Hampshire Laws of 1841, ch. DXCIX, sec. 1.
38. New Hampshire Laws of 1846, ch. 315.
39. New Hampshire Laws of 1859, ch. 2237.
40. New Hampshire Laws of 1903, ch. 134, sec. 14.

Arr. chron. For index, see entry 228. Hdw. and typed on ptd. forms, and typed. Folder, 10 x 13 x 1; f.d., 11 x 16¾ x 25. 1 packing case, 1916-22, bsmt.; 1 folder, 1923--, off.

For coroners' inquests, 1771-1903, see entry 137.

228. [INDEX TO REPORTS OF MEDICAL REFEREES], 1916--.
5 f.b. (labeled by inclusive letters of the alphabet).

Index to medical referees' reports of all counties, including [Records of Medical Referees] County Solicitor, Cheshire Co., entry 227, showing name of deceased, date of report, and number or name of folder containing report. Arr. alph. by names of deceased. Typed. 4 x 5¾ x 16. Off.

IX. 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 and 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] Although this office is not mentioned in the act of county division which instituted Cheshire County,[3] a law of 1789 provided that a solicitor should be appointed for each of the counties by the Governor and Council.[4] In 1877 the office was made an elective one.[5] No person is eligible for this office unless he is a resident of the county for which he is chosen, and no person may hold this and any other office at the same time.[6] In 1799 an act was passed setting the tenure of office at five years.[7] At the present time, however, the solicitor serves two years, being chosen at biennial elections and taking office on the first day of April next succeeding his election.[8]

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, said bond to be kept by the Secretary of State.[9] In 1860 an act was passed increasing the amount of the bond to five thousand dollars,[10] which is the amount at the present time.[11] In January 1861

---

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, 3:524-530 (1769).
4. Ibid., 5:463 (1789).
5. New Hampshire Constitution, art. 71 (1792). (Provision inserted 1877).
6. Public Laws of New Hampshire, ch. 36, sec. 2 (1926).
7. Laws of New Hampshire, 6:584 (1799).
8. Public Laws of New Hampshire, ch. 36, sec. 1 (1926).
9. Revised Statutes of New Hampshire, ch. 13, secs. 6, 7 (1842).
10. New Hampshire Laws of 1860, ch. 2348.
11. Public Laws of New Hampshire, ch. 37, sec. 2 (1926); New Hampshire Laws of 1931, ch. 120.

provision was made for solicitors to be paid by their respective counties rather than by the state.[12] The salary of the solicitor in Cheshire County is twelve hundred dollars and expenses.[13] 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 office, the superior court is to appoint a solicitor for the time being.[14]

By an act of June 22, 1829, the county solicitor was to take charge of all suits and prosecutions instituted in the state, which might be pending in the court of common pleas in his respective county; prosecute or defend any suit in which the county was interested; examine and audit all claims which might be presented for allowance against the county; and tax all bills of cost in any suit or prosecution in which the county or state might be a party, and certify the same to the court.[15]

In 1836 solicitors were required to prosecute all offenses against an act prohibiting the emission and circulation of bank bills of a small denomination;[16] and to be present at the execution of a sentence of death in their respective counties.[17] From time to time acts have been passed adding the prosecution of various crimes to the original duties of the solicitor. Such, for instance, as one of July 14, 1855, "An Act for the suppression of Intemperance," making it compulsory for a solicitor upon written complaint to prosecute any and all offenders against the act;[18] a similar act of 1921 relating to the crime of arson or incendiarism;[19] and another of the same year relating to motor vehicles in the carriage of passengers for hire.[20]

The solicitor must prosecute every person guilty of violating the general provisions to insure the purity of elections[21] and the acts concerning political expenditures;[22] cruelty to or neglect of children;[23] employment of illiterates;[24] sale of spirituous or intoxicating liquors;[25] maintenace of nuisances;[26] horse racing;[27] forest fire regulations;[28]

---

12. New Hampshire Laws of 1861, ch. 2486.
13. New Hampshire Laws of 1937, ch. 117.
14. New Hampshire Laws of 1937, ch. 38.
15. Laws of New Hampshire, 10:9 (1829).
16. New Hampshire Laws of 1836, ch. CCCVI.
17. Ibid., ch. CCLXXIII.
18. New Hampshire Laws of 1855, ch. 1658.
19. New Hampshire Laws of 1921, ch. 46.
20. Ibid., ch. 59.
21. Public Laws of New Hampshire, ch. 33, secs. 2, 21, 22 (1926).
22. Ibid., ch. 34, secs. 12-14 (1926).
23. Ibid., ch. 113, secs. 5, 11 (1926); New Hampshire Laws of 1937, ch. 152.
24. Public Laws of New Hampshire, ch. 118, sec. 47 (1926).
25. Ibid., ch. 144, secs. 56, 57, 59-61 (1926); New Hampshire Laws of 1895, ch. 87, sec. 2.
26. Public Laws of New Hampshire, ch. 360, secs. 3, 37 (1926).
27. New Hampshire Laws of 1933, ch. 62, sec. 25; New Hampshire Laws of 1935, ch. 27, sec. 26.
28. New Hampshire Laws of 1927, ch. 50.

and acts relative to unemployment compensation.[29] Whenever requested, he is required to give assistance and advice to parole officers and the various county officers.[30] The State Department of Public Welfare may request the solicitor to represent and advise them.[31]

By an enactment of June 27, 1859, every solicitor was required to render an account to the state at least once a year. If a solicitor failed to do so, his bond was liable to suit; but if no bond had been filed, the delinquency was to be held a misdemeanor and prosecuted by indictment or information in the supreme judicial court. The solicitor, if found guilty, was to be punished by a fine not less than the sums retained by the solicitor, or by imprisonment of not less than thirty days nor more than one year, or by both.[32]

In his annual report[33] the county solicitor must include full statistics regarding crimes and misdemeanors committed in his county.[34] At the close of each term of court he must transmit to the county commissioners a list of all civil actions pending at the term of court in favor of or against the county, with the names of the parties, the nature and amount of the claims, and the progress made in each case, for neglect of which he is liable to a fine of twenty dollars.[35]

The solicitor in Cheshire County keeps no public records at the present time, but some old accounts have been found in the basement vault of the clerk of court, at the courthouse. This may have been merely a record kept by the incumbent at that time for his own convenience.

For annual reports of solicitor, see entries 3, 4.

229. [SOLICITOR'S ACCOUNTS], 1855-61. 1 vol.
Isolated record.
Solicitor's accounts of fees due: date, service rendered, and amount.
Arr. chron. No index. Hdw. 200 pp. 14 x 9 x ¾.

X. COUNTY TREASURER

The office of county treasurer was not mentioned in the act of county organization, 1769; but the court of general sessions of the peace was authorized to raise money for the payment of bills against the county.[1] A county treasurer, as such, had appeared by the beginning of the Revolution. The brief constitution of 1776 provided that the voters of each county should choose a treasurer annually, the votes for this office to be returned to the court of general sessions

29. New Hampshire Laws of 1937, ch. 178, 14B.
30. New Hampshire Laws of 1935, chs. 66, 127.
31. New Hampshire Laws of 1931, ch. 165, sec. 7.
32. New Hampshire Laws of 1859, ch. 2237.
33. Public Laws of New Hampshire, ch. 41 (1926); New Hampshire Laws of 1931, ch. 47.
34. Public Laws of New Hampshire, ch. 16, sec. 24 (1926).
35. Ibid., ch. 16, sec. 25 (1926).
1. Laws of New Hampshire, 3:524-530 (1769).

of the peace in the particular county, there to be ascertained as the Council and Assembly might direct.[2] Detailed provisions were made December 13, 1776 in regard to the handling and counting of the votes.[3]

An act of June 10, 1802 directed that whenever the office of county treasurer was vacant and no provision for filling such vacancy had been made, the justices of the court of common pleas were authorized to meet and appoint a county treasurer. The appointee, however, could not hold office until he had given bonds and been sworn as the law directed.[4] From June 26, 1823 a forfeit of not less than twenty nor more than fifty dollars was to be required of any town clerk who should "neglect, or refuse to make return of any votes for * * * county treasurer."[5] At the present time the county treasurer is elected by ballot at each biennial election for a term of two years, and takes office on April first succeeding the election.[6] The justices of the superior court examine, count, and record the votes for county treasurer, and declare elected the person having the highest number of votes.[7] In case of a tie vote the court appoints one of the candidates to fill the office, such candidate being declared duly elected.[8] The county treasurer is subject to removal by the superior court for official misconduct.[9] If a person elected to the office of county treasurer declines to accept, moves from the county, resigns, dies, or becomes insane, the superior court may declare the office vacant,[10] and appoint a commissioner to perform the duties of the office.[11] If any county treasurer becomes temporarily unable to perform the duties of his office, the superior court may, upon application of the county solicitor or a majority of the county commissioners, declare a temporary vacancy and appoint some person to fill the vacancy for a limited period expressed in the appointment, and may give compensation to the appointee for services and expenses.[12]

County treasurers were exempted from military duty by an act of December 28, 1792.[13] The treasurer is required to be a resident of the county for which he is elected.[14] An act of December 13, 1776 provided that the treasurer must furnish bond, with two sufficient sureties, in the sum of two thousand pounds to the clerk of the court of general sessions of the peace in the county, before taking office.[15] For the

---

2. B. P. Poore, Federal and State Constitutions, (Washington, 1877), 2:1280.
3. Laws of New Hampshire, 4:63 (1776).
4. Ibid., 7:54 (1802).
5. Ibid., 9:202-203 (1823).
6. Public Laws of New Hampshire, ch. 36, sec. 1 (1926).
7. Ibid., ch. 36, sec. 4 (1926).
8. Ibid., ch. 36, sec. 5 (1926).
9. Ibid., ch. 36, sec. 7 (1926).
10. Ibid., ch. 36, sec. 8 (1926).
11. Ibid., ch. 36, sec. 9 (1926).
12. New Hampshire Laws of 1937, ch. 38, sec. 1.
13. Laws of New Hampshire, 6:85 (1792).
14. Public Laws of New Hampshire, ch. 36, sec. 2 (1926).
15. Laws of New Hampshire, 4:64 (1776).

protection of any person who may be injured by the neglect or misconduct of the county treasurer, the latter must now give a surety bond, approved by the county commissioners, of not less than five thousand nor more than fifty thousand dollars, to be deposited in the office of the clerk of court for the particular county. The premium of this bond is paid by the county.[16]

By act of April 6, 1781, the treasurer was authorized and required to issue executions for levying county taxes.[17] In 1786 it became his duty, whenever the court of general sessions of the peace caused a new highway to be laid out through unincorporated land, to advertise four weeks successively in a New Hampshire newspaper that the proprietors of the land make such roads passable within a reasonable time. In case any such road was not completed to the satisfaction of the court above mentioned, the treasurer was authorized to cause the land to be advertised for taxes, the owners having to pay the treasurer within sixty days to prevent the land from being sold at vendue.[18] On February 22, 1794 the county treasurer was given the same authority as the State Treasurer in regard to collecting county taxes, and was required to transmit the warrants for such to the several county sheriffs. He was further given authority to collect taxes in such towns and places as should be incapable of choosing town officers.[19] An act of 1801 reaffirmed his power to assess and collect the taxes which had been granted and appropriated for his county.[20] In 1831 the county treasurer was again empowered to "assess the proportion of taxes to any place unincorporated, having so few inhabitants as to be incapable of choosing town officers, and commit the same to the Sheriff of the county where the said place lies, with a warrant under his hand and seal empowering the Sheriff to collect the same * * *."[21] At present taxes granted by the county convention are payable to the county treasurer who issues his warrants to the selectmen of the respective towns to make assessments for the taxes due from their towns and to pay these assessments to him on or before December first of each year.[22]

Extents issued by the county treasurer under his hand and seal in cases authorized by law are to be deemed execution 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.[23] Taxes in unorganized places where other arrangements have not been made are assessed to the proprietors in one sum by the county treasurer, unless he is notified prior to December thirty-first that the property has been divided. The treasurer commits the taxes for

---

16. Public Laws of New Hampshire, ch. 37, secs. 1-5 (1926).
17. Laws of New Hampshire, 4:386 (1781).
18. Ibid., 5:120 (1786).
19. Ibid., 6:221 (1793).
20. Ibid., 7:23-24 (1801).
21. Ibid., 10:239-240 (1831).
22. Public Laws of New Hampshire, ch. 39, sec. 10 (1926).
23. Ibid., ch. 71, secs. 1-4 (1926).

collection to the sheriff, who is liable to an extent in the event of any delinquency on his part.[24] The balance of the state income tax remaining in the hands of the State Treasurer on December thirty-first each year is distributed by him to the cities, towns, and unorganized places. The county treasurer receives a proportionate share of this balance when the owner of taxable income resides in any unorganized place.[25] The treasurer is required to report to the State Tax Commission in regard to the assessment of property and the collection of taxes.[26] He must keep his accounts in the form prescribed by that commission.[27] Once in three months the county auditors examine the treasurer's accounts and report to the State Tax Commission.[28]

In 1787 the county treasurer was to receive from the clerk of court three-fourths of the fees paid to the latter official for issuing liquor licenses.[29] It was enacted in 1855 that proceeds from the sales of confiscated liquors were to be deposited with the county treasurer and paid to a trustee appointed by the court of common pleas for the use of the wife and children of the former owner of the liquor, provided the court was satisfied of their need.[30] At the present time the treasurer of the county in which the case is tried receives for the use of the county the net proceeds of any sales of liquor bottles, cases, automobiles, etc. seized from persons convicted of violating regulations for the traffic in intoxicating liquors. He also receives proceeds from the sales of any liquor or beverage taken from the person or car of those convicted of drunken driving.[31]

An act of January 14, 1790 directed sheriffs to turn over to the county treasurer all funds, except customary fees for committing and discharging prisoners, that they should receive from the United States Government in connection with the keeping of Federal prisoners in a jail of which they were custodian.[32] By an act of December 18, 1792, the county treasurer was required to pay a certain sum to the sheriff who marked in India ink the forehead of any person found guilty of stealing livestock.[33] It was enacted, January 9, 1795, that all sums allowed by courts for the apprehending of offenders against the laws of the state should be drawn on the county treasury.[34] In 1829 compensation for county solicitors was directed to be paid to them from the county treasury.[35] An act of July 3, 1829 required the treasurer to pay the coroner for expenses involved in burying cadavers after the coroner's account had been examined and allowed by the justices of the superior court.[36] On July 4, 1837 sheriffs were directed to make annual attested

---

24. Ibid., ch. 67, secs. 1-3 (1926).
25. New Hampshire Laws of 1929, ch. 32, sec. 1.
26. Public Laws of New Hampshire, ch. 68, sec. 11, paragraph IX (1926).
27. New Hampshire Laws of 1933, ch. 165.
28. Public Laws of New Hampshire, ch. 35, sec. 19 (1926).
29. Laws of New Hampshire, 5:285-287 (1787).
30. New Hampshire Laws of 1855, ch. 1658, sec. 22.
31. New Hampshire Laws of 1935, ch. 148, sec. 29d.
32. Laws of New Hampshire, 5:479 (1790).
33. Ibid., 6:68 (1792).
34. Ibid., 6:221 (1795).
35. Ibid., 10:9 (1829).
36. Ibid., 10:54-58 (1829).

returns to the treasurers of their respective counties of their own and their deputies' accounts of fees which should accrue to them by virtue of their office for the travel, service, and levy of all writs of mesne processes. The treasurers were required to state the same in their annual published statements.[37] The treasurer was authorized in 1838 to pay to jailers or deputy jailers prison charges on account of any prisoner originally committed on civil process, and later detained for non-payment of prison charges, but released by virtue of the then present act, provided the charges were allowed by the court of common pleas for the county in which the prisoner was detained.[38] At present the treasurer may not pay any claim of a jailer against the county without the allowance of the county commissioners.[39] Fees of grand and petit jurors, those chargeable against the county in criminal prosecutions, and the incidental expenses of court are paid by the treasurer upon the order of the superior court.[40]

An act passed February 21, 1794 instructed the county treasurer to give annually to the court of common pleas a financial statement of what moneys were in his opinion necessary to be raised, and the purposes for which they were needed.[41] An act of 1801 empowering the county treasurer to pay contingent expenses out of the treasury on orders from 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.[42] 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 statement 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 * * *." 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 each year.[43] An act of February 16, 1921 stated that "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 the case of payments, the name of the payee, the voucher number and amount, properly classified according to the uniform classification prescribed by said commission * * *."[44] The county treasurer is

37. New Hampshire Laws of 1837, ch. CCCXXIII.
38. New Hampshire Laws of 1838, ch. CCCLXX.
39. Public Laws of New Hampshire, ch. 38, sec. 13 (1926).
40. Ibid., ch. 39, sec. 4 (1926).
41. Laws of New Hampshire, 6:156 (1794).
42. Ibid., 7:23-24 (1801).
43. Ibid., 9:247 (1823).
44. New Hampshire Laws of 1921, ch. 5.

still required to keep a record of all receipts and payments of county funds in a book prescribed by the State Tax Commission.[45] Annually, or oftener if required, the treasurer renders to the county commissioners a true and minute statement of all sums received and disbursed since the last statement.[46] The report of the county treasurer to the close of December thirty-first each year is printed with the reports of the other county officers in the month of January following.[47]

An act of 1821 required peddlers to pay an annual license fee of twelve dollars to the county treasurer.[48] At the present time, however, such fees are paid to the treasurer of the city or town where the peddler operates, rather than to the county.[49] On July 2, 1831 the court of common pleas was authorized to draw orders on the county treasurer for the county's portion of the expense of making new highways.[50] The county treasurer was obligated in 1839 to honor any order submitted by the court of common pleas for money to be sent to towns in support of public highways which the court considered too heavy a burden for the towns. Such an order, however, could not exceed one-half of the total expense of the highways.[51]

An act of July 1, 1843 provided that "whenever the money in the treasury of any county shall be insufficient to meet the demands upon the same, the treasurer, upon an order of the court of common pleas, may borrow such sum as they shall deem necessary for that purpose, and may bind the county for the re-payment of the same."[52] At present county bonds issued by the county commissioners upon authorization of the county convention are to be in denominations of two hundred, five hundred, and one thousand dollars, bear interest at not over six per cent per annum, and be countersigned by the county treasurer.[53] The county treasurer, on order of the county commissioners with the approval of the superior court and the county convention, may borrow necessary sums on note of the county, whenever the funds in the treasury are insufficient to meet the demands. Notes given for this purpose must be countersigned by the treasurer.[54]

The county treasurer must not pay any pauper bill without the allowance of the county commissioners.[55] Pauper accounts, county convention appropriations, and all other sums which may be charged to the county are paid upon order of the county commissioners, provided the order states briefly the nature of the claim.[56] On order of the commissioners, county treasurers are required to reimburse towns for money

---

45. Public Laws of New Hampshire, ch. 38, sec. 18 (1926).
46. Ibid., ch. 39, sec. 7 (1926).
47. Ibid., ch. 41, sec. 1 (1926).
48. Laws of New Hampshire, 9:39-41 (1821).
49. Public Laws of New Hampshire, ch. 157, sec. 5 (1926).
50. Laws of New Hampshire, 10:276 (1831).
51. New Hampshire Laws of 1839, ch. CCCCXXXV.
52. New Hampshire Laws of 1843, ch. 34, sec. 1.
53. Public Laws of New Hampshire, ch. 38, sec. 21 (1926).
54. Ibid., ch. 39, secs. 8, 9 (1926); New Hampshire Laws of 1933, ch. 185, sec. 1.
55. Public Laws of New Hampshire, ch. 38, sec. 13 (1926).
56. Ibid., ch. 39, secs. 5, 6 (1926).

expended on paupers.[57] By a law of 1935 all claimants for aid to the blind, accepted by the county commissioners for relief, were paid not over thirteen dollars per month by the county treasurer who kept records, reports, and accounts of these transactions, as prescribed by the State Department of Public Welfare.[58] Care of the needy blind at the present time, is an exclusive state function, however.[59]

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.[60] 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.[61] County treasurers receive permit fees and issue permits for motor vehicle registrations to persons residing in unorganized places, receiving twenty-five cents for each permit issued.[62]

The treasurer's records in Cheshire County are relatively meager. This official, however, at the present time keeps a record of county receipts and expenditures. Older records include those of financial transactions concerning the superior court, treasurer's reports to the county convention, and stubs of receipts given by treasurer.

Treasurer's records are found in the attic storeroom, the county commissioners' outer office, and the basement vault of the clerk of court.

For annual reports of the treasurer, see entries 3, 4.

Reports

230. C. C. P. ACCOUNTS AND CONVENTION PROCEEDINGS [Treasurer's Reports to County Delegation], 1794-1813. 1 vol. (dated). Prior records not kept. 1811-31 in entry 1.
Records of county treasurer's reports to representatives of Cheshire County in convention showing expenditures: date, to whom, purpose, and amount. Arr. chron. No index. Hdw. 350 pp. 12½ x 7½ x 1¼. Bsmt. v.

231. [TREASURER'S STATEMENTS], 1862-1907. In entry 47.
Treasurer's report to county commissioners of financial condition of county: date, previous balance, amounts received and source, amounts disbursed and purpose, and present balance.

---

57. New Hampshire Laws of 1933, ch. 137, sec. 1.
58. New Hampshire Laws of 1935, ch. 137, sec. 13.
59. New Hampshire Laws of 1937, ch. 202.
60. Public Laws of New Hampshire, ch. 39, secs. 2, 3 (1926).
61. Ibid., ch. 39, sec. 11 (1926).
62. Ibid., ch. 100, sec. 17 (1926).

County Treasurer - Receipts and Payments; Tax Receipts; Bonds; Orders (232-236)

Receipts and Payments

232. CHESHIRE COUNTY TREASURER'S CASH BOOK, Apr. 1925-Dec. 1933, 1936--. 4 vols., 1 bundle. Title varies: Cheshire County Receipts and Payments.

Receipts: date, taxes, other and total. Payments: date, name, particulars, check number, amount, claim number, and purpose (county farm, poor off farm, aid to soldiers and their families, board and care of children, jail, hospital, county officers' salaries and expenses, care and supplies for courthouse, superior court expenses, such as jury payrolls, state vs--payrolls, counsel fees, stenographer, clerk of court, and sheriff and deputies, outlay for construction and equipment, principal and interest of indebtedness, farm bureau, and amount and account of all other payments). Arr. chron. by date of entry. No index. Hdw. on ptd. headings. Vols., 300 pp. 11½ x 20 x 2½; bundle, 11 x 9 x 1. 2 vols., 1 bundle, 1925-33, 1936, attic; 2 vols., 1937--, outer off.

233. COUNTY TREASURERS BOOK; TREASURERS RECORD-CHESHIRE COUNTY, 1824-26, 1914-21. 2 vols. Isolated record.

Receipts and payments: date and term of court, number; credits: from whom received; and debits: to whom paid. Arr. chron. No index. 1824-26, hdw.; 1914-21, hdw. on ptd. forms. 350 pp. 16 x 11½ x 1½. Bsmt. v.

Tax Receipts

234. CO TREASURERS TAX RECEIPTS, 1902-23. 1 vol. Prior records not kept. Discontinued.

Stubs of receipts given by treasurer to towns for taxes showing number, date, amount, name of town, and signature of treasurer. Arr. chron. No index. Hdw. on ptd. forms. 100 pp. 16½ x 12 x 1. Bsmt. v.

For related subsequent records, see entry 232.

Bonds

235. [CANCELLED BONDS], 1848-1907. 1848-75 in entry 167; 1862-1907 in entry 47.

Date, to whom issued, and amount; signatures of county treasurer, county commissioners, and clerk of court; and date cancelled.

Orders

236. [ORDERS ON TREASURER], 1840-1907. 1840-66 in entry 167. 1862-1907 in entry 47.

Date, order number, purpose, amount, and signatures of county commissioners or clerk of court.

(Next entry 237, p. 166)

XI. 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] The superior court was delegated with the appointing of auditors in 1913.[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 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 the market value, and whether they were used for the county.[10] An enactment of 1897 made provision for the auditors to audit the accounts of the county commissioners, superintendent of the county farm, and county treasurer, once in three months. The auditors were also to audit, every three months, the bills of the county commissioners for service and expenses; and make a report to the supreme court. However, if the court should deem an annual or a 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]

---

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.
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., sec. 2.

Superintendent of the County Farm

(Next entry 237, p. 166)

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 county report; with this annual report they might make such recommendations as they considered necessary.[13] At present auditors are directed to make reports to the State Tax Commission upon request from that group.[14] In all counties except Grafton the auditors may direct that a reasonable amount for expenses be added to the salary of each county commissioner.[15] Otherwise, the present duties of county auditors are essentially the same as they have been in the past.[16] They keep no records.

For auditors' annual reports, see entries 3, 4.

XII. SUPERINTENDENT OF THE COUNTY FARM

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

One of the earliest provisions in New Hampshire for the care of the poor was an order of 1643 made by the court at 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 corne and as good a price as it is generally sold for in the River, these parties to dispose of such corne * * * unto such poor people as stand in most need of it, for the best pay they can make * * *."[1]

There is a mention of the office of overseer of the poor by 1686, when the Governor and Council were authorized to appoint such officials.[2] The following year it was determined that selectmen and town overseers should be overseers of the poor,[3] but in November of the same year justices of the peace were required to "provide for the necessary relief and maintainance of the Poore in each Towne in such manner as by the Laws and Statutes of England is directed."[4] In 1692 it was enacted that the

---

13. Ibid., sec. 4.
14. New Hampshire Laws of 1933, ch. 165.
15. New Hampshire Laws of 1933, ch. 186; New Hampshire Laws of 1935, ch. 154; New Hampshire Laws of 1937, ch. 44.
16. Public Laws of New Hampshire, ch. 35, secs. 19-25 (1926).
1. Laws of New Hampshire, 1:742 (1643).
2. Ibid., 1:99-100 (1686).
3. Ibid., 1:218-221 (1687-88).
4. Ibid., 1:254-255 (1687); W. H. Fry, New Hampshire as a Royal Province, (New York, 1908), 470.

Superintendent of the County Farm

(Next entry 237, p. 166)

"freeholders Shall make Choyce of * * * Overseers of the Poor * * *."[5]

On August 31, 1697 there was issued "His Majesty's Instructions For The Right Honorable Richard Earl Of Bellomont His Majesty's Governour And Commander In Chief Of His Province Of New Hampshire In New England In America: At The Court Att Whitehall The 31st Day Of August In The Nineth Year Of His Majesty's Reigne," containing the recommendation that public workhouses be erected as might be convenient to provide employment for the poor of the province.[6]

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.[7] Paupers in any town and not resident of it were forcibly ejected by warrant from the selectmen; that is, carried to the town or place of their last residence.[8] Later the poor were auctioned off for their support to the highest bidder.[9] This practise was continued throughout the state well into the nineteenth century; in Cheshire county until 1835.[10]

A report to the Legislature on June 9, 1821 by the Levi Woodbury Committee, investigating the pauper situation in the state, 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 cited that the only aid European paupers of the sixteenth century had 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.[11]

In the early part of the nineteenth century some of the towns did establish poor farms, the town of Chesterfield being a representative example. "In 1835, the town purchased of Wm. R. Snow the old 'Snow homestead' * * * and fitted up the house for a poor house * * *

---

5. Laws of New Hampshire, 1:526-527 (1692).
6. Ibid., 1:630 (1697).
7. Ibid., 3:551-552 (1771).
8. Ibid., 6:468-469 (1797).
9. For example, see MS. Town Clerk's Record Book of the Town of Atkinson, 1:269 (1800).
10. O. E. Randall, History of Chesterfield, (Brattleboro, Vt., 1882), 180.
11. The Levi Woodbury Committee, Report on the Paupers of New Hampshire, 3-14 (1821).

Superintendent of the County Farm

(Next entry 237, p.166)

For about thirty years the paupers of the town were kept at this poor house, the farm connected with it furnishing a large part of the provisions necessary for their sustenance. Not long after the poor-farm was purchased, the 'Nichols farm', so called * * * came into the possession of the town. At the annual town meeting for 1837, it was voted to retain this farm for a pasture to be used in connection with the poor-farm. In the spring of 1865, the poor-farm and the town pasture were sold * * *."[12] It became the general practise to abandon town farms in favor of similar county institutions.

In 1855 the county commissioners were given custody of all property belonging to the county together with the responsibility of supporting and maintaining the county paupers subject to revision by the court of common pleas.[13] By the 1860's the counties had begun to erect or buy their own almhouses, and the commissioners were empowered by an act of July 4, 1860 to cause the removal of county charges to those institutions. No town was to be entitled to compensation for the support of such charges after neglecting or refusing to comply with such removal orders.[14] At this time there was considerable agitation to make all paupers county charges.[15] In 1869 county farms were made exempt from taxation.[16]

The commissioners were empowered to appoint a superintendent of the county farm and house of correction, and to establish rules for the conduct 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."[17] This limitation of their power of punishment exists today.[18]

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 those 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 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.[19] The superintendent is a large contributor to the printed Annual County Report (q.v.), and a twenty-five dollar fine may be imposed on him for failure in making his report.[20] He must keep his accounts and make his annual report in the form prescribed by the State Tax Commission.[21]

---

12. Randall, op. cit., 180.
13. New Hampshire Laws of 1855, ch. 1659, sec. 37.
14. New Hampshire Laws of 1860, ch. 2349, sec. 1.
15. New Hampshire Laws of 1866, ch. 4259, sec. 1.
16. New Hampshire Laws of 1869, ch. XXXVII.
17. Public Statutes of New Hampshire, ch. 27, sec. 7 (1891).
18. Public Laws of New Hampshire, ch. 38, sec. 10 (1926).
19. New Hampshire Laws of 1929, ch. 138.
20. New Hampshire Laws of 1931, ch. 47.
21. New Hampshire Laws of 1933, ch. 165.

Superintendent of the County Farm

(Next entry 237, p. 166)

The Cheshire County farm was established in 1867;[22] and the official in charge had the title of superintendent at least by 1873.[23] The commissioners reported in 1875:

> The Farm and Alms House have been under the care of Mr. Arad Fletcher and wife, with able assistants, all of whom we think have performed their difficult and oftentimes perplexing duties promptly and well, and to the entire satisfaction of the Commissioners.
>
> We would acknowledge our obligations to Mrs. Ann E. Brown, of Bellows Falls, Vt., for the very generous gift to the Alms House inmates of 67 numbers of the various leading magazines. We can assure her that her gift was very acceptable, and none the less so for coming from an entire stranger. May we not hope that this gift will pave the way as nucleus for a future library.
>
> It will be seen that the pauper expenses have been largely increased the past year, and especially away from the farm. This result has been occassioned in part by the change of law of last June abolishing all town settlements gained prior to Jan. 1, 1860, in part from the stagnation of business, and in part by the persistance of many overseers in furnishing relief away from the Farm. Not only does the best financial interest of the county demand, but humanity also dictates the true policy, that the wards of the County shall be kept at the Alms House. It is a mistake to suppose that it is either generosity or good judgement to encourage the pauper to rather receive a meagre weekly allowance that cannot suitably feed, or warm, or clothe him, than to go to the Alms House, where he is sure to have a plenty of food, warm shelter, comfortable clothing and kindly care, at no increased expense to the County. We feel that the people of Cheshire County have, through their agents, prepared a good home for their paupers, and we earnestly invite inspection of the same.
>
> The insufficiency of our jail, allied to the interests of humanity, as well as financial considerations, prompted the County Convention of Representatives to vote to make a House of Correction in connection with the Alms House. $200 was appropriated from the funds in the treasury to defray the expense of fitting rooms proper for this class. While this sum might have answered the purpose under the old law, it was clearly inadequate to answer the demands under the tramp law; and the commissioners were forced, by

---

22. County Farm Invoice Book, 1867, (first entry in invoice book), entry 248.
23. Cheshire County Reports, 1873, 15, see entry 3.

Superintendent of the
County Farm

(Next entry 237, p. 166)

necessity, to enlarge the accommodations for the sentenced class, and thereby to largely exceed the appropriation made for the House of Correction.[24]

At a meeting of the county delegation on March 18, 1915 it was moved that county commissioners be authorized to erect a suitable building at the county farm to be used for a hospital.[25] Later that year commissioners reported that "plans are under way for the erection of a $15,000 fire proof hospital building there [at the county farm in Westmoreland] the coming year * * *,"[26] and in 1916 "after numerous unavoidable delays a coal dump has been nearly completed and the hospital foundation and first floor erected. These will be finished early in the coming session."[27] However, the hospital was not completed until November 1919 due to a shortage of coal, presumably caused by conditions existing during the war. The first annual report of the hospital was submitted December 31, 1920 by Miss Alida Post, who was in charge of the institution.[28]

County farm and jail records, coming under the scope of administration, include records of inmates, showing date of admission, previous history, characteristics, family status, and information concerning discharge or death; and a record of prisoners giving personal data, offense, authority for commitment, sentence, and dates of admission and discharge. A visitors' register is kept. Detailed financial accounts constitute a part of the records system. Inventory records of county farm property are preserved. Herd data is recorded in a book kept for that purpose.

Hospital records include personal data concerning patients, doctors' orders regarding care and administration of drugs and medicines, progress of the patients, clinical tests and procedures, and medical laboratory returns.

Records pertaining to the county farm are kept in the superintendent's office, first floor of the administrative building, and the county commissioners' storeroom in the courthouse attic. Some herd records are kept at the dairy barn. Hospital records are kept in the doctor's office at the county hospital, and the superintendent's office in the Administration building.

For annual reports of the superintendent of the county farm, and of the county farm physician, see entries 3, 4.

---

24. Cheshire County Reports 1875-6, 18-19, see entries 3, 4.
25. Cheshire County Delegation [Records], March 18, 1915, entry 1.
26. Cheshire County Reports, 1915, 3, see entry 4.
27. Cheshire County Reports, 1916, 3, see entry 4.
28. Cheshire County Reports, 1920, 65-66, see entries 3, 4.

Superintendent of the
County Farm - Mittimus;
Prisoners and Inmates

Mittimus
(See also entry 96)

237. MITTIMUS, 1937--. Approx. 375 loose papers.
Survey workers not permitted to examine prior records.

Court order to sheriff, deputy, or police officer to transfer prisoner to house of correction or jail showing date, docket number, complaint, by whom issued, name of court, and disposition; costs, fine, sentence or both; commitment, date of order, and signature of clerk of court. Return on mittimus: attest of officer that conveying order has been carried out, statement of fees showing costs for service, travel, conveyance, copy, and mittimus, and date of discharge. No obvious arr. No index. Hdw. on ptd. forms. 13 x 8¼. Off. supt.

Prisoners and Inmates
(See also entries 17-19, 45)

238. RECORD OF PRISONERS-COUNTY OF CHESHIRE, 1876--.
3 vols., 1 f.b. Prior records not kept.

Record of prisoners in the house of correction shows date, name, alias, nationality, place and date of birth, sex, marital status, religion, personal history, offense, authority for commitment, sentence, dates admitted and discharged, fines and costs paid, and remarks. 1876-1921, arr. chron.; 1922--, arr. alph. by names of prisoners. No index. Hdw., and hdw. and typed on ptd. forms. Vols., 150 pp. 10½ x 7 x ½; f.b., 6 x 7½ x 4½. 3 vols., 1876-1921, attic; 1 f.b., 1922--, off. supt.

239. CHESHIRE COUNTY ALMSHOUSE-RECORD OF PAUPERS, Apr. 1867--. 2 vols.

Record of inmates, including children born at farm. 1867-1925: name, age, date of admission, town from where received, date of death or discharge, and remarks. 1910--: name, age, sex, birthplace, mental and physical disabilities, marital status, religion, how supported, and date of discharge or decease. Also contains: Record of Deaths at the Cheshire County Farm, 1867-1925, entry 241. Arr. chron. No index. Hdw. on ptd. forms. 300 pp. 14 x 9 x 1. Off. supt.

For related records of paupers, see entries 10, 11, 13.

240. INMATE ADMISSION [Permits], 1933--. 1 f.b.
Survey workers not permitted to examine permits prior to 1933.

Name, address, and age of inmate, date of admission, birth place and date of birth, sex, color, race, marital status, literacy, religion, nativity, occupation, information regarding parents, names and addresses of relatives, and remarks. Arr. alph. by names of inmates. No index. Hdw. on ptd. forms. 6 x 9 x 14. Off. supt.

Superintendent of the County Farm - Deaths; Financial; Inventory (241-247)

Deaths

241. RECORD OF DEATHS AT THE CHESHIRE COUNTY FARM, 1894--. 1 vol. 1867-1925 in entry 239.
Name of deceased, age, date and cause of death, number of grave, or town removed to. Arr. chron. No index. 100 pp. 15 x 8 x 1. Off. supt.

Financial
(See also entries 27-38, 155-161, 185, 186)

242. [PAYROLL BOOK], 1917--. 4 vols. Prior records lost.
Month, name, days of month, hours worked each day, total hours worked, rate per hour, amount due each worker, and total. Arr. chron. No index. Hdw. on ptd. forms. 300 pp. 15 x 9 x ¾. Off. supt.

243. REVENUE, EXPENSE & OUTLAY, 1926--. 2 vols. 1867-89 in entry 248. Survey workers not permitted to examine records 1890-1925.
Record of revenue: date, number of receipt, in favor of, purpose, and amount. Record of expenses: date, number of voucher, to whom, purpose, and amount. Arr. chron. No index. Hdw. on ptd. forms. 150 pp. 11 x 14 x ½. Off. supt.

244. [BILLS], 1935--. 2 f.d. Prior records lost.
Invoice or purchases: date, name of vendor, quantity, articles, amount, and total. Arr. alph. by names of vendors. No index. Hdw. and typed on ptd. forms. 15 x 15 x 20. Off. supt.

245. [COMMODITIES PURCHASED AND DISBURSED], 1936--. 2 vols. Prior records not kept.
Copy of requisition to vendor showing article, quantity, and unit of measurement; account with storekeeper: articles received (from whom, unit, rate, and cost); articles issued: to whom (cottage, kitchen, big kitchen), unit, rate, and cost. Arr. alph. by commodities. No index. Hdw. 600 pp. 17 x 13 x 3½. Off. supt.

246. CASH SALES [Record of Gasoline and Oil Used Officially], 1932--. 1 vol. Prior records missing.
Date, name of owner of vehicle, kind of conveyance, and cost of gasoline and oil. Arr. chron. No index. Hdw. and hdw. in pencil. 600 pp. 9 x 11 x 2. Off. supt.

Inventory

247. INVENTORY, 1935--. 3 vols. 1869-89 in entry 248. Workers not allowed to examine records 1890-1934.
Inventory of all county farm property: date, sheet number, department, quantity, description, and value. Arr. departmentally. No index. Hdw. on ptd. forms. 100 pp. 14 x 8½ x ¾. Off. supt.

Superintendent of the (248-254)
County Farm - Miscellaneous;
Hospital Records

248. COUNTY FARM INVOICE BOOK, 1867-89. 1 vol.
Contains: Revenue, Expense & Outlay, entry 243; and Inventory, 1869-89, entry 247. Also establishes Nov. 20, 1867 as date of purchase of county farm for $13,000. Arr. chron. No index. Hdw. 360 pp. 13½ x 8½ x 1. Attic.

Miscellaneous

249. [Visitors' Register] RECORDS, 1932--. 1 vol.
Prior records missing.
Date of visit, and name and address of visitor. Arr. chron. No index. Hdw. 300 pp. 14 x 9 x 1. Off. supt.

250. CORRESPONDENCE, 1932--. 6 envelopes in f.b. (dated). Prior records lost.
Dated business letters from county commissioners and others, and carbon copies of answers. Arr. chron. No index. Hdw. and typed. 15 x 15 x 20. Off. supt.

251. [HERD BOOK], 1932--. 1 vol. Prior records not kept.
Outline drawings of each animal showing markings, numbers of dam and sire, dates of birth and service; name, number, and pedigree of calf; butchered, kept, or sold; name of buyer, and private herd number. Arr. num. No index. Hdw. on ptd. forms. 100 pp. 4½ x 9 x 1. Dairy barn.

Hospital Records

252. HOSPITAL RECORDS, 1919--. 1 vol., 1 f.b.
Record of patients admitted: date, names, addresses, and telephone numbers, if any, of patient and nearest relative or person responsible for bills; by whom admitted and discharged, family and personal histories, diagnosis, and result. 1919-30, arr. chron.; 1931--, arr. alph. by names of patients. No index. Hdw. and hdw. on ptd. forms. Vol, 100 pp. 11 x 9 x ¾; f.b., 5 x 7 x 9. Vol., 1919-30, off. supt.; f.b., 1931--, off. doctor.

253. NARCOTIC RECORD BOOK, 1931--. 2 vols. Prior records missing.
Record of narcotics administered to patients: date, name of patient, drug and amount, time administered, and name of nurse. Arr. chron. No index. Hdw. 300 pp. 8½ x 7 x 1. 1 vol., 1931-34, off. supt.; 1 vol., 1935--, off. doctor.

254. DOCTORS ORDER BOOK, 1932--. 2 vols. Prior records missing.
Date, name of patient, and orders regarding care and administration of drugs and medicine. Arr. chron. No index. Hdw. 150 pp. 10 x 7½ x ¾. Off. doctor.

255. [DAY ORDER BOOK], 1932--. 5 vols. Prior records missing.
Orders for care of patients: names of patient and attending physician, diagnosis, hours, temperature, pulse, respiration, medicine, nourishment, urine, sleep, and remarks. Arr. chron. No index. Hdw. and hdw. on ptd. forms. 50 pp. 10½ x 8½ x ½. 4 vols., 1932-34, off. supt.; 1 vol., 1935--, off. doctor.

256. [NIGHT ORDER BOOK], 1932--. 8 vols. Prior records missing.
Date, names of nurse and attending physician, disease, prescription, and instructions. Arr. chron. No index. Hdw. 300 pp. 10 x 7½ x ¾. 7 vols., 1932-36, off. supt.; 1 vol., 1937--, off. doctor.

257. [CLINICAL TESTS AND PROCEDURES-MEDICAL LABORATORY RETURNS], 1935--. 2 vols. Prior records missing.
Record of luetic returns, urinalysis reports, vaccines administered, dental extractions, and blood pressure findings (date, name, and results). Arr. chron. No index. Hdw. 100 pp. 14 x 8½ x ½. Off. doctor.

XIII. SEALER OF WEIGHTS AND MEASURES

By an act of 1718, the treasurer of the province 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 required to recognize them as the standard by which weights and measures were to be proved and sealed. Town clerks were to prove town weights and measures by the provincial standard. The Provincial Treasurer was to receive from the town clerk a fee of two pence for every weight and measure thus tried, proved, and sealed. Penalties were prescribed for violation of the act.[1] An amendment of 1766 stiffened the penalties.[2]

A law of December 15, 1797 stated that the Governor and Council should appoint a sealer of weights and measures in each county. It was the duty of the county sealer to procure, at the expense of the state, a "compleat set of scalebeam, weights and measures * * * kept by him as standards for the use of said county." By these standards, the county sealer was to "prove * * * all scale beams, steelyards, weights and measures * * * brought to him for that purpose by the sealers * * * chosen in the respective towns * * *." The standards of weights and measures in each town were to be proved by county standards every five years. The county sealer was to determine the seal that he was to use, and file a description of it in the office of the Secretary of State.[3]

1. Laws of New Hampshire, 2:317-319 (1718).
2. Ibid., 3:392-393 (1766).
3. Ibid., 6:444-446 (1797).

The following year an act postponed "for the term of one year * * * and no longer" the enforcement of the enactment referred to.[4] An act of 1828, amending the law of 1797, described particularly the measure by which charcoal should be sold.[5]

In 1860 an act stated "The county sealers shall provide themselves with standard measures of the ale or beer measure * * * and try and prove the same as often as once in three years by the standards in the office of the State Treasurer * * *." Town and city sealers were to prove the town and city measures by those in the office of the county sealer.[6]

The law of 1919, abolishing the sealer as a county officer,[7] abolished this office in Cheshire County. No records of the sealer have been found in this county.

XIV. COMMISSIONERS OF JAIL DELIVERY

Commissioners of jail delivery were established by an act of December 29, 1828 which required that three of these officials should be appointed by the Governor and Council in each county for a term of five years. Any two of the commissioners within their respective county were to have the same power as justices of the superior court of judicature or the court of common pleas to administer oaths or affirmations to such persons imprisoned on executions who were entitled to take the same. Either of the commissioners applied to might make any necessary order or take any other action in regard to the discharge of a prisoner so imprisoned in the same manner as any justice of the superior court of judicature or common pleas might make such order or take such action.[1]

Commissioners of jail delivery for Cheshire County are listed in the New Hampshire Register for the years 1830-36.[2] The law establishing this office was repealed by the Revised Statutes.[3] No records of this office have been discovered in Cheshire County. For mention of approval of jail bonds by the commissioners of jail delivery, see entry 186.

---

4. Ibid., 6:542 (1798).
5. Ibid., 9:804-805 (1828).
6. New Hampshire Laws of 1860, ch. 2339.
7. New Hampshire Laws of 1919, ch. 149.

---

1. Laws of New Hampshire, 9:796-797 (1828).
2. New Hampshire Register, 1830-36.
3. Revised Statutes of New Hampshire, ch. 230 (1842).

APPENDIX

1. [Anonymous Diary] REC.[ord]. 1913-15. 3 vols.
Private diary of unknown person apparently working in county commissioners' office. Arr. chron. No index. Hdw. 100 pp. 8½ x 7 x ½. Attic.

2. [KEENE ASSOCIATED CHARITIES RECORD], Oct. 1905-Sept. 1906. 1 vol.
Report of the secretary concerning cases interviewed and number of hours worked each day. Arr. chron. No index. Hdw. 100 pp. 10 x 8 x ¼. Attic.

3. LEDGER WHITCOMB & HENDERSON, 1853-59. 1 vol.
Account of merchandise sold: date, amount, article, and name of buyer. Arr. chron. by date of entry. Indexed alph. by names of buyers. Hdw. 500 pp. 17½ x 12 x 2. Attic.

4. [Ledger of] HANDERSON AND PERRY, 1858-60. 1 vol.
Receipts: date, from whom, purpose, and amount. Payments: date, to whom, and amount. Arr. chron. Indexed alph. by names of accounts. Hdw. 500 pp. 18 x 12 x 2¼. Attic.

5. [JOURNAL], 1858-60. 4 vols.
Entries of merchandise sold: date, name of buyer, quantity, article, price, amount, and total of each entry. Arr. chron. No index. Hdw. 275 pp. 14 x 9 x ⅝. Attic.

6. [MANUSCRIPT CENSUS OF 1850], 1850. 18 Schedules.
Isolated record.
Schedule of United States census of Cheshire County taken in 1850 showing name of person, description, profession, real estate, birthplace, and personal statistics. Arr. by towns. No index. Hdw. on ptd. forms. 50 pp. 18 x 13¼ x ¼. Attic.

7. [PHYSICAL MAP OF NEW HAMPSHIRE], approx. 1762.
1 map.
This map corrects southern boundary of New Hampshire to line due west; area bounded: southwest by Bennington, Vermont; northwest by point French River enters Lake Champlain; northeast by Connecticut River and Maine-New Hampshire boundary; and southeast by Marblehead, Massachusetts. Notation on map follows: "smaller rivers in ungranted parts drawn in from info.[rmation] received from hunters & others. See [King] Geo. II. order [New Hampshire State Papers, 6:228-230] settling the line between this province and the Mass. Bay [Colony]." Map shows rivers, roads, portages, trails, large mountains, townships then granted, bodies of water, and other features. Artist, place of publication, and publisher unknown. Reprint, some mountains and lakes shaded. Scale, approx. 1":12½ miles. 11½ x 15. V., r.d.

8. [Physical and Political Map of] NEW HAMPSHIRE, 1816.
1 map.

Map shows names of counties, towns, locations, grants, rivers, and lakes. Notations in margin give variations of magnetic needle, boundaries of state, and population of United States in 1810. Inscriptions relate: "New Hampshire By Recent Survey Made under the Supreme Authority And Published According To Law by Philip Carrigain Councellor at Law And Late Secretary of the State. To his Excellency John Taylor Gilman, Esq. And To The Honourable The Legislature Of The State Of New Hampshire, This Map commenced under their Auspices and Matured by their Patronage is most respectfully inscribed by their Obliged Servant. Concord A. D. 1816. Philip Carrigain." Insets: The Gap of the White Mountains. View of the Great Boars Head and Hampton Beach. View of the White Mountains from Shelburne. The States of the Union east of the Hudson river with the adjacent British Colonies (Lower Canada, New Brunswick and Nova Scotia), scale $3\frac{15}{16}$":120 miles. The Middle, Southern, and Western sections of the United States with the territories, scale $3\frac{3}{16}$":250 miles.

Philip Carrigain, Concord. Philip Carrigain. Printed, engraved, black and white, colored. Scale, 4":12 miles. $63\frac{1}{2}$ x $49\frac{1}{2}$. V., r.d.

9. [CONSTITUTION AND RECORD OF KEENE COMMON SCHOOL ASSOCIATION], 1843-50. 2 vols. Isolated record.

Date, articles of constitution, minutes, proceedings, and record of votes taken of the Keene Common School Association (Auxiliary of the Cheshire County Common School Association). Arr. chron. No index. Hdw. 100 pp. $8\frac{3}{4}$ x $6\frac{1}{2}$ x $\frac{1}{2}$. Bsmt. v.

10. CHESHIRE COUNTY INVENTORY 1820, 1819-20.
1 folio vol. (dated). Isolated record.

Inventory of towns in Cheshire County: names of towns, number of polls, acres of orchard, arable, mowing, and pasture lands; number of stallions, horses, oxen, cows, and neat stock; amount of income from mills; valuation of bank stock, buildings and real estate, stock in trade, money at interest, and stock in funds; valuation of unimproved land; amount of poll taxes for 1819; valuation of carriages, jacks, and mules; total number of cattle; amount of inventory and the proportion for each town; and the total amount of the inventory and the proportion for the county. Arr. alph. by towns. No index. Hdw. 10 pp. $13\frac{1}{2}$ x $7\frac{3}{4}$. Bsmt. v., State L.

Call No.--V 352. 0742 a
C 524 C.

BIBLIOGRAPHY

Anon., "A Brief Sketch of a Yankee Woolen Mill" in Yankee. Oct., 1935, pp. 44-45.

A. S. Batchellor, "The Development of the Courts of New Hampshire" in W. T. Davis, ed., The New England States, (Boston, 1897), vol. 4, pp. 2295-2315.

Jeremy Belknap, History of New Hampshire, (Farmer Edition, Dover, 1831).

Allen Chamberlain, The Annals of the Grand Monadnock, (Concord, 1936).

Cheshire County Delegation [Records], entry 1.

Cheshire County Reports, 1873, 1915, 1916, 1920, entries 3, 4.

County Farm Invoice Book, entry 248.

Hamilton Child, Gazetteer of Cheshire County, N. H., (Syracuse, N. Y., 1885).

A. J. Fogg, The Statistics and Gazetteer of New Hampshire, (Concord, 1874).

W. H. Fry, New Hampshire as a Royal Province, (New York, 1908).

S. G. Griffin, A History of the Town of Keene, (Keene, 1904).

L. S. Hayes, The Connecticut River Valley in Southern Vermont and New Hampshire, (Rutland, Vt., 1929).

D. H. Hurd, History of Cheshire and Sullivan Counties, (Philadelphia, 1886).

New Hampshire Manual for the General Court, (Concord), 1917, 1937, 1939.

New Hampshire Register, 1794, 1830-36, 1937.

Helen Cushing Nutting, Monadnock Records of 3 Centuries, (Ashburnham, Mass., 1925).

B. P. Poore, Federal and State Constitutions, (Washington, 1877).

O. E. Randall, History of Chesterfield, (Brattleboro, Vt., 1882).

Bibliography

Bradford Torrey, ed., Thoreau's Journal, (Boston, 1906).

PUBLICATIONS BY THE NEW HAMPSHIRE HISTORICAL RECORDS SURVEY

Inventory of the Roman Catholic Church Records in New Hampshire.

Inventory of the County Archives of New Hampshire-No. 1. Belknap County.

Inventory of the County Archives of New Hampshire-No. 2. Carroll County.

ADDENDA

County Commissioners: By an enactment of the present year, 1939, Cheshire County is divided into three districts for the election of county commissioners. District 1 consists of the towns of Alstead, Marlow, Walpole, Surry, Gilsum, Westmoreland, Chesterfield, Sullivan, Stoddard, and Hinsdale. District 2 consists of the city of Keene. District 3 consists of the towns of Harrisville, Roxbury, Nelson, Dublin, Marlborough, Swanzey, Troy, Jaffrey, Winchester, Richmond, Fitzwilliam, and Rindge. One county commissioner is elected from each district, and must be a resident of the district from which he is elected.[1]

Keene State Teachers' College: The Normal School at Keene, mentioned on pp. 17-18, has now been changed to Keene State Teachers' College.[2]

1. House Bill No. 179, 1939.
2. Benjamin F. Greer and Cyril Fretwell, Docket of the General Court January Session of 1939, (Manchester, 1939), 9.

(The session laws for 1939 are not available in their final form at the moment of publication).

CHRONOLOGICAL INDEX TO RECORDS

(All numbers refer to entries. A record entry number is listed under each decade which the record covers in full or in part. An entry number is underlined to call attention to the initial appearance of the record; the last listing of the entry number indicates the decade within which the record ends).

1760-69
61, App. 7

1770-79
50, 51, 53, 54, 61, 70-73, 78, 86, 87, 92-94, 97, 98, 102-104, 112, 113, 115, 116, 118-124, 126-146, 150, 151, 155, 156, 159, 162-164, 188, 189, 194, 201, 202, 213, 216, 217, 220, 223

1780-89
47, 50, 51, 53, 54, 61, 62, 70-73, 78, 86, 87, 92-94, 97, 98, 99, 102-104, 105, 112, 113, 115, 116, 118-124, 125, 126-146, 150, 151, 155, 156, 159, 162-164, 170-185, 188, 189, 194, 201, 202, 213, 216, 217, 220, 223

1790-99
47, 50, 51, 53, 54, 61, 70-73, 78, 86, 87, 92-94, 97-99, 102-105, 112, 113, 115, 116, 118-146, 150, 151, 155, 156, 159, 162-164, 170-185, 188, 189, 191, 194, 201, 202, 213, 216, 217, 220, 222, 223, 225, 230

1800-09
47, 50, 51, 53, 54, 61, 70-73, 78, 86, 87, 92-94, 97-99, 100, 102-105, 112, 113, 115, 116, 118-124, 126-146, 150, 151, 155, 156, 159, 162-164, 168, 170-185, 188, 189, 191, 194, 195, 201, 202, 213, 216, 217, 220, 222, 223, 225, 230

1810-19
1, 47, 50, 51, 53, 54, 61, 70-73, 78, 86, 87, 92-94, 96, 97-100, 101, 102-105, 112, 113, 115, 116, 118-124, 126-146, 150, 151, 155, 156, 159, 162-164, 170-185, 186, 188, 189, 191, 194, 195, 201, 202, 213, 216, 217, 220, 222, 223, 225, 230, App. 8, 10

1820-29
1, 40, 47, 50, 51, 53, 54, 61, 70-73, 78, 86, 87, 92-94, 96-99, 101-104, 112, 113, 114, 115, 116, 118-146, 150, 151, 155, 156, 159, 162-164, 170-186, 187, 188, 189, 190, 191, 192, 194, 195, 201, 202, 204, 210, 213, 216, 217, 220, 222, 223, 225, 233, App. 10

1830-39
1, 40, 47, 50, 51, 53, 54, 61, 70-73, 78, 84, 86, 87, 92-94, 96-99, 101-104, 112, 113, 115, 116, 118-146, 150, 151, 155, 156, 159, 162-164, 167, 170-189, 191, 192, 193, 194, 195, 201, 202, 204, 210, 213, 216, 217, 219, 220, 222, 223, 224, 225

Chronological Index to Records (1840-1909)

1840-49
1, 40, 47, 50, 51, 53, 54, 61, 70-73, 78, 84, 86, 87, 92-94, 96-99, 102-104, 110, 112, 113, 115, 116, 118-146, 147, 150, 151, 155, 156, 159, 162-164, 166, 167, 170-189, 191-195, 201, 202, 204, 210, 211, 213, 216, 217, 219, 220, 222-225, 235, 236, App. 9

1850-59
1, 40, 50, 51, 53, 54, 61, 63, 64, 70-73, 78, 84, 86, 87, 92-94, 96-99, 102-104, 110, 112, 113, 115, 116, 118-147, 148, 150, 151, 155, 156, 159, 162-164, 166, 167, 170-195, 201, 202, 204, 205, 210, 211, 213, 216, 217, 219, 220, 222-225, 226, 229, 235, 236, App. 3-6, 9

1860-69
1, 2, 10, 13, 15, 16, 33, 40, 44, 47, 50, 51, 53, 54, 61, 70-73, 78, 84, 85, 87, 92-94, 96-99, 102-104, 106, 107, 110, 112, 113, 115, 116, 118-148, 150, 151, 155, 156, 159, 162-164, 166, 167, 170-195, 201, 202, 203, 204, 205, 206, 210, 211, 213, 216, 217, 218, 219, 220, 222, 223, 225, 226, 229, 231, 235, 236, 239, 248, App. 4, 5

1870-79
1, 2, 3, 4, 10, 13, 15, 16, 29, 33, 40, 44, 47, 49, 50, 51, 53, 54, 61, 65, 70-73, 78, 84-87, 92-94, 96-99, 102-107, 110, 112, 113, 115, 116, 118-148, 150, 151, 152, 155, 156, 159, 162-164, 165, 166, 167, 170-185, 187-195, 199, 201-206, 207, 209, 210, 211, 213, 214, 216-220, 221, 222, 223, 225, 231, 235, 236, 238, 239, 248

1880-89
1-4, 10, 11, 13, 15, 16, 25, 27, 29, 33, 40, 42, 44, 45, 47, 50, 51, 53, 54, 61, 70-73, 78, 83, 84-87, 92-94, 96-99, 102-107, 110, 112, 113, 115, 116, 117, 118-148, 150-152, 154, 155, 156, 157, 159, 160, 162-167, 170-185, 187-195, 196, 198, 199, 201-207, 209-211, 212, 213, 214, 215, 216-223, 225, 231, 235, 236, 238, 239, 248

1890-99
1, 3, 4, 11, 12, 13, 14, 16, 25, 27, 29, 33, 37, 40, 41, 43, 44, 45, 47, 50, 51, 53, 54, 55, 58-60, 61, 70-73, 78, 83-87, 92, 96-99, 102-107, 110, 112, 113, 115-124, 126-148, 150, 151, 154-157, 158, 159, 160, 162-167, 187-196, 198, 199, 201, 202, 205-207, 209-223, 225, 231, 235, 236, 238, 239, 241

1900-09
1, 4, 5, 11-14, 16, 26, 27, 29, 33, 37, 40, 44, 45, 47, 50, 51, 53-55, 58-61, 66-68, 70-73, 78, 83, 84, 86, 87, 88, 96-99, 102-107, 108, 109, 110, 112, 113, 115-124, 126-147, 150-152, 154-160, 162-164, 167, 187-196, 198, 199, 201, 202, 205-207, 209-223, 225, 231, 234, 235, 236, 238, 239, 241, App. 2

Chronological Index (1910-1939)
to Records

1910-19
1, 3-5, 11-14, 16, 17, 26, 27, 29, 33, 37, 39, 40, 44, 45, 46, 50, 51, 53-55, 56, 57, 58-61, 66-68, 70-73, 74-77, 78, 79-82, 83, 84, 86-88, 89-91, 96-99, 102-106, 108-110, 112, 113, 115, 116, 118-124, 126-136, 138-147, 149, 150-152, 153, 154-160, 161, 162-164, 167, 169, 187-196, 198, 199, 200, 201, 202, 205-207, 209-223, 225, 227, 228, 233, 234, 238, 239, 241, 242, 252, App. 1

1920-29
1, 3-5, 12-14, 17, 18, 26, 27, 33, 35, 37, 39, 40, 44-46, 50, 51, 53-60, 66-68, 70-77, 79-84, 86, 88-91, 94, 97-99, 102-104, 106, 108-110, 112, 113, 115, 116, 118-124, 126-136, 138-151, 153-164, 167, 187-192, 194-196, 197, 198-202, 205-207, 208, 209-223, 225, 227, 228, 232, 233, 234, 238, 239, 241, 242, 243, 252

1930-39
1, 3-5, 6-9, 12-14, 17, 18, 19-24, 26, 27, 28, 30-32, 33, 34, 35, 36, 37, 38, 39, 40, 46, 48, 50, 51, 52, 53-60, 66-68, 69, 70-77, 79-84, 86, 88-91, 94, 95, 97-99, 102-104, 106, 108-110, 111, 112, 113, 115, 116, 118-124, 126-136, 138-151, 153-164, 167, 187-192, 194-202, 206-223, 225, 227, 228, 232, 237, 238, 239, 240, 241-243, 244-247, 249-251, 252, 253-257

SUBJECT INDEX TO INVENTORY (Abb-App)

Numbers underlined indicate page numbers. Numbers not underlined indicate entry numbers.

Abbreviations, symbols, and explanatory notes used in inventory, 26-28
Accessibility of records, 23-26
Accounts
  See also Cash; Expenditures; Receipts
  adjustment of partnership, 79, 164
  of administrators and executors, 121, 198
  of clerk of the superior court, 81
  of commissioners, 27, 30
  of conservators, 199
  of county purchases, 29
  of guardians, 199
  of jailers, auditing of, 70
  of medical referees, 149, 227
  and reports of sales of real estate, 68
  of sheriffs, 143-144, 226
  of solicitors, 152, 229
  of trustees, 200
Acquisition of airports, 40
Addenda, 175
Adjustment
  of partnership accounts, 79, 164
  of title, 80, 162
Administration
  county, 14
  petitions for, and letters of, 114, 210
    de bonis non, 211
  relief, 13, 18, 66, 70, 79, 104, 157-158, 161-165
Administrators
  accounts, 121, 195, 198
  inventories, 120-121, 195
  licenses, 114
    and petitions to sell goods and chattels, 209
      to sell real estate, 207
      to sell securities, 208
  oaths, 121, 195, 198
  petitions for and granting of letters, 210
    de bonis non, 211
  receipts, 198
Adults, agreement regarding support of, 26
Adoption, petitions for, 117, 217
Affidavits, 53, 104
  relief, 5
  superior court, 129
Agreements, 138, 181
  between county and Boston and Maine Railroad, 44
  commissioners'
    with Dartmouth Medical School, 147, 26
    regarding support of adults, 26
Agriculture, 9, 30
  Commissioner of, 143
Agricultural Extension Agent, 30
Aid, see Relief
Airports, acquisition of, 40
Aliens, see Naturalization
Alimony, 74
Allen, Governor Samuel, 101, 134, 145
Allowances, temporary to widows, 117, 223
  petitions for, 74
Almshouse
  blueprints of, 40
  record of inmates, 239
Alstead, 6
Amherst, 65
Amendments, 140
Andros, Governor Edmund, 101, 102, 134
Angier, Silas, 5
Appeals, 69, 142
  from court of probate, 73, 74, 112-113
  from municipal court, 80-81, 183
Appearance slips, attorneys', 35
Applications
  for discharge from jail, 167
  for naturalization, 107
  to take poor debtor's oath, 167
Appointments
  of auditors, 19, 20, 30, 74, 160

Appointments (continued)
of clerk, superior court, 19, 21, 22, 72-73, 83
of commissioners of insolvency, 115, 218
of coroners, 20, 21
to fill vacancies in county offices, 149
of firewardens in unincorporated places, 37
of jailers, 140
of judges
of court of common pleas, 67-68
of probate court, 19, 20, 21, 22
of justices of the peace, 20, 103, 83, 152, 153
of master and assistant, house of correction, 37, 2
of medical referees, 19, 22, 145
of notaries, 53, 152, 153
of police in unincorporated places, 37
of receivers, 151
of referees in court cases, 77, 150, 184
of register of deeds, 51, 52, 69
of deputy, 52
of sheriff, 20, 21, 135
of deputy, 19, 21, 22, 136, 137, 225
of superintendent of the county farm, 19, 22, 38, 163
of treasurer, 69, 153
Apportionment of highway expense, 36, 69, 76, 154
Appraisals, 40, 144, 180
Appraisers, 68, 180, 195, 196, 197
Apprehension of criminals, 40-41, 66, 74, 155
Area of county, 6
Arlington (Winchester), 3
Ashuelot (Swanzey and Keene), 3
Assent of widows sale of real estate, 205
Assessment of land damages, 36
Assignments
of dower, 79, 204
of homestead, 203
of justices, 83
of real estate, 121-122, 51
Association, Keene Common School, Constitution and records of, app. 9
Attached property, auction sale of, 146
Attachments
petitions for, 122, 171
of real estate, 54, 57
writs of, 56, 97, 172
Attorney-General, 16, 148, 150
Attorneys
admission to legal practice, 77
appearance slips, 135
Auction sale of attached property, 146
Auditors, 19, 40, 160-161
appointment, 19, 22, 30, 74, 160
statements, 161
term of office, 22
reports, 3, 4
Authorization to borrow money, 41, 74
Autopsy, 147, 148
records, 227
witnesses, 147, 227
Awards, damage, 141
Bail bonds, 136, 134, 186
Bank
commissioners, 70, 76, 77
list of, 169
court cases, 169
receipts, 30, 31
statements, 38
Bar
Association, Cheshire County, rules and regulations, 168
list of members, 83
Belcher, Governor Jonathan, 4
Belknap County, 71
Bellomont, Richard, Earl of, 162
Bibliography, 173-174
Bids, county farm construction, 26
Bills
against the county, 16, 47
for cost of court, 155, 185
of commissioners, 156
county farm, 244
in equity, 130
receivable, 28
relief, 24
Blind aid, see Relief

Blueprints, 40, 58, 61, 136
Boats, 6, 7
Bonds
  bail, 136, 134, 186
  Cheshire County, 30, 37, 39, 2
    cancelled, 235
  of clerks, Superior Court, 73
  of constables, 69
  of coroners, 69
  county, provisions for issuance of, 39, 157
  of county officers, 160
  gaol, 186
  of guardians, 116
  jail, 170, 186
  probate, 220
  record of county issue, 2
  of register of deeds, 51-53
    deputy, 52
  of register of probate, 120
    deputy, 126
  of sheriffs, 69, 80, 136
    deputy, 136
  of solicitors, 150
  of treasurers, 153-154
Boston and Maine Railroad, agreements with county, 44
Boundaries, county, 4, 5, 9
  map of changes of, 12
Briggs, Eliphalet, 5
Budget, county, 32
  sheet, 3
Capias writs, 98, 173
Care of records, 23-26
Carrigain, Philip, app. 8
Carroll County, 71
Case records, relief, 6, 7, 8, 22, 24
Cash
  See also Accounts; Expenditures; Receipts
  book, of county treasurers, 232
  sales, county farm, 246
Cemeteries, enforcement of provisions for upkeep, 40
Census
  of 1930, 6
  manuscript, of Cheshire County, 1850, app. 6
Certificates
  deputations and discharges of deputy sheriffs, 137
  physicians, to practise, 165
Chamberlaine, Richard, 51, 64
Change of name, petitions for, 111, 217
Charlestown, 3, 4, 65
  jail, 4
Charts
  of county offices
    in 1772, 20
    in 1850, 21
    at present time, 22
Check stubs, 37
Cheshire County
  accounts, 29
  administration, 14
  agreement with Boston and Maine Railroad, 44
  Agricultural Extension Agent, 30
  almshouse, see Almshouse
  area, 6
  auditors, see Auditors
  Bar Association, 168
    list of members, 83
  bills against, 16
  bonds, 30, 37, 39, 2
    cancelled, 235
  boundaries, 4, 5, 9
    changes of, 12
  budget, 32
    sheet, 3
  census of 1930, 6
  census of 1850, manuscript, app. 6
  charts
    of officers in 1772, 20
    in 1850, 21
    of present officers, 22
  cities, 6
  claims against, 39
  commissioners, see Commissioners, board of county
  convention, see Convention
  crier, 16, 137
  deeds to, property, 44, 47
  delegation records, 1, 3
  expenditures, 3, 27
  farm, see Farm, county
  farm bureau expenses, 27, 232
  historical sketch, 3-9
  hospital, see Hospital
  house of correction, see House of correction
  incorporation of, 3, 4
  inventory of towns, app. 10
  jail, see Jail, county

Cheshire County (continued)
judicial organization, 14-16, 63-82
notes payable, 157
officers, 14-19, 20-22
appointments to fill vacancies, 149
bonds, 160
oaths, 154
reports, 41, 3, 4
salaries, 27
votes for, 65, 66, 69, 70, 142, 153
records of, 148
returns of, by city and town clerks, 147
organization, 3, 13
payrolls, 33
population, 6
real estate, purchase and sale of, 30, 38
receipts and payments, 156-157, 3, 232, 233
record of purchases, 29
registry, attachment of real estate, 57
reports, 30, 40, 41, 3, 4
seat, 6
settlement map, 10
solicitor, see Solicitor
towns of, 6
Cheshire County, England, 3
Chesterfield, 6, 8, 162
Children
care of at county farm, 18
under Emergency Relief Administration, 22
custody of in divorce, 74
delinquent, 39, 81
dependent, 38
feeble minded, 39
record of, born at county farm, 239
Cities, 6
Citizenship, see Naturalization
Civil
court cases, 88
court dockets, 79
court documents, 87
Claims
against the county, 39
dependent soldiers', 14
Claims (continued)
pauper, 12, 13, 15, 16
probate court, 221
proportionment of, against insolvent estates, 219
transcripts of, against estates, 221
Codicils and disputed wills, 126
Colonization of territory, 3, 13
Colony, Josiah, 9
Commissioners
bank, 70, 76, 77
board of county, 14, 17, 18, 19, 30-32, 33-41, 163
accounts, 27, 30
agreements
with Dartmouth Medical School, 147, 26
regarding support of adults, 26
appointment in case of tie vote, 34
bills, 156
correspondence, 26, 46
election of, 14, 18-19, 34, 175
indentures, 49
minutes of, meetings, 38, 2
oaths, 35
orders, 74, 236
book, 37
copies of court, 36
receipts, 30
removal from office, 35
reports, 40, 41, 3, 4, 72
of county farm, 1875, 164-165
of purchases, 29
salary, 35, 36
temporary, 35
term of office, 34
of Agriculture, 143
of insolvency
appointment of, 115, 218
petitions for, 218
Insurance, 77
of jail delivery, 16, 79, 170
of Labor, 79
of Motor Vehicles, 80
Railroad, 34
county, 70
road, 14, 21, 33-34
election of, 21
term of office, 21
of small causes, 101

Commission, Public Service, 77-78, 79
Commitment
to State Hospital, 117
to State Industrial School, 117
of insane, 75
to State School for the Feeble Minded, 39
Common Pleas, court of, see Court
Complaints and warrants, 105, 175
Concord, 72
Confessions of debt, 177
Connecticut River, 5
navigation on, 6, 7
Conservators
accounts, 199
letters, 214, 216
oaths, 199
Constables, 139
bonds, 69
Constitution of New Hampshire
1776, 17, 51, 64, 152
1784, 6, 73, 101
1792, 51, 52, 73, 74, 101, 102, 113, 115, 118, 135, 145
Continental Congress, 5
Contested elections, 78-79, 104
Contest of title, 162
Contracts, construction at county farm, 26
Convention, county, 13, 14, 17, 19, 25, 29-33
expenditures, 230
membership, 19, 22, 29
minutes, 31, 1, 3
of first meeting, 32
procedure, 31, 32
records, 2
special meetings, 31, 40
Conveyances, see Deeds; Real Estate
Coos County, 67, 71
Coroners
See also Medical Referee
appointment of, 20, 21
bonds, 69
inquest, 106, 137
jury, 146
term of office, 21
Correspondence
of clerk of court, 47
of county commissioners, 26, 46
Correspondence (continued)
county farm, 250
of justices of the peace, 170
relief, 6, 23
Council fees, 232
Costs of court, 96, 99
bills for, 155, 185
Cotton Mill, first, 73
County
original, in New Hampshire, 4, 13
map of, 11
reports, other than Cheshire, 4
division in New Hampshire, 3-5, 112, 134
Court
bank cases, 169
of chancery, 64
of common pleas, 14, 15, 51, 62-70, 151
clerk, appointment of, 21
justices, 29
appointment of, 20, 67-68
fees, 68
oaths, 68
cost of, 96, 99, 155, 185
of general sessions of the peace, 4, 13-19, 20, 29, 51, 62, 63, 65, 67, 68, 152, 153, 154
justices, provincial, 4
maritime, 141
orders, commissioners copies of, 36
payrolls, 158
probate, see Probate court
of quarter-sessions, 4, 64, 65, 103, 156
superior, see Superior Court
Courthouse, 5, 23-24
blueprints of, 40
expenditures for care of, 27
map of, lot, 43
Cranfield, Lieutenant-Governor Edward, 101
Crier, county, 16, 137
Criminals, apprehension of, 40-41, 66, 74, 155, 156
See also Jail; Prisoners
Damage
assessments of land, 36
awards, 141
petitions for, against towns, 120

Dartmouth Medical School, agreement with county commissioners for cadavers, 147, 26
Davenport, Charles, 6
De bonis non, petitions and letters of administration of, 211
Declaration of intention, naturalization, 78, 108
Deeds
See also Property; Real estate
Cheshire Registry, 51
index to, by towns, 52
grantor-grantee index to, 50
uncalled for, 54
unrecorded, 53
Defendants' exhibits, 136
Delegation minutes, 31, 32, 1, 3
records, 2
Democratic-Republican Party, minutes and resolutions, 47
Dependent
children, see children
soldiers, see Soldiers
Depositions of trustees, 143
Deputy sheriffs, see Sheriff
Deputy register of deeds, see Register of deeds
Disputed wills and codicils, 126
Division of fences, 178
Divisions and partitions of real estate, 55, 74, 77, 118, 136, 201
commissioners' reports of, 72
Divorce, 74
custody of children in, 74
libel for, 132
petitions for, 74
Dockets
civil court, 79
index to, 74
equity court, 81
index to, 76
law term cases, 85
naturalization, 106
probate records, 187
sessions court, 82
index to, 77
state court, 80
index to, 75
superior court, 78
printed, 83
waste, 84
Doctors, see Physicians
Document
civil, equity, sessions, state court, 87
of justices of the peace, 170
original probate, 188
index to, 189
Dover, 4, 50, 65, 101
Dower
assignment of, 79, 204
petitions for, 204
release of, and homestead, 202
waiver of, 71
Dublin, 6
physical and political map of, 63
Dudley, President Joseph, 64
Durham, 65
Education, 13, 17-18
Election
contested, 78-79, 104
returns, 147, 148
Emergency Relief Administration, state records of county cases, 22
Eminent domain, 40, 79
petitions for right of, 119
Enforcement of provisions for upkeep of cemeteries, 40
Equity
bills in, 130
court cases, 90
court dockets, 81
index to, 76
court documents, 87
powers of, 79
Evidence, exhibits and records of, 136
Executions
writs of, 54, 136, 139, 99, 174
notations of, 101
Executors
accounts, 121, 198
inventories, 114, 195
letters, 192, 210
to pay debts, 193
oaths, 121, 195, 198
petitions
for administration, 210
and licenses to sell goods and chattels, 209

Executors
petitions (continued)
to sell real estate, 207
to sell securities, 208
Exeter, 4, 51, 65, 101
Exhibits, records of, and evidence, 136
Expenditures
See also Accounts; Cash; Receipts
county convention, 230
farm, 47, 243
itemized, 3, 27
of treasurer, 230
Explanatory notes, abbreviations and symbols, 26-28
Extradition, 81
Farm bureau, expenses, 27, 232
Farm, county, 18, 24-25, 161-165
abstract of title to lands, 44
admission permits, 240
agreement with Boston and Maine Railroad, 44
bills, 244
care of dependent children at, 18
cash sales, 246
commissioners report, 1875, 164-165
construction bids and contracts, 26
correspondence, 250
expense, outlay, and revenue, 47, 243
herd records, 25, 251
inventory of property, 247
invoice book, 248
map of, 41
orders to remove paupers from, 124
payroll book, 242
petitions to remove paupers from, 124
receipts, 3, 32
record of inmates, 17, 239
requisitions, 245
superintendent of, 18, 19, 161-165
appointment of, 19, 22, 38, 163
term of office, 22
time book, 242
visitors register, 249
vital statistics, 17, 19, 239, 241
Farnsworth, David, Samuel, and Stephen, 3
Faulkner, Francis, 9
Fees
council, 232
of jurors, 156
of justice of peace, 104-105
of medical referee, 146
of register of deeds, 52
of register of probate, 119
of sheriff, 136, 99
of treasurer, 155, 156
witness, 159
Fence viewer, 178
Ferries, 66
Financial, see Accounts; Cash; Expenditures; Receipts
Fines, 74, 96
selectmen's receipts for, 170
Firewardens, appointment of in unincorporated places, 37
Fitzwilliam, 6, 16, 103
Foreclosures
deeds, 51
mortgage, 145
notices of, 51
French, A. P., 42
Fuller, John H., 5
Gaol bonds, 186
General Court, see Convention, county
General Court of Massachusetts, 50, 64, 101
Gilman, Governor John Taylor, app. 8
Gilsum, 6
Goods and chattels, petitions and licenses to sell, 209
Governmental organization, 13-19
Grafton County, 5, 13, 67, 71
Grantor-grantee index to deeds, 56, 50
Gristmills, 9
Guardians
accounts, 199
bonds, 116
inventories, 120, 196
oaths, 199
petitions and licenses to sell real estate, 206
Guardianship
letters of, of insane, 213, 214
petitions for, and letters of, 212

Habeas corpus, writs of, 81
Habere facias possessionem, writs of, 117, 136
Hampton, 4
Handerson and Perry, Ledger, app. 4
Harrisville, 6, 16, 103
Hawkers' licenses, 67, 143
Haverhill, 65
Herd records, 25, 251
Highways
  apportionment of expense, 36, 69, 76, 157
  assessment of land damages, 36
  discontinuance, 36
  inter-county, 36, 75
  maps of, 40
  petitions, 33, 36, 69, 75-76
    for continuance, 115
    for discontinuance, 39, 116, 117
    for improvement, 39
    for new, 39, 114, 117
  in unincorporated places, 36, 67, 154
Hillsborough County, 6, 13, 67, 71
Hinsdale, 3, 6, 8
Historical sketch of Cheshire County, 3-9
Homestead
  petitions for, and assignments of, 203
  release of, and dower, 202
Hospital, county, 165
  blueprints of, 40
  clinical tests and procedures, 257
  doctors' order books, 254, 255, 256
  narcotics, record of, administered at, 253
  record of patients, 252
  visitors' register, 249
House of correction, 37, 38, 164-165
  appointment of master and assistant, 37, 2
  list of inmates at, 3
  orders to transfer prisoners to, 96, 237
  record of prisoners, 45
Housing, care and accessibility of records, 23-26
Howland, Arthur P., 25
Illegal sale of liquor, 70, 103, 141, 142, 151, 155
Illegal transportation of liquor, 142
Improvement of highways, petitions for, 39
Incorporation of Cheshire County, 3, 4
Indentures, 49
Indexes
  to Cheshire County registry of deeds, 52
  to civil dockets, cases, judgments, and writs of execution, 74
  to equity dockets, cases, judgments, and writs of execution, 76
  grantor-grantee, to deeds, 56, 50
  to medical referees reports, all counties, 228
  to original probate documents, 189
  to sessions dockets, cases, judgments and writs of execution, 77
  to state dockets, cases, judgments, and writs of execution, 75
Indian tribes, 3
Indictments, 131
Industries, 8, 9, 67, 73
Information, petitions for, 113
Injunction
  petitions for, 123
  writs of, 102
Inmates
  admission permits, county farm, 240
  list of
    at county farm, 3, 239, 240
    at house of correction, 3
  record of, at county farm, 17, 239
  record of deaths of, at county farm, 17, 241
  at county farm, by relief application, 19
Inquests, 106, 146, 147, 137, 227
Inquiry of title, 162
Insane, commitment of, 75
Insolvency proceedings, 143, 219
  petitions of commissioners in, 218

Insurance
commissioners, 77
policies, 48
Intestate estates, 114
Inventories
administrators' and executors', 114, 120-121, 195
and appraisals of property in litigation, 144, 180
Cheshire County, of towns, app. 10
county farm, 247
guardians, 120, 196
trustees, 197
Invoices
county farm, 244, 248
relief claims, 12
Iron mill, first, 73
Jaffery, 6, 8
Jail, county, 24-25, 29, 75, 140, 164
See also Criminals; Prisoners
application for discharge from, 167
bonds, 170, 186
commissioners of, delivery, 16, 79, 170
inmates, list of, 3
map of grounds, physical, 42
orders to transfer prisoners, 96, 237
plans of, at Keene, 47
stable, 40
Jailors
appointment, 140
auditing of accounts of, 70
"Journal", Henry David Thoreau's, 7-8
Journal, private miscellaneous, app. 5
Judicial organization, 14-16, 63-82
Judgments, 142, 86, 99, 182
See also Verdicts
Jurors, 140-141
fees, 156
list of, 95
payrolls, 232
returns and venires, 94
Jury
coroners', 146
provincial, 64
Justice of the peace, 15-16, 18, 53, 54, 101-107, 112, 134-135
Justice of the peace (continued)
agreements, 181
appointment, 20, 103, 83, 152, 153
correspondence, 170
documents, 170
eligibility, 102
fee for commission, 104-105
list of, 152, 153, 170
oaths, 102
present incumbents, 153
records, 107, 170
term of office, 101
resignations of, 152
Justices, chief and associate, assignments and lists of, 83
Juvenile delinquency, 39, 81
Keene
aqueduct, 41
Associated Charities record, app. 2
constitution and record of, Common School Association, app. 9
map of, political, 65
Normal School, 17-18, 175
plans of jail at, 47
of stable, 40
relief cases, 6
Water Works, 41
wood book, 25
Keith, James, 5
Labor
commissioners of, 79
prisoners', 38, 67, 75
Land records, 13
Law enforcement, 16
Law term cases, dockets, 85
Leases of real estate, 51
Ledger
Handerson and Perry, app. 4
Whitcomb and Henderson, app. 3
Legatees' receipts, 222
Letters
See also Licenses
of administration, 114, 210
de bonis non, 211
conservators', 214, 216
executors', 192, 210
to pay debts, 193
of guardianship, 212
of insane, 213, 214
trustees', 215

Libel for divorce, 132
Library districts, 78
Licenses,
See also Letters
administrators and executors
to sell goods and chattels, 209
to sell real estate, 114, 207
to sell securities, 208
guardians, to sell real estate, 206
hawkers, 67, 143
liquor, 66, 155
motor vehicle, 80
peddlers, 67, 143, 157, 166
physicians', 165
showmens', 67, 143
Liquor
illegal sale of, 70, 103, 141, 142, 151, 155
illegal transportation of, 142
licenses, 66, 155
Lists
of chief and associate justices of superior court, 83
of bank commissioners, 169
of clerks of superior court, 83
of Cheshire County bar, 83
of inmates of house of correction, 3
of jurors, 95
of justices of the peace, 152, 153, 170
of notaries, 152, 153
of paupers, 10
of sheriffs, 83
of solicitors, 83
Litigation, appraisal and inventory of property in, 144, 180
Maps
Boundary changes of Cheshire County, 12
county farm and almshouse, 41
courthouse lot, 43
highway, 40
land layouts, 58
original counties in New Hampshire, 11
physical
of county, 62
and political, 64
of Dublin, and political, 63
of farm lands, 41
Maps
physical (continued)
of New Hampshire, app. 7
and political, app. 8
political, of Keene, 65
of roads in county, 40
settlement, 10
of towns, 61
Maritime Court, 141
Marlborough, 6
Marlow, 6
Marriage, 106
nullity, 74
petition for five day waiver, 118, 112
record of, performed by justices of peace, 170
Mason, Captain John, 64
Massachusetts General Court, 50, 64, 101
Master of house of correction, 37, 2
Medical referee, 16, 19, 144-149
See also Coroner
accounts, 149, 227
appointments, 19, 22, 145
autopsy, 147
records, 227
witnesses, 147, 148, 227
fees, 146
oaths, 145
records, 149, 227
index to, 228
removal from office, 145
reports, 149
term of office, 22, 145
Medical Register, 165
Merrimack County, 71
Mesne process, writs of, 54, 136
Minutes
of county commissioners, 38, 2
of county convention, 31, 32, 1, 3
Mittimus, 96, 237
Mortgage
deeds, 51
index to, 50
foreclosures, 51, 145
discharges and redemptions, 51
petitions for foreclosure and redemption of 78

Motor vehicles
Commissioner of, 80
licenses, 80
Mount Monadnock, 3, 7, 8
Municipal Budget Act, 79
Municipal courts, relation to superior court, 80-81
appeals, 183
Nails, manufacture of, at prison, 67
Narcotics, record of, administered at hospital, 253
Naturalization
days for, 83
declaration of intention, 78, 108
dockets, 106
laws, 78
petitions for, 107, 109, 111
records, 107
uncalled for, disputed and dropped, 110
Navigation, Connecticut river, 6, 7
New Castle, 64
New Hampshire
See also, State
Constitution, see Constitution of New Hampshire
Society for the prevention of cruelty to children, 117
original counties, map of, 11
Nelson, 6
Notary public, 53
appointments of, 152, 153
list of present, 153
North Walpole Fire District water-works, 41
Notes payable, county, 157
Nuisance, petitions to abate, 121
Oaths
application for poor debtor's, 167
of administrators, 121, 195, 198
of appraisers, 195, 196, 197
of commissioners, 35
of conservators, 199
of county officers, 154
of executors, 121, 195, 198
of guardians, 199
of justices of the peace, 102
of justices of the court of common pleas, 68
of medical referee, 145
Oaths (continued)
of militia officers, 170
of sheriff, 134, 135
of town officers, 107, 170
of trustees, 200
Officers, county, see Cheshire County
Old age assistance, see Relief
Orders
book of commissioners, 37
for claims against county, 37
of clerk of superior court, 161
for clothing, W.P.A., 21
of commissioners, 74, 236
court, commissioners' copies of, 36
of doctors, books at hospital, 254, 255, 256
to paupers to leave town, 125
for relief, see Relief
to remove paupers from county farm, 124
to sheriff to transfer prisoners, 96, 237
on treasurer, 236
for venires, 94
Organization
county, 4, 13
governmental, 13-19
judicial, 14-16, 63-82
Original counties of New Hampshire, 4, 13
map of, 11
Orphans, see Children
Overseer of the poor, 161-162, 25
Partitions and divisions of real estate, 55, 74, 77, 118, 136, 72, 201
commissioners' reports of, 72
Partnership accounts, adjustment of, 79, 164
Paupers, see also Relief
claims, 12, 13, 15, 16
list of county, 10
orders to, to leave town, 125
orders to remove from county farm, 124
petitions to remove from county farm, 124
record of county, 11
removal of foreign, 37

Payments and receipts, treasurer's
cash book, 232
Payrolls
county, 33, 232
county farm, 242
court, 158
commissioners' copies of, 35
jury, 232
Works Progress Administration, 34
Peddlers' licenses, 67, 143, 157, 166
Pensions
records of military and naval, in relief cases, 5
Revolutionary War, 224
Perambulation of county line in unincorporated places, 37
Petitions
to abate nuisances, 121
for administration, 114, 210
administrators'
to sell goods and chattels, 209
to sell real estate, 207
to sell securities, 208
for adoption, 117, 217
for alimony, 74
for assignment of dower, 204
for attachment, 122, 171
for change of name, 111, 217
for change of school district lines, 117
for citizenship, 111
for appointment of commissioners of insolvency, 218
appointment of, 218
for custody of children, 74
for damage against towns, 120
of debtors' widows, 70
for divorce, 74
for letters, de bonis non, 211
executors'
and letters of administration, 210
to sell goods and chattels, 209
to sell real estate, 207
to sell securities, 208
guardians'
to sell real estate, 206
and letters of guardianship, 212
Petitions (continued)
highway, 33, 36, 69, 75-76
for continuance, 115
for discontinuance, 39, 116, 117
for improvement, 39
for new, 39, 114, 117
for homestead, 203
for information, 113
for injunctions, 123
for laying out railroads, 118
marriage, for five day waiver, 118, 112
naturalization, 107, 109, 111
for nullity of marriage, 74
for redemption and foreclosure of mortgages, 78
to relocate schoolhouses, 37, 117
to remove paupers from county farm, 124
for right of eminent domain, 119
to take poor debtors' oath, 167
for widows' allowance, 74
widows, to sell real estate, 205
Physicians
certificates, 165
licenses, 165
order book at hospital, 254, 255, 256
Pioneers, 3
Piscataqua, 50, 64
Plaintiffs' and defendants' exhibits, 136
Plan book, register of deeds, 58
index to
grantor-grantee, 59
by town, 60
Plymouth, 65
Council, 63, 64
Police officers in unincorporated places, 37
Population of county, 6
Possession, writs of, 54, 139, 103
Post, Miss Alida, 165
Power of attorney, mortgagor's granting of, 73
Preservation of public records, 39, 53-54
Prisoners, 70
See also Jail
labor, 38, 67, 75

Prisoners (continued)
list of, at county farm and house of correction, 3
record
of, at house of correction, 238
at Keene, 45
transfer of, 75
Probate court, 15, 112-118
appeals from, 73-74, 112-113
bonds, 220
divisions and partitions, 55, 74, 77, 118, 136, 72, 201
docket, 187
documents, 188
index to, 189
inventories, 195, 196, 197
judge of, 15, 19, 112, 113
age limit, 22, 113
appointment of, 19, 20, 21, 22
salary, 113
term of office, 21, 22
miscellaneous records, 190
petitions, 210, 211, 212
receipts, 222
record of claims, 221
register of, 13, 14, 15, 18, 112-123
appointment, 20, 21, 120
bonds, 120
deputies, 120
fees, 119
salary, 119
Wills, 191, 192, 193
waiver of, 194
Property
See also Deeds; Real Estate
appraisals and inventories of, in litigation, 144, 180
attached, auction sale of, 146
deeds to county, 44, 47
inventory of, at county farm, 247
mortgage foreclosure of, 145
Provisions for issuance of county bonds, 39, 157
Public records, preservation of, 39, 53-54
Public Service Commission, 77-78, 79
Quitclaim deeds, 51
Railroads, 77, 78
blueprints of, extensions, 58
commissioners, 34, 70
Railroads (continued)
early, 7
petitions for laying out, 118
property map, 40
Reade, Robert, 161
Real Estate
See also Deeds; Property
accounts and reports of sale of, 68
appraisals of, 40, 144, 180
assent of widows sale of, 205
assignments of, 121, 122, 51
attachment of, 54, 57
conveyance of county, 38, 55, 56
leases, 51
licenses to sell, 114, 206, 207
partitions and divisions of, 55, 74, 77, 118, 72, 201
commissioners reports of, 72
purchase and sale of county, 30, 38
tax collectors' sales of, 66, 68
records of, 67
and releases of, 69
transfers of, 51
Receipts
See also Accounts; Cash; Expenditures
bank, 30, 31
itemized county, 3, 32
legatees', 222
and payments, 156-157, 3, 232, 233
probate, 222
selectmens', for fines, 170
tax, 234
Works Progress Administration, for clothing, 21
Receivers, appointment of, 151
Recognizances, 133, 176
Recorder, provincial, 20, 21, 22, 51-52
Records
accessibility, care and housing of, 23-26
anonymous diary, county commissioners office, app. 1
of Keene Associated Charities, app. 2
Cheshire County Delegation, 31, 32, 1, 2, 3
herd, county farm, 25, 251

Records (continued)
land, 13
of marriages performed by justices of the peace, 170
old superior court, 93
preservation of public, 39, 53-54
system, 13-19
of trials involving land ownership, 51
of votes for county officers, 148
Redmond Road, surveyor's book for, 47
Referees
appointment of in court cases, 77, 150, 184
medical, see Medical referee
Register
county farm visitors', 249
of deeds, 13, 14, 18, 50-57
appointment of, 51, 52, 69
bonds, 51-53
deputy, 52
election, 18, 21, 22, 51
fees, 52
plan book, 58
index to
grantor-grantee, 59
by towns, 60
removal from office, 51-52
term of office, 21, 22, 51
medical, 165
of probate, see Probate court
Registry
Cheshire County, of deeds, 51
index to, by towns, 52
attachment book, 57
book of entry, 55
tax sales record, 67
Release
of dower and homestead, 202
of real estate, 69
Relief
See also Paupers
active cases, 6
record of military and naval pensions of, 5
administration, 13, 18, 66, 70, 79, 104, 157-158, 161-165
affidavits, 5
bills, rendered by towns, 23
cancelled State bills, 23, 24
Relief (continued)
claims, 12, 13, 15, 16
clothing orders and receipts, 21
correspondence, 6, 23
county cases, 7, 8, 9
county report of, 1937, 41
direct, monthly tabulation of, 7
dependent soldiers, 14, 22
early provisions for, 66, 104, 161, 162
Emergency, Administration, State records of Cheshire County cases, 22
invoices, 12
Keene cases, 6
monthly, reports, 7
old age assistance, 39, 22
orders, 20, 21, 22
pauper records, 13, 239
petitions for, 5, 6, 9, 19
of poor away from county farm, 18, 27
summary cards, 8
tax records of applicants, 6
wood book, Keene poor, 25
Removal of prisoners from jail, 75
Replevin, writs of, 104
Reports
Cheshire County, 30, 40, 41, 3, 4
of clerk of superior court, 81
of county officers, 40, 41, 3, 4, 72
county, other than Cheshire, 4
of county relief, 1937, 41
of the Democratic-Republican Party, 47
of medical referee, 149, 227
index to, 228
monthly relief, 7
of summer schools and school districts, 47
Resignations of justices of the peace, 152
Returns
of assessments, 167
of elections, 147, 148
and venires, 94
Revenue, county farm, 243
Revolutionary War, 5
pensioners, 224
Richmond, 6

Rindge, 6
Roads, see Highways
  commissioners, see Commissioners
Rockingham County, 13, 67, 71
Roxbury, 6
Sales
  auction, of attached property, 146
  cash, county farm, 246
  of real estate, 56, 117, 66, 67, 68, 69, 205
Sawyer, Elijah, 16, 138
School
  districts, dissolution of, 106
  houses, petitions for relocation, 37, 117
  normal, 17-18, 175
    enrollment, 1937-1938, 17
  reports of summer, and school districts, 117
Scire facias, writs of, 136
Sealer of weights and measures, 169-170
  appointment of, 21
  term of office, 21
Secretary of State, 31, 40, 55, 73, 142, 156, 169, app. 8
Securities, petitions to sell, 208
Sentences, 96
Sessions
  court cases, 91, 92
  court dockets, 82
    index to, 77
  court documents, 87
Settlement
  of land titles, 163
  map of Cheshire County, 10
Shattuck, Daniel, 3
Sheriff, 13, 16, 18, 19, 74, 134-144
  appointment of, 20, 21
    in tie vote, 135
  accounts, 143-144, 226
  age limit, 135
  bonds, 69, 80, 136
  costs, 99
  deputy, 16, 19, 135, 137
    appointment, 19, 21, 22, 136, 137, 225
    bonds, 136
    deputations, 137
    discharge, 137
Sheriff (continued)
  election of, 22, 135
  eligibility, 135
  fees, 136, 99
  list of, in New Hampshire, 83
  oaths, 134-135
  orders to transfer prisoners, 96, 237
  removal from office, 135
  reports, 3, 4
  salary, 136
  term of office, 21, 22, 135
Showmen's licenses, 67, 143
Snow, William R., 162
Soldiers, dependent, 14, 22
Solicitor, 16, 18, 150-152
  accounts, 152, 229
  appointment of, 21, 150
  bonds, 150
  election, 22, 150
  list of, in New Hampshire, 83
  reports, 152, 3, 4
  salary, 151
  term of office, 21, 22, 150
State
  See also New Hampshire
  Bank Commissioners, 70, 76, 77
    list of, 169
  Board of Education, 79
  Board of Railroad Commissioners, 34
  cancelled relief bills, 23, 24
  Commissioner of Agriculture, 143
  Commissioner of Labor, 79
  Commissioner of Motor Vehicles, 80
  court cases, 89
  court dockets, 80
    index to, 75
  court documents, 87
  Department of Public Welfare, 39, 40, 151, 158
  Emergency Relief Administration, records of county cases, 22
  Hospital, 117
    commitment to, 75
  Industrial School, 117
  Insurance Commissioners, 77
  Laboratory of Hygiene, 148
  Legislature, 13, 17, 19, 51, 145
  Library, 40, 72, 78

State (continued)
Police, 16
Prison, 75, 140, 142
Public Service Commission, 77-78, 79
School for the Feeble Minded, 39
Supreme Court, 72
Tax Commission, 38, 40, 79, 105, 118, 155, 157, 161, 163
Treasurer, 80, 118, 121, 139, 155, 170
Statements
of auditors, 161
bank, 38
of treasurer, 231
Steamships, 6, 7
"William Hall", 7
Sterilization, sexual, 39, 163
Stoddard, 6
Strafford County, 13, 67, 71
Stubs, check, 37
Subpoenas, 128
Sullivan, 6
county, 3, 6, 71
Summary cards, relief, 8
Summonses, 136, 127
Superintendant of the county farm, see Farm, county
Superior court of judicature, 14, 15, 55, 62, 63, 65, 70-71
affidavits, 129
agreements, 138
circuit, 14, 15
civil cases, 88
civil docket, 79
civil documents, 87
clerk of, 14, 16, 18, 19, 53, 63-82
accounts, 81
appointment of, 19, 21, 22, 72-73, 83
bonds, 73
correspondence, 47
deputy, 73
list of, 83
orders, 161
reports, 81
term of office, 21, 22
development of in New Hampshire, 62
Superior court of judicature (continued)
dockets, 78
civil, equity, sessions, state, 79-82
index to, 74-77
printed, 83
judges
appointment of, 20, 70
list of, 83
old records, 93
Surveyors' book for Redmond Road, 47
Surrey, 6
Swanzey, 3, 6, 8
Symbols, abbreviations and explanatory notes, 26-28
Tax collectors', 56
deeds, 51
sales, 56, 66, 67, 68, 69
receipts, 234
returns of assessments, 167
Territory, colonization of, 3, 13
Temple, Isaac, 16
Time books, county farm, 242
Thoreau, Henry D., "Journal", 7-8
Title
abstract of, to county farm lands, 44
inquiry, contest and adjustment of, 80, 162
settlement of land, 163
Toll bridges, freeing of, 36-37
Towns
bills rendered by, for relief, 23
in Cheshire County, 6
maps of, 61, 62, 64
officers' oaths, 107, 170
petitions for damages against, 120
poor farms, 162-163
Transfer
of prisoners, 75
of real estate, 51
Transmission lines, blueprints and plans of, 58
Treasurer, 17, 19, 29, 51, 74, 152-158
accounts, 156

Treasurer (continued)
appointment, 69, 153
bonds, 153-154
cash book, 232
election, 20, 21, 22, 153
expenditures, 230
fees, 155, 156
orders, 236
receipts and payments, 232, 233
reports, 1, 3, 4
statements, 231
printed, 156
tax receipts, 234
term of office, 21, 22
Tribes, Indian, 3
Trial justices, see Justices of of the peace
Trials involving land ownership, 51
Turnpike, Third New Hampshire, 47
Trustees, 117
accounts, 200
depositions, 143
inventories, 197
letters, 215
oaths, 200
Unemployment, see Relief
Unincorporated places
appointment of fire wardens in, 37
highways in, 36, 67, 154
perambulation of line, 37
police officers in, 37
taxes in, 154
Vagrants, binding out of, 37
Venires, 140-141
returns and, 94
Verdicts, 79, 139
See also Judgments
Vermont, 5, 140
Visitors' register, county farm, 249
Vital statistics at county farm, 17, 19, 239, 241
Voluntary examinations, morals cases, 179
Votes for county officers, 65, 66, 69, 70, 142, 153, 147
Vouchers, 47
Wavier
of dower, 71
of five day marriage law, 118, 112
of wills, 194
Walderne (Waldren), William, 50
Waldren, Richard, 50, 51
Walker, Samuel, 161
Walpole, 3, 6
Wardell, Thomas, 161
Wardens, fire, in unincorporated places, 37
Warrants, 139
and complaints, 105, 175
for town meetings, 105-106
Warranty and Quitclaim deeds, 51
Waste docket, 84
Wentworth, Governor Benning, 112
Welfare, see Relief
Westmoreland, 6, 24-25
Whitcomb and Henderson, ledger, app. 3
Widows
allowances, 117, 223
assent of, to sell real estate, 205
petitions
for allowances, 74
for assignment of dower, 204
of debtors', 70
to sell real estate, 205
Wills
See also Probate Court
disputed, and codicils, 126
foreign, 115
waiver of, 194
Winberne, William, 161
Winchester, 3, 6, 8
Witnesses, 30, 31, 81, 104, 105
autopsy, 147, 148, 227
fees, 159
Woodbury, Levi, 162
Works Progress Administration
orders and receipts for clothing, 21
payroll, 34
Wright, Charles, and George, K., 9
Writs
amendments, 140
of attachment, 56, 97, 172
petitions for, 122, 171
capias, 98, 173
of execution, 54, 136, 139, 99, 174
notations of, 100, 101
habeas corpus, 81
habere facias possessionem, 117, 136

Writs (continued)
of injunction, 102
of mesne process, 54, 136
of possession, 54, 139, 103
of replevin, 104
of scire facias, 136