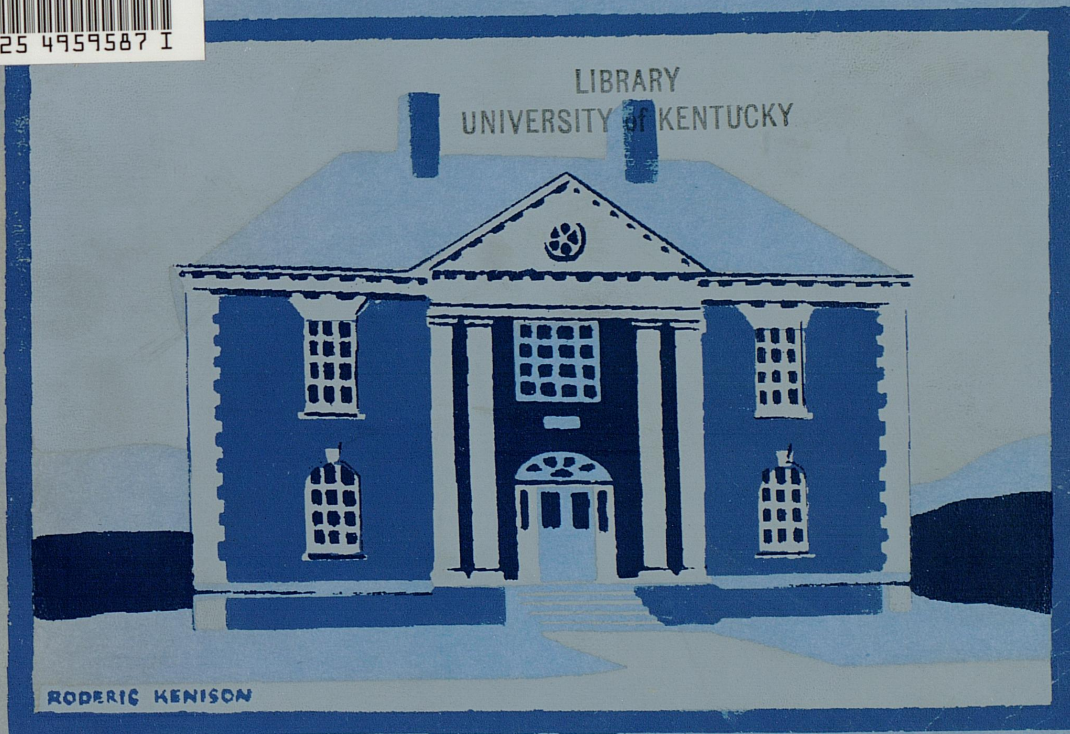


INVENTORY OF THE COUNTY ARCHIVES OF NEW HAMPSHIRE

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THE HISTORICAL RECORDS SURVEY
DIVISION OF WOMEN'S AND PROFESSIONAL PROJECTS
WORKS PROGRESS ADMINISTRATION



NO.2, CARROLL COUNTY

INVENTORY OF THE COUNTY ARCHIVES
OF NEW HAMPSHIRE

Prepared by

The Historical Records Survey
Division of Women's and Professional Projects
Works Progress Administration

No. 2. CARROLL COUNTY (OSSIPPEE)

* * * * *

Manchester, New Hampshire
The Historical Records Survey
February 1939

INVENTORY OF THE COUNTY ARCHIVES
OF NEW HAMPSHIRE

The Historical Records Survey

Luther H. Evans, National Director
Richard G. Wood, State Director

Prepared by
The Historical Records Survey
Division of Women's and Professional Projects
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P R E F A C E

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 Survey was a part of the Federal Writers' Project until November 20 when it was set up as a separate unit. 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 volume is one of a series of publications by the Historical Records Survey concerning the local archives of New Hampshire. A volume on church records has already appeared, and volumes on town records will be published by county units. The Historical Records Survey made the first listing of the Carroll County records in the summer of 1937; the recheck was in the autumn of that year. The list of records was brought up to date in August 1938.

"The Inventory of County Archives in 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 Carroll County is No. 2. The various units of the inventory will be issued in mimeographed form for free distribution to state and local officials in New Hampshire and to a number of libraries and governmental agencies outside the state."

The Survey wishes to express its appreciation for the cooperation received from Carroll County officials, and especially to Mr. Preston Smart, who has at all time evinced a lively interest in this work. The Survey is further indebted to the Secretary of State and the Attorney-General for information received. The Works Progress Administration of New Hampshire has frequently come to the aid of the Survey.

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

February 15, 1939

Richard G. Wood
State Director
The Historical Records Survey

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 Works Progress Administration. The publication herewith presented, an inventory of the archives of Carroll County, is number 2 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 Women's and Professional Projects, of which Mrs. Florence Kerr, Assistant Administrator, is in charge.

F. C. HARRINGTON
Administrator

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A. CARROLL COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

In 1642 Darby Field "went to the top of the white hill"¹(ascended Mount Washington). In his journey to this lofty peak of the White Mountains, Field traversed the territory now known as Carroll County. Later in the same year "Mr. Gorge and Mr. Vines"² paddled up the Saco River in birch canoes,³ and, in their wanderings, visited the Carroll County region.

The principal Indian tribes of this locality were the Sokokis, the Pequawkets, and the Ossipees, all of which were branches of the Abnaki. Early settlement was prohibited by Indian activity. One of the fiercest Indian battles in colonial history was the Lovewell Fight (1725) which occurred in Maine near the present Carroll County line. Captain John Lovewell lead a small band of soldiers northward to attack the chief village of the Pequawkets in what is now Fryeburg, Maine. While advancing from a fort which they had hastily constructed on the shore of Ossipee Lake, Lovewell and his men encountered the Indians. Although neither side was entirely victorious in the resulting battle, it was the cause of a withdrawal from that general vicinity of many of the Indians, and settlement of the region became less dangerous. Once begun, the work of settlement advanced rapidly. Sandwich, Moultonborough, Conway, and other places were colonized at about the same time in 1763, 1764, and 1765.

Yet this rapidity of settlement did not mean that all obstacles had been removed or that no difficulties remained. The early settlers of the Carroll region underwent the same hardships which pioneers endured elsewhere. Benjamin Copp, a pioneer of Jackson, is reputed to have gone "ten miles to mill, with a bushel of corn on his shoulders, and never taken it off from the time he started from his door till he put it down in the mill."⁴

Of these early settlers of the region which became Carroll County, it has been written:

"Many times, when by their industry and hard work the settlers had accumulated provisions for the future, the bears would come down upon them and steal their pigs or anything else they could take. Meal and water and dried fish without salt was often their diet for days, when game was shy, or storms prevented hunting * * *

"As soon as possible * * * they made arrangements for the preaching of the gospel and the education of their children. A primitive structure of rough logs was rolled up for a schoolhouse. This was lighted by an occasional pane of glass; and here their religious services were often held * * *.

1. Hosmer, J. K. (editor), Winthrop's Journal, (N. Y., 1908), 2:62-63.
2. Thomas Gorges, Deputy Governor, and Richard Vines, Councilor, of the Province of Maine.
3. Hosmer, J. K., op. cit., 2:85-86.
4. Willey, B. C., Incidents in White Mountains, (Boston, 1856), 168.

"The dress of these pioneers was * * * of their own manufacture. The women were obliged to work very industriously, so many duties devolved upon them. Many of them would work from eighteen to twenty hours a day. They would card and spin the wool from their sheep, weave and color it * * * then cut and make their plain garments. * * * Before they raised sheep, the men wore garments of mooseskin, and towcloth was also used largely for both men and women * * *."⁵

This region was first included within the boundaries of Strafford County, but in 1840 Carroll and Belknap Counties were set off from Strafford and incorporated by legislative act.⁶

The name of Carroll was chosen in commemoration of Charles Carroll of Carrollton,⁷ the distinguished Maryland aristocrat and signer of the Declaration of Independence. Although educated in Europe and a man of wealth, he championed the cause of the patriots before and during the American Revolution. At various times he served as a member of the committees of correspondence and observation, the provincial convention, the constitutional convention, the Maryland Senate, the Continental Congress, and the United States Senate.

The towns comprising Carroll County (1840) consisted of Albany, Brookfield, Chatham, Conway, Eaton, Effingham, Freedom, Moultonborough, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro.⁸

In 1841 an act adjusted the boundary line between the new counties of Carroll and Belknap. By this act, all lands and waters lying north of a certain line and between that line and the towns of Moultonborough, Tuftonboro, and Wolfeboro were to belong to Carroll County; the line thus referred to "beginning at the easterly termination of the line dividing the towns of Meredith and Moultonborough; thence running easterly to the southerly point of Long Island in Winnipissaukee lake; thence easterly to the southerly point of Parker's island; thence easterly to the westerly termination of the line dividing the towns of Wolfeboro and Alton."⁹ The town of Eaton was divided in 1852, and from its western section a new town was incorporated and named Madison in honor of President Madison.¹⁰ In January 1853, Bartlett, Jackson, and Harts Location were annexed from Coos County;¹¹ and later in that same year Hales Location was also annexed from Coos County.¹² A further adjustment of the line between Carroll and Belknap Counties was made in 1897, when certain islands in Lake Winnepesaukee were assigned to towns of Carroll County and certain ones to towns of Belknap County.¹³

5. Merrill, Georgia Drew, History of Carroll County, (Boston, 1889), 53-54.

6. New Hampshire Laws of 1840, ch. DXXXIX.

7. Merrill, Georgia Drew, op. cit., 2.

8. New Hampshire Laws of 1840, ch. DXXXIX.

9. New Hampshire Laws of 1841, ch. DXXI.

10. New Hampshire Laws of 1852, ch. 1287.

11. Ibid., ch. 1290.

12. New Hampshire Laws of 1853, ch. 1425.

13. New Hampshire Laws of 1897, ch. 199.

Mountains, lakes, and streams diversify the scenery of Carroll County. Its two principal mountain ranges are the Ossipee and the Sandwich Ranges, the latter featured by Mount Israel, Sandwich Dome, Whiteface, Passaconaway, Paugus, and rugged Chocorua.

The best known lake within the interior of Carroll County is Chocorua, at the base of the mountain peak of that same name. Winnepesaukee lies at its southern boundary. The history of navigation on this "inland sea" is an interesting one¹⁴ and dates from the early eighteen-hundreds. Previous to that time the greatest difficulty was experienced in transporting goods to the Carroll County region from the seaports of Dover and Portsmouth. At last, however, a road was built from Dover to Alton Bay, from which supplies were to be distributed in boats. A huge flat-bottomed craft known as the old "Gundalow" boat was built to carry goods and passengers across the lake to their various points of destination. This boat was propelled by sail with the advantage of favorable winds, otherwise by large oars; it was wrecked on Great Boat Ledge after a few years.

During 1830-33 a stock company built a steamboat, the Belknap, about a hundred feet long. "The engine was in no way in proportion to the size of the boat, in headwinds hardly able to hold its own, and making a noise that could be heard for miles."¹⁵ In 1841 this boat was wrecked on Steamboat Island. At least twenty-five boats have plied the waters of the Winnepesaukee. The Mount Washington, built in 1872, still does its annual service on the lake each summer.

Among the rivers that add picturesqueness to the Carroll County landscape are the Saco which falls "in the green lap of Conway's intervalles," on its way to Maine and the Atlantic; and the Bearcamp which traces its course by rapids and broad meadows from Bearcamp Pond in Sandwich to Ossipee Lake. To the sylvan scenes of the valley of the Bearcamp came John Greenleaf Whittier in those calm later years, when the storm and stress of the anti-slavery agitation had become a memory of the past, and the conscience of the Quaker poet could allow him to write poetry for the sake of creating something of beauty, rather than for the sake of furthering a cause. The land of the "Bearcamp Water" furnished the inspiration for "Among the Hills." Other poems of Whittier with a Carroll County setting were "Sunset on the Bearcamp," "Voyage of the Jettie," "The Hill-Top," and "Mary Garvin."

The interest in handicrafts, which with the coming of the machine age, lapsed in Carroll County as elsewhere, had a decided revival in the last ten or twelve years. In 1926 an exhibition was held of some handwoven rugs in Sandwich. This exhibition was widely attended, and it was so successful that the Sandwich Historical Society decided to start a sort of clearing house for home products. A salesroom was opened where people brought hand-made products which the Sandwich Home Industries, as this new enterprise was called, sold at a small commission in order to meet necessary expenses. This idea spread to

14. Merrill, Georgia Drew, op. cit., 69-72.

15. Ibid., 69.

other communities, and resulted in the formation of the New Hampshire League of Arts and Crafts which won an annual appropriation from the legislature. Headquarters were established at Concord.¹⁶ One result of the activities of the New Hampshire League of Arts and Crafts was a renewed interest in sheep-raising, since it was discovered that there was a demand for hand-made woolen products. The League of Arts and Crafts is now active throughout the state, but the impetus for the enterprise came from Carroll County.

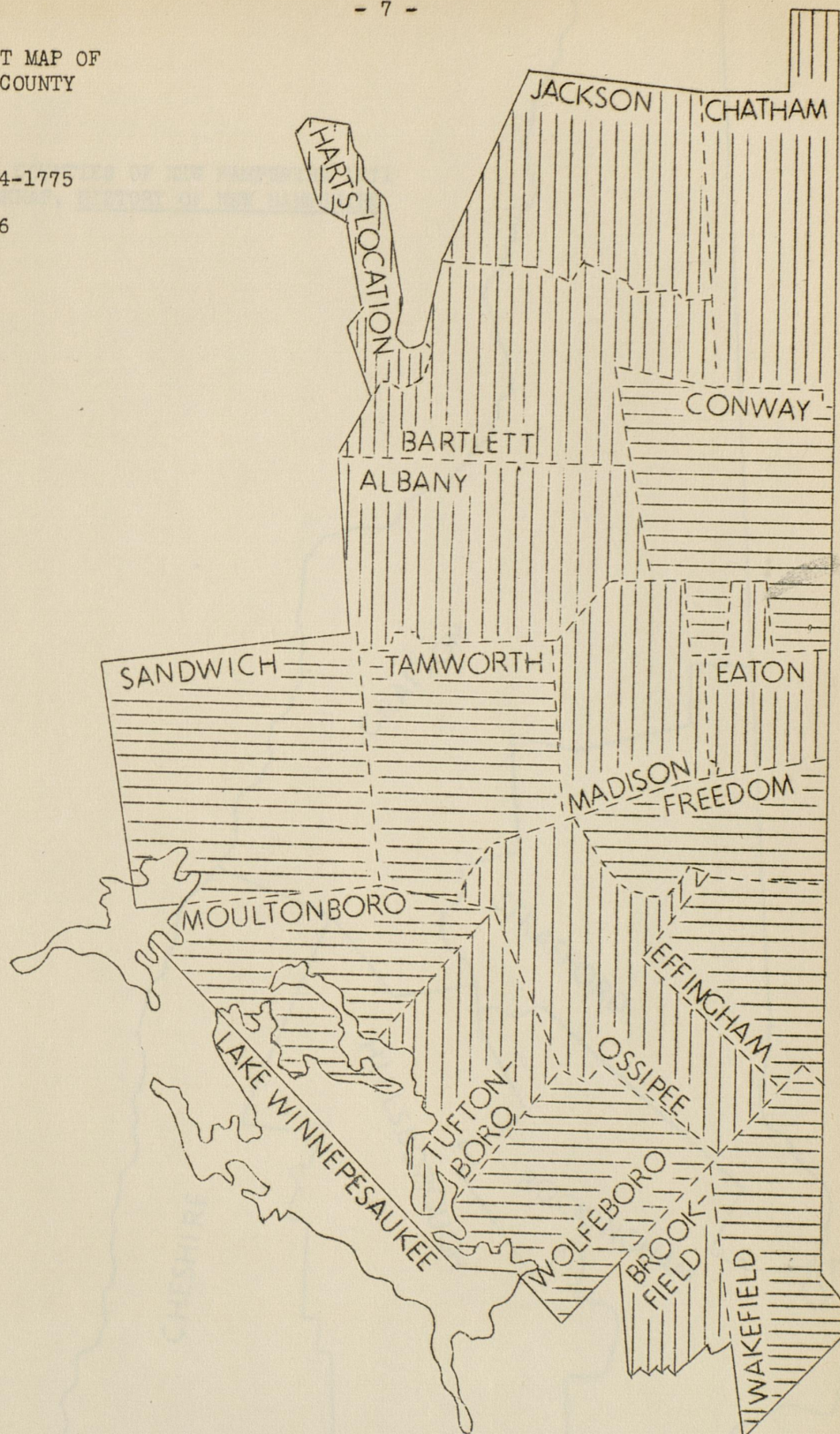
There are no cities in Carroll County; the town of Ossipee is the county seat. Carroll County is bounded on the north by Coos County; on the east by the Maine counties of York and Oxford; on the south by Belknap and Strafford Counties and Lake Winnepesaukee; and on the west by Coos and Grafton Counties. According to the 1930 census, the population was 14,277. Carroll is the smallest of New Hampshire's counties in population. Each of the last three censuses has shown a decrease. The largest town is Conway which had a population of 3,217 in 1930.¹⁷

16. Hillyer, Laurie, "Sheep Keep the Wolf Away," in Yankee, November, 1935., 47-48.

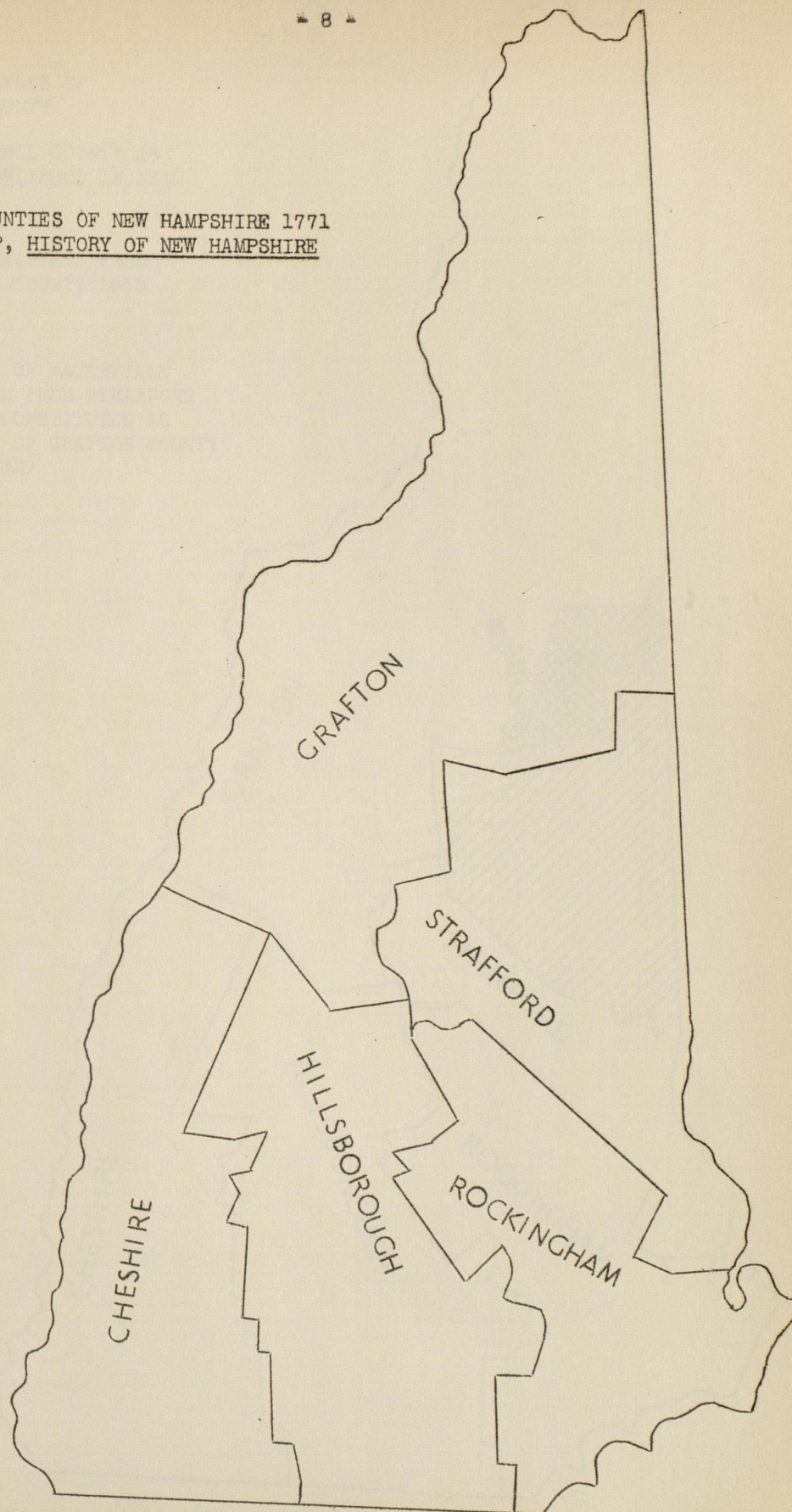
17. New Hampshire Manual for the General Court 1937, 56.

SETTLEMENT MAP OF
CARROLL COUNTY

 1764-1775
 1776



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

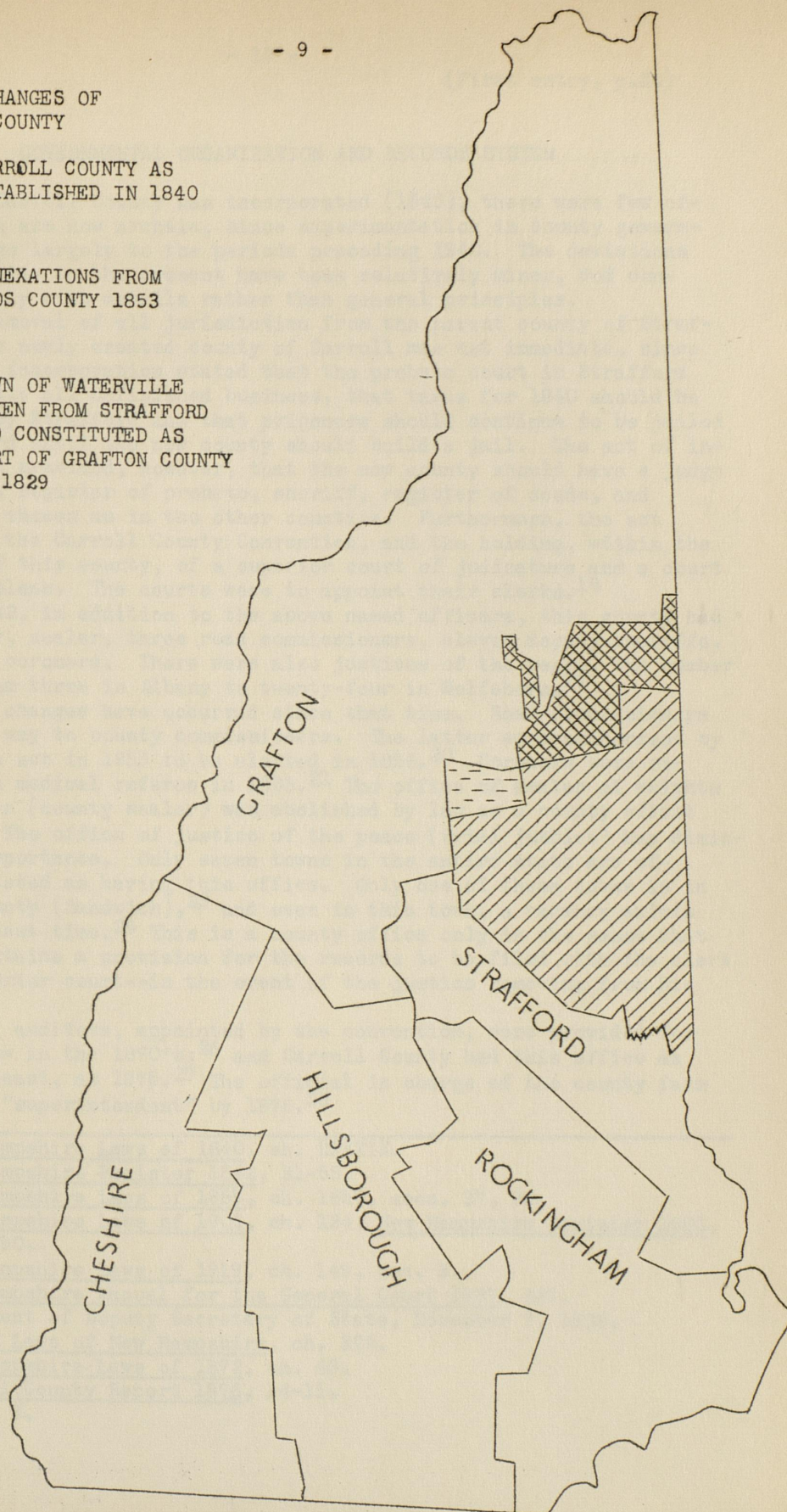


BOUNDARY CHANGES OF
CARROLL COUNTY

 CARROLL COUNTY AS
ESTABLISHED IN 1840

 ANNEXATIONS FROM
COOS COUNTY 1853

 TOWN OF WATERVILLE
TAKEN FROM STRAFFORD
AND CONSTITUTED AS
PART OF GRAFTON COUNTY
IN 1829



2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

When Carroll County was incorporated (1840), there were few offices which are now archaic, since experimentation in county government belongs largely to the periods preceding 1840. The deviations from that time to the present have been relatively minor, and concerned mostly with details rather than general principles.

The removal of all jurisdiction from the parent county of Strafford to the newly created county of Carroll was not immediate, since the act of incorporation stated that the probate court in Strafford should settle all unfinished business, that taxes for 1840 should be collected by Strafford and that prisoners should continue to be jailed in Strafford until the new county should build a jail. The act of incorporation provided, however, that the new county should have a judge of probate, register of probate, sheriff, register of deeds, and treasurer, chosen as in the other counties. Furthermore, the act authorized the Carroll County Convention, and the holding, within the confines of this county, of a superior court of judicature and a court of common pleas. The courts were to appoint their clerks.¹⁸

By 1842, in addition to the above named officers, this county had a solicitor, sealer, three road commissioners, eleven deputy sheriffs, and eleven coroners. There were also justices of the peace, the number varying from three in Albany to twenty-four in Wolfeboro.¹⁹

A few changes have occurred since that time. Road commissioners have given way to county commissioners. The latter were authorized by legislative act in 1855 to be elected in 1856.²⁰ Coroners were replaced by a medical referee in 1903.²¹ The office of sealer of weights and measures (county sealer) was abolished by law as a county office in 1919.²² The office of justice of the peace (trial justice) has diminished in importance. Only seven towns in the entire state are officially listed as having this office. Only one of these towns is in Carroll County (Sandwich),²³ and even in this town, a vacancy exists at the present time.²⁴ This is a county office only in the sense that the law contains a provision for the records to be filed with the clerk of the superior court--in the event of the justice removing from his county.²⁵

County auditors, appointed by the convention, were provided for by state law in the 1870's;²⁶ and Carroll County had this office as early, at least, as 1875.²⁷ The official in charge of the county farm was termed "superintendent" by 1876.²⁸

18. New Hampshire Laws of 1840, ch. DXXXIX.

19. New Hampshire Register 1842, 31-55.

20. New Hampshire Laws of 1855, ch. 1659, secs. 37, 38.

21. New Hampshire Laws of 1903, ch. 134; New Hampshire Register 1903, 288, 290.

22. New Hampshire Laws of 1919, ch. 149, sec. 3.

23. New Hampshire Manual for the General Court 1937, 427.

24. Statement of Deputy Secretary of State, November 7, 1938.

25. Public Laws of New Hampshire, ch. 322.

26. New Hampshire Laws of 1872, ch. 43.

27. Carroll County Report 1876, 14-15.

28. Ibid., 3.

The present Carroll County officers consist of auditors; clerk of the superior court; county commissioners; register of deeds; judge of probate; register of probate; sheriff; deputy sheriffs; solicitor; superintendent of the county farm, house of correction, and jail; treasurer; and medical referee. The sheriff, solicitor, treasurer, register of deeds, register of probate, and commissioners are elected biennially.²⁹ The judge of probate is appointed by the Governor and Council;³⁰ the medical referee, by the Governor.³¹ The superintendent of the county farm owes his appointment to the county commissioners.³² Two auditors, one from each of the two leading political parties, are appointed by the superior court,³³ which also appoints the clerk of the superior court.³⁴ Deputy sheriffs receive their appointment from the sheriff.³⁵

Records. The manner in which volumes are bound is excellent in the office of the register of probate. Although there are some old index volumes that might be rebound, this is not to be recommended, since these volumes have been copied and it would only be an unnecessary expense for the county to have the originals rebound. All records in the probate office are easily accessible to the researcher. The present unbound dockets system facilitates consultation. The efficient conduct of this office and its fine equipment are particularly worthy of notice.

The care with which the plan books in the register of deeds' office are brought up to date is only one illustration of the effectiveness of the record-keeping system of the register.

Certain file drawers in the office of the clerk of court might well be indexed; otherwise, the record-keeping system of this office is excellent.

While the manner of filing records in the county commissioners' office may not seem perfectly systematic to persons unfamiliar with that office, yet it appears to be entirely adequate, so far as the actual needs of the commissioners are concerned. The increase of relief cases during the past decade has increased disproportionately, for that time, the volume of the commissioners' records.

In summation, it may be said that the Carroll County records, as a whole, are well kept.

29. New Hampshire Manual for the General Court 1937, 430-431.

30. Ibid., 420.

31. New Hampshire Laws of 1903, ch. 134.

32. Public Laws of New Hampshire, ch. 38.

33. Ibid., ch. 35.

34. New Hampshire Manual for the General Court 1937, 421.

35. Public Laws of New Hampshire, ch. 324.

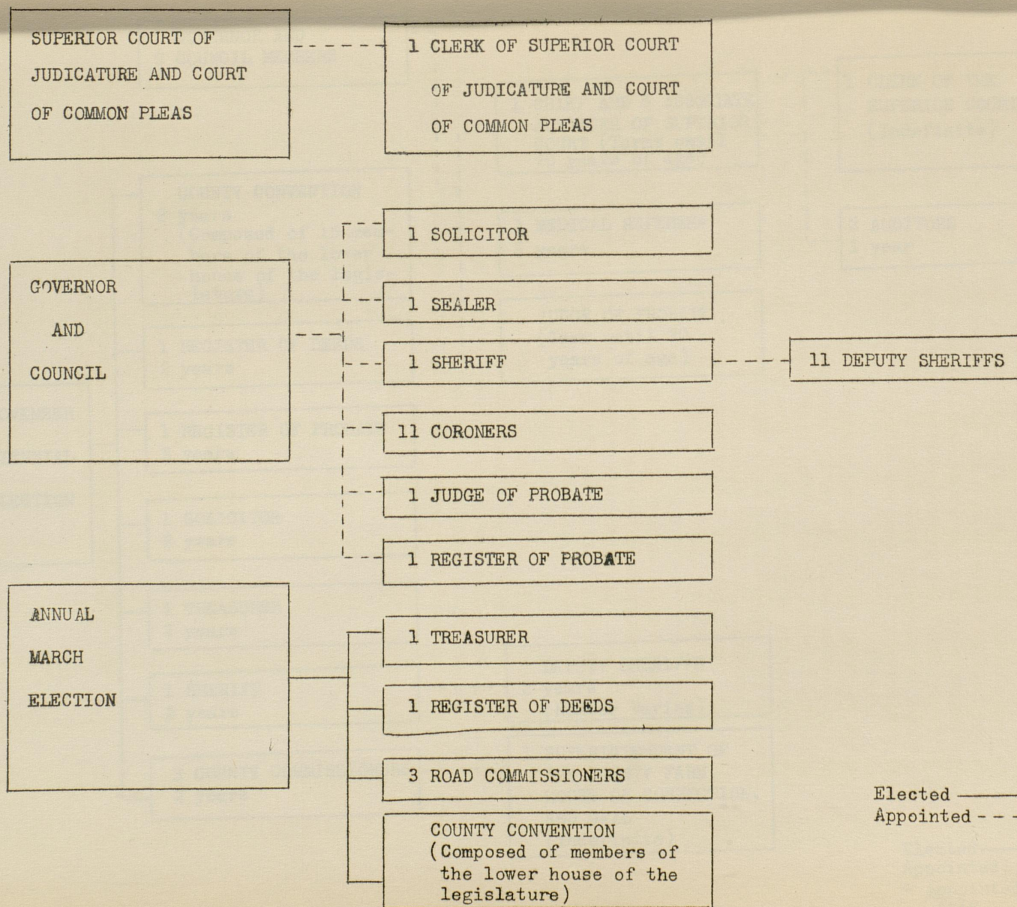
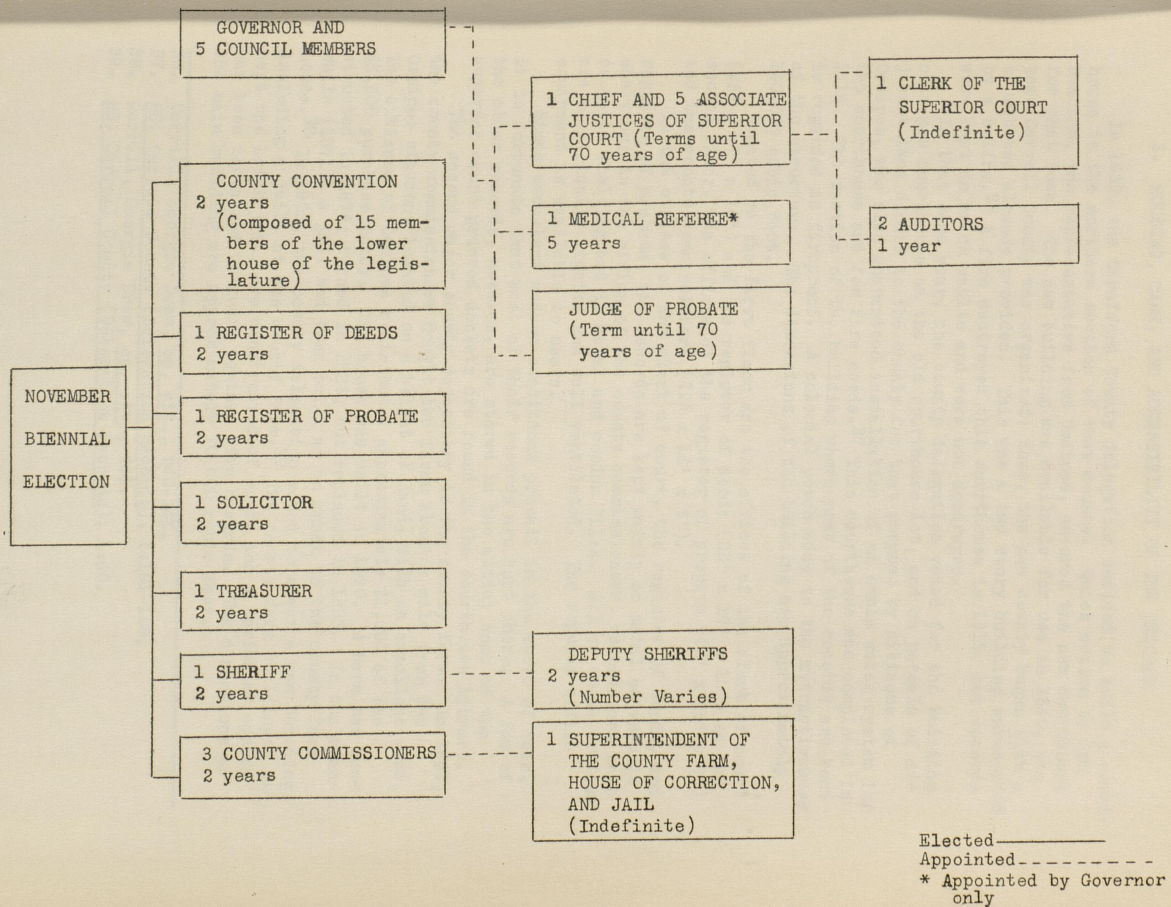


CHART OF CARROLL COUNTY OFFICES IN 1842

Elected _____
Appointed - - - - -



3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

In 1839, the Strafford County delegation decided to build a courthouse in the northern section of that county. Quick action by Asa Beacham, the representative from Ossipee, secured the new courthouse for that town. The new building was available for use in 1840, the year Carroll County was organized; thus, the new county began with a courthouse already provided. This was a two story building surmounted by a belfry.³⁶ A fire destroyed this courthouse in 1915; but records were kept in brick vaults and were not destroyed.

In that same year, the county delegation voted for the building of a new courthouse on the old courthouse lot, and on parcels of adjacent land deeded to the county for that purpose by citizens of Ossipee, who also guaranteed installation of an ample water system for the courthouse and for fire needs.³⁷ This courthouse was completed in 1916. The section of the building where most of the records are kept is regarded as fireproof. A colonial porch adds to the attractiveness of the structure. The dimensions of the building are approximately 140,000 cubic feet.

Located on the first floor are the offices of the clerk of court (23' x 17' x 10') and the register of deeds (23' x 17' x 10') on the second floor, the offices of the register of probate (22' x 16' x 9') and the county commissioners (22' x 16' x 9').

In the offices of the clerk of court, the register of deeds, and register of probate, the records are kept mainly on metal adjustable shelving; in the office of the county commissioners, records are kept on metal shelving and in metal and wooden files. All of these offices are electrically lighted and well ventilated. The regular office equipment is available to users.

Since excellent modern conditions prevail in the above offices, it is fortunate that most of their records are kept there. A few of the older records, however, are stored in the attic; some of the superior court printed dockets are found in the courthouse library.

The second major county depository is the county farm. In 1869, the county commissioners bought two farms about a mile from the Ossipee station, located on a height of land, with an excellent view. The citizens of Ossipee contributed approximately \$1,000 of the \$5,500 purchase money. The house was built in 1870. A barn was constructed in 1874; burned in 1884, but replaced in 1885. In the meanwhile (1871), a jail had been built as an annex to the county farm house.³⁸ In 1903, the county delegation voted to erect a new building, including a jail, at the county farm.³⁹ The county farm buildings, except the brick jail, are constructed of wood, and a sprinkler system has been installed to guard against fire hazards. The dimensions of the main building are approximately 70,000 cubic feet.

36. Merrill, Georgia Drew, op. cit., 240-241.

37. MS. Carroll County (Delegation Records), 1:101-108.

38. Merrill, Georgia Drew, op. cit., 241.

39. MS. Carroll County (Delegation Records), 1:60.

Records are kept in metal files in the superintendent's private office (16' x 13' x 9') first floor, and in a closet in the first waiting room, first floor. Typical modern conditions prevail in the superintendent's office, and the working equipment is available to users. Records not found at the county farm are located in the county commissioners' office, and the attic, at the courthouse.

Records of the treasurer are located in the office of the county commissioners and the attic of the courthouse. The sheriff's records are deposited with those of the clerk of court at the courthouse.

Recommendations. The county officials deserve praise for their use of excellent modern equipment, including metal adjustable shelving. A few minor additions, however, are to be recommended. The clerk of court needs some additional filing space; more space for probate papers will soon be required by the register of probate; the county treasurer should have a metal filing cabinet for such records as he keeps in his private office. Additional filing cabinets are needed by the superintendent of the county farm to do away with the necessity of keeping some of the records in a closet. If the practice of keeping records in the courthouse attic is to be continued, filing cabinets should be installed there.

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph.	.....	alphabetical(ly)
approx.	.....	approximate(ly)
arr.	.....	arranged (arrangement)
aver.	.....	average
bsmt.	.....	basement
ch(s).	.....	chapter(s)
chron.	.....	chronological(ly)
comm.	.....	commissioners (county)
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)
off.	.....	office
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

Exact titles of records are written in solid caps without parentheses, as in entry 3. In the absence of titles, descriptive titles have been assigned, which are written in solid caps and enclosed in parentheses, as in entry 19. If a record title is not descriptive of the contents of the record, an assigned explanatory title, written with initial caps and enclosed in parentheses, has been added, as in entry 1. Titles of artificial entries (those procured from another entry) are written in solid caps and enclosed in parentheses, as in entry 47. 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 parentheses, as in entry 34. Titles of regular entries used as references in the description of other entries are written in initial caps without parentheses, as in entry 157.

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 3, "1890-- in entry 4." 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 68, "In entry 115." 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 159, "Also contains: (Divisions and Partitions), 1842-63, entry 148." 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.

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.

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

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 133.

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.

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

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.

B. COUNTY OFFICES AND THEIR RECORDS

I. COUNTY CONVENTION

The county convention (delegation) is composed of the members of the lower house of the legislature from each county. Early reference to a county convention is found in an act approved 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.⁴⁰

In amendment of the above act, a law was passed in 1801 empowering the representatives from each county during that session of the legislature to form themselves into a convention for granting and appropriating county taxes for the ensuing year and allowing them to choose a chairman and appoint a clerk whose duty it was to keep a true record of all business transacted in the convention. The taxes voted by the convention were "held 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 thereby authorized to pay out money appropriated by the convention for county expenditures and for other necessary county charges where a surplus was granted for contingencies.⁴¹

An act of 1872 delegated to the county convention the power to appoint two auditors for each succeeding year.⁴² The manner of appointing the auditors was modified by 1891, when they were appointed by the county convention biennially one from each of the two leading political parties.⁴³ In 1897, however, the appointing power was transferred to the supreme court⁴⁴ (predecessor of the present superior court).⁴⁵

At one time the clerk of the court of common pleas had the duty of keeping the convention records,⁴⁶ but in 1877 a law required that the Secretary of State procure a suitable book for each county at its expense in which the records of the conventions were to be kept. This record book was to be deposited with him for safekeeping, and his attested copies 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 meeting of 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 doings of that body in the book thus furnished; and to

40. Laws of New Hampshire, 6:156 (1794).

41. Ibid., 7:23-24 (1801).

42. New Hampshire Laws of 1872, ch. XLIII.

43. Public Statutes of New Hampshire, ch. 24 (1891).

44. New Hampshire Laws of 1897, ch. 87.

45. New Hampshire Laws of 1913, ch. 130.

46. Revised Statutes of New Hampshire, ch. 23, sec. 3 (1842).

send, immediately after each meeting, a certified copy to the clerk of the county commissioners who was to record the same. He was also required to send the county treasurer an attested copy of each vote for raising taxes. The minutes of all meetings of the convention held other than at the State House in Concord were to be recorded by the clerk and forwarded to the Secretary of State who was to deposit them with the record book of the county; the clerk also must send an attested copy to the county commissioners. At the next regular convention meeting in the State House, the clerk then in office must enter at length in proper order and attest the records of such special meetings.⁴⁷ In 1863 it had been enacted that the 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 these meetings the convention would have all the powers it had at the regular meetings and its members were to have the same compensation for travel and attendance as they had when attending the Legislature.⁴⁸ 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.⁴⁹

By 1891, as evidenced by the compilation of that year, duties and powers of the county convention had definitely increased. The convention had power to approve the purchase, sale, and conveyance of real estate for the county; and it had charge of the erection, repairs, and alteration of county buildings where the expense exceeded one thousand dollars. It also had jurisdiction over the issuance of county bonds for debts. Upon request of its clerk, the convention was to receive from the Secretary of State a statement of the condition of the county treasury prepared by the county commissioners together with their detailed recommendation of the sums necessary to be raised in the county during the next 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. When attending special meetings the members of the convention were to receive ten cents a mile to and from the meeting and three dollars a day.⁵⁰

By the time of the 1926 codification of New Hampshire public laws, certain powers, in addition to those allowed in the Public Statutes (1891), had become the prerogative of the county convention. These added powers included the raising and appropriating of money to secure a county agent for development of the farming industry in each county; and the appointing of a committee (not exceeding five) of its own members to investigate the conduct of the county commissioners in county affairs. This committee was granted the power to summon witnesses and examine them under oath; secure a transcript of the testimony; and do other necessary acts connected with such an investigation,

47. New Hampshire Laws of 1877, ch. 11.

48. New Hampshire Laws of 1863, ch. 2735.

49. New Hampshire Laws of 1885, ch. 21.

50. Public Statutes of New Hampshire, ch. 24 (1891).

reasonable expenses of which were to be paid by the county upon approval of the judge of the superior court. The recommendations of the investigating committee, when accepted by the convention were to be entered at length in the next county report.⁵¹

In the act of December 23, 1840⁵² by which Carroll County was incorporated, the representatives of all towns in the newly formed county were authorized and empowered to form themselves into a convention to grant and appropriate taxes to be assessed and collected for all counties as prescribed by law. The Carroll County Convention became amenable to all laws and regulations governing all other county conventions.

Carroll County convention minutes, 1878-- , are on deposit with the Secretary of State, Concord; and the first entry⁵³ follows:

"Concord, New Hampshire, June 12, 1878.

"The Carroll County Delegation meet in Room No. 11, State House and organized by selecting Mr. Samuel D. Thompson of Conway, Chairman and Frank K. Hobbs of Ossipee, Clerk.

"By motion of Mr. Joseph L. Reobs of Ossipee, a committee of three was appointed to select the names of two suitable persons to be presented as auditors and to serve if approved by a majority of the members present. The Chairman appointed as that committee Mr. Joseph L. Reobs of Ossipee.--Mr. David D. Thompson of Conway and Mr. Herbert F. Stevens of Wakefield--and the committee selected the names of Mr. William F. Thompson of Conway and Mr. Arthur E. Wiggin [who] were elected by rising ballot and a majority having voted for them the Chairman declared them elected Auditors for the ensuing political year.

"Voted to adjourn to meet again at the call of the Chairman

"A true record - Frank K. Hobbs - Clerk"

A study of the minutes of the Carroll County convention leads to the conclusion that usually the first meeting of the new convention each biennium is for organization only. At this meeting the customary procedure is to elect a chairman and a clerk; then adjourn, subject to call by the chairman. At subsequent meetings county affairs are discussed; dates are set for visits to the county farm; committees and auditors are appointed or elected; appropriations for the budget for the next two years are granted; bond issues (amount, disposal, and method of payment) are voted; recommendations are made in regard to county buildings; action is taken on petitions for increases in salaries of county officers; and bills, affecting the county, are drafted for presentation to the legislature.

51. Public Laws of New Hampshire, ch. 35.

52. New Hampshire Laws of 1840, ch. DXXXIX.

53. MS. Carroll County (Delegation Records), June 12, 1878.

County Commissioners

(1)

Among the special meetings of the Carroll County convention were those held June 29-September 11, 1915, in the town hall in Ossipee. The acquisition of land for the new Carroll County courthouse and guarantees of an adequate water supply for the courthouse by the town of Ossipee were passed upon. That the legality of these meetings might never be questioned, the clerk attested that records of these meetings were duly forwarded to the Secretary of State as required by law.⁵⁴

The first mention of a county agricultural extension agent is found in 1917.⁵⁵ On March 27 of that year a recommendation for an appropriation for that purpose was voted down,⁵⁶ but that vote was rescinded on April 19 and the county commissioners were authorized to employ an agent for two years, beginning May 1, at an annual salary of \$1200.⁵⁷ In December 1934, the convention authorized the county commissioners to employ a social worker to assist them in their welfare work.⁵⁸

The Carroll County convention, which soon after the organization of this county had a membership of thirteen,⁵⁹ is now composed of fifteen members. Records are found in the basement and office vaults of the Secretary of State.

1. CARROLL COUNTY (Delegation Records), 1878--. 2 vols. (dated). Transcripts 1878-1919, 1933-35 in entry 2; 1893-97 also in entry 11.

Minutes of meetings of the county delegation showing date, time and place of meeting, list of members present, election of officers, actions regarding finances, county officials and buildings, recommendations of county commissioners, and all other matters pertaining to the county. Chron. arr. No index. Hdw. and typed. 150 pp. 10 $\frac{1}{4}$ x 8 x 1.

II. COUNTY COMMISSIONERS

In New Hampshire counties, 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. This board was to be appointed by the Governor and Council.⁶⁰ By an enactment of 1830, records, files, and proceedings of the commission were to be deposited with the clerk of the court of common pleas; fines imposed for defect in making or repairing any highway or bridge were to be used by the commissioners for making and repairing the defective highway or bridge; and one or more persons were to be appointed by the superior court to collect the fines.⁶¹

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54. Ibid., June 29-Sept. 11, 1915
 55. For records of Agent see Inventory of Federal Archives in the States, Series IX, The Department of Agriculture, No. 28, New Hampshire, entries 157, 158.
 56. MS. Carroll County (Delegation Records), March 27, 1917.
 57. Ibid., April 19, 1917.
 58. Ibid., December 28, 1934.
 59. New Hampshire Register 1842, 27.
 60. Laws of New Hampshire, 9:915-923 (1829).
 61. Ibid., 10:137-138 (1830).

This office was made elective in 1840, and the number of commissioners was reduced to three. In the event of a tie vote, a commissioner was to be appointed by the court of common pleas from the two candidates having the highest votes, and the court was likewise empowered to fill all interim vacancies by appointment. The act established that commissioners were to be sworn before entering office; that they were to examine all petitions concerning highways referred to them by the court, and report back to the court on such petitions; and that they were to act with similar boards from other counties on petitions relating to roads touching more than one county, thus forming one board which would submit joint reports to the court of common pleas in each county. The act also provided that if any one of the commissioners was interested in the road petitioned for, he would not be allowed to take part in the proceedings.⁶² Later in the same year an act provided that the road commissioners must leave 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 sitting of the court to which the report of said laying out was returnable.⁶³

With the coming of the railroads it was deemed advisable to establish a board of railroad commissioners in each county;⁶⁴ and in 1844 an act provided that they should work jointly with the road commissioners in each county in assessing proper recompense to land owners for rights of way.⁶⁵ In 1848 this act was amended so that the railroad commission would work with the selectmen of the town in which the right of way was laid out rather than with the road commissioners.⁶⁶ However, the road commissioners were required to investigate the need for bars or bridges at railroad crossings upon instruction from the court.⁶⁷ The commissioners were also empowered to erect and maintain such other gates and bars across a highway as they saw fit.⁶⁸

A law of 1855 replaced the county road commissioners with a board of county commissioners. Specific provision for election of these county commissioners was as follows: in each county three residents were to be chosen by the voters on the second Tuesday of 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.

The board was to have all the power and authority exercised by the road commission. In addition they were to have the custody of all property belonging to the county; to be responsible for the maintenance of county paupers; and to keep a record of their proceedings and

62. New Hampshire Laws of 1840, ch. DVI.

63. Ibid., ch. DXLIII.

64. New Hampshire Laws of 1836, ch. 237.

65. New Hampshire Laws of 1844, ch. 128.

66. New Hampshire Laws of 1848, ch. 621.

67. New Hampshire Laws of 1846, ch. 335.

68. New Hampshire Laws of 1849, ch. 742.

deposit the same annually with the clerk of the court of common pleas, before whom they were to take oath prior to entering office for the faithful discharge of their duties. The act provided further that they should receive, when necessarily employed on the business of the county, three dollars per day, including expenses, 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. For official misconduct any commissioner might be removed from office by the supreme judicial court, and the office declared vacant. If, for this reason or any other cause, there should be a vacancy, the supreme judicial court was to appoint a commissioner who should 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. 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 take the place of the disqualified commissioner.⁶⁹ The commissioners were required to attend the term of the court of common pleas as long as the discharge of their duties made necessary.⁷⁰

Another act of the same date provided that no highway should be laid out except as a result of a unanimous signed report of the commission;⁷¹ but this act was repealed three years later.⁷² In 1859 the authority to lay out and repair highways was transferred to the selectmen of the various towns in which the highway was situated.⁷³ If the selectmen of the towns through which the highway was laid out could not reach an agreement concerning the apportionment of the expense among the towns, a petition for settlement was to be filed with the clerk of the superior court, said court referring the petition to the commissioners who were to apportion the expense of the construction or repairs as they deemed reasonable among the towns concerned.⁷⁴

At various times, county commissioners were empowered to remit fines and discharge prisoners held for inability to pay any fine, costs, or procure securities;⁷⁵ to apportion and regulate the distribution of proceeds of the sale of town meeting-houses;⁷⁶ to determine the allowance of county jailers over and above the prescribed amount;⁷⁷ to cause bonds to be prepared in the name of the county for the funding of floating debts;⁷⁸ 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;⁷⁹ to petition the supreme judicial court, any

69. New Hampshire Laws of 1855, ch. 1659.

70. An amendment of 1856 (New Hampshire Laws of 1856, ch. 1830) limited required attendance to the first week of the court term.

71. New Hampshire Laws of 1855, ch. 1670.

72. New Hampshire Laws of 1858, ch. 2102.

73. New Hampshire Laws of 1859, ch. 2219.

74. New Hampshire Laws of 1861, ch. 2494.

75. New Hampshire Laws of 1857, ch. 1959.

76. New Hampshire Laws of 1858, ch. 2107.

77. Ibid., Ch. 2089.

78. New Hampshire Laws of 1860, ch. 2368.

79. New Hampshire Laws of 1862, ch. 2590.

police court, or any justice of the peace for the removal of foreign paupers;⁸⁰ to bind out vagrants;⁸¹ to appoint fire wardens in regions lacking town organization;⁸² to place the children of paupers in an orphanage;⁸³ and to determine the location of schoolhouses in cases of dispute.⁸⁴

The powers of the commissioners were defined and limited in an enactment of July 1863 restraining them from using any monies or pledging the credit of the county to an amount exceeding one thousand dollars (except upon a vote of the county convention) and from selling or conveying any real estate belonging to the county, unless authorized by the convention.⁸⁵ The law requiring them to attend court was repealed in 1921.⁸⁶

At the present time three commissioners are chosen at a biennial election by the voters; each to take office on the April first next succeeding his election, to hold office for two years. 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. In the event of a tie vote, the superior court is to appoint and declare as duly elected one of the candidates to fill the office. The court may remove any commissioner for official misconduct. In the event of a removal or if for any other reason the office becomes vacant, the court may appoint a commissioner to serve until the next election.⁸⁷ If a commissioner is temporarily unable to perform the duties of office by reason of illness or any other cause the court may, upon application of the county solicitor or a majority of the commissioners, appoint a commissioner for a limited period, and may extend or shorten the period to meet the situation.⁸⁸

The commissioners must choose from their number a chairman and a clerk.⁸⁹ "The Clerk [must] 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 [must] keep on file, in a county safe, all original papers, claims and accounts acted upon by the board."⁹⁰ 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.⁹¹

The commissioners have charge of all county property and may repair, enlarge or erect county buildings if the cost is not more than a thousand dollars.⁹² "They may purchase personal property for the use of the county, its courts and officers; and may sell any of the

80. Ibid., ch. 2592.

81. New Hampshire Laws of 1875, ch. 7.

82. New Hampshire Laws of 1893, ch. 44.

83. Ibid., ch. 61.

84. New Hampshire Laws of 1921, ch. 88.

85. New Hampshire Laws of 1863, ch. 2735.

86. New Hampshire Laws of 1921, ch. 13.

87. Public Laws of New Hampshire, ch. 36, secs. 1, 2, 5, 7-9.

88. New Hampshire Laws of 1937, ch. 38.

89. Public Laws of New Hampshire, ch. 38, sec. 1.

90. Ibid., ch. 38, sec. 2.

91. Ibid., ch. 38, sec. 3.

92. Ibid., ch. 38, secs. 4, 5.

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, courthouse, jail or other county uses, and may repair, enlarge or erect county buildings at a cost exceeding one thousand dollars; and, with like authority, they may sell any of the county's real estate."⁹³

They are obligated to care for county paupers 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 those institutions, provided that penalties adopted are not unreasonably harsh.⁹⁴ They may have charge of the employment of prisoners.⁹⁵ No commissioner shall act as superintendent of the county farm.⁹⁶

The commissioners 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 the commissioners. If any disagreement arises between any claimant and the commissioners, it must be submitted to the court for a decision. They must 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 must 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.⁹⁷

When so authorized by the county convention, the commissioners may issue bonds to raise money for county uses, 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. In selling such bonds the commissioners must appoint a time and place when and where they will receive sealed proposals therefor, and must publish notice in one or more newspapers, beginning at least thirty days before the fixed date. At the time and place appointed they must open the proposals received, and the highest bidder is entitled to the amount of bonds for which he bids, if his bid equals or exceeds par value. Such bonds as are not disposed of in this manner may be sold at private sales at a price not less than par. They may reserve the right to reject all bids.⁹⁸

93. Ibid., ch. 38, secs. 6, 7.

94. Ibid., ch. 38, secs. 8-10.

95. New Hampshire Laws of 1927, ch. 112.

96. Public Laws of New Hampshire, ch. 38, sec. 11.

97. Ibid., ch. 38, secs. 12-16, 18-20.

98. Ibid., ch. 38, secs. 21, 22.

The commissioners may authorize the copying of any public records that have become so faded, worn out or otherwise defaced that it is necessary for their preservation.⁹⁹ In the months of September and October, every four years, the commissioners must 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.¹⁰⁰

The accounts of the commissioners must be kept in the form prescribed by the State Tax Commission,¹⁰¹ and shall 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.¹⁰² The commissioners and other county officers must make up their reports annually to the thirty first of December and have them printed together in pamphlet form during the February following.¹⁰³ The reports must 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 must be returned by the commissioners to the State Board of Charities on or before July first of every year. The commissioners shall include in the published report of the county an attested copy of the proceedings of the county convention during the period covered by the report. They must forward a copy of the report to the town clerk of every town in the county, twenty copies to the Secretary of State,¹⁰⁴ and two copies to the State Library.¹⁰⁵

Any board of 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.¹⁰⁶

Prior to the fourth Wednesday of each biennial session of the legislature, the commissioners must send to 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.¹⁰⁷

If the place next to any town is unorganized and is on the boundary line of an adjoining county, the commissioners must act in the perambulation of the county line.¹⁰⁸ They must appoint police officers

99. Ibid., ch. 38, sec. 23.

100. Ibid., ch. 38, sec. 26.

101. New Hampshire Laws of 1933, ch. 165.

102. Public Laws of New Hampshire, ch. 35, secs. 19-23.

103. New Hampshire Laws of 1931, ch. 47.

104. Public Laws of New Hampshire, ch. 41, secs. 1-4.

105. Ibid., ch. 10, sec. 24.

106. Ibid., ch. 35, sec. 15.

107. New Hampshire Laws of 1931, ch. 18.

108. Public Laws of New Hampshire, ch. 56, sec. 7.

for unorganized places upon petition of five or more residents of such a place.¹⁰⁹ They are also empowered to set aside a certain sum for the improvement of highways in unorganized places.¹¹⁰

Under certain circumstances petitions relating to highways may be referred to the commissioners by the superior court. 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.¹¹¹

The commissioners must hold a hearing on every petition referred to them, and if a commissioner is unable to attend on the appointed day, the other commissioners 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 a full description of the highway, an estimate of the expense involved, the names of all 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. They are allowed ten cents a mile for actual travel when examining the proposed highway, and three dollars a day when employed on such examination.¹¹²

The commissioners may order the county to assume a part (not to exceed half) of the expense of a highway if, in their opinion, the cost would be excessively burdensome to the town or towns interested.¹¹³

In the event of the discontinuance of a highway the commissioners must assess the damages in the same manner as for the building of highways, upon petition referred to them by the superior court.¹¹⁴ They must examine all defective highways upon notice and determine what construction and repairs are necessary, and are empowered to enforce their decision.¹¹⁵ A city, town or unincorporated place may make application through the commissioners for state aid for certain highways.¹¹⁶

The commissioners may free any toll bridge in their county upon petition of twenty taxpayers of the county if they decide such action is for the best interests of the travelling public.¹¹⁷ When a town or city is unable to purchase or lease at a reasonable price land needed for an aircraft landing field, they may petition the commissioners to acquire the same by right of eminent domain.¹¹⁸ If any person having charge of a cemetery shall fail to carry out the provisions for the

-
109. Ibid., ch. 58, secs. 2-6.
110. New Hampshire Laws of 1927, ch. 102.
111. Public Laws of New Hampshire, ch. 75, secs. 5-9.
112. Ibid., ch. 76.
113. Ibid., ch. 78, sec. 9.
114. Ibid., ch. 79, secs. 3,4.
115. Ibid., ch. 82, secs. 11-15.
116. New Hampshire Laws of 1935, ch. 17.
117. Public Laws of New Hampshire, ch. 94.
118. New Hampshire Laws of 1929, ch. 90.

maintenance of burial grounds, the commissioners, upon written complaint, must enforce these provisions.¹¹⁹

The commissioners must assume responsibility for the maintenance and care of county paupers,¹²⁰ and must reimburse towns for all money expended on county charges.¹²¹ They must administer old age assistance,¹²² and provide support for dependent children.¹²³ They must also administer relief to the blind of the county.¹²⁴ They may commit feeble-minded minors to the State School,¹²⁵ and may attend all hearings on juvenile delinquency.¹²⁶ They must decide all petitions for the sexual sterilization of any inmate of a county institution.¹²⁷ Any disagreement regarding administration of poor relief between the commissioners and the director of state relief must be settled by the State Board of Welfare and Relief whose decision is final.¹²⁸

The commissioners may offer a reward, not exceeding three hundred dollars, for the apprehension of any criminal charged with "a capital or other high crime."¹²⁹

If the body of a public charge is unclaimed, it shall be buried by the overseers of the poor or the county commissioners or, with the consent of the commissioners, may be sent to the medical department of Dartmouth College.¹³⁰

The commissioners may borrow money in the name of the county upon approval of the superior court and the county convention.¹³¹ Since Carroll County was organized during the period of road commissioners, it did not have county commissioners at the time of its organization (1840); but the act of 1855,¹³² which instituted county commissioners applied to Carroll in the same way it applied to the other counties. In 1933 the commissioners of Carroll County were authorized to issue \$85,000 in serial bonds to refund the notes of the county.¹³³ The salary of the commissioners in Carroll County is five dollars a day together with a reasonable sum for necessary expenses.¹³⁴

Records are housed in the office of the commissioners and in the attic, courthouse.

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- 119. Public Laws of New Hampshire, ch. 55, sec. 6.
 - 120. Ibid., ch. 107.
 - 121. New Hampshire Laws of 1933, ch. 137.
 - 122. New Hampshire Laws of 1931, ch. 165; New Hampshire Laws of 1935, ch. 127.
 - 123. Public Laws of New Hampshire, ch. 109; ch. 111, sec. 9.
 - 124. New Hampshire Laws of 1935, ch. 137.
 - 125. Public Laws of New Hampshire, ch. 112, sec. 3.
 - 126. New Hampshire Laws of 1937, ch. 152.
 - 127. New Hampshire Laws of 1929, ch. 138.
 - 128. New Hampshire Laws of 1935, ch. 20.
 - 129. Public Laws of New Hampshire, ch. 375.
 - 130. Ibid., ch. 376.
 - 131. New Hampshire Laws of 1933, ch. 185.
 - 132. New Hampshire Laws of 1855, ch. 1659.
 - 133. New Hampshire Laws of 1933, ch. 332.
 - 134. New Hampshire Laws of 1931, ch. 18; New Hampshire Manual for the General Court 1937, 430-431.

County Commissioners-Minutes
and Reports; Welfare

(2-5)

Minutes and Reports

2. COMMISSIONERS' RECORDS (Minutes) CARROLL COUNTY (and County Delegation Record), 1878-1935. 1 vol. Prior records lost. Discontinued.

Minutes of meetings of county commissioners, 1915-35; perambulations of Conway and Hales Location (c. 1915, p. 70; and Nov. 1933, p. 110). Also contains transcripts of Carroll County (Delegation Records), 1878-1919, 1933-35, entry 1. Chron. arr. No index. Hdw. and typed. 400 pp. 11 x 16 x 2. Off.

3. CARROLL COUNTY REPORTS, 1871-1900. 30 vols. (dated 1870-99). Missing, 1841-70. 1890-- in entry 4.

Annual reports of county officers (commissioners, treasurer, sheriff, clerk of superior court, superintendent of county farm, solicitor, medical referee, and auditors). Also itemized county receipts and expenditures, county budget sheet, list of inmates at farm, and vital statistics of farm. Early reports meager; 1871 report that of county commissioners alone and concerns only paupers. Departmentally arr. No index. Ptd. 25 pp. $8\frac{1}{2}$ x $6\frac{1}{2}$ x $1\frac{1}{8}$. Off.

4. COUNTY REPORTS (of all Counties in New Hampshire), 1890--. 39 vols. Missing, 1891, 1918-23.

Annual reports of each county in New Hampshire, bound together yearly, including Carroll County Reports, entry 3, showing information as in entry 3. Alph. arr. by counties; departmentally arr. within counties. No index. Ptd. 800 pp. $8\frac{1}{2}$ x $5\frac{1}{2}$ x $2\frac{1}{2}$. Off.

Welfare

Direct Relief

5. DIRECT RELIEF, ACTIVE CASES, 1935--. 1 file box. Prior records lost.

Aid to individual relief cases showing case name, residence, age, date of birth, birthplace, citizenship, date and kind of aid, town, record of tax payments, description of property owned, name and age of husband or wife, date and place of marriage, names and ages of children, names and addresses of relatives (if any) who are able to assist, record of present employment of family, description of house and amount of rent, record of insurance in family, statement of health, ownership of car or radio, members of household other than family and relationship, names and residences of ancestors, kinds of necessities required by family, notation of widow of soldier or sailor (amount of pension received, how pension issued, reason for asking aid), and affidavit of case recipient. Alph. arr. by names of cases. No index. Hdw. on ptd. forms. 11 x 16 x 24. Off.

Old Age Assistance-Blind Aid

6. CASE RECORDS, OLD AGE ASSISTANCE AND BLIND AID, 1914--.

2 drawers, 2 file boxes. Prior records and 1923-30 lost.

Application for old age assistance and applicants' authorization to furnish financial information, report on application for old age assistance; application for blind aid, supplemental record on application and current case record, report on reinvestigation of recipient of old age assistance, and case financial record; changes in old age assistance grants: death of recipients, uncashed or cancelled checks, refunds or other recoveries on expenditures, and report of extra aid authorized; tax record report, settlement and recommendation notice, notice of decision on application, relatives' reports, certificate of claims, recipients' warranty deeds, agreement for reimbursements, and dates. Chron. arr. No index. Hdw. and typed on ptd. forms. Drawers, 5 x 11 x 17; file boxes, 11 x 16 x 24. 1914-35, 2 drawers, attic; 1933--, 2 file boxes, off.

7. JOURNAL-OLD AGE ASSISTANCE CHECKS RECEIVED, 1936--. 1 vol.

System established 1936.

Records of old age assistance checks received showing date, numbers of checks, amount due, amount paid, and reimbursements to county. Alph. arr. by towns and thereunder chron. No index. Hdw. 200 pp. 12 $\frac{1}{2}$ x 7 $\frac{1}{2}$ x $\frac{1}{2}$. Off.

8. (Summary Case Cards of) OLD AGE ASSISTANCE-BLIND AID, 1936--. 1 file box.

Blind Aid, 1936--, showing name and residence of persons aided, application number, amount granted, and dates of reinvestigations, old age assistance records of active and inactive cases, 1937--, showing names of persons aided, settlement (town or county) application number, amount granted, aid, residence, number of persons aided by each grant, sex, date aided, check number, and details of extra aid or refunds received. Alphs. arr. by towns and thereunder by names of cases. No index. Typed on ptd forms. 6 x 8 $\frac{3}{4}$ x 8 $\frac{3}{4}$. Off.

9. OLD AGE ASSISTANCE-COPIES OF LETTERS AND REPORTS, 1936--.

1 file box. No prior records kept.

Old age assistance requisition sheets showing number and kind of forms ordered from state; blind aid index card: date and place of birth, date application received, certifying physician, and record of payments; child placement record: names of children and persons boarding them, date and where placed, and rate of board; and monthly relief reports of old age assistance sent to State Board of Welfare and Relief showing number of case, kind, costs, and special services. Topically arr. No index. Hdw. and typed on ptd. forms. 11 x 15 $\frac{1}{2}$ x 24. Off.

10. OLD AGE ASSISTANCE CARROLL COUNTY, TOWNS, 1937--. 1

loose leaf vol. System established 1937.

Summary of old age assistance granted: town, county, date, names of cases, case numbers, voucher numbers, amount and allowance (medical,

County Commissioners-Welfare

(11-15)

hospital), administrative expenses, and total amount. Alph. arr. by towns and thereunder by names of cases. No index. Hdw. on ptd. forms. 400 pp. 13 x 8½ x 3. Off.

Paupers

11. CARROLL COUNTY PAUPER RECORDS, 1856-1925. 3 vols. Prior records lost. Discontinued. Title varies: Journal, Date, town, name and address of pauper, name of person to whom money is paid, and summary of claims for aid against each town. Also contains transcripts of Carroll County (Delegation Records), 1893-97, entry 1. Alph. arr. by towns and thereunder chron. No index. Hdw. 425 pp. 13¼ x 9 x 1½. Off.

12. (Records of) PAUPERS AWAY FROM FARM (Receiving Aid), 1884-June 1901. 1 vol. List of paupers, date, town (settlement), by whom supported, and allowance per week. Chron. arr. No index. Hdw. 216 pp. 13½ x 8¼ x ½. Off.

13. COMMISSIONERS' RECORDS (of Poor off Farm), July 1901-14. 1 vol. (T). Discontinued. Name and residence of person assisted, status (pauper, soldier, etc.), by whom supported, name and address of vendor, and date assisted. Chron. arr. Indexed alph. by towns in front of vol. Hdw. on ptd. forms. 150 pp. 10 x 15 x 1½. Off.

Bills and Orders

14. BILLS, 1935--. 4 file drawers, 18 file boards. 1916-- in entry 27. Old age assistance; payments to needy blind; statement of invoices approved for payment; approval of expenditures by State Board of Welfare and Relief; and other miscellaneous bills such as those for doctors and supplies, including the county farm. All of above show date, names and addresses of parties concerned, and consideration involved. Chron. arr. No index. Hdw. and typed on ptd. forms. Drawers, 5½ x 22½ x 17; file boards, 16 x 9. 1935, 4 file drawers, attic; Dec. 1936-- , 18 file boards, off.

15. CARROLL COUNTY GENERAL LEDGER (Relief Bills), 1935--. 1 vol. No prior records kept. Bills paid for relief showing name and address of relief recipient, case number, date of payments, name of vendor, order number, amount, kind of aid (direct relief, blind, dependent children, old age assistance, disabled veterans), and itemization of commodities and services rendered. Alph. arr. by towns and thereunder by names of relief recipients. No index. Hdw. on ptd. forms. 100 pp. 11 x 15¾ x 3¼. Off. For related prior records, see entry 20.

County Commissioners-Financial

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16. ORDERS, COUNTY COMMISSIONERS, CARROLL COUNTY, 1913--.

27 vols. Prior records destroyed.

Order book stubs showing amount, number of order, date, to whom, and purpose. Chron. arr. No index. Hdw. on ptd. forms. 160 pp. $10\frac{1}{4}$ x 12 x 1. Off.

17. (Duplicate) ORDER BLANK FOR COUNTY CASE, no dates

(current). 91 vols. Prior records destroyed.

Order number, kind of case, town or city, name and address of vendor, name of case, case number, items to be furnished (food, household necessities, rent, clothing, fuel, medical, other), amount, and signatures of county commissioners and recipient. No arr. No index. Hdw. in pencil on ptd. forms. 50 pp. 8 x 5 x $1\frac{1}{3}$. Off.

Miscellaneous

18. CORRESPONDENCE (Unemployment and Special Relief), 1933--.

1 box, 1 file drawer. Prior records destroyed.

Official incoming and outgoing correspondence of county commissioners concerning relief, 1933--. Unemployment and special relief, 1933--: unemployment relief showing kind of relief (direct, home relief, work program), earnings, and analysis of all payments; special relief showing kind of relief, number of persons represented, amount, extra aid granted, number of able bodied persons unemployed or on relief, cases receiving soldiers' aid, and analysis of all payments. Also, analysis of applications and cases (active): applications handled during month, number found eligible, and number found ineligible. Correspondence, alph. arr. by names of correspondents; relief, chron. arr. No index. Hdw. and typed. 11 x 16 x 24. 1933-35, 1 box, attic; 1936--, 1 file drawer, off.

19. (SUMMARY OF RELIEF GRANTED), July 1933-34. 1 vol. Recording began 1933. Discontinued.

Date, order number, kind of relief, amount, settlement, case number; and name and address of case. Alph. arr. by towns and thereunder by cases. No index. Hdw. on ptd. forms. 300 pp. $16 \times 12\frac{1}{2} \times 2\frac{1}{2}$. Off.

Financial

(See also entries 100-108, 167-178, 193-205)

20. CARROLL COUNTY COMMISSIONERS (Expenditures), 1919-34.

1 file box, 1 vol. No prior records kept. Discontinued.

Date, order number, purpose, to whom, amount, itemized under: towns, office, expenses, aid to blind, soldiers' aid, salaries, medical referee, court house and jail expenses, farm bureau, notes and interest, court orders, insurance, orphans, and miscellaneous. Chron. arr. No index. Hdw. on ptd. forms. File box, 11 x 16 x 24; vol., 250 pp. $12 \times 22 \times 1\frac{1}{4}$. 1919-29, 1 file box, off.; 1930-34, 1 vol., attic.

For related subsequent records, see entry 15.

County Commissioners-Miscellaneous

(21-27)

21. LEDGER (County Commissioners' Accounts), 1876-95. 1 vol.

No prior records kept. Discontinued.

Individual accounts of county: date, name and address of vendor, item of expenditure, and amount. Chron. arr. Indexed alph. by names of vendors in front of vol. Hdw. 150 pp. $14 \times 9\frac{1}{4} \times 1\frac{1}{2}$. Off.

22. (Commissioners' Records of) NOTES AND BILLS PAYABLE,

1883-1921. 2 vols. Prior records lost. Discontinued.

Record of bills payable, 1905-21: number, date, from whom received, where payable, time, when due, amount, and remarks. Record of notes, 1883-1903: date, considerations involved, rate of interest, signature of county commissioners and treasurer, and date recorded. Chron. arr. No index. Hdw. on ptd. forms. 100 pp. $8 \times 10\frac{1}{4} \times \frac{1}{4}$. Off.

For related record of notes 1883--, see entries 101, 173.

23. (COUNTY FARM REVENUE), 1936-March 1937. 1 vol. Prior

records destroyed. Discontinued.

Record of county farm revenue showing date, source, and amount of income. Indexed alph. by names of accounts in front of vol. Hdw. 135 pp. $8\frac{1}{2} \times 7\frac{1}{2} \times \frac{1}{2}$. Off.

For related records 1920--, see entry 193.

24. PETTY CASH, 1918-20. 1 vol. No prior records kept.

Discontinued.

Petty cash expenditures: date, item, and amount. Chron. arr. No index. Hdw. 100 pp. $8\frac{1}{2} \times 7\frac{1}{4} \times \frac{1}{4}$. Off.

25. (Record of Indebtedness for) NEW COURT HOUSE, 1915-16.

1 vol. Building began 1915; completed 1916.

Date, order number, name of company or person to whom county indebted, and amount of indebtedness. Chron. arr. No index. Hdw. in pencil. 50 pp. (only 1 p. used). $10 \times 7\frac{1}{2} \times \frac{1}{4}$. Off.

Miscellaneous

26. INSURANCE REGISTER, 1931--. 1 vol. No prior records kept.

Register of insurance on county property showing name of company, number of policies, kind of property insured, amount, rate, premium, date of policy, date of expiration, and remarks. Chron. arr. No index.

Hdw. on ptd. forms. 50 pp. $8\frac{1}{2} \times 7 \times 5/8$. Off.

For insurance policies 1916--, see entry 27.

27. MISCELLANEOUS PAPERS, 1916--. 1 file box. Prior records not kept.

Insurance policies on county property; petitions for improvement of roads; warranty and quitclaim deeds of property bought by county showing information as in entry 116. Also contains Bills, entry 14.

Chron. arr. No index. Hdw. and typed on ptd. forms. $5 \times 6 \times 9$. Off.

For register of insurance 1931--, see entry 26. For uncalled for and unrecorded deeds 1902-18, see entry 127.

28. (MAPS AND CHARTS), 1905, 1916. 13 rolls.

Maps of towns and highways; blue prints of court house, jail and house of correction, and low pressure steam heating apparatus in jail building. Only two items dated. No arr. No index. Blue prints, black and white, and colored. 18 x 24. Attic.

III. CLERK OF THE SUPERIOR COURT

When the Plymouth Council was organized in England (1620) it received from the British Crown the power to regulate the conduct of all British subjects who might go to New England.¹³⁵ When the Plymouth Council granted New Hampshire to Captain John Mason (1629), he was obligated to establish an orderly government in the region assigned to him, 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.¹³⁶

When the New Hampshire settlements became subject to the jurisdiction of Massachusetts in 1641 the Massachusetts General Court decreed that a court of justice should be kept in New Hampshire;¹³⁷ and during the period, 1641-79, the statutes of the Massachusetts Bay Colony "were those of New Hampshire."¹³⁸

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.¹³⁹ The Massachusetts General Court granted commission (May 3, 1642) to "Capt. Wigen Mr. Edward Hilton Mr. Warnerton & Mr. William Walderne to bee assistants to such of the magistrates or others as shall bee sent either by this Co't or by agreement & order of the magistrates, or the greater number of them, to keep Co't at Piscataqua."¹⁴⁰ About a month later Richard Bellingham and Symon Bradstreet were sent "to Piscataque to keepe a court there with the commissioners then chosen * * * to be of the quorum * * * no court to bee kept without one of them * * *,"¹⁴¹

In 1643 a "Generall Court of Elections" held at Boston ordered that certain commissioners were to "keepe Court at Piscataque * * * for small causes as before * * * And two bigger Courts * * * be kept there the one between the English and Indian harvest and the other in the Spring * * *."¹⁴² During the same year when Massachusetts and the territory under its jurisdiction was divided into

135. Abridged Charter of the Plymouth Council in New Hampshire State Papers, 1:7.

136. New Hampshire State Papers, 1:25-26.

137. Introduction to Laws of New Hampshire, 1:xxxi.

138. Ibid., xxxvii.

139. New Hampshire State Papers, 1:159.

140. Ibid., 1:160.

141. Ibid., 1:161.

142. Ibid., 1:167-168.

Clerk of the Superior Court

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four shires, the shire of Norfolk included the New Hampshire towns of Hampton, Exeter, and Portsmouth (Strawberry Bank).¹⁴³ A typical reference in Massachusetts records to New Hampshire judicial affairs of this period is found in an appointment (September 19, 1643) of "Willi. Eston * * * in the room of John Crosse to assist in ending small causes at Hampton * * *,"¹⁴⁴ In 1646, it was ordered that two courts annually be kept at Dover.¹⁴⁵

Among the actions taken by the Massachusetts General Court in regard to judicial matters for New Hampshire, during the decade of the sixteen-fifties, was the order that Major Humphrey Atherton, a Mr. Russell, and other appointed magistrates keep the court at Hampton.¹⁴⁶ In the following decade another judicial order affecting New Hampshire was issued May 18, 1664: "Capt. Daniel Gookin is hereby desired & appointed to keepe the Courts in Portsmouth or Dover & Yorke for this yeare, if he come home & be well, otherwise, Mr Rich Russell * * *,"¹⁴⁷ A typical order in the sixteen-seventies authorized "Wm Stoughton Esq * * * to keepe the County Courts in Portsmouth or Dover * * *,"¹⁴⁸

The royal commission organizing the Province of New Hampshire (1679) made the President and Council "a constant & settled Court of records for the administrac'on of justice * * * in all causes, as well civill as criminall * * *," The President and any five of the Council were to "have full power & authority to hold pleas in all causes * * * as well in pleas of the Crown as in matters relating to the conservation of the peace, & punishment of offenders, as in civill suits & actions between partie & partie * * *" or between the king and his subjects, whether the same concerned a right of freehold and inheritance, or whether it related to debt, contract, damage or other personal injury. The President and five Councillors were also empowered to hold pleas in mixed actions involving both personalty and realty. Appeals might be made to the Crown, if the appellant furnished security, in cases "concerning the title of any land, or other reall estate or in any personall Action, or suit above the value * * *" of fifty pounds. In capital cases, (willful murder excepted) the convicted person was either to be sent to England with a description of the case, or execution was to be respited until the circumstances could be represented to the Crown.¹⁴⁹

On March 16, 1679 the General Assembly enacted that three courts were to be held by the President and Council "or any six of the Council whereof the President or his Deputy to be one; together with a jury of twelve honest men, chosen & called as the law directs, for such as desire to be tried by Jury * * *." These courts were to hear all

143. Ibid., 1:169.

144. Ibid., 1:172.

145. Ibid., 1:184-185.

146. Ibid., 1:236.

147. Ibid., 1:244.

148. Ibid., 1:318.

149. Laws of New Hampshire, 1:1-8 (1679).

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civil and criminal cases "allowing only liberty of appeal * * * to the President & Council, together with the General Assembly * * *." These courts were to be held at Dover in June; Hampton in September; and Portsmouth in December. ¹⁵⁰ An enactment of March 12, 1680-81 stated "there shall be but Two Courts annually held within this Province for Trial of Actions (excepting the Court of Appeals) * * *." ¹⁵¹ The Granfield Commission (1682), ¹⁵² according to one version, referred to the matter of courts: "& we doe hereby give and grante unto you full power & Authority to erect Constitute & Establish such & soe many Courts of Judicature & Publick Justice * * * as you & they shall think fitt & necessary * * *." The words "& they," seeming to imply that the assembly was to share with the executive the power of setting up courts, became the subject of controversy. ¹⁵³ Articles of complaint preferred against the Lieutenant-Governor in 1685 declared that he, claiming that these words were inserted by error in the engrossment of his commission, "so entered it in the Council books, and desired the assembly to make like entry, and delivered a copy of his commission without these words (and they) * * *." ¹⁵⁴

By an execution order (October 23, 1682), Richard Chamberlain was made clerk of "all the Courts of Judicature" within the province. ¹⁵⁵ In the same year, each justice of the peace in the town of his residence was empowered to try civil actions not exceeding forty shillings, provided the attachment and summons were made out by "the Clark of the Court of Pleas." Appeal might be made "to the next Court of pleas, or to the Governor & Council, giving security to prosecute such Appeal & abide the Order therein." ¹⁵⁶

By the organization of the Dominion of New England (1686), New Hampshire lost 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 saw fit. ¹⁵⁷ Soon after its organization the new government issued an order for the holding of courts and the execution of justice. Within each county and province of the Dominion there should be kept a county court known as a "Court of Pleas and of General Sessions of the Peace." The county court for the province of New Hampshire was to meet at Great-Island in October and Portsmouth in April. Further order was issued that the President or the Deputy-president and Council should hold a "Stated Superior Court of Grand Assize and General Goal-Delivery" for the entire Dominion, to be held three times a year in Boston. ¹⁵⁸

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- 150. Ibid., 1:24-25 (1679).
 - 151. Ibid., 1:38 (1680-81).
 - 152. Ibid., 1:48-56 (1682).
 - 153. Ibid., 1:51 (1682).
 - 154. New Hampshire State Papers, 1:556.
 - 155. Laws of New Hampshire, 1:57-58 (1682).
 - 156. Ibid., 1:72 (1682).
 - 157. Ibid., 1:96-97 (1686).
 - 158. Ibid., 1:102-108 (1686).

Early in the Dominion period, there was passed an act entitled "An Act For Establishing Courts Of Judicature And Publick Justice." The system blocked out by this act included a court of chancery, a superior court of judicature, an inferior court of common pleas, and a court of quarter sessions.

The apex of this system was the court of chancery which consisted of the Governor "or such person as he shall appoint to be Chancellor Assisted with five or more of the Councill Who in this Court shall have the same power and authority as Masters of Chancery in England * * * w'ch Co'rt shall sitt att such times and places as the Governo'r shall from time to time appoint." Appeal might be made to the king in council if the amount involved exceeded three hundred pounds.

Next in importance ranked the superior court of judicature which was "to have Cognizance of all pleas reall personall or mixt as well in all Pleas of the Crowne and in all matters relating to the Conser-vac'on of the Peace and Punishment of offenders as in Civill Causes or acc'ons * * * and between his Majestie and any of his subjects * * * concerning Right of freehold and Inheritance, Debt, Contract, Damage, or Personal Injury and all mixed actions * * *." The procedure and judgments of this court were to be "as Consonant and agree-able to the Lawes and Statutes * * * of England as * * * the State * * * and Circumstances * * * will admitt * * *." Times and places for the holding of this court were prescribed in the act. The term for New Hampshire and western Maine was to be held at Portsmouth the Monday following the first Wednesday each of September and March. The superior court of judicature could hear appeals "in cases of Errour" from the inferior court of common pleas, if the writ of error were brought within ten days from the judgment in the inferior court.

An inferior court of common pleas was established in each county of the Dominion, and it was to have jurisdiction "over all Causes wherein any freehold is not concerned to the Value of tenn pounds with Costs and noe more." This court for the province of New Hampshire was to be held at Portsmouth the first Tuesdays of June, September and March.

The court of quarter sessions was referred to in the following manner: "in each respective County throughout this Dominion there shall be holden Quarterly a Court of Sessions by the Justices of the peace of the same county; who are hereby required to heare and Deter-mine all matters relating to the Conservac'on of the Peace and Punish-ment of Offenders; And whatever else is by them Cognizable according to Law * * *." The court of quarter sessions for New Hampshire was to meet at Portsmouth at the same time as the inferior court of common pleas. 159

In the first year of the restoration to New Hampshire of a sepa-rate provincial government, an act organizing the judiciary was passed. This act set up four "quarterly Courts of Sessions of the pease," a "Courte of Com'on Please," and a "Supreame Courte of Judicature." 160

159. Ibid., 1:190-194 (1686-87).

160. Ibid., 1:541-544 (1692).

The year 1699 marked the passage of an act which "has always been regarded as the statutory foundation of the province judiciary system * * *." This act, apparently intended to supplant the judiciary act of 1692, was "continued in fact" until 1791, although it was repealed by the Queen in Council (1706).¹⁶¹

By virtue of this act, justices of the peace in their own towns were empowered to try cases of debt and trespass where title of land was not concerned, to the value of forty shillings. Appeal might be made from the justices of the peace to the inferior court of common pleas.

The justices of the peace within the province or as many of them as constituted a quorum were to have power to hold four "Quarterly Courts or General Sessions of the Peace," and in that capacity were to have cognizance of matters relating to breaches of the peace.

There was to be an inferior court of common pleas consisting of four justices appointed by the Governor; three of whom were to be a quorum; this court was to try all cases triable at common law, not exceeding twenty pounds and where title of land was not concerned.

A superior court of judicature was constituted to consist of one chief justice and three other justices appointed by the Governor; three of whom were to make a quorum. This court was to "have Cognizance of all Pleas and Causes, as well Civil (not under the value of twenty pounds except where Title of Land is concerned) as Criminal as fully and amply to all intents and purposes whatsoever, as the Courts of Kings Bench, Common Pleas and Exchequer within His Majesties Kingdom of England, have or ought to have * * *."¹⁶²

In "An Act For Regulating of Tryals In Civil Causes" passed October 4, 1701, the justices of the superior court, common pleas, and general sessions within their respective courts, were authorized to establish rules of procedure and install a clerk of court. This law guaranteed the right of the "Partie Aggreived, at the Judgm't" to review the case once in each court (the superior court and the court of common pleas). The party seeking the review was obligated to present attested copies of the writ, judgment, and all evidence on file from the previous trial; either party could present new evidence. Except in certain special instances, the time limit for commencing an action of review was set at two years from the time of the judgment to be reviewed. Carrying out of the judgment was not to be stayed or suspended by the action of review. This act further provided that any person appealing from the superior court to the Governor and Council must file a declaration in the "Clerks office of the court appealed from * * * fifteen days at least before the day of the next sitting of the Gov'r and Council to hear Appeals * * *." This act also stated "all acc'ons Tryable at the Common Law above fferty shillings Value, as alsoe Titles of Land shall be first brought to the Inferior Court of Common Pleas (Excepting onely acc'ons or Causes relating to the Crown,

161. Ibid., 1:660 (1699).

162. Ibid., 1:662-666 (1699).

which may be Tryed at either the Inferio'r Court of Common Pleas or the Superiour Court of Judicature * * *).¹⁶³

Such were the main lines of the development of early judicial organization in New Hampshire. In addition to courts already described, however, and serving a special purpose, were courts of admiralty mentioned by law as early as 1684.¹⁶⁴ These courts were organized primarily for the trial of marine cases and do not greatly concern the general trend of judicial development.

The act of county organization (enacted 1769;¹⁶⁵ effective 1771)¹⁶⁶ was an important step forward in judicial progress. Courts were established on a county rather than on a provincial basis. The superior court of judicature was continued, as were the inferior court of common pleas and the 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 "to have Jurisdiction & Authority throughout the whole Province." Yet it was in a sense a county court, as it was to hold terms in each of the counties--at Exeter and Portsmouth for Rockingham County; at Amherst for Hillsborough County; and at Keene for Cheshire County. The other two courts were county courts without qualification.

It now seems logical to trace separately the destinies of each of the courts established by the act of county organization.

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 constituted a quorum. A term was established for each of the existing counties.¹⁶⁷ An emergency duty of this court in 1776 was connected with the recovery of fines for violation of the act to prevent the spread of smallpox.¹⁶⁸ Among the duties of the superior court indirectly concerned with the prosecution of the war were those of trying persons indicted for harboring deserters and persons indicted for treason (or misprision of treason),¹⁶⁹ also the duty of trying transported loyalists returning without leave and the masters of ships aiding in their return.¹⁷⁰ In connection with cases of treason, it was the duty of the clerk of the superior court to deliver copies of the indictment and jury panel to the indicted person forty-eight hours before the arraignment, and to remit to the Council and House of Representatives a complete certified record of the case.¹⁷¹ During the revolutionary period, the superior court had appellate jurisdiction over cases involving disputes concerning maintenance of the poor.¹⁷² In 1782 the superior court,

163. Ibid., 1:702-705 (1701).

164. Ibid., 1:74-77 (1684).

165. Ibid., 3:524-530 (1769).

166. New Hampshire State Papers, 7:274.

167. Laws of New Hampshire, 4:34-36 (1776).

168. Ibid., 4:58 (1776).

169. Ibid., 4:71, 92 (1777).

170. Ibid., 4:177-180 (1778).

171. Ibid., 4:71 (1777).

172. Ibid., 4:99 (1777).

together with the general sessions was burdened with duties involving the confiscation of estates of loyalists.¹⁷³ An act passed in 1784 and repealed in 1792 gave the superior court appellate jurisdiction in cases of the seizure of ships and cargoes for evasion of the duties levied by that act upon nails, looking glasses, and other merchandise.¹⁷⁴

Among the duties and functions devolving upon the superior court at various times from 1784 to the advent of the 1792 constitution were appellate jurisdiction in cases arising from the act conditionally permitting the United States to levy impost duties within New Hampshire on certain imports from foreign places;¹⁷⁵ the issuance of a writ of prohibition directed to the maritime court whenever the latter tribunal should exceed its jurisdiction;¹⁷⁶ 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;¹⁷⁷ the trial of persons who inoculated themselves or others with the small-pox without a license;¹⁷⁸ the certification (by two of the justices of the court) of the rection of the first building in the state to carry on the manufacture of sail cloth or duck;¹⁷⁹ the hearing of appeals from the probate court in cases arising from an act concerning the settlement of testate estates¹⁸⁰ and an act concerning the settlement of intestate estates;¹⁸¹ the levying of fines and forfeitures in violation of an act to prevent excessive fishing for shad and salmon in the Connecticut River;¹⁸² and the determination of causes concerned with the forfeiture of granted lands for the non-performance of the conditions of the grant.¹⁸³

The constitution of 1792 stated, "All causes of marriage, divorce, and alimony; and all appeals from the respective judges of probate shall be heard and tried by the superior court until the legislature shall by law make other provision."¹⁸⁴ Both branches of the legislature and the Governor and Council were authorized to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions.¹⁸⁵ The 1792 constitution clearly recognized the independency of the judiciary and stated "Permanent and honorable salaries shall be established by law for the justices of the superior court."¹⁸⁶ In the engrossed copy of the constitution as amended in 1793

173. Ibid., 4:456 (1782).

174. Ibid., 4:562 (1784); 6:39 (1792).

175. Ibid., 4:537 (1784).

176. Ibid., 5:229-230 (1787).

177. Ibid., 5:275-278 (1787).

178. Ibid., 5:331 (1788).

179. Ibid., 5:377-378 (1789).

180. Ibid., 5:380-384 (1789).

181. Ibid., 5:384-391 (1789).

182. Ibid., 5:402-403 (1789).

183. Ibid., 5:407-411 (1789).

184. New Hampshire Constitution 1792, Article 75.

185. Ibid., Article 72.

186. Ibid., Article 58.

supreme judicial court was substituted for superior court, apparently without authority.¹⁸⁷ There is little doubt that this continued to be the superior court of judicature until the 1813 reorganization.

In 1795 it became the duty of this court to examine accounts presented for services in apprehending law-breakers.¹⁸⁸ 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.¹⁸⁹ 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.¹⁹⁰ In that same year 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.¹⁹¹

The judiciary system underwent a reorganization in 1813.¹⁹² An act of that year 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. An amendment, passed later in that same year, asserted "the Clerk of the late Superior Court of Judicature shall be deemed and taken to be Clerk of the Supreme Judicial Court * * * until an appointment shall have been * * * made by the Supreme Judicial Court, and the person so appointed, qualified to discharge the duties of said office * * *."¹⁹³

A law (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.¹⁹⁴

1816 marked the abandonment of the supreme judicial court and the return of the superior court of judicature.¹⁹⁵ The latter tribunal continued from 1816 until 1855. In 1820 many of the duties formerly belonging to the courts of common pleas were transferred to the superior court.¹⁹⁶ The superior court received (1821) chancery powers in cases of real and personal estate, given to charitable uses.¹⁹⁷

In the same year peddlers, hawkers, and showmen operating without a license were required to answer to the superior court on warrant from a justice of the peace.¹⁹⁸ By an act (July 2, 1822) the powers of the superior court were enlarged in some cases. It was stipulated that when an arrested person, answerable to the superior court, should be

187. New Hampshire Manual for the General Court, 1937, 45.

188. Laws of New Hampshire, 6:221 (1795).

189. Ibid., 6:578-582 (1799).

190. Ibid., 8:117 (1812).

191. Ibid., 8:147 (1812).

192. Ibid., 8:251-258 (1813).

193. Ibid., 8:276-277 (1813).

194. Ibid., 8:315-316 (1814).

195. Ibid., 8:501-505 (1816).

196. Ibid., 8:934-936 (1820).

197. Ibid., 9:13-14 (1821).

198. Ibid., 9:39-41 (1821).

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.¹⁹⁹ An act approved on the same day permitted creditors 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.²⁰⁰

The superior court was empowered (1823) to appoint an auditor when, in an action before the court, it appeared necessary to investigate accounts.²⁰¹ In 1829 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.²⁰² The superior court was also authorized to cause partition of real estate by a committee of (not less than three nor more than five) freeholders.²⁰³ Coroners were required (1829) to return to the next superior court a record of their inquisitions.²⁰⁴

Powers in equity of the superior court were amplified in 1831.²⁰⁵ It became a prerogative (1832) of the superior court of 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.²⁰⁶

In connection with the act (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, the Commissioners were to present the facts to one of the superior court judges 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

199. Ibid., 9:145 (1822).

200. Ibid., 9:104-110 (1822).

201. Ibid., 9:201-202 (1823).

202. Ibid., 10:22 (1829).

203. Ibid., 10:58-61 (1829).

204. Ibid., 10:54-58 (1829).

205. Ibid., 10:273 (1831).

206. Ibid., 10:341 (1832).

refusal to obey the committee or assignees. On application of the Commissioners, the court might restrain all actions at law by any creditor against the bank and might order publication of notice to creditors to exhibit claims, at any stage of the proceedings.²⁰⁷

By 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 other courts in the state.²⁰⁸ The superior court was authorized (1841) to restrain any alien, separated from his wife, from removing his child to any foreign country against the wishes of the mother.²⁰⁹

In 1842 it was provided that two justices of the superior court should be a quorum to hear and determine cases whenever the court, from any cause, should consist of two justices only.²¹⁰

The superior court received authorization (1846) upon the petition of a married woman holding property in her own name, to appoint a trustee or trustees to manage the property.²¹¹ In the act (1851) establishing Insurance Commissioners, 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.²¹² In 1851 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.²¹³

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 districted into five judiciary units as follows: District one, Rockingham and Strafford Counties; district two, Merrimack and Hillsborough Counties; district three, Cheshire and Sullivan Counties; district four, Belknap and Carroll Counties; district 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. It was to have exclusive authority to issue writs of error, certiorari, mandamus, prohibition, and quo warranto. It might issue writs of habeas corpus and all other writs and processes to courts of inferior jurisdiction, corporations, and individuals. It had the superintendence of courts of inferior jurisdiction "for the

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207. New Hampshire Laws of 1837, ch. CCCXXI.
208. New Hampshire Laws of 1838, ch. CCCLLXI.
209. New Hampshire Laws of 1841, ch. DLXXIII.
210. New Hampshire Laws of 1842, ch. I.
211. New Hampshire Laws of 1846, ch. 327.
212. New Hampshire Laws of 1851, ch. 1111.
213. Ibid., ch. 1113.

prevention and correction of errors and abuses, where the laws [had] not expressly provided a remedy * * *." It had "jurisdiction of all questions of divorce and alimony; all applications for appeals from courts of probate, for review or new trial founded on any statute, petitions for the redemption and foreclosure of mortgages, and for partition of real estate, except in cases where the judge of probate [had then] by law jurisdiction of petitions for partition; of proceedings relating to the forfeiture of any estate or franchise granted by the State * * *." It was to possess powers of a court of equity and might grant writs of injunction.²¹⁴

An act of 1856 the supreme court jurisdiction connected with the administration of naturalization laws.²¹⁵ Justices of the peace were permitted (1858) to order held in bail for the trial term of the supreme court rescuers, or would-be rescuers, of prisoners.²¹⁶ Also in the same year the supreme court received jurisdiction concerned with the discharge from jail of persons confined there because of inability to pay fines or costs, or to get securities.²¹⁷

Another judicial shakeup occurred (1874) when the supreme judicial court was supplanted by the superior court of judicature consisting of one chief justice and two associate justices.²¹⁸ 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.²¹⁹

The 1874 judicial arrangement was of short duration, and another reorganization took place in 1876. The superior court of judicature and the circuit court were abolished. There was established a supreme court consisting of one chief justice and five associate justices.²²⁰ In this new court the judges, individually, were to hold trial terms and, collectively, determine issues of law.²²¹

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, duly entered on docket, and applicant's witnesses examined under oath.²²² On the date of the approval of the naturalization law, there was approved an act providing

214. New Hampshire Laws of 1855, ch. 1659.

215. New Hampshire Laws of 1856, ch. 1829.

216. New Hampshire Laws of 1858, ch. 2114.

217. Ibid., ch. 2118.

218. New Hampshire Laws of 1874, ch. 97.

219. Batchellor, A. S., "The Development of the Courts of New Hampshire," in Davis, W. T., ed., The New England States, (Boston, 1897), 4:2305.

220. New Hampshire Laws of 1876, ch. 25.

221. Ibid., ch. 25; Batchellor, A. S., op. cit., 4:2313.

222. New Hampshire Laws of 1876, ch. 47.

for the trial of causes before referees. This act allowed the supreme court to commit causes to referee with consent of parties, and without consent of parties when they were not entitled to trial by jury. The same act stated that fees of auditors were to be paid by the county at the discretion of the supreme court.²²³

In 1893 it was enacted that the supreme court was to have custody of the State Library Building;²²⁴ authority, upon petition, to appoint trustees for real estate subject to a contingent or vested remainder;²²⁵ authority to hear appeals from persons whose building plans were disapproved by the building inspector;²²⁶ power to fill a vacancy on boards of selectmen when the two selectmen in office had not filled the vacancy;²²⁷ and jurisdiction to determine contested election cases of county officers.²²⁸ In that same year an act stipulated that reports made by county commissioners concerning highway repairs were to be filed in the office of the "county clerk."²²⁹ The "county clerk" was undoubtedly the clerk of the supreme judicial court.

The judicial system received another shakeup in 1901, when an act was passed abolishing the then existing supreme court and replacing it with two courts: a supreme court (one chief justice and four associate justices) to hold one general term annually in the court room of the State Library Building, Concord, the justices to be in attendance on the first Tuesday of all months except January, July and August to hear arguments, make orders, render decisions, and file opinions; and a superior court (one chief justice and four associate justices) to hold court 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 "upon a case or statement of facts reserved by the trial justice * * *." Any party not satisfied "by the ruling, direction, or judgment of the superior court, seasonably objecting, [might] allege exception thereto, in writing, which, being conformable to the truth of the case, [should] be allowed by the trial justice and be entered in the supreme court for determination. Reserved cases and bills of exception [might] 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 * * *."

223. Ibid., ch. 35.

224. New Hampshire Laws of 1893, ch. 11.

225. Ibid., ch. 19.

226. Ibid., ch. 40.

227. Ibid., ch. 45.

228. Ibid., ch. 66.

229. Ibid., ch. 59.

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 took 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.

The superior court was to appoint its clerk for each county, removable at the pleasure of the court. Records of the former supreme court were to pass to the custody of the superior court. Clerks of the superior court in their respective counties might certify copies of those records.²³⁰

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 for the entire state, was organized decidedly on a county basis. To all intents and purposes, the superior court was a county court, which status it has retained to the present day.

Before considering the present duties of the superior court, it would be worth while to trace the destinies of the two courts, other than the superior court of judicature, which were established by the act of county organization (1769) -- namely, the common pleas and the general sessions of the peace. In so doing, the common pleas may well receive priority of attention.

A court law of 1776, after the upset of the 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.²³¹ In 1777 forfeitures exceeding forty shillings, due to violation of an act fixing the prices of certain commodities, were originally triable in the common pleas.²³² In the same year justices of the common pleas were required to subscribe to the oath of fidelity,²³³ and they received jurisdiction to try persons aiding in the return of loyalists.²³⁴ The common pleas received powers (1784) connected with the release from confinement of persons imprisoned for debt.²³⁵ When the general sessions were abolished ten years later, "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.²³⁶

230. New Hampshire Laws of 1901, ch. 78.

231. Laws of New Hampshire, 4:34 (1776).

232. Ibid., 4:78 (1777).

233. Ibid., 4:107 (1777).

234. Ibid., 4:177 (1777).

235. Ibid., 4:541 (1784).

236. Ibid., 6:189 (1794).

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; for every appeal, seventeen cents; for receiving proof of a deed, twenty-five cents; and for granting a writ of protection, seventeen cents.²³⁷

In 1799 it was stipulated that appeals from sentences of fines imposed by justices of the peace on persons travelling or doing secular work on Sunday might be made to the common pleas.²³⁸ The law in 1801 empowered the judges of the common pleas to issue orders on county treasurers for monies appropriated by county conventions.²³⁹ In 1802 the common pleas were authorized to appoint a register of deeds or a county treasurer whenever either office should become vacant.²⁴⁰ It was provided (1803) that any person not satisfied with allowance for damages resulting from road construction might petition the court of common pleas for redress.²⁴¹ The common pleas were authorized (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.²⁴²

In 1813 two circuit courts of common pleas replaced the courts of common pleas for each county.²⁴³ Another reorganization occurred (1816) when "for the better reorganization of the Courts of Common Pleas" the state was divided into two districts: first district (Rockingham, Strafford, and Hillsborough Counties); second district (Cheshire, Grafton and Coos Counties). The Governor and Council were to appoint a chief justice of the court of common pleas 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 the 1816 arrangement, were to have the same powers as the circuit courts of common pleas thereby abolished.²⁴⁴ In 1820 the common pleas were replaced entirely by courts of sessions;²⁴⁵ but four years later a court of common pleas was established to take over the jurisdiction of the courts of sessions.²⁴⁶

An added duty (1829) of the common pleas was the determination of the sufficiency of sheriffs' bonds;²⁴⁷ in the same year, also, coroners were to give a bond to the county, sureties to be approved by the

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237. Ibid., 6:381 (1796).
238. Ibid., 6:594 (1799).
239. Ibid., 7:23-24 (1801).
240. Ibid., 7:54 (1802).
241. Ibid., 7:227 (1803).
242. Ibid., 8:30-31 (1811).
243. Ibid., 8:251-252 (1813).
244. Ibid., 8:501-505 (1816).
245. Ibid., 8:934-936 (1820).
246. Ibid., 9:352-356 (1824).
247. Ibid., 10:18 (1829).

justices of the common pleas and the bond kept by the clerk.²⁴⁸ The next year the court of common pleas was required to hear and determine petitions for widening and straightening highways.²⁴⁹ In 1831 appeal was permitted in cases between landlord and tenant from justices of the peace to the court of common pleas.²⁵⁰ According to a law passed in 1832, the court of common pleas could set the proportion to be paid by the county of the cost of laying out, widening and straightening highways within any town.²⁵¹ The latter year also marked the reestablishment of local courts of common pleas within each county.²⁵²

In 1836 reports of railroad commissioners concerning damages to land-owners were returnable to the common pleas.²⁵³ By a law approved in January 1837 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.²⁵⁴ Under the act (1837) establishing Bank Commissioners, the common pleas were empowered, after the filing of information by the Attorney-General, to declare the charter forfeited, unless the information should be transferred to the superior court.²⁵⁵

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.²⁵⁶ It became the privilege of the common pleas in 1839 to grant permission to the jury to view the premises in all actions concerning right to real estate, provided either party made a motion to that effect; the court, however, might do so at its own discretion.²⁵⁷

An amendment to the provisions of a prior act,²⁵⁸ permitting the common pleas to determine the proportion paid by the county for highway work within any town, was passed July 3, 1839. The new law 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.²⁵⁹ A further amendment (June 20, 1840) stated 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,

248. Ibid., 10:54-58 (1829).

249. Ibid., 10:137-138 (1830).

250. Ibid., 10:229-231 (1831).

251. Ibid., 10:318 (1832).

252. Ibid., 10:369-381 (1832).

253. New Hampshire Laws of 1836, ch. CCXXXVI.

254. Ibid., ch. CCXCI.

255. New Hampshire Laws of 1837, ch. CCCXI.

256. New Hampshire Laws of 1838, ch. CCCLXX.

257. New Hampshire Laws of 1839, ch. CCCCXXXIV.

258. Laws of New Hampshire, 10:318 (1832).

259. New Hampshire Laws of 1839, ch. CCCXXXV.

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in case the town or towns found such repairs burdensome.²⁶⁰ An act of 1840 provided that votes for road commissioners should be returned to the common pleas and counted by them. The common pleas were 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 is accepted by the court, it was to have full force and validity. In the future, no road was to be laid out, widened, or straightened by the common pleas in any other manner.²⁶¹

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.²⁶² In 1845 town clerks were required to direct the returns of votes for county officers to the court of common pleas.²⁶³ An act of the following year 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.²⁶⁴ 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.²⁶⁵

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."²⁶⁶ A further reorganization occurred in 1851. The law at this time 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 should happen 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.²⁶⁷ An 1853 law permitted the common pleas to refer any civil action to the consideration of one or more commissioners on motion of either party concerned.²⁶⁸

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.²⁶⁹ The court of common pleas

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- 260. New Hampshire Laws of 1840, ch. D.
 - 261. Ibid., ch. DVI.
 - 262. New Hampshire Laws of 1842, ch. DCLXVII.
 - 263. New Hampshire Laws of 1845, ch. 240.
 - 264. New Hampshire Laws of 1846, ch. 331.
 - 265. New Hampshire Laws of 1848, ch. 620.
 - 266. New Hampshire Laws of 1849, ch. 842.
 - 267. New Hampshire Laws of 1851, ch. 1092.
 - 268. New Hampshire Laws of 1853, ch. 1280.
 - 269. New Hampshire Laws of 1855, ch. 1659.

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was abolished (1859) and its duties transferred to the supreme judicial court.²⁷⁰

By authority of a court law of 1776, the general sessions courts were to be held at Portsmouth, Exeter, Amherst, Keene, Charlestown, Dover, Durham, Haverhill, and Plymouth.²⁷¹ The 1776 constitution made the votes cast annually in the counties for treasurer and recorder of deeds returnable to the courts of general sessions of the peace.²⁷² 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 sort the votes out, and it (the court) was to declare the name of the winning candidate, in each instance. 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.²⁷³

The general sessions received authority (1777) to try persons charged with concealing deserters; and those suspected of receiving or purchasing from soldiers goods belonging to the United States.²⁷⁴ 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;²⁷⁵ and permitted to determine disputes concerning maintenance of the poor.²⁷⁶

A law of 1778 provided that forfeitures, exceeding forty shillings, imposed for restraint of "Sharppers 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.²⁷⁷ In the same year the general sessions were empowered to grant retail liquor licenses to persons approved by the selectmen of their town.²⁷⁸ Four years later it was enacted that when it should be made to 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.²⁷⁹

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

270. New Hampshire Laws of 1859, ch. 2211.

271. Laws of New Hampshire, 4:35 (1776).

272. Poor, B. P., Federal and State Constitutions, (Washington, 1877), 2:1280.

273. Laws of New Hampshire, 4:63 (1776).

274. Ibid., 4:92 (1777).

275. Ibid., 4:97 (1777).

276. Ibid., 4:99 (1777).

277. Ibid., 4:139 (1778).

278. Ibid., 4:199 (1778).

279. Ibid., 4:448 (1782).

repair and suitable to the waters they were to cross; otherwise, he was to suffer fine before a justice of the peace or the general sessions.²⁸⁰ The general sessions court was empowered in 1786 to order the removal of buildings encroaching upon highways.²⁸¹ Another act of the same year required the general sessions 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.²⁸²

To promote the business of nail making, it was enacted in 1787 that the general sessions court was 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 coals and nail rods.²⁸³

It was enacted, in 1789, that the general sessions court was to be held twice a year rather than quarterly.²⁸⁴ In that year also taxpayers were accorded the privilege of appealing to the general sessions for abatement of taxes.²⁸⁵ 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.²⁸⁶

The year 1794 marked the abolishment of the courts of general sessions of the peace and the transference of most of their duties to the courts of common pleas.²⁸⁷ In 1820, however, the common pleas gave way to reinstated courts of sessions.²⁸⁸ An act of the following year limited to three the membership of committees appointed by the courts of sessions to lay out highways.²⁸⁹ Peddlers, hawkers, and showmen were required (1821) to obtain licenses from the court of sessions.²⁹⁰

An act of 1823 stated that "in all cases the Courts of Sessions in the several counties shall ultimately consist of one Chief Justice

280. Ibid., 4:503 (1783).

281. Ibid., 5:121 (1786).

282. Ibid., 5:117-120 (1786).

283. Ibid., 5:275-278 (1787).

284. Ibid., 5:416-417 (1789).

285. Ibid., 5:429-433 (1789).

286. Ibid., 5:502 (1789).

287. Ibid., 6:156-157 (1794).

288. Ibid., 8:934-936 (1820).

289. Ibid., 9:17 (1821).

290. Ibid., 9:39-41 (1821).

and two Associate Justices, any two of whom shall be a quorum for the transaction of business * * * no one of the Justices of the Courts of Sessions shall be appointed or act as a member of any committee to examine or lay out any road that may hereafter be petitioned for, in the Court of which he is a Justice."²⁹¹ However, the courts of sessions were abolished the following year, a court of common pleas being established to take over their jurisdiction.²⁹²

Having traced the antecedents of the superior court, its predecessors and their subsidiaries, it is now opportune to describe the current duties of this court.

"The superior court shall take cognizance of civil actions and pleas, real, personal, and mixed, according to the course of the common law; of writs of mandamus and que warrant, and of proceedings in relation thereto; of bastardy cases; of petitions and appeals relating to highways and property taken therefor and for other public use; of appeals from probate courts and applications therefor; of appeals from commissioners of insolvent estates; of actions commenced in a municipal or justice court wherein the title to real estate is brought in question, or which for other reasons are transferable to the superior court; of appeals from municipal and justice courts in cases where final judgment has been there rendered; of suits in equity; 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; of petitions for new trials; of petitions for partition and for the redemption and foreclosure of mortgages; of all other proceedings and matters to be entered in or heard at said court by special provisions of law; and of all other proceedings and matters cognizable therein for which other special provision is not made."²⁹³ In towns of not less than 1500 inhabitants, the superior court shares its civil jurisdiction with the municipal court in cases involving damages not exceeding \$500, in which real estate titles are not concerned, and where the defendant resides in the particular county.²⁹⁴

Powers of a court of equity are granted to the superior court in cases which involve charities, "trusts, fraud, accident and mistake; the affairs of partners, joint tenants or owners and tenants in common; the redemption and foreclosure of mortgages; 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 in all other cases cognizable in a court of equity."²⁹⁵ Consistent with the rules of equity, or in line with the course of such proceedings at common law, the court may cause issues of fact 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."²⁹⁶

^{291.} Ibid., 9:245-246 (1823).

^{292.} Ibid., 9:352-356 (1824).

^{293.} Public Laws of New Hampshire, ch. 316, sec. 6.

^{294.} New Hampshire Laws of 1933, ch. 131.

^{295.} Public Laws of New Hampshire, ch. 317, sec. 1.

^{296.} Ibid., ch. 316, sec. 11; New Hampshire Laws of 1935, ch. 120.

Naturalization actions and proceedings are subject to the jurisdiction of the superior court.²⁹⁷ Among other matters over which the superior court has appellate jurisdiction are cases involving the decisions of building inspectors,²⁹⁸ the violation of city ordinances,²⁹⁹ decisions of the Public Service Commission in the matter of grade crossings,³⁰⁰ tax abatements,³⁰¹ decisions of the Commissioner of Labor,³⁰² zoning regulations,³⁰³ and the exercise by the county of eminent domain.³⁰⁴

The superior court has certain duties in connection with county affairs. It appoints annually two county auditors, and fixes their compensation; the court is to decide if an annual or semi-annual audit, instead of a quarterly audit, is sufficient; and it may direct special audits when it deems advisable.³⁰⁵ The superior court, after auditing the expense accounts of the county commissioners, may order that a reasonable sum be added for such expenses to the annual salary of each commissioner.³⁰⁶ The presiding justice of the superior court for the particular county examines and counts the votes for county officers and declares elected, for each office, the person having the highest number of votes. In case of a tie vote, the court has authority to appoint one of the candidates. It may remove any county officer for official misconduct, and it may fill vacancies in county offices.³⁰⁷ Sheriffs' bonds are subject to approval by the presiding justice of the superior court of the county.³⁰⁸ 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.³⁰⁹

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.³¹⁰

Certain duties pertaining to highways devolve upon the court. Persons taking exception to the decision of the selectmen in laying out or altering of a highway, or assessment of damages, have the right to carry their grievance to the superior court. Also, petitions 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

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297. Public Laws of New Hampshire, ch. 316, sec. 17.
298. Ibid., ch. 147, sec. 19.
299. Ibid., ch. 54, sec. 15.
300. Ibid., ch. 249, sec. 6.
301. Ibid., ch. 64, sec. 14; ch. 65, sec. 26.
302. Ibid., ch. 177; New Hampshire Laws of 1933, ch. 87.
303. Public Laws of New Hampshire, ch. 42, secs. 57-59.
304. Ibid., ch. 35, sec. 27.
305. Ibid., ch. 35, secs. 18-20.
306. New Hampshire Laws of 1927, ch. 111.
307. Public Laws of New Hampshire, ch. 36.
308. Ibid., ch. 37, sec. 3.
309. New Hampshire Laws of 1929, ch. 92.
310. New Hampshire Laws of 1933, ch. 185.

any town or in two or more towns, or when a town discontinues a highway within two years after the selectmen have laid out that highway. 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.³¹¹ 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.³¹² 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 beyond the time limit, if it believes that the injured person was "unavoidably prevented" from filing the statement within the time allowed.³¹³

Highways extending beyond the limits of a certain town "may be discontinued upon petition to the superior court and like proceedings thereon as in laying out highways." Any highway in a town not laid out by the selectmen, or laid out by them while there was before the court a petition charging them with neglect or refusal to lay out that particular highway, or if action is pending against the town for neglect to repair such highway, it is to be discontinued only if the consent of the court is obtained.³¹⁴ If the superior court believes the maintenance of a highway to be "excessively burdensome" to a town in which such a highway is located and if it greatly benefits another town, it may, "upon petition and proceedings thereon as in the case of laying out a highway," cause the other town to pay some portion of the expense.³¹⁵ This court may "affirm, alter, or annul" a license granted by the selectmen permitting a person "to keep a gate upon any highway leading across a meadow or intervale land liable to freshets * * *."³¹⁶

Appeal may be taken to the superior court by persons whose property is damaged by the erection, along public highways or on other public grounds, of monuments or other markers approved by the selectmen, provided a petition has first been made to the selectmen and the latter have neglected to decide upon the petition or if the petitioner

311. Public Laws of New Hampshire, ch. 75.

312. Ibid., ch. 81.

313. Ibid., ch. 89, secs. 9-11.

314. Ibid., ch. 79.

315. Ibid., ch. 80.

316. Ibid., ch. 92, secs. 11, 12.

is dissatisfied with their decision.³¹⁷ The superior court may order the removal of any building or fence constructed in such a way as to encroach upon the highway or to present a menace to public travel.³¹⁸ The superior court also possesses "summary power to make all orders and decrees necessary" to carry into effect the law pertaining to the trusteeship of railroads.³¹⁹

In cases where a municipality by eminent domain 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.³²⁰ 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.³²¹ Any interested party dissatisfied with an order or regulation of the Bank Commissioner may appeal to the superior court, from which the Bank Commissioner may appeal to the supreme court.³²²

Spending agencies in towns adopting the provisions of the Municipal Budget Act are prohibited from spending money or agreeing to spend money not called for by an appropriation or by a judgment against the town or school district. 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 by the superior court. Such petition takes precedence over other actions before the court and must be acted upon as quickly as possible.³²³

Any party dissatisfied with an order of the Public Service 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.³²⁴ Selectmen in either town in a library district may appeal to the superior court for an order of apportionment. The court is empowered to make final decrees to terminate the affairs of a library district, liquidate its debts, and distribute assets.³²⁵ 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.³²⁶

317. Ibid., ch. 92, secs. 19-23.

318. Ibid., ch. 92, sec. 9.

319. Ibid., ch. 252.

320. Ibid., ch. 44; New Hampshire Laws of 1935, ch. 153.

321. Public Laws of New Hampshire, ch. 97; New Hampshire Laws of 1935, ch. 100; New Hampshire Laws of 1937, ch. 102.

322. New Hampshire Laws of 1933, ch. 114.

323. New Hampshire Laws of 1935, ch. 9.

324. New Hampshire Laws of 1929, ch. 180.

325. New Hampshire Laws of 1933, ch. 68.

326. New Hampshire Laws of 1937, ch. 178.

A person denied a license to operate a motor vehicle or whose license has been suspended or revoked can appeal to the superior court.³²⁷ 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.³²⁸ 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 by the Commissioner of Motor Vehicles, any other public authority, or by ten citizens of any city or town in order to secure the restraint of such violations.³²⁹

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.³³⁰ Any person not satisfied with the damages awarded for land taken for purpose of the conservation of fish may appeal to the superior court.³³¹ The superior court under certain conditions 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.³³² Any party to a contract carrying a provision to settle a controversy by arbitration, may apply within one year following an award "to the superior court for an order confirming the award, correcting or modifying the award * * * or vacating the award for fraud, corruption or misconduct by the parties * * * or arbitrators * * *." The court may order a rehearing.³³³

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.³³⁴ 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.³³⁵

"The superior court has jurisdiction of all criminal cases and proceedings; but it may dismiss a prosecution originally begun therein which is within the jurisdiction of a municipal court or a justice of the peace."³³⁶ It possesses jurisdiction of all appeals from municipal courts, trial justices, and justices of the peace.³³⁷ All juvenile

327. Ibid., ch. 85.

328. Ibid., ch. 161.

329. New Hampshire Laws of 1933, ch. 169.

330. Public Laws of New Hampshire, ch. 197, secs. 61, 62; New Hampshire Laws of 1933, ch. 124.

331. New Hampshire Laws of 1933, ch. 124.

332. New Hampshire Laws of 1929, ch. 123; Public Laws of New Hampshire, ch. 225, sec. 75.

333. New Hampshire Laws of 1929, ch. 147.

334. Ibid., ch. 86.

335. Public Laws of New Hampshire, ch. 359; New Hampshire Laws of 1929, ch. 67.

336. Public Laws of New Hampshire, ch. 362, sec. 1.

337. Ibid., ch. 362, sec. 2; New Hampshire Laws of 1927, ch. 10; New Hampshire Laws of 1937, ch. 49.

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. All original papers in transferred cases are to remain in the court from which the cases were transferred. Juveniles may await disposition of their cases by the superior court in the custody of the probation officer or in the industrial school.³³⁸

Any official or board having the power to summon witnesses but not to punish for contempt upon the refusal of a summoned witness to appear or testify may seek an order from the superior court compelling the witness to comply with the summons and testify.³³⁹ When an arrest is made in this state by an officer from another state, the arresting officer must immediately take the arrested person before a justice of the superior or municipal court, who is to conduct a hearing to determine if the arrest was lawful. If the lawfulness of the arrest is established, the justice may commit the prisoner a reasonable time in anticipation of an extradition warrant from the Governor, or release the prisoner on bail pending the issuance of such a warrant. If the justice believes the arrest unlawful, he is to discharge the prisoner.³⁴⁰ The superior court may grant writs of habeas corpus.³⁴¹

The superior court 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. Whenever questions of law arise in any trial in the superior court, they may be transferred to the supreme court for decision. "Any party aggrieved by the ruling, directions or judgment of the superior court, seasonably objecting, may allege exceptions thereto in writing, which, being conformable to the truth of the case, shall be allowed by the presiding justice and be entered in the supreme court for determination."³⁴² The chief justice or senior associate justice of the superior court, when there is an excessive amount of business to be transacted in that court, may request the loan of a justice from the supreme court.³⁴³

The membership of the superior court consists of a chief justice and five associate justices.³⁴⁴ The court determines the regulations of its procedure.³⁴⁵ The superior court appoints a clerk of court for each county; the clerk must be a resident of the county for which he is appointed; he may be removed at any time by the court.³⁴⁶ He must give bond in favor of the county to be kept by the Secretary of State. The premium on this bond is paid by the county.³⁴⁷ He must make up an

338. New Hampshire Laws of 1937, ch. 152.

339. Public Laws of New Hampshire, ch. 316, secs. 15, 16.

340. New Hampshire Laws of 1937, ch. 54.

341. Public Laws of New Hampshire, ch. 350.

342. Ibid., ch. 315.

343. Ibid., ch. 316, sec. 2.

344. New Hampshire Laws of 1927, ch. 51.

345. Public Laws of New Hampshire, ch. 316, sec. 7.

346. Ibid., ch. 320, sec. 1.

347. Ibid., ch. 320, sec. 2; New Hampshire Laws of 1931, ch. 120.

annual report to be printed with the reports of other county officers.³⁴⁸ The clerk is the record-keeping functionary of the court and is the officer legally qualified to attest such records. His office must be kept in a town in which a court term is held. At the close of each term he must render to the presiding justice 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. He must deliver to the sheriff processes for the collection of fines, costs, or other money, which accrues to the county during the term of court; and also furnish the county commissioners with a list thereof. The fees of the clerk are prescribed by law. The clerk is allowed to appoint a deputy to act for him in the event of his sickness or temporary absence.³⁴⁹

The act which organized Carroll County in 1840 provided that a superior court of judicature should be held at Ossipee on the second Tuesday of January 1842 and on the same day annually thereafter, with all powers, privileges and jurisdiction enjoyed by similar courts in other counties in the state. All civil actions and suits pending and returnable in the superior court of judicature of Strafford County, wherein the petitioner or plaintiff resided in Carroll County, were to be transferred to the similar court in Carroll County. All indictments, informations, and complaints, wherein the offense was committed in Carroll County and all subpoenas, recognizances, and scire facias relating thereto which were pending or returnable in the Strafford County superior court of judicature were to be transferred to the next term of the similar court in Carroll County. The act of organization also provided that a court of common pleas should be held at Ossipee on the third Tuesday of April and the second Tuesday of October annually, with all powers, privileges, and jurisdiction possessed by similar courts in the other counties. All matters pending and returnable in the court of common pleas in Strafford County, pertaining to Carroll County, were to be transferred to the similar court in Carroll County. It was to be the duty of the court of common pleas to appoint a clerk of that court.³⁵⁰

The history of courts in Carroll County, subsequent to the organization of that county, follows in general the pattern in the other counties for the same period. That is, the law of 1855 replaced the superior court of judicature with the supreme judicial court;³⁵¹ the law of 1859 abolished the court of common pleas and transferred its duties to the supreme judicial court;³⁵² the law of 1874 restored the superior court of judicature at the expense of the supreme judicial court;³⁵³ the law of 1876 again replaced the superior court of

348. New Hampshire Laws of 1931, ch. 47.

349. Public Laws of New Hampshire, ch. 320.

350. New Hampshire Laws of 1840, ch. DXXXIX.

351. New Hampshire Laws of 1855, ch. 1659.

352. New Hampshire Laws of 1859, ch. 2211.

353. New Hampshire Laws of 1874, ch. 97.

judicature with the supreme judicial court;³⁵⁴ and the law of 1901 made the supreme court a state court without county implications, and constituted the superior court on a county basis.³⁵⁵

Since the history of the judiciary in New Hampshire has been basically the same in the different counties, variations having to do strictly with Carroll County have been of a casual nature. In 1866 the legislature passed a resolution authorizing the clerk of courts for Carroll County to have his office and keep the court records in Sandwich, with the stipulation that he should furnish at his own expense a suitable fireproof safe for the records.³⁵⁶ This privilege was withdrawn in 1876.³⁵⁷ An act approved February 16, 1893 incorporated the Wolfeborough Junction Water Company and authorized the corporation to take property by eminent domain, obligating it to furnish compensation. If owners were not reimbursed for damage they might apply to the supreme judicial court for Carroll County. The matter was referable by the court to the county commissioners who were to make a report to the court; however, either party might apply to the court for trial by jury before reference was made to the county commissioners.³⁵⁸ During the month following, an act containing similar provisions and imposing like duties on Carroll Supreme Court was passed for the purpose of incorporating the Bartlett Water Company.³⁵⁹

Times of holding the supreme/superior court for Carroll County have been regulated at intervals³⁶⁰ since the incorporation of the county. At the present time the superior court for Carroll County meets at Ossipee on the third Tuesday in May and the second Tuesday in November annually.³⁶¹

Where no location reference is given in an individual entry, it may be assumed that records are located in the office of the clerk of court.

For annual reports of clerk of superior court, see entries 2, 3.

Court Dockets

29. CARROLL DOCKETS SUPERIOR COURT (Supreme Court), 1842--.
204 vols. (dated). Missing: 1841, 1847, 1856, Apr.
term 1861, 1870, 1871, Apr. term 1872, Oct. term 1899,
Apr. term 1901, Apr. term 1902, June term 1903, 1912,
Nov. term 1913, Nov. term 1914, and May term 1928.

Dockets of cases entered: state, sessions, equity, and civil; dates, assignments of justices, naturalization days, attendance, list of

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354. New Hampshire Laws of 1876, ch. 25.
355. New Hampshire Laws of 1901, ch. 78.
356. New Hampshire Laws of 1866, ch. 4279.
357. New Hampshire Laws of 1876, ch. 46.
358. New Hampshire Laws of 1893, ch. 148.
359. Ibid., ch. 278.
360. New Hampshire Laws of 1845, ch. 228; New Hampshire Laws of 1859,
ch. 2211; New Hampshire Laws of 1867, ch. 35; New Hampshire Laws
of 1868, ch. 4; New Hampshire Laws of 1901, ch. 100; New Hampshire
Laws of 1909, ch. 38; New Hampshire Laws of 1929, ch. 158; New
Hampshire Laws of 1933, ch. 121.
361. New Hampshire Register 1937, 25.

Clerk of the Superior Court-
Judgments; Court Documents

(30-33)

Carroll County Bar, names of chief and associate justices, clerks (throughout state), reporter, clerical help, United States District Courts for New Hampshire, county solicitors and sheriffs (throughout state), rules of procedure, and list of pending cases. Chron. arr. by date of entry. Indexed alph. by names of plaintiffs in back of vols. Ptd. 175 pp. 7 x 5 x $\frac{1}{2}$. 1842-Nov. 1911, 154 vols., court-house L.; May 1913-Sept. 1929, 33 vols., attic; 1929-- , 17 vols., off.

30. CARROLL COUNTY SUPERIOR COURT, WASTE DOCKET, 1914--.
48 vols. 1902-13 lost.

Dockets for entries of cases at law: names of plaintiff, defendant, and solicitors; writs and motions filed, trustees' disclosures, specifications filed, and motions to withdraw and substitute specifications. Also, lists of grand and petit jurors, presiding justice, and date and term of court. Chron. arr. by date of entry. Indexed alph. by names of plaintiffs in front of vols. Hdw. 50 pp. $13\frac{1}{2}$ x $8\frac{1}{2}$ x $\frac{1}{4}$. 1914-28, 31 vols., attic; 1929-- , 17 vols., off.

31. CARROLL COUNTY DOCKET, 1861-- , 19 vols. (one vol. unlabeled; 1-18). Prior records missing. Title varies: Carroll County Docket Trial Term; Docket Trial Term S. J. C.; Carroll Docket S. J. C.

Date and term of court, docket number, names of plaintiffs, defendants, and solicitors, and court verdict. Also, date of execution, cost of court, name of jury foreman, dates of various court actions on case (writ filed, extension to another term of court, cost of case for each term of court, confession discharge, report of court actions filed), and lists of grand and petit jurors. Chron. arr. by date of entry. Indexed alph. by names of plaintiff and defendants in front of vols. 1861-1911, hdw.; 1912-- , typed. 600 pp. 15 x 10 x $2\frac{1}{4}$.

Judgments

32. SUPERIOR COURT-CARROLL RECORDS-JUDGMENTS, 1861-- . 29 vols. (1-29 and dated).

Record of judgments handed down by court: date, name and term of court, name of presiding justice, case number, names of plaintiffs and defendants, history of case, judgment, and attest by clerk of court. Chron. arr. by dates of judgments. Indexed alph. by names of plaintiffs and defendants in front of vols. 1861-1910, hdw. on ptd. forms; 1911-- , typed on ptd. forms. 450 pp. 16 x $11\frac{1}{2}$ x $1\frac{1}{2}$.

Court Documents

33. (Index to) CIVIL-EQUITY-STATE-SESSION-RESPONDENT, PLAINTIFF AND DEFENDANT, 1859-- . 61 file boxes (labeled by inclusive letters of the alphabet and dated).

Index to superior court records showing names of plaintiff and defendant, case number, vol. and p. reference, term of court, year of entry, and disposition. Alph. arr. by names of plaintiffs and defendants. Hdw. and typed on ptd. forms. 6 x 4 x 15.

Clerk of the Superior Court-
Court Documents

(34-37)

34. CIVIL (Court Documents), 1859-97. 51 file boxes (labeled by inclusive case numbers). 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Original court documents in civil action: (Writs of Attachment), entry 48; (Writs of Execution), entry 50; (Writs of Injunction), entry 51; (Writs of Possession), entry 52; (Writs of Replevin), entry 53; (Attorneys' Appearance Slips), entry 81; Transcripts (Exhibits and Transcripts of Evidence), entry 82; (Agreements), entry 84; (Verdicts), entry 85; (Appeals), entry 88; (Trustees' Depositions), entry 89; (Appraisals), entry 91; (Auction Sales of Attached Property), entry 92; (Appointments of Referees), entry 97; (Witness Fees), entry 106; and (Inquiry, Contest, and Adjustment of Titles), entry 109. Chron. arr. by dates of cases. For index, see entry 33. Hdw., hdw. and typed on ptd. forms, and ptd. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

35. STATE (Court Documents), 1859-97. 7 file boxes (labeled by inclusive case numbers). 1898-- in entry 38; 1911-- also in entry 39.

Original court documents in state cases: Venires (Entries and Venires), entry 44; (Mittimus), entry 47; (Capias Writs), entry 49; (Writs of Execution), entry 50; (Complaints and Warrants), entry 54; (Petitions for Information), entry 62; (Summonses), entry 73; (Subpoenas), entry 74; (Indictments), entry 77; (Recognizances), entry 79; (Bail Bonds), entry 80; Transcripts (Exhibits and Transcripts of Evidence), entry 82; (Verdicts), entry 85; (Appeals), entry 88; (Witness Fees), entry 106; and (Payrolls), entry 107. Chron. arr. by dates of cases. For index, see entry 33. Hdw., hdw. and typed on ptd. forms, and typed. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

36. EQUITY (Court Documents), 1859-97. 14 file boxes (labeled by inclusive case numbers). 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Original court documents in equity cases: (Writs of Attachment), entry 48; (Writs of Execution), entry 50; (Writs of Injunction), entry 51; (Writs of Possession), entry 52; (Writs of Replevin), entry 53; Marriage Petitions (Five Day Waivers), entry 60; (Disputed Wills and Codicils), entry 72; (Summonses), entry 73; (Subpoenas), entry 74; (Affidavits), entry 75; (Bills in Equity), entry 76; (Libels for Divorce), entry 78; (Bail Bonds), entry 80; (Agreements), entry 84; (Verdicts), entry 85; (Amendments), entry 86; (Appeals), entry 88; (Mortgage Foreclosures), entry 90; (Appointments of Receivers), entry 98; (Inquiry, Contest, and Adjustment of Titles), entry 109; and (Adjustments of Partnership Accounts), entry 110. Chron. arr. by dates of cases. For index, see entry 33. Hdw., hdw. and typed on ptd. forms. and ptd. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

37. SESSIONS (Court Documents), 1859-97. 2 file boxes (labeled by inclusive case numbers). 1898-- in entry 38; 1911-- also in entry 39.

Original court documents in session cases: (Writs of Injunction), entry 51; (Petitions for Highways), entry 63; (Petitions for Continuance of Highways), entry 64; (Petitions for Laying Out of Railroads), entry 65; (Petitions for Right of Eminent Domain), entry 66; (Petitions

Clerk of the Superior Court-
Court Documents

(38, 39)

for Damages Against Town), entry 67; (Nuisance Petitions), entry 69; (Petitions and Orders to Remove Paupers from County Farm), entry 71; (Damage Awards), entry 87; and (Inquiry, Contest and Adjustment of Titles), entry 109. Chron. arr. by dates of cases. For index, see entry 33. Hdw. and typed on ptd. forms. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

38. (CIVIL, STATE, EQUITY, SESSION COURT DOCUMENTS), 1898--.
107 file boxes (dated).

Civil (Court Documents), entry 34, including (Writs of Attachments), entry 48; (Writs of Execution), entry 50; (Writs of Injunction), entry 51; (Writs of Possession), entry 52; (Writs of Replevin), entry 53; (Attorneys' Appearance Slips), entry 81; Transcripts (Exhibits and Transcripts of Evidence), entry 82; (Agreements), entry 84; (Verdicts), entry 85; (Appeals), entry 88; (Trustees' Depositions), entry 89; (Appraisals), entry 91; (Auction Sales of Attached Property), entry 92; (Appointments of Referees), entry 97; (Witness Fees), entry 106; and (Inquiry, Contest, and Adjustment of Titles), entry 109. State (Court Documents), entry 35, including Venires (Entries and Vonires), entry 44; (Mittimus), entry 47; (Capias Writs), entry 49; (Writs of Execution), entry 50; (Complaints and Warrants), entry 54; (Petitions for Information), entry 62; (Summonses), entry 73; (Subpoenas), entry 74; (Indictments), entry 77; (Recognizances), entry 79; (Bail Bonds), entry 80; Transcripts (Exhibits and Transcripts of Evidence), entry 82; (Verdicts), entry 85; (Appeals), entry 88; (Witness Fees), entry 106; and (Payrolls), entry 107. Equity (Court Documents), entry 36, including (Writs of Attachment), entry 48; (Writs of Execution), entry 50; (Writs of Injunction), entry 51; (Writs of Possession), entry 52; (Writs of Replevin), entry 53; Marriage Petition (Five Day Waivers), entry 60; (Disputed Wills and Codicils), entry 72; (Summonses), entry 73; (Subpoenas), entry 74; (Affidavits), entry 75; (Bills in Equity), entry 76; (Libels for Divorce), entry 78; (Bail Bonds), entry 80; (Agreements), entry 84; (Verdicts), entry 85; (Amendments), entry 86; (Appeals), entry 88; (Mortgage Foreclosures), entry 90; (Appointments of Receivers), entry 98; (Inquiry, Contest, and Adjustment of Titles), entry 109; and (Adjustments of Partnership Accounts), entry 110. Session (Court Documents), entry 37, including (Writs of Injunction), entry 51; (Petitions for Highways), entry 63; (Petitions for Continuance of Highways), entry 64; (Petitions for Laying Out of Railroads), entry 65; (Petitions for Right of Eminent Domain), entry 66; (Petitions for Damages Against Towns), entry 67; (Nuisance Petitions), entry 69; (Petitions and Orders to Remove Paupers from County Farm), entry 71; (Damage Awards), entry 87; and (Inquiry, Contest, and Adjustment of Titles), entry 109. Chron. arr. by dates of cases. For index, see entry 33. Hdw., hdw. and typed on ptd. forms and ptd. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

39. STATE-SESSION-EQUITY-CIVIL (Pending Cases), 1911--. 4
file boxes.

Civil (Court Documents), entry 34, including (Writs of Attachment), entry 48; (Writs of Execution), entry 50; (Writs of Injunction), entry 51; (Writs of Possession), entry 52; (Writs of Replevin), entry 53; (Attorneys' Appearance Slips), entry 81; Transcripts (Exhibits and

Transcripts of Evidence), entry 82; (Agreements), entry 84; (Verdicts), entry 85; (Appeals), entry 88; (Trustees' Depositions), entry 89; (Appraisals), entry 91; (Auction Sales of Attached Property), entry 92; (Appointments of Referees), entry 97; (Witness Fees), entry 106; and (Inquiry, Contest and Adjustment of Titles), entry 109. State (Court Documents), entry 35, including Venires (Entries and Venires), entry 44; (Mittimus), entry 47; (Capias Writs), entry 49; (Writs of Execution), entry 50; (Complaints and Warrants), entry 54; (Petitions for Information), entry 62; (Summonses), entry 73; (Subpoenas), entry 74; (Indictments), entry 77; (Recognizances), entry 79; (Bail Bonds), entry 80; Transcripts (Exhibits and Transcripts of Evidence), entry 82; (Verdicts), entry 85; (Appeals), entry 88; (Witness Fees), entry 106; and (Payrolls), entry 107. Equity (Court Documents), entry 36, including (Writs of Attachment), entry 48; (Writs of Execution), entry 50; (Writs of Injunction), entry 51; (Writs of Possession), entry 52; (Writs of Replevin), entry 53; Marriage Petition (Five Day Waivers), entry 60; (Disputed Wills and Codicils), entry 72; (Summonses), entry 73; (Subpoenas), entry 74; (Affidavits), entry 75; (Bills in Equity), entry 76; (Libels for Divorce), entry 78; (Bail Bonds), entry 80; (Agreements), entry 84; (Verdicts), entry 85; (Amendments), entry 86; (Appeals), entry 88; (Mortgage Foreclosures), entry 90; (Appointments of Receivers), entry 98; (Inquiry, Contest, and Adjustment of Titles), entry 109; and (Adjustments of Partnerships Accounts), entry 110. Session (Court Documents), entry 37, including (Writs of Injunction), entry 51; (Petitions for Highways), entry 63; (Petitions for Continuance of Highways), entry 64; (Petitions for Laying Out of Railroads), entry 65; (Petitions for Right of Eminent Domain), entry 66; (Petitions for Damages Against Towns), entry 67; (Nuisance Petitions), entry 69; (Petitions and Orders to Remove Paupers from County Farm), entry 71; (Damage Awards), entry 87; and (Inquiry, Contest, and Adjustment of Titles), entry 109. Chron. arr. by dates of cases. For index, see entry 33. Hdw., hdw. and typed on ptd. forms, and ptd. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

40. OLD CIVIL AND EQUITY CASES WHICH HAVE BEEN DROPPED FROM
THE DOCKET AND NOT WRITTEN UP. 1929-32. 1 file box.

Civil (Court Documents), entry 34, including (Writs of Attachment), entry 48; (Writs of Execution), entry 50; (Writs of Injunction), entry 51; (Writs of Possession), entry 52; (Writs of Replevin), entry 53; (Attorneys' Appearance Slips), entry 81; Transcripts (Exhibits and Transcripts of Evidence), entry 82; (Agreements), entry 84; (Verdicts), entry 85; (Appeals), entry 88; (Trustees' Depositions), entry 89; (Appraisals), entry 91; (Auction Sales of Attached Property), entry 92; (Appointments of Referees), entry 97; (Witness Fees), entry 106; and (Inquiry, Contest, and Adjustment of Titles), entry 109. Equity (Court Documents), entry 36, including (Writs of Attachment), entry 48; (Writs of Execution), entry 50; (Writs of Injunction), entry 51; (Writs of Possession), entry 52; (Writs of Replevin), entry 53; Marriage Petition (Five Day Waivers), entry 60; (Disputed Wills and Codicils), entry 72; (Summonses), entry 73; (Subpoenas), entry 74; (Affidavits), entry 75; (Bills in Equity), entry 76; (Libels for Divorce), entry 78; (Bail Bonds), entry 80; (Agreements), entry 84; (Verdicts), entry 85;

Clerk of the Superior Court-
Venires

(41-44)

(Amendments), entry 86; (Appeals), entry 88; (Mortgage Foreclosures), entry 90; (Appointments of Receivers), entry 98; (Inquiry, Contest, and Adjustment of Titles), entry 109; and (Adjustments of Partnership Accounts), entry 110. Chron. arr. by dates of cases. For index, see entry 33. Hdw., hdw. and typed on ptd. forms, and ptd. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

41. STATE CASES-MISCELLANEOUS, 1861-1911. 4 file boxes. (Mittimus), entry 47; (Writs of Execution), entry 50; (Complaints and Warrants), entry 54; Transcripts (Exhibits and Transcripts of Evidence), entry 82; and (Coroners' Inquests), 1861-1903, entry 83. Also contains: liquor case judgments, and inventory of liquor seized. Chron. arr. by dates of cases. No index. Hdw., hdw. and typed on ptd. forms, and ptd. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

42. CARROLL DOCKETS (Court of Appeals) LAW TERM (Cases), 1858-1901. 1 vol. (dated).

Dockets of law term cases showing term, date, and location of court; names (chief justice, associate justices, plaintiffs, defendants, solicitors), dates of entry, discharge, and acceptance of sheriffs' bond. Also contains: transcripts of Civil Jackets (Executions), entry 46; Transcripts (Exhibits and Transcripts of Evidence), entry 82; and (Amendments), entry 86. Chron. arr. by date of entry. Indexed alph. by names of plaintiffs in front of vol. Hdw., hdw. on ptd. forms, and ptd. 350 pp. $13\frac{1}{2} \times 9 \times 2$.

For original documents 1861-1904, see entry 43.

43. MISCELLANEOUS-LAW TERM-CASES NOT INDEXED, 1861-1904.
4 file drawers.

Original law term documents, 1861-1901, showing information as in entry 42; (Writs of Possession), entry 52; (Bail Bonds), entry 80; (Appeals), entry 88; (Mortgage Foreclosures), entry 90. Also contains petitions to appoint guardians, water privilege disputes, bank demands for ownership right to land, corrected errors in judgment, and record of sale of goods. Chron. arr. by dates of cases. No index. Typed. $4 \times 10\frac{1}{2} \times 15$.

Venires

44. VENIRES (Entries and Venires), 1862--. 5 file boxes (dated). 1859-97 in entry 35; 1898-- also in entry 38; 1911-- also in entry 39.

Venire (court order to town or city clerk that jurors must be drawn): date, name of town or city, number of jurors to be drawn (grand and petit), and date and place of jurors to report to court. Attest of town or city clerk that jurors have been drawn and notified: date, time and place of drawing, place where notices of juror drawing posted, number of jurors drawn (grand and petit), notification of those drawn, and signature of town or city clerk. Chron. arr. No index. Hdw. and typed on ptd. forms. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

Clerk of the Superior Court-
Executions; Mittimus; Writs
and Warrants

(45-49)

45. (COURT ORDERS FOR EXTRA VENIRES), 1862--. In entry 94.
Date, town, number of jurors to be drawn, and place and time to report.

Executions

46. CIVIL JACKETS (Executions), 1854-84. 1 file box.
Transcripts 1858-1901 in entry 42.

Order to sheriff to collect from debtor and return made to court: name, address, and occupation of person who has recovered judgment against debtor; name, address, and occupation of debtor; amount of judgment, order to collect, date when return is to be made, and signature of clerk of court. Chron. arr. For index, see entry 33. Hdw. on ptd. forms. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

Mittimus

47. (MITTIMUS), 1859--. 1859-97 in entry 35; 1898-- in entry 38; 1861-1911 also in entry 41; 1911-- also in entry 39.
Order to sheriff (deputy sheriff or police officer) to transfer prisoner to house of correction or jail showing complaint, date, by whom issued, court, disposition, time, costs, commitment, date of order, signature of clerk of court, attest of officer that conveying order has been carried out, and statement of fees (costs for service, trav l, conveyance, copy, and mittimus).

For related mittimuses 1914--, see entry 182.

Writs and Warrants

48. (WRITS OF ATTACHMENT), 1859--. 1859-97 in entries 34, 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Writs instructing sheriff as to amount of property to be attached: number, names of plaintiffs and defendants, court returnable, return of sheriff (description of property attached, date and time of attachment, statement of expenses of attachment, signature of sheriff), and date and time of recording by clerk.

For related original writs of attachment 1911--, see entry 119.
For transcripts of writs of attachment 1911--, see entry 120.

49. (CAPIAS WRITS), 1859--. 1859-97 in entry 35; 1898-- in entry 38; 1911-- also in entry 39.

Name, date, and term of court; return of grand jury, names of plaintiffs and defendants, charge, and order to arrest the defendant and bring him before the court (date and term of court prisoner held for).

For related capias writs 1914--, see entry 183.

Clerk of the Superior Court-
Naturalization

(50-55)

50. (WRITS OF EXECUTION), 1859--. 1859-97 in entries 34-36; 1898-- in entry 38; 1861-1911 also in entry 41; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, names of plaintiffs and defendants, term of court, judgment, order to sheriff to attach property in amount of judgment, court returnable, and signature of clerk of court.

51. (WRITS OF INJUNCTION), 1859--. 1859-97 in entries 34, 36, 37; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, names of plaintiffs and defendants, and conditions and particulars of restraining order from court.

52. (WRITS OF POSSESSION), 1859--. 1859-97 in entries 34, 36; 1898-- in entry 38; 1861-1904 also in entry 43; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, names of plaintiffs and defendants, term of court, amount of judgment rendered, costs of court, and the command to cause plaintiff to have possession of premises and to pay the creditors the amount in judgment at lawful interest or to arrest debtor and commit to jail until discharged by due process of law.

53. (WRITS OF REPLEVIN), 1859--. 1859-97 in entries 34, 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

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

54. (COMPLAINTS AND WARRANTS), 1859--. 1859-97 in entry 35; 1898-- in entry 38; 1861-1911 also in entry 41; 1911-- also in entry 39.

Date, names of complainant and respondent, complaint in detail, sworn to and attested by complainant and witnesses before justice of peace, order to bring respondent before court (date, place, and time of court), verdict, judgment (fines, costs or imprisonment), and disposition.

Naturalization

55. CARROLL COUNTY NATURALIZATION RECORDS, 1860-1905. 1 vol.
(2). Prior records lost. Discontinued.

Name and address of applicant, government of his prior allegiance, age, country from which emigrated, statement that applicant affirms the principles of the United States Constitution, statement of two citizens attesting validity of applicant's statements, plea of applicant that he be allowed to take oath of citizenship, renunciation of allegiance to foreign governments, and oath of allegiance to the United States. Chron. arr. by dates of applications. Indexed alph. by names of applicants in front of vol. Hdw. on ptd. forms. 300 pp. 15 x 9 x 3.

For related subsequent records, see entries 57, 58.

56. CARROLL COUNTY NATURALIZATION RECORDS - MINORS, 1876-1905. 1 vol. (1). Prior records lost. Discontinued.

Place, court, date, name of applicant, subject of whom, where from, residence in the United States (more than three years) prior to majority, declaration of character, request for permission to take oath, statement of certain citizens that applicant is known to them, that he came to the United States when a minor, that he has been in the United States more than five years or more than three years preceding his majority, execution of jurat by a justice of the peace, and renunciation of foreign allegiance signed by applicant. Chron. arr. by dates of applications. Indexed alph. by names of applicants in front of vol. Hdw. on ptd. forms. 275 pp. 15 x 9 x 3.

For related subsequent records, see entries 57, 58.

57. DEPARTMENT OF COMMERCE AND LABOR - DIVISION OF NATURALIZATION - RECORDS OF DECLARATION OF INTENTION, 1906--. 3 vols.

System started 1906. Title varies: Naturalization Service - Record of Declaration of Intention.

Name of court, state, and county; applicant: name, age, occupation, color, height, date of birth, residence, date and place of emigration, marital status, and declaration of intention to renounce prior allegiance. Chron. arr. by dates of applications. Indexed alph. by names of applicants in front of vols. Hdw. on ptd. forms. 300 pp. 14 x 9 x 1½.

For related prior records, see entries 55, 56.

58. DEPARTMENT OF COMMERCE AND LABOR - DIVISION OF NATURALIZATION PETITION AND RECORD, 1906--. 4 vols. System started 1906. Title varies: Naturalization Service - Petition and Record.

Petition for final naturalization papers: name, residence, occupation, date and place emigrated from, place arrived at in United States, conveyance, date and place of declaration, marital status, renunciation of allegiance to foreign governments, literacy test, time resident in United States, statement as to other petitions made, signature of petitioner, jurat, affidavit of witnesses, oath of allegiance, and order of court admitting petitioner. Chron. arr. by dates of petitions. Indexed alph. by names of petitioners in front of vol. Hdw. on ptd. forms. 300 pp. 14 x 9 x 1½.

For related prior records, see entries 55, 56.

59. CARROLL COUNTY, N. H., SUPERIOR COURT, NATURALIZATION DOCKET, 1907-29. 1 vol. No prior records kept. Discontinued.

Brief summary of naturalization cases showing name of applicant, dates of filing declaration of intention, paying of fee, posting of name, report, filing and granting of petition, taking of oath, and issuing of certificate. Chron. arr. by date of entry. Indexed alph. by names of applicants in front of vol. Hdw. 300 pp. 15 x 9 x 1.

Petitions and Orders

60. MARRIAGE PETITIONS (Five Day Waivers), 1928-30. 2 file boxes. 1859-97 in entry 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, names and addresses of contracting parties, date and term of court when petition entered, and exceptions (time and age waivers, and other exceptions made to existing statutes). Alph. arr. by names of petitioners. No index. Hdw. on ptd. forms. 6 x 14 x 15.

61. (PETITIONS FOR PARDONS), 1869--. In entry 115.

Date, names of principals, and reasons for and conditions of pardon.

62. (PETITIONS FOR INFORMATION), 1859--. 1859-97 in entry 35; 1898-- in entry 38; 1911-- also in entry 39.

Court document whereby persons may be brought to trial without indictment by grand jury showing name, date, time and place of court, county solicitor, name and address of defendant, date of offense, signature of solicitor, and plea of defendant.

63. (PETITIONS FOR HIGHWAYS), 1859--. 1859-97 in entry 37; 1898-- in entry 38; 1869-- also in entry 115; 1911-- also in entry 39.

Date, names of petitioners, description of proposed highway, and summons for selectmen to appear at court.

64. (PETITIONS FOR CONTINUANCE OF HIGHWAYS), 1859--. 1859-97 in entry 37; 1898-- in entry 38; 1911-- also in entry 39.

Date, names of petitioners, description of highway, and detailed account of reasons why road should be kept open or why gates and bars should be removed from the highway.

65. (PETITIONS FOR LAYING OUT OF RAILROADS), 1859--. 1859-97 in entry 37; 1898-- in entry 38; 1911-- also in entry 39.

Date, names of petitioners, conditions and reasons for petition, approval of railroad commissioners, and award of land damages.

66. (PETITIONS FOR RIGHT OF EMINENT DOMAIN), 1859--. 1859-97 in entry 37; 1898-- in entry 38; 1911-- also in entry 39.

Date, name of town (city, state) making petition, conditions and reasons for same, description of property involved, and court action.

67. (PETITIONS FOR DAMAGES AGAINST TOWNS), 1859--. 1859-97 in entry 37; 1898-- in entry 38; 1911-- also in entry 39.

Date, names of petitioners, particulars of the petition, amount of damage, and court action.

68. (PETITIONS FOR RELIEF), 1869--. In entry 115.

Date, names of principals, reasons for, and conditions of same.

Clerk of the Superior Court-
Wills; Court Proceedings

(69-74)

69. (NUISANCE PETITIONS), 1859--. 1859-97 in entry 37;
1898-- in entry 38; 1911-- also in entry 39.

Date and term of court, names of plaintiffs and defendants, complaint, and court action.

70. PETITION FOR DISCHARGE AND ORDER (to Discharge from House of Correction), 1919--. 1 file box. Prior records lost.

Petition for discharge: date, name of defendant, crime, sentenced by, duration of sentence, reasons for petition, signatures of defendant and witnesses, oath of petitioner, jurat of jailor as to authenticity of foregoing statements, and approval of county solicitor. Order to discharge: date, name of defendant, authorization to release, conditions of release in full, and signature of justice of superior court. Chron. arr. by dates of petitions and orders. No index. Hdw. and typed on ptd. forms. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

For related records 1914-- , see entry 191.

71. (PETITIONS AND ORDERS TO REMOVE PAUPERS FROM COUNTY FARM), 1859--. 1859-97 in entry 37; 1898-- in entry 38; 1911-- also in entry 39.

Name of pauper, reasons for petition, signatures of county commissioners, and court order approving same.

Wills

(See also entries 141-144, 146)

72. (DISPUTED WILLS AND CODICILS), 1859--. 1859-97 in entry 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

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

Court Proceedings

73. (SUMMONSES), 1859--. 1859-97 in entries 35, 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, time, and place of court; names and addresses of plaintiff and defendant, conditions and reasons for summons, and signature of clerk of court.

74. (SUBPOENAS), 1859--. 1859-97 in entries 35, 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Order for witness to appear in court and give evidence: name and address of witness; time, date, and place of court; conditions of subpoena, date issued, and signature of clerk of court.

Clerk of the Superior Court-
Court Proceedings

(75-82)

75. (AFFIDAVITS), 1859--. 1859-97 in entry 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, name of petitioner, conditions and particulars, and oath of petitioner.

76. (BILLS IN EQUITY), 1859--. 1859-97 in entry 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, names of plaintiff and defendant, charges and contents of bill, signature of plaintiff's solicitor, and attest of clerk of court.

77. (INDICTMENTS), 1859--. 1859-97 in entry 35; 1898-- in entry 38; 1911-- also in entry 39.

Name, date, and term of court; name and address of defendant, detailed description of charge, and attests and signatures of the county solicitor and foreman of the grand jury.

78. (LIBELS FOR DIVORCE), 1859--. 1859-97 in entry 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, names of libellant and libelee, charges of libel, signature of libellant's solicitor, and attest of clerk of court.

79. (RECOGNIZANCES), 1859--. 1859-97 in entry 35; 1898-- in entry 38; 1911-- also in entry 39.

Date, name, and term of court; state vs. (name of defendant), name of state witness, name of surety, amount of bond, conditions and limitations of the action, signatures of witnesses, and attest of clerk of court.

80. (BAIL BONDS), 1859--. 1859-97 in entries 35, 36; 1898-- in entry 38; 1861-1904 also in entry 43; 1911-- also in entry 39; 1929-32 also in entry 40.

Names of surety and person bonded, amount and conditions of bond, name of county in whose favor bond is drawn, and signatures of surety officers and witnesses.

81. (ATTORNEYS' APPEARANCE SLIPS), 1859--. 1859-97 in entry 34; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Docket number, names of plaintiff and defendant, signatures of solicitors, date entered, and signature of clerk of court.

82. TRANSCRIPTS (Exhibits and Transcripts of Evidence), 1859--. 3 file boxes (labeled by inclusive letters of the alphabet). 1859-97 also in entries 34, 35; 1861-1911 also in entry 41; 1898-- also in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40. Abstracts 1858-1901 in entry 42.

Exhibits and transcripts of evidence introduced during the trial by the plaintiff and defendant: plans and blue prints of buildings and lands, copies of deeds, letters bearing on cases, and copies of exhibits and court trials. Alph. arr. by names of plaintiffs. No index. Typed and ptd. 16 x 11½ x 23½.

Clerk of the Superior Court-
Attachment of Property

(83-90)

83. (CORONERS' INQUESTS), 1861-1903. 1861-1903 in entry 41;
1883-1903 also in entry 99.

Order to make inquest into death showing name of deceased, place body held, reason for inquest, and signature of official ordering inquest; report of autopsy: date, name of deceased, description of findings, signature of physician or medical referee making autopsy; and coroner's report giving testimony at inquest.

84. (AGREEMENTS), 1859--. 1859-97 in entries 34, 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, names of parties concerned, conditions of agreement, and signatures of parties and witnesses.

85. (VERDICTS), 1859--. 1859-97 in entries 34-36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40. Plaintiff's and defendant's verdicts: name, date, and place of court; names of plaintiff and defendant, findings, assessment of damages, and signature of foreman of jury.

86. (AMENDMENTS), 1859--. 1859-97 in entry 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40. Transcripts 1858-1901 in entry 42.

Date and name of court, names of parties concerned, and court instructions to jury.

87. (DAMAGE AWARDS), 1859--. 1859-97 in entry 37; 1898-- in entry 38; 1911-- also in entry 39.

Record of damage awards showing date, to whom, purpose, and amount.

88. (APPEALS), 1859--. 1859-97 in entries 34-36; 1898-- in entry 38; 1861-1904 also in entry 43; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, names of plaintiff and defendant, particulars, order to transfer to higher court, signature of presiding justice, and attest of clerk of court.

Attachment of Property

89. (TRUSTEES' DEPOSITIONS), 1859--. 1859-97 in entry 34; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.

Name, date, and place of court; names of plaintiff and defendant, name of trustee, time writ was served, description of defendant's property in hands of trustee at time writ served, and attest of trustee as to correctness.

90. (MORTGAGE FORECLOSURES), 1859--. 1859-97 in entry 36; 1898-- in entry 38; 1861-1904 also in entry 43; 1911-- also in entry 39; 1929-32 also in entry 40.

Date, names of principals, conditions and limitations, and court order of approval.

Clerk of the Superior Court-
Elections, Appointments, Oaths

(91-98)

91. (APPRAISALS), 1859--. 1859-97 in entry 34; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.
Date, names of appraisers, and property appraised (itemized with valuation).

92. (AUCTION SALES OF ATTACHED PROPERTY), 1859--. 1859-97 in entry 34; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.
Date, to whom sold, list of articles sold, and amount received.

Elections, Appointments, Oaths

93. (Returns of) VOTES (for County Officers), 1862--. 4 file boxes (dated). Prior records missing. 1883-- also in entry 99. Transcripts 1862-- in entry 94.
Returns of votes cast for county officers at biennial election showing names of offices and candidates, number of votes cast for each, and attest of town or city clerk as to correctness. Chron. arr. No index. Hdw. on ptd. forms. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

94. CARROLL COUNTY RECORDS, OATHS, RESOLUTIONS, MISCELLANEOUS, 1862--. 3 vols. Prior records missing.
Transcripts of (Return of) Votes (for County Officers), entry 93 with this additional information (oath taken by appointee to discharge duties to best of ability, and names of bondsmen or other surety). Also contains: (Court Orders for Extra Venires), entry 45; (Appointments of County Officers), entry 95; and (Licenses for Doctors), entry 112. Chron. arr. No index. Hdw. 250 pp. $13\frac{1}{4} \times 8\frac{1}{4} \times 1\frac{1}{4}$.

95. (APPOINTMENTS OF COUNTY OFFICERS), 1862--. In entry 94.
Originals 1883-- in entry 99.
Transcripts of appointment of county officers: date, name and address of appointee, office appointed to, and oath of office.

96. (APPOINTMENTS OF DEPUTY SHERIFFS), 1869--. In entry 115.
Date, name and address of appointee, oath of office, name of appointor, and conditions of appointment.
For related appointments of deputy sheriffs 1905--, see entry 163.

97. (APPOINTMENTS OF REFEREES), 1859--. 1859-97 in entry 34; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.
Date, name, and place of court; name of presiding justice, names and addresses (plaintiff, defendant, referee), instructions to referee, and signatures of solicitors and clerk of court.

98. (APPOINTMENTS OF RECEIVERS), 1859--. 1859-97 in entry 36; 1898-- in entry 38; 1911-- also in entry 39; 1929-32 also in entry 40.
Date, name, residence, and condition of receivership.

Clerk of the Superior Court-
Financial

(99-104)

99. BONDS COUNTY OFFICERS - OATHS COUNTY OFFICERS (Miscellaneous), 1883--. 2 file boxes.
(Coroners' Inquests), 1883-1903, entry 83; (Returns of) Votes (for County Officers), entry 93; (Appointments of County Officers), entry 95; (County Officers' Bonds), entry 114; and auditors' reports. Chron. arr. No index. Hdw. and typed on ptd. forms, and typed. $4\frac{3}{4} \times 10\frac{1}{2} \times 15$.

Financial

(See also entries 20-25, 167-178, 193-205)

100. SUPERIOR COURT CLERKS' ACCOUNTS, 1872--. 2 vols. Prior records missing. Title varies: Journal Clerk's Accounts. 1872-1906: account of money due clerk for expenses incurred (date, item, and amount); account of money received (date, from whom, purpose, and amount); also, total due clerk from county and amount turned over to treasurer. 1907--: clerk's record of accounts (debtor, date, purpose, amount, and total); payee listed occasionally. Chron. arr. No index. Hdw. 300 pp. $10\frac{1}{2} \times 8\frac{1}{2} \times 1\frac{1}{2}$.

101. (RECORD OF NOTES AND AUTHORIZATION TO BORROW MONEY), 1883--. 3 vols. Prior records missing.
Record of notes: date, considerations involved, rate of interest, signatures of county commissioners and treasurer, and date recorded by clerk of court. Authorization to borrow money: date, amount to be borrowed, signatures of county commissioners, approval of presiding justice; amount and date of note, date due, name and address of purchaser; and signature of county treasurer, and date of recording by clerk of court. Chron. arr. No index. Table of contents in front of vols. Hdw. on ptd. forms. 200 pp. $11 \times 8\frac{1}{2} \times 1$.

For related records of notes 1883-1921, see entries 22, 173. For related records of authorizations to borrow money 1903--, see entry 167.

102. COUNTY OF CARROLL, STATE OF NEW HAMPSHIRE, SERIAL REGISTER BONDS, 1933--. 1 loose leaf vol. 1869-1932 in entry 115.
Record of bond issues showing number of bond, amount, name and address of owner, date sold, amount received, date of issue, date of maturity, interest rate per annum, interest payable (when), and date of transfer (to whom). Chron. arr. No index. Hdw. on ptd. forms. 200 pp. $10 \times 7\frac{1}{2} \times \frac{3}{4}$.

103. (RECEIPTED BILLS), 1869--. In entry 115.

County commissioners' receipted bills for expenses incurred: date, purpose, and amount.

104. ORDERS - CLERK OF COURT - CARROLL COUNTY, 1915--. 4 vols. Prior records lost.
Orders by court to county treasurer to pay bills: name, term of court; amount, order number, purpose, date, signature of clerk, and approval of court. Chron. arr. No index. Hdw. on ptd. forms. 200 pp. $10\frac{1}{2} \times 11\frac{1}{2} \times 1$.

Clerk of the Superior Court-
Adjustment of Titles and Accounts;
Certificates and Licenses

(105-112)

105. (ORDERS TO BORROW MONEY), 1869--. In entry 115,
Date, amount, and approval of order.

106. (WITNESS FEES), 1859--. 1859-97 in entries 34, 35; 1898--
in entry 38; 1911-- also in entry 39; 1929-32 also in
entry 40.

Bills rendered by witnesses for travel and court attendance: date, time
and place of court; names of plaintiff and defendant, names of wit-
nesses and for whom testified, fees for attorneys appointed by court,
travel charges (number of miles traveled, days of attendance, total);
and jurat.

107. (PAYROLLS), 1859--. 1859-97 in entry 35; 1898-- in entry
38; 1869-- also in entry 115; 1911-- also in entry 39.

Name and address of payee, amount, purpose; date, name and place of
court; court approval, and signature of clerk of court.

For related payrolls 1883-- , see entries 176, 203.

108. S. E. LEDGER, 1911-33. 2 vols. (labeled A. M. Rumery).

No prior records kept. Discontinued.

Personal accounts of clerk showing date, name, item, and amount. Chron.
arr. Indexed alph. by names of towns and creditors in front of vols.

Hdw. 190 pp. $13\frac{1}{2} \times 8\frac{1}{2} \times \frac{1}{2}$. Attic.

Adjustment of Titles and Accounts

109. (INQUIRY, CONTEST, AND ADJUSTMENT OF TITLES), 1859--.

1859-97 in entries 34, 36, 37; 1898-- in entry 38;

1911-- also in entry 39; 1929-32 also in entry 40.

Date, names of principals, conditions and particulars, court order, and
attest of clerk of court

110. (ADJUSTMENTS OF PARTNERSHIP ACCOUNTS), 1859--. 1859-97

in entry 36; 1898-- in entry 38; 1911-- also in entry 39;

1929-32 also in entry 40.

Date, names of principals, and summary of accounts approved.

Certificates and Licenses

111. (ATTORNEYS' CERTIFICATES OF ADMITTANCE TO BAR), 1869--.

In entry 115.

Certificates of attorneys allowing them admittance to bar showing date
and names of parties concerned.

112. (LICENSES FOR DOCTORS), 1862--. In entry 94.

Name, residence, name of medical school, and branches of medicine or
surgery that doctor is qualified to practice.

Justices of the Peace (Trial Justices)

(113-115)

113. COURT CORRESPONDENCE, 1936--. 1 file box. Prior records missing.

Incoming and outgoing correspondence of clerk of court. Alph. arr. by names of correspondents. No index. Hdw. and typed. $11\frac{1}{2}$ x 13 x $23\frac{1}{2}$.

114. (COUNTY OFFICERS' BONDS), 1883--. In entry 99.

Name of surety, name of official bonded, amount, and conditions of bond. For deputy sheriff's bonds 1914-19, see entry 165.

115. (Miscellaneous) PAYROLLS - COUNTY RECEIPTS, 1869--.

8 file boxes (dated). Prior records missing.

(Petitions for Pardons), entry 61; (Petitions for Highways), entry 63; (Petitions for Relief), entry 68; (Appointments of Deputy Sheriffs), entry 96; Record of Bonds, 1869-1932, entry 102; (Receipted Bills), entry 103; (Orders to Borrow Money), entry 105; (Payrolls), entry 107; (Attorneys' Certificates of Admittance to Bar), entry 111; and resolutions to families of deceased public officials. Chron. arr. No index. Hdw., hdw. on ptd. forms, and typed. $4\frac{3}{4}$ x 10 x 15.

IV. 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.³⁶² The duties of the commissioner 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 Edward Cranfield authorized the appointment of "Justices of the peace."³⁶³ These officers were authorized to deal with profanations of the Sabbath;³⁶⁴ to determine actions where the debt or damages were not more than forty shillings;³⁶⁵ to restrain mates and seamen from leaving their ships without permission of the Governor;³⁶⁶ and to grant permission to call a town meeting where necessity was shown.³⁶⁷

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 was to maintain the peace "in the Severall Counteys, Proe-cints and Principall Townes * * *."³⁶⁸ The members of the Council

362. Shurtleff, Nathaniel, ed., Records of the Governor and Company of the Massachusetts Bay in New England, (Boston, 1853-1854), 4: (Part 2) 147 (1665).

363. Laws of New Hampshire, 1:51 (1682).

364. Ibid., 1:62 (1682).

365. Ibid., 1:72 (1682).

366. Ibid., 1:80 (1682, approx.).

367. Ibid., 1:81 (1682-83).

368. Ibid., 1:99-100 (1686).

were to administer to the justices of the peace the following oath:

Yee shall swear that as Justices of the Peace in the County of Suffock & c'a according to the Commission Given You Yee shall do equall right to the Poor and to the rich after your best understanding and knowledge according to Law, and yee shall not be of Councill of any Quarrell that shall come before you, yee shall not lett for gift or other cause, but well and truly You shall do your office of Justice of the Peace in that behalfe takeing only appointed Fees, and you shall not direct or cause to be directed any Warrant (by you to be made) to the Partyes, but you shall direct all Your Warrants to Constables tithing men and other Officers proper for the execut'on of the same in the sd County having 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.³⁶⁹

During this time of the New England Dominion, two justices of the peace had the power to give judgment and to award execution where the amount involved did not exceed forty shillings.³⁷⁰ They also possessed authority to perform marriages.³⁷¹ Two justices of the peace might try those accused of selling liquor without license and, upon conviction, levy a fine;³⁷² justices of the peace had duties connected with the impaneling of jurors.³⁷³ Two justices of the peace allowed and underwrote the sum of money appropriated by the inhabitants of any town at any town meeting to pay public charges; the selectmen or raters then submitted their list of assessments to a justice of the peace who made his warrant to the constables to collect the same.³⁷⁴

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 hoare and Determine all matters relating to the Conservac'on of the Peace and Punishment of Offenders; And whatsoever else * * * by them Cognizable, according to Law * * *."³⁷⁵

Governor Andros was instructed by the Crown to appoint to the office of justice of the peace men owning property who were loyal to the government. No time limitation was to be expressed in these commissions of appointment.³⁷⁶

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."³⁷⁷ Two justices of the peace, one

369. Ibid., 1:108-109 (1686).

370. Ibid., 1:104 (1686).

371. Ibid., 1:109 (1686).

372. Ibid., 1:106 (1686).

373. Id.

374. Laws of New Hampshire, 1:115-116.

375. Ibid., 1:190-194 (1686-87).

376. Ibid., 1:155-167 (1686).

377. Ibid., 1:254-255 (1687).

being of the quorum, were empowered to fill vacancies where selectmen, townsmen, overseers, or commissioners refused to serve after they were duly elected.³⁷⁸

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.³⁷⁹ 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.³⁸⁰ The quarterly court for trial of causes was continued and was granted the power to appoint a marshal for that year.³⁸¹

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. In 1694 these officials were empowered to take acknowledgments of deeds of sale or gifts. They might summon before them persons who refused to accept the validity of such deeds and commit such persons to jail on continued refusal.³⁸²

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, and from the ill, aged, and infirm residing more than five miles from court and unable to travel. 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. The adverse party was notified that he might be represented. Affidavits relating to houses and lands were to be "taken before Some Court of Record or Two or more Justices of the Peace Quorum Unus."³⁸³

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.³⁸⁴ 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 of the peace, the selectmen, and the assessors to collect the same.³⁸⁵

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 resealed 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.³⁸⁶

378. Ibid., 1:218-221 (1687-88).

379. Ibid., 1:260-261 (1689).

380. Ibid., 1:371-373 (1689-90).

381. Ibid., 1:476 (1691).

382. Ibid., 1:568-569 (1694).

383. Ibid., 1:689-690 (1701).

384. Ibid., 2:55 (1703).

385. Ibid., 2:60 (1704).

386. Ibid., 2:134 (1714).

The justices of the peace and 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 estate of at least fifty pounds. These names were recorded in a book which was always brought to town meeting as only those persons whose names were in this record were qualified to vote.³⁸⁷ In 1761 justices of the peace were required to warn meetings of the proprietors of lands held in common.³⁸⁸

In 1766 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.³⁸⁹ Before town charges and children could be indentured by the overseers of the poor, assent had to be given by two justices of the peace.³⁹⁰ Penalties were recovered by justices of the peace from persons who neglected to notify the selectmen or town clerk that they had entertained visitors more than twenty days; one half the fine was used for the poor of the town, the other half went to the informer.³⁹¹

The New Hampshire Constitution (1792) provided that justices of the peace be commissioned for five years subject to renewal.³⁹² It also stated that they could be empowered by the General Court to have "jurisdiction in civil causes, when the damages demanded [should] not exceed four pounds and title of real estate [was] not concerned * * * 393." The justice of the peace was not to "act as attorney, or be of counsel to any party or originate any civil suit, in matters which [should] come or be brought before him * * *." 394

All justices of the peace were exempt from military duty.³⁹⁵ In 1794 the General Court, as authorized by the Constitution in 1792, increased the civil jurisdiction of justices of the peace to causes of four pounds value, but repeal of this provision occurred in 1810.³⁹⁶ An act of 1823 (repealed 1829) provided for the summoning of one justice of the peace on each coroner's inquest as one of the jurors.³⁹⁷ 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.³⁹⁸

387. Ibid., 2:154 (1714).

388. Ibid., 3:231-33 (1761).

389. Ibid., 3:381-82 (1766).

390. Ibid., 3:390-92 (1766).

391. Ibid., 3:395-96 (1766).

392. New Hampshire Constitution, Article 74 (1792).

393. Ibid., Article 76 (1792). \$100 substituted for four pounds by amendment of 1877.

394. Ibid., Article 78 (1792).

395. Laws of New Hampshire, 6:84-92 (1792).

396. Ibid., 6:158 (1794); 7:896 (1810).

397. Ibid., 9:179-80 (1823); 10:54-58 (1829).

398. New Hampshire Laws of 1841, ch. DCIII.

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 a Congressional Act of 1793 concerning fugitives from justice and persons fleeing from service.³⁹⁹

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, and also send a certified copy of his record to the town or city clerk where the contracting parties resided, if within this state.⁴⁰⁰ In 1854 justices of the peace joining persons in marriage without a certificate from the town clerk were liable to a fine of sixty dollars.⁴⁰¹

Justices of the peace in 1858 were authorized to call witnesses for testimony in the event of contested elections for representatives to the General Court.⁴⁰² By an enactment of 1859, money belonging to the state, county, city, or town in the hands of a justice of the peace had to be accounted for and paid over to the person legally entitled to receive it, at least once each year.⁴⁰³ Town meetings by a law of 1875 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.⁴⁰⁴

A number of acts concerning the justice of the peace were passed in 1921 when it was provided that each justice of the peace should pay five dollars for his commission,⁴⁰⁵ and that justices of the peace might issue subpoenas compelling attendance of witnesses, and production of evidence in proceedings before the State Tax Commission.⁴⁰⁶ It was also provided that a justice of the peace might summon witnesses to appear before him or any other justice or notary "to give depositions in any manner or cause in which same may be lawfully taken."⁴⁰⁷ Depositions of witnesses in civil causes might be taken by justices of the peace of any state or county.⁴⁰⁸

At the present time the justice of the peace may attest an affidavit concerning the right of any voter challenged at the polls or investigate, upon petition, the honesty of an election.⁴⁰⁹ He is authorized to administer the oath of office to all town officers in prescribed form;⁴¹⁰ and he may issue warrants for town meetings, upon petition of

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399. New Hampshire Laws 1846, ch. 315.
400. New Hampshire Laws of 1851, ch. 1103.
401. New Hampshire Laws of 1854, ch. 1518.
402. New Hampshire Laws of 1858, ch. 2085.
403. New Hampshire Laws of 1859, ch. 2237.
404. New Hampshire Laws of 1875, ch. 2.
405. New Hampshire Laws of 1921, ch. 84.
406. Public Laws of New Hampshire, ch. 68, sec. 19.
407. Ibid., ch. 336, sec. 4.
408. Ibid., ch. 337, sec. 2.
409. Ibid., ch. 33, secs. 16-18, 20, 21.
410. Ibid., ch. 48, secs. 1, 2, 7.

ten or more voters, if selectmen unreasonably neglect or refuse to do so.⁴¹¹ On the 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 district.⁴¹² 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 application of ten or more voters, or of one sixth of the voters of the district may issue such warrant and cause it to be posted."⁴¹³

A justice of the peace may compel attendance of witnesses and the production of evidence in proceedings before the State Tax Commission.⁴¹⁴ This magistrate may inspect at any time all books, certificates, and prescriptions pertaining to liquor sales.⁴¹⁵

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 damages and the fees of justice 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.⁴¹⁶ Unclaimed goods may be sold in a like manner.⁴¹⁷

Authority is possessed by justices of the peace to call a meeting of the stockholders of a business corporation, upon petition of the owners of one twentieth of the stock, if the corporation fails to hold its annual meeting.⁴¹⁸ Justices of the peace may solemnize marriage;⁴¹⁹ take depositions in civil cases;⁴²⁰ issue writs of summons to witnesses.⁴²¹

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.⁴²² 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.⁴²³ Only one town (Sandwich)

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411. Ibid., ch. 45, secs. 8-10.
412. Ibid., ch. 119, sec. 42.
413. Ibid., ch. 120, sec. 8.
414. Ibid., ch. 68, sec. 19.
415. Ibid., ch. 144, sec. 15.
416. Ibid., ch. 220, secs. 7-12.
417. Ibid., ch. 221, secs. 4-8.
418. Ibid., ch. 225, secs. 59-61.
419. Ibid., ch. 286, sec. 28.
420. Ibid., ch. 337, sec. 2.
421. Ibid., ch. 336, sec. 3.
422. Ibid., ch. 323, sec. 5.
423. Ibid., ch. 322, sec. 16.

in Carroll County is listed as having the office of trial justice,⁴²⁴ and the office in this one town is vacant at the present time.⁴²⁵

No justice records have been found in the custody of the clerk of the superior court in Carroll County.

V. 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, & that Wm Waldren be Recorder there till the court take further order herein * * *."⁴²⁶ 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 men 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 publicke writings as belong to the courte at Piscataqua, or any parte of this jurisdiction to reserve in safety * * *."⁴²⁷

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. From an order of June 12, 1686 providing that unregistered deeds to lands by the Merrimack River and Lake Winnepesaukee 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.⁴²⁸ On June 26 of the same year Richard Waldron, upon payment of £10 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 fitt person to that Service * * *."⁴²⁹

An act (June 14, 1701) directed the recorder to "fairely 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 on receipt thereof into the office to note thereupon the day month and yeare, when he received the same * * *." The recorder was required to be sworn before executing his office. He was allowed a fee of two shillings for recording any deed, conveyance, or mortgage; and if the instrument covered more than one side of one page he was allowed twelve pence per page and six pence for "Attestation on the Originall of the time Book and folio, where it was Recorded." The fee allowed for the discharge of a mortgage was one shilling. The act goes on to state that "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

424. New Hampshire Manual for the General Court 1937, 427.

425. Statement of Deputy Secretary of State, November 7, 1938.

426. N. H. State Papers, 1:182 (May 6, 1646).

427. Ibid., 1:186 (November 4, 1646).

428. Laws of New Hampshire, 1:118-120 (1686).

429. Ibid., 1:124-125 (1686).

whatsoever as Recorder, unless he be a person of Known Integrity, alsoe that he be a freeholder within the Same. And if a Valueable Estate to Respond any damage that may accrew."⁴³⁰ The fees specified in 1701 for recording and copying seemed insufficient to Daniel Pierce, Recorder in 1757. As a result of his protest, it was enacted on March 17 of that year that the fee be raised three pence per page.⁴³¹ An act of January 22, 1766 provided that copies of testimony or affidavits recorded in the registry of deeds might, if the originals were lost, be given in evidence in any court where the original would lawfully be admitted.⁴³² This act, however, was repealed on June 20, 1792.⁴³³ The act of county organization (1769) changed the office of register (recorder) of deeds from a provincial office to a county office.⁴³⁴

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."⁴³⁵ 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. By the same act he was required to give bond to the House of Representatives in the sum of two thousand pounds.⁴³⁶ From November 9, 1785⁴³⁷ to June 28, 1787⁴³⁸ 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.

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;⁴³⁹ but no county has ever been divided in this manner. This constitution also provided that a register of deeds could hold no other office.⁴⁴⁰ Provisions in the constitution concerning the choice of register of deeds became effective February 1, 1793.⁴⁴¹ On December 28, 1792 recorders of deeds were exempted from military duty.⁴⁴² Four years later fees for the register were raised, but a penalty was prescribed for overcharging.⁴⁴³

430. Ibid., 1:680-683 (1701).

431. Ibid., 3:162 (1757).

432. Ibid., 3:393-394 (1776).

433. Ibid., 6:34 (1792).

434. Ibid., 3:524-530 (1769).

435. Poore, B. P., Federal and State Constitutions, (Washington, 1877), 2:1279-1280.

436. Laws of New Hampshire, 4:63 (1776).

437. Ibid., 5:101 (1785).

438. Ibid., 5:268 (1787).

439. New Hampshire Constitution, Article 71 (1792).

440. Ibid., Article 93.

441. Laws of New Hampshire, 6:62 (1792).

442. Ibid., 6:84-92 (1792).

443. Ibid., 6:387 (1796).

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 had been sworn as the law directed, when a vacancy should occur in the office and there should be no provision for filling it.⁴⁴⁴ In the same year the register of deeds was given the same power as a justice of the peace in the taking of depositions and acknowledgment of deeds.⁴⁴⁵

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 greater 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 the bond, deed, or other instrument of defeasance were recorded at length in the registry of deeds.⁴⁴⁶

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 refuse to acknowledge the deed or lease by him signed, the grantee or lessee may put it on record notwithstanding, and for sixty days it will be as effectual as if acknowledged. It was further provided that in the event the grantor or lessor refuses to acknowledge the deed or lease by him signed, or 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 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 lies, an attested copy from another county was to be considered authentic.⁴⁴⁷

On July 3, 1829 the superior court of judicature was authorized to cause partition of real estate, which proceedings were to be recorded by both the clerk of the court and the register of deeds.⁴⁴⁸

444. Ibid., 7:54 (1802).

445. Ibid., 7:93-94 (1802).

446. Ibid., 8:274-275 (1813).

447. Ibid., 10:30-32 (1829).

448. Ibid., 10:58-61 (1829).

An act of July 4 in the same year reaffirmed that executions upon real estate had to be recorded in the registry of deeds, and that no sale of real estate upon execution for a term longer than seven years was valid unless so recorded.⁴⁴⁹

On June 25, 1830 the Governor, with the advice of his Council, was authorized to appoint one or more necessary commissioners in any state other than New Hampshire who should have power to administer an oath or affirmation to any person "for any legal cause, deed, contract, letter of attorney, or any other writing to be used or recorded within this State."⁴⁵⁰ This act was repealed by the Revised Statutes.⁴⁵¹ 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.⁴⁵² This, however, was one of the acts that the Revised Statutes repealed.⁴⁵³

On January 13, 1837 the fee allowed to the recorder of deeds for examining records at the request of any person was fixed at two cents for every book examined.⁴⁵⁴

A resolution passed 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 register of deeds in each county to be distributed by him to the towns within the county.⁴⁵⁵ This was repealed January 1, 1849.⁴⁵⁶

An act of July 10, 1846, which authorized married women to receive and convey property in their own right, provided that such conveyances should be recorded in the county where the real estate was situated.⁴⁵⁷

On February 16, 1921 requirements concerning indexing of the records in the registry of deeds were as follows: "Every register, within sixty days after any volume of records is completed during his continuance in office, shall cause the index thereof to be carefully, neatly and legibly copied into one or two volumes of indexes to be furnished by the county, properly ruled and prepared for entering the names of grantors to grantees and grantees from grantors, according to some system approved by the county commissioners or a committee chosen by the county convention."⁴⁵⁸

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.⁴⁵⁹ He is required to be a resident of the county for

449. Ibid., 10:94-97 (1829).

450. Ibid., 10:129-130 (1830).

451. Revised Statutes of New Hampshire, ch. 230 (1842).

452. Laws of New Hampshire, 10:131-132 (1830).

453. Revised Statutes of New Hampshire, ch. 230 (1842).

454. New Hampshire Laws of 1837, ch. CCXCII.

455. New Hampshire Laws of 1840, ch. DXXXI.

456. New Hampshire Laws of 1848, ch. 759.

457. New Hampshire Laws of 1846, ch. 327.

458. New Hampshire Laws of 1921, ch. 6.

459. Public Laws of New Hampshire, ch. 36, socs. 1, 5.

which he is elected; and he may not hold the office of sheriff, county solicitor, register of probate, or county commissioner in conjunction with that of register of deeds.⁴⁶⁰ Neither may he be elected as governor or councillor, nor may he hold a seat in the Senate or the House of Representatives.⁴⁶¹

The register may be removed by the superior court for official misconduct.⁴⁶² If he "declines to accept the office, removes from the county, resigns, dies or becomes insane, or when there is manifest hazard to the public interest, the [superior] court may declare the office vacant * * *" and appoint a commissioner to fill the vacancy.⁴⁶³

Registers of deeds are required to give bonds (not less than five thousand nor more than fifty thousand dollars) to the county subject to the approval of the county commissioners, and to be deposited in the office of the clerk of the superior court.⁴⁶⁴ These bonds are for the benefit of persons who may be injured by the neglect or misconduct of the register or of his deputies.⁴⁶⁵ The clerk of the superior court is required to provide printed forms for these bonds at the expense of the county.⁴⁶⁶

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 be approved by the bondsmen and the county commissioners. The register is responsible for neglect or official misconduct of his deputy and must pay all charges for his services; and the deputies are required to give bonds in the same manner as the register appointing them.⁴⁶⁷

For the legal fees, the register is required to receive, file and record all deeds and instruments brought for that purpose; and to examine the records and give certificates or copies when required.⁴⁶⁸ 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.⁴⁶⁹

He must also keep an index of all instruments in two alphabetical lists, one listing grantors to grantees and the other grantees from grantors. If there be several grantors or grantees, the name of the first grantor with the words "and others," or the name of the first

460. Ibid., ch. 36, sec. 2.

461. Constitution of New Hampshire, Article 95.

462. Public Laws of New Hampshire, ch. 36, sec. 7.

463. Ibid., ch. 36, secs. 8, 9.

464. Ibid., ch. 37, secs. 2, 3.

465. Ibid., ch. 37, sec. 5.

466. Ibid., ch. 37, sec. 9.

467. Ibid., ch. 36, sec. 10.

468. Ibid., ch. 40, sec. 2.

469. Ibid., ch. 40, sec. 3.

grantee with the words "and others" must be entered on the index,⁴⁷⁰ Within sixty days after the completion of any volume of records during his continuance in office, the register must "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 * * *."471

Land cannot be legally 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.⁴⁷²

Tax collectors must file notices of posting in tax sales, together with their affidavits, with the register of deeds within seven days after posting.⁴⁷³ These must be copied and indexed by the register.⁴⁷⁴ Within two days after a tax sale, the tax collector is required to file with the register of deeds attested information concerning the details of the sale.⁴⁷⁵ When taxes on property advertised are paid before the sale or when property sold is redeemed, the tax collector, within seven days after such payment and two days after such redemption, must notify the register of deeds of the fact and date of such payment or redemption, and the name of the party so paying or redeeming.⁴⁷⁶ Such information must be recorded and indexed by the register of deeds.⁴⁷⁷

"Real estate may be attached on a writ of mesne process by the officer leaving an attested copy thereof, and of his return of the attachment thereon, at the office or the dwelling house of the register of deeds of the county in which the real estate is situate."⁴⁷⁸ 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.⁴⁷⁹ The register keeps a general index, open to public inspection at all times, of all attachments so made and of the copies of all writs and processes filed with him. He enters therein, at the time of receiving a copy, a record of the exact time when it was received of the court to which the writ is returnable, and of the names of the plaintiff and defendant in the action. The defendants' names must be alphabetically arranged.⁴⁸⁰

Defendants or owners of land must cause the discharge of attachments on real estate to be recorded in the office of the register of

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470. Ibid., ch. 40, sec. 4.
471. Ibid., ch. 40, sec. 10.
472. Ibid., ch. 60, sec. 29.
473. Ibid., ch. 66, sec. 20.
474. Ibid., ch. 66, sec. 21.
475. Ibid., ch. 66, sec. 24.
476. Ibid., ch. 66, sec. 28.
477. Ibid., ch. 66, sec. 29.
478. Ibid., ch. 332, sec. 3.
479. Ibid., ch. 332, sec. 4.
480. Ibid., ch. 332, sec. 5.

deeds in which the attachment was recorded.⁴⁸¹ 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 shall dissolve the attachment.⁴⁸² The officer executing a writ of possession must cause it, with his return thereon, to be recorded at length in the registry of deeds of the county.⁴⁸³ 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.⁴⁸⁴ A full return of these proceedings must be made to the register of deeds.⁴⁸⁵

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 or incomplete levy.⁴⁸⁶ The register of deeds 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 a writ of execution.⁴⁸⁷

The register of deeds must "carefully keep in the office provided by the county, at all times except when he may be required by a court to produce them as evidence or when the same may be removed for the purposes of repair, all books, records, files and papers belonging thereto, and when not in use shall keep them in the safe; and he shall permit no paper there deposited for record to be taken from his office before it is recorded * * *." He is to cause, when necessary, 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.⁴⁸⁸ 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,⁴⁸⁹ and attach his certificate of their correctness thereto, showing when, by whom, and under what authority the copies were made.⁴⁹⁰ Such copies shall have the same force as the originals, but the originals must still be preserved.⁴⁹¹

It is the duty of the register of deeds to list, on forms prescribed by the State Tax Commission, 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,

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481. Ibid., ch. 332, sec. 8.
482. Ibid., ch. 332, sec. 52.
483. Ibid., ch. 343, sec. 19.
484. Ibid., ch. 345, sec. 11.
485. Ibid., ch. 345, sec. 12.
486. Ibid., ch. 345, sec. 29.
487. Ibid., ch. 345, sec. 30.
488. Ibid., ch. 40, sec. 1.
489. Ibid., ch. 38, sec. 23.
490. Ibid., ch. 38, sec. 24.
491. Ibid., ch. 38, sec. 25.

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.⁴⁹²

Registers of deeds are exempt from jury service.⁴⁹³ These officials are the recipients of stated fees.⁴⁹⁴

When Carroll and Belknap Counties were incorporated by act of December 23, 1840, it was provided that the justices of the Strafford County court of common pleas, at their next term, should appoint a register of deeds for Carroll County from citizens of that county; the register to be sworn and give bond; to have the powers and be subject to the liabilities that would appertain to his office, were he elected in the regular manner. This incumbent was to hold office until some qualified person should be elected at the next annual election. Deeds and other instruments that required recording prior to the appointment of a register of deeds for Carroll County were to be recorded in the Strafford County registry.⁴⁹⁵

An amending act of 1841 stated "all deeds of any lands lying in any of the towns in said counties of Belknap or Carroll may be recorded in the registry of deeds in the county in which such lands lie, which shall be good and effectual in law as if said deeds were recorded in the registry of deeds of said county of Strafford, notwithstanding said deeds may have been made and executed prior to the time when the act to which this is in addition took effect * * *."⁴⁹⁶ The prior act, thus referred to, was the previously mentioned act of organization for the counties of Carroll and Belknap.

In addition to the duties imposed upon the register of deeds of Carroll County by the laws governing the acts of registers of deeds throughout the state, there can be cited, as an example of extraneous duties imposed by law on registers of deeds in individual counties, a duty assigned to the Carroll County register of deeds in 1893 by an act to incorporate the Wolfeboro Junction Water Company. This act provided that if the Wolfeboro corporation should mortgage its property, the Carroll County register should be the custodian of such mortgage.⁴⁹⁷

The compensation which the Carroll County register of deeds receives for his services is, at present, limited to fees.⁴⁹⁸

Except for the discarded index, 1840-1925, in the attic, all records are kept at the office of the register of deeds, first floor, courthouse.

492. New Hampshire Laws of 1935, ch. 57.

493. Public Laws of New Hampshire, ch. 321, sec. 3.

494. Ibid., ch. 40, sec. 13; ch. 66, sec. 36; ch. 332, sec. 8; New Hampshire Laws of 1929, ch. 52.

495. New Hampshire Laws of 1840, ch. DXXXIX.

496. New Hampshire Laws of 1841, ch. DCXXI.

497. New Hampshire Laws of 1893, ch. 148.

498. New Hampshire Manual for the General Court 1937, 430-431.

Register of Deeds-Deeds; Writs
of Attachment

(116-119)

Deeds

116. CARROLL RECORDS (Deeds), 1840--. 210 vols. (1-210).

Deeds (warranty, mortgage, quitclaim, foreclosure, tax collector's), assignments, transfers, discharges, redemptions of mortgages, and notices of foreclosures and leases; all showing date, names of principals, description of property, particulars and conditions, sworn to and signed by principals before justice of the peace or notary public. Also contains: record of trials involving land ownership; (Tax Collectors' Sales), 1909--, entry 122; (Accounts and Reports of Sales of Real Estate), 1909--, entry 123; (Petitions of Debtors' Widows), entry 125; (Commissioners' Reports, Divisions and Partitions), entry 126; (Mortgagor's Granting of Power of Attorney), entry 128; (Waivers of Dower), entry 129; Transcripts of (Writs of) Attachment, entry 119; and Plan Book Carroll County Register of Deeds, entry 121. Chron. arr. by date of deed. For index, see entries 117, 118. 1840-1909, hdw. on ptd. forms; 1910--, typed on ptd. forms. 600 pp. $16\frac{1}{2}$ x 11 x $2\frac{1}{2}$.

For warranty and quitclaim deeds of property bought by county 1916--, see entry 27. For uncalled for and unrecorded deeds 1902-18, see entry 127.

117. CARROLL COUNTY INDEX - GRANTOR - GRANTEE, 1840--.

8 vols. (dated), 18 file boxes (labeled by inclusive letters of the alphabet).

Index to deed records, entry 116, showing names of grantors and grantees, location of property, kind of instrument, volume and page reference, and date and time received. Alph. arr. by names of grantors and grantees. Typed on ptd. forms. 1840-1925, 8 vols., 700 pp. $16\frac{1}{2}$ x 12 x 4; 1926--, 18 file boxes, $5\frac{1}{2}$ x 12 x 14.

118. (Discarded) CARROLL RECORDS INDEX, 1840-1925. 139 vols.

(1-4, 1-135), 1 box. Discontinued.

Discarded index to deed records, entry 116, showing information as in entry 117. Alph. arr. by names of grantors and grantees. 1840-1909, 139 vols., hdw.; 1910-25, 1 box, hdw. on ptd. forms. 1840-73, 4 vols., 700 pp. $16\frac{1}{2}$ x 12 x 4; 1840-1909, 135 vols., 90 pp. $18\frac{3}{4}$ x $8\frac{1}{2}$ x $1\frac{1}{3}$; 1910-25, 1 box, 13 x 13 x 30. Attic.

Writs of Attachment

119. (Writs of) ATTACHMENTS, 1911--. 5 file boxes. Transcripts 1840-- in entry 116.

Writs of attachment instructing sheriff as to amount of property to be attached show number, names of plaintiff and defendant, court returnable, return of sheriff (description of property attached, date and time of attachment, statement of expenses, signature of sheriff), and date and time of recording by register. 1911-21, no arr.; 1922--, chron. arr. No index. Hdw. and typed on ptd. forms. $10\frac{1}{2}$ x $4\frac{3}{4}$ x 15.

For related original writs of attachment 1859--, see entry 48.

For notations of writs of attachment 1911--, see entry 120.

Register of Deeds-Maps and
Plans; Sales of Real Estate;
Petitions and Reports

(120-126)

120. CARROLL CO. REGISTRY ATTACHMENT (of) REAL ESTATE, 1911--.
2 vols. System started 1911.

Notations of writs of attachment show names of plaintiff and defendant, court returnable, and date and hour received. Alph. arr. by names of defendants. No index. Hdw. on ptd. forms. 350 pp. 16 x 12 x 1 $\frac{3}{4}$.

For original writs of attachment 1859--, see entries 48, 119. For transcripts of writs of attachments 1840--, see entry 116.

Maps and Plans

121. PLAN BOOK CARROLL COUNTY REGISTER OF DEEDS, 1790--.

3 vols. (1-3) in 3 file drawers. 1840-- also in entry 116. Tracings, blue prints, maps, and plans of (land lay-outs, boundaries, and subdivisions). Some of records 1790-1839 are copies of originals made when Carroll was part of Strafford County. Chron. arr. Indexed alph. within tabs by names of property owners in front of vols. Blue-prints and black and white drawings. Vols., 200 pp. 29 $\frac{1}{2}$ x 22 $\frac{1}{2}$ x 1 $\frac{1}{2}$ in file drawers 5 x 35 x 30.

Sales of Real Estate

122. (TAX COLLECTORS' SALES), 1909--. In entry 116.

Date, names of tax collector, town, and buyer, consideration involved, and signatures of town clerk and two witnesses.

123. (ACCOUNTS AND REPORTS OF SALES OF REAL ESTATE), 1909--.
In entry 116.

Date, names and addresses of appraisers, valuation and tax assessment, date property advertised for sale (time and place), name of estate, report of sale, name of purchaser, and amount received for sale (how applied to debt).

124. TAX LISTS, 1917-22. 1 vol. Isolated record.

Newspaper clippings reporting non-resident lands advertised for taxes: owner's name, description of property, number of lot in town, number of acres, valuation, and amount of taxes. Alph. arr. by names of towns. No index. Ptd. 75 pp. 14 x 8 x $\frac{1}{4}$.

Petitions and Reports

125. (PETITIONS OF DEBTORS' WIDOWS), 1840--. In entry 116.

Petition of debtor's widow to have homestead set off in value of \$500 shows date, name and address of widow, location of estate, and names of appraisers.

126. (COMMISSIONERS' REPORTS, DIVISIONS AND PARTITIONS),
1840--. In entry 116.

County, name and location of estate, names of devisees, accounts of notices of meetings, account of partition (description of land set off), costs of making said partition, signatures of committee and devisees accepting partition, and probate on same.

Register of Probate-
Probate Court

(127-131)

Miscellaneous

127. (UNCALLED FOR DEEDS), 1902-18. 1 file box. No prior records kept. Discontinued.

Uncalled for and unrecorded warranty, mortgage, foreclosure, and quitclaim deeds to real estate show date, names of principals, description of property, particulars and conditions, sworn to and signed by principals before justice of the peace or notary public, and notation by register of date and time received. Also contains some correspondence relative to above records. Chron. arr. No index. Hdw. and typed on ptd. forms. $10\frac{1}{2} \times 4\frac{3}{4} \times 15\frac{1}{2}$.

For warranty and quitclaim deeds of property bought by county 1916--, see entry 27. For recorded deeds 1840--, see entry 116.

128. (MORTGAGOR'S GRANTING OF POWER OF ATTORNEY), 1840--. In entry 116.

Names and addresses (mortgagee, mortgagor, attorney), conditions of appointment, volume and page reference to mortgage deed, and signatures of mortgagor and witnesses.

129. (WAIVERS OF DOWER), 1840--. In entry 116.

Description of land set off for widow with signatures of widow, and witnesses; and jurat.

130. RECEIVER, CARROLL RECORDS, 1866--. 7 vols. (dated). Recording began 1866.

Date of transfer, names of grantor and grantee, description of conveyance, volume and page reference, from whom received, and to whom and when delivered. Alph. arr. by towns and chron. thereunder. No index. Hdw. on ptd. forms. 640 pp. $16 \times 12 \times 2\frac{1}{2}$.

131. STALLION RECORDS, 1890-1906. 1 vol. (1). No prior records kept. Discontinued.

Name of stallion, name and address of owner, date and place where foaled, description of stallion (color, height, weight, pedigree), speed and ability of kin on race tracks, address where kept for service, service price; date received and recorded, and signature of register. Chron. arr. No index. Hdw. 200 pp. (38 used) $13\frac{3}{4} \times 6\frac{1}{2} \times \frac{1}{2}$.

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 (1686), the President of the Dominion and his clerk held an office for "Probate of Wills and Granting Administrations" in Boston; in the sections of the Dominion far removed from Boston that function was managed by such judge and clerk as

the President might appoint.⁴⁹⁹ 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 secretaries office at Boston." On unusual occasions the judges of the inferior courts in the distant counties, assisted by two justices of the peace, were empowered "at any time 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 a person designated by him.⁵⁰⁰

Soon after the organization of New Hampshire as a royal province in 1693, 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. In the case of an insolvent estate, the judge was to appoint three commissioners to examine claims of creditors and make a report thereon to the court which was to order a proportional distribution of the estate among the creditors.⁵⁰¹

By provisions of an act adopted eight years later, executors or administrators appointed to the charge of any insolvent estate were required before making any payments to report the condition of the estate to the judge of probate, who was to appoint two or more disinterested persons to receive and examine all claims. This act, though disallowed by the Queen, was reenacted with additional clauses in 1718.⁵⁰² An act of 1714 required executors to exhibit to the judge of probate a true inventory of the estate in their hands within three months of the time the will was probated, or within such longer time as the judge of probate might allow.⁵⁰³

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. 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. He could also make provisions for the widow and appoint guardians for minors or other irresponsible persons.⁵⁰⁴ This act was in force for only five years.

499. Laws of New Hampshire, 1:104-105 (1686).

500. Ibid., 1:206-207 (1687).

501. Ibid., 1:566-567 (1693).

502. Ibid., 1:683-684 (1701); 2:295-298 (1718).

503. Ibid., 2:139 (1714).

504. Ibid., 3:9-14 (1745).

In the instructions to Governor Wentworth (June 30, 1761) jurisdiction over the probate of wills was reserved to the Governor.⁵⁰⁵ 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 within six months of the decree and no later.⁵⁰⁶ The judge of probate was authorized the same year to cause partition or division of lands held in common and undivided where the persons interested were minors or prevented by any other disability to make partition by deed; this act was repealed February 4, 1789.⁵⁰⁷

In 1767, by an act repealed two years later by the King in Council, guardians of persons unable to handle their own affairs were permitted to appeal from decisions of the judge of probate to the Governor and Council as a supreme court of probate.⁵⁰⁸ By an act of the same year, the judge of probate was empowered, with the majority of the selectmen of a town, to examine any person to determine his sanity; and if such a person was determined insane, the judge might appoint a guardian for him.⁵⁰⁹

By the act of county organization (1769), the judge of probate became a county officer instead of an official of the Province.⁵¹⁰ 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.⁵¹¹ An act of March 25, 1782 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 act of assembly. Allowances to the wife or widow of the owner of such estate could be made when she had remained within the jurisdiction of the United States. Similar allowances could be made to indigent relatives.⁵¹² Two years later an act stipulated that personal estate taken by execution could not be sold until it had been appraised by three freeholders appointed by the judge of probate.⁵¹³

On June 20, 1786 the judge of probate was authorized to set off to any one of the joint owners of real estate his part in the real estate, without partition of the whole.⁵¹⁴ 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 not mentioned in a will; clarified the rights of

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- 505. Ibid., 3:274-275 (1761).
 - 506. Ibid., 3:396-397 (1766).
 - 507. Ibid., 3:396-397 (1766); 5:392-393 (1789).
 - 508. Ibid., 3:475-478 (1767).
 - 509. Ibid., 3:475-478 (1767).
 - 510. Ibid., 3:524-530 (1769).
 - 511. Ibid., 4:216 (1779).
 - 512. Ibid., 4:456 (1782).
 - 513. Ibid., 4:543 (1784).
 - 514. Ibid., 5:160 (1786).

all other children; and defined the form of the will and the duties of the executors.⁵¹⁵ Another act of the same day regulated the proceedings in the settlement of intestate estates and defined the duties of administrators.⁵¹⁶ In the following 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.⁵¹⁷

The constitution of 1792 decreed seventy years as the age limit for judges of probate to hold office;⁵¹⁸ placed all matters of the probate of wills and the granting of letters of administration under the direction of the judges of probate;⁵¹⁹ and forbade any judge of probate to act as counsel in cases before him,⁵²⁰ or to hold any other office while he was judge of probate.⁵²¹

Hearings on wills in 1814 had to be petitioned for within six years of the probate of 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.⁵²² This act was repealed July 2, 1822.⁵²³ 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.⁵²⁴ 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.⁵²⁵ The law provided in 1840 that when 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.⁵²⁶

Guardians of minors were required to give bonds to the judge of probate by an enactment of 1841. The judge of probate was forbidden to order the sale of property for the maintenance of minors except on petition of the guardians.⁵²⁷ 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.⁵²⁸ In the same year it was also enacted that unpaid claims of creditors against insolvent estates of insane persons or spendthrifts, under

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- 515. Ibid., 5:380-384 (1789).
 - 516. Ibid., 5:384-391 (1789).
 - 517. Ibid., 5:497 (1790).
 - 518. New Hampshire Constitution, Article 77 (1792).
 - 519. Ibid., Article 79 (1792).
 - 520. Ibid., Article 80 (1792).
 - 521. Ibid., Article 93 (1792).
 - 522. Laws of New Hampshire, 8:333 (1814).
 - 523. Ibid., 9:131 (1822).
 - 524. New Hampshire Laws of 1836, ch. CCLXXVI.
 - 525. New Hampshire Laws of 1838, ch. CCCLXXII.
 - 526. New Hampshire Laws of 1840, ch. DL.
 - 527. New Hampshire Laws of 1841, ch. DCVII.
 - 528. New Hampshire Laws of 1844, ch. 135.

guardianship, survived during the existence of such guardianship and for three years after the disability of the ward was removed.⁵²⁹ The following year sane married women, over twenty-one, were allowed to dispose of their property by written will as they wished.⁵³⁰ 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.⁵³¹ Another act of the same year 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.⁵³²

Any will, it was stipulated in 1848, except for the will 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 credible witnesses made due attestation thereof.⁵³³ In case where a 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 or administrator to convey the real estate to the person for whom it was held in trust by the deceased.⁵³⁴

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.⁵³⁵ A judge of probate was permitted by an enactment of 1854 to license an out-of-state administrator or executor to sell real estate that had been held within this state by the administrator's or executor's testator or intestate.⁵³⁶ 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.⁵³⁷ The supreme judicial court had exclusive jurisdiction over appeals from probate courts, by an enactment (July 14, 1855).⁵³⁸

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

529. Ibid., ch. 136.

530. New Hampshire Laws of 1845, ch. 236.

531. New Hampshire Laws of 1846, ch. 327.

532. Ibid., ch. 336.

533. New Hampshire Laws of 1848, ch. 726.

534. Ibid., ch. 732.

535. New Hampshire Laws of 1851, ch. 1097.

536. New Hampshire Laws of 1854, ch. 1529.

537. Ibid., ch. 1532.

538. New Hampshire Laws of 1855, ch. 1659.

an order from the judge of probate.⁵³⁹ An act of June 27 of the same year exempted judges of probate from military duty.⁵⁴⁰ Guardians of insane or spendthrift persons were permitted in 1859 to purchase a homestead for their ward upon license from the judge of probate.⁵⁴¹

In the early eighteen-sixties it was enacted that on the death of a member of a partnership the surviving partners should submit an inventory of the property and debts of the partnership to the probate court;⁵⁴² that bonds of the register must be approved by the judge of probate;⁵⁴³ that assignees should give bond to the judge of probate for the faithful performance of their duties;⁵⁴⁴ 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;⁵⁴⁵ and that if a judge of probate considered that he was disqualified to sit in 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.⁵⁴⁶

If a minor had a share greater than 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.⁵⁴⁷ It was enacted in 1872 that when a person had been missing for a year, the judge of probate might consider him dead and appoint an administrator upon his estate.⁵⁴⁸

Legal corporations could be considered by a judge of probate to be sufficient surety for the bonds of executors, administrators, guardians, or trustees, by an enactment (1874).⁵⁴⁹ The judge of probate was accorded power in the same year 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.⁵⁵⁰ Judges of probate were forbidden to accept pay, outside of their salaries, for any probate business except copies of instruments and certificates.⁵⁵¹

In 1893, if a legatee of a sum of money could not be located, the money was to be paid into the State Treasury.⁵⁵² The State Treasurer was authorized in 1921 to determine the amount of taxes on estates of deceased persons. Any persons aggrieved by his demands could appeal to the probate court for the abatement of part or all of the tax.⁵⁵³

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- 539. New Hampshire Laws of 1857, ch. 1963.
 - 540. Ibid., ch. 1992.
 - 541. New Hampshire Laws of 1859, ch. 2262.
 - 542. New Hampshire Laws of 1860, ch. 2345.
 - 543. New Hampshire Laws of 1861, ch. 2485.
 - 544. Ibid., ch. 2488.
 - 545. New Hampshire Laws of 1862, ch. 2599.
 - 546. New Hampshire Laws of 1864, ch. 2882.
 - 547. New Hampshire Laws of 1871, ch. XXXV.
 - 548. New Hampshire Laws of 1872, ch. XXII.
 - 549. New Hampshire Laws of 1874, ch. XXXII.
 - 550. Ibid., ch. CII.
 - 551. New Hampshire Laws of 1876, ch. 42.
 - 552. New Hampshire Laws of 1893, ch. 14.
 - 553. New Hampshire Laws of 1921, ch. 72.

The probate court as it stands today "is a court of records for all purposes * * * A judge, in his county, has jurisdiction of the probate of wills, of the granting of administration and of all matters * * * relating to the sale, settlement and final distribution of estates of deceased persons."⁵⁵⁴

No person may hold the office of judge of probate after he has reached the age of seventy years; and no judge may enter office until he has deposited an attested record of his birth with the Secretary of State.⁵⁵⁵ He is barred from hearing any case in which he is interested, and may not act as counsel. He may not draw up a will for any person other than himself. He is prohibited from receiving any other compensation than that allowed by law. 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.⁵⁵⁶

Upon petition the court may appoint a guardian for anyone adjudged to be either insane or a spendthrift,⁵⁵⁷ or for 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 guardianships when it is deemed necessary. If such a vacancy occurs, or if the guardian resigns, the court must appoint a successor.⁵⁵⁸

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.⁵⁵⁹ Any minor not under legal guardianship is entitled to receive any legacy less than two hundred dollars subject to the approval of the court.⁵⁶⁰ The court must hear and decide all petitions for adoption;⁵⁶¹ and no petition for adoption may be granted when the petitioner is married, unless both husband and wife agree to said adoption.⁵⁶²

The court has jurisdiction in all cases of insolvency.⁵⁶³ If petitioned by any of the parties concerned, it may cause partition of real estate after a proper hearing.⁵⁶⁴ It may adjust grievances resulting from a decision of the State Tax Commission regarding inheritance taxation.⁵⁶⁵

554. Public Laws of New Hampshire, ch. 293, secs. 1-3; See chs. 298, 299, 306-310 for specific provisions.

555. Ibid., ch. 18, secs. 1, 2, 4.

556. Ibid., ch. 293, secs. 12-19, 23, 24.

557. Ibid., ch. 291.

558. Ibid., ch. 289.

559. Ibid., ch. 290.

560. New Hampshire Laws of 1937, ch. 37.

561. Public Laws of New Hampshire, ch. 292.

562. New Hampshire Laws of 1929, ch. 107.

563. Public Laws of New Hampshire, ch. 401.

564. Ibid., ch. 354, secs. 18-29.

565. Ibid., ch. 72, secs. 8-34.

Upon petition and report of two physicians appointed by the court, it may commit any person to the State Hospital or the State School.⁵⁶⁶ It may grant permission for marriages under the age of consent or waiver of the five day period.⁵⁶⁷ Any person aggrieved by a decision of the probate court may appeal to the superior court within sixty days of the decision.⁵⁶⁸

Register of Probate

There was probably a register of probate in New Hampshire as early as 1656, and certainly by 1661.⁵⁶⁹ 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.⁵⁷⁰

On May 15, 1714 the "register" of probate was mentioned as such, when it was enacted that every executor should exhibit to the register's office an inventory of the whole estate of the deceased.⁵⁷¹ From 1714 the term "register" was constantly used. In this same year certain fees for the register of probate were established.⁵⁷²

In relation to intestate and insolvent estates, it was enacted on September 27, 1745 that the register should record the appraisals and inventories and the oaths taken by appraisers; that he should notify persons interested in the division of intestate estates of the date and place of hearings; and that he should record decisions of those appointed to divide common lands then undivided, together with the oaths of appointees. This act was in force for only five years.⁵⁷³

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.⁵⁷⁴ On March 12, 1768 new fees were established for the register of probate.⁵⁷⁵ On March 21, 1776 an act provided that the inventories of idiots and distracted persons made out by guardians appointed by the judges of probate were to be filed in the register's office of the court of probate.⁵⁷⁶ A third act regulating the fees of registers of probate was passed on February 9, 1791, but was repealed five years later when new fees were established.⁵⁷⁷ The New Hampshire Constitution of 1792 forbade judges or registers of probate to act as counsel in cases coming before them.⁵⁷⁸

566. Ibid., ch. 11, secs. 16, 17; ch. 112, sec. 9.

567. Ibid., ch. 286, secs. 6, 7, 24.

568. Ibid., ch. 311.

569. New Hampshire State Papers, 33:vi.

570. Laws of New Hampshire, 1:104-105 (1686).

571. Ibid., 2:139 (1714).

572. Ibid., 2:146 (1714).

573. Ibid., 3:9-14 (1745).

574. Ibid., 3:475-478 (1767).

575. Ibid., 3:486-496 (1768).

576. Ibid., 4:6 (1776).

577. Ibid., 5:612-621 (1791); 6:381-385 (1796).

578. New Hampshire Constitution, Article 80 (1792).

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 in this state.⁵⁷⁹ It was also enacted on July 2, 1822 that executors' and administrators' receipts, "all wills and their probates, inventories, 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 to be credited the expense thereof in their respective accounts. No register of probate in this state was permitted to be appointed an appraiser of any estate under administration in any probate office of which he was register.⁵⁸⁰ 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.⁵⁸¹ This act was repealed (December 23, 1842).⁵⁸²

On June 19, 1828 the register of probate was required to provide at the expense of his 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.⁵⁸³ This act was repealed (January 2, 1829).⁵⁸⁴ 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 of probate to adjourn the probate court from term to term until the vacancy was supplied or the judge attended.⁵⁸⁵ This act was repealed (December 23, 1842).⁵⁸⁶

It was enacted on June 14, 1836, that registers of probate be appointed and hold office for a term of five years, subject to removal by the Governor and Council, upon the address of both houses of the Legislature.⁵⁸⁷ An act of July 1, 1837 provided that every register of probate whose commission was dated prior to June 14, 1836 should, instead of his present salary, receive fifty dollars a year in full compensation for his services. It was also provided, however, that if any such register resigned and was reappointed under the law limiting his commission to five years, his present salary was not to be affected.⁵⁸⁸

A resolution of June 30, 1843 stipulated that registers of probate must live in towns where the probate records were required to be kept,

579. Laws of New Hampshire, 9:98-102 (1822).

580. Ibid., 9:110-123 (1822).

581. Ibid., 9:123-127 (1822).

582. Revised Statutes of New Hampshire, ch. 230 (1842).

583. Laws of New Hampshire, 9:738 (1828).

584. Ibid., 9:877-879 (1829).

585. Ibid., 10:349 (1832).

586. Revised Statutes of New Hampshire, ch. 230 (1842).

587. New Hampshire Laws of 1836, ch. CCXLVII.

588. New Hampshire Laws of 1837, ch. CCCXLV.

and that they could be removed from office for living elsewhere, after thirty days from the passage of the resolution, the Governor and Council to fill the vacancy in such a case.⁵⁸⁹ Registers of probate (June 27, 1857) were exempted from military duty.⁵⁹⁰

On June 28, 1859 the register of probate 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. The penalty for violation of this act was a fine of not less than fifty nor more than one hundred dollars; half to the use of the county in which the offense was committed, and half for the use of the complainant.⁵⁹¹

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 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 sureties to the judge of probate for the faithful performance of his duties. This bond, after having been approved by the judge, was to be filed in the probate office within five days of the filing of the schedule.⁵⁹²

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 bonds to be approved by the judge of probate.⁵⁹³ 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.⁵⁹⁴ On July 20, 1876 registers of probate were prohibited from taking compensation for such services as were covered by their salaries.⁵⁹⁵ An amendment to the New Hampshire Constitution in 1877 made the register of probate an elective office.⁵⁹⁶

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.⁵⁹⁷ These records must be docketed and indexed, the docket and index to be kept open for public inspection.⁵⁹⁸ The register is also required to record in a book prepared for the purpose "the amount of footing of each class of property as specified in the inventory [of estates], all wills and their probate, all proceedings with regard to real estate, all accounts settled, and all orders, decisions and appointments from which an appeal may be claimed."⁵⁹⁹ He is

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- 589. New Hampshire Laws of 1843, ch. 56.
 - 590. New Hampshire Laws of 1857, ch. 1992.
 - 591. New Hampshire Laws of 1859, ch. 2232.
 - 592. New Hampshire Laws of 1861, ch. 2488.
 - 593. Ibid., ch. 2485.
 - 594. New Hampshire Laws of 1862, ch. 2594.
 - 595. New Hampshire Laws of 1876, ch. 42.
 - 596. New Hampshire Constitution, Article 70., (1877).
 - 597. Public Laws of New Hampshire, ch. 294, sec. 4.
 - 598. Ibid., ch. 294, sec. 5.
 - 599. Ibid., ch. 294, sec. 7.

authorized to furnish suitable inventory blanks to appraisers for listing, and shall provide all blanks and stationery for the business of the probate court for which he is reimbursed from the county treasury.⁶⁰⁰

All statements and accounts sent him by administrators are filed in his office, and a copy of every will containing taxable legacies is sent by him to the State Treasurer. Failure on the part of the executor or administrator to file inventories, appraisals, names of heirs-at-law, and names of legatees must be reported to the State Treasurer by the register.⁶⁰¹ A list of names of deceased persons whose estates are entered for probate with the names of the devisees or heirs-at-law is kept by him and he must send at stated intervals a copy of the names to the selectmen and assessors of towns and cities where the deceased had property.⁶⁰²

The register must also record all names changed and submit the list once a year to the Secretary of State.⁶⁰³ Every case of insolvency must be entered on the docket and the register may administer the oaths in insolvency proceedings.⁶⁰⁴ He is also authorized to adjourn court in absence of the judge of probate.⁶⁰⁵

Deputies may be appointed by the register for temporary periods and he is responsible for any official misconduct on the part of said deputies. The deputies must be bonded in all counties and in Hillsborough, Merrimack, and Rockingham the bond is set at \$5000.00.⁶⁰⁶ The salary for the register is stated for each county and certain sums are allotted for clerk hire.⁶⁰⁷

The register of probate cannot act as counsel or appraiser in any court of which he is register.⁶⁰⁸ His 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."⁶⁰⁹

The act which incorporated Carroll and Belknap Counties (1840), provided a judge and register of probate for Carroll County.⁶¹⁰ Four years later it was enacted that all original papers or copies of records necessary for the settlement of certain probate cases, transferred by election of the parties from Strafford to Carroll County, should be removed from the custody of the register of probate of Strafford County and placed in the custody of the register of Carroll County.⁶¹¹ Terms of

600. Ibid., ch. 294, secs. 6, 8.

601. Ibid., ch. 72, secs. 12, 13, 18.

602. New Hampshire Laws of 1935, ch. 57.

603. Public Laws of New Hampshire, ch. 294, sec. 12.

604. Ibid., ch. 401, sec. 3.

605. Ibid., ch. 294, sec. 11.

606. Ibid., ch. 36, sec. 10.

607. Ibid., ch. 294, secs. 18, 21.

608. Ibid., ch. 294, secs. 13, 14.

609. Ibid., ch. 294, sec. 15.

610. New Hampshire Laws of 1840, ch. DXXXIX.

611. New Hampshire Laws of 1844, ch. 134.

Register of Probate-Probate
Dockets; Probate Documents

(132-134)

the Carroll County probate court are held at Ossipee the first Tuesday of every month.⁶¹² Salaries of the judge of probate⁶¹³ and the register of probate are both \$1500.00.⁶¹⁴

Except for five cartons of correspondence, 1923-36, located in the attic, all records are in the office of the register of probate.

Probate Dockets

132. DOCKET - CARROLL COUNTY PROBATE RECORDS, 1856--. 13 vols. (1, 1-3, IV, 5-12), 2 file trays. No prior records kept. Title varies: Docket-Probate Records; Probate Docket Carroll County; Probate Records General Docket; Carroll County Probate Record Insolvency Docket.

Brief history of each case handled by the probate court shows docket number, name of estate, town, date and kind of instrument filed, and name of probate agent concerned. Chron. arr. by date of entry. 1856-Sept. 1933, 13 vols., indexed alph. by names of estates in front and back of vols.; for index, Oct. 1933--, 2 file trays, see entry 133. 1856-1906, hdw.; 1907--, typed. 1856-Sept. 1933, 13 vols., 650 pp. 12 x 8 x 1; Oct. 1933--, 2 file trays, 9 x 7 x 22.

Probate Documents

133. (Index to Original Probate Documents) INDEX TO FILE, 1840--. 18 file boxes (labeled by inclusive letters of the alphabet).

Index to original probate documents: names and addresses of estate and probate agent, number of case, and kind of instrument. Color of cards indicate kind of instrument as follows:

<u>Color of Card</u>	<u>Kind of Instrument</u>
White	Administrators
Buff	Administrators with will Annexed
Blue-green	Conservators
Peach	Executors
Blue	Guardians
Orange	Trustees
Yellow	Miscellaneous

Also contains index to docket, entry 132, October 1933--. Alph. arr. by names of estates. Hdw. and typed on ptd. forms. 5 x 4 x 18.

134. (Discarded) CARROLL COUNTY PROBATE - INDEX (to File), 1840-1924. 1 vol. Discontinued.

Discarded index to original probate documents: names of decedent and probate agent, and volume and page reference. Alph. arr. by names of estates. Typed. 350 pp. 17 x 14 $\frac{1}{2}$ x 3.

612. New Hampshire Manual for the General Court 1937, 423.

613. Public Laws of New Hampshire, ch. 293, sec. 22.

614. New Hampshire Manual for the General Court 1937, 430-431.

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Documents

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135. INDEX TO (Recorded Probate) RECORDS, 1840--. 3 file boxes (labeled by inclusive letters of the alphabet). Index to recorded probate documents shows name and address of estate, number of case, kind of instrument, and volume and page reference. Cards used are all white. Alph. arr. by names of estates. Hdw. and typed on ptd. forms. 5 x 6 x 18.
136. (Discarded) CARROLL PROBATE - INDEX (to Recorded Documents), 1840-1904. 1 vol. Discontinued
Discarded index to recorded documents shows information as in entry 135. Alph. arr. by names of estates. Hdw. 250 pp. 15½ x 10 x 1¼.
137. (ORIGINAL PROBATE DOCUMENTS), 1840--. 223 file boxes (labeled by inclusive case numbers).
(Wills), entry 141; (Waiver of Wills), entry 146; Carroll County Probate Records-Adm'rs. & Ex'rs. Inventories, entry 147; (Divisions and Partitions), entry 148; (Release of Dower and Homestead), entry 149; (Widows' Allowances), entry 150; (Assignment of Real Estate), entry 152; Carroll County Probate Records-Adm'rs. & Ex'rs. Accounts, entry 156; Carroll County Probate Records-Petition for Administration, entry 157; Carroll Co. Pet. for Adopt., Change of Name, Guard. Spendthrift, entry 158; Carroll County Probate Records-Adm'rs. Licenses to Sell Real Estate, entry 159; Carroll County Probate Records-Bonds, entry 160; Receipts, entry 162; and all other probate matters. Chron. arr. For index, see entries 133, 134. Hdw. on ptd. forms. 10 x 4½ x 15.
138. (Papers on Which No Action Has Been Taken) CONTINUED
FILE, 1837--. 5 file boxes. 1877-83 missing. Title varies: Old Papers.
Original probate documents on which no action has been taken: (Wills), entry 141; (Waiver of Wills), entry 146; Carroll County Records-Adm'rs. & Ex'rs. Inventories, entry 147; (Widows' Allowances), entry 150; Carroll County Probate Records-Adm'rs. & Ex'rs. Accounts, entry 156; Carroll County Probate Records-Petition for Administration, entry 157; and Carroll County Probate Records-Bonds, entry 160. Chron. arr. No index. Hdw., and hdw. on ptd. forms. 10 x 4½ x 15.
139. CARROLL CO. WILLS AND FULL RECORDS, 1840-1924. 15 vols. (2, 7, VIII, 10, XII, XIII, 17, XXVII, XXXIII, 37, 40, 46, 49, 64, 69). Title varies: Carroll County Records-All Records; Carroll County Probate Records-Full Records; Carroll County Probate Records-Wills & C; Probate Records Wills & C.
Transcripts of probate documents: (Wills), entry 141; (Waiver of Wills), entry 146; Carroll County Probate Records-Adm'rs. & Ex'rs. Inventories, entry 147; (Divisions and Partitions), entry 148; (Release of Dower and Homestead), entry 149; (Widows' Allowances), entry 150; (Assignment of Real Estate), entry 152; Carroll County Probate Records-Adm'rs. & Ex'rs. Accounts, entry 156; Carroll County Probate Records-Petition for Administration, entry 157; Carroll Co. Pet. for Adopt., Change of Name, Guard. Spendthrift, entry 158; Carroll County Probate Records-Adm'rs. Licenses

Register of Probate-Wills

(140-144)

to Sell Real Estate, entry 159; Carroll County Probate Records-Bonds, entry 160; Receipts, entry 162; and all other probate matters. Chron. arr. For index, see entries 135, 136. 1840-91, hdw.; 1892-1904, hdw. and typed; 1905-24, typed. 600 pp. 16 x 11 x $2\frac{1}{2}$.

140. (Miscellaneous) CARROLL COUNTY PROBATE RECORDS, 1861-1933. 5 vols. (15, 16, 18, XXIX, 43). Title varies: Carroll County Probate Records-Guardians & Wards; Probate Records Carroll County.

Transcripts of: (Wills), 1861-81, entry 141; (Widows' Allowances), 1861-1928, entry 150; Carroll County Probate Records-Insolvency, 1864-1906, entry 153; Carroll County Probate Records-Adm'rs. & Ex'rs. Accounts, 1892-1903, entry 156; Carroll County Probate Records-Petition for Administration, 1861-1902, entry 157; Carroll Co. Pet. for Adopt., Change of Name, Guard. Spendthrift, 1872-1904, entry 158; and Carroll County Probate Records-Adm'rs. Licenses to Sell Real Estate, 1861-1933, entry 159. Chron. arr. For index, see entries 135, 136. Hdw. and typed on ptd. forms. 600 pp. 16 x 11 x $2\frac{1}{2}$.

Wills

(See also entry 72)

141. (Wills), 1837--. 1837-76, 1884-- in entry 138; 1840-- in entry 137. Transcripts 1840-1924 in entry 139; 1865-- in entry 145; 1861-81 also in entry 140.

Original wills: 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 witnesses.

142. RECORD OF WILLS FOR SAFEKEEPING-CARROLL COUNTY PROBATE OFFICE, 1886--. 1 vol. Recording began 1886.

Record of wills: number, deposited (date, number of will, name and address of testator, date and name of person by whom received, name of person to whom will is to be delivered on decease of testator, date of withdrawal); redeposited (date, by whom, to whom delivered on decease of testator); and delivery after decease (date, to whom, by whom). Chron. arr. by dates received, and numbered consecutively. No index. Hdw. on ptd. forms. 200 pp. 12 x 11 x 1.

143. (Wills of Persons Still Living Deposited for) SAFE-KEEPING, 1898--. 1 file box. No prior records kept.

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 witnesses. Chron. arr. No index. Hdw., and hdw. and typed on ptd. forms. 10 x $4\frac{1}{2}$ x 15.

144. (Current) FOREIGN WILLS (to be Probated), 1938--. 1 file box.

Foreign wills to be probated showing information as in entry 143. Chron. arr. No index. Hdw. and typed on ptd. forms. $5\frac{1}{4}$ x 11 x 17.

Register of Probate-Inventories;
Homestead

(145-148)

145. CARROLL COUNTY PROBATE RECORDS-WILLS & RECEIPTS, 1865--. 12 vols. (XXXI, 35, 38, 39, 44, 50, 54, 80, 83, 95, 102, 110). Title varies: Carroll Co.-Wills and Receipts; Carroll County Probate Records-Wills & Probate; Carroll Co.-Will, Common Form,-Will & Codicil,-Will, Solemn Form; Carroll County Probate Records-Wills; Carroll County Probate Records Petitions to Prove Wills; Carroll Co. Records-Probate of Wills.

Transcripts of: (Wills), entry 141; Carroll County Probate Records-Petition for Administration, 1924-29, entry 157; and Receipts, 1925--, entry 162. Chron. arr. For index, see entries 135, 136. Hdw., and hdw. and typed on ptd. forms. 600 pp. 16 x 11 x 2½.

146. (WAIVER OF WILLS), 1837--. 1837-76, 1884-- in entry 138; 1840-- in entry 137. Transcripts 1840-1924 in entry 139.

Name of person waiving will, conditions and purpose of waiver, date, and signature and oath of petitioner.

Inventories

147. CARROLL COUNTY PROBATE RECORDS-ADM'RS. & EX'RS. INVENTORIES, 1842--. 21 vols. (5, 9, XXI, XXXII, XLI, 62, 65, 67, 72, 74, 76, 79, 82, 88, 91, 93, 97-99, 101, 107). Title varies: Carroll County Probate Records-Guardian, Conservator & Trustee Inventories; Carroll Co. Adm'rs. & Ex'rs. Inventories; Carroll Co. Inventories; Carroll Co.-Guardians, Conservators, & Trustees Inventories; Carroll Co. Inventory, Inventory Guard.; Carroll County Probate Records-Inventory; Probate Records-Inventory. 1840-1924 also in entry 139. Originals 1837-76, 1884-- in entry 138; 1840-- in entry 137.

Transcripts of court orders and authorization to take inventory: date, name of estate, itemized schedule of real and personal property with appraisers' valuation, signatures and oaths of appraisers, declaration (oath) of administrator or acting probate agent regarding completeness of inventory, probate of inventory, dates filed and recorded, and signature of register. Also contains transcripts of: (Widows' Allowances), 1843-62, entry 150; and (Assignment of Real Estate), 1843-66, entry 152. Chron. arr. For index, see entries 135, 136. 1842-1907, hdw. on ptd. forms; 1908--, typed on ptd. forms. 600 pp. 16 x 11 x 2½.

Homestead

148. (DIVISIONS AND PARTITIONS), 1840--. In entry 137. Transcripts 1840-1924 in entry 139; 1842-63 also in entry 159; 1864-1902, 1925-33 also in entry 151.

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.

Register of Probate- Assignment
of Real Estate

(149-154)

149. (RELEASE OF DOWER AND HOMESTEAD), 1840--. In entry 137. Transcripts 1840-1924 in entry 139; 1864-1902, 1925-33 also in entry 151.

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

150. (WIDOWS' ALLOWANCES), 1837--. 1837-76, 1884-- in entry 138; 1840-- in entry 137. Transcripts 1840- 1924 in entry 139; 1843-62 also in entry 147; 1861-1928 also in entry 140.

Date of petition, name of widow, name of deceased husband, request for temporary support, and probate court action.

151. CARROLL COUNTY PROBATE RECORDS RELEASE AND WARRANT, 1864-1902, 1925-33. 4 vols. (XIX, XXIV, 55, 85).
Title varies: Carroll County Probate Records; Carroll County Probate Records-Dower.

Transcripts of: (Divisions and Partitions), entry 148; and (Release of Dower and Homestead), entry 149. Chron. arr. For index, see entries 135, 136. 1864-1902, hdw. on ptd. forms; 1925-33, typed on ptd. forms. 600 pp. 16 x 11 x 2½.

Assignment of Real Estate

152. (ASSIGNMENT OF REAL ESTATE), 1840--. In entry 137. Transcripts 1840-1924 in entry 139; 1843-66 also in entry 147.

Name and location of estate, date of decease of testator, date of notification by committee of persons concerned; date, time and place of assignment; signatures of committee, and probate court action.

153. CARROLL COUNTY PROBATE RECORDS - INSOLVENCY, 1843-1904. 2 vols. (3, XX). 1864-1906 also in entry 140.

Date, docket number, name of case, town, petition or assignment filed, order for hearing, date of decree, warrant issued, name of assignee, names of sureties, schedule of creditors, signatures of witnesses, and oath of debtor; court order declaring debtor insolvent, order to file inventory of creditors, name of messenger, date and place of meeting of creditors for selection of assignee, and probate court action. Chron. arr. For index, see entries 135, 136. Hdw. on ptd. forms. 600 pp. 16 x 11 x 2½.

154. INSOLVENCY (Miscellaneous), 1886-96. 9 file boxes.

Appointment of assignee with approval of creditors and surety; inventory of property owned by debtor, claims of creditors, petitions for allowances on percentage basis, account of sale of debtor's property, and certificate of discharge of assignee when case is closed. Chron. arr. No index. Hdw. on ptd. forms. 10 x 4½ x 15.

Register of Probate-Real Estate
Transfer; Accounts; Petitions
and Licenses

(155-157)

Real Estate Transfer

155. (Real Estate Transfer Record) DECEASED-HEIR, 1935--.

4 file boxes (dated). System began 1935.

Deceased (name, residence, docket number, date of death, heirs, and location of estate); heirs (names, residences, docket number, name and residence of deceased, date of death, and location of estate). Alph. arr. by names of deceased and heirs. No index. Typed on ptd. forms. $5\frac{1}{4}$ x $6\frac{1}{4}$ x 18.

Accounts

156. CARROLL COUNTY PROBATE RECORDS-ADM'RS. & EX'RS. ACCOUNTS 1852--. 21 vols. (XI, XXII, XXVIII, 36, 47, 51, 56, 66, 68, 70, 71, 75, 81, 84, 89, 90, 94, 100, 103, 105, 109), 1 canvas folder. Title varies: Carroll County Probate Records-Guardians Accounts; Carroll County Probate Records-Trustees Accounts; Carroll Co. Executors & Administrators Accounts; Carroll Co. Accounts; Carroll Co. Trustees Accounts; Carroll Co. Guardians Accounts; Carroll Co. Guardian and Trustees Acct.; Carroll County Records-Accounts; Carroll County Probate Records-Accounts. 1840-1924 in entry 139; 1892-1903 also in entry 140. Originals 1837-76; 1884-- in entry 138; 1840-- in entry 137.

Transcripts of accounts of administrators, guardians, executors, and trustees: name of estate, date of decease of testator, itemized lists of all assets and expenditures with amounts of each, total amount of receipts and expenditures, and balance; court certificate regarding notice to heirs at law and other interested parties for exhibition of accounts by probate agent; and time, date recorded, and probate on same. Chron. arr. For index, see entries 135, 136. Hdw. and typed on ptd. forms, and typed. 1852--, 21 vols., 600 pp. 16 x 11 x $2\frac{1}{2}$; 1933-36, 1 canvas folder, 16 x $10\frac{1}{2}$ x 1 .

Petitions and Licenses

Administration

157. CARROLL COUNTY PROBATE RECORDS-PETITION FOR ADMINISTRATION, 1842--. 13 vols. (1, 14, XXV, XXVI, 34, 59, 63, 73, 77, 78, 92, 96, 104). Title varies: Carroll County Probate Records-Letters of Administration; Carroll Co. Letters of Administration; Carroll Co. Petitions for Administration; Carroll Co. Letter of Adm., Spec. Adm. Letter; Probate Records Carroll County; Carroll County Probate Records-Insane; Carroll County Probate Records. 1840-1924 also in entry 139; 1861-1902 also in entry 140; 1924-29 also in entry 145. Originals 1837-76, 1884-- in entry 138; 1840-- in entry 137.

Transcripts of petitions for and appointments of probate agents (special and regular): names and addresses of petitioners and estate, record of appearance of one or more witnesses to the will, resignation or declina-

Register of Probate-Petitions
and Licenses

(158, 159)

tion of appointment as probate agent (names and addresses of persons concerned, and reasons in full for resignation or declination), dates filed and recorded, docket number, signatures of those concerned, and probate court action. Also contains Carroll County Probate Records-Bonds, entry 160. Chron. arr. For index, see entries 135, 136. Hdw. and typed on ptd. forms. 600 pp. 16 x 11 x 2 $\frac{1}{2}$.

Adoption and Change of Name

158. CARROLL CO. PET. FOR ADOPT., CHANGE OF NAME, GUARD. SPENDTHRIFT, 1841--. 3 vols. (6, 53, 60). Title varies: Carroll Co.-Letters Insane, Disability, Spendthrift, Minors; Probate Records Guardians & Wards. 1840-1924 also in entry 139; 1872-1904 also in entry 140. Originals 1840-- in entry 137.

Transcripts of petitions: adoption and change of name (name of county, names and addresses of intended foster parents, child, and legitimate parents, place and date of birth of child, statement of ability of 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); change of name by adult (name of county, name and address of petitioner, reason for wishing change, name desired, place and length of residence, place and date of birth, and names of parents); and dates of filing and granting, and probate court action. Chron. arr. For index, see entries 135, 136. Hdw. and typed on ptd. forms. 600 pp. 16 x 11 x 2 $\frac{1}{2}$.

Real Estate Sale

159. CARROLL COUNTY-PROBATE RECORDS-ADM'RS. LICENSE TO SELL REAL ESTATE, 1842--. 13 vols. (4, XXIII, XXX, 42, 45, 52, 57, 58, 61, 86, 87, 106, 111). Title varies: Carroll County Probate Records-Licenses to Sell Stocks and Bonds; Carroll County Probate Records Gdn's. & Adm'rs. License to Sell Real Estate; Carroll County Probate Records License to Sell Personal Property & Stocks & Bonds; Carroll Co. Pet. Com. Insof., Lic. to Sell P.P., Lic. to Sell Stocks, Resignations; Carroll Co.-Lic. to Convey Contr't., Sell & Convey R. E., Bar Insane R. E. Inter., Will, Timber & Wood; Bond to Sell R. E.; Carroll Co. Guard. Lic. to Pur. Frac. R. E. Homestead & to Sell R. E.; Carroll Co. License to Sell Real Estate; Carroll County Probate Record-Real Estate. 1840-1924 also in entry 139; 1861-1933 also in entry 140. Originals 1840-- in entry 137.

Transcripts of administrators', guardians' (minor and insane), trustees', and conservators' petitions and licenses to sell, convey or mortgage as per contract real and personal estate (including securities): petition (date entered, names of probate agent and estate, date of decease of testator, and reasons in full for request of license); license (name of probate agent, condition of and reason for license, description of property to be sold, conveyed or mortgaged, date and signature of judge, and

Sheriff

(160-162)

oath of probate agent, certification of agent relative to posting notices as required by law (date, place and time of posting of notice, name and date of newspaper in which advertised), and certification of sale (date, time, place, kind of sale (private, public, public auction), name of buyer, description of property, amount of sale, dates filed and recorded, and signature of register). Also contains (Divisions and Partitions), 1842-63, entry 148. Chron. arr. For index, see entries 135, 136. 1842-1924, hdw. on ptd. forms and typed; 1925--, typed on ptd. forms. 600 pp. 16 x 11 x 2½.

Probate Bonds

160. CARROLL COUNTY PROBATE RECORDS-BONDS, 1896--. 2 vols. (48, 108). 1840-1924 in entry 139; 1842-- also in entry 157. Originals 1837-76, 1884-- in entry 138; 1840-- in entry 137.

Transcripts of bonds: date, names (person bonded, surety, probate agent), amount and number of bond, conditions, duration, dates of filing and recording, and probate court action. Chron. arr. For index, see entries 135, 136. 1896-1935, hdw. on ptd. forms; 1936--, typed on ptd. forms. 600 pp. 16 x 11 x 2½.

Miscellaneous

161. CORRESPONDENCE, 1923--. 5 cartons (dated), 1 file box. Prior records destroyed.

Filed correspondence regarding probate matters with carbons of replies sent by register. Alph. arr. by names of correspondents. No index. Hdw. and typed. 1923-36, 5 cartons, 12½ x 11½ x 24; 1937--, 1 file box, 11 x 16½ x 17. 1923-36, attic; 1937--, off.

162. RECEIPTS, 1910-19. 1 file box. 1840-- in entry 137.

Transcripts 1840-1924 in entry 139; 1925-- in entry 145. Original receipts for bills paid by administrators and guardians: names of testator and probate agent, date, amount, purpose, and signature of legatee. No arr. No index. Hdw., and hdw. on ptd. forms. 10 x 4½ x 15.

VII. SHERIFF

Since the sheriff was a traditional officer of old England, his appearance in New Hampshire at an early date was to be expected. In New Hampshire this officer dates back to 1682, at least, when the Lieutenant-Governor was empowered to appoint a sheriff.⁶¹⁵ 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, for 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."⁶¹⁶ It was also stipulated at the same time that the sheriff

615. Laws of New Hampshire, 1:51 (1682).

616. Ibid., 1:157 (1686).

could not be removed without good and sufficient cause, and that he could not exercise more than one office as deputy.⁶¹⁷ An act of April 7, 1688 empowered the Governor of the New England Dominion to appoint sheriffs and administer the usual oaths.⁶¹⁸ When the Province of New Hampshire was organized in 1692, the commission of Governor Allen granted him the same power that had been accorded to the executives of the New England Dominion in this respect.⁶¹⁹ 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 & 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 * * *."⁶²⁰ If constables neglected their duties in the collection of rates the sheriff was authorized, upon warrant, to collect the amount from the estate of the constable in question.⁶²¹ 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.⁶²² Concerning acknowledgment of deeds, it was enacted on May 24, 1694 that if any person having signed, sealed, and delivered a deed should refuse to acknowledge it, the sheriff, upon a warrant issued by a justice of the peace, should bring the delinquent before that magistrate to acknowledge the deed.⁶²³

In 1697 the sheriff of the province complained that the lack of a prison rendered him incapable of performing his office, and on July 2 of that year it was enacted "That the Sheriffe forth with take up the ffort on m'r Thomas Grafforts Hill at Portsm'o for that use and see it fitted accordingly The Charge thereof to by payd out of the Treasury & the Owner to be allowed forty Shillings [per] annum Rent for the Same until further order."⁶²⁴

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 the court.⁶²⁵ It was further 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 and executed fifteen days prior to the court's session and be returned to the court from which the same was issued.⁶²⁶ By a statute of June 14, 1701, the sheriff was given power to demand necessary assistance for the performance of his duties. Any person not a sheriff and pretending to be one was to be fined not exceeding fifty pounds.⁶²⁷

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- 617. Ibid., 1:161 (1686).
 - 618. Ibid., 1:226-234 (1688).
 - 619. Ibid., 1:505 (1692).
 - 620. Ibid., 1:541-544 (1692).
 - 621. Ibid., 1:555 (1692).
 - 622. Ibid., 1:559-560 (1693).
 - 623. Ibid., 1:568-569 (1694).
 - 624. Ibid., 1:590 (1697).
 - 625. Ibid., 1:657-659 (1699).
 - 626. Ibid., 1:660-666 (1699).
 - 627. Ibid., 1:685-686 (1701).

Sheriffs were exempted from military duty on October 6, 1703. 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 for the sheriff, on complaint, to serve warrants granted by a justice of the peace against the estates of such selectmen or constables.⁶²⁸ 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.⁶²⁹

An act (1714) provided 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 set forth by five freeholders.⁶³⁰ Another act of the same date gave the sheriff custody of her Majesty's jail in Portsmouth, and required him to give bonds to the Queen in the sum of two thousand pounds.⁶³¹ An act of June 18, 1747 required the sheriff to arrest persons for the use of profane language and to testify against them.⁶³² On February 21, 1754 it became a 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.⁶³³ On March 1 of the same year the sheriff or coroner was directed to return so many grand and petit jurors as were required by special venires issued by the several courts.⁶³⁴ The following month 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. Those responsible for such disturbances were to be arraigned before a justice of the peace for trial in a higher court.⁶³⁵

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.⁶³⁶ The Instructions (June 30, 1761) to Governor Wentworth forbade the Governor to "dispose of any Forfeiture or Escheats to any Person, untill the Sherif or other proper Officer have made Enquiry by a Jury upon their Oaths, into the true Value thereof * * *."⁶³⁷ 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. From the bond the creditor should receive his debt plus whatever money he had spent for the weekly support of the prisoner.⁶³⁸

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- 628. Ibid., 2:55 (1703).
 - 629. Ibid., 2:96-97 (1709).
 - 630. Ibid., 2:135 (1714).
 - 631. Ibid., 2:145 (1714).
 - 632. Ibid., 3:29-32 (1747).
 - 633. Ibid., 3:63-69 (1754).
 - 634. Ibid., 3:71-72 (1754).
 - 635. Ibid., 3:77-80 (1754).
 - 636. Ibid., 3:164-165 (1758).
 - 637. Ibid., 3:264 (1761).
 - 638. Ibid., 3:471-473 (1767).

On March 12, 1768 sheriffs' fees were established for writs of summons or scire facias; a capias writ or attachment without a summons; an attachment with summons; bail bonds; writs of facias habere possessionem; levy of executions in personal actions; travel in the service of executions or writs in mesne process; executions upon a court judgment for partition of real estate; attendance at trials; defaults; and precepts for the choice of representatives.⁶³⁹ The sheriff was given authority (October 28, 1768) to punish demonstrations carried on under the pretext of celebrating the anniversary of the "Gunpowder Plot",⁶⁴⁰

By the act organizing the New Hampshire counties (1769), the sheriff ceased to be a provincial official and became a county officer. An act of July 3, 1776 commanded sheriffs to bring to justice persons forging and altering bills of public credit.⁶⁴¹ On the same day the sheriff was authorized, 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.⁶⁴² 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.⁶⁴³

Among the war duties imposed upon the sheriff during the period of the Revolution were the seizing of goods for 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 forceable searching of ships.⁶⁴⁴ By acts 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.⁶⁴⁵

On April 6, 1781 the State Treasurer and the treasurers of the several counties respectively were authorized to issue warrants of distress against any two individuals of 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.⁶⁴⁶ 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.⁶⁴⁷

Prisoners held for debt were required (June 21, 1782) to give bond to the sheriff, with two sufficient sureties, in double the sum for which they were confined. In the event of prisoners escaping, the sheriff was to assign the bond to the creditors.⁶⁴⁸ The sheriff was empowered to seize vessels and goods forfeited for non-compliance with an act imposing duties on certain goods brought into the state.⁶⁴⁹ An

639. Ibid., 3:486-496 (1768).

640. Ibid., 3:514-515 (1768).

641. Ibid., 4:21 (1776).

642. Ibid., 4:25 (1776).

643. Ibid., 4:71 (1777).

644. Ibid., 4:78, 92 (1777); 4:177 (1778).

645. Ibid., 4:252 (1780).

646. Ibid., 4:386 (1781).

647. Ibid., 4:415 (1781).

648. Ibid., 4:467 (1782).

649. Ibid., 4:562 (1784).

act in 1785 for the better observation of Sunday provided that no one should work, travel, or keep open places of entertainment; and required the sheriff to inform a justice of the peace of all breaches of this act to apprehend such persons upon receiving a warrant.⁶⁵⁰ An act of June 23, 1785 directed the sheriff, on a warrant issued by a justice of the peace, to seize any flax seed, potash, and pearl ash shipped and not marked as required.⁶⁵¹ 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.⁶⁵² On June 23 of the same year the sheriff was forbidden to hold the body of a debtor by an execution after the debtor had satisfied the execution.⁶⁵³ On June 21 of the following year an act was passed directing the sheriff to set off mutual executions against each other;⁶⁵⁴ and six days later town clerks were required to return the votes for President and Senators to the sheriffs of the respective counties or to the Secretary of State.⁶⁵⁵ 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.⁶⁵⁶ On June 17 of the same year it was provided that an attested copy of the votes for Representatives to the Congress of the United States be transmitted to the sheriffs of their respective counties after such vote had been examined by the Governor and Council. The sheriffs were made liable to fine for neglect of duty as in the case of votes for President and Senators.⁶⁵⁷ The sheriff was obligated by an act of 1791 to return grand jurors when so ordered by the court of general sessions of the peace or the superior court of judicature.⁶⁵⁸

The New Hampshire Constitution of 1792 stipulated that a sheriff could not hold office after he had attained the age of seventy years; and could hold no other office while he was sheriff.⁶⁵⁹ The sheriff was directed (December 18, 1792) to mark in India ink 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.⁶⁶⁰ Justices of the peace were authorized (1794) to administer the oaths prescribed by the Constitution to sheriffs and deputy sheriffs.⁶⁶¹ An act of the same year gave the sheriff the same power of collecting taxes in unincorporated places as collectors had in towns.⁶⁶²

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- 650. Ibid., 5:75-77 (1785).
 - 651. Ibid., 5:82-84 (1785).
 - 652. Ibid., 5:112-113 (1786).
 - 653. Ibid., 5:173 (1786).
 - 654. Ibid., 5:254 (1787).
 - 655. Ibid., 5:272 (1787).
 - 656. Ibid., 5:479 (1790).
 - 657. Ibid., 5:518-520 (1790).
 - 658. Ibid., 5:584-587 (1790).
 - 659. New Hampshire Constitution, Article 77 (1792).
 - 660. Laws of New Hampshire, 6:68 (1792).
 - 661. Ibid., 6:142 (1794).
 - 662. Ibid., 6:171 (1794).

On December 13, 1796 it was enacted that sheriffs, when deputizing a deputy sheriff, should "make out a certificate of deputation to be recorded in the record books of the Clerk of the Court of Common pleas of the same county. This 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 sheriff 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 recorded.⁶⁶³ The sheriff's term of office was fixed at five years (December 18, 1799) and he 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."⁶⁶⁴

An act of June 18, 1802 (repealed 1826) provided that any justice of the peace, upon receiving information of any salted beef being put on board a vessel and not having been inspected or branded, might issue his warrant to the sheriff or his deputy requiring them to make seizure of any such beef.⁶⁶⁵ On the same day a similar act was passed (repealed 1842) concerning butter and lard.⁶⁶⁶ An act of June 23, 1813 stipulated that when a sheriff or deputy sheriff, in 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.⁶⁶⁷ The sheriff was given custody of all the jails in his county on June 24, 1813, and was required to give bonds to the state. Failure to give such bonds was sufficient cause for his removal by the Governor and Council. Deputies were to function when the office of sheriff was vacant.⁶⁶⁸ It was enacted (November 5, 1813) that the officer attaching real estate of any person on mesne process by virtue of any writ or precept should leave an attested copy of the writ or precept, together with an attested copy of his return thereon, with the town clerk of the town in which the property attached was situated. If there were no town clerk, the copies were to be left with the clerk of the circuit court of common pleas.⁶⁶⁹ On July 2, 1822 all sheriffs, deputy sheriffs, and constables were "required duly to serve and execute any legal warrant or process to them directed by a judge of probate."⁶⁷⁰

An act of July 3, 1822 provided that rights in equity of redeeming real estate thereafter mortgaged should be liable to attachment on mesne process, and to be taken in execution upon judgment for the payment of the just debts of the mortgagor or owner. The sheriff was authorized

663. Ibid., 6:370 (1796).

664. Ibid., 6:584 (1799).

665. Ibid., 7:108-114 (1802); 9:520-527 (1826).

666. Ibid., 7:114-117 (1802); Revised Statutes of New Hampshire, ch. 102 (1842).

667. Laws of New Hampshire, 8:246 (1813).

668. Ibid., 8:259-260 (1813).

669. Ibid., 8:273-274 (1813).

670. Ibid., 9:110-123 (1822).

to sell such rights and to execute and deliver a deed thereof to the highest bidder, after having given due notice of the sale as provided by law.⁶⁷¹

An act of June 29, 1829 prescribed the duties and regulated the office of the sheriff in considerable detail. This act provided for the furnishing of a bond to the county; the appointing of deputies; the servicing of all writs or precepts directed to him by lawful authority; the demanding of aid when needed; the keeping of jails and prisoners within the county; the appointing of jail keepers; the accounting to the county treasurer for all fines and forfeitures imposed by the court of common pleas and the superior court of judicature; the fining of persons impersonating a sheriff; and the prohibiting of his appearing in court as attorney to any party in a suit.⁶⁷² 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.⁶⁷³ On July 4 of that year the sheriff was empowered to serve writs of execution against the lands, tenements, or hereditaments of judgment debtors.⁶⁷⁴

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 of clerks of the court in the county, and other citizens.⁶⁷⁵ By an act passed on the same day, the sheriff received authority to serve notices to corporations and interested individuals of petitions to be presented to the General Court.⁶⁷⁶

On July 3, 1838 sheriffs or their deputies were directed to apprehend and bring before a justice of the peace any person who should willfully interrupt or disturb a religious meeting; or who should illegally sell liquor, provisions, or goods within two miles of a public religious assembly.⁶⁷⁷ One year later an act provided that "when any action shall thereafter be commenced against any sheriff, deputy sheriff, coroner or other officer, for any official misconduct or default in their said offices, the same shall be an action on the case and not an action of debt * * *."⁶⁷⁸ 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.⁶⁷⁹

671. Ibid., 9:159-162 (1822).

672. Ibid., 10:18 (1829).

673. Ibid., 10:44-47 (1829).

674. Ibid., 10:94-97 (1829).

675. New Hampshire Laws of 1836, ch. CCLXXIII.

676. Ibid., ch. CCXCIX.

677. New Hampshire Laws of 1838, ch. CCCLXXXII.

678. New Hampshire Laws of 1839, ch. CCCCLIII.

679. New Hampshire Laws of 1840, ch. DLXII.

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."⁶⁸⁰ 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.⁶⁸¹

By an act of July 4, 1851, sheriffs were prohibited from attaching any homestead not exceeding five hundred dollars in value.⁶⁸² 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.⁶⁸³ 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.⁶⁸⁴ It was enacted on June 24, 1859 that when in the course of justice it should be apparent to the supreme judicial court that the returns on executions of any deceased deputy sheriff should be amended, the court should order the sheriff whose deputy made such defective return or the clerk of the court, if the sheriff was deceased, to amend the returns according to the facts.⁶⁸⁵ By another act of 1859 the sheriff was obligated to settle his accounts of public funds of which he had possession, at least once every year.⁶⁸⁶

The voters of each county at the present time biennially elect a sheriff who must be a resident of the county for which he is chosen, and who 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;⁶⁸⁷ nor act as attorney in a lawsuit.⁶⁸⁸ In case of a tie vote, choice is made by the superior court which also has the power of removal for official misconduct and the power to fill vacancies.⁶⁸⁹

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 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.⁶⁹⁰ The county pays the premium on the bond.⁶⁹¹ Prior to assuming office, the sheriff must

680. New Hampshire Laws of 1844, ch. 140.

681. New Hampshire Laws of 1846, ch. 315.

682. New Hampshire Laws of 1851, ch. 1089.

683. New Hampshire Laws of 1857, ch. 1972.

684. Ibid., ch. 1992.

685. New Hampshire Laws of 1859, ch. 2222.

686. Ibid., ch. 2237.

687. Public Laws of New Hampshire, ch. 36, secs. 1, 2.

688. Ibid., ch. 324, sec. 23.

689. Ibid., ch. 36, sec. 5.

690. Ibid., ch. 37.

691. New Hampshire Laws of 1931, ch. 120.

deposit in the office of the Secretary of State an attested copy of the record of his birth or, if such record is not extant, an affidavit stating the date and place of his birth. He cannot retain his office after reaching the age of seventy.⁶⁹²

The sheriff must "by himself or his deputies, serve and execute all writs and other precepts to him directed, issuing from lawful authority; and must perform the duties of crier of the court."⁶⁹³ He possesses general police powers, and may, by virtue of a warrant, arrest persons offending against the law; or, upon view of an offense, may arrest without a warrant. When making an arrest, he is entitled to command assistance. He must bring the offender before the proper court or justice as quickly as possible.⁶⁹⁴

He has the 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.⁶⁹⁵ The sheriff has duties connected with the selection of jurors; 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.⁶⁹⁶ The sheriff, himself, is exempt from jury service; his name is not to be placed on the list.⁶⁹⁷

The state or county treasurer is to commit 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 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 court all documents having to do with his proceedings in the sale of land for taxes.⁶⁹⁸

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.⁶⁹⁹ Any person operating a vehicle in the legal transportation of alcoholic beverages must produce his permit on demand of the sheriff.⁷⁰⁰

692. Public Laws of New Hampshire, ch. 18, secs. 1, 2.

693. Ibid., ch. 324, sec. 3.

694. Ibid., ch. 364.

695. New Hampshire Laws of 1931, ch. 112.

696. Public Laws of New Hampshire, ch. 321, secs. 7-9, 24; ch. 367, sec. 2.

697. Ibid., ch. 321, sec. 3.

698. Ibid., ch. 67.

699. New Hampshire Laws of 1935, ch. 148.

700. New Hampshire Laws of 1933, ch. 99, sec. 34.

The sheriff possesses authority in the enforcement of requirements in the motor vehicle law relating to through ways and stop signs.⁷⁰¹ 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.⁷⁰² It is the duty of the sheriff to apprehend fugitives from justice and aid in the process of extradition.⁷⁰³ The guest registers, required for all hotels, public lodging houses, and tourist camps or cabins must be open at all times to the sheriff for inspection.⁷⁰⁴ Hawkers' or peddlers' licenses are to be shown to a sheriff on demand.⁷⁰⁵

It is the duty of the sheriff to attempt to break up riots, and he may summon military assistance for that purpose.⁷⁰⁶ At the order of the court, he must take sentenced prisoners to the State Prison and deliver them to the warden.⁷⁰⁷ It is his duty to act in cases involving cruelty to animals;⁷⁰⁸ and he is obligated, on request, to aid the Commissioner of Agriculture in the investigation of diseases among domestic animals.⁷⁰⁹

The sheriff acts as messenger in insolvency proceedings, and, on warrant from the probate court, takes "possession of all of the estate of the debtor, except such as is by law exempt from attachment, and of all his deeds, books of account and papers * * *." He "is to safely 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."⁷¹⁰

The sheriff 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.⁷¹¹ On warrant from a justice, the sheriff is an officer qualified to search for stolen property, counterfeit bills or coins, implements of counterfeiting, gambling implements, burglars' tools, and other articles illegally possessed.⁷¹² When a creditor obtains a judgment against a debtor and an execution shall have been issued by the court, the sheriff carries out the writ of execution. He also enforces writs of possession.⁷¹³ Death sentences are executed within the walls or yard of the State Prison, and

701. Public Laws of New Hampshire, ch. 90; New Hampshire Laws of 1929, ch. 119; New Hampshire Laws of 1935, ch. 73.

702. New Hampshire Laws of 1931, ch. 83.

703. Public Laws of New Hampshire, ch. 377; New Hampshire Laws of 1937, ch. 70.

704. Public Laws of New Hampshire, ch. 171; New Hampshire Laws of 1927, ch. 68; New Hampshire Laws of 1933, ch. 107.

705. New Hampshire Laws of 1931, ch. 102.

706. Public Laws of New Hampshire, ch. 374, secs. 1, 3.

707. Ibid., ch. 400, sec. 9.

708. Ibid., ch. 382, sec. 14.

709. Ibid., ch. 187, sec. 9.

710. Ibid., ch. 401, sec. 7.

711. Ibid., ch. 369, secs. 35, 47, 48.

712. Ibid., ch. 365.

713. Ibid., ch. 343.

the sheriff of the county where the person was convicted is obligated to be present with two of his deputies.⁷¹⁴

The sheriff 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 court, and must return them to the clerk for renewal. 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.⁷¹⁵ The sheriff submits annually to the county commissioners a detailed statement of services rendered by him and his deputies chargeable to the county.⁷¹⁶

Each sheriff is authorized to appoint the number of deputies he believes necessary. Such appointments must be in writing; and recorded with certificate of the appointee's oath in a book kept for that purpose by the clerk of 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.⁷¹⁷

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 execution "in any case in which he is plaintiff by virtue of a receiptor given to him."⁷¹⁸ In addition to an annual salary, the sheriff is entitled to receive fees for the service of the various processes relating to his office and travel connected therewith; attendance at the supreme or superior court; attendance before a justice or municipal court; and the copying of writs returnable at the superior court and at the municipal or justice courts.⁷¹⁹

The act incorporating Carroll County (1840) provided that the new county should have a sheriff who was allowed to commit prisoners to the jail in Strafford County until Carroll County should procure a jail. The sheriff was allowed the sum of one hundred and fifty dollars annually from monies received by virtue of his office.⁷²⁰ By 1926, the Carroll County sheriff received a salary of five hundred dollars plus fees; by 1929, his salary reached the sum of eight hundred dollars.⁷²¹ The latter

714. Ibid., ch. 369, sec. 7.

715. Ibid., ch. 324, secs. 15, 17, 19.

716. Ibid., ch. 324, sec. 18.

717. Ibid., ch. 324, secs. 1, 2, 25.

718. Ibid., ch. 324, sec. 5; New Hampshire Laws of 1937, ch. 19.

719. Public Laws of New Hampshire, ch. 324, secs. 27, 28.

720. New Hampshire Laws of 1840, ch. DXXXIX, secs. 5, 11, 14.

721. New Hampshire Laws of 1929, ch. 160.

Medical Referee (Coroner)

(163-165)

is the amount he received at the present time, in addition to fees.⁷²²
He now appoints three deputies.⁷²³

All records are in the office of the clerk of court, first floor, courthouse.

For annual reports of sheriff, see entries 2, 3.

163. DEPUTATION OF DEPUTY SHERIFF, 1905--. 1 vol. Prior records missing.

Appointments of deputy sheriffs: date, name and address of appointee, oath of office, name of appointer, and conditions of appointment. Resignations and discharges: date, names of principals, reasons, and acceptance. Chron. arr. by dates of appointments. Indexed alph. by names of appointees and discharges in front of vol. Hdw. on ptd. forms, and typed. 180 pp. 13 x 10 $\frac{3}{4}$ x $\frac{3}{4}$.

For related records of appointments of deputy sheriffs, 1869--, see entry 96.

164. SHERIFFS' ACCOUNTS, CARROLL COUNTY, 1859--. 1 vol. Prior records missing.

Expenses of sheriffs and deputies: date, purpose, amount, and totals (attendance at court, travel, meals, and notification of jurors). Chron. arr. No index. Hdw. and typed. 280 pp. 13 $\frac{1}{2}$ x 8 x $\frac{3}{4}$.

165. (DEPUTY SHERIFFS' BONDS), 1914-19. 1 bundle.

Names of Bonding company, sureties, sheriff, and deputy; condition of bond, and signatures of officers of bonding company. No arr. No index. Typed on ptd. forms. 3 x 4 x 9.

For county officers' bonds, 1883--, see entry 114.

VIII. MEDICAL REFEREE (CORONER)

Coroners appear to be 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, in other words the local gentry, should choose four of their own number to act as Coroners."⁷²⁴ 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 1692⁷²⁵ 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 impaneled and returned by the coroner, who was also empowered to serve writs where the sheriff was concerned.⁷²⁶

722. New Hampshire Manual for the General Court 1937, 430.

723. New Hampshire Register 1937, 28.

724. Trevelyan, G. M., History of England, (London 1926), 166.

725. Laws of New Hampshire, 1:501-508 (1692).

726. Ibid., 1:657-659 (1699).

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. Prior to assuming office, the coroner was to take due oath for the faithful performance of his duties. 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 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 circumstance 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 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.⁷²⁷

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.⁷²⁸ 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 special venire issued by the several courts.⁷²⁹ In 1768 coroners' fees for serving writs, attending trials, taking inquisitions, and traveling were regulated.⁷³⁰ By the act of county organization (1769), the coroner ceased to be a provincial officer and became a county officer.⁷³¹ An act of 1785 required coroners to bring profanations of the Sabbath to the attention of justices of the peace.⁷³²

The Constitution of New Hampshire for 1792 provided that coroners should be nominated and appointed by the Governor and Council.⁷³³ By an act of February 12, 1794 a coroner's oath could be administered by any justice of the peace in his county.⁷³⁴ 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 required to summon three reputable freeholders, one of whom must be a justice of the peace. After taking the prescribed oath, they may inquire as to the cause and circumstances of the death.⁷³⁵

"An Act Regulating the Office of Coroner" passed July 3, 1829 to take effect December first of that year contained the following provisions: coroners were to be commissioned for a term of five years,

727. Ibid., 2:320-324 (1718).

728. Ibid., 3:29-32 (1747).

729. Ibid., 3:71-72 (1754).

730. Ibid., 3:486-496 (1768).

731. Ibid., 3:524-530 (1769).

732. Ibid., 5:75-77 (1785).

733. New Hampshire Constitution, Article 45 (1792).

734. Laws of New Hampshire, 6:142 (1794).

735. Ibid., 9:179-180 (1823).

and 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. The coroner was further required to take inquests of violent or casual deaths in his county with the written consent of a majority of the selectmen in the town. After obtaining such consent, he was required to summon three reputable freeholders, one of whom should be a justice of the peace, to act as jurors and inquire how the deceased met his death. If such a summoned freeholder failed to appear without reasonable excuse, he forfeited ten dollars. It was the duty of the coroner's jury 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 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, on his account being examined and allowed by the justices of the superior court.⁷³⁶

An act of 1837 authorized the notification of corporations and interested individuals when petitions were to be presented to the General Court, and provided that such notices might be made or served by any coroner and that his fees for such service were to be paid by the petitioners.⁷³⁷ On July 4, 1839 the fees paid to a coroner's jury and witnesses were established as the same as those paid to jurors and witnesses attending the court of common pleas.⁷³⁸ On July 5 of the same year 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.⁷³⁹

In 1841 coroners, as well as sheriffs and deputy sheriffs, were empowered to commit fraudulent debtors to jail on a mittimus from the justices of the court of common pleas.⁷⁴⁰ 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 nor more than one thousand dollars, or imprisonment for not less than six nor more than twelve months.⁷⁴¹ 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.⁷⁴²

It was enacted (July 10, 1874) that in the event of the sudden death of any patient in the New Hampshire Asylum for the Insane, a

736. Ibid., 10:54-58 (1829).

737. New Hampshire Laws of 1836, ch. CCXCIX.

738. New Hampshire Laws of 1839, ch. CCCXLIX.

739. Ibid., ch. CCCCLIII.

740. New Hampshire Laws of 1841, ch. DXCIX.

741. New Hampshire Laws of 1846, ch. 315.

742. New Hampshire Laws of 1859, ch. 2237.

coroner's inquest should be held.⁷⁴³ An act two years later provided that no coroner's inquest should be held at the expense of any town, city, or county, nor should any fees or costs of such inquests be paid by such agency, unless the coroner had been requested in writing by the selectmen of the town or the mayor and aldermen of the city, the solicitor for the county, or the Attorney-General to hold the inquest.⁷⁴⁴

The legislature in 1903 replaced the office of coroner with that of medical referee. The Governor and Council were 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." The number of these officials that each county should have was designated; and it was stipulated that when the 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 to hold their office for five years, but were liable to removal for cause at any time by the Governor and Council. They were to be duly sworn before entering office.

Upon receipt of notice that a death, supposedly by violence or unlawful act, had occurred within his county, the medical referee 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 ought to 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); and he was immediately 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 should subscribe."

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.

In his investigation the medical referee with the advice and consent of the Attorney-General or the solicitor might 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. But 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.

743. New Hampshire Laws of 1874, ch. 102.

744. New Hampshire Laws of 1876, ch. 19.

It was the duty of the medical referee to take charge of money or other personal property of the deceased found with the body and deliver the same to the person or persons entitled to receive such property. If any doubt should exist as to whom the property rightfully belonged, the medical referee was to seek instructions from the judge of probate. He was to submit an account of the expenses of each case to the county solicitor for auditing and approval before payment by the county treasurer.

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 solicitor.

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.⁷⁴⁵

The present law concerning medical referees incorporates the provisions of the 1903 act of establishment, added to, modified, and amended. At the present time it is stipulated that each referee is to "deputize competent physicians to act in any and all cases, whenever from ill health or other cause such referee cannot attend." 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 an autopsy is to be made.

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 must 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."

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. Fees allowed a medical referee must not exceed five dollars for a view and inquiry without an autopsy; twenty-five dollars for a view and an autopsy; ten dollars a day for the time actually spent in holding an inquest; and ten cents a mile for travel.⁷⁴⁶

Although the act incorporating Carroll County⁷⁴⁷ did not mention the office of coroner, the new county had this office almost immediately,

745. New Hampshire Laws of 1903, ch. 134.

746. Public Laws of New Hampshire, ch. 376.

747. New Hampshire Laws of 1840, ch. DXXXIX.

since the New Hampshire Register for the year 1842 listed eleven coroners in Carroll County for the preceding year.⁷⁴⁸ The act of 1903 establishing the office of medical referee stipulated that Carroll County should have one of these officials;⁷⁴⁹ and, at the present time, this county abides by that stipulation.⁷⁵⁰

Records are found in the Attorney-General's office and in the basement, State House, Concord.

For coroners' inquests, 1861-1903, see entry 83. For annual reports of referee, see entries 2, 3.

166. CO. SOLICITOR, CARROLL CO. (Records of Medical Referees), 1909--. 1 packing case, 1 folder in file drawer. No prior records kept. Workers not permitted to examine packing case containing records 1909-19.

Report of medical referee to county solicitor: record of autopsy (names of state and Attorney-General, reason for autopsy, name and age of deceased, supposed cause of death, authority to perform autopsy, when made (time, day, month, year), names and residences of witnesses, description of clothing, body markings, condition of (chest, abdomen, 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, autopsy (time, place, date), circumstances of death, to whom body delivered, itemized statement of expenses, and signature of referee); and record of inquisition (date, time, place, name of medical referee, name and address of deceased, referee's findings as to cause of death, date of death, and signature of referee). Chron. arr. For index, see Belknap County entry 154. Hdw. and typed on ptd. forms. Folder 10 x 13 in file drawer 11 x 16 $\frac{3}{4}$ x 25.

IX. SOLICITOR

In the provincial period there was one solicitor for the entire province known as the Attorney-General or King's Attorney.⁷⁵¹ Although this office is not mentioned at the time of the division of the province into counties,⁷⁵² a law of 1789 provided that a solicitor be appointed for each of the counties by the Governor and Council;⁷⁵³ and an act (1799) fixed the tenure of office at five years.⁷⁵⁴ By an act of June 22, 1829, the county solicitor was to take charge of all suits and prosecutions instituted in the name of 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; and examine and audit all claims which might be presented for allowance against the county.⁷⁵⁵

748. New Hampshire Register 1842, 55.

749. New Hampshire Laws of 1903, ch. 134, sec. 2.

750. New Hampshire Manual for the General Court 1937, 409.

751. Fry, W. H., New Hampshire as a Royal Province, (New York, 1908), 468.

752. Laws of New Hampshire, 3:524 (1769).

753. Ibid., 5:463 (1789).

754. Ibid., 6:584 (1799).

755. Ibid., 10:9 (1829).

In 1836, solicitors were required to be present at the execution of a sentence of death in their respective counties.⁷⁵⁶ From time to time acts have been passed adding the prosecution of various crimes to the original duties of the solicitors. For example: that of 1836 requiring them to prosecute all offenses against an act prohibiting the emission and circulation of bank bills of a small denomination;⁷⁵⁷ that 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;⁷⁵⁸ a similar act of 1921 relating to the crime of arson or incendiarism;⁷⁵⁹ and another of 1921 relating to motor vehicles engaged in the carriage of passengers for hire.⁷⁶⁰

By 1842 each solicitor was required to give a bond of \$1000.00 to the state, said bond to be kept by the Secretary of State;⁷⁶¹ but the amount of the bond increased to \$5000.00 in 1860.⁷⁶² The court of common pleas was empowered to audit the accounts of the solicitors in 1855.⁷⁶³ By an enactment of June 27, 1859, every solicitor was required to settle his accounts at least once a year; failing to do so, his bond was liable to suit.⁷⁶⁴

In January 1861, provision was made for solicitors to be paid by their respective counties rather than by the state,⁷⁶⁵ and in 1877 the office was made an elective one.⁷⁶⁶

At the present time 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 suits in his respective county in which the county or state may be a party. He must prosecute every person guilty of violating the general provisions insuring the purity of elections⁷⁶⁷ and the acts concerning political expenditures;⁷⁶⁸ cruelty to or neglect of children;⁷⁶⁹ employment of illiterates;⁷⁷⁰ sale of spirituous or intoxicating liquors;⁷⁷¹ maintenance of nuisances;⁷⁷² and regulations of horse racing;⁷⁷³ and forest fires.⁷⁷⁴

756. New Hampshire Laws of 1836, ch. 273.

757. Ibid., ch. 306.

758. New Hampshire Laws of 1855, ch. 1658.

759. New Hampshire Laws of 1921, ch. 46.

760. Ibid., ch. 59.

761. Revised Statutes of New Hampshire, ch. 13, secs. 6, 7.

762. New Hampshire Laws of 1860, ch. 2348.

763. New Hampshire Laws of 1855, ch. 1659.

764. New Hampshire Laws of 1859, ch. 2237.

765. New Hampshire Laws of 1861, ch. 2486.

766. New Hampshire Constitution, Article 70.

767. Public Laws of New Hampshire, ch. 33, secs. 2, 21, 22.

768. Ibid., ch. 34, secs. 12-14.

769. Ibid., ch. 113, secs. 5, 11.

770. Ibid., ch. 118, sec. 47.

771. Ibid., ch. 144, secs. 36, 49, 56, 57, 59-61.

772. Ibid., ch. 360, secs. 3, 37.

773. New Hampshire Laws of 1933, ch. 62.

774. New Hampshire Laws of 1927, ch. 50.

The tenure of office is now two years, the solicitor being chosen at biennial elections and taking office on the first day of April next succeeding his election. 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.⁷⁷⁵ If a vacancy occurs in the office, or if the solicitor is absent at any term of court or unable to discharge the duties of his office, the superior court is to appoint a solicitor for the time being.⁷⁷⁶

In his annual report,⁷⁷⁷ the county solicitor must include full statistics regarding crimes and misdemeanors committed in his county.⁷⁷⁸ 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. If the solicitor neglects to submit this list, he is liable to a fine of twenty dollars.⁷⁷⁹

He is required to give assistance and advice to the various county and parole officers⁷⁸⁰ whenever so requested. The State Board of Welfare and Relief may request him to represent and advise it.⁷⁸¹

The first solicitor of Carroll County was Zachariah Batchelder who held office from 1841 through 1845.⁷⁸² In 1861 the yearly salary of the Carroll County solicitor was set at one hundred and seventy-five dollars,⁷⁸³ in 1913 raised to six hundred dollars;⁷⁸⁴ and at present the salary is eight hundred dollars and expenses.⁷⁸⁵

The Carroll County solicitor keeps no public records.

For annual reports of the solicitor, see entries 2, 3.

X. 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.⁷⁸⁶

A county treasurer, as such, appeared by the beginning of the Revolution, at least. The 1776 constitution provided that the voters

775. Public Laws of New Hampshire, ch. 36, secs. 1, 2.

776. Ibid., ch. 16, sec. 8.

777. Ibid., ch. 41; New Hampshire Laws of 1931, ch. 47.

778. Public Laws of New Hampshire, ch. 16, sec. 24.

779. Ibid., ch. 16, sec. 25.

780. New Hampshire Laws of 1935, chs. 66, 127.

781. New Hampshire Laws of 1931, ch. 165.

782. Merrill, Georgia Drew, History of Carroll County, (Boston, 1889), 237.

783. New Hampshire Laws of 1861, ch. 2486.

784. New Hampshire Laws of 1913, ch. 94.

785. Public Laws of New Hampshire, ch. 16, secs. 20, 21.

786. Laws of New Hampshire, 3:524-530 (1769).

of each county should choose a treasurer annually, the votes for this office to be returned to the court of general sessions of the peace in the particular county, there to be ascertained as the Council and Assembly might direct.⁷⁸⁷

Further provisions were made December 13, 1776, when it was enacted that county treasurers were to be elected annually at the March town meetings, and that "Each voter should bring in one vote for County Treasurer for their respective county, and the votes for county treasurer were to be sealed up in one paper and certified by the town clerk." The town clerk was directed to return these votes to the clerk of court of general sessions of the peace, whereas a committee was appointed to examine the votes and determine and announce the winner to the court. The court in turn declared the name chosen, and it was recorded by the clerk of court. In case of a tie, the choice was to be determined by the votes of the major part of the justices present. By this act the treasurer was required to furnish bond with two sufficient sureties and 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.⁷⁸⁸

By act of April 6, 1781, the treasurer was authorized and required to issue executions for levying county taxes.⁷⁸⁹ In 1786 it became the duty of the county treasurer, 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.⁷⁹⁰

In 1787 the county treasurer was to receive from the town clerk three-fourths of the fees paid to the latter official for issuing liquor licenses.⁷⁹¹ 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, which they should receive from the United States Government in connection with the keeping of federal prisoners, in a jail of which they were custodians.⁷⁹²

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.⁷⁹³ County treasurers were exempted from military duty by an act of December 28, 1792.⁷⁹⁴ An act passed February 21, 1794 instructed the county treasurer to give annually to the court of common pleas a financial statement

787. Poore, B. P., Federal and State Constitutions, (Washington, 1877) 2:1280.

788. Laws of New Hampshire, 4:63 (1776).

789. Ibid., 4:386 (1781).

790. Ibid., 5:117-120 (1786).

791. Ibid., 5:285-287 (1787).

792. Ibid., 5:479 (1790).

793. Ibid., 6:68 (1792).

794. Ibid., 6:84-92 (1792).

of what monies were in his opinion necessary to be raised, and the purposes for which they were needed.⁷⁹⁵ On February 22 of the same year 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.⁷⁹⁶

It was enacted on 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.⁷⁹⁷ An act of June 12, 1801 vested in the county treasurers power to assess and collect the taxes which had been granted and appropriated for their counties, and power to pay contingent expenses out of the county treasury on orders from the judges of the court of common pleas. The county treasurers were also required to make out and certify to the judges of the court of common pleas, 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 their accounts.⁷⁹⁸

Further provisions were made concerning the choice of county treasurers. 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 to have authority to meet, and choose and appoint a county treasurer who was to give bond and be sworn as the law directed.⁷⁹⁹

An act of 1821 required peddlers to pay an annual fee of twelve dollars to the county treasurer.⁸⁰⁰ In 1848 resident (state) peddlers were charged ten dollars for an annual license; non-residents paid twenty dollars,⁸⁰¹ reduced to fifteen dollars in 1859.⁸⁰² Disabled Civil War soldiers and sailors were exempted (1893) from paying such a fee; certification by treasurer of such exemption recorded on face of license.⁸⁰³

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 * * *."⁸⁰⁴ An act of July 3, 1823 directed the county 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 [should] be specified the amount of monies paid out of the treasury for that year, and the purposes for which such payments

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- 795. Ibid., 6:156-157 (1794).
 - 796. Ibid., 6:171-174 (1794).
 - 797. Ibid., 6:221 (1795).
 - 798. Ibid., 7:23-24 (1801).
 - 799. Ibid., 7:54 (1802).
 - 800. Ibid., 9:39-41 (1821).
 - 801. New Hampshire Laws of 1848, ch. 734.
 - 802. New Hampshire Laws of 1859, ch. 2212.
 - 803. New Hampshire Laws of 1893, ch. 65.
 - 804. Laws of New Hampshire, 9:202-203 (1823).

were made; and when payments had 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.⁸⁰⁵

By the provisions of an act of June 22, 1829, county solicitors received compensation for their services from the county treasurer.⁸⁰⁶ 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.⁸⁰⁷

An act of July 1, 1831 empowered county treasurers 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 * * *."⁸⁰⁸

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.⁸⁰⁹ The county treasurer was obligated (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.⁸¹⁰

An act of July 4, 1837 provided that sheriffs should make annual attested 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 process. The treasurer was required to state the same in his annual published statement.⁸¹¹ By an act of 1838, the treasurer was authorized 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.⁸¹²

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, [might] borrow such sum as they [should] deem necessary for that purpose, and [might] bind the county for the re-payment of the same."⁸¹³

"An Act for the suppression of Intemperance" passed July 14, 1855 stated that the "county treasurer shall make restitution to the claimant

805. Ibid., 9:247 (1823).

806. Ibid., 10:9 (1829).

807. Ibid., 10:54-58 (1829).

808. Ibid., 10:239-240 (1831).

809. Ibid., 10:276 (1831).

810. New Hampshire Laws of 1839, ch. CCCCXXXV.

811. New Hampshire Laws of 1837, ch. CCCXXIII.

812. New Hampshire Laws of 1838, ch. CCCLXX.

813. New Hampshire Laws of 1843, ch. 34.

for the amount of his costs if it be proven that the liquors seized and belonging to said claimant were not intended for sale in relation to this act." The proceeds derived from the sale of confiscated liquor 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.⁸¹⁴

On June 26, 1857 the commissioner of common schools was required to "pay over to his successor, or deposit with the county treasurer, to be paid to the new commissioner on demand, the balance of all money, received by him for the support of institutes, remaining in his hands unappropriated."⁸¹⁵

An act of February 16, 1921 stated "A record of all receipts and payments of county funds shall be made by the county treasurer in the county receipts and payments book, prescribed by the state tax commission, showing in the case of receipts, the date, source and amount, and in 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 * * *."⁸¹⁶

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;⁸¹⁷ no person is eligible to the office unless he is a resident of the county for which he is elected.⁸¹⁸ The justices of the superior court examine, record, and count the votes for county treasurer and declare elected the person having the highest number of votes.⁸¹⁹ In case of a tie vote the court appoints one of the candidates to fill the office, such candidate being declared duly elected.⁸²⁰

The county treasurer is subject to removal by the superior court for official misconduct.⁸²¹ 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,⁸²² and appoint a commissioner to perform the duties of the office.⁸²³ 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.⁸²⁴

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814. New Hampshire Laws of 1855, ch. 1658.
815. New Hampshire Laws of 1857, ch. 1968.
816. New Hampshire Laws of 1921, ch. 5.
817. Public Laws of New Hampshire, ch. 36, sec. 1.
818. Ibid., ch. 36, sec. 2.
819. Ibid., ch. 36, sec. 4.
820. Ibid., ch. 36, sec. 5.
821. Ibid., ch. 36, sec. 7.
822. Ibid., ch. 36, sec. 8.
823. Ibid., ch. 36, sec. 9.
824. New Hampshire Laws of 1937, ch. 38, sec. 1.

For the protection of any person who may be injured by the neglect or misconduct of the county treasurer, the latter must give a surety bond, approved by the county commissioners, of not less than five 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.⁸²⁵

The county treasurer must not pay any pauper bill or any bill or claim of a jailer against the county without the allowance of the county commissioners.⁸²⁶ He must keep a record of all receipts and payments of county funds in a book prescribed by the State Tax Commission.⁸²⁷ 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 percent of its paid up capital and surplus; deposit to be made after the county treasurer has advertised for bids from solvent banks within the county.⁸²⁸ County bonds issued by the county commissioners upon authorization of the county convention are to be in denominations of two hundred, five hundred, or one thousand dollars, bear interest at not over six per cent per annum, and be countersigned by the county treasurer.⁸²⁹

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. Pauper accounts, county convention appropriations, and all other sums which may be chargeable to the county, are paid upon order of the county commissioners, provided the order states briefly the nature of the claim.⁸³⁰

The county treasurer may, on order of the county commissioners with the approval of the superior court⁸³¹ and the county convention,⁸³² 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.⁸³³

Taxes granted by the county convention are payable to the county treasurer who issues his warrant to the selectmen of the respective towns to make assessments for the taxes due from their towns and to pay those assessments to him on or before December first of each year.⁸³⁴ 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.⁸³⁵ Extents issued by the county treasurer under his hand and seal

825. Public Laws of New Hampshire, ch. 37, secs. 1-5.

826. Ibid., ch. 38, sec. 13.

827. Ibid., ch. 38, sec. 18.

828. Ibid., ch. 39, secs. 2, 3.

829. Ibid., ch. 38, sec. 21.

830. Ibid., ch. 39, secs. 4-6.

831. Ibid., ch. 39, sec. 8.

832. New Hampshire Laws of 1933, ch. 185, sec. 1.

833. Public Laws of New Hampshire, ch. 39, sec. 9.

834. Ibid., ch. 39, sec. 10.

835. Ibid., ch. 39, sec. 11.

Treasurer

in cases authorized by law are to be deemed executions against the person and property. Towns, selectmen, tax collectors, and property owners are liable to extents where the town officers are delinquent in assessing, collecting, and paying county taxes set forth in the county treasurer's warrant.⁸³⁶

County treasurers receive permit fees and issue permits for motor vehicle registration to persons residing in unorganized places, receiving twenty-five cents for each permit issued.⁸³⁷ Taxes in unorganized places, when 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 collection to the sheriff who is liable to an extent in the event of any delinquency on his part.⁸³⁸ 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 an unorganized place.⁸³⁹

On order of the county commissioners, county treasurers must reimburse towns for money expended on paupers.⁸⁴⁰ All claimants for aid to the blind, accepted by the county commissioners for relief, are paid not over thirteen dollars per month by the county treasurer who keeps records, reports, and accounts of these transactions, as prescribed by the State Board of Welfare and Relief.⁸⁴¹

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. The county treasurer also receives proceeds from the sales of liquor or beverages taken from the person or car of those convicted of drunken driving.⁸⁴²

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.⁸⁴³ 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.⁸⁴⁴ The treasurer is also required to report to the State Tax Commission in regard to the assessment of property and the collection of taxes.⁸⁴⁵ He must keep his accounts in the form prescribed by the Commission.⁸⁴⁶ Once in three months the county auditors shall

836. Ibid., ch. 71, secs. 1-4.

837. Ibid., ch. 100, sec. 17.

838. Ibid., ch. 192, sec. 19.

839. New Hampshire Laws of 1929, ch. 32, sec. 1.

840. New Hampshire Laws of 1933, ch. 137, sec. 1.

841. New Hampshire Laws of 1935, ch. 137, sec. 13.

842. Ibid., ch. 148.

843. Public Laws of New Hampshire, ch. 39, sec. 7.

844. Ibid., ch. 41, sec. 1.

845. Ibid., ch. 68, sec. 11, paragraph IX.

846. New Hampshire Laws of 1933, ch. 165.

Treasurer-Authorization to
Borrow Money

(167)

examine the treasurer's accounts,⁸⁴⁷ and report to the State Tax Commission in the manner prescribed by that Commission.⁸⁴⁸

The act incorporating Carroll and Belknap Counties (approved December 23, 1840, effective January 1, 1841) specified that the first treasurer for Carroll County should be appointed from citizens of that county by the justices of the court of common pleas for Strafford County, to serve until his qualified successor was elected at the next annual election in Carroll County. Until the first Carroll County treasurer was duly installed, all business pertaining to that office was to be transacted by the Strafford County treasurer.

Claims existing against Strafford County (from which Carroll County was detached) for costs or damages incurred in laying out of highways in the Carroll County section, were to be paid by Strafford County after all other debts were paid, if the balance was sufficient; otherwise, Carroll County was obligated to pay the claims. Moneys remaining in the treasury of Strafford County after payment of all debts, were to be divided between the counties of Strafford, Belknap, and Carroll in proportion to the amount of taxes assessed to the respective counties. The salary of the Carroll County treasurer was placed at one hundred dollars per year to be allowed on his annual statement to the court of common pleas.⁸⁴⁹

By an act of 1841 the salary of the Carroll County treasurer was reduced to seventy-five dollars per year.⁸⁵⁰ Since that time various increases have occurred; for instance, in 1891 that official was paid two hundred dollars⁸⁵¹ and in 1911 three hundred dollars.⁸⁵² In 1937 his salary was set at four hundred dollars annually.⁸⁵³

Unless otherwise stated, all records are kept in the county commissioners' office, second floor, courthouse.

For annual reports of treasurer, see entries 2, 3.

Authorization to Borrow Money

167. (AUTHORIZATION TO BORROW MONEY), 1903--. 1 vol.
1928-- also in entry 172.

Date, amount to be borrowed, signatures of county commissioners, approval of presiding justice; date and amount of note, date due, name and address of purchaser, signature of county treasurer, and date of recording by clerk of court. Chron. arr. No index. Hdw. on ptd. forms. 200 pp. 11 x 9 x $\frac{3}{4}$.

For related records 1883-- , see entry 101.

847. Public Laws of New Hampshire, ch. 35, sec. 19.

848. New Hampshire Laws of 1933, ch. 165.

849. New Hampshire Laws of 1840, ch. DXXXIX.

850. New Hampshire Laws of 1841, ch. DCXXII.

851. Public Statutes of New Hampshire, ch. 286, sec. 19 (1891).

852. New Hampshire Laws of 1911, ch. 51.

853. New Hampshire Laws of 1937, ch. 100.

Receipts and Payments

168. CARROLL COUNTY TREASURER'S CASH BOOK, Jan. 1935--.

1 vol. System started 1935.

Cash book of treasurer recording receipts and payments. Receipts: taxes, other and total receipts. Payments: date, name, particulars, check number, amount, county farm, poor off farm (towns), aid to soldiers and their families, board and care of children, old age assistance (county, city, town), aid to needy blind, jail, hospital, county officers (salaries and expenses), care and supplies for courthouse, superior court expenses (jury payrolls, state vs. _____ payrolls, counsel fees, stenographer, clerk, sheriff and deputies), registers of deeds and probate, outlay for construction and equipment, indebtedness (principal and interest), farm bureau, and all other payments (amount and account). Chron. arr. No index. Hdw. on ptd. forms. 300 pp. 12 x 20 x 1½.

For similar prior records, see entries 169-171.

169. RECEIPTS AND PAYMENTS CARROLL COUNTY, Aug. 1919-35.

1 bundle, 2 vols. Discontinued.

Receipts: date, purpose, amount, and source. Payments: general government, superior court, charities and corrections, patriotic purposes, construction and equipment, and indebtedness. Chron. arr. No index. Hdw. on ptd. forms. Aug. 1919-20, 1 bundle, 12 x 21½ x ¼; 1921-35, 2 vols., 300 pp. 17 x 11 x 1 1/3.

For similar prior records, see entry 170. For similar subsequent records, see entry 168.

170. JOURNAL, 1841-1919. 3 vols. Missing, 1920-29. Discontinued. Title varies: Treasurer's Book Carroll County, N. H.

Receipts: date, from whom, purpose, and amount. Payments: date, to whom, purpose, and amount. Chron. arr. No index. Hdw. 600 pp. 16 x 11 x 2.

For similar subsequent records, see entries 168, 169, 171.

171. (RECORD OF COUNTY EXPENDITURES), 1930-34. 1 vol.

Discontinued.

Date and amount of expenditures for aid, supplies, and operation itemized under: towns, county farm, office expenses, aid to blind, soldiers' aid, salaries, medical referee, courthouse, jail expenses, farm bureau, notes, court orders, insurance, and orphans. Chron. arr. No index. Hdw. on ptd. forms. 200 pp. 12½ x 22 x 1½. Attic.

For similar prior records, see entry 170. For similar subsequent records, see entry 168.

Notes and Bonds

172. NOTEBOOK CARROLL COUNTY (Authorization to Borrow Money),

1883-1924, 1928--. 2 vols. Title varies: Notes and Bonds, Payrolls.

(Authorization to Borrow Money), 1928--, entry 167; (Record of Notes), 1883-1904, entry 173; and (Payrolls), 1883-1904, entry 176. Chron. arr. No index. Hdw. on ptd. forms. 150 pp, 11x 8½ x ¾.

Treasurer-Payrolls, Checks,
Bank Statements; Miscellaneous

(173-179)

173. (RECORD OF NOTES), 1883-1904. In entry 172.
Date, consideration involved, rate of interest, signatures of county commissioners and treasurer, and date recorded by treasurer.
For related record of notes 1883-- , see entries 22, 101.

174. REGISTERED BONDS, COUNTY OF CARROLL, Aug. 1933-- . 3 vols. (\$1000, \$500, \$200 Serials). No prior records kept. Bonds issued by county show rate of interest, date of maturity, date and place interest payable, authorization for bonds; and signatures of treasurer, county commissioners, and clerk of superior court. Chron. arr. No index. Hdw. and typed on ptd. forms. 65 pp. $19\frac{1}{2}$ x 10 x $\frac{1}{4}$.

175. (RECORD OF SALE OF SERIAL BONDS-ISSUE OF 1933), Aug. 1, 1933. 1 vol.
Number of bond, amount, name and address of purchaser, date sold, amount received, dates of issue and maturity, rate of interest, when payable, and record of transfer. No arr. No index. Typed on ptd. forms; few hdw. notations. 100 pp. 10 x 7 x 1.

Payrolls, Checks, Bank Statements

176. (PAYROLLS), 1883-1904, 1931-35, 1883-1904 in entry 172; 1931-35 in entry 180.
Name and address of payee, amount, purpose, and signature of treasurer.
For related payrolls 1859-- , see entries 107, 203.

177. (CANCELLED CHECKS AND BANK STATEMENTS), 1921-- . 1 box, 1 drawer, 1 bundle. Prior records lost. 1931-35 also in entry 180.
Cancelled checks: date, to whom, amount, and signature of county treasurer. Bank statements: date, number, amount of checks paid, date and amount of deposits, and date and amount of new balance. Chron. arr. No index. Hdw. and typed on ptd. forms. Box, $9\frac{1}{2}$ x 18 x 26; drawer, $6\frac{1}{2}$ x 5 x 11; bundle, 8 x 3 x 1. Box, 1921-35, attic; 1 drawer, 1 bundle, 1935-- , off.
For related records 1916-26, 1933-- , see entry 204.

178. (CHECK STUBS), 1926-- . 13 vols. Prior records lost.
Check number, date, payee, purpose, and county commissioners' order number. Chron. arr. No index. Hdw. on ptd. forms. 165 pp. 9 x 4 x $\frac{3}{4}$.
For related records 1921-- , see entry 205.

Miscellaneous

179. CARROLL COUNTY (Treasurer-Correspondence and Miscellaneous), 1929-- . 1 bundle. Prior records destroyed.
Official incoming and outgoing correspondence of county treasurer, 1929-- ; memorandum and list of dependent children in county, 1935-- ; monthly reports of old age assistance, 1936-- (names, case numbers, addresses, amounts (including extra aid granted), grouped by towns); and

county commissioners monthly reports of payments to needy blind, 1929-- (name, address, case number, amount). Chron. arr. No index. Hdw. in ink and pencil, and typed. 12 x 9 x 2 $\frac{1}{2}$.

180. (MISCELLANEOUS RECORDS), 1931-35. Approx. 1000 papers in 1 carton.

Vouchers, bills, receipts (date, to whom, purpose, and amount); (Pay-rolls), entry 176; and (Cancelled Checks and Bank Statements), entry 177. No arr. No index. Hdw., hdw. on ptd. forms, and typed. 14 x 19 x 14. Attic.

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.⁸⁵⁴

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, whose duty it was to examine and certify the accounts of the county commissioners and the treasurer.⁸⁵⁵ 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.⁸⁵⁶ 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. These auditors were to audit and examine the accounts, bills for services, and expenses of the county commissioners, superintendent of the county farm, and county treasurer once in three months; report of such audit was to be submitted to the supreme court. Semi-annual or annual audits might be made in any county where deemed sufficient and so directed by the supreme court which also had authority to order special audits when in its judgment such audits were necessary.⁸⁵⁷ By this same law, compensation of the auditors was to be determined by the supreme court.⁸⁵⁸ At each audit a sworn statement of all outstanding bills of the county was to be filed by the county commissioners with the auditors.⁸⁵⁹ The superior court was delegated with the appointing of auditors in 1913.⁸⁶⁰

As indicated by the Public Statutes (1891) the auditors were to receive from the county commissioners and county treasurer all necessary aid and information required in the performance of their duties.⁸⁶¹ It

854. New Hampshire Laws of 1865, ch. 4077.

855. New Hampshire Laws of 1872, ch. XLIII, sec. 1.

856. Public Statutes of New Hampshire, ch. 24 (1891).

857. New Hampshire Laws of 1897, ch. 87, sec. 1.

858. Ibid., ch. 87, sec. 3.

859. Ibid., ch. 87, sec. 2.

860. New Hampshire Laws of 1913, ch. 130.

861. Public Statutes of New Hampshire, ch. 24, sec. 12 (1891).

was enacted in 1897 that, when requested, the county auditor 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. They were also to make an annual report of the county receipts and disbursements to be published in the county report; with this annual report the auditors might make such recommendations as they considered necessary.⁸⁶²

The Public Laws of New Hampshire, as compiled in 1926, make very little change in the duties of county auditors.⁸⁶³ They are directed to make reports to the State Tax Commission upon request from that group.⁸⁶⁴ In all counties except Grafton, the auditors may direct that a reasonable amount for expenses be added to the salary of each county commissioner.⁸⁶⁵

The earliest report of Carroll County auditors discovered is that of 1875. The report follows:

"Auditors Report."

"We, the undersigned, Auditors, who were chosen at our last legislature by the members from Carroll County met in convention, report that we have attended to our duties, examined the accounts of the Commissioners from Feb. 1, 1874 to April 15, 1875, and of the Treasurer from April 24, 1874 to April 16, 1875, and find the same properly cast and well vouched; the prices charged in said vouchers are according to the market value of the articles named therein, and we entertain no doubt but that said articles have been used for the benefit of the county.

"Carroll ss., April 16, 1875

CHARLES P. CATE,)
JOHN F. TOPLIFF,) Auditors."

At the present time the Carroll County auditors prepare an annual statement of the county receipts and expenditures which is published in the yearly county reports, see entries 3, 4.

XII. SUPERINTENDENT OF THE COUNTY FARM

During the colonial period the poor of the towns were cared for by the justices of the peace.⁸⁶⁶ Later, the poor were auctioned off for their support to the highest bidder.⁸⁶⁷ A report to the Legislature on June 9, 1821 by the Levi Woodbury committee investigating the pauper

862. New Hampshire Laws of 1897, ch. 87, sec. 4.

863. Public Laws of New Hampshire, ch. 339, secs. 1-8.

864. New Hampshire Laws of 1933, ch. 165.

865. Ibid., ch. 186; New Hampshire Laws of 1935, ch. 154; New Hampshire Laws of 1937, ch. 44.

866. Fry, W. H., New Hampshire as a Royal Province (New York, 1908), 470.

867. For example, see MS. Town Clerk's Record Book of the town of Atkinson, 1827-30.

Superintendent of the
County Farm

(Next entry 181, p.139)

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 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." The committee urged drastic revision of the laws governing the maintenance of paupers and the establishment of poor farms and workshops.⁸⁶⁸

In the middle of the nineteenth century some of the towns established poor farms,⁸⁶⁹ but they were eventually abandoned in favor of similar county institutions. The county commissioners were given custody (1855) of all property belonging to the county together with the responsibility of supporting and maintaining the county paupers subject to revision by the clerk of the superior court.⁸⁷⁰ By the 1860's the counties had begun to erect or buy their own almshouses; and the commissioners were empowered by an act of July 4, 1860⁸⁷¹ to cause the removal of county charges to those county 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. In 1869 county farms were made exempt from taxation.⁸⁷²

The superintendent of the county farm at the present time is appointed by the county commissioners; but no commissioner may be superintendent. The superintendent has the general responsibility for the management of the institution, although the commissioners draw up the rules and regulations.⁸⁷³ If the house of correction is located on the same premises as the county farm, the superintendent serves as head of both institutions. He is invested with necessary powers of discipline and renders semi-annual accounts to the commissioners.⁸⁷⁴ If the county maintains a hospital, he acts as superintendent of that institution, also. Whenever the superintendent 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 their consent he may have such an operation performed.⁸⁷⁵

The superintendent is a large contributor to the printed Annual County Report (q. v.), and must compile reports to the close of December thirty-first annually; a twenty-five dollar fine may be imposed for failure to do so.⁸⁷⁶ He must keep his accounts in the form prescribed by the State Tax Commission, and they must be published in the prescribed form.⁸⁷⁷

-
- 868. The Levi Woodbury Committee, Report on the Paupers of New Hampshire, 3-14 (1821).
 - 869. For example, see Inventory of Town of Amherst, Hillsborough County.
 - 870. New Hampshire Laws of 1855, ch. 1659, sec. 1.
 - 871. New Hampshire Laws of 1860, ch. 2349, sec. 1.
 - 872. New Hampshire Laws of 1869, ch. 37.
 - 873. Public Laws of New Hampshire, ch. 38, secs. 9-11.
 - 874. Ibid., ch. 398.
 - 875. New Hampshire Laws of 1929, ch. 138.
 - 876. New Hampshire Laws of 1931, ch. 47.
 - 877. New Hampshire Laws of 1933, ch. 165.

Superintendent of the County
Farm-Mittimuses and Writs

(181-184)

The Carroll County farm was established in 1869.⁸⁷⁸ In 1871 the county commissioners stated "The County Farm consists of 270 acres of land, which with the Almshouse and Jail erected thereon, together with the stock and tools upon the Farm and the furnishings of the house, suitable for the accommodation of 125 inmates, cost the County \$23,594.05; from which deduct the cost of the jail estimated at \$2,000, leaving \$21,594.05 as cost of the farm, almshouse, stocking, and furnishing the same.

"The buildings were completed and ready for the reception of inmates February 1st, 1870, at which time Mr. Thomas Nute entered upon his duties as Superintendent; but it taking several weeks to collect the poor from the several towns, the present system was not fully established until May 1st, 1870."⁸⁷⁹

Records are kept in a closet in the first waiting room and in the superintendent's private office, first floor, county farm; also in the commissioners' office and the attic in the courthouse.

For annual reports of superintendent, see entries 2, 3.

Mittimuses and Writs

181. MITTIMUSES AND JAIL RECORDS, 1914--. Approx. 200 papers in 2 file drawers. Prior records lost. (Mittimuses), entry 182; (Capias Writs), entry 183; (Trustee Writs), entry 184; and (Petition for Discharge and Order), entry 191. Chron. arr. by years. No index. Hdw. in ink and pencil on ptd. forms, and typed. 5 x 10 x 24. Off. supt.

182. (MITTIMUSES), 1914--. In entry 181. Order to sheriff (deputy sheriff or police officer) to transfer prisoner to house of correction or jail shows complaint, date, by whom issued, court, disposition, time, costs, commitment, date of order, signature of clerk of court, attest of officer that conveying order has been carried out, statement of fees (costs for service, travel, conveyance, copy, and mittimus), and date of discharge.

For related mittimuses 1859--, see entry 47.

183. (CAPIAS WRITS), 1914--. In entry 181. Date of court, name and address of defendant, order to sheriff to bring defendant before superior court, reason for arrest and detention including indictment, date issued, and signature of clerk of court.

For related capias writs 1859--, see entry 49.

184. (TRUSTEE WRITS), 1914--. In entry 181. Date and place of court returnable, names and addresses of plaintiff and defendant, name of trustee, charge brought, date issued, and signature of clerk of court.

878. Merrill, Georgia Drew, History of Carroll County, (Boston, 1889), 241.

879. Report of the Commissioners of the County of Carroll, for Nine Months, ending February 1, 1871.

Superintendent of the County

(185-189)

Farm-Prisoners, Inmates, Children,
Paupers

Prisoners, Inmates, Children, Paupers

185. OLD RECORDS (Record of Prisoners, Inmates, and Children),
1899--. 1 file box (A-Z), 1 file drawer.

Prisoners (house of correction and jail): name, alias, age, sex, marital status, civil status, religion, birthplace, date of birth, nationality, occupation, personal description, date admitted, place admitted from, police or superior court, number of times committed, fine and costs paid, length of sentence, fine, costs, date time expires, crime, and date of discharge. Inmates and paupers: name, age, name of relatives, address, date admitted, place admitted from, street number, birthplace, date of birth, nationality, time in United States, settlement, religion, color, sex, husband or wife of, literacy, occupation, name and birthplace of parents, occupation of father, sent by, brought by, received by, personal effects, address of relatives, telephone number, board (weeks, days), boarder or pauper, and date of death or discharge. Children: name, date admitted, age, ward, place admitted from, street and number, birthplace, date of birth, color, religion, sex, settlement, parents (name, birthplace, occupations, religion, address and telephone number), addresses and telephone numbers of relatives, whom taken by, remarks, boarder, and whether taken for adoption (yes, no). Alph. arr. by names of prisoners, inmates, paupers, and children. No index. Hdw. in ink and pencil on ptd. forms, and typed. File box, $6\frac{1}{2} \times 8\frac{1}{2} \times 9$; file drawer, $5\frac{1}{2} \times 10 \times 24$. Off. supt.

186. RECORD OF CARROLL COUNTY HOUSE OF CORRECTION, 1871-Oct.
1920. 2 vols.

1871-May 1918: name of prisoner and dates admitted and discharged with occasional notations of sentence and transfer. May 1918-20: name, age, sex, marital status, sentence, date admitted, birthplace, place admitted from, crime, number of times committed, and date of discharge. Chron. arr. No index. Hdw. 100 pp. $10 \times 8 \times 1\frac{1}{2}$. 1871-1918, 1 vol., closet; 1918-20, 1 vol., off. supt.

187. CARROLL COUNTY JAIL, 1921--. 1 vol.

Name of prisoner, age, birthplace, place admitted from, dates of admission and discharge, and remarks. Indexed alph. by names of prisoners in front of vol. Hdw. in ink and pencil on ptd. forms. 100 pp. $8\frac{1}{4} \times 13\frac{1}{2} \times 1$. Off. supt.

188. CARROLL COUNTY ALMS HOUSE, 1870-1932. 2 vols. No
prior records kept. Discontinued. Title varies:
Carroll County Farm.

Personal data of inmates: name, age, birthplace, place admitted from, date discharge, and remarks. Chron. arr. No index. Hdw. on ptd. forms. 200 pp. $14 \times 8\frac{1}{2} \times 1$. Off. supt.

189. INMATES ADMISSION REGISTER, 1916-35. 1 vol.

Date, name, street and number, and town. Chron. arr. No index. Hdw. on ptd. forms. 300 pp. $9 \times 11\frac{1}{2} \times 1$. Off. supt.

Superintendent of the County
Farm-Finger Prints; Petitions;
Inventories; Financial

(190-193)

Finger Prints

190. (FINGER PRINT RECORD CARDS), current. 1 file box.
Front side of card: name of prisoner, alias, number, color, sex, classification reference, print of four fingers (both hands taken simultaneously), prints of thumbs taken simultaneously, amputations, verified by, classified by, searched by, and prisoner's signature. Reverse side of card: town from which committed, court committing, name of justice, date of arrest, arresting officer, crime, sentence, date of sentence, nationality, age, personal description, remarks, criminal history (name, number, city or institution, charge, disposition), and front and side view photographs. Alph. arr. by names of prisoners. No index. Hdw. on ptd. forms. 7 x 9½ x 28. Off. supt.

Petitions

191. (PETITION FOR DISCHARGE AND ORDER), 1914--. In entry 181.
Names of justice of superior court and defendant, place of and reason for detention, by whom sentenced, date of sentence, petition to be discharged signed by defendant, date of petition, jurat before justice of the peace, approval of county solicitor, order to be released approved by presiding justice, and signature of clerk of court.

For related records 1919--, see entry 70.

Inventories

192. JOURNAL (Inventory of Property at County Farm), 1884--.
2 vols. 1915-20 also in entry 195.
Inventory of property at county farm itemized by departments shows date, items (farm utensils, farm produce, groceries, fuel, furniture and bedding, dry goods and clothing, crockery, hard and wooden-ware, live-stock, miscellaneous), valuations, and summary. Chron. arr. No index. Hdw. 214 pp. 13¾ x 8½ x ¾. 1884-1903, 1 vol., off. comm.; 1904--, 1 vol., off. supt.

Financial

(See also entries 20-25, 100-108, 167-178)

193. CARROLL COUNTY FARM, 1920--. 6 vols. Title varies:
Carroll County Home.
Receipts and expenditures of farm: revenue (date and amount, farm produce, board, other and total revenue); bills approved and sent to commissioners; and expense and outlay (date and amount, administration, operation and maintenance of plant, farming, provisions, help, fixed charges, extra outlay for construction). Chron. arr. No index. Hdw. on ptd. forms. 275 pp. 19½ x 11½ x 1. 1921-26, 2 vols., attic; Oct. 1926-33, 3 vols., closet; 1934--, 1 vol., off. supt.

For related revenue records 1936-Mar. 1937, see entry 23.

Superintendent of the County
Farm-Financial

(194-201)

194. JOURNAL (Receipts and Expenditures), 1872-95. 1 vol.
1908-26 in entry 196.
Receipts: date, from whom, amount; and expenditures: date, purpose, amount. Chron. arr. 1872-73, indexed alph. by items in front of vol.; 1874-95, no index. Hdw. 575 pp. 14 x 9 x 2. Off. supt.
195. LEDGER (County Farm Accounts and Inventory), 1910-Jan. 1925. 3 vols.
Accounts: date, name of account, amount, purpose, how paid, and certification of county auditor. Also contains Journal (Inventory of Property at County Farm), 1915-20, entry 192. Chron. arr. 1910-20 no index; 1921-25, indexed alph. by names of accounts in front of vol. Hdw. 150 pp. 14 x 8½ x ½. Attic.
196. JOURNAL (Monthly Milk Accounts), 1908-Feb. 1929. 3 vols.
Milk accounts, 1926-29 (name of customer, amount of bill); cow service, May-July 1915 (name of cow, date of service); and (Receipts and Expenditures), 1908-26, entry 194. Chron. arr. No index. Hdw. in ink and pencil. 175 pp. 14 x 8½ x 13. Attic.
197. CASH (Receipts and Payments), 1921-Jan. 1930. 1 vol.
Receipts (date, source, amount); and payments (date, to whom, amount). Chron. arr. No index. Hdw. in ink and pencil. 138 pp. 14 x 8½ x ½. Off supt.
198. (INVOICES APPROVED), May 1936--. 1 filing board.
Prior records not kept.
Invoices approved for payment: department, date of invoice, to whom payable, account number, total due on each bill, and grand total. Chron. arr. No index. Typed on ptd. forms. 14 x 8½ x ¼. Off supt.
199. (BILLS), 1932-36. 1 bundle. Missing, 1927-31. 1916-26, 1937-- in entry 206.
Name of vendor, item date, and amount. Also contains (Correspondence), entry 209. No arr. No index. Hdw., typed, and typed on ptd. forms. 10 x 8 x 4. Off. supt.
200. BOARDERS-JOURNAL, Oct. 1937--. 1 vol. System began 1937.
Names of town and boarder, cost of board, and cash account of expenses (date, purpose, amount). Chron. arr. Indexed by names and addresses of boarders entered chron. in front of vol. Hdw. 198 pp. 12 x 7½ x ½. Off. supt.
201. DAY BOOK (County Farm Construction Journal), May 1869-Jan. 1870. 1 vol. Record covers period of construction.
Expenses of construction of county farm building: date, name of creditors, purpose, and amount. Chron. arr. No index. Hdw. 287 pp. 16½ x 7 x ¾. Off supt.

Superintendent of the County
Farm-Miscellaneous

202. TIME BOOKS, 1931-33. 1 vol. Prior records not kept.
Discontinued.

Record of time worked by county farm employees: name, date worked during week, total time, rate per day, total amount, amounts paid on account, and due, and receipt signed by employee. Chron. arr. No index. Hdw. 100 pp. 14 x 9 x $\frac{1}{2}$. Closet.

203. (COUNTY FARM PAYROLLS), 1916-26, 1937--. In entry 206.
Name and address of payee, amount, purpose, and signature of superintendent.

For related payrolls 1859--, see entries 107, 176.

204. OLD RECORDS (Cancelled Checks and Bank Statements), 1933-36. 5 bundles. Missing, 1927-32. 1916-26, 1937-- in entry 206.

Cancelled checks: date, to whom, purpose, amount, and signature of superintendent. Bank statements: date, deposits, withdrawals, and balance. Chron. arr. No index. Hdw. on ptd. forms, and typed. 8 x 4 x 1. Off. supt.

For related records 1921--, see entry 177.

205. CHECK STUBS, 1921--. 18 vols. Prior records destroyed.
Check number, date, to whom, purpose, amount, and balance. Chron. arr. No index. Hdw. on ptd. forms. 167 pp. 9 $\frac{1}{2}$ x 13 x 1. 1921-29, 9 vols., attic; 1930--, 9 vols., closet.

For related records 1926--, see entry 178.

Miscellaneous

206. CORRESPONDENCE (and Miscellaneous), 1916-26, 1937--.
4 file boxes. Prior records missing. Title varies:
Carroll County Farm Letters.

(Bills), entry 199; (County Farm Payrolls), entry 203; Old Records (Cancelled Checks and Bank Statements), entry 204; and (Correspondence), entry 209. No arr. No index. Hdw. in ink and pencil, and typed. 3 file boxes, 12 x 12 x 3; 1 file box, 5 $\frac{1}{2}$ x 10 x 24. 1916-26, 3 file boxes, attic; 1937--, 1 file box, off. supt.

207. RECORD (Visitors' Register), 1874-1913. 1 vol.

Prior records not kept. Discontinued.

Date of visit, name and address of visitor, and whether or not he dined at the farm. Chron. arr. No index. Hdw. in ink and pencil. 280 pp. 13 x 8 $\frac{1}{2}$ x 1. Closet,

208. (CORRESPONDENCE), 1916-26, 1932--. 1916-26, 1937--
in entry 206; 1932-36 in entry 199.

Official incoming and outgoing correspondence of the county farm.

County Hospital. The Carroll County hospital, located on the second floor of the county farm building, has been in existence since 1930. A physician is in attendance, assisted by a trained nurse and her assistant nurses. The Carroll County Report for 1937 states "The nursery personnel and facilities have been increased and compare quite favorably with those of a general hospital."

Unless otherwise stated, all records are kept in the reception hall of the hospital.

209. GUEST RECORD (Record of Patients), 1930--. 1 vol.
Register of patients at hospital: date, name, address, time of arrival and departure, and general remarks (birth, death, transferred to, etc.). Chron. arr. by date of admittance. No index. Hdw. on ptd. headings. 136 pp. $8\frac{3}{4}$ x 11 x $\frac{1}{2}$.

210. TRAINED NURSE BEDSIDE NOTES, 1930--. 1 file drawer.
Nurses chart of condition of patient: date, names of patient and physician, hour, temperature, respiration, pulse, urine, defecation, medicine, nourishment, orders, and remarks. Alph. arr. by names of patients. No index. Hdw. on ptd. forms. 10 x 12 x 24.

211. NARCOTICS (Administered), 1936--. 1 vol.
Record of narcotics administered to patients: date, time, name of patient, ward, physician and registration no., dose, amount, and administered by (doctor or nurse). Chron. arr. No index. Hdw. on ptd. forms. 200 pp, 11 x 9 x $\frac{1}{2}$.

212. (MATERNITY AND GENERAL PHYSICAL EXAMINATIONS), 1930-32.
1 file drawer. Discontinued.
Date, number, name and address of patient, detailed account of maternity examination, findings, remarks, and a few records of general physical examinations. No arr. No index. Hdw. on ptd. forms. $5\frac{1}{2}$ x 10 x 24.
Off. supt.

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.⁸⁸⁰ An amendment of 1766 stiffened the penalties.⁸⁸¹

880. Laws of New Hampshire, 2:317-319 (1718).

881. Ibid., 3:392-393 (1766).

Scaler of Weights and Measures

A law of December 15, 1797 stated that there should be appointed by the Governor and Council in each county a sealer of weights and measures. 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 scalebeams, 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.⁸⁸² An act of the following year postponed "for the term of one year * * * and no longer" the enforcement of the enactment referred to.⁸⁸³ An act of 1828, amending the law of 1797, described particularly the measure by which charcoal should be sold.⁸⁸⁴

An act of 1860 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.⁸⁸⁵

The New Hampshire Register for 1842 listed a sealer for Carroll County for the preceding year.⁸⁸⁶ The law of 1919, abolishing the sealer as a county officer,⁸⁸⁷ abolished this office in Carroll County. No records of the sealer have been found in this county.

882. Ibid., 6:444-446 (1797).

883. Ibid., 6:542 (1798).

884. Ibid., 9:804-805 (1828).

885. New Hampshire Laws of 1860, ch. 2339.

886. New Hampshire Register 1842, 52.

887. New Hampshire Laws of 1919, ch. 149, secs. 9-11.

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