

NEW-HAMPSHIRE.

The Constitution of New-Hampshire, as altered and amended by a Convention of Delegates held at Concord, in said State, by adjournment, on the second Wednesday of February, 1792.

PART I.—BILL OF RIGHTS.

ARTICLE I. All men are born equally free and independent: Therefore, all government, of right, originates from the people, is founded in consent, and instituted for the general good.

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

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

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

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

VI. As morality and piety, rightly grounded on evangelical principles, will give the best and greatest se-

curity to government, and will lay, in the hearts of men, the strongest obligations, to due subjection; and as the knowledge of these is most likely to be propagated through a society, by the institution of the public worship of the Deity, and of public instruction in morality and religion; therefore to promote these important purposes, the people of this state have a right to empower, and do hereby fully empower, the Legislature, to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies, within this State, to make adequate provision, at their own expense, for the support and maintenance of public protestant teachers of piety, religion, and morality.

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

But this shall not be construed to free a person from the obligations of his own contract, on his pretence of changing his religious persuasion after making the contract.

And whenever a Minister is settled by any incorporated town or parish, any person dissenting shall have liberty, either at the meeting, or previous to the ordination of the Minister, or within one month after the vote obtained for his settlement, to enter his dissent with the Town or Parish Clerk, against paying, or contributing towards the support of said Minister, and all minors who, after such settlement shall come of age, and all inhabitants of such town or parish who are absent from the same at the time of such meeting of settlement, and all persons, who after such settlement, move into such town or parish to reside, shall have three months from

the time of their coming of full age, returning into town, or moving in to reside as aforesaid, respectively, to enter their dissent, with the Town or Parish Clerk, as aforesaid.

And all persons who do not enter their dissent, as aforesaid, shall be bound by the major vote of such town or parish; and it shall be considered as their voluntary contract; but all persons who enter their dissent, as aforesaid, shall not be bound by vote of such town or parish, or considered a party to such contract, towards the support of the Minister; nor shall any person be compelled to contribute towards the support of the Minister, who shall change from the sect or denomination of which he professed to be when he settled, to any other persuasion, sect, or denomination.

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

And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain, and be in the same state as if this Constitution had not been made.

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

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

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

ery person shall have a right to produce all proofs that may be favourable to himself; to meet the witnesses against him, face to face; and to be fully heard in his defence, by himself, and counsel. And no person shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

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

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

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

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

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

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

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

XIV. Every citizen of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character, to obtain right and justice freely, without being obliged to purchase it; completely, and without denial; promptly, and without delay, conformable to the laws.

XV. No person shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally, described to him: nor be compelled to accuse or furnish evidence against himself. And ev-

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

XX. In all controversies concerning property, and in all suits between two or more persons, excepting in cases, wherein it hath been hitherto otherwise used and practised, the parties have a right to a trial by Jury; and this right shall be deemed sacred and inviolable; but the legislature may, by the Constitution, be empowered to make such regulations as will prevent parties from having as many trials by Jury, in the same suit or action, as hath been heretofore allowed and practised, and to extend the civil jurisdiction of Justices of the Peace, to the trials of suits where the sum demanded in damages doth not exceed four pounds, saving the right of appeal to either party. But no such regulations shall take away the right of trial by Jury, in any case not in this article before excepted, unless in cases respecting mariner's wages.

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

XXII. The **LIBERTY OF THE PRESS** is essential to the security of freedom in a State: It ought therefore, to be inviolably preserved.

XXIII. Retrospective laws are highly injurious, oppressive and unjust. No such laws, therefore, should

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

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

XXXV. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial courts should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honourable salaries, ascertained and established by standing laws.

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

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

XXXVIII. A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably ne-

be made, either for the decision of civil causes, or the punishment of offences.

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

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

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

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

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

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

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

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

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

cessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives: And they have a right to require of their law-givers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of the government.

PART II.—FORM OF GOVERNMENT.

THE people inhabiting the territory formerly called the Province of New-Hampshire, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent Body-Politic, or State, by the name of *the State of New-Hampshire*.

GENERAL COURT.

THE Supreme Legislative Power, within this state, shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other.

The Senate and House shall assemble every year on the last Wednesday of October, and at such other times as they may judge necessary; and shall dissolve, and be dissolved, seven days next preceding the said last Wednesday of October; and shall be stiled **THE GENERAL COURT OF NEW-HAMPSHIRE**.

The General Court shall forever have full power and authority to erect and constitute Judicatories and courts of Record, or other courts, to be holden in the name of the state, for the hearing, trying, and determining, all manner of crimes, offences, pleas, processes, plaints, actions, causes, matters, and things whatsoever, arising or happening within this state, or between or concerning persons inhabiting or residing, or brought within the same, whether the same be criminal or civil, or wheth-

er the crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for awarding and issuing execution thereon. To which Courts and Judicatories are hereby given and granted, full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

And farther, full power and authority are hereby given, and granted to the said General Court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this Constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the citizens of the same, for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers within this state; such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and also to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state; and upon all estates within the same; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of this state, and the protection and preservation of the citizens thereof, according to such acts as are, or shall be, in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has been heretofore practised; in order that such assessments may be made with equality, there shall be a valuation of the estates within the state, taken anew once in every five years at least, and as much oftener as the general court shall order.

No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature.

The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.

SENATE.

THE Senate shall consist of thirteen members, who shall hold their offices for one year, from the last Wednesday of October next ensuing their election.

And that the state may be equally represented in the Senate, the Legislature shall, from time to time, divide the state into thirteen districts; as nearly as may be, without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of public taxes paid by the said districts, and timely make known to the inhabitants of the state, the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this Constitution is provided, shall annually give in their votes for a senator, at some meeting holden in the month of March.

The Senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz: Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty one years of age and up-

ciency shall be supplied in the following manner, viz: The members of the House of Representatives, and such senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect by joint ballot the senator wanted for such district; and in this manner all such vacancies shall be filled up in every district of the state: and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies happen.

The senate shall be final judges of the elections, returns, and qualifications, of their own members, as pointed out in this Constitution.

The senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day or at such place.

The senate shall appoint their president, and other officers, and determine their own rules of proceedings: And not less than seven members of the Senate shall make a quorum for doing business; and when less than eight senators shall be present, the assent of five at least shall be necessary to render their acts and proceedings valid.

The Senate shall be a court, with full power and authority to hear, try, and determine, all impeachments made by the House of Representatives against any officer or officers of the State, for bribery, corruption, malpractice, or mal-administration, in office; with full power to issue summons, or compulsory process; for convening witnesses before them, with all necessary powers incident to a court of trials: But previous to the trial of any such impeachment, the members of the Senate shall be respectively sworn truly and impartially to

Selectmen, and governed by a Moderator, who shall, in the presence of the Selectmen, (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and parishes present, and qualified to vote for Senators; and shall, in said meetings, in presence of the said selectmen and of the town-clerk, in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person: and the town-clerk shall make a fair record of the same at large, in the town-book, and shall make out a fair attested copy thereof, to be by him sealed up, and directed to the Secretary of State, with a superscription expressing the purport thereof: and the said town-clerk shall cause such attested copy to be delivered to the Sheriff of the county in which such town or parish shall lie, forty days at least before the last Wednesday of October; or to the Secretary of State at least thirty days before the said last Wednesday of October: and the Sheriff of each county, or his deputy, shall deliver all such certificates by him received, into the Secretary's office, at least thirty days before the last Wednesday of October.

And that there may be a due meeting of senators on the last Wednesday of October annually, the governor; and a majority of the council for the time being, shall, as soon as may be, examine the returned copies of such records, and fourteen days before the said last Wednesday of October, he shall issue his summons to such persons as appear to be chosen senators by a majority of votes, to attend and take their seats on that day.

Provided nevertheless, That for the first year the said returned copies shall be examined by the President, and a majority of the council then in office: And the said President shall, in like manner, notify the persons elected, to attend and take their seats accordingly.

And in case there shall not appear to be a Senator elected by a majority of votes, for any district, the def-

wards, excepting paupers and persons excused from paying taxes, at their own request, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the senators in the county or district whereof he is a member.

Provided nevertheless, That no person shall be capable of being elected a senator, who is not seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this state, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person, qualified as the Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state, in the town, parish, and plantation, where he hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose shall be holden annually in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this Constitution.

The meetings for the choice of Governor, Council and Senators, shall be warned, by warrant, from the

The members of both Houses of the Legislature shall be compensated for their services out of the treasury of the state, by a law made for that purpose; such members attending seasonably, and not departing without licence. All intermediate vacancies in the House of Representatives, may be filled up from time to time, in the same manner as annual elections are made.

The House of Representatives shall be the Grand Inquest of the State; and all impeachments made by them, shall be heard and tried by the Senate.

All money-bills shall originate in the House of Representatives; but the Senate may propose, or concur with amendments, as on other bills.

The House of Representatives shall have the power to adjourn themselves, but no longer than two days at a time.

A majority of the members of the House of Representatives shall be a quorum for doing business: But when less than two-thirds of the Representatives elected shall be present, the assent of two-thirds of those members shall be necessary to render their acts and proceedings valid.

No member of the House of Representatives or Senate shall be arrested or held to bail, on mean process, during his going to, returning from, or attendance upon the court.

The House of Representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own House, and shall be judge of the returns, elections, and qualifications of its members, as pointed out in this Constitution. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the House, in its presence, by any disorderly and contemptuous behaviour, or by threatening or ill treating any of its members, or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during

try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, mal-practice, or mal-administration, in office, shall be served with an attested copy of the impeachment, an order of the Senate thereon, with such citation as the Senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the Sheriff, or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the Senate may proceed in hearing the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence, by himself and counsel; and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached, had appeared and pleaded in trial. Their judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any place of honour, trust, or profit, under this state: but the party so convicted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Whenever the Governor shall be impeached, the Chief Justice of the Supreme Judicial Court shall, during the trial, preside in the Senate, but have no vote therein.

HOUSE OF REPRESENTATIVES.

THERE shall be, in the Legislature of this State, a representation of the people, annually elected, and founded upon principles of equality: And in order that such representation may be as equal as circumstances will admit, every town, parish, or place entitled to town privileges, having one hundred and fifty rateable male polls, of twenty-one years of age, and upwards, may elect one Representative: if four hundred and fifty rate-

able polls, may elect two Representatives; and so proceeding, in that proportion, making three hundred such rateable polls the mean increasing number, for every additional Representative.

Such towns, parishes, or places, as have less than one hundred and fifty rateable polls, shall be classed by the General Assembly, for the purpose of choosing a representative, and seasonably notified thereof. And in every class formed for the above mentioned purpose, the first annual meeting shall be held in the town, parish, or place wherein most of the rateable polls reside; and afterwards in that which has the next highest number; and so on annually, by rotation, through the several towns, parishes, or places forming the district.

Whenever any town, parish, or place, entitled to town privileges as aforesaid, shall not have one hundred and fifty rateable polls, and be so situated as to render the classing thereof with any other town, parish, or place, very inconvenient, the General Assembly may, upon application of a majority of the voters in such town, parish, or place, issue a writ for their electing and sending a Representative to the General Court.

The members of the House of Representatives shall be chosen annually, in the month of March, and shall be the second branch of the Legislature.

All persons qualified to vote in the election of Senators shall be entitled to vote within the district where they dwell in the choice of Representatives. Every member of the House of Representatives shall be chosen by ballot; and for two years at least, next preceding his election, shall have been an inhabitant of this state; shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one half of which to be a freehold, whereof he is seized in his own right; shall be, at the time of his election, an inhabitant of the district he may be chosen to represent, and shall cease to represent such district immediately on his ceasing to be qualified as aforesaid.

his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the House; in assaulting any witness or other person ordered to attend, by and during his attendance on the House, or in rescuing any person arrested by order of the House, knowing them to be such. The Senate, Governor, and Council shall have the same powers in like cases, provided that no imprisonment by either for any offence exceed ten days.

The journals of the proceedings, and all the public acts of both Houses of the Legislature shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member, the yeas and nays upon any question shall be entered in the journal: And any member of the Senate or House of Representatives shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journals.

EXECUTIVE POWER.

GOVERNOR.

THE Governor shall be chosen annually, in the month of March; and the votes shall be received, sorted, counted, certified, and returned in the same manner as the votes for Senators; and the secretary shall lay the same before the Senate and House of Representatives on the last Wednesday of October, to be by them examined; and in case of an election by a majority of votes through the state, the choice shall be by them declared and published.

And the qualifications of electors of the Governor shall be the same as those for Senators; and if no person shall have a majority of votes, the Senate and House of Representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared Governor.

And no person shall be eligible to this office unless at the time of his election he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years, and unless he shall at the same time, have an estate of the value of five hundred pounds, one half of which shall consist of a freehold, in his own right, within this state.

In cases of disagreement between the two Houses, with regard to the time or place of adjournment or prorogation, the Governor, with advice of Council, shall have a right to adjourn or prorogue the General Court, not exceeding seven months at any one time, as he may determine the public good may require, to meet at the place where the General Court shall be at that time sitting; and he shall dissolve the same seven days before the said last Wednesday in October.

And, in case of any infectious distemper prevailing in the place where the said Court at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other, the most convenient place within the state.

Every bill which shall have passed both Houses of the General Court shall, before it become a law, be presented to the Governor; if he approve he shall sign it, but if not, he shall return it, with his objections, to that House, in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with such objections, to the other House, by which it shall likewise be reconsidered, and if approved by 2-3rds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days

(Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature by their adjournment prevent its return, in which case it shall not be a law.

Every resolve shall be presented to the Governor, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

All judicial officers, the Attorney-General, Solicitors, all Sheriffs, Coroners, Registers of Probate, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the Governor and Council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the Council agree thereto. The Governor and Council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the Governor and Council, and every negative shall be also signed by the Governor or Council who made the same.

The captains and subalterns, in their respective regiments, shall be nominated by the field officers, and approved by the Governor, shall be appointed by him.

Whenever the chair of the Governor shall become vacant, by reason of his death, absence from the State, or otherwise, the President of the Senate, shall, during such vacancy, have and exercise all the powers and authorities which, by this Constitution, the Governor is vested with, when personally present; but when the President of the Senate shall exercise the office of Governor, he shall not hold his office in the Senate.

The Governor, with the advice of Council, shall have full power and authority, in the recess of the General Court, to prorogue the same from time to time, not ex-

ceeding seven months, in any one recess of said Court; and during the session of said Court, to adjourn or prorogue it to any time the two Houses may desire; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the state should require the same.

The Governor of this state for the time being shall be commander in chief of the army and navy, and all the military forces of this state, by sea and land; and shall have full power by himself, or by any chief commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and for the special defence and safety of this state, to assemble in martial array and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them to encounter, repulse, repel, resist, and pursue by force of arms, as well by sea, as by land, within and without the limits of this state; and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprize and means, all and every such person or persons, as shall at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment, or annoyance of this state; and to use and exercise over the army and navy, and over the militia in actual service, the law-martial in time of war, invasion, and also in rebellion, declared by the Legislature to exist, as occasion shall necessarily require: and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying this state: And in fine, the Governor hereby is entrusted with all other powers incident to the office of captain-general and commander in chief, and admiral, to be exercised agreeable to the rules and regulations of the Constitution, and the laws of the land. Provided, that the Governor shall not at any time hereafter by virtue of any power by this Constitution granted, or hereaf-

ter to be granted to him by the legislature, transport any of the inhabitants of this state, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the General Court; nor grant commissions for exercising the law-martial in any case, without the advice and consent of the Council.

The power of pardoning offences, except such as persons may be convicted of before the Senate, by impeachment of the House, shall be in the Governor, by and with the advice of the Council: But no charter of pardon granted by the Governor, with the advice of Council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

No officer duly commissioned to command in the militia shall be removed from his office, but by the address of both Houses to the Governor, or by fair trial in court-martial, pursuant to the laws of the State for the time being.

The commanding officers of the regiments shall appoint their Adjutants and Quarter-Masters; the Brigadiers, their Brigade-Majors; the Major-Generals, their Aids; the Captains and Subalterns, their non-commissioned officers.

The Governor and Council shall appoint all officers of the continental army, whom, by the confederation of the United States, it is provided that this state shall appoint, as also all officers of forts and garrisons.

The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this State until the same be altered by some future law.

No monies shall be issued out of the treasury of this State, and disposed of, except such sums as may be appropriated for the redemption of bills of credit, or treas-

urer's notes, or for the payment of interest arising thereon, by warrant under the hand of the Governor for the time being, by and with the advice and consent of the Council, for the necessary support and defence of this State; and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

All public boards, the Commissary General, all superintending officers of public magazines and stores, belonging to this State, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and small arms, with their accoutrements, and of all other public property under their care respectively; distinguishing the quantity and kind of each, as particularly as may be; together with the condition of such forts and garrisons: And the commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land, sea, or harbour or harbours adjacent.

The Governor and Council shall be compensated for their services from time to time, by such grants as the General Court shall think reasonable.

Permanent and honourable salaries shall be established by law, for the Justices of the Supreme Court.

COUNCIL.

THERE shall be annually elected, by ballot, five counsellors, for advising the Governor in the executive part of government. The freeholders and other inhabitants in each county, qualified to vote for Senators, shall, some time in the month of March, give in their votes for one counsellor; which votes shall be received, sorted, counted, certified, and returned to the Secretary's office, in the same manner as the votes for Senators, to be by the Secretary laid before the Senate and

cise all the duties of the office of Secretary of this State, until another shall be appointed. The Secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the State, for the punctual performance of his trust.

COUNTY TREASURER, &c.

THE County Treasurers, and Registers of Deeds, shall be elected by the inhabitants of the several towns, in the several counties in the State, according to the method now practised, and the laws of the State.

Provided nevertheless, The Legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

And the Legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary; each district to elect a Register of Deeds: and before they enter upon the business of their office, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

JUDICIARY POWER.

It shall be the duty of the general court to make reform in the judiciary system, that justice may be administered in a more cheap and expeditious manner than is now practised, and that no party shall have a review after the cause has been determined against him twice by jury.

The general court is hereby empowered to make alterations in the power of jurisdiction of the courts of common pleas, and general sessions of the peace, respectively; or, if they shall judge it necessary for the public good, to abolish those courts, or either of them,

The resolutions and advice of the Council shall be recorded by the Secretary, in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time, by either house of the legislature; and any member of the Council may enter his opinion contrary to the resolutions of the majority, with the reason for such opinion.

The legislature may, if the public good shall hereafter require it, divide the state into five districts, as nearly equal as may be, governing themselves by the number of rateable polls, and proportion of public taxes; each district to elect a counsellor: And, in case of such division, the manner of the choice shall be conformable to the present mode of election in counties.

And whereas the elections, appointed to be made by this Constitution, on the last Wednesday of October annually, by the two Houses of the Legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same may be completed: And the order of the election shall be as follows: The vacancies in the Senate, if any, shall be first filled up: The Governor shall then be elected, provided there shall be no choice of him by the people: And afterwards the two Houses shall proceed to fill up the vacancy, if any, in the Council.

*SECRETARY, TREASURER, COMMISSARY-
GENERAL, &c.*

THE Secretary, Treasurer, and Commissary-General, shall be chosen by joint ballot of the Senators and Representatives assembled in one room.

The records of the State shall be kept in the office of Secretary, and he shall attend the Governor and Council, the Senate and Representatives, in person, or by Deputy, as the case may require.

The Secretary of the State shall, at all times, have a deputy, to be by him appointed; for whose conduct in office he shall be responsible. And in case of the death, removal or inability, of the Secretary, his deputy shall exer-

House of Representatives on the last Wednesday of October.

And the person having a majority of votes in any county shall be considered as duly elected a counsellor: But if no person shall have a majority of votes in any county, the Senate and House of Representatives shall take the names of the two persons who have the highest number of votes in each county, and not elected, and out of those two shall elect, by joint ballot, the counsellor wanted for such county.

Provided nevertheless, That no person shall be capable of being elected a counsellor, who has not an estate of the value of five hundred pounds within this state, three hundred pounds of which (or more) shall be a freehold in his own right, and who is not thirty years of age; and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and at the time of his election, an inhabitant of the county in which he is elected.

The Secretary shall, annually, seventeen days before the last Wednesday of October, give notice of the choice of persons elected.

If any person shall be elected Governor, or member of either branch of the legislature, and shall accept the trust; or if any person elected a counsellor shall refuse to accept the office; or in case of the death, resignation, or removal of any counsellor out of the State, the Governor may issue a precept for the election of a new counsellor in that county where such vacancy shall happen; and the choice shall be in the same manner as before directed: And the Governor shall have full power and authority to convene the Council, from time to time, at his discretion; and, with them, or the majority of them, may, and shall, from time to time, hold a Council, for ordering and directing the affairs of the State according to the laws of the land.

The members of the Council may be impeached by the House, and tried by the Senate, for bribery, corruption, mal-practice, or mal-administration.

and invest such other courts, as they may establish, with the jurisdiction and powers now vested in the court of common pleas and courts of general sessions of the peace, as the general court may, from time to time, judge expedient for the due administration of law and justice.

And it shall be the duty of the general court, to vest in such court or courts of law as to them may appear expedient, the power of granting new trials, or a trial after judgment, either upon verdict of a jury, default, nonsuit, or complaint, for affirmation of judgment, in all cases where substantial justice has not been done, except as before excepted, in such manner, and under such restrictions, and regulations, as to the general court may appear for the public good: Provided application be made for such review or trial within one year from the rendition of judgment.

For the more effectual preserving the proper separation of the three great powers of government, agreeably to the 37th article in the bill of rights, the power of hearing and deciding in cases of equity shall be vested either in some judicial court, or courts, or in some court to be established specially for that purpose: Provided no power shall be granted to any such courts, incompatible with the bill of rights and constitution. And the powers of said courts shall be limited and defined by express laws: And no suit in equity shall be sustained where clear and adequate remedy may be had at law.

The general court are empowered to give to justices of the peace, jurisdiction in civil causes, when the damages demanded shall not exceed *four pounds*, and title of real estate is not concerned: but with right of appeal, to either party, to some other court, so that a trial by jury in the last resort may be had.

No person shall hold the office of a judge in any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.

No judge of any court, or justice of the peace, shall act as attorney, or be of counsel, to any party, or ori-

ginate any civil suit, in matters which shall come or be brought before him as judge, or justice of the peace.

All matters relating to the probate of wills, and granting letters of administration, shall be exercised by the judges of probate, in such manner as the legislature have directed, or may hereafter direct; and the judges of probate shall hold their courts at such place or places, on such fixed days, as the conveniency of the people may require, and the legislature from time to time appoint.

No judge, or register of probate, shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of probate in the county of which he is judge or register.

CLERKS OF COURT.

The judges of the courts (those of the probate excepted) shall appoint their respective clerks, to hold their office during pleasure: And no such clerk shall act as an attorney, or be of counsel, in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

ENCOURAGEMENT OF LITERATURE, &c.
KNOWLEDGE and learning, generally diffused through a community, being essential to the preservation of a free government: and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in future periods of this government, to cherish the interest of literature and the sciences, and to establish seminaries and public schools; to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity

industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments among the people.

Oath and Subscriptions; Exclusion from Offices; Commissions; Writs; Confirmation of Laws; Habeas Corpus; The Enacting Stile; Continuance of Officers; Provision for a future Revision of the Constitution, &c.

ANY person chosen governor, counsellor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz.

I, A. B. do solemnly swear, that I will bear faith and true allegiance to the state of New-Hampshire, and will support the Constitution thereof. *So help me God.*

I, A. B. do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities, agreeably to the rules and regulations of this Constitution, and the laws of the state of New-Hampshire. *So help me God.*

Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, he shall not be obliged to take said oath again.

Provided always, When any person chosen or appointed as aforesaid, shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such shall take and subscribe them, omitting the word *swear*, and likewise the words *So help me God*, subjoining instead thereof, *This I do under the pains and penalties of perjury.*

And the oaths or affirmations shall be taken and subscribed by the governor, before the president of the senate, in presence of both houses of the legislature, and by the senators and representatives first elected under

be enjoyed in this state, in the most free, easy, cheap, expeditious and ample manner, and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a time not exceeding three months.

The enacting stile in making and passing acts, statutes, and laws, shall be—*Be it enacted by the Senate and House of Representatives, in General Court convened.*

No Governor, or Judge of the Supreme Judicial Court, shall hold any office or place under the authority of this State, except such as by this Constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justice of the peace throughout the state; nor shall they hold any place or receive any pension or salary, from any other state, government, or power whatever.

No person shall be capable of exercising, at the same time, more than one of the following offices within this state, viz. Judge of Probate, Sheriff, Register of Deeds; and never more than two offices of profit, which may be held by appointment of the Governor or Governor and Council, or Senate and House of Representatives, or Superior or Inferior Courts, military offices, and offices of justices of the peace, excepted.

No person holding the office of judge of any court, (except special judges) secretary, treasurer of the state, attorney-general, missionary-general, military officers receiving pay from the continent or this state, (excepting officers of the militia, occasionally called forth on an emergency) register of deeds, sheriff, or officers of the customs, including naval officers, collectors of excise, and state and continental taxes, hereafter appointed, and not having settled their accounts with the respective officers, with whom it is their duty to settle such accounts, members of congress, or any person holding any office under the United States, shall at the same time hold the office of Governor, or have a seat in the Senate, or House of Representatives, or Council; but their being chosen and appointed to, and ac-

this Constitution as altered and amended, before the president of the state, and a majority of the council then in office, and forever afterwards before the governor and council for the time being; and by all other officers, before such persons, and in such manner as the legislature shall from time to time appoint.

All commissions shall be in the name of the state of New-Hampshire, signed by the governor, and attested by the secretary or his deputy, and shall have the great seal of the state affixed thereto.

All writs issuing out of the clerk's office in any of the courts of law, shall be in the name of the state of New-Hampshire; shall be under the seal of the court whence they issue, and bear test of the chief, first, or senior justice of the court; but when such justice shall be interested, then the writ shall bear test of some other justice of the court, to which the same shall be returnable; and be signed by the clerk of such court.

All indictments, presentments, and informations, shall conclude, *against the peace and dignity of the state.*

The estate of such persons as may destroy their own lives, shall not for that offence be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

All the laws which have heretofore been adopted, used, and approved, in the province, colony, or state of New-Hampshire, and usually practised on in the courts of law, shall remain and be in full force until altered and repealed by the legislature: such parts thereof only excepted, as are repugnant to the rights and liberties contained in this Constitution: Provided that nothing herein contained, when compared with the 23d article in the bill of rights, shall be construed to affect the laws already made respecting the persons, or estates, of absentees.

The privilege and benefit of the Habeas Corpus, shall

cepting the same, shall operate as a resignation of their seat in the chair, Senate, or House of Representatives, or Council; and the places so vacated shall be filled up. No member of the Council shall have a seat in the Senate or House of Representatives.

No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under this government, who, in the due course of law has been convicted of bribery or corruption, in obtaining an election or appointment.

In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver at *six shillings and eight pence* per ounce.

To the end that there may be no failure of justice or danger to the State, by the alterations and amendments made in the Constitution, the General Court hereby fully authorised and directed to fix the time when the alterations and amendments shall take effect and make the necessary arrangements accordingly.

It shall be the duty of the selectmen, and assessors, of the several towns and places in this State, in warning the first annual meeting for the choice of Senators, after the expiration of seven years from the adoption of the Constitution, as amended, to assert expressly in the warrant, this purpose, among the others for the meeting, to wit, to take the sense of the qualified voters on the subject of a revision of the Constitution; and the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present, as to the necessity of a revision; and a return of the number of votes for and against such necessity, shall be made by the clerk, sealed up, and directed to the General Court, at their then next session; and if it shall appear to the General Court by such return, that the sense of the people of the state has been taken, and that, in the opinion of the majority of the qualified voters in the state, present and voting at said meetings there is a necessity for a revision of the Constitution, it shall be the duty of the general court to call a convention for that purpose; otherwise the General Court shall

rect the sense of the people to be taken, and then proceed in the manner before mentioned. The delegates to be chosen in the same manner, and proportioned, as the representatives to the General Court; provided that no alterations shall be made in this Constitution, before the same shall be laid before the towns and unincorporated places, and approved by two-thirds of the qualified voters present and voting on the subject.

And the same method of taking the sense of the people, as to a revision of the Constitution, and calling a convention for that purpose, shall be observed afterwards at the expiration of every seven years.

This form of government shall be enrolled on parchment and deposited in the Secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the books containing the laws of this state, in all future editions thereof.

JOHN PICKERING, *President, P. T.*

Attest, JOHN CALFE, *Secretary.*

MASSACHUSETTS.

A Constitution or Frame of Government, agreed upon by the Delegates of the People of the State of Massachusetts Bay, in Convention, begun and held at Cambridge, on the first of September, 1779, and continued by adjournment, to the second of March, 1780.

PREAMBLE.

THE end of the institution, maintenance, and administration of government, is to secure the existence of the body-politic, to protect it, and furnish the individuals, who compose it, with the power of enjoying, in safety and tranquility, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.