

A D E C L A R A T I O N

of RIGHTS, and PLAN of Government for the State of *New-Hampshire.*

WHEREAS by the tyrannical Administration of the Government of the King and Parliament of Great-Britain, this State of New-Hampshire, with the other United-States of AMERICA, have been necessitated to reject the British Government, and declare themselves INDEPENDENT STATES; all which is more largely set forth by the CONTINENTAL CONGRESS, in their Resolution or Declaration of the fourth of July A. D. 1776.

AND WHEREAS, it is recommended by the said CONTINENTAL CONGRESS to each and every of the said United-States to establish a FORM OF GOVERNMENT most conducive to the Welfare thereof. We the DELEGATES of the said State of NEW-HAMPSHIRE chosen for the Purpose of forming a permanent PLAN of GOVERNMENT subject to the Revival of our CONSTITUENTS, have composed the following DECLARATION of RIGHTS, and PLAN of GOVERNMENT; and recommend the same to our CONSTITUENTS for their Approbation.

A DECLARATION of the R I G H T S of the PEOPLE of the STATE of NEW-HAMPSHIRE.

First. **W**E declare, that we the People of the State of New-Hampshire, are Free and Independent of the Crown of Great-Britain.

Secondly. We the People of this State, are intitled to Life, Liberty, and Property; and all other Immunities and Privileges which we heretofore enjoyed.

Thirdly. The Common and Statute Laws of England, adopted and used here, and the Laws of this State (not inconsistent with said Declaration of INDEPENDENCE) now are, and shall be in force here, for the Welfare and good Government of the State, unless the same shall be repealed or altered by the future Legislature thereof.

Fourthly. The whole and intire Power of Government of this State, is vested in, and must be derived from the People thereof, and from no other Source whatsoever.

Fifthly. The future Legislature of this State, shall make no Laws to infringe the Rights of Conscience, or any other of the natural, unalienable Rights of Men, or contrary to the Laws of GOD, or against the Protestant Religion.

Sixthly. The Extent of Territory of this State, is, and shall be the same which was under the Government of the late Governor, *John Wentworth, Esq;* Governor of *New-Hampshire.* Reserving nevertheless, our Claim to the *New-Hampshire Grants*, so called, situate to the West of Connecticut River.

Seventhly. The Right of Trial by Jury in all Cases as heretofore used in this State, shall be preserved inviolate forever.

A PLAN of Government for the State of New-Hampshire.

First. **T**HE State of *New-Hampshire* shall be governed by a COUNCIL, and House of REPRESENTATIVES, to be chosen as hereinafter mentioned, and to be styled the GENERAL-COURT of the State of *New-Hampshire.*

Second. The COUNCIL shall consist for the present of twelve Members to be elected out of the several Counties in the State, in Proportion to their respective Number of Inhabitants.

Third. The Numbers belonging to each County for the present, according to said Proportion being as followeth, viz.—To the County of Rockingham, five—to the County of Strafford, two—to the County of Hillsborough, two—to the County of Cheshire, two—to the County of Grafton, one

Fourth. The number for the County of Rockingham, shall not be increased or diminished hereafter, but remain the same; and the Numbers for the other Counties shall be increased or diminished as their aforesaid Proportion to the County of Rockingham may chance to vary.

Fifth. The House of REPRESENTATIVES shall be chosen as follows. Every Town or Parish, choosing Town Officers, amounting to one hundred Families, and upwards, shall send one Representative for each hundred Families they consist of, (or such lesser Number as they please) or class themselves with some other Towns or Parishes that will join in sending a Representative.

Sixth. All other Towns and Parishes under the number of one hundred Families, shall have Liberty to class themselves together to make the number of one hundred Families or upwards, and being so classed, each Class shall send one Representative.

Seventh. The number of COUNCILLORS belonging to each County shall be ascertained and done by the General-Court every Time there is a new Proportion made of the State Tax which shall be once in seven Years at the least, and often if need be.

Eighth. All the Male Inhabitants of the State of lawful Age, paying Taxes, and professing the Protestant Religion, shall be deemed legal Voters in choosing COUNCILLORS and REPRESENTATIVES, and having an Estate of *Three Hundred Pounds* equal to Silver at six Shillings and eight Pence per Ounce, one half at least whereof to be real Estate, and lying within this State, with the Qualifications aforesaid, shall be capable of being elected.

Ninth. The Selectmen of each respective Town and Parish, choosing Town Officers containing one hundred Families or upwards, and also of each respective Class of Towns classed together as aforesaid, shall notify the legal Voters of their respective Towns, Parishes, or Classes, qualified as aforesaid, in the usual Way of notifying Town-Meetings, giving fifteen Days notice at least, to meet at some convenient Place on the last Wednesday of November annually, to choose COUNCILLORS and REPRESENTATIVES.

Tenth. And the Voters being met, and the Moderator chosen, shall proceed to choose their Representative or Representatives, required by this Constitution by a Majority of the Voters present, who shall be notified accordingly, and a Return thereof made into the Secretary's Office, by the first Wednesday of January then next.

Eleventh. And such Representatives shall be paid their Wages by their Constituents, and for their Travel by the State.

Twelfth. And in the Choice of COUNCILLORS each Voter shall deliver his Vote to the Moderator for the number of COUNCILLORS respectively required, with the Word COUNCILLORS written thereon, & the Voters Name endorsed to prevent Duplicity.

Thirteenth. These Votes shall be sealed up by the Moderator, and transmitted by the Constable to one of the Justices of the Inferior Court of Common Pleas for the County, before the second Wednesday in December next following.

Fourteenth. And the said Justices of the Inferior Court shall meet together on the said second Wednesday of December annually, to count the Votes, and the Persons that have most Votes to the Number of COUNSELLORS required, shall be declared duly elected, and shall be notified by the said Justices accordingly, and a Return thereof shall be made by them into the Secretary's Office by the first Wednesday in January annually.

Fifteenth. And in Case any two Persons shall have a like Number of Votes, the said Justices may determine the Choice in Favour of which they please.

Sixteenth. The COUNCIL and House of REPRESENTATIVES so chosen and returned as aforesaid, shall meet on the first Wednesday in January next after their being chosen, at such Place as the present, or future General-Court may from Time to Time appoint; and being duly sworn, shall hold their respective Places until the first Wednesday in January then next.

Seventeenth. The COUNCIL shall choose their President, vice-President, and Secretary; and the House of REPRESENTATIVES shall choose their Speaker and Clerk.

Eighteenth. The COUNCIL and House of Representatives respectively, shall determine all disputed Elections of their own Members, regulate their own Proceedings; and on any Vacancy, order a new Election to fill up such Vacancy.

Nineteenth. The said General-Court elected and constituted as aforesaid, shall be invested with the Supreme Power of the State. And all Acts, Resolves, or Votes, except Grants of Money, Lands, or other Things, may originate in either House; but such Grants shall originate in the House of Representatives only.

Twentieth. The said COUNCIL and House of Representatives respectively, shall have Power to adjourn themselves from Day to Day, but not longer than two Days at any one Time, without Concurrence of the other.

Twenty-first. The PRESIDENT of the COUNCIL shall hold public Correspondence with other States, or Persons; call the Council together when Occasion shall require; and with Advice of three or more of the Council shall from Time to Time call the General-Court together if need be, before the Time they were adjourned to: And also point out the principal Business of their Session.

Twenty-second. The Military and Naval Power of the State shall be regulated, and all proper Officers thereof appointed, as the Legislature by Law shall direct from Time to Time.

Twenty-third. The Judges of the Superior and Inferior Courts, Judges of Probate, Judge of Admiralty, Judge of the Maritime Court, Justices of the Peace, Sheriffs, Coroners, Attorney-General, Treasurer of the State, and Delegates to the CONTINENTAL CONGRESS, shall be appointed by the said General-Court, and commissioned by the President of the Council.

Twenty-fourth. The Appointment of Registers of Deeds, County Treasurer's, Clerks of Courts, Registers of Probate, and all other Civil Officers whatsoever, not before mentioned, shall be regulated by the Laws that now are, or that hereafter may be enacted.

Twenty-fifth. All Civil Officers of the State, shall be suitably compensated by Fees or Salaries for their Services.

Twenty-sixth. No Member of the General-Court shall be Judge of the Superior Court or Inferior Court, Judge or Register of Probate, or Sheriff of any County, or Treasurer of the State, or Attorney-General, or Delegate at the CONTINENTAL CONGRESS.

Twenty-seventh. And no Member of the Council, Judge of the Superior Court, or Sheriff, shall hold a Commission in the Militia, Army, or Navy of this State.

Twenty-eighth. No Member of the House of Representatives shall hold any Salary under the Government.

Twenty-ninth. The President of the Council, with Advice of Council, may grant Reprieves not longer than six Months, but the General-Court only shall have Power to pardon Offences against the State.

Thirtieth. A Quorum of the Council, and a Quorum of the House of Representatives, shall consist of a Majority of each House.

Thirty-first. This DECLARATION of RIGHTS, and PLAN of GOVERNMENT, shall be the Basis of the Constitution of Law, and be esteemed the fundamental Law of this State.

Thirty-second. The General-Court shall have no Power to alter any Part of this Constitution; but in case they should concur in any proposed Alteration, Amendment, or Addition, the same being agreed to by a Majority of the People, shall become valid.

S T A T E O F N E W H A M P S H I R E .
I N C O N V E N T I O N , J u n e 5 t h , 1 7 7 9 .

Voted, THAT the foregoing BILL of RIGHTS, and PLAN of GOVERNMENT, be printed, and dispersed throughout this State, for the People thereof, to give their Opinion thereon.

Voted, That Colonel Thornton, and Colonel Bartlett, be a Committee to get this Plan of Government printed, and transmit two or more Copies of the same to each and every Town, Parish and Place in this State, to which Precepts for this Convention were sent, and publish the same in the *New-Hampshire* News-Papers.

Voted. That the Selectmen of the several Towns, Parishes, and Districts in this State, upon the receipt of the same, are desired to notify and warn the legal Inhabitants paying Taxes in such Town, Parish, or Place, to meet at some suitable Place therein, giving them at least fifteen Days notice, for the Purpose of taking said Plan under Consideration; and make return of the Number of Voters present at such Meeting, and how many voted for receiving said Plan, and how many for rejecting the same, unto this Convention at Concord in this State, on the third Tuesday in September next.

By order of the Convention,

JOHN LANGDON, President, P. T.

E. Thompson, Secretary.

E X E T E R ; Printed by Zechariah Fowle, 1779.

Votes upon this Constitution were
For it about 1200
Against it about 1700