

Constitution of New Hampshire (1776)

Dieses Dokument datiert vom 5. Januar 1776.

Bei *Francis Newton Thorpe (Hrsg.)*, *The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America*. Compiled and Edited Under the Act of Congress of June 30, 1906, Band 4, Washington 1909, S. 2451-2453, findet sich eine [gedruckte Fassung](#).

shir Shall refuse to agree wth y^e Agents of y^e saide Roberd Mason upon y^e terms aforesaide our will & pleasure is y^t y^e president & Counsill of new hamshire aforesaide for y^e time being Shall have power & are hereby Impowered to Interpose & reconsile all Differanses if they can That Shall or maye arise betweene y^e saide Roberd Mason & y^e Saide Inhabitants but if they cannot then we doe hereby: Commande & requier the saide president & Counsill to send into England such Casses fairely & Imparsially stated together wth their one opinions upon such Cases that we our ayres & Sucsesors by & with y^e advice of our & there privy Counsill maye determin therein according to equity and Lastly our will & pleasure is that the saide president & Counsill for y^e time being doe prepare & send into England such [torn] & methods for their one prosedings as maye best suite with the Constitution of the saide province of newhamshire—for y^e better establishing of Our authority there and the goverment thereof that wee and our privi Council maye examin & allter or approve the same in witness whereof we have Caused these our letters to be made pattens witness our self at wesminster the 18th of September In the one and thirtieth yeare of our Reigne—

Peripsom Regem Barker—

[NOTE.—The foregoing commission of John Cutt was compounded from two mutilated copies. the most ancient in the possession of the state. The state does not possess the original commission, but these copies were apparently made soon after the date of the original.—OTIS G. HAMMOND.]

CONSTITUTION OF NEW HAMPSHIRE—1776 * ^a

IN CONGRESS AT EXETER, *January 5, 1776.*

VOTED, That this Congress take up CIVIL GOVERNMENT for this colony in manner and form following, viz.

WE, the members of the Congress of New Hampshire, chosen and appointed by the free suffrages of the people of said colony, and authorized and empowered by them to meet together, and use such means and pursue such measures as we should judge best for the public good; and in particular to establish some form of government, provided that measure should be recommended by the Continental Congress: And a recommendation to that purpose having been transmitted to us from the said Congress: Have taken into our serious consideration the unhappy circumstances, into which this colony is involved by means of many grievous and oppressive acts of the British Parliament, depriving us of our natural and constitutional rights and privileges; to enforce obedience to which acts a powerful fleet

* Verified by "Acts and Laws of the State of New Hampshire in America, by order of The General Assembly. To which is prefixed, The Resolution of the American Congress for Establishing a Form of Government in New Hampshire; and the Resolve of the Provincial Congress, for taking up Government in Form. With the Declaration of Independence. America: Printed at Exeter in the State of New Hampshire, MDCCLXXX." pp. 2-4.

^a This constitution was framed by a convention, or "congress," which assembled at Exeter, December 21, 1775, (in accordance with a recommendation from the Continental Congress.) and completed its labors January 5, 1776. The constitution was not submitted to the people. This was the first constitution framed by an American Commonwealth.

and army have been sent to this country by the ministry of Great Britain, who have exercised a wanton and cruel abuse of their power, in destroying the lives and properties of the colonists in many places with fire and sword, taking the ships and lading from many of the honest and industrious inhabitants of this colony employed in commerce, agreeable to the laws and customs a long time used here.

The sudden and abrupt departure of his Excellency John Wentworth, Esq., our late Governor, and several of the Council, leaving us destitute of legislation, and no executive courts being open to punish criminal offenders; whereby the lives and properties of the honest people of this colony are liable to the machinations and evil designs of wicked men, *Therefore*, for the preservation of peace and good order, and for the security of the lives and properties of the inhabitants of this colony, we conceive ourselves reduced to the necessity of establishing A FORM OF GOVERNMENT to continue during the present unhappy and unnatural contest with Great Britain; PROTESTING and DECLARING that we never sought to throw off our dependence upon Great Britain, but felt ourselves happy under her protection, while we could enjoy our constitutional rights and privileges. And that we shall rejoice if such a reconciliation between us and our parent State can be effected as shall be approved by the CONTINENTAL CONGRESS, in whose prudence and wisdom we confide.

Accordingly pursuant to the trust reposed in us, WE DO RESOLVE, that this Congress assume the name, power and authority of a house of Representatives or Assembly for the *Colony of New-Hampshire*. And that said House then proceed to choose twelve persons, being reputable freeholders and inhabitants within this colony, in the following manner, viz. five in the county of Rockingham, two in the county of Strafford, two in the county of Hillsborough, two in the county of Cheshire, and one in the county of Grafton, to be a distinct and separate branch of the Legislature by the name of a COUNCIL for this colony, to continue as such until the third Wednesday in December next; any seven of whom to be a quorum to do business. That such Council appoint their President, and in his absence that the senior counsellor preside; that a Secretary be appointed by both branches, who may be a counsellor, or otherwise, as they shall choose.

That no act or resolve shall be valid and put into execution unless agreed to, and passed by both branches of the legislature.

That all public officers for the said colony, and each county, for the current year, be appointed by the Council and Assembly, except the several clerks of the Executive Courts, who shall be appointed by the Justices of the respective Courts.

That all bills, resolves, or votes for raising, levying and collecting money originate in the house of Representatives.

That at any session of the Council and Assembly neither branch shall adjourn from any longer time than from Saturday till the next Monday without consent of the other.

And it is further resolved, That if the present unhappy dispute with Great Britain should continue longer than this present year, and the Continental Congress give no instruction or direction to the contrary, the Council be chosen by the people of each respective county in such manner as the Council and house of Representatives shall order.

That general and field officers of the militia, on any vacancy, be appointed by the two houses, and all inferior officers be chosen by the respective companies.

That all officers of the Army be appointed by the two houses, except they should direct otherwise in case of any emergency.

That all civil officers for the colony and for each county be appointed, and the time of their continuance in office be determined by the two houses, except clerks of Courts, and county treasurers, and recorders of deeds.

That a treasurer, and a recorder of deeds for each county be annually chosen by the people of each county respectively; the votes for such 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.

That precepts in the name of the Council and Assembly, signed by the President of the Council, and Speaker of the house of Representatives, shall issue annually at or before the first day of November, for the choice of a Council and house of Representatives to be returned by the third Wednesday in December then next ensuing, in such manner as the Council and Assembly shall hereafter prescribe.^a

CONSTITUTION OF NEW HAMPSHIRE—1784 * b

PART I.—THE 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—

* “Early State Papers of New Hampshire, Including the Constitution of 1784, Journals of the Senate and House of Representatives, and Records of the President and Council from June 1784 to June 1787, with an Appendix Containing an Abstract of the Official Records Relative to the Formation, Promulgation, Consideration, and Adoption of the Federal Constitution, and Illustrative Notes. Volume XX. Albert Stillman Batchellor, editor and compiler. Manchester: John B. Clarke, Public Printer, 1891.” pp. 9–31.

^a See “Constitutional Conventions in New Hampshire,” pp. 219–220, in the *Historical Magazine*, July, 1866. Morrisonia, N. Y., Henry B. Dawson, New York; American News Co., London: Trübner & Co. *Idem* for August, 1866. “The New Hampshire Constitution of 1779, pp. 260, 261. “An Address of the Convention for Framing a new Constitution of Government for the State of New-Hampshire, to the inhabitants of said State, New Hampshire: Printed and to be sold, at the Printing Offices in Portsmouth and Exeter. MDCCLXXXI.” pp. 63.

^b A convention met at Concord, June 10, 1778, and framed a constitution, which was submitted to the people at their town-meetings in 1779, and rejected. A new convention was called, which met at Exeter, June 12, 1781, and framed another constitution, which was submitted to the people at their town-meetings for approval or amendments. So numerous were the amendments suggested, and so difficult was it to reconcile conflicting opinions, that the convention did not complete its labors until October 31, 1783. The constitution, thus discussed, amended, and approved in detail by the people of New Hampshire in their town-meetings assembled under the supervision of the convention, was inaugurated June 2, 1784.