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New Hampshire Historical Society
Manuscripts Division

LAURENCE I. DUNCAN PAPERS

Register

Compiled by
Mary Ann Gundersen
August 1983

TABLE OF CONTENTS

INTRODUCTION.....	1
BIOGRAPHICAL SKETCH.....	2
SCOPE AND CONTENT NOTE.....	3
CONTAINER LIST.....	5
JUSTICES OF THE SUPREME COURT OF THE STATE OF N.H.	6
<u>NEW HAMPSHIRE REPORTS</u> Dates Corresponding to Volume Numbers .	7
KEY TO INITIALS OF JUSTICES	7
CASE INDEX	8
INDEX OF OPINIONS	16
INDEX OF SUBJECT FILES	20

New Hampshire Historical Society
Manuscripts Division

LAURENCE I. DUNCAN PAPERS

Introduction

The papers of Laurence I. Duncan (1906-1982), Associate Justice of the New Hampshire Supreme Court were given to the Manuscripts Division of the New Hampshire Historical Society in 1983 by Mrs. Laurence (Doris) Duncan. Transfer of the papers was arranged by New Hampshire Historical Society Trustee David Souter.

Processing of the collection was made possible by funding from the Oleonda Jameson Trust of Concord and by personal contributions from the New Hampshire legal community.

The collection consists of fifteen Hollinger document boxes or seven linear feet of shelving. The collection covers the period from 1946 to 1973.

Inquiries about the collection or requests for copies of this register should be sent to the New Hampshire Historical Society, Manuscripts Curator, 30 Park Street, Concord, New Hampshire 03301.

New Hampshire Historical Society
Manuscripts Division

LAURENCE I. DUNCAN PAPERS

Biographical Sketch

1906 Born, October 5 at Concord, New Hampshire

1923 Graduated from Concord High School

1927 Graduated from Dartmouth College, Bachelor of Arts

1930 Graduated from Harvard Law School, Bachelor of Laws
Admitted to New Hampshire Bar

1930-1945 Practiced law with Upton, Sanders & Upton, Concord, New Hampshire

1932 Married Doris M. Hackett

1938 and 1941 Delegate, New Hampshire Constitutional Convention

1941-1944 Member New Hampshire Board of Bar Examiners

1944-1964 Trustee of Concord Hospital

1945-1946 Associate Justice New Hampshire Superior Court

1946-1976 Associate Justice New Hampshire Supreme Court

1982 Died, December 18 at Concord, New Hampshire

Member:

American Bar Association
Council League of N.H. Arts and Crafts
New Hampshire Bar Association
American Judicature Society
Phi Beta Kappa
Phi Alpha Delta
Sigma Nu

New Hampshire Historical Society
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LAURENCE I. DUNCAN PAPERS

Scope and Content Note

The Laurence I. Duncan Papers at the New Hampshire Historical Society document most of Laurence I. Duncan's career as an Associate Justice of the New Hampshire Supreme Court covering the years 1946 to 1973.¹

The collection contains three series of records. The first series is case files arranged chronologically by their time of filing with the court in original case file or docket number order. These cases begin in 1946 with #3600 and end in 1972 with #6365. The second series consists of "Opinions of the Justices" handed down by the court at the request of the New Hampshire State Legislature or the Governor and Council of the State. These, too, are arranged chronologically by original Case File number beginning in 1950 with #3925 and ending in 1973 with #6631. Both chronological files are fairly complete and contain most of the cases for which ~~Judge~~ ^(Justice) Duncan wrote either a majority or dissenting opinion. The final series in the collection is composed of subject files.

Each of these series contains various types of documents including memos by other justices on the court such as Frank Rowe Kenison (whose papers are also at the New Hampshire Historical Society), Amos Blandin, Jr., and Edward Lampron, case briefs with marginalia, research notes, and drafts of opinions. Printed briefs with no marginal notes were separated from the collection and deposited at the Franklin Pierce Law Center Library.

Three indices are contained in the register to assist researchers in their use of the collection. The first is an index of Case Names which lists the title of each case in alphabetical order followed by its location in the collection, case file number, and citation to the volume and page of the New Hampshire Reports in which the opinion for the case is published. This index also notes for each case file the initials of each justice whose memo or memos are contained in that file. The second index is to the "Opinions of the Justices" each of which is listed by Case File number followed by its location in the collection, New Hampshire Reports citation, listing of memos in the file, and an abbreviated listing of the subject of that particular Opinion. The last index lists the titles of the subject files in alphabetical order followed by their location in the collection.

Laurence I. Duncan served as an Associate Justice for thirty years during one of the most significant periods of the Court's history. During this era the court ruled on several new and controversial issues including the right to privacy (Hamberger v. Eastman), and subversion (Wyman v. Uphaus, Sweezy, and DeGregory). Judge Duncan received national recognition for several of his opinions such as Berke Moore Co. v. Phoenix Bridge Co. and Northeast Airlines v. Aeoronautics Commission. He was recognized by many of his colleagues, including Chief Justice Frank Kenison, as the scholar of the court and his opinions are noted for their "careful research and analysis."²

In addition to the landmark cases the collection's value is greatly enhanced by memos written by the justices and circulated among themselves offering criticism, suggestions, editorial comments, and sometimes humor regarding particular cases. Very often these memos provide a step by step narrative of the strategy and reasoning which went on during the deliberation of each decision, in addition to showing the personal and professional rapport these justices shared while working together.

In its entirety this collection, especially if used in conjunction with the Frank R. Kenison Papers (1981-112), offers the researcher a unique opportunity to make a comprehensive study of the court's internal proceedings during a significant period of its history.

¹The files kept during Judge Duncan's last three years as Associate Justice, 1973 to 1976 are not included in the collection.

²Kenison, Frank R. "In Tribute: Laurence I. Duncan." New Hampshire Reports 118(1978):vii.

CONTAINER LIST

Box 1

Folders: 13
Case Files: #3600-4112

Box 2

Folders: 13
Case Files: #4206-4395

Box 3

Folders: 11
Case Files: #4396-4484

Box 4

Folders: 15
Case Files: #4486-4539

Box 5

Folders: 12
Case Files: #4572-4567

Box 6

Folders: 10
Case Files: #4569-5653

Box 7

Folders: 8
Case Files: #5721-5819

Box 8

Folders: 13
Case Files: #5847-5994

Box 9

Folders: 9
Case Files: #6029-6080

Box 10

Folders: 10
Case Files: #6086-6193

Box 11

Folders: 16
Case Files: #6207-6365
Opinion Files: #3925-4403

Box 12

Folders: 20
Opinion Files: #4407-4732

Box 13

Folders: 23
Opinion Files: #4745-5103

Box 14

Folders: 17
Opinion Files: #5154-5921

Box 15

Folders: 19
Opinion Files: #5934-6631
Subject Files:
15:12 Salary
15:13 Parliamentary Law
15:14 Workmen's Compensation
15:15 Clerk
15:16 Death Statutes
15:17 Zoning
15:18 Harvard Law School,
Ames Competition
15:19 Miscellaneous

JUSTICES OF THE SUPREME COURT OF THE
STATE OF NEW HAMPSHIRE
(A Partial List)

Chief Justices

Thomas Littlefield Marble1943-1946
Oliver Winslow Branch1946-1949
Francis Wayland Johnston.....1949-1952
Frank Rowe Kenison.....1952-1977
Edward John Lampron1978-1979
William Alvan Grimes1979-1981
John William King1981-

Justices

Thomas Littlefield Marble1925-1946
Oliver Winslow Branch1926-1946
Peter Woodbury1933-1941
Elwin Lawrence Page1934-1946
Henri Alphonse Burque1941-1947
Francis Wayland Johnston1943-1949
Frank Rowe Kenison1946-1952
Laurence Hlsley Duncan1946-1976
Amos Noyes Blandin, Jr.1947-1966
Edward John Lampron1949-1978
John Richard Goodnow1952-1957
Stephen Morse Wheeler1957-1967
William Alvan Grimes1966-1979
Robert Frederick Griffith1967-1976
Maurice Paul Bois1976-1983
Charles G. Douglas III1977-
David Allen Brock1978-
William F. Batchelder1981-

NEW HAMPSHIRE REPORTS
Dates Corresponding to Volume Numbers

93 NH	.....1943-1945	105 NH	.....1963-1964
94 NH	.....1946-1947	106 NH	.....1964-1965
95 NH	.....1948-1949	107 NH	.....1966-1967
96 NH	.....1949-1951	108 NH	.....1967-1968
97 NH	.....1951-1952	109 NH	.....1968-1969
98 NH	.....1953-1954	110 NH	.....1969-1970
99 NH	.....1954-1955	111 NH	.....1971
100 NH	.....1955-1957	112 NH	.....1972
101 NH	.....1957-1959	113 NH	.....1973
102 NH	.....1959-1960	114 NH	.....1974
103 NH	.....1960-1962	115 NH	.....1975
104 NH	.....1962-1963	116 NH	.....1976

KEY TO INITIALS OF JUSTICES

Amos Noyes Blandin, Jr.	.....	ANBjr
Oliver Winslow Branch	.....	OWB
Laurence Ilsley Duncan	.....	LID
John Richard Goodnow	.....	JRG
Robert Frederick Griffith	.....	RFG
William Alvan Grimes	.....	WAG
Francis Wayland Johnston	.....	FWJ
Frank Rowe Kenison	.....	FRK
Edward John Lampron	.....	EJL
Elwin Lawrence Page	.....	ELP
Stephen Morse Wheeler	.....	SMW

New Hampshire Historical Society
Manuscripts Division

LAURENCE I. DUNCAN PAPERS

Case Index

<u>TITLE OF CASE</u>	<u>LOCATION*</u>	<u>CASE FILE #</u>	<u>NH CITATION</u>	<u>MEMOS</u>
Allen v. Manchester	2:10	4379	99 NH 388	LID, JRG, ANBjr
American Casualty Co. of Reading, PA v. Senecal	4:1	4486	100 NH 261	FRK, JRG, ANBjr
American Employer's Ins. Co. v. Town of Swanzey	6:6	5623	108 NH 433	LID, EJJ, WAG
Athorne v. Athorne	5:9	4521	100 NH 413	LID
Baer v. Rosenblatt	6:8	5627	108 NH 368	FRK, WAG
Barnard, Case of	5:4	4588	101 NH 33	
Barton v. Plaisted	7:1/ 7:2	5721	109 NH 428	EJL, LID, WAG
Benevolent Protective Order of Elks Lodge #97 v. Hanover Ins. Co.	8:9	5963	110 NH 324	LID, EJJ
Benton v. Dover District Court	10:9	6187	111 NH 64	LID, RFG, FRK, WAG, ANBjr
Berke Moore Comp., Inc. v. Phoenix Bridge Co.	2:1	4206	98 NH 261	LID, FRK, ANBjr
Bourn v. Duff	1:11	3887	96 NH 194	LID, FWJ
Bricker v. N.H. Medical Society	9:2	6032	110 NH 469	EJL, LID, RFG
Bricker v. Sceva Speare Memorial Hospital	10:6	6156	110 NH 412	
Bricker v. Sceva Speare Memorial Hospital	10:7	6156a	111 NH 276	EJL, RFG

*The notation following each entry indicates the location of the item in the collection. For example, the item noted 2:10 can be found in Box 2, Folder 10.

<u>TITLE OF CASE</u>	<u>LOCATION</u>	<u>CASE FILE #</u>	<u>NH CITATION</u>	<u>MEMOS</u>
Brown v. Town of Rye	5:2	4579	101 NH 92	FRK
Bruchhausen v. Walton	9:6	6075	111 NH 98	LID, WAG
Burke v. Burnham	1:12	4058	97 NH 203	FRK, FWJ, EJL, LID, ANBjr
Buttrick v. Arthur Lessard & Sons, Inc.	7:7	5813	110 NH 36	EJL, LID, RFG, WAG
Canney v. Travelers Ins. Co.	8:2	5853	110 NH 304	
Cappuchi v. Branch	8:1	5847	110 NH 455	EJL, RFG, WAG
Carrick v. Langtry	2:8	4354	99 NH 251	FRK, JRG
City of Manchester v. Manchester Teachers Guild	6:1	4569	100 NH 507	LID, EJL
Colony v. Colony	1:13	4112	97 NH 386	
Crocker v. W.W. Wyman, Inc.	2:9	4360	99 NH 330	FRK, LID, ANBjr
Davis v. City of Manchester	4:3	4493	100 NH 335	EJL, LID, FRK
Dowd v. Moore	2:5	4357	99 NH 313	FRK, JRG, ANBjr
Dumas v. Hartford Accident & Indemnity Comp.	1:6	3693	94 NH 484	
Dumas v. State Farm Mutual Auto. Ins. Co.	9:8	6079	111 NH 43	
Dunbar Fuel Co. Inc. v. Cassidy	4:6	4503	100 NH 397	EJL, LID, FRK, JRG
Duncan v. Dow	1:5	3690	95 NH 5	FWJ, ANBjr
Duval v. City of Manchester	11:3	6285	111 NH 375	EJL, LID, RFG

<u>TITLE OF CASE</u>	<u>LOCATION</u>	<u>CASE FILE #</u>	<u>NH CITATION</u>	<u>MEMOS</u>
Edgcomb Steel of New England v. State	4:15	4539	100 NH 480	EJL, LID, FRK, ANBjr
Elliott v. LaChance	7:3	5761	109 NH 481	EJL
Fireman's Fund Ins. Co. v. LaCroix	8:12	5990	110 NH 335	LID
Fitzpatrick v. Public Service Co. of N.H.	4:4	4496	101 NH 35	LID, FRK, ANBjr
Fortuna v. Zoning Board of Adjustment of the City of Manchester	1:7	3749	95 NH 211	LID
Gagne v. Garrison Hill Greenhouses, Inc.	2:5	4338	99 NH 292	LID, JRG, FRK, ANBjr
Glines v. Maine Central R.R.	1:2	3630	94 NH 299	
Harrington's Case, In re	4:7	4510	100 NH 243	
Hartford Accident & Indemnity Co. v. Come	3:7	4460	100 NH 177	LID, JRG, FRK, ANBjr
Hilton v. Special Board	11:4	6313	111 NH 381	EJL, LID, RFG
Hinchey v. Natl Surety Co.	3:3	4436	100 NH 8	LID, FRK, JRG, ANBjr
Holt v. Grimard	1:3	3633	94 NH 255	
Johnson, Petition of	11:6	6359	-----	
Johnson v. Shaw	5:5	4595	101 NH 182	EJL, LID, FRK, ANBjr
Keller v. DeLong	6:3	5571	108 NH 212	EJL
Kelley v. Hopkinton Village Precinct	6:9	5638	108 NH 206	EJL

<u>TITLE OF CASE</u>	<u>LOCATION</u>	<u>CASE FILE #</u>	<u>NH CITATION</u>	<u>MEMOS</u>
King v. Blue Mtn. Forest Assoc.	3:6	4457	100 NH 212	LID, FRK, JRG, ANBjr
Laconia Board of Educ. v. City of Laconia	11:5	6353	111 NH 389	LID, FRK, WAG
Lane v. Groetz	6:2	5553	108 NH 173	EJL
Langdell v. Dodge	3:5	4447	100 NH 118	EJL, LID, JRG, ANBjr
Langdon v. Sibley	4:14	4536	100 NH 373	
Loney v. Parsons	10:4	6122	111 NH 353	LID, EJL, RFG, WAG
Lynch v. L.B. Sprague, Inc.	1:9	3830	95 NH 485	LID, OWB
McLaughlin v. Union-Leader Corp.	3:1	4396	99 NH 492	EJL, LID, JRG, FRK, ANBjr
McLaughlin v. Union-Leader Corp.	4:11	4527	100 NH 367	EJL, LID, FRK, JRG, ANBjr
Manchester Housing Authority v. Belcourt	11:1	6207	111 NH 367	
Manchester Sav. Bank v. N.H. Assoc. of Sav. Banks	9:4	6049	110 NH 341	LID, EJL
Marcotte v. Peirce Construction Co.	10:5	6151	111 NH 226	EJL, RFG
Margeson v. Ladd	6:5	5615	108 NH 233	EJL
Matheisel v. Hillsborough County	8:5	5914	110 NH 235	
Mechanicks Natl Bank v. Brady	5:6	4546	100 NH 469	
Mechanicks Natl Bank v. D'Amours	5:6	4545	100 NH 461	LID, EJL, FRK
Nelson v. Wyman	2:2	4285	99 NH 33	FRK, LID, JRG

<u>TITLE OF CASE</u>	<u>LOCATION</u>	<u>CASE FILE #</u>	<u>NH CITATION</u>	<u>MEMOS</u>
New Hampshire-Vermont Hospitalization Service v. Durkin	11:7	6365	112 NH 2	
New Hampshire-Vermont Physician Service v. Durkin	11:7	6366	112 NH 2	
New Hampshire Water Resources Board v. Lebanon Sand and Gravel, Inc.	6:4	5580	108 NH 254	EJL, LID, WAG
Nickerson v. Aimo	9:5	6050	110 NH 348	
Northeast Airlines, Inc. v. N.H. Aeronautics Commission	10:1	6086	111 NH 5	FRK
Patey v. Peaslee	2:3	4296	99 NH 335	LID, FRK, ANBjr
Perry v. West	9:7	6077	110 NH 351	EJL
Peterson v. John J. Reilly, Inc.	7:4	5773	110 NH 1	EJL, LID, RFG
Pike v. Hartford	4:13	4531	100 NH 473	LID, EJL, FRK, ANBjr
Pinet v. N.H. Fire Ins. Co.	4:9	4516	100 NH 346	LID, EJL, FRK
Piper v. Meredith	8:3	5885	109 NH 328	LID, WAG
Piper v. Meredith	9:1	6029	110 NH 291	RFG, LID
Ployer v. Ployer	8:13	5994	110 NH 338	RFG, LID
Poliquin v. MacDonald	5:8	4557	101 NH 104	LID, SMW
Portsmouth v. Campanella & Cardi Construction Co.	3:8	4463	100 NH 249	LID, JRG, ANBjr
Priddle v. Farm Bureau Mutual Auto. Ins. Co.	13:4	4445	100 NH 73	JRG, FRK
Property Owners Assoc. at Suissevale, Inc. v. Sholley	10:10	6193	111 NH 363	LID, EJL, FRK

<u>TITLE OF CASE</u>	<u>LOCATION</u>	<u>CASE FILE #</u>	<u>NH CITATION</u>	<u>MEMOS</u>
Public Service Co. of N.H. v. Chancey	1:1	3600	94 NH 259	
Public Service Co. v. New Hampton	5:12	4567	101 NH 142	EJL, SMW, FRK, LID, ANBjr
Public Service Co. of N.H. v. State	5:1	4572	101 NH 154	EJL, LID, FRK, ANBjr
Raitt v. Natl Grange Mut. Ins. Co.	11:2	6231	111 NH 397	LID, EJL
Richardson v. Sibley	4:14	4660	101 NH 377	
Roy v. Monitor-Patriot Co.	7:5	5780	109 NH 441	EJL, LID, FRK, WAG
St. Onge v. City of Concord	1:8	3760	95 NH 306	LID, OWB, ANBjr
Sheris v. Morton	8:6	5929	111 NH 66	
Sheris v. Thompson	9:9	6080	111 NH 328	EJL, LID, RFG, FRK, WAG
Sleeper v. World of Mirth Show, Inc.	3:9	4465	100 NH 158	LID, EJL, JRG, FRK, ANBjr
Smith v. Benson's Wild Animal Farm, Inc.	2:6	4349	99 NH 243	LID, EJL
Springer v. Hungerford	5:10	4561	100 NH 503	ANBjr
Standard Accident Ins. Co. v. Gore	2:7	4351	99 NH 277	JRG, ANBjr
State v. Berge	8:7	5943	109 NH 570	LID, FRK, RFG, EJL
State v. Desjardins	10:3	6113	110 NH 511	WAG, RFG, EJL, LID
State v. Duke	4:8	4505	100 NH 292	FRK, JRG, LID, ANBjr

<u>TITLE OF CASE</u>	<u>LOCATION</u>	<u>CASE FILE #</u>	<u>NH CITATION</u>	<u>MEMOS</u>
State v. Flynn	7:6	5793	110 NH 451	EJL, LID, WAG
State v. Grierson	1:10	3846	96 NH 36	LID
State v. Hudson	8:8	5948	111 NH 25	LID, RFG, FRK, EJL, WAG
State v. Richard	7:8	5819	109 NH 322	LID, WAG
State v. 6.0 Acres of Land	5:3	4581	101 NH 228	LID, ANBjr
State v. Town of Goffstown	3:11	4484	100 NH 131	JRG
State v. Uphaus	3:2	4420	100 NH 1	EJL, ANBjr
State v. Wildman	9:3	6048	110 NH 340	LID, WAG
Stephen v. Sears Roebuck, Co.	8:10	5972	110 NH 248	EJL, LID, RFG
Sutton Mutual Ins. Co. v. Notre Dame Arena, Inc.	6:7	5624	108 NH 437	LID, EJL, WAG
Town of New Boston v. Coombs	10:8	6159	111 NH 359	
United States Fidelity & Guaranty Co. v. Kancer	6:10	5653	108 NH 450	EJL, LID
Valliere v. Filfalt	8:11	5977	110 NH 331	EJL, LID, RFG
Vannah v. Town of Bedford	10:2	6111	111 NH 105	LID, EJL WAG
Vanni v. Cloutier	4:2	4491	100 NH 272	FRK, JRG, LID, ANBjr
Velishka v. City of Nashua	2:4	4326	99 NH 161	LID
Welanko, Case of	2:11	4390	99 NH 413	LID, FRK, ANBjr

<u>TITLE OF CASE</u>	<u>LOCATION</u>	<u>CASE FILE #</u>	<u>NH CITATION</u>	<u>MEMOS</u>
Wentworth Hotel, Inc. v. F.A. Gray Inc.	8:4	5887	110 NH 458	WAG, FRK, LID
White v. Schrafft	1:4	3664	94 NH 467	
Wilkinson v. Achber	5:7	4556	101 NH 7	LID, FRK
Winn v. Lamoy Realty Co.	4:5	4498	100 NH 280	FRK, JRG, LID, ANBjr
Worrall v. Moran	4:10	4525	101 NH 13	FRK, EJJ, LID, ANBjr
Wyman v. DeGregory	3:10	4466	100 NH 163	FRK, JRG, EJJ, LID, ANBjr
Wyman v. DeGregory	5:11	4563	101 NH 171/ 101 NH 82	LID, EJJ, FRK, ANBjr
Wyman v. Sweezy	2:12/ 2:13	4395	100 NH 103	LID, EJJ, FRK, JRG, ANBjr
Wyman v. Uphaus	4:12	4533	100 NH 1/ 100 NH 436	LID, EJJ, FRK, ANBjr

New Hampshire Historical Society
 Manuscripts Division

LAURENCE I. DUNCAN PAPERS

Index of Opinions

<u>CASE FILE #</u>	<u>LOCATION</u>	<u>NH CITATION</u>	<u>MEMOS</u>	<u>SUBJECT</u>
3925	11:8	96 NH 517	LID, EJJ	Constitutionality, Reorganization
4047	11:9	97 NH 541	LID, ANBjr	B & M Tracks
4224	11:10	98 NH 527	-----	Milk Promotion Fees
4233	11:11	98 NH 530	LID	Voting of Governor and Council
4319	11:12	98 NH 533	-----	Commission Awards
4336	11:13	99 NH 505	EJJ, JRG, ANBjr	Access Rights
4398	11:14	99 NH 509	EJJ, LID, FRK, JRG, ANBjr	Workmen's Comp., State Employees
4399/4400	11:15	99 NH 512/ 99 NH 515	LID, FRK	Tax on Interest and Dividends/ Income Tax Rate
4403	11:16	99 NH 517	LID, EJJ, FRK, ANBjr	Cigarette Tax
4407	12:1	99 NH 519	LID, EJJ, FRK, ANBjr	Aid to Nursing
4416	12:2	99 NH 524	LID, FRK, ANBjr	Advertising by Banks
4417	12:3	99 NH 525	ANBjr	Income Tax
4419	12:4	99 NH 528	LID, FRK, ANBjr	Industrial Park
4421	12:5	99 NH 532	LID, JRG, ANBjr	Forest Conservation
4425	12:6	99 NH 536	-----	Loans to Private Schools
4428	12:7	99 NH 540	EJJ, LID, ANBjr	Elections, Grafton County Commissioners

<u>CASE FILE #</u>	<u>LOCATION</u>	<u>NH CITATION</u>	<u>MEMOS</u>	<u>SUBJECT</u>
4578	12:8	101 NH 515	-----	Mortgages
4582	12:9	101 NH 518	LID, FRK	Senate Redistricting
4591	12:10	101 NH 523	FRK	Size of House of Reps.
4592	12:11	101 NH 527	EJL	Relocation of Highway Utility Poles
4596	12:12	101 NH 531	-----	Cemetery Trusts
4597	12:13	101 NH 536	-----	Adjournment of General Court
4598	12:14	101 NH 539	LID	Stock-in-Trade Tax
4599	12:15	101 NH 541	FRK	Constitutional Amendment
4600	12:16	101 NH 544	EJL, LID, FRK	Votes at Town Meetings
4606	12:17	101 NH 546	EJL, LID, ANBjr	Berlin Airport
4639	12:18/ 12:19	101 NH 549	LID, EJL, FRK, ANBjr	Utility Tax
4732	12:20	102 NH 22	-----	Franchise Tax
4745	13:1	102 NH 75	EJL, ANBjr	Pensions for Teachers
4747	13:2	102 NH 80	EJL, LID, FRK	Money Bills
4749	13:3	102 NH 73	-----	Air- Carriers Service
4751	13:4	102 NH 106	FRK	Branch Banking
4755	13:5	102 NH 123	LID	Teacher's Retirement
4757	13:6	102 NH 183	FRK, LID, ANBjr	License Revocation
4766	13:7	102 NH 187	LID, EJL, ANBjr	School Boards, Contracts
4767	13:8	102 NH 189	EJL, FRK	Valley Trust Comp.
4768	13:8	102 NH 191	EJL, FRK	Valley Trust Comp.
4769	13:9	102 NH 195	LID, FRK	Public Utilities Commissioners

<u>CASE FILE #</u>	<u>LOCATION</u>	<u>NH CITATION</u>	<u>MEMOS</u>	<u>SUBJECT</u>
4777	13:10	102 NH 230	EJL, FRK, SMW, ANBjr	Commerce Bill
4790	13:11	102 NH 240	FRK	Penacook Branch Bank
4810	13:12	102 NH 320	LID, EJL, ANBjr	Mileage, Legislators
4868	13:13	102 NH 565	FRK	Constitutional Convention
4927	13:14	103 NH 256	EJL	State and Industrial Parks
4928	13:14	103 NH 258	EJL	State and Industrial Parks
4929	13:14	103 NH 262	EJL	State and Industrial Parks
4931	13:15	103 NH 268	LID, FRK, SMW, ANBjr	Outdoor Advertising
4936	13:16	103 NH 281	SMW	Valley Trust Expenses
4953	13:17	103 NH 325	-----	Hampton Reclamation
4958	13:18	103 NH 333	FRK	Effective Date of Constitutional Amendment
4979	13:19	103 NH 381	-----	Assessment of Wages of State Employees
4990	13:20	103 NH 402	LID, EJL, ANBjr	Validity of Enactment of Pocket Veto
5010	13:21	103 NH 508	EJL, LID, SMW, ANBjr	Recovery of Mileage Paid
5084	13:22	104 NH 261	FRK	Technical Institute
5103	13:23	104 NH 342	EJL	Commissioner of Agriculture
5154	14:1	105 NH 22	LID	Tax Exemption
5163	14:2	105 NH 125	LID, SMW	Representation of Sugar Hill
5345	14:3	106 NH 180	EJL, FRK, SMW	Lease of Industrial Facility
5348	14:4	106 NH 202	EJL, LID	Net Income Tax
5360	14:5	106 NH 233	-----	Nashua Wards
5361	14:6	106 NH 237	-----	Industrial Facilities

<u>CASE FILE #</u>	<u>LOCATION</u>	<u>NH CITATION</u>	<u>MEMOS</u>	<u>SUBJECT</u>
5401	14:7	106 NH 402	-----	House Bill 282
5422	14:8	106 NH 449	EJL, SMW	Appropriations for Needy Schools
5519	14:9	107 NH 325	LID, EJL, ANBjr	Eminent Domain, State Parks
5605	14:10	108 NH 62	LID, EJL, FRK	Loyalty Oath
5622	14:11	108 NH 97	EJL, WAG, FRK	School Prayer
5625	14:12	108 NH 103	LID, EJL, WAG	Sunday Laws
5657	14:13	108 NH 170	LID, WAG	Gas Tax, Boats
5683	14:14	108 NH 268	LID, EJL, WAG	Sweepstakes Proceeds
5770	14:15	109 NH 36	EJL, LID, FRK	Emergency Aid to Schools
5857	14:16	109 NH 191	-----	Mt. Attitash Loan
5921	14:17	109 NH 335	LID, RFG	Bridges Residence
5934	15:1	109 NH 366	-----	State Aid to Private Schools
5949	15:2	109 NH 396	FRK	Parking Facilities
6034	15:3	110 NH 117	WAG, EJL	Business Profits Tax
6236	15:4	111 NH 129	-----	Taxes
6237	15:5	111 NH 131	-----	Taxes
6238	15:6	111 NH 136	FRK, LID	Income Tax
6239	15:7	111 NH 144	-----	Pelham School District Debt
6240	15:8	111 NH 146	WAG	Reapportionment of Voting Districts
6249	15:9	111 NH 175	EJL, LID	Speaker of House, Election
6617	15:10	-----	FRK, WAG	Uniform Management of Institutional Funds Act
6631	15:11	113 NH 205	LID	No-Fault Insurance

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Index of Subject Files

<u>Subject</u>	<u>Location</u>
Clerk of the Supreme Court	15:15
Death Statutes	15:16
Harvard Law School, Ames Competition, 1949	15:18
Miscellaneous	15:19
Parliamentary Law	15:13
Salary (of Justices and Clerks)	15:12
Workmen's Compensation	15:14
Zoning	15:17