

had complied with the statute with respect to the amendments which were submitted at the second hearing and to the voters. The statute does not require that minutes of the meeting of the board be kept, and since the evidence supports the finding of the master the lack of precise records of the board does not invalidate the action taken at the town meeting.

*Defendants' exception sustained;  
plaintiffs' exceptions overruled.  
Appeal denied.*

Request of the Senate,  
No. 5969.

OPINION OF THE JUSTICES.

Submitted July 1, 1969.

Answer returned July 2, 1969.

On June 23, 1969 various resolutions were adopted by the Senate which were filed in this court on July 1, 1969. The resolutions requested an advisory opinion from the Supreme Court relative to the constitutionality under the State and Federal Constitutions of the following bills pending before the New Hampshire Senate:

Senate Bill 319, An act relative to tax exemptions for property owners with children attending nonpublic schools.

Senate Bill 320, An Act relative to the basis for computing foundation aid.

Senate Bill 325, An Act relative to the transportation of pupils.

Senate Bill 326, An Act relative to child benefit services in the public and nonpublic schools.

Senate Bill 327, An Act relative to the loan of textbooks to public and nonpublic school pupils.

House Bill 401, An Act relative to compulsory school attendance, dual enrollment and transportation of pupils.

The questions propounded in the resolutions appear in full in the Senate Journal for Monday, June 23, 1969 at pages 1799 to 1804, inclusive.

The following answer was returned:

*To the Honorable Senate:*

The undersigned Justices of the Supreme Court submit the following preliminary answer to the questions contained in your resolutions filed July 1, 1969 relating to the constitutionality under the State and Federal Constitutions of Senate Bills 319, 320, 325, 326, 327 and House Bill 401.

Part 2, Art. 74 of the Constitution of New Hampshire reads as follows: "[Judges to Give Opinions, When.] Each branch of the legislature as well as the governor and council shall have authority to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions." Ordinarily the advisory duty of this court under this article is limited to furnishing an advisory opinion when the question submitted is pending and awaiting action in the body propounding the inquiry. *Opinion of the Justices*, 90 N. H. 567; *Opinion of the Justices*, 93 N. H. 474; *Opinion of the Justices*, 98 N. H. 537. However an exception is recognized if the opinion requested is one for the guidance of the Legislature at a possible special session. *Opinion of the Justices*, 84 N. H. 557; *Opinion of the Justices*, 84 N. H. 559, 562; *Opinion of the Justices*, 93 N. H. 474, 475.

It is evident from your resolutions that any advisory opinion rendered thereon could not be acted upon during the final hours of the present regular session of the Legislature but would be considered at the next special session. The questions submitted in your resolutions are important ones within the meaning of Pt. 2, Art. 74 of our Constitution. "In accordance with our usual practice an opportunity [will be] given to any interested citizen, official, party, or organization to submit . . . a memorandum [of law] on the questions transferred to this court." *Opinion of*

*the Justices*, 109 N. H. 366. We deem it unwise to give an advisory opinion until interested citizens have an opportunity to submit their views on the legal questions involved. It appears unlikely that the next special session will be held before 1970. Consequently, we will consider the resolutions at a time well in advance of such a special session. To that end we advise the Honorable Senate, as well as the public, that typewritten memoranda from interested persons or organizations will be received by this court up to and including September 2, 1969. See *Opinion of the Justices*, 105 N. H. 125, 126; *Opinion of the Justices*, 109 N. H. 366.

FRANK R. KENISON.  
LAURENCE I. DUNCAN.  
EDWARD J. LAMPRON.  
WILLIAM A. GRIMES.  
ROBERT F. GRIFFITH.

July 2, 1969.

Rockingham,  
No. 5679.

EDWARD B. VANDEWATER & a.

v.

PLAISTOW & a.

Argued November 6, 1968.

Decided July 30, 1969.