

Comparison of Articles 1-13
in the 1784 New Hampshire Constitution
and the U.S. Constitution

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Interim Justices of the Free State of New Hampshire

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Comparison of 1784 New Hampshire Constitution in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 1

"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."

This article establishes the foundational principle of self-governance: that people are free and equal, and the power of government comes from the consent of the governed.

U.S. Constitution: 1st Amendment

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The 1st Amendment protects freedoms essential to a democratic society, including speech, religion, press, assembly, and petition.

Comparison

- Subject Matter: NH Article 1 defines the origin of government; the U.S. 1st Amendment protects fundamental freedoms.
- Scope and Impact: NH emphasizes foundational authority; the U.S. ensures personal liberties.
- Legal Protection: NH establishes civic origin; U.S. guards against government overreach.

Comparison of 1784 New Hampshire Constitution in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 2

"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."

This article affirms natural rights'life, liberty, property, and the pursuit of happiness'as inherent and inalienable.

U.S. Constitution: 2nd Amendment

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The 2nd Amendment protects the individual's right to bear arms in connection with state security.

Comparison

- Subject Matter: NH Article 2 guarantees natural rights; the U.S. 2nd Amendment secures the right to bear arms.
- Scope and Impact: NH affirms broad freedoms; U.S. specifies arms for security.
- Legal Protection: NH articulates human entitlements; U.S. enshrines militia-related rights.

Comparison of 1784 New Hampshire Constitution in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 3

"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."

This article supports the social contract theory, asserting that rights are exchanged for societal protection, but only if the exchange is just.

U.S. Constitution: 3rd Amendment

"No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."

The 3rd Amendment restricts the forced housing of soldiers, preserving the sanctity of personal property.

Comparison

- Subject Matter: NH Article 3 focuses on just governance; the U.S. 3rd Amendment limits military imposition.
- Scope and Impact: NH upholds mutual responsibility; U.S. protects domestic privacy.
- Legal Protection: NH ensures fair governance; U.S. guards against intrusive authority.

Comparison of 1784 New Hampshire Constitution in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 4

"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. Others may be alienated, and in the exercise thereof, the individual must submit to such restraints as the good of the whole requires. In the social state, the property of an individual cannot be taken from him or applied to public uses without his consent or that of the representative body of the people."

This article protects property rights and supports limited government intrusion, especially in matters requiring consent.

U.S. Constitution: 4th Amendment

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..."

The 4th Amendment protects against unlawful searches and seizures, ensuring personal and property privacy.

Comparison

- Subject Matter: NH Article 4 emphasizes property and consent; the U.S. 4th Amendment defends privacy.
- Scope and Impact: NH links conscience and law; U.S. enforces procedural safeguards.
- Legal Protection: NH stresses consent for taking; U.S. demands probable cause.

Comparison of Article 5 in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 5

"The legislative power shall be vested in the General Court, to consist of a Senate and House of Representatives; each of which shall have a negative on the other. The General Court shall have full power and authority 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; and to repeal and annul the same. And they shall have full power and authority to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within this state, where no other provision is made by this constitution; and to set forth the several duties, powers, and limits, annexed to their offices; and to provide for the remuneration of services."

This article establishes the legislative authority of New Hampshire's government, vesting power in a bicameral General Court. It grants the legislature broad authority to enact laws and regulate civil officers, provided these laws do not contradict the state constitution. The article emphasizes legislative checks and balances, ensuring that governance aligns with the principles outlined in the constitution.

U.S. Constitution: 5th Amendment

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The 5th Amendment of the U.S. Constitution focuses on legal protections for individuals, ensuring due process and protection against self-incrimination, double jeopardy, and unlawful government

seizures. It provides a fundamental safeguard against abuses of government authority in legal proceedings, requiring just compensation for property taken for public use.

Comparison

- Subject Matter: The New Hampshire Constitution's Article 5 concerns the structure and authority of the state legislature, while the U.S. Constitution's 5th Amendment focuses on individual legal protections.
- Scope and Impact: Article 5 of the New Hampshire Constitution defines how legislative power is exercised, ensuring governance remains within constitutional limits. The 5th Amendment, on the other hand, provides crucial legal protections that prevent government overreach in criminal and civil matters.
- Legal Protection: While the New Hampshire Constitution outlines legislative authority, the 5th Amendment enforces protections against potential abuses in the justice system, ensuring fairness in legal proceedings and property rights.

Comparison of Article 5 in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 5

"As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security 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 those 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."

This article establishes the legislative authority of New Hampshire's government, vesting power in a bicameral General Court. It grants the legislature broad authority to enact laws and regulate civil officers, provided these laws do not contradict the state constitution. The article emphasizes legislative checks and balances, ensuring that governance aligns with the principles outlined in the constitution.

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Comparison of Article 7 in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 7

"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."

This article affirms New Hampshire's status as a sovereign and self-governing state. It emphasizes that all powers not specifically granted to the federal government remain with the state. This principle of reserved powers reflects the state's desire to maintain autonomy within the union.

U.S. Constitution: 7th Amendment

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

The 7th Amendment preserves the right to a jury trial in civil cases under common law and limits the ability of federal courts to overturn jury findings. It reinforces the importance of trial by jury as a fundamental legal right in the American justice system.

Comparison

- Subject Matter: Article 7 of the New Hampshire Constitution asserts state sovereignty, while the 7th Amendment of the U.S. Constitution secures the right to a jury trial in civil legal proceedings.
- Scope and Impact: The New Hampshire article reinforces the principle of federalism by declaring that the state retains powers not expressly given to the federal government. The U.S. amendment focuses on procedural fairness in the legal system at the federal level.
- Legal Protection: New Hampshire's provision safeguards state governance rights, while the U.S. Constitution ensures judicial protections for individuals in civil trials.

Comparison of Article 8 in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 8

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

This article clearly states that government officials are not rulers but servants of the people. It emphasizes that power comes from the people and that public officials are accountable to the citizens who grant them authority. This idea is a core principle of republican government and reflects the belief in representative democracy and transparent governance.

U.S. Constitution: 8th Amendment

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

The 8th Amendment protects individuals from harsh treatment by the legal system. It ensures fairness in the penal process by prohibiting extreme punishments or unreasonable fines and bail amounts. It is an essential safeguard against abuse by the state and reflects a broader commitment to human dignity and justice.

Comparison

- **Subject Matter:** Article 8 of the New Hampshire Constitution is about the accountability of government officials to the people. The 8th Amendment of the U.S. Constitution is about protecting

individuals from excessive or cruel punishments.

- **Scope and Impact:** New Hampshire's article reinforces the principle of democratic control over public servants. The U.S. amendment limits the power of the judicial and penal systems, ensuring humane treatment of individuals.

- **Legal Protection:** While the New Hampshire article promotes government responsibility and transparency, the U.S. amendment focuses on legal protections within the justice system.

These two articles, while addressing different aspects of governance, both aim to uphold fairness and accountability either from the government to the people or from the justice system toward the individual.

Comparison of Article 9 in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 9

"All elections ought to be free; and every inhabitant of the state of 18 years and upwards shall have an equal right to vote in any election."

This article ensures that all adult citizens have the right to vote and that elections must be conducted freely. It emphasizes fairness, equality, and access to political participation as foundational principles of state governance.

U.S. Constitution: 9th Amendment

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The 9th Amendment protects rights not specifically listed in the Constitution. It affirms that just because a right isn't written down doesn't mean the people don't have it. This provides flexibility and protection for unenumerated rights.

Comparison

- Subject Matter: Article 9 of the New Hampshire Constitution secures the right to vote and fair elections. The 9th Amendment to the U.S. Constitution addresses the protection of unlisted individual rights.
- Scope and Impact: New Hampshire's provision ensures direct participation in democracy. The U.S. amendment serves as a safeguard for broader personal freedoms.
- Legal Protection: New Hampshire's article reinforces electoral justice. The 9th Amendment guarantees that citizens' freedoms go beyond those specifically stated in the Constitution.

Comparison of Article 10 in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 10

"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, and 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 nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."

It comes from Latin *emolumentum*, originally meaning a gain or advantage, and in modern usage it typically refers to compensation received for holding a position or performing a duty—especially in a formal or official context.

This article asserts the people's right to reform or replace a government that fails to serve their collective good. It highlights the principle that government exists for the benefit of the people, and that resisting unjust power is not only acceptable but necessary for the preservation of liberty.

U.S. Constitution: 10th Amendment

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The 10th Amendment reinforces the principle of federalism by reserving powers not given to the federal government for the states or the people. It limits federal authority and affirms the decentralized structure of the U.S. political system.

Comparison

- Subject Matter: Article 10 of the New Hampshire Constitution empowers the people to reform or replace failing government. The 10th Amendment to the U.S. Constitution defines the division of power between federal and state governments.

Comparison of Article 10 in the 1784 New Hampshire Constitution and the U.S. Constitution

- Scope and Impact: New Hampshire's article emphasizes popular sovereignty and the right to revolution when liberty is at risk. The U.S. amendment focuses on protecting states' rights and limiting federal power.
- Legal Protection: New Hampshire's article affirms a proactive right of the people to ensure just governance. The U.S. amendment upholds structural limits on federal overreach and affirms local autonomy.

Comparison of Article 11 in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 11

"Every subject 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 any denial; promptly, and without delay; conformably to the laws."

This article guarantees that everyone in New Hampshire has the right to seek justice through the legal system. It emphasizes fairness, access to justice, and the principle that the law should be available to all without discrimination or obstruction.

U.S. Constitution: 11th Amendment

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

The 11th Amendment limits the jurisdiction of federal courts by restricting the ability of individuals to sue state governments in federal court. It affirms state sovereign immunity and protects states from certain legal liabilities under federal jurisdiction.

Comparison

- Subject Matter: Article 11 of the New Hampshire Constitution is about equal and timely access to justice for all citizens. The 11th Amendment of the U.S. Constitution is about limiting legal actions against state governments in federal courts.
- Scope and Impact: New Hampshire's article supports individual rights to legal remedy. The U.S. amendment reinforces state protections within the federal system.
- Legal Protection: New Hampshire emphasizes the availability of justice to every person. The U.S.

Comparison of Article 11 in the 1784 New Hampshire Constitution and the U.S. Constitution

amendment protects states from certain federal lawsuits, preserving state autonomy.

Comparison of Article 12 in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 12

"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 in 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 controllable by any other laws than those to which they, or their representative body, have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor."

This article balances the right to protection of life, liberty, and property with the obligation of each citizen to contribute to public welfare. It affirms that laws must be based on consent and that compensation must be provided when private property is taken for public use.

U.S. Constitution: 12th Amendment

"The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; - The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; - The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those

voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. - The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States."

The 12th Amendment revised the process for electing the President and Vice President. It requires electors to cast separate ballots for each office, avoiding the confusion of earlier elections. It also clarifies the procedures in the event of a tie or lack of majority, enhancing the stability of the executive branch.

Comparison

- Subject Matter: NH Article 12 affirms property rights, taxation by consent, and fair compensation.

The U.S. 12th Amendment defines electoral procedures.

- Scope and Impact: NH focuses on civic rights and responsibilities; U.S. clarifies federal electoral mechanisms.

- Legal Protection: NH protects property and legal self-governance; U.S. ensures fair and organized presidential succession.

Comparison of Article 13 in the 1784 New Hampshire Constitution and the U.S. Constitution

1784 New Hampshire Constitution: Article 13

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

This article recognizes the rights of individuals who, due to religious or moral convictions, object to bearing arms. It allows such individuals to be exempted from military service, provided they contribute an equivalent in another form, typically monetary.

U.S. Constitution: 13th Amendment

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Ratified on December 6, 1865, the 13th Amendment abolished slavery and involuntary servitude in the United States, except as punishment for a crime. It was a pivotal moment in American history, marking a significant step toward civil rights and equality.

Comparison

- Subject Matter: New Hampshire's Article 13 addresses conscientious objection to military service, allowing exemptions for those with moral or religious objections. In contrast, the U.S. 13th Amendment focuses on the abolition of slavery and involuntary servitude nationwide.
- Scope and Impact: Article 13 pertains specifically to individual rights within the context of state military obligations, reflecting the state's acknowledgment of personal conscience. The 13th Amendment has a broader national impact, fundamentally transforming the legal and social fabric of the entire country by ending slavery.
- Legal Protection: Both provisions protect individual liberties-Article 13 safeguards freedom of

conscience regarding military service, while the 13th Amendment ensures freedom from slavery and involuntary servitude.