



January 9<sup>th</sup>, 2026

To: All Interested Officers, Agencies, Courts, and Officials of the State of New Hampshire

RE: NOTICE OF CONSTITUTIONAL TEXTUAL ERROR

**PLEASE TAKE NOTICE** that a material and substantive textual error exists in commonly published and relied-upon versions of the New Hampshire Constitution, Part II, Article 83, which materially alters the meaning of the provision as ratified by the people of New Hampshire in 1877.

This Notice is provided to formally preserve rights, correct the public record, and place all recipients on actual and constructive notice of the error and its constitutional implications.

### **I. IDENTIFICATION OF THE ERROR:**

The 1877 amendment to Part II, Article 83 was ratified by the people with the following operative language: *“provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools **or** institutions of any religious sect or denomination.”* However, numerous modern reproductions including online resources, secondary publications, and even some official compilations erroneously render the clause as: *“schools **of** institutions of any religious sect or denomination”* This alteration substitutes “of” for the disjunctive “or” fundamentally changing the constitutional intent.

### **II. OFFICIAL CONFIRMATION OF THE ERROR:**

This error is confirmed by primary and secondary state records, including:

- Journal of the Constitutional Convention of New Hampshire (December 1876)- Amendment language appears correctly on page 275.
- 1919 Manual for the General Court- Accurately reflects the “or” language.
- Written confirmation from the New Hampshire State Archivist - Email dated January 8, 2026, verifying the ratified text.

These authoritative sources establish indisputably that “or” and not “of” is the constitutionally ratified term.



### **III. MATERIAL LEGAL EFFECT OF THE ERROR:**

The substitution of “of” for “or” is not a mere clerical or stylistic oversight but a substantive alteration with significant consequences. With the correct text (“or”):

Article 83 establishes two distinct and independent prohibitions:

- No tax money may be granted or applied to schools of any kind.
- No tax money may be granted or applied to institutions of any religious sect or denomination.

With the incorrect text (“of”):

The provision is conflated into a single, narrower category, effectively eliminating one prohibition and unlawfully broadening legislative authority over public funds. This represents a profound constitutional distortion, not a harmless typographical error.

### **IV. HISTORICAL CONFIRMATION: 1850 CONSTITUTIONAL CONVENTION**

The original prohibition of Part II Article 83’s limitation on all education-related taxation is confirmed by the record of the 1850 New Hampshire Constitutional Convention. At that Convention, the delegates expressly considered and debated whether to amend the Constitution to require the legislature to establish and maintain free common schools supported by compulsory public funding, including a fixed minimum statewide assessment. That proposal was ultimately laid on the table and not adopted. Instead, the Convention deliberately retained the existing prohibition on taxation for the education clause.

Part II, Article 83, addresses only in terms of encouragement and cherishing of education, not mandatory funding or enforceable fiscal obligations. The 1850 Convention record therefore established that when the people were directly presented with an opportunity to amend our New Hampshire State Constitution to authorize taxation for education, they declined to do so, affirming that Part II Article 83 never authorized compulsory taxation for schools, including so-called “common schools.”

### **V. CONSTITUTIONAL IMPLICATIONS:**

The ramifications of this error are far-reaching:

- Judicial Reliance Defect: Any judicial interpretation and decisions based on the corrupted text relies on inaccurate constitutional language and is therefore flawed.



- Separation of Powers Violation (Part I, Art. 37): Neither the judiciary nor executive branches have the authority to amend or reinterpret the Constitution unilaterally; such power resides solely with the people. Constitutional change may occur only through amendment, duly proposed and ratified by the people.
- Stare Decisis Vulnerability: Precedents grounded in the erroneous text are demonstrably erroneous and lack legitimate reliance value once the error is exposed.
- Direct Relevance to Education-Funding Jurisprudence: Interpretations of legislative and judicial powers regarding education funding including cases like Claremont and its progeny are implicated insofar as they hinge on the scope of Part II Article 83.

## **VI. FORMAL NOTICE AND PRESERVATION OF RIGHTS:**

All recipients are hereby placed on formal notice that:

- The correct constitutional text in Part II, Article 83 includes the word “or” and not “of” as discussed above.
- Continued reliance on corrupted versions of the NH Constitution as defined above is repugnant to the NH Constitution and therefore impermissible.

All rights are expressly preserved to challenge:

- Statutes,
- Administrative actions,
- Judicial decisions, and
- Tax assessments

that depend, directly or indirectly, on the incorrect text. Failure to acknowledge or rectify this error after receipt of notice may constitute knowing adherence to unconstitutional authority.

## **VII. DEMAND FOR RECORD CORRECTION.**

This Notice also serves as a demand that:

- Official publications be updated to correctly reflect the ratified constitutional text with the word “or” in Part II, Article 83 as discussed above.
- Courts and agencies acknowledge the discrepancy in relevant proceedings, and base future decisions on the correct ratified constitutional text with the word “or” in Part II, Article 83 as discussed above.
- No adverse presumptions or inferences be drawn against parties raising this issue.



## RESERVATION OF RIGHTS

Nothing in this Notice shall be construed as a waiver of any constitutional, statutory, or equitable rights, all of which are expressly reserved.

Respectfully Submitted,

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