

Remonstrance

In New Hampshire

What is a remonstrance? A remonstrance as defined in Blacks Law 4th edition;

*“**REMONSTRANCE.** Expostulation; showing of reasons against something proposed; a representation made to a court or legislative body wherein certain persons unite in urging that a contemplated measure be not adopted or passed.”*

The right to Remonstrate is a protected right in the Constitution of New Hampshire, Part I, Bill of Rights, Article XXXII;

“The people have a right in an Orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives; and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.”

The General Court has a Constitutional duty to assemble for redress of grievances, Article XXXI;

“The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new ones, as the common good may require.”

The Remonstrance is a Constitutional Right, exercised to protest any encroachment on the rights of the people, or, any usurpations of power by design, or inattention to the Laws of the Land. The Remonstrance is an instrument, a protective tool, and it is to be used as a remedy to protest any government actions which are repugnant or contrary to the Constitution of New Hampshire, or, the Constitution for the United States of America, or, the laws written pursuant thereof.

In New Hampshire, the people, not the government, possess absolute sovereignty. The legislature, no less than the executive, is under limitations of power. Encroachments are regarded as possible from the one, as well as from the other. Hence in New Hampshire, the great and essential rights of the people are secured against legislative, as well as against executive ambition. They are secured, not by laws paramount to prerogative; but by constitutions paramount to laws.

The first act of remonstrating in New Hampshire as appears in the State archives as dated; November 7, 1783, which is a Remonstrance to address an unresolved grievance, and as submitted by way of Remonstrance to the State Constitutional Convention of June of 1783.

The second Remonstrance on file at the archives is dated February, 8 1786, and is a wonderful example of the expression of a protest of State government acts.

The Third Remonstrance on file, dated February 20, 1794, is remarkable in the fact that it was submitted by the State of New Hampshire to Senate and House of Representatives of the United

States in Congress assembled, as “The Remonstrance of the Legislature of the State of the State of New Hampshire”. This was a State Remonstrance of a United States Congressional act of a retrospective law.

The most famous Remonstrance was authored by James Madison in 1785, to protest Patrick Henry’s petition. James Madison famously remonstrated in June of 1785, in his Memorial and Remonstrance to protest the petition that Patrick Henry had proposed to the General Assembly of the Commonwealth of Virginia, on December 3rd, 1784; a bill “establishing a provision for Teachers of Religion” as it was reported to the General Assembly of Virginia.

James Madison’s Memorial and Remonstrance of 1785, and the aforesaid Remonstrances are not a petition’s and as such the word petition, is not used in the body of the documents, they are a protest (Remonstrance) against unconstitutional acts.

N.H. Constitution, Article XXXII. establishes two different actions by 2 different words to describe two different rights and two different processes;

“to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.”

Both of these actions have two different definition’s and two different uses;

- a. The *petition* may be used to make a request of the General Court, to perform an act constitutionally delegated to the General Court by the Constitution.
- b. A *remonstrance* may be used to protest (remonstrate) a legislative act, or, to protest (remonstrate) a proposed legislative act. These two words “Petition” and “Remonstrance” are not synonymous. What they have in common is, they are both memorials, as defined; Definition of memorial;

“a written statement of facts presented to a sovereign, a legislative body, etc., as the ground of, or expressed in the form of, a petition or remonstrance.”

It is time for the people of this State to rediscover their Constitutional Rights, and also to realize and understand that it is a duty to hold accountable all the magistrates and officers of government, Part I, Bill of Rights, Article VIII;

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

Part I, Bill of Rights, Article XXXVIII;

“A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government ; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives : And they have a right to require of their law-givers and magistrates, an exact and constant observance of them in

the formation and execution of the laws necessary for the good administration of government.”

I have filed 2 Remonstrances. One on the 20th of May, 2019, protesting the changes to the voting laws of the State, and another on January 6, 2020, protesting the proposed bill styled "HB-687FN," (AKA) a red flag law. Stay tuned for the replies.

Daniel Richard

March 22, 2020