

MEMORANDUM OF LAW FOR THE STATE

The Constitutional State of New Hampshire

vs.

the statutory “state” of New Hampshire

The State, the State of New Hampshire, was established by the people inhabiting the territory formally called The Province of New Hampshire. This "State" was established by its early inhabitants, who created a written document; a social compact called the Constitution of New Hampshire. The State is defined in Part II as the Form of Government, and it established, defined and delegated powers, and the obligations of the State, under the laws of the land, for the protection of Part I, the Bill of Rights, to make secure the unalienable rights of the people in their pursuit of acquiring, possessing and protecting property and in a word, of seeking and obtaining happiness. During the last fifty years the Constitutional State has been overthrown and replaced and overlaid with an unlawful coup d'état federal “state,” and concealed from the people, without the constitutionally required disclosure and consent of the people through the amendment process.

The Constitutional Republican form of government, called the "State", was designed for a people who were free, self-governing and sovereign. The powers delegated to the State are few and well defined. The Constitution established that only the inhabitants (the qualified voters) of the State, who are the creators of the Laws of the Land, can amend the Constitution of New Hampshire. Under these laws, the State may only exercise those powers delegated to it. The General Court is forbidden from proposing or enacting any;

“orders, laws, statutes, ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant, or contrary to this constitution,” Part II, Form of Government, Article V. June 4 1784

This Form of Government was instituted for the common benefit, protection, and security of the whole community, and not for the private interests or emolument of any one man, family or class of men;

The aforesaid Form of Government has been perverted, and public liberty has been manifestly endangered by a class of dominant men, for their private interest and emoluments, and that of the special interest they represent.

In order to change the Form of Government without the consent of the people, a new “state” was created by legislative fiat, via an act of treason, by previous State actors (members of the General Court and the Governor) who conspired to change our Form of Government. Said changes to the State have been achieved by violating the procedural due process, and deprivation of rights of the people, required to achieve the current defacto form of government, a federal “state”. There has never been a proposed amendment, nor has any amendment ever been submitted to, or approved of by the inhabitants of New Hampshire to surrender their sovereignty, a power which stands affirmed, unalienable and retained by the people, and protected by Part I. the Bill of Rights.

Article VII. [State Sovereignty.] *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. June 2, 1784*

The following are the defined and delegated powers of the "State of New Hampshire".

PART II.

THE FORM OF GOVERNMENT.

“The people inhabiting the territory formerly called the Province of New Hampshire, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent Body-politic, or State, by the name of the State of New Hampshire.”

THE GENERAL COURT

THE SENATE

THE HOUSE OF REPRESENTATIVES

GOVERNOR

EXECUTIVE COUNCIL

SECRETARY OF STATE

STATE TREASURER

ATTORNEY GENERAL
COUNTY TREASURERS
JUDICIARY POWER
CLERKS OF THE COURTS

ENCOURAGEMENT OF LITERATURE, &C.

KNOWLEDGE and learning, generally diffused through a community, being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments among the people.

Amended 1903 permitting the general court to regulate trusts and monopolies restraining free trade.

Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and, provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce, or, to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business

within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

The aforesaid are the powers delegated by the People in the Constitution of New Hampshire to the Form of Government, they are part of the Laws of the Land, and those delegated powers begin with, and end with "the consent of the people";

Part I. Article I,

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.

Note: — “An examination of state constitutions shows that they contain a statement of the rights and privileges of individuals which must not be usurped by officials. Its importance as a part of the fundamental law of a state may be seen in the position it occupies. It is by covenant, a contractual guarantee of those essential rights of individuals subject to that constitution. This idea has come down to us from our early English ancestors, and has been preserved to us through centuries of constant struggle and warfare of the common people against their rulers. It is to be noted that many states hesitated to ratify the constitution of the United States, because it contained no bill of rights, and that ratification was secured in several states only by a pledge that amendments covering the separation of church and state, the rights of personal liberty, of free speech, and of a free press, would be agreed to. This led to the adoption of the first ten amendments to that document, which are now often referred to as our national bill of rights. The idea embodied in the Bills of Rights which are a part of all state constitutions, dates back to 1215, when the English people wrung from King John at Runnymede ...a formal acknowledgment of certain rights, privileges and immunities of individuals, enumerated in a document known as the "Magna Charta." In the Petition of Right, King Charles was compelled to reaffirm these rights of individuals, with certain additions. Some of the articles of the New Hampshire Bill of Rights are traceable directly, even to the form of expression used, to these two documents.”

And the end of Part II. Form of Government;

“...; provided that no alteration shall be made in this constitution before the same shall be laid before the towns and unincorporated places, and

approved by two thirds of the qualified voters present, and voting upon the question.” June 4, 1784

The State Constitution precludes the General Court from amending the Laws of the Land, the Constitution, without the lawfully required consent and approval of the representative body of the people, the "Qualified Inhabitants" of the State, by a (2/3) two thirds majority of the voters, in the bi-annual elections.

During the 1960s, New Hampshire Gov. John King violated his oath of Office numerous times throughout his periods in public office, and, as such he committed Treason on the people repeatedly. One of his many acts was signing into law legislative fiats and multiple amendments to the New Hampshire Constitution.

In the 1966 November Election, (8) Ballot questions were submitted to the voters in the voters' guide of Nov, 5 1966, and said questions were subversive, intentionally misleading and confusing to voters. Under the current statutes, NH RSA 663:3 all the following questions would be illegal as the text of the changes were not presented to the voters therefore concealing the actual outcome of the proposed amendment. The following ballot questions were affected and designed to achieve a predetermined outcome undisclosed to the voters, the creation of statutory courts of general jurisdiction for the new “state”. Here are the questions;

QUESTION NO.1 1. Are you in favor of protecting the Supreme Court and the Superior Court from possible political interference by establishing them as Constitutional Courts?

Said question is subversively misleading As Judicial officers are appointed, and not elected in New Hampshire, therefore making their appointments political by nature. The existing Supreme Court and the Superior Court were Constitutional Courts at that time as defined by the 4th Article of Part II; said question implies that they are not which confused the voters. The people established for themselves as their first branch of government the General-Court, as the supreme legislative power of the State; the first delegated power of the General Court was the 4th Article of Part II., and it

“shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be holden in the name of the State;”

the people retained for themselves oversight of their courts through their elected Representatives of the General Court; to oversee the function of their common law courts which would adjudicate all laws written pursuant to the Laws of the Land. The people's oversight over the courts had been in effect for 182 years since 1784, until these subversive changes were made. The text and the details of the changes that would result by a "yes" vote, were not presented to the voters. There was no disclosure to the voters that a "yes" vote would abolish any oversight by the people over the new courts stripping the rights of the people to govern themselves and their public servants.

With no disclosure to the voters, they had no idea that their common law jurisdiction and the common law courts provided for by the Constitution of New Hampshire, would be replaced with new courts, void of the people's oversight which is repugnant and contrary to Part I. 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."

So said Article VIII., was not on the ballot, and it has never been amended or repealed. This effort was to sneak the defacto "state" court into Constitutional protection.

There was no disclosure to the voters that the real reason the courts needed to be changed was the consequence of the changes in federal monetary policy, as there would no longer be any lawful money (gold or silver specie/coin) in circulation.

12 U.S. Code § 411. Issuance to reserve banks; nature of obligation; redemption

"...They [federal reserve note] shall be redeemed in lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank."

Moving forward, the courts are now required to operate as Administrative commercial courts, not Judicial courts, under the U.C.C., as silver had been eliminated a year earlier from circulating in the United States, by the Coinage Act of 1965, Pub.L. 89-81, 79 Stat. 254, enacted July 23, 1965. The State and Federal Constitutions, and the common law only recognize lawful money as gold and silver coin and not a debt-based currency (federal reserve notes). A central bank (the federal reserve) and federal reserve notes are repugnant and contrary to the State

and Federal Constitutions. Federal reserve notes were “legal tender” and not lawful money and must be adjudicated in commercial courts that recognize commercial paper and operate under admiralty jurisdiction. Because of this massive fraud and treason the people of New Hampshire were criminally converted on paper to the status of U.S. citizens, making them the debtors/taxpayers, enforced by the new Administrative “state” of New Hampshire courts.

There was no disclosure to the voters as to the text and the details of the changes that would result from question 1. The 4th Article of Part II., was not on the Ballot but would be amended unlawfully; therefore, subversively concealing from the voter the actual intended outcome of the proposed amendment, that would result from a “yes” vote by the deceived voters.

The State (a proper noun) as defined in the Constitutions was replaced by a new unconstitutional, “state” (a common noun) overthrow of the “State” by inserting “state” in the 2 places where “State” is used prior to the amendment, with no disclosure to the people. The text style of the changes was not presented to the voters, therefore concealing the actual outcome of the proposed amendment. The voters never consented to amending the 4th Article of Part II. as such disclosure was never presented to the voters.

The text of the addendum styled as “72A” was not presented to the voters, therefore concealing the actual outcome of the proposed amendment of question 1. The voters never consented to the addendum “72A” being inserted into 4th Article of Part II as there was no disclosure. The text of Article “72A,” an addendum, would be added in two places in Part II, with no disclosure on the ballot, therefore concealing the actual intent of the proposed amendment.

QUESTION NO. 5 5. Are you in favor of amending the Constitution to clarify and reinforce the executive power of the governor, shall be re-vested with the executive power, shall be re-sponsible for the faithful execution of the laws and may by appropriate legal action enforce constitutional and legislative mandates within the executive branch?

Question 5. The text style and the specific details of the changes that would result by a “yes” vote, were not presented to the voters, thus depriving the voters of the true intent and outcome, therefore granting new powers onto the office of governor of the new “state” in direct violation of multiple articles of the Constitution of New Hampshire, including Part I. Article VII, State Sovereignty; Part I Article, VIII,

Federal Constitution Article IV. section 4, and the 9th and 10th amendment of the Bill of Rights.

The Governor of the State as styled by the Constitution by the following;

“There shall be a supreme executive magistrate, who shall be styled the Governor of the State of New Hampshire,”

Followed by the insertion of the following text, which is repugnant and contrary to the preceding sentence dictating the proper style, such text and style was not presented to the voters, therefore concealing the actual outcome and intent of the proposed amendment.

The executive power of the “state” is vested in the “governor.”;

The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the “state,”;

Thus, depriving the people any knowledge of the creation of a federal “state” overthrowing the Constitution of New Hampshire, the Sovereign State without firing a shot, making the governor the CEO of a foreign state, a corporate federal franchise.

QUESTION NO. 7 7. Are you in favor of an amendment limiting the power of the Governor and Council to re-move any commissioned officers upon the address of both houses of the legislature to instances where reasonable cause exist, stated fully and substantially in the address, which cause shall not be sufficient ground for impeachment, and provided that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by joint committee of both houses?

Question 7 is repugnant and contrary to Part I. Article VIII, and unlawful removal of the people’s oversight by subversive measures, and leads to an intended outcome of circumventing constitutional oversight by the people through their elected Representatives in the General Court, effectively creating a court monarchy with no oversight.

QUESTION NO. 8 8. Do you favor having the legislature meet in two annual sessions with a total limit of ninety days by no limit on time of adjournment?

Question 8 of the 1966 Ballot was subsequently overturned by the New Hampshire Supreme Court, Re: The N.H. Supreme Court;

“we likewise continue to be governed by the principle that the clearly expressed intent of the voters must prevail over any undisclosed purpose.”

...as is cited in 1967 THOMAS W. GERBER v. JOHN W. KING & a., (Concrete Co. v. Rheaume Builders, 101 N. H. 59, 61; Opinion of the Justices, 101 N. H. 541, 542; Penrod v. Crowley, 82 Idaho 511). Question 1, 5 and 7 are illegal by applying this opinion as the standard.

The General Court has in its history, never possessed any such authority to surrender or abolish the sovereignty of the people, as it was created by the people as established in the Constitutional State of New Hampshire; nor did the General Court have the requisite, or the consensual authority to prescribe, surrender or abolish the sovereignty of the Body-politic, the “State”, to the body-corporate, styled as the United States, forcing the New Hampshire people into a new federal jurisdiction and control, thus stripping them of all their rights. The effects of such counterfeit actions were intended to traffic the Citizens/Inhabitants of New Hampshire into federal jurisdiction as U.S. citizens, with no disclosure or consent; at once intentionally attempting to divest the New Hampshire inhabitants of sovereignty, rights and status without the knowledge or consent of the original Body Politic, which prior to these subversive actions were lawfully known as the "Citizens" and "Inhabitants" of the State of New Hampshire.

A Statutory “state” was created by the General Court and not by the people through the amendment process. The creation of a new “state,” a federal “state” by the legislature is treasonous, as was the exercise of powers not delegated to them. Such actions are repugnant and contrary to the New Hampshire Constitution, as only the people, the inhabitants (qualified voters) can amend the Constitution of New Hampshire, therefore null and void *ab initio*.

This new statutory “state” is defined as a possession, a territory of the United States. This subversively established a federal jurisdiction with no compact between the people of the State of New Hampshire, which was deceptively intended to establish an unconstitutional relationship with the body-corporate styled, the United States, for which there is no constitutional provision; with no disclosure or consent from the people. The following case by the Supreme Court of the United States established a test to determine if State sovereignty has been violated by the federal government;

National League of Cities v. Usery, 426 U.S. 833 (1976), subsequently overruled, the national interest in including the states under the regulation was balanced against the intrusion on state sovereignty. Three conditions were used in determining if state sovereignty was violated:

- (a) “States as states” (Direct regulation of state or its agencies);**
- (b) “Traditional state functions”;**
- (c) Impairment of state ability “to structure integral operations in areas of traditional functions”.**

CHAPTER 21

STATUTORY CONSTRUCTION

NH RSA, 21:4 State; United States. – *The word "state," when applied to different parts of the United States, may extend to and include the District of Columbia and the several territories, so called; and the words "United States" shall include said district and territories.*

This statute assumes a power to the General Court of New Hampshire not delegated to it. The power to amend the Constitution is reserved to the people. Any use of this statutory construction to enact statutes under the color of law is clearly constructive fraud. A statute cannot be used to change or amend the definition and style of State (a proper noun), or to change the State of New Hampshire to a federal state (a common noun), the “state” (state, territory or possession of the United States, the District of Columbia). The original text and definition of State in the Constitution of New Hampshire has been replaced in the current version of the Constitution of New Hampshire, online, in ninety-six (96) places with no disclosure or consent, and therefore it is in direct violation of the amendment process of the Constitution of New Hampshire. The Constitution for the United States of America defines the members of the Union of the thirteen (13) original States as “States” or “State” and not “state”.

This counterfeit statutory construction has been used to form and erect a “state” within the State of New Hampshire which is repugnant and contrary to the Constitutions; this was conducted in direct violation of Article IV. section 4;

1: *“New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.”*

An Example of such usurpation of power is the creation of “state” statutes for the unconstitutional agency, the "New Hampshire Division of Motor Vehicles" which is not a delegated power in the Constitution of New Hampshire, to the State. This clearly is a different “state” by its definition, and was used to establish a jurisdiction foreign to the Constitution of New Hampshire.

CHAPTER 263

DRIVERS' LICENSES

Driver License Compact

Article II. Definitions

As used in this Compact;

- (a) *“State” means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.*

As defined by this statute, the “**state**” is a territory and possession of the United States, therefore the Citizens/Inhabitants of this State were unwittingly coerced, by criminal conversion and subjected into federal jurisdiction with no disclosure or consent. The people (Citizens of the State) are then subjected to the following edicts;

Article IV. Section 3,

“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.”

It also abolishes the prohibition on the federal government as defined in the Bill of Rights of the Constitution for the United States of America.

9th amendment

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

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.”

No amendment has ever been submitted to the inhabitants of New Hampshire intending to affect, or to achieve the aforesaid changes. No bill or amendment has ever been submitted to the United States of America in Congress assembled for the creation of a “state” ...within the State of New Hampshire.

Part I. Bill of Rights, Article 12;

“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.”

My final point, the oath of allegiance was changed in 1970 to reflect this new form of defacto government, a (federal “state”) by unlawfully amending the oath of allegiance as established by the Constitution of New Hampshire, to that of the new oath of allegiance to the defacto “state”. The Constitutional oath had been in use for 186 years, since 1784. The new oath added the allegiance to the United States of America prioritized first in front the new style of “state”, which amended the lawful style of State. The “constitution” in the new defacto oath is lower case, singular and not plural; if it was plural it might be referring to both Constitutions; as it is referring to that which precedes it, the United States of America and its property, the territory, the “state” of New Hampshire. Therefore, the oath might refer to the U.S. Constitution; The text is styled as “constitution” or “constitutions” (common noun), and it is not styled as a proper noun, “Constitution” and therefore not the same as the Constitution’s, as such your public officials, no longer have a duty to protect your Rights under the Constitution of New Hampshire, but rather to enact and enforce the color of law (statues and codes), of the new “state” New Hampshire. Here is the current oath:

“I, A.B. do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me god”

The aforesaid acts have converted our Republican form of government from a Constitutional Republic to a National Central Democracy. It is time that we the people stand up and take back our Constitutional State.

A Citizen of the State of New Hampshire, an Inhabitant, who dwelleth and hath his home on the Land of New Hampshire.

Daniel Richard