

THE  
CONSTITUTION  
OF THE  
STATE OF RHODE-ISLAND  
AND  
PROVIDENCE PLANTATIONS,  
AS ADOPTED BY THE  
CONVENTION,  
ASSEMBLED AT NEWPORT, SEPTEMBER, 1842.

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PROVIDENCE:  
PRINTED BY KNOWLES AND VOSE.  
1842.

THE  
CONSTITUTION

OF THE  
STATE OF RHODE-ISLAND

AND

CONVENTION

HELD AT PROVIDENCE, R. I.

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1839

1 American.

## CONSTITUTION.

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WE, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and to transmit the same, unimpaired, to succeeding generations, do ordain and establish this Constitution of Government.

### ARTICLE FIRST.

#### DECLARATION OF CERTAIN CONSTITUTIONAL RIGHTS AND PRINCIPLES.

In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, we do declare that the essential and unquestionable rights and principles hereinafter mentioned, shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial and executive proceedings.

Section 1. In the words of the Father of his Country, we declare, that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

Sec. 2. All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the State ought to be fairly distributed among its citizens.

Sec. 3. Whereas, Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a princi-

pal object of our venerable ancestors, in their migration to this country and their settlement of this State, was, as they expressed it, to hold forth a lively experiment that a flourishing civil State may stand and best maintained with full liberty in religious concerns. We, therefore, declare, that no man shall be compelled to frequent or to support any religious worship, place or ministry whatever, except in fulfilment of his own voluntary contract; nor enforced, restrained, molested or burthened in his body or goods; nor disqualified from holding any office; nor otherwise suffer on account of his religious belief; and that every man shall be free to worship God according to the dictates of his own conscience, and to profess and by argument to maintain his opinion in matters of religion; and that the same shall in no wise diminish, enlarge or affect his civil capacity.

Sec. 4. Slavery shall not be permitted in this State.

Sec. 5. Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

Sec. 6. The right of the people to be secure in their persons, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be, the place to be searched, and the persons or things to be seized.

Sec. 7. No person shall be held to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or of such offences as are cognizable by a justice of the peace; or in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger. No person shall, after an acquittal, be tried for the same offence.

Sec. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offence.

Sec. 9. All persons imprisoned ought to be bailed by sufficient surety, unless for offences punishable by death or by imprisonment for life, when the proof of guilt is evi-

dent, or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it; nor ever without the authority of the General Assembly.

Sec. 10. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favor, to have the assistance of counsel in his defence, and shall be at liberty to speak for himself; nor shall he be deprived of life, liberty, or property, unless by the judgment of his peers, or the law of the land.

Sec. 11. The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after he shall have delivered up his property for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 12. No ex post facto law, or law impairing the obligation of contracts, shall be passed.

Sec. 13. No man in a court of common law shall be compelled to give evidence criminating himself.

Sec. 14. Every man being presumed innocent, until he is pronounced guilty by the law, no act of severity which is not necessary to secure an accused person, shall be permitted.

Sec. 15. The right of trial by jury shall remain inviolate.

Sec. 16. Private property shall not be taken for public uses, without just compensation.

Sec. 17. The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this State. But no new right is intended to be granted, nor any existing right impaired by this declaration.

Sec. 18. The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

Sec. 19. No soldier shall be quartered in any house, in time of peace, without the consent of the owner; nor, in time of war, but in manner to be prescribed by law.

Sec. 20. The liberty of the press being essential to the security of freedom in a state, any person may publish his sentiments on any subject, being responsible for the abuse

of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defence to the person charged.

Sec. 21. The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of Government, for redress of grievances, or for other purposes, by petition, address, or remonstrance.

Sec. 22. The right of the people to keep and bear arms, shall not be infringed.

Sec. 23. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

## ARTICLE SECOND.

### OF THE QUALIFICATION OF ELECTORS.

Section 1. Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this State for one year, and in the town or city in which he may claim a right to vote, six months next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days, shall thereafter have a right to vote in the election of all civil officers and on all questions in all legal town or ward meetings so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this State out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the General Assembly in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter; and that the deed, if any, has been recorded ninety days.

Sec. 2. Every [ ] male native citizen of the United States, of the age of twenty-one years, who has

had his residence and home in this State two years and in the town or city in which he may offer to vote, six months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this constitution, or shall be registered in the office of the clerk of such town or city at least seven days before the time he shall offer to vote, and before the last day of December in the present year; and who has paid or shall pay a tax or taxes assessed upon his estate within this State and within a year of the time of voting to the amount of one dollar, or who shall voluntarily pay at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as with his other taxes, shall amount to one dollar, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer or collector of any town or city where such payment is made: or, who being so registered, has been enrolled in any military company in this State, and done military service or duty therein, within the present year, pursuant to law, and shall, (until other proof is required by law,) prove by the certificate of the officer legally commanding the regiment, or chartered, or legally authorized volunteer company in which he may have served or done duty, that he has been equipped and done duty according to law, or by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the first year after the adoption of this constitution, or until the end of the year eighteen hundred and forty-three.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof, that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State, to the amount of one dollar, or that he has been enrolled in a military company in this State, been equipped and done duty therein, according to law, and at least, for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions in all legally orga-

nized town or ward meetings. Provided, that no person shall at any time be allowed to vote in the election of the City Council of the city of Providence, or upon any proposition to impose a tax or for the expenditure of money in any town or city, unless he shall within the year next preceeding, have paid a tax assessed upon his property therein, valued at least, at one hundred and thirty-four dollars.

Sec. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein. But no compulsory process shall issue for the collection of any registry tax. Provided, that the registry tax of every person who has performed military duty according to the provisions of the preceding section, shall be remitted for the year he shall perform such duty; and the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted; and no person shall be allowed to vote whose registry tax for either of the two years next preceding the time of voting is not paid or remitted as herein provided.

Sec. 4. No person in the military, naval, marine or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State: and no pauper, lunatic, person non compos mentis, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the General Assembly.

Sec. 5. Persons residing on lands ceded by this State to the United States, shall not be entitled to exercise the privilege of electors.

Sec. 6. The General Assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption, and fraud in voting.



## ARTICLE THIRD.

## OF THE DISTRIBUTION OF POWERS.

The powers of the government shall be distributed into three departments; the Legislative, Executive, and Judicial.

## ARTICLE FOURTH.

## OF THE LEGISLATIVE POWER.

Section 1. This Constitution shall be the supreme law of the State, and any law inconsistent therewith shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

Sec. 2. The Legislative power, under this Constitution, shall be vested in two Houses, the one to be called the Senate, the other the House of Representatives; and both together the General Assembly. The concurrence of the two Houses shall be necessary to the enactment of laws. The style of their laws shall be, *It is enacted by the General Assembly as follows.*

Sec. 3. There shall be two sessions of the General Assembly holden annually; one at Newport, on the first Tuesday of May, for the purposes of election and other business; the other on the last Monday of October, which last session shall be holden at South Kingstown once in two years, and the intermediate years alternately at Bristol and East Greenwich; and an adjournment from the October session shall be holden annually at Providence.

Sec. 4. No member of the General Assembly shall take any fee, or be of counsel in any case pending before either House of the General Assembly, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the House of which he is a member.

Sec. 5. The person of every member of the General Assembly shall be exempt from arrest and his estate from attachment in any civil action, during the session of the General Assembly, and two days before the commencement, and two days after the termination thereof, and all process served contrary hereto shall be void. For any speech in debate in either House, no member shall be questioned in any other place.

Sec. 6. Each House shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties as may be prescribed by such House or by law.

The organization of the two Houses may be regulated by law, subject to the limitations contained in this constitution.

Sec. 7. Each House may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Sec. 8. Each House shall keep a journal of its proceedings. The yeas and nays of the members of either House, shall, at the desire of one-fifth of those present, be entered on the journal.

Sec. 9. Neither House shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.

Sec. 10. The General Assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution.

Sec. 11. The Senators and Representatives shall receive the sum of one dollar for every day of attendance, and eight cents per mile for travelling expenses in going to and returning from the General Assembly. The General Assembly shall regulate the compensation of the Governor and all other officers, subject to the limitations contained in this constitution.

Sec. 12. All lotteries shall hereafter be prohibited in this State, except those already authorized by the General Assembly.

Sec. 13. The General Assembly shall have no power, hereafter, without the express consent of the people, to incur State debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of insurrection or invasion, nor shall they in any case, without such consent, pledge the faith of the State for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with this State by the Government of the United States.

Sec. 14. The assent of two-thirds of the members elected to each House of the General Assembly shall be required to every bill appropriating the public money or property for local or private purposes.

Sec. 15. The General Assembly shall, from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as they may deem best. A new estimate of such property shall be taken be-

fore the first direct State tax after the adoption of this constitution, shall be assessed.

Sec. 16. The General Assembly may provide by law for the continuance in office of any officers of annual election or appointment, until other persons are qualified to take their places.

Sec. 17. Hereafter, when any bill shall be presented to either House of the General Assembly, to create a corporation for any other than for religious, literary or charitable purposes, or for a military or fire company, it shall be continued until another election of members of the General Assembly shall have taken place, and such public notice of the pendency thereof shall be given as may be required by law.

Sec. 18. It shall be the duty of the two Houses upon the request of either, to join in grand committee for the purpose of electing Senators in Congress, at such times and in such manner as may be prescribed by law for said elections.

## ARTICLE FIFTH.

### OF THE HOUSE OF REPRESENTATIVES.

Section 1. The House of Representatives shall never exceed seventy-two members, and shall be constituted on the basis of population, always allowing one Representative for a fraction exceeding half the ratio; but each town or city shall always be entitled to at least one member; and no town or city shall have more than one sixth of the whole number of members to which the House is hereby limited. The present ratio shall be one representative to every fifteen hundred and thirty inhabitants, and the General Assembly may, after any new census taken by the authority of the United States or of this State, re-apportion the representation by altering the ratio; but no town or city shall be divided into districts for the choice of representatives.

Sec. 2. The House of Representatives shall have authority to elect its speaker, clerks, and other officers. The senior member from the town of Newport, if any be present, shall preside in the organization of the House.

## ARTICLE SIXTH.

### OF THE SENATE.

Section 1. The Senate shall consist of the Lieutenant-Governor and of one Senator from each town or city in the State.

Sec. 2. The Governor, and, in his absence, the Lieuten-

ant-Governor, shall preside in the Senate and in grand committee. The presiding officer of the Senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

Sec. 3. If, by reason of death, resignation, absence, or other cause, there be no Governor or Lieutenant Governor present, to preside in the Senate, the Senate shall elect one of their own members to preside during such absence or vacancy; and until such election is made by the Senate, the Secretary of State shall preside.

Sec. 4. The Secretary of State shall, by virtue of his office, be Secretary of the Senate, unless otherwise provided by law; and the Senate may elect such other officers as they may deem necessary.

#### ARTICLE SEVENTH.

##### OF THE EXECUTIVE POWER.

Section 1. The chief executive power of this State shall be vested in a Governor, who, together with a Lieutenant Governor, shall be annually elected by the people.

Sec. 2. The Governor shall take care that the laws be faithfully executed.

Sec. 3. He shall be captain-general and commander-in-chief of the military and naval forces of this State, except when they shall be called into the service of the United States.

Sec. 4. He shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the General Assembly.

Sec. 5. He may fill vacancies in office not otherwise provided for by this constitution or by law, until the same shall be filled by the General Assembly, or by the people.

Sec. 6. In case of disagreement between the two Houses of the General Assembly, respecting the time or place of adjournment, certified to him by either, he may adjourn them to such time and place as he shall think proper; provided that the time of adjournment shall not be extended beyond the day of the next stated session.

Sec. 7. He may, on extraordinary occasions, convene the General Assembly at any town or city in this State, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious disease, in the place in which the General Assembly are by law to meet, or to which they may have been adjourned; or for other urgent reasons, he may, by proclamation, convene said Assembly, at any other place within this State.

Sec. 8. All commissions shall be in the name and by authority of the State of Rhode-Island and Providence Plantations; shall be sealed with the State seal, signed by the Governor and attested by the Secretary.

Sec. 9. In case of vacancy in the office of Governor, or of his inability to serve, impeachment, or absence from the State, the Lieutenant Governor shall fill the office of Governor and exercise the powers and authority appertaining thereto, until a Governor is qualified to act, or until the office is filled at the next annual election.

Sec. 10. If the offices of Governor and Lieutenant Governor be both vacant by reason of death, resignation, impeachment, absence, or otherwise, the person entitled to preside over the Senate for the time being, shall in like manner fill the office of Governor during such absence or vacancy.

Sec. 11. The compensation of the Governor and Lieutenant Governor shall be established by law, and shall not be diminished during the term for which they are elected.

Sec. 12. The duties and powers of the Secretary, Attorney General, and General Treasurer, shall be the same under this constitution as are now established, or as from time to time may be prescribed by law.

## ARTICLE EIGHTH.

### OF ELECTIONS.

Section 1. The Governor, Lieutenant-Governor, Senators, Representatives, Secretary of State, Attorney General, and General Treasurer, shall be elected at the town, city, or ward meetings, to be holden on the first Wednesday of April, annually; and shall severally hold their offices for one year, from the first Tuesday of May next succeeding, and until others are legally chosen, and duly qualified to fill their places. If elected or qualified after the said first Tuesday of May, they shall hold their offices for the remainder of the political year, and until their successors are qualified to act.

Sec. 2. The voting for Governor, Lieutenant-Governor, Secretary of State, Attorney General, General Treasurer, and Representatives to Congress, shall be by ballot; Senators and Representatives to the General Assembly, and town or city officers, shall be chosen by ballot, on demand of any seven persons entitled to vote for the same; and in all cases where an election is made by ballot or paper vote, the manner of balloting shall be the same as is now required

in voting for general officers, until otherwise prescribed by law.

Sec. 3. The names of the persons voted for as Governor, Lieutenant-Governor, Secretary of State, Attorney General, and General Treasurer, shall be placed upon one ticket, and all votes for these officers, shall, in open town or ward meetings be sealed up by the moderators and town clerks and by the wardens and ward clerks, who shall certify the same and deliver or send them to the Secretary of State; whose duty it shall be securely to keep and deliver the same to the grand committee, after the organization of the two Houses at the annual May session; and it shall be the duty of the two Houses at said session, after their organization, upon the request of either House, to join in grand committee, for the purpose of counting and declaring said votes, and of electing other officers.

Sec. 4. The town and ward clerks shall also keep a correct list or register, of all persons voting for general officers, and shall transmit a copy thereof to the General Assembly, on or before the first day of said May session.

Sec. 5. The ballots for Senators and Representatives in the several towns, shall in each case after the polls are declared to be closed, be counted by the moderator, who shall announce the result, and the clerk shall give certificates to the persons elected. If, in any case, there be no election, the polls may be re-opened, and the like proceedings shall be had until an election shall take place: Provided, however, that an adjournment or adjournments of the election may be made to a time not exceeding seven days from the first meeting.

Sec. 6. In the city of Providence, the polls for Senator and Representatives shall be kept open during the whole time of voting for the day, and the votes in the several wards shall be sealed up at the close of the meeting by the wardens and ward clerks in open ward meeting, and afterwards delivered to the city clerk. The Mayor and Aldermen shall proceed to count said votes within two days from the day of election; and if no election of Senator and Representatives, or if an election of only a portion of the Representatives shall have taken place, the Mayor and Aldermen shall order a new election, to be held not more than ten days from the day of the first election, and so on until the election shall be completed. Certificates of election shall be furnished by the city clerk to the persons chosen.

Sec. 7. If no person shall have a majority of votes for

Governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office, except when such a result is produced by rejecting the entire vote of any town, city, or ward for informality or illegality, in which case a new election by the electors throughout the State shall be ordered; and in case no person shall have a majority of votes for Lieutenant-Governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office.

Sec. 8. In case an election of the Secretary of State, Attorney General, or General Treasurer, should fail to be made by the electors at the annual election, the vacancy or vacancies shall be filled by the General Assembly in grand committee, from the two candidates for such office having the greatest number of the votes of the electors. Or, in case of a vacancy in either of said offices from other causes, between the sessions of the General Assembly, the Governor shall appoint some person to fill the same until a successor elected by the General Assembly is qualified to act; and in such case, and also in all other cases of vacancies, not otherwise provided for, the General Assembly may fill the same in any manner they may deem proper.

Sec. 9. Vacancies from any cause in the Senate or House of Representatives may be filled by a new election.

Sec. 10. In all elections held by the people, under this constitution, a majority of all the electors voting shall be necessary to the election of the persons voted for.

#### ARTICLE NINTH.

##### OF QUALIFICATIONS FOR OFFICE.

Section 1. No person shall be eligible to any civil office, (except the office of school committee,) unless he be a qualified elector for such office.

Sec. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered, or procured any other person to offer, any bribe to secure his election, or the election of any other person.

Sec. 3 All general officers shall take the following engagement before they act in their respective offices, to wit:  
 You                                being by the free vote of the electors of  
 this State of Rhode-Island and Providence Plantations,  
 elected unto the place of                                do solemnly swear (or  
 affirm) to be true and faithful unto this State, and to support  
 the Constitution of this State and of the United States;

that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of your abilities, according to law: So help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury.

Sec. 4. The members of the General Assembly, the Judges of all the Courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this Constitution, and the Constitution of the United States.

Sec. 5. The oath, or affirmation, shall be administered to the Governor, Lieutenant-Governor, Senators, and Representatives by the Secretary of State, or, in his absence, by the Attorney General. The Secretary of State, Attorney General, and General Treasurer, shall be engaged by the Governor, or by a Justice of the Supreme Court.

Sec. 6. No person holding any office under the government of the United States, or of any other State or country, shall act as a general officer, or as a member of the General Assembly, unless at the time of taking his engagement he shall have resigned his office under such government; and if any general officer, Senator, Representative, or Judge shall, after his election and engagement, accept any appointment under any other government, his office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take depositions or acknowledgements of deeds, or other legal instruments, by the authority of any other State or country.

#### ARTICLE TENTH.

##### OF THE JUDICIAL POWER.

Section 1. The Judicial power of this State shall be vested in one Supreme Court, and in such inferior courts as the General Assembly may, from time to time, ordain and establish.

Sec. 2. The several courts shall have such jurisdiction as may from time to time be prescribed by law. Chancery powers may be conferred on the Supreme Court, but on no other Court to any greater extent than is now provided by law.

Sec. 3. The Judges of the Supreme Court shall, in all trials, instruct the jury in the law. They shall also give their written opinion upon any question of law whenever requested by the Governor, or by either House of the General Assembly.

Sec. 4. The Judges of the Supreme Court shall be elected by the two Houses in grand committee. Each Judge shall



hold his office until his place be declared vacant by a resolution of the General Assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the House in which it may originate, and be concurred in by the same majority of the other House. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and in default of the passage thereof at said session, the judge shall hold his place as is herein provided. But a Judge of any court shall be removed from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

Sec. 5. In case of vacancy by death, resignation, removal from the State or from office, refusal or inability to serve, of any Judge of the Supreme Court, the office may be filled by the grand committee, until the next annual election, and the Judge then elected shall hold his office as before provided. In cases of impeachment, or temporary absence or inability, the Governor may appoint a person to discharge the duties of the office during the vacancy caused thereby.

Sec. 6. The Judges of the Supreme Court shall receive a compensation for their services, which shall not be diminished during their continuance in office.

Sec. 7. The towns of New Shoreham and Jamestown may continue to elect their wardens as heretofore. The other towns and the city of Providence, may elect such number of justices of the peace, resident therein, as they may deem proper. The jurisdiction of said justices and wardens shall be regulated by law. The justices shall be commissioned by the Governor.

## ARTICLE ELEVENTH.

### OF IMPEACHMENTS.

Section 1. The House of Representatives shall have the sole power of impeachment. A vote of two thirds of all the members elected shall be required for an impeachment of the Governor. Any officer impeached, shall thereby be suspended from office until judgment in the case shall have been pronounced.

Section. 2. All impeachments shall be tried by the Senate; and, when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of the members elected. When the Governor is impeached, the chief or presiding justice of the Supreme Court for the time being, shall preside, with a casting vote in all preliminary questions.

Sec. 3. The Governor and all other executive and judicial officers, shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office. The person convicted shall, nevertheless, be liable to indictment, trial, and punishment according to law.

### ARTICLE TWELFTH.

#### OF EDUCATION.

Section 1. The diffusion of knowledge, as well as of virtue, among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the General Assembly to promote public schools, and to adopt all means which they may deem necessary and proper to secure to the people the advantages and opportunities of education.

Sec. 2. The money which now is, or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of Public Schools, shall be securely invested and remain a perpetual fund for that purpose.

Sec. 3. All donations for the support of Public Schools or for other purposes of education, which may be received by the General Assembly, shall be applied according to the terms prescribed by the donors.

Sec. 4. The General Assembly shall make all necessary provisions by law for carrying this article into effect. They shall not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretence whatsoever.

### ARTICLE THIRTEENTH.

#### ON AMENDMENTS.

The General Assembly may propose amendments to this constitution by the votes of a majority of all the members elected to each House. Such propositions for amendment shall be published in the newspapers, and printed copies of them shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State. The said propositions shall be, by said clerks, inserted in the warrants or notices by them issued, for warning the next annual town and ward meetings in April; and the clerks shall read said propositions to the electors when thus assembled, with the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Senators and Representatives shall be had. If a majority of all the

members elected to each House, at said annual meeting, shall approve any proposition thus made, the same shall be published and submitted to the electors in the mode provided in the act of approval; and if then approved by three-fifths of the electors of the State present, and voting thereon in town and ward meetings, it shall become a part of the constitution of the State.

#### ARTICLE FOURTEENTH.

##### OF THE ADOPTION OF THIS CONSTITUTION.

Section 1. This constitution, if adopted, shall go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-three. The first election of Governor, Lieutenant-Governor, Secretary of State, Attorney General, and General Treasurer, and of Senators and Representatives under said constitution, shall be had on the first Wednesday of April next preceding, by the electors qualified under said constitution. And the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil and military officers now elected, or who shall hereafter be elected, by the General Assembly, or other competent authority, before the said first Wednesday of April, shall hold their offices and may exercise their powers until the said first Tuesday of May, or until their successors shall be qualified to act. All statutes, public and private, not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All charters, contracts, judgments, actions, and rights of action, shall be as valid as if this constitution had not been made. The present government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-three, and until the government under this constitution is duly organized.

Sec. 2. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the State as if this constitution had not been adopted.

Sec. 3. The Supreme Court, established by this constitution, shall have the same jurisdiction as the Supreme Judicial Court at present established, and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present Supreme Judicial Court, until otherwise prescribed by the General Assembly.

Sec. 4. The towns of New-Shoreham and Jamestown shall continue to enjoy the exemptions from military duty which they now enjoy, until otherwise prescribed by law.

Done in Convention, at East-Greenwich, this fifth day of November, eighteen hundred and forty-two.

JAMES FENNER, *President*.

HENRY Y. CRANSTON, *Vice-Pres't.*

THOMAS A. JENCKES, }  
WALTER W. UPDIKE, } *Secretaries.*

### STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS

*In Convention, November 5, A. D. 1842.*

*Resolved*, That the constitution framed by this convention, be certified by the officers thereof, and with the journal and papers of the convention be deposited in the office of the Secretary of State, who shall cause said constitution, together with this resolution and all acts and resolutions of the General Assembly relating to this convention, to be printed and distributed according to law; and that said constitution be submitted to all the people who may be by law authorised to vote thereon, for their ratification or rejection, at town or ward meetings, to be holden in the several towns and in the city of Providence, on Monday, Tuesday, and Wednesday, the 21st, 22d, and 23d days of November, A. D. 1842. The several town and city clerks shall issue the necessary warrants for said meetings. Said meetings shall be kept open for the reception of votes during the time herein specified, and longer if necessary, viz. from the hour of 9 o'clock in the forenoon until 4 o'clock in the afternoon; and in the town of Newport, and city of Providence, until 7 o'clock in the evening on the days appointed.

In the first line of the second section of article second, relating to the qualification of electors, when the constitution is enrolled, there shall be a blank space left between the words *every* and *male*; and at the meetings hereinbefore appointed for voting upon the constitution, the following question shall also be separately submitted to be voted upon by those who may be authorised to vote for or against said constitution, viz: "In case the constitution framed by the convention assembled at Newport in September, 1842, be adopted, shall the blank in the first line of section second of article second of said constitution, be filled by the word '*white*;' and a sufficient number of affirmative and negative ballots for this purpose shall be printed and distribu-

ted by the Secretary. And in case said constitution be adopted, and there shall also be a majority of votes in favor of filling said blank with said word *white*, the General Assembly shall cause the blank to be so filled, and the same shall be a part of said constitution in the same manner as if originally inserted therein by this convention. But if there be a majority of votes against filling said blank as aforesaid, the constitution shall be printed without said blank. And if said constitution be not adopted, the vote taken in relation to said word *white* shall be of no effect. And the town and ward clerks shall keep separate lists of the votes of all colored persons under the second section of the article on the qualifications of electors, who may vote on the question of the adoption of the constitution, and also on the question of the insertion of the word *white* in said section; and these ballots shall be placed in separate parcels in the sealed packages of ballots to be returned by the town and ward clerks to the General Assembly.

The ballots upon the adoption of said constitution, and also upon the question in relation to said word *white*, shall be returned to the next session of the General Assembly holden after the meetings herein appointed, in order that they may cause the votes to be counted and the result declared.

Read and adopted. THOS. A. JENCKES, *Sec'y.*

*In Convention, Nov. 5, 1842.*

*Resolved*, That the town and city clerks give immediate notice of the time appointed by this Convention for voting upon this Constitution, and also of the time appointed for the completion of the registry of votes according to the provisions of section second, article second, of said Constitution, and that the Secretary of the Convention cause copies of this resolution to be forwarded to all the town and city clerks in the State.

Read and adopted. THOS. A. JENCKES, *Sec'y.*

#### STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

*In General Assembly, June Session, A. D. 1842.*

AN ACT to provide for calling a Convention of the People of this State, for the purpose of forming a new Constitution or form of government for the people thereof.

*Be it enacted by the General Assembly as follows:*

Section 1. The people of the several towns in this State,

and of the city of Providence, qualified to vote as hereinafter provided, are hereby requested at the town or ward meetings, holden on the last Tuesday of August next, to choose so many delegates as they will be severally entitled to according to the provisions of this act, to attend a Convention to be holden at Newport on the second Monday of September next, to frame a new Constitution for this State, either in whole or in part, with full powers for that purpose.

Sec. 2. A majority of the whole number of delegates, which all the towns and city of Providence are entitled to elect, shall constitute a quorum who may elect a President, Secretaries, and other officers, judge of the election and qualification of members, punish contempts and establish such rules and proceedings as they may deem proper: said Convention may adjourn to any place they may think proper. Any town or city which may fail to elect its delegates at the time prescribed, may choose them at any time before the meeting of the Convention, and vacancies from resignations or otherwise, may be filled at any time by a new election.

Sec. 3. The Constitution or Articles agreed upon by the Convention, shall be submitted to those qualified to vote as hereinafter provided, in open town or ward meetings, to be held on such day or days, and in such time and manner as the Convention shall direct. The Constitution or articles shall be certified by the President and Secretaries, and with the journal and papers of the Convention, deposited in the office of the Secretary of State, who shall immediately distribute to the several town and city clerks, in due proportion, five thousand printed copies of the Constitution or articles, in pamphlet form, and also thirty thousand ballots, on one side of which shall be printed "Constitution, or Articles proposed by the Convention holden at Newport on the second Monday of September, A. D. 1842;" and on the other side thereof shall be written or printed the word "Adopt" on one half of them, and the word "Reject" on the other half. He shall also cause said Constitution or articles to be published in any other manner the Convention may prescribe.

Sec. 4. At said town or ward meetings every person voting shall have his name written on the back of his ballot; and the ballots shall be sealed up in open town or ward meeting by the clerks and with lists of the voters be returned to the General Assembly at the next session thereof, who shall cause the votes to be examined and counted, and

if said Constitution or articles be adopted by a majority of the persons having a right to vote, the same shall go into operation at such time or times, and in such manner as shall be appointed by the Convention.

Sec. 5. The Delegates to said Convention, shall be elected upon a basis of population according to the census of 1840, as follows: every town of not more than 3,000 inhabitants, may elect two delegates; over 3000 and not over 6000 three delegates; over 6000 and not over 10,000 four delegates; over 10,000 and not over 15,000 five delegates; and over 15,000, six delegates.

Sec. 6. In the choice of delegates to said Convention, the following description of persons shall be admitted to vote. All those who are qualified to vote for general officers by existing laws; and all native male citizens of the United States, (except Narragansett Indians, convicts, paupers, persons under guardianship and non compos mentis,) who are of the age of 21 years and upwards, and who shall have had their permanent residence or home within this State for the period of three years next preceding their voting, and in the town or city wherein they offer to vote, for the period of one year next preceding such voting, and who shall have had their names recorded with the town or city clerk of the town or city in which they shall offer to vote, in proper books to be kept by said town or city clerks for that purpose, at least ten days before the day of voting. In voting upon the adoption or rejection of said constitution or articles, in addition to those who are qualified to vote for general officers by the existing laws, all those shall be admitted to vote who will be qualified to vote for general officers under the provisions of said constitution or articles, if in force: but this provision shall not be construed to give to any person a right to vote at any town or ward meeting, held under and by virtue of this act, upon any other question or questions than the questions herein specifically named.

Sec. 7. The delegates shall receive the same compensation for attendance as members of the General Assembly, payable upon the certificate of the Secretary.

Sec. 8. A sum not exceeding five hundred dollars, is hereby appropriated for defraying the expenses of said convention, to be paid out of the treasury to the order of the President thereof.

Sec. 9. It shall be the duty of the town, city and ward clerks, to warn according to law, the meetings hereby ap-

pointed, and those which may be ordered by said convention.

Sec. 10. Any fourteen members of the Convention, including the President if there be one, shall have full power and authority to compel the attendance of absent members. It shall be the duty of the sheriff of the county where the Convention shall be in session, to attend said Convention, and execute the orders thereof.

Sec. 11. Whenever in any town or ward meeting holden under this act, any dispute shall arise as to any person's residence, or other qualifications, the moderator or warden, or person presiding in said meetings, shall have authority to examine under oath the person offering to vote, and other persons who may be present respecting the same, and decide upon his qualification, subject to review by the General Assembly.

A true copy—witness, HENRY BOWEN, Sec'ry.

#### STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

*In Convention at Newport, Sept. 29th, 1842.*

Whereas from the manifest impracticability of ascertaining the precise number of persons that might have a right to vote on the adoption of any constitution to be submitted for adoption under the provisions of the act calling this Convention, it is inferable that it is the true intent of said act that none but those actually voting should be counted; and whereas there is an ambiguity in said act in this particular: therefore,

*Resolved*, that the General Assembly be requested to pass such declaratory law as may be deemed necessary for the plainer expression of the intent and meaning of the act aforesaid.

Read and adopted. THOMAS A. JENCKES, Sec'ry.

#### STATE OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS.

*In General Assembly October Session, A. D. 1842.*

AN ACT to amend "An Act to provide for calling a Convention of the People of this State for the purpose of forming a new Constitution or form of Government for the People thereof," passed at the June Session, A. D. 1842.

Whereas the Convention which assembled at Newport, on the second Monday of September last, in pursuance of the provisions of the act aforesaid, have requested this General Assembly to declare the true intent and construction of a portion of the Fourth Section of said act: therefore,

*Be it enacted by the General Assembly as follows:*

If the Constitution or articles that may be framed and submitted to the people under the provisions of said act, be adopted by a majority of the persons having a right to vote and actually voting upon the question of adopting the same, the said Constitution or articles shall become the supreme law of the State; and shall go into operation at such time or times and in such manner as shall be appointed by said Convention.

True copy—witness, HENRY BOWEN, Sec'ry.

SECRETARY'S OFFICE, Providence, Nov. 7, 1842.

I certify the foregoing Constitution and Resolutions of the Convention and acts of the General Assembly to be true copies of the records in my office. Witness, HENRY BOWEN, Sec'ry.