

Peoples Constitution

Wm H Petter

CONSTITUTION

OF THE

STATE OF RHODE ISLAND

AND

PROVIDENCE PLANTATIONS,

AS FINALLY ADOPTED

BY THE

CONVENTION OF THE PEOPLE,

ASSEMBLED AT PROVIDENCE,

ON THE 18TH DAY OF NOVEMBER,

1841.

PROVIDENCE:
PRINTED AT THE NEW AGE OFFICE.

1842.

1841
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CONSTITUTION

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of the State of Rhode Island and Providence Plantings
as amended in the Convention of the People on
the 15th of Providence on the 18th day of December
1841

WE PRODUCE here a copy of the
original manuscript of the
Constitution of the State of Rhode Island and Providence Plantings
as amended in the Convention of the People on the 15th of Providence
on the 18th day of December 1841

ARTICLE I

SECTION 1. The legislative power shall be vested in the
General Assembly, which shall consist of the
Senate and the House of Representatives.
SECTION 2. The Senate shall be composed of
eight members, who shall be elected by the
people of the State at large, for the term
of two years, and shall hold their offices
until the first day of January next
following their election.

EVIDENCE

PAINTED AT THE VERNAL OFFICE

1842

CONSTITUTION

of the State of Rhode Island and Providence Plantations,

As finally adopted by the Convention of the People assembled at Providence, on the 18th day of November, 1841.

WE, the PEOPLE of the STATE of RHODE ISLAND and PROVIDENCE PLANTATIONS, grateful to Almighty God for his blessing vouchsafed to the "lively experiment" of Religious and Political Freedom here "held forth" by our venerated ancestors, and earnestly imploring the favor of his gracious Providence toward this our attempt to secure, upon a permanent foundation, the advantages of well ordered and rational Liberty, and to enlarge and transmit to our successors the inheritance that we have received, do ordain and establish the following CONSTITUTION of Government for this State

ARTICLE I.

DECLARATION OF PRINCIPLES AND RIGHTS.

1. In the spirit and in the words of ROGER WILLIAMS, the illustrious Founder of this State, and of his venerated associates, WE DECLARE, "that this government shall be a DEMOCRACY," or government of the PEOPLE, "by the major consent" of the same, "ONLY IN CIVIL THINGS." The will of the people shall be expressed by Representatives freely chosen, and returning at fixed periods to their constituents. This State shall be, and forever remain, as in the design of its Founder, sacred to "SOUL LIBERTY," to the rights of conscience, to freedom of thought, of expression and of action, as hereinafter set forth and secured.

2. All men are created free and equal, and are endowed by their Creator with certain natural, inherent and inalienable Rights; among which are life, liberty, the acquisition of property, and the pursuit of happiness. Government cannot create or bestow these rights, which are the gift of God; but it is instituted for the stronger and surer defense of the same; that men may safely enjoy the rights of life and liberty, securely possess and transmit property, and, so far as laws avail, may be successful in the pursuit of happiness.

3. All political power and sovereignty are originally vested in, and of right belong to the PEOPLE. All free governments are founded in their authority, and are established for the greatest good of the whole number. The PEOPLE have therefore an inalienable and indefeasible right, in their original, sovereign and unlimited capacity, to ordain and institute government, and, in the same capacity, to alter, reform, or totally change the same, whenever their safety or happiness requires.

4. No favor or disfavor ought to be shown in legislation toward any man, or party, or society, or religious denomination. The laws should be made not for the good of the few, but of the many; and the burdens of the State ought to be fairly distributed among its citizens.

5. The diffusion of useful knowledge, and the cultivation of a sound morality, in the fear of God, being of the first importance in a Republican State, and indispensable to the maintenance of its liberty, it shall be an imperative duty of the Legislature to promote the establishment of Free Schools, and to assist in the support of Public Education.

6. Every person in this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be done to his rights of 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.

7. The right of the people to be secure in their persons, houses, 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 person or things to be seized.

8. No person shall be held to answer to a capital or other infamous charge unless on indictment by 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.—No person shall be tried, after an acquittal, for the same crime or offense.

9. Every man being presumed to be innocent, until pronounced guilty by the law, all acts of severity, that are not necessary to secure an accused person, ought to be repressed.

10. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted; and all punishments ought to be proportioned to the offense.

11. All prisoners shall be bailable upon sufficient surety, unless for capital offenses, when the proof is evident, 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.

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

13. The right of trial, by jury shall remain inviolate; and in all criminal cases the jury shall judge both of the law and of the facts.

14. Any person in this State, who may be claimed, to be held to labor or service, under the laws of any other State, territory, or district, shall be entitled to a jury trial, to ascertain the validity of such claim.

15. No man in a Court of common law shall be required to criminate himself.

16. Retrospective laws, civil and criminal, are unjust and oppressive, and shall not be made.

17. The People have a right to assemble in a peaceable manner, without molestation or restraint, to consult upon the public welfare; a right to give instructions to their Senators and Representatives; and a right to apply to those invested with the powers of Government for redress of grievances, for the repeal of injurious laws, for the correction of faults of administration, and for all other purposes.

18. The liberty of the Press being essential to the security of freedom in a State, any citizen 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, spoken from good motives and for justifiable ends, shall be a sufficient defense to the person charged.

19. Private property shall not be taken for public uses without just compensation; nor unless the public good require it; nor under any circumstances until compensation shall have been made, if required.

20. The military shall always be held in strict subordination to the civil authority.

21. 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 manner to be prescribed by law.

22. Whereas Almighty God hath created the mind free, and all attempts to influence it by temporal punishments, or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness; and whereas a principal object of our venerated 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 be best maintained, with full liberty in re-

ligious concerns, We therefore DECLARE, that no man shall be compelled to frequent, or support any religious worship, place or ministry whatsoever, nor be enforced, restrained, molested, or burdened in his body or goods, nor disqualified from holding any office, nor otherwise suffer on account of his religious belief; and that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion; and that the same shall in no wise diminish, enlarge or affect their civil capacities; and that all other religious rights and privileges of the people of this State, as now enjoyed, shall remain inviolate and inviolable.

23. No witness shall be called in question before the Legislature, nor in any Court of this State, nor before any magistrate, or other person, authorised to administer an oath, or affirmation, for his or her religious belief, or opinions, or any part thereof; and no objection to a witness, on the ground of his or her religious opinions, shall be entertained or received.

24. The citizens shall continue to enjoy and freely exercise all the rights of fishery, and privileges of the shore, to which they have been heretofore entitled under the charter and usages of this State.

25. The enumeration of the forgoing rights shall not be construed to impair nor deny others retained by the people.

ARTICLE II.

OF ELECTORS AND THE RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who has resided in this State for one year, and in any town, city, or district of the same for six months, next preceding the election at which he offers to vote, shall be an elector of all officers, who are elected, or may hereafter be made eligible by the People. But persons in the military, naval, or marine service of the United States shall not be considered as having such established residence, by being stationed in any garrison, barrack, or military place, in any town or city in this State.

2. Paupers and persons under guardianship, insane, or lunatic are excluded from the electoral right; and the same shall be forfeited on conviction of bribery, forgery, perjury, theft, or other infamous crime; and shall not be restored unless by an act of the General Assembly.

3. No person, who is excluded from voting, for want of the qualification first named in section first of this article, shall be taxed, or be liable to do military duty; provided that nothing in said first article shall be so construed as to exempt from taxation any property or persons now liable to be taxed.

4. No elector who is not possessed of, and assessed for ratable property, in his own right, to the amount of one hundred and fifty dollars, or who shall have neglected, or refused to pay any tax assessed upon

him, in any town, city, or district, for one year preceding the town, city, ward, or district meeting at which he shall offer to vote, shall be entitled to vote on any question of taxation, or the expenditure of any public moneys in such town, city, or district, until the same be paid.

5. In the city of Providence, and other cities, no person shall be eligible to the office of mayor, alderman, or common council man, who is not taxed, or who shall have neglected or refused to pay his tax, as provided in the preceding section.

6. The voting for all officers chosen by the People, except town or city officers, shall be by ballot; that is to say, by depositing a written or printed ticket in the ballot box, without the name of the voter written thereon. Town or city officers shall be chosen by ballot, on the demand of any two persons entitled to vote for the same.

7. There shall be a strict registration of all qualified voters in the towns and cities of the State; and no person shall be permitted to vote, whose name has not been entered upon the list of voters before the polls are opened.

8. The General Assembly shall pass all necessary laws for the prevention of fraudulent voting by persons not having an actual, permanent residence, or home, in the State, or otherwise disqualified according to this Constitution; for the careful registration of all voters, previously to the time of voting; for the prevention of frauds upon the ballot box; for the preservation of the purity of elections; and for the safe keeping and accurate counting of the votes; to the end that the will of the People may be freely and fully expressed, truly ascertained and effectually exerted, without intimidation, suppression, or unnecessary delay.

9. The electors shall be exempted from arrest on days of election, and one day before, and one day after the same, except in cases of treason, felony, or breach of the peace.

10. No person shall be eligible to any office by the votes of the People, who does not possess the qualifications of an elector.

ARTICLE III.

OF THE DISTRIBUTION OF POWERS.

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

2. No person or persons connected with one of these departments shall exercise any of the powers belonging to either of the others, except in cases herein directed or permitted.

ARTICLE IV.

OF THE LEGISLATIVE DEPARTMENT.

1. The Legislative power shall be vested in two distinct Houses, the one to be called the House of Representatives, the other the Senate, and both together the General Assembly. The concurrent

votes of the two Houses shall be necessary to the enactment of laws; and the style of their laws shall be—Be it enacted by the General Assembly, as follows.

2. No member of the General Assembly shall be eligible to any civil office under the authority of the State during the term for which he shall have been elected.

3. If any Representative, or Senator, in the General Assembly of this State shall be appointed to any office under the Government of the United States, and shall accept the same, after his election as such Senator or Representative, his seat shall thereby become vacant.

4. Any person who holds an office under the Government of the United States, may be elected a member of the General Assembly, and may hold his seat therein, if at the time of taking his seat he shall have resigned said office, and shall declare the same on oath, or affirmation, if required.

5. No member of the General Assembly shall take any fees, be of counsel, or act as advocate in any case pending before either branch of the General Assembly, under penalty of forfeiting his seat, upon due proof thereof.

6. Each House shall judge of the election and qualifications of its members; and a majority of all the members of each House, whom the towns and senatorial districts are entitled to elect, 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 each House may have previously prescribed.

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

8. Each House shall keep a journal of its proceedings, and publish the same when required by one-fifth of its members. The yeas and nays of the members of either House, shall, at the desire of any five members present, be entered on the journal.

9. Neither House shall, without the consent of the other, adjourn for more than two days, nor to any other place than that at which the General Assembly is holding its session.

10. The Senators and Representatives shall, in all cases of civil process, be privileged from arrest, during the session of the General Assembly, and for two days before the commencement, and two days after the termination of any session thereof. For any speech in debate in either House, no member shall be called in question in any other place.

11. The civil and military officers, heretofore elected in grand committee, shall hereafter be elected annually by the General Assem-

bly, in joint committee, composed of the two Houses of the General Assembly, excepting as is otherwise provided in this Constitution; and excepting the captains and subalterns of the militia, who shall be elected by the ballots of the members composing their respective companies, in such manner as the General Assembly may prescribe; and such officers, so elected, shall be approved of and commissioned by the Governor, who shall determine their rank; and if said companies shall neglect or refuse to make such elections, after being duly notified, then the Governor shall appoint suitable persons to fill such offices.

12. Every bill and every resolution requiring the concurrence of the two Houses (votes of adjournment accepted) which shall have passed both Houses of the General Assembly, shall be presented to the Governor for his revision. If he approve of it, he shall sign and transmit the same to the Secretary of State; but if not, he shall return it to the House in which it shall have originated, with his objections thereto, which shall be entered at large on their journal. The House shall then proceed to reconsider the bill; and if, after such reconsideration, that House shall pass it, by a majority of all the members elected, it shall be sent, with the objections, to the other House, which shall also reconsider it; and if approved by that House, by a majority of all the members elected, it shall become a law. If the bill shall not be returned by the Governor within forty-eight hours (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not be a law.

13. There shall be two sessions of the General Assembly in every year; one session to be held at Newport, on the first Tuesday of June, for the organization of the government, the election of officers, and for other business; and one other session on the first Tuesday of January, to be held at Providence, in the first year after the adoption of this Constitution, and in every second year thereafter. In the intermediate years, the January session shall be forever hereafter held in the counties of Washington, Kent, or Bristol, as the General Assembly may determine, before their adjournment in June.

ARTICLE V.

OF THE HOUSE OF REPRESENTATIVES.

1. The House of Representatives shall consist of members chosen by the electors in the several towns and cities, in their respective town and ward meetings, annually.

2. The Towns and Cities shall severally be entitled to elect members, according to the apportionment which follows, viz:—Newport to elect five; Warwick, four; Smithfield, five; Cumberland, North Providence and Scituate, three; Portsmouth, Westerly, New Shore-

ham, North Kingstown, South Kingstown, East Greenwich, Gloucester, West Greenwich, Coventry, Exeter, Bristol, Tiverton, Little Compton, Warren, Richmond, Cranston, Charlestown, Hopkinton, Johnston, Foster and Burrillville to elect two; and Jamestown, Middletown and Barrington to elect one.

3. In the city of Providence there shall be six Representative Districts, which shall be the six wards of said city. And the electors resident in said districts, for the term of three months, next preceding the election, at which they offer to vote, shall be entitled to elect two Representatives for each district.

4. The General Assembly, in case of great inequality in the population of the wards of the city of Providence, may cause the boundaries of the six Representative districts therein to be so altered as to include in each district, as nearly as may be, an equal number of inhabitants.

5. The House of Representatives shall have authority to elect their own Speaker, clerks and other officers. The oath of office shall be administered to the Speaker by the Secretary of State, or, in his absence, by the Attorney General.

6. Whenever the seat of a member of the House of Representatives shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

ARTICLE VI.

OF THE SENATE.

1. The State shall be divided into twelve Senatorial Districts; and each district shall be entitled to one Senator, who shall be annually chosen by the electors in his district.

2. The first, second and third Representative Districts in the City of Providence shall constitute the first Senatorial District; the fourth fifth and sixth Representative Districts in said City the second District; the Town of Smithfield the third District; the Towns of North Providence and Cumberland the fourth District; the Towns of Scituate, Gloucester, Burrillville and Johnston the fifth District; the Towns of Warwick and Cranston the sixth District; the Towns of East Greenwich, West Greenwich, Coventry and Foster the seventh District; the Towns of Newport, Jamestown and New Shoreham the eighth District; the Towns of Portsmouth, Middletown, Tiverton and Little Compton the ninth District; the Towns of North Kingstown and South Kingstown the tenth District; the Towns of Westerly, Charlestown, Exeter, Richmond and Hopkinton the eleventh District; the Towns of Bristol, Warren and Barrington the twelfth District.

3. The Lieutenant Governor, shall be, by virtue of his office, President of the Senate; and shall have a right, in case of an equal division, to vote in the same; and also to vote in joint committee of the two Houses.

4. When the Government shall be administered by the Lieutenant Government, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members President of the same.

5. Vacancies in the Senate occasioned by death, resignation, or otherwise, may be filled by a new election.

6. The Secretary of State shall be, by virtue of his office, Secretary of the Senate.

ARTICLE VII.

OF IMPEACHMENTS.

1. The House of Representatives shall have the sole power of impeachment.

2. All impeachments shall be tried by the Senate; and when sitting for that purpose they shall be on 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 Justice of the Supreme Court shall preside, with a casting vote in all preliminary questions.

3. The Governor, and all other Executive and Judicial officers, shall be liable to impeachment; but judgments in such cases shall not extend further than removal from office. The party convicted shall nevertheless be liable to indictment, trial and punishment, according to law.

ARTICLE VIII.

OF THE EXECUTIVE DEPARTMENT.

1. The Chief Executive power of this State shall be vested in a Governor, who shall be chosen by the electors, and shall hold his office for one year, and until his successor be duly qualified.

2. No person holding any office or place under the United States, this State, any other of the United States, or any foreign Power, shall exercise the office of Governor.

3. He shall take care that the laws are faithfully executed.

4. He shall be commander in chief of the military and naval forces of the State, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State without their consent, or that of the General Assembly, unless it shall become necessary in order to march or transport them from one part of the State to another, for the defense thereof.

5. He shall appoint all civil and military officers, whose appointment is not by this Constitution, or shall not, by law, be otherwise provided for.

6. He shall, from time to time, inform the General Assembly of the condition of the State; and recommend to their consideration such measures as he may deem expedient.

7. He may require from any military officer, or any officer in the

executive department, information upon any subject relating to the duties of his office.

8. He shall have power to remit forfeitures and penalties, and to grant reprieves, commutation of punishments, and pardons after conviction, except in cases of impeachment.

9. The Governor shall, at stated times, receive for his services a compensation, which shall not be increased, nor diminished, during his continuance in office.

10. There shall be elected, in the same manner as is provided for the election of Governor, a Lieutenant Governor, who shall continue in office for the same term of time. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the Lieutenant Governor shall exercise the office of Governor, until another Governor shall be duly qualified.

11. Whenever the offices of Governor and Lieutenant Governor shall both become vacant, by death, resignation, removal from office, or otherwise, the President of the Senate shall exercise the office of Governor until a Governor be duly qualified; and should such vacancies occur during a recess of the General Assembly, and there be no President of the Senate, the Secretary of State shall, by proclamation convene the Senate, that a President may be chosen to exercise the office of Governor.

12. Whenever the Lieutenant Governor, or President of the Senate shall exercise the office of Governor, he shall receive the compensation of Governor only; and his duties as President of the Senate shall cease while he shall continue to act as Governor; and the Senate shall fill the vacancy by an election from their own body.

13. In case of a disagreement between the two Houses of the General Assembly respecting the time or place of adjournment, the person exercising the office of Governor may adjourn them to such time or place as he shall think proper; provided, that the time of adjournment shall not be extended beyond the first day of the next stated session.

14. The person exercising the office of Governor may, in cases of special necessity, convene the General Assembly at any town, or city, in this State, at any other time than herein before provided. And, in case of danger, from the prevalence of epidemic or contagious diseases, or from other circumstances, in the place, in which the General Assembly are next to meet, he may, by proclamation, convene the Assembly at any other place within the State.

15. A Secretary of State, a General Treasurer, and an Attorney General shall also be chosen annually, in the same manner and for the same time as is herein provided respecting the Governor. The duties of these offices shall be the same as are now or may hereafter be prescribed by law. Should there be a failure to choose either of them, or should a vacancy occur in either of their offices, the General Assembly shall fill the place by an election in joint committee.

16. The electors in each county shall, at the annual elections, vote for an inhabitant of the county to be sheriff of said county, for one year and until a successor be duly qualified. In case no person shall have a majority of the electoral votes of his county for Sheriff, the General Assembly, in joint committee, shall elect a Sheriff from the two candidates, who shall have the greatest number of votes in such county.

17. All commissions shall be in the name of the State of Rhode Island and Providence Plantations, sealed with the seal of the State, and attested by the Secretary.

ARTICLE IX.

GENERAL PROVISIONS.

1. This Constitution shall be the supreme law of the State; and all laws contrary to, or inconsistent with the same, which may be passed by the General Assembly, shall be null and void.

2. The General Assembly shall pass all necessary laws for carrying this Constitution into effect.

3. The Judges of all the Courts, and all other officers, both civil and military, shall be bound by oath or affirmation to the due observance of this Constitution, and of the Constitution of the United States.

4. No jurisdiction shall hereafter be entertained by the General Assembly in cases of insolvency, divorce, sale of real estate of minors, or appeal from judicial decisions, nor in any other matters appertaining to the jurisdiction of Judges, and Courts of law. But the General Assembly shall confer upon the Courts of the State all necessary powers for affording relief in the cases herein named; and the General Assembly shall exercise all other jurisdiction and authority, which they have heretofore entertained, and which is not prohibited by, or repugnant to this Constitution.

5. The General Assembly shall, from time to time, cause estimates to be made of the ratable property of the State, in order to the equitable apportionment of State taxes.

6. Whenever a direct tax is laid by the State, one sixth part thereof shall be assessed on the polls of the qualified electors; provided that the tax on a poll shall never exceed the sum of fifty cents, and that all persons who actually perform military duty, or duty in the fire department, shall be exempted from said poll tax.

7. The General Assembly shall have no power hereafter to incur State debts, to an amount exceeding the sum of Fifty Thousand dollars, except in time of war, or in case of invasion, without the express consent of the People. Every proposition for such increase shall be submitted to the electors, at the next annual election, or on some day to be set apart for that purpose; and shall not be farther entertained by the General Assembly, unless it receive the votes of a majority of all the persons voting. This section shall not be construed to refer to any money that now is, or hereafter may be, deposited with this State by the General Government.

8. The assent of two thirds of the members elected to each House of the General Assembly shall be requisite to every bill appropriating the public moneys, or property, for local or private purposes ; or for creating, continuing, altering or renewing any body politic or corporate, banking corporations excepted.

9. Hereafter when any bill creating, continuing, altering or renewing any banking corporation, authorized to issue its promissory notes for circulation shall pass the two Houses of the General Assembly, instead of being sent to the Governor, it shall be referred to the electors for their consideration, at the next annual election, or on some day to be set apart for that purpose, with printed tickets, containing the question, shall said bill (with a brief description thereof) be approved, or not ; and if a majority of the electors voting shall vote to approve said bill, it shall become a law, otherwise not.

10. All grants of incorporation shall be subject to future acts of the General Assembly, in amendment or repeal thereof, or in any wise affecting the same, and this provision shall be inserted in all acts of incorporation hereafter granted.

11. The General Assembly shall exercise, as heretofore, a visitatorial power over corporations. Three Bank Commissioners shall be chosen at the June session for one year, to carry out the powers of the General Assembly in this respect. And Commissioners for the visitation of other corporations, as the General Assembly may deem expedient, shall be chosen at the June session for the same term of office.

12. No city council, or other government, in any city, shall have power to vote any tax upon the inhabitants thereof, excepting the amount necessary to meet the ordinary public expenses in the same, without first submitting the question of an additional tax, or taxes, to the electors of said city ; and a majority of all who vote shall determine the question. But no elector shall be entitled to vote, in any city, upon any question of taxation thus submitted, unless he shall be qualified by the possession, in his own right, of ratable property to the amount of one hundred and fifty dollars, and shall have been assessed thereon to pay a city tax, and shall have paid the same, as provided in section fourth of Article II. Nothing in that Article shall be so construed as to prevent any elector from voting for town officers, and, in the city of Providence, and other cities, for mayor, aldermen, and members of the common council.

13. The General Assembly shall not pass any law, nor cause any act or thing to be done, in any way to disturb any of the owners or occupants of land in any territory now under the jurisdiction of any other State, or States, the jurisdiction whereof may be ceded to, or decreed to belong to this State ; and the inhabitants of such territory shall continue in the full, quiet and undisturbed enjoyment of their

titles to the same, without interference in any way on the part of this State.

ARTICLE X.

OF ELECTIONS.

1. The election of the Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General, and also of Senators and Representatives to the General Assembly, and of Sheriffs, of the counties, shall be held on the third Wednesday of April, annually.

2. The names of the persons voted for as Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General and Sheriffs of the respective counties, shall be put upon one ticket; and the tickets shall be deposited by the electors in a box by themselves. The names of the persons voted for as Senators, and as Representatives shall be put upon separate tickets, and the tickets shall be deposited in separate boxes. The polls for all the officers named in this section shall be opened at the same time.

3. All the votes given for Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General, Sheriffs, and also for Senators shall remain in the ballot boxes till the polls be closed. These votes shall then, in open town and ward meetings, and in the presence of at least ten qualified voters, be taken out and sealed up, in separate envelopes, by the moderators and town clerks and by the wardens and ward clerks, who shall certify the same and forthwith deliver or send them to the Secretary of State, whose duty it shall be securely to keep the same, and to deliver the votes for State Officers and Sheriffs to the Speaker of the House of Representatives, after the House shall be organized, at the June Session of the General Assembly. The votes last named shall, without delay, be opened, counted and declared, in such manner as the House of Representatives shall direct; and the oath of office shall be administered to the persons who shall be declared to be elected, by the Speaker of the House of Representatives, and in the presence of the House; provided that the the Sheriffs may take their engagement before a Senator, Judge or Justice of the Peace. The votes for Senators shall be counted by the Governor and Secretary of State within seven days from the day of election; and the Governor shall give certificates to the Senators who are elected.

4. The boxes containing the votes for Representatives to the General Assembly in the several towns shall not be opened till the polls for Representatives are declared to be closed. The votes shall then be counted by the moderator and clerk, who shall announce the result, and give certificates to the persons elected. If there be no election, or not an election of the whole number of Representatives, to which the town is entitled, the polls for Representatives may be re-

opened, and the like proceedings shall be had, until an election shall take place ; provided however that an adjournment of the election may be made to a time not exceeding seven days from the first meeting.

5. In the city of Providence, and other cities, the polls for 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 the presence of at least ten qualified electors, and delivered to the city clerks. The mayor and aldermen of said city, or cities, shall proceed to count said votes within two days from the day of election ; and if no election, or an election of only a portion of the Representatives, whom the Representative Districts are entitled to elect, 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 till the election of Representatives shall be completed. Certificates of election shall be furnished to the persons chosen by the city clerks.

6. If there be no choice of a Senator, or Senators, at the annual election, the Governor shall issue his warrant to the town and ward clerks of the several towns and cities, in the Senatorial District or Districts, that may have failed to elect, requiring them to open town or ward meetings for another election, on a day not more than fifteen days beyond the time of counting the votes for Senators. If, on the second trial there shall be no choice of a Senator, or Senators, the Governor shall certify the result to the Speaker of the House of Representatives ; and the House of Representatives, and as many Senators as shall have been chosen, shall forthwith elect, in joint committee, a Senator or Senators, from the two candidates, who may receive the highest number of votes in each district.

7. If there be no choice of Governor, at the annual election, the Speaker of the House of Representatives shall issue his warrant to the clerks of the several towns and cities requiring them to notify town and ward meetings for another election, on a day to be named by him, not more than thirty, nor less than twenty days beyond the time of receiving the report of the committee of the House of Representatives, who shall count the votes for Governor. If, on this second trial there shall be no choice of a Governor, the two Houses of the General Assembly, shall, at their next session, in joint committee elect a Governor from the two candidates having the highest number of votes, to hold his office for the remainder of the political year, and until his successor be duly qualified.

8. If there be no choice of Governor and Lieutenant Governor at the annual election, the same proceedings for the choice of a Lieutenant Governor shall be had as are directed in the preceding section ; provided, that the second trial for the election of Governor and

Lieutenant Governor shall be on the same day; and also provided, that, if the Governor shall be chosen at the annual election, and the Lieutenant Governor shall not be chosen, then the last named officer shall be elected in joint committee of the two Houses, from the two candidates having the highest number of votes, without a further appeal to the electors. The Lieutenant Governor, elected as is provided in this section, shall hold his office as is provided in the preceding section respecting the Governor.

9. All town, city, and ward meetings for the choice of Representatives, Justices of the Peace, Sheriffs, Senators, State Officers, Representatives to Congress, and Electors of President and Vice President shall be notified by the town, city, and ward clerks, at least seven days before the same are held.

10. In all elections held by the people under this Constitution, a majority of all the electors voting shall be necessary to the choice of the person or persons voted for.

11. The oath, or affirmation, to be taken by all the officers named in this article shall be the following. You, being elected to the place of Governor, Lieutenant Governor, Secretary of State, General Treasurer, Attorney General, or to the places of Senators or Representatives, or to the office of Sheriff or Justice of the Peace, do solemnly swear, or severally solemnly swear, or affirm, that you will be true and faithful to the State of Rhode Island and Providence Plantations, and that you will support the Constitution thereof; that you will support the Constitution of the United States, and that you will faithfully and impartially discharge the duties of your aforesaid office, to the best of your abilities and understanding—So help you God! or, this affirmation you make and give upon the peril of the penalty of perjury.

ARTICLE XI.

OF THE JUDICIARY.

1. The Judicial power of this State shall be vested in one Supreme Court, and in such other Courts, inferior to the Supreme Court, as the Legislature may, from time to time, ordain and establish; and the jurisdiction of the Supreme and of all other Courts, may, from time to time, be regulated by the General Assembly.

2. Chancery powers may be conferred on the Supreme Court; but no other Court exercising chancery powers shall be established in this State, except as is now provided by law.

3. The Justices of the Supreme Court shall be elected in joint committee of the two Houses, to hold their offices for one year, and until their places be declared vacant by a resolution to that effect, which 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 vote of the other House, without revision by the Governor. 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 the said session, the Judge, or Judges, shall hold his or their place or places for another year. But a Judge of any Court shall be removable from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

4. In case of vacancy by the death, resignation, refusal, or inability to serve, or removal from the State of a Judge of any Court, his place may be filled by the joint committee, until the next annual election; when, if elected, he shall hold his office as herein provided.

5. The Justices of the Supreme Court shall receive a compensation, which shall not be diminished during their continuance in office.

6. The Judges of the Courts inferior to the Supreme Court shall be annually elected in joint committee of the two Houses, except as herein provided.

7. There shall be annually elected by each town, and by the several wards in the city of Providence, a sufficient number of Justices of the Peace, or Wardens, resident therein, with such jurisdiction as the General Assembly may prescribe. And said Justices, or Wardens, (except in the towns of New Shoreham and Jamestown) shall be commissioned by the Governor.

8. The General Assembly may provide, that Justices of the Peace, who are not re-elected, may hold their offices for a time not exceeding ten days beyond the day of the annual election of these officers.

9. The Courts of Probate in this State, except the Supreme Court, shall remain as at present established by law, until the General Assembly shall otherwise prescribe.

SECTION XII.

OF EDUCATION.

1. All moneys which now are, or may hereafter be appropriated, by the authority of the State, to public education, shall be securely invested, and remain a perpetual fund for the maintenance of Free Schools in this State; and the General Assembly are prohibited from diverting said moneys, or fund, from this use, and from borrowing, appropriating, or using the same, or any part thereof, for any other purpose, or under any pretence whatsoever. But the income derived from said moneys, or fund, shall be annually paid over, by the General Treasurer, to the towns and cities of the State, for the support of said schools, in equitable proportions: provided, however, that a portion of said income may, in the discretion of the General Assembly, be added to the principal of said fund.

2. The several towns and cities shall faithfully devote their portions of said annual distribution to the support of Free Schools; and, in default thereof, shall forfeit their shares of the same, to the increase of the fund.

3. All charitable donations for the support of Free Schools, and

other purposes of Public Education, shall be received by the General Assembly, and invested, and applied agreeably to the terms prescribed by the donors; provided the same be not inconsistent with the Constitution, or with sound public policy; in which case the donation shall not be received.

ARTICLE XIII.

AMENDMENTS.

The General Assembly may propose amendments to this Constitution by the vote of a majority of all the members elected to each House. Such propositions shall be published in the newspapers of the State; and printed copies of said propositions 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; and the said propositions shall be by said clerks inserted in the notices, by them issued, for warning the next annual town and ward meetings in April, and the town and ward 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 Representatives and Senators shall be had. If a majority of all the members elected at said annual meetings, present in each House, shall approve any proposition thus made, the same shall be published, as before provided, and then sent to the electors in the mode provided in the act of approval; and, if then approved by a majority of the electors who shall vote in town and ward meetings, to be specially convened for that purpose, it shall become a part of the Constitution of the State.

ARTICLE XIV.

OF THE ADOPTION OF THE CONSTITUTION.

1. This Constitution shall be submitted to the People, for their adoption, or rejection, on Monday, the 27th day of December next, and on the two succeeding days; and all persons voting are requested to deposit in the ballot-boxes printed or written tickets in the following form:—I am an American citizen, of the age of twenty-one years, and have my permanent residence or home in this State. I am, (or not) qualified to vote under the existing laws of this State. I vote for (or against) the Constitution formed by the Convention of the People, assembled at Providence, and which was proposed to the People by said Convention, on the 18th day of November, 1841.

2. Every voter is requested to write his name on the face of his ticket; and every person, entitled to vote as aforesaid, who from sickness, or other causes, may be unable to attend and vote in the town or ward meetings, assembled for voting upon said Constitution, on the days aforesaid, is requested to write his name upon a ticket, and to obtain the signature upon the back of the same of a person who has

given his vote, as a witness thereto. And the Moderator, or Clerk of any town or ward meeting, convened for the purpose aforesaid, shall receive such vote, on either of the three days next succeeding the three days before named for voting on said Constitution.

3. The citizens of the several towns in this State, and of the several wards in the city of Providence, are requested to hold town and ward meetings on the days appointed, and for the purpose aforesaid; and also to choose in each town, and ward, a Moderator and Clerk, to conduct said meetings and receive the votes.

4. The Moderators and Clerks are required to receive and carefully to keep the votes of all persons qualified to vote as aforesaid, and to make registers of all the persons voting; which, together with the tickets given in by the voters, shall be sealed up, and returned by said moderators, and clerks, with certificates signed and sealed by them, to the clerks of the Convention of the People, to be by them safely deposited and kept, and laid before said Convention, to be counted and declared, at their next adjourned meeting on the 12th day of January, 1842.

5. This Constitution, except so much thereof as relates to the election of the officers named in the sixth section of this article, shall, if adopted, go into operation on the first Tuesday in May, in the year one thousand eight hundred and forty-two.

6. So much of the Constitution as relates to the election of officers named in this section, shall go into operation on the Monday before the third Wednesday of April next preceding. The first election under this Constitution of Governor, Lieutenant Governor, Secretary of State, General Treasurer, and Attorney General, of Senators and Representatives, of Sheriffs for the several counties, and of Justices of the Peace for the several towns, and the Wards of the city of Providence, shall take place on the Monday aforesaid.

7. The electors of the several towns and wards are authorized to assemble on the day aforesaid, without being notified as is provided in section ninth of article Xth, and without the registration required in section seventh of Article II, and to choose moderators and clerks, and proceed in the election of the officers named in the preceding section.

8. The votes given in at the first election for Representatives to the General Assembly, and for Justices of the Peace, shall be counted by the moderators and clerks of the towns, and wards, chosen as aforesaid; and certificates of election shall be furnished by them to the Representatives and Justices of the Peace elected.

9. Said moderators and clerks shall seal up, certify, and transmit to the House of Representatives all the votes that may be given in, at said first election, for Governor and State officers, and for Senators and Sheriffs; and the votes shall be counted as the House of Representatives may direct.

10. The Speaker of the House of Representatives shall, at the first session of the same, qualify himself to administer the oath of office to the members of the House, and to other officers, by taking and subscribing the same oath in presence of the House.

11. The first session of the General Assembly shall be held in the city of Providence, on the first Tuesday of May, in the year one thousand eight hundred and forty-two, with such adjournments as may be necessary; but all other sessions shall be held as is provided in Article IV of this Constitution.

12. If any of the Representatives whom the towns, or districts, are entitled to choose, at the first annual election aforesaid, shall not be then elected, or if their places shall become vacant during the year, the same proceedings may be had to complete the election, or to supply vacancies, as are directed concerning elections in the preceding sections of this article.

13. If there shall be no election of Governor or Lieutenant Governor, or of both of these officers, or of a Senator or Senators, at the first annual election, the House of Representatives, and as many Senators as are chosen, shall forthwith elect, in joint committee, a Governor, or Lieutenant Governor, or both, or a Senator or Senators, to hold their offices for the remainder of the political year, and, in the case of the two officers first named, until their successors shall be duly qualified.

14. If the number of Justices of the Peace determined by the several towns and wards on the day of the first annual election, shall not be then chosen, or if vacancies shall occur, the same proceedings shall be had as are provided for in this Article in the case of a non-election of Representatives and Senators, or of vacancies in their offices. The Justices of the Peace thus elected, shall hold office for the remainder of the political year, or until the second annual election of Justices of the Peace, to be held on such day as may be prescribed by the General Assembly.

15. The Justices of the Peace elected in pursuance of the provisions of this Article may be engaged by the persons acting as moderators of the town and ward meetings, as herein provided; and said Justices, after obtaining their certificates of election, may discharge the duties of their office, for a time not exceeding twenty days, without a commission from the Governor.

16. Nothing contained in this Article, inconsistent with any of the provisions of other Articles of the Constitution, shall continue in force for a longer period than the first political year under the same.

17. 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-two, and until their successors under this Constitution shall be duly elected and qualified.

18. All civil, Judicial and military officers now elected, or who shall hereafter be elected by the General Assembly, or other competent authority, before the said first Tuesday of May, shall hold their offices and may exercise their powers until that time.

19. All laws and statutes, public and private, now in force, and not repugnant to this Constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All contracts, judgments, actions, and rights of action, shall be as valid as if this Constitution had not been made. 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 made.

20. 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, in each county, as the present Supreme Judicial Court, until the General Assembly shall otherwise prescribe.

21. The citizens of the town of New Shoreham shall be hereafter exempted from military duty, and the duty of serving as jurors in the Courts of this State. The citizens of the town of Jamestown shall be forever hereafter exempted from military field duty.

22. The General Assembly shall, at their first session after the adoption of this Constitution, propose to the electors the question, whether the word "white," in the first line of the first section of Article II of the Constitution shall be stricken out. The question shall be voted upon at the succeeding annual election; and if a majority of the electors voting shall vote to strike out the word aforesaid, it shall be stricken from the Constitution; otherwise, not. If the word aforesaid shall be stricken out, section 3d of Article II shall cease to be a part of the Constitution.

23. The President, Vice President, and Secretaries, shall certify and sign this Constitution, and cause the same to be published.

Done in Convention, at Providence, on the 18th day of November, in the year one thousand eight hundred and forty-one, and of American Independence the sixty-sixth.

JOSEPH JOSLIN, *President of the Convention.*
WAGER WEEDEN, }
SAMUEL H. WALES, } *Vice Presidents.*

Attest:

WILLIAM H. SMITH, }
JOHN S. HARRIS, } *Secretaries.*