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## Journal of the Constitutional Convention, 1965 Oct 25

August P. LaFrance

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State of Rhode Island and Providence Plantations

JOURNAL OF THE  
CONSTITUTIONAL CONVENTION

October 25, 1965

Providence, Rhode Island

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 2:15 P.M.

INVOCATION

The Chairman presented the Reverend Kenneth E. Hulme, Pastor of St. Matthias Episcopal Church, Coventry, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 77 present, 23 absent. A quorum was present.

Absentees were Mr. Baccari, Mrs. Barber, Messrs. Beauchemin, Bissonnette, Bride, Canna, Coleman, DeCiantis, Dodge, Mrs. Foster, Messrs. Gallagher, Gammino, Gmelin, Jordan, Kenyon, Kiernan, Mrs. Lacroix, Messrs. Lallo, Martin, Merolla, Moon, Mrs. Pulner and Mr. Stapleton.

The names of the absentees were called.

On motion of Mr. Dolbashian, seconded by Messrs. Murphy of Tiverton and Wexler, the reading of the Journal of the previous day was dispensed, on a voice vote.

Mr. Pickard welcomed as guests at the Convention students from the James H. Eldridge School, East Greenwich.

On motion of Mr. Murphy of Coventry, the delegates extended to Reverend Hulme a rising vote of appreciation for his kindness in giving the Invocation.

Mr. Kagan announced that the Committee on Elections and Right to Vote would meet at 7:30 P.M., October 25, 1965, Room 202 in the State House.

Mr. Gallogly announced that the Committee on the Executive Department would meet at 3:15 P.M., Friday, October 29, 1965 at Convention Headquarters.

GENERAL ORDERS

On motion of Mr. Warren, seconded by Messrs. Gallogly and Pickard, the Convention resolved into a Committee of the Whole upon

the General Orders of the Day, on a voice vote.

(For Journal of the Committee of the Whole, see appendix, this Journal.)

Upon the rising of the Committee of the Whole, on October 27, 1965, the Chairman again called the Convention to order.

On suggestion of Mr. Murray, by unanimous consent, the Convention referred back to Motions and Resolutions.

#### MOTIONS AND RESOLUTIONS

Mr. Murray offered Resolution No. 23. The resolution was read and referred to the Committee on Rules and Credentials.

Mr. Murphy of Warren announced that the Committee on Personal Liberties would meet on Wednesday, November 3, 1965, at 7:00 P.M. in Room 201.

Mr. Gallogly announced that the Committee on the Executive Department would meet Friday, October 29, 1965 at 3:15 P.M. at Convention Headquarters.

Mr. DiLuglio announced that the Committee on the Legislative Department would meet on Wednesday, November 3, 1965 at 7:00 P.M.

Mr. Murray reported on the progress of the Committee on Rules and Credentials in its consideration of resolutions proposing amendments to the rules.

#### ADJOURNMENT

At 10:06 P.M. on motion of Mr. Cochran, seconded by Messrs. Doris, Kagan and Principe, the Convention adjourned to meet on Wednesday, November 3, 1965 at 7:30 P.M. in the Chamber of the House of Representatives, on a voice vote.

August P. LaFrance  
Secretary  
Constitutional Convention

## A P P E N D I X

Journal of the Committee of the WholeOctober 25, 1965

Upon the resolving of the Convention into a Committee of the Whole, the Chairman called the Committee of the Whole to order.

GENERAL ORDERS

The Committee of the Whole proceeded to consider and act upon the General Orders of the Day.

UNFINISHED BUSINESS

Proposal No. 35-Substitute A "Of the Judicial Power"  
(The Committee on Judiciary recommends the adoption.)

The Committee of the Whole continued consideration of the proposal.

Section 5 of the proposal was read.

Mr. Cooney, seconded by Messrs. Corcoran and Warren, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

Mr. LaSalle, seconded by Messrs. Cunningham, Fontaine, Lawrence and Toolin, offered the following written motion to amend:

"I move to amend Section 5 to read as follows:

"Section 5. A Justice of the Supreme Court or of any inferior court may voluntarily retire or retire for disability in such manner as the general assembly shall establish by law, and be pensioned as provided by law."

A. Norman LaSalle

The motion was read.

The motion was debated.

On a division vote, the motion failed of passage, 5 delegates voting in the affirmative and 54 delegates voting in the negative.

The motion to recommend adoption of the section prevailed on a division vote, 55 delegates voting in the affirmative and 7 delegates voting in the negative.

Section 6 of the proposal was read.

Mr. Cooney, seconded by Mr. Murphy of Coventry, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

Mr. LaSalle, seconded by Messrs. Fontaine, Appolonia and Toolin, offered the following motion to amend:

"I move to amend the first sentence of Section 6 to read as follows:

"Section 6. The justices of the Supreme Court and justices of any inferior court shall be retired upon attaining the age of 75 years and pensioned as provided by law."

A. Norman LaSalle

The motion was read.

The motion was debated.

On a division vote, the motion failed of passage, 4 delegates voting in the affirmative and 53 delegates voting in the negative.

The motion to recommend adoption of the section prevailed on a division vote, 55 delegates voting in the affirmative and 3 delegates voting in the negative.

Section 7 of the proposal was read.

Mr. Cooney, seconded by Mr. Murray, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote the motion prevailed, 62 delegates voting in the affirmative and 0 delegates voting in the negative.

At 3:45 P.M., on motion of Mr. Cochran, seconded by Messrs. Kagan, Pucci, Murphy of Tiverton, Pickard and Wexler, the Committee of the Whole recessed until 7:30 P.M., Wednesday, October 27, 1965, on a voice vote.

#### ORDER

At 7:46 P.M. on Wednesday, October 27, 1965 the Chairman again called the Committee of the Whole to order.

Mr. Cunningham welcomed as guests at the Convention Girl Scouts from St. Leo's Church in Pawtucket accompanied by their leaders.

The roll of delegates was called to determine a quorum and to identify absentees. A quorum was present.

Absentees were Mr. Appolonia, Mrs. Barber, Messrs. Beauchemin, Belhumeur, Bride, Cannon, Mmes. Capuano, Castiglia, Mr. Chaharyn, Miss Colaneri, Messrs. Coleman, Crandall, DeCiantis, Dodge, Eeeney, Fontaine, Foster, Mrs. Foster, Messrs. Gallagher, Gates, Gmelin, Giguere, Jordan, Kenyon, Kiernan, Lallo, Mrs. Lambros, Messrs. LaSalle, Martin, Moon, Prince, SaoBento and Warren.

#### GENERAL ORDERS

The Committee of the Whole continued consideration of Proposal No. 35-Substitute A.

Section 9 of the proposal was read.

Mr. Cooney, seconded by Messrs. Corcoran and Matzner, moved that the Committee of the Whole recommend adoption of the section.

On a division vote, the motion prevailed, 64 delegates voting in the affirmative and 0 delegates voting in the negative.

Mr. Cooney, seconded by Messrs. DiLuglio, Corcoran, Pucci, Wexler and Murray, moved that the Committee of the Whole recommend adoption of Proposal No. 35-Substitute A.

On a division vote, the motion prevailed, 58 delegates voting in the affirmative and 1 delegate voting in the negative.

Proposal No. 67-Substitute A "Of the Judicial Power"  
(The Committee on Judiciary recommends the adoption.)

The proposal was read.

Mr. Cooney, seconded by Messrs. Corcoran, Manning and Lawrence, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote the motion prevailed, 52 delegates voting in the affirmative and 3 delegates voting in the negative.

At 8:18 P.M. the Chairman yielded the rostrum to Mr. Robert F. Pickard, second Vice-Chairman.

Proposal No. 148 "Of the Judicial Power"  
(The Committee on Judiciary recommends the adoption.)

The proposal was read.

Mr. Cooney, seconded by Messrs. Manning, Murphy of Coventry, Lawrence and Mrs. Pulner, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote the motion, which required the affirmative vote of 51 delegates, failed of passage, 48 delegates voting in the affirmative and 9 delegates voting in the negative.

Proposal No. 62 "Of the Judicial Power"  
(The Committee on Judiciary does not recommend.)

The proposal was read.

Mr. Cooney, seconded by Messrs. Gallogly and Wexler, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote, the motion prevailed, 52 delegates voting in the affirmative and 4 delegates voting in the negative.

Proposal No. 64 "Judicial Power"  
(The Committee on Judiciary does not recommend.)

The proposal was read.

Mr. Cooney, seconded by Messrs. Cochran and Lawrence, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 59 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 65 "Judicial Power"  
(The Committee on Judiciary does not recommend.)

The proposal was read.

Mr. Cooney, seconded by Mr. Cochran, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote, the motion prevailed, 59 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 81 "Of the Judicial Power"  
(The Committee on Judiciary does not recommend.)

The proposal was read.

Mr. Cooney, seconded by Mr. Lawrence, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote, the motion prevailed, 59 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 90 "Trial by Jury"  
(The Committee on Judiciary does not recommend.)

The proposal was read.

Mr. Fanning of Cumberland, seconded by Dr. Parrillo and Mr. Manning moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote, the motion failed of passage, 2 delegates voting in the affirmative and 51 delegates voting in the negative.

Proposal No. 104 "Judicial Power"

(The Committee on Judiciary does not recommend.)

The proposal was read.

Mr. Fanning of Cumberland, seconded by Messrs. Manning and Lawrence, moved that the Committee of the Whole rise.

Mr. Willey recognized on a point of order, submitted that the rule did not require 51 delegates for action of the Committee of the Whole, and debated the interpretation.

The Chairman ruled that the interpretation had been made and would stand as his ruling.

Messrs. Cochran and Doris debated the interpretation of the rule.

Mr. Doris, seconded by Mr. Lawrence, moved that the motion to rise be laid on the table.

Mr. Gallogly questioned the vote necessary to lay on the table.

The Chairman ruled that 51 delegates voting in the affirmative would be required.

Mr. Gallogly appealed the ruling of the chair.

The Chairman ruled that because the motion to rise was by nature not debatable, the debate, the motion to lay on the table, and everything subsequent thereto was out of order and that the motion to rise must be decided immediately without debate.

On a division vote the motion that the Committee of the Whole rise failed to prevail, 2 delegates voting in the affirmative and 53 delegates voting in the negative.

Mr. Cooney, seconded by Mr. Lawrence, moved that the Committee of the Whole recommend rejection of Proposal No. 104.

On a division vote the motion prevailed, 52 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 119 "Judicial Power"

(The Committee on Judiciary does not recommend.)

The proposal was read.



Mr. Cooney, seconded by Messrs. Champion and Wexler, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote, the motion, which required an affirmative vote of 51 delegates, failed of passage, 46 delegates voting in the affirmative and 1 delegate voting in the negative.

Mr. Gallogly, submitting that a majority of the delegates present and voting had voted in the affirmative and that therefore the motion passed, appealed the ruling of the chair.

On appeal the judgment of the chair stood as the judgment of the Committee of the Whole on a division vote, 31 delegates voting in the affirmative and 21 delegates voting in the negative.

Proposal No. 126: "Judicial Power"  
(The Committee on Judiciary does not recommend.)

The proposal was read.

At 9:35 P.M., Mr. Roberts, Chairman, again took the rostrum.

Mr. Cooney, seconded by Mr. Lawrence, moved that the Committee of the Whole recommend rejection of the proposal.

Mr. Champion inquired if a quorum was present.

The Chairman declared that a quorum was present.

On a division vote, the motion to recommend rejection of the proposal passed, 55 delegates voting in the affirmative, and 0 delegates voting in the negative.

Proposal No. 127 "Judicial Power"  
(The Committee on Judiciary does not recommend.)

The proposal was read.

Mr. Cooney, seconded by Messrs. Cochran, Wexler and Murphy of Tiverton, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 54 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 128 "Of the Judicial Power"  
(The Committee on Judiciary does not recommend.)

The proposal was read.

Mr. Cooney, seconded by Messrs. Kagan, Wrenn and Cochran, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote, the motion which required the affirmative vote of 51 delegates failed of passage, 47 delegates voting in the affirmative and 0 delegates voting in the negative.

Mr. Cochran, seconded by Messrs. Principe, Dolbashian, Manning and Wexler, moved that the Committee of the Whole rise.

The motion prevailed on a voice vote.

August P. LaFrance  
Secretary  
Constitutional Convention