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JOURNAL OF THE CONSTITUTIONAL CONVENTION

Providence, Rhode Island

November 8, 1965

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 1:22 P.M.

INVOCATION

The Chairman presented Dr. Robert H. Schact, Minister of the First Unitarian Church, Providence, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 71 present, 29 absent. A quorum was present.

Absentees were Mrs. Barber, Messrs. Beauchemin, Belhumeur, Bevilacqua, Bizier, Bissonnette, Canna, Champion, Miss Colaneri, Messrs. Crandall, Delehanty, Dodge, Mrs. Foster, Messrs. Gallagher, Gammino, Gates, Gmelin, Giguere, Gorham of Scituate, Jordan, Kiernan, LaFrance, Lallo, Manning, McCabe, Moon, Murphy of Coventry, SaoBento, and Stapleton.

On motion of Mr. Cochran, the delegates extended to Dr. Schact a rising vote of appreciation for his kindness in giving the Invocation.

On nomination of Mr. Cochran, seconded by Mr. Cote, Mr. Ernest A. Foster was elected Secretary Pro Tem in the absence of the Secretary of the Convention, unanimously.

On motion of Mr. Cannon, seconded by Messrs. Sherry and Cote, the reading of the Journal of the previous day was dispensed on a voice vote.

INTRODUCTION OF PROPOSALS

The Chairman announced receipt of the following proposals:

Proposal No. 188, offered by Mr. Belhumeur, entitled "Municipal Elections".

The proposal was read by title and referred to the Committee on Elections and Right to Vote.

Proposal No. 189, offered by Mr. DeCiantis, entitled "Constitution".

The proposal was read by title and referred to the Committee on Rules and Credentials.

MOTIONS AND RESOLUTIONS

Mr. Ricci offered Resolution No. 24. The resolution was read and referred to the Committee on Administration.

REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for October 18, 25, 27, 1965, a copy of which was on the desk of each delegate.

On motion of Mr. Wexler, seconded by Messrs. DiSandro, Murphy of Tiverton and Greenhalgh, reading of the report was dispensed and the Convention proceeded to act thereon, on a voice vote.

The Chairman, as Chairman of the Committee of the Whole on October 18, 25, 27, 1965, presented the report of the Committee of the Whole to the Convention; and action was taken thereon as follows:

"The Committee of the Whole meeting on October 18, 25, 27, 1965, considered Proposal No. 35-Substitute A, "Of the Judicial Power".

"The Committee on Judiciary recommended that the proposal be adopted. On a division vote, with a majority of the delegates so voting, a motion to recommend adoption of the proposal prevailed."

The proposal was referred to the Committee on Style and Drafting.

Also, "The Committee considered Proposal No. 67-Substitute A, 'Of the Judicial Power'.

"The Committee on Judiciary recommended that the proposal be adopted. On a division vote, with a majority of the delegates so voting, a motion to adopt the proposal prevailed."

The proposal was referred to the Committee on Style and Drafting.

Also, "The Committee considered Proposal No. 148, 'Of the Judicial Power'.

"The Committee on Judiciary recommended that the proposal be adopted. On a division vote, with a majority of the delegates voting a motion to adopt the proposal failed for lack of a majority of fifty-one votes."

Mr. Pickard, seconded by Messrs. Cooney, Doris, Feeney, and Wexler, moved that the proposal be adopted.

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

The proposal was referred to the Committee on Style and Drafting.

Also, "The Committee considered Proposal No. 64, 'Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Cooney, seconded by Messrs. Lawrence, Murray, Corcoran and Doris, moved that the committee recommendation be adopted and that the proposal not be adopted.

On a division vote, the motion prevailed, 57 delegates voting in the affirmative and 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 65, 'Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Cooney, seconded by Messrs. Lawrence and Murphy of Warren, moved that the Committee recommendation be adopted and that the proposal not be adopted.

On a division vote, the motion prevailed, 58 delegates voting in the affirmative and 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 81, 'Of the Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with the majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Cooney, seconded by Mr. Chaharyn, moved that the Committee recommendation be adopted and that the proposal not be adopted.

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

Also, "The Committee considered Proposal No. 90, 'Trial by Jury'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to recommend adoption of the proposal was defeated."

Mr. Cooney, seconded by Mr. Lawrence, moved that the Committee recommendation be adopted and that the proposal not be adopted.

On a division vote, the motion prevailed, 51 delegates voting in the affirmative and 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 104, 'Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Cooney, seconded by Messrs. Corcoran and Cote, moved that the committee recommendation be adopted and the proposal not be adopted.

On a division vote, the motion prevailed, 41 delegates voting in the affirmative and 15 delegates voting in the negative.

Also, "The Committee considered Proposal No. 119, 'Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote a motion to recommend rejection of the proposal failed of passage for lack of a majority of fifty-one votes."

Mr. Cooney, seconded by Mr. Corcoran, moved that the proposal be rejected.

On a division vote, the motion prevailed, 40 delegates voting in the affirmative and 12 delegates voting in the negative.

Also, "The Committee considered Proposal No. 126, 'Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to recommend rejection of the proposal prevailed."

Mr. Cooney, seconded by Mr. Corcoran, moved that the proposal be rejected.

On a division vote, the motion prevailed, 35 delegates voting in the affirmative and 18 delegates voting in the negative.

At 2:31 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice-Chairman.

Also, "The Committee considered Proposal No. 127, 'Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to recommend rejection of the proposal prevailed."

Mr. Cooney, seconded by Mr. Corcoran, moved that the proposal be rejected.

On a division vote, the motion prevailed, 38 delegates voting in the affirmative and 20 delegates voting in the negative.

Also, "The Committee considered Proposal No. 128, 'Of the Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote a motion to recommend rejection of the proposal failed of passage for lack of a majority of fifty-one votes."

Mr. Cooney, seconded by Messrs. Corcoran and Murray, moved that the proposal be rejected.

On a division vote, the motion prevailed, 46 delegates voting in the affirmative and 3 delegates voting in the negative.

Also, "The Committee considered Proposal No. 62, 'Of the Judicial Power'.

"The Committee on Judiciary recommended that the proposal not be adopted. On a division vote, with a majority of the delegates so voting, a motion to reject the proposal prevailed."

Mr. Cooney, seconded by Messrs. Doris, Cunningham and Cochran, moved that the proposal be rejected.

On a division vote, the motion prevailed, 49 delegates voting in the affirmative and 3 delegates voting in the negative.

GENERAL ORDERS

Mr. Pickard, seconded by Messrs. Cochran and Murphy of Tiverton, moved that the Convention resolve into a Committee of the Whole upon the General Orders of the Day.

The motion prevailed 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, the Chairman again called the Convention to order.

Mr. Murphy of Tiverton announced that the committee on Public Information would meet at the rising of the Convention.

Adjournment

At 3:50 P.M. on motion of Mr. Wexler, seconded by Mr. Murphy of Tiverton, the Convention adjourned to meet on Monday, November 15, 1965 at 1:00 P.M. in the Chamber of the House of Representatives at the State House on a voice vote.

August P. LaFrance, Secretary
Constitutional Convention

A P P E N D I X

Journal of the Committee of the Whole

November 8, 1965

Upon the resolving of the Convention into a Committee of the Whole, the First Vice-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. 27-Substitute A "Of Suffrage"

(The Committee on Elections and Right to Vote recommends adoption of the Substitute Proposal.)

The Committee of the Whole continued consideration of the proposal.

Section 1 (b) of the proposal was read.

Mr. Kagan, seconded by Mr. Viall, Mrs. Pulner, and Mr. Lawrence, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

Mr. Cooney, seconded by Mr. Cochran, offered the following written motion to amend:

"I move to amend Section 1 (b), line 1 of Proposal 27-Substitute A by deleting therefrom the word 'shall' and substituting therefor the word 'may'."

John P. Cooney, Jr.

The motion was read.

The motion was debated.

On a division vote, the motion to amend prevailed, 46 delegates voting in the affirmative and 14 delegates voting in the negative.

On a division vote, the motion that the Committee of the Whole recommend adoption of the section, as amended, prevailed, 52 delegates voting in the affirmative and 7 delegates voting in the negative.

Section 1 (c) of the proposal was read.

Mr. Kagan, seconded by Mr. Lawrence, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote the motion prevailed, 53 delegates voting in the affirmative and 2 delegates voting in the negative.

Mr. Wexler, seconded by Mr. Corcoran, moved that the Committee of the Whole rise. The motion prevailed on a voice vote.

August P. LaFrance, Secretary
Constitutional Convention