October 1965

Journal of the Constitutional Convention, 1965
Oct 18

August P. LaFrance

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The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 2:12 P.M.

INVOCA TION

The Chairman presented the Reverend Albert Perry of the Church of the Mediator, Providence, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 78 present, 22 absent. A quorum was present.

Absentees were Messrs. Beauchemin, Belhumeur, Bride, Cannon, Chaharyn, Coleman, DeCiantis, Dodge, Gallogly, Gammino, Gmelin, Gallagher, Giguere, Kenyon, Kiernan, LaFrance, Lallo, Martin, McGrath, Moon, Mulligan and Pucci.

The names of the absentees were called.

On nomination of Mr. Warren, seconded by Messrs. DiLuglio and Cochran, Mr. Ernest A. Foster was elected Secretary Pro Tern in the absence of the Secretary of the Convention, unanimously.

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

On motion of Mr. Nathanson, the delegates extended to Mr. William J. Gmelin their expression of sincerest sympathy on his sorrowful loss in the death of his wife, on a unanimous rising vote.

The Chairman directed that the Secretary of the Convention express the sympathy of the delegates in a letter to Mr. Gmelin.

On motion of Mr. Wexler, seconded by Messrs. Dolbashian and Murphy of Tiverton, 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.

The Chairman welcomed as a guest on the rostrum Honorable Giovanni Polcarelli, Lieutenant Governor of the State of Rhode Island and Providence Plantations.
The Chairman welcomed as guests at the Convention a delegation from the American Association of University Women.

REPORTS OF STANDING COMMITTEES

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 10 to 0 the Committee recommended the following proposal:

Proposal No. 33, Substitute A "Of Elections"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

COMMUNICATIONS

The Chairman announced receipt of a communication from the City Clerk of the city of Central Falls transmitting a copy of a resolution of the City Council relative to municipal elections. The communication was referred to the Committee on Elections and Right to Vote.

INTRODUCTION OF PROPOSALS

The Chairman announced receipt of the following proposal:

Proposal No. 186 offered by Mr. Willey, entitled "Of the Senate".

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

MOTIONS AND RESOLUTIONS

Mr. Willey offered Resolution No. 21. The resolution was read and referred to the Committee on Rules and Credentials.

Mr. Willey offered Resolution No. 22. The resolution was read and referred to the Committee on Rules and Credentials.

REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for September 29, 1965, a copy of which was on the desk of each delegate.

On motion of Mr. Wexler, seconded by Mr. Dolbashian, reading of the report was dispensed and the Convention proceeded to act thereon, on a voice vote.
The Chairman of the Committee of the Whole on September 29, 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 September 29, 1965, considered Proposal No. 89, 'Voting'.

"The Committee on Elections and Right to Vote 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. Kagan, seconded by Messrs. Lawrence and Cochran, moved that the Committee recommendation be adopted and that the proposal not be adopted.

The roll of delegates was called and the motion passed, 66 delegates voting in the affirmative; 7 delegates voting in the negative, and 27 delegates absent or not voting as follows:

**AYES - 66**

Vincent J. Baccari - Providence
Mrs. Jane H. Barber - Westerly
Joseph A. Bevilacqua - Providence
Norman E. Bizier - Central Falls
Mrs. Claire Capuano - Woonsocket
Mrs. Aurora Castiglia - Cranston
William J. Champion, Jr. - Newport
Eugene F. Cochran - Providence
Miss Elaine C. Colaneri - Prov.
David J. Colbert, Jr. - Cranston
John P. Cooney, Jr. - Providence
Edward B. Corcoran - Middletown
Osias Cote - Pawtucket
Lloyd R. Crandall - Hopkinton
Matthew C. Cunningham - Pawtucket
Robert J. Delehanty - Newport
Thomas R. DiLuglio - Johnston
Domenic A. DiSandro, Jr. - Narrag.
Edward M. Dolbashian - Portsmouth
John F. Doris - Woonsocket
William A. Feeney - East Prov.
Paul A. Fontaine - Woonsocket
Ernest A. Foster - Pawtucket
Mrs. Millicent S. Foster - No. Kings.
Robert B. Gates - So. Kingstown
Fulda E. Geoffroy - W. Warwick
Anthony Giangiaco - Providence
Bradford Gorham - Foster
George D. Greenhalgh - Glocester
Adrien Bissonnette - Woonsocket

Mrs. A. Marion Hager - Cranston
Raymond E. Jordan - Pawtucket
Samuel C. Kagan - Providence
Samuel J. Kanakry - Pawtucket
Mrs. Demetra Lambros - Providence
John W. Laporte - Burrillville
A. Norman LaSalle - Warwick
Frederick A. Lawrence - Providence
Epifanio F. Macari - Cranston
Edward P. Manning - Cumberland
William I. Matzner - Providence
Francis H. McCabe - Pawtucket
Vincent P. McKinnon - Pawtucket
Donald E. McKiernan - Providence
Arthur Merolla - Providence
William F. Murphy - Tiverton
Paul F. Murray - Newport
Charles Nathanson - Warwick
Robert S. Ortoleva - Providence
John A. Parrillo - Providence
Mrs. Nuala O'D. Pell - Newport
Robert F. Pickard - East Greenwich
Antonio Prince - Woonsocket
Anthony F. Principe - Bristol
Mrs. Theresa F. Pulner - Cranston
Hugo L. Ricci - Providence
Dennis J. Roberts - Providence
Owen V. Sherry - North Smithfield
Alfred B. Stapleton - Little Compton
The Committee considered Proposal No. 147, 'Qualifications to Vote'.

"The Committee on Elections and Right to Vote 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. Cochran, seconded by Messrs. Cote, Bizier and Manning, moved that the Committee recommendation be adopted and that the proposal not be adopted.

The roll of delegates was called and the motion passed, 70 delegates voting in the affirmative; 0 delegates voting in the negative and 30 delegates absent or not voting as follows:

**AYES - 70**

Felix A. Appolonia - West Warwick
Vincent J. Baccari - Providence
Mrs. Jane H. Barber - Westerly
Joseph A. Bevilacqua - Providence
Norman E. Bizier - Central Falls
Adrien Bissonnette - Woonsocket
Mrs. Claire Capuano - Woonsocket

Mrs. Aurora Castiglia - Cranston
William J. Champion - Newport
Eugene F. Cochran - Providence
Miss Elaine C. Colaneri - Prov.
David J. Colbert - Cranston
John P. Cooney - Providence
Edward B. Corcoran - Middletown

**NOES - 7**

Felix A. Appolonia - W. Warwick
Stephen A. Fanning - Cumberland
Stephen A. Fanning, Jr.-Providence
Howard R. Smart - Lincoln

**ABSENT - 27**

Roger A. Beauchemin - Pawtucket
Arthur A. Belhumeur - Central Falls
Thomas H. Bride - Warwick
Domenic C. Canna - Bristol
Jeremiah H. Cannon - Providence
Orist D. Chaharyn - Woonsocket
Kevin K. Coleman - Woonsocket
Michael DeClantis - W. Warwick
Harry J. Dyl - Central Falls
John C. Dodge - New Shoreham
James A. Gallagher - Jamestown
Edward P. Gallogly - Providence
Michael A. Gammino - Providence
Grafton H. Willey - Barrington

Also, "The Committee considered Proposal No. 147, 'Qualifications to Vote'.

"The Committee on Elections and Right to Vote 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. Cochran, seconded by Messrs. Cote, Bizier and Manning, moved that the Committee recommendation be adopted and that the proposal not be adopted.

The roll of delegates was called and the motion passed, 70 delegates voting in the affirmative; 0 delegates voting in the negative and 30 delegates absent or not voting as follows:

**AYES - 70**

Felix A. Appolonia - West Warwick
Vincent J. Baccari - Providence
Mrs. Jane H. Barber - Westerly
Joseph A. Bevilacqua - Providence
Norman E. Bizier - Central Falls
Adrien Bissonnette - Woonsocket
Mrs. Claire Capuano - Woonsocket

Mrs. Aurora Castiglia - Cranston
William J. Champion - Newport
Eugene F. Cochran - Providence
Miss Elaine C. Colaneri - Prov.
David J. Colbert - Cranston
John P. Cooney - Providence
Edward B. Corcoran - Middletown
Osias Cote - Pawtucket
Lloyd R. Crandall - Hopkinton
Matthew C. Cunningham - Pawtucket
Robert J. Delehanty - Newport
Thomas R. DiLuglio - Johnston
Domenic A. DiSandro - Narragansett
Harry J. Dyl - Central Falls
Edward M. Dobsashian - Portsmouth
John F. Doris - Newport
Stephen A. Fanning, Jr. - Providence
Paul A. Fontaine - Woonsocket
Ernest A. Foster - Woonsocket
Mrs. M. S. Foster - No. Kingston
Robert E. Gates - So. Kingston
Fulda E. Geoffroy - W. Warwick
Bradford Gorham - Foster
John Gorham - Scituate
George D. Greenhalgh - Gloucester
Mrs. A. Marion Hager - Cranston
Raymond E. Jordan - Pawtucket
Samuel J. Kanakry - Providence
Mrs. Demetra Lambros - Providence
John W. Laporte - Burrillville
A. Norman LaSalle - Warwick
Frederick A. Lawrence - Providence
Epifanio F. Macari - Cranston
Edward P. Manning - Cumberland
William I. Matzner - Providence
Francis H. McCabe - Pawtucket
Donald E. McKiernan - Providence
Arthur Merolla - Providence
James F. Murphy - Coventry
William F. Murphy - Tiverton
Paul F. Murray - Newport
Charles Nathanson - Warwick
Robert S. Ortolena - Providence
John A. Parrillo - Providence
Mrs. Hawaii O'Duell - Newport
Robert F. Pickard - E. Greenwich
Antonio Prince - Woonsocket
Anthony F. Principe - Bristol
Mrs. Theresa F. Pulner - Cranston
Hugo L. Ricci - Providence
Dennis J. Roberts - Providence
Augusto W. SaBento - E. Providence
Owen V. Sherry - North Smithfield
Howard R. Smart, Jr. - Lincoln
Alfred B. Stapleton - Little Compton
John J. Toolin - Richmond
Anthony Vacca - Smithfield
Charles C. Viali - E. Providence
David D. Warren - North Providence
Charlotte H. Webster - E. Providence
Edmund Wexler - Providence
John J. Wrenn - Providence

ABSENT OR NOT VOTING - 30

Roger A. Beauchemin - Pawtucket
Arthur A. Belhumeur - Central Falls
Thomas H. Bride - Warwick
Domenic C. Canna - Bristol
Jeremiah H. Cannon - Providence
Orest D. Chahryn - Woonsocket
Kevin K. Coleman - Woonsocket
Michael DeCiantis - West Warwick
John C. Dodge - New Shoreham
Stephen A. Fanning - Cumberland
James A. Gallagher - Jamestown
Edward P. Gallogly - Providence
Michael A. Cammino - Providence
William J. Melvin - Charlestown
Anthony Giangiaco - Providence
Noel A. Giguere - Woonsocket
Samuel C. Kagan - Providence
Bradford H. Kenyon - W. Greenwich
James H. Kiernan - Providence
Mrs. Jeanette M. Lacroix - Lincoln
August P. LaFrance - Pawtucket
John F. Lallo - Westerly
Frank A. Martin - Pawtucket
Thomas F. McGrath - Providence
Vincent P. McKinnon - Pawtucket
Edwin J. Moon - Exeter
Edward J. Mulligan - Central Falls
James E. Murphy - Warren
Thomas D. Pucci - Providence
Grafton H. Willey - Barrington

Also "The Committee considered Proposal No. 123, 'Judicial Power'.

"The Committee on Resolutions recommended referral to the Commitee on the Judiciary. On a division vote, with a majority of the delegates so voting, the Committee of the Whole recommended recommittal.
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of the proposal to the Committee on the Judiciary."

By unanimous consent the proposal was recommitted to the Committee on the Judiciary.

Also "The Committee considered Proposal No. 10009, 'Right to Strike by Government Employees.'

"The Committee on Resolutions 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."

Mrs. Foster, seconded by Messrs. DiSandro, Principe and Vacca, moved that the Committee recommendation be adopted and that the proposal not be adopted.

The roll of delegates was called and the motion passed, 70 delegates voting in the affirmative; 4 delegates voting in the negative and 26 delegates absent or not voting as follows:

AYES - 70

Felix A. Appolonia - West Warwick
Vincent J. Baccari - Providence
Mrs. Jane H. Barber - Westerly
Joseph A. Bevilacqua - Providence
Norman E. Bixier - Central Falls
Adrien Bissinnette - Woonsocket
Mrs. Claire Capuano - Woonsocket
Mrs. Aurora Castiglia - Cranston
William J. Champion - Newport
Eugene F. Cochran - Providence
Miss Elaine C. Colaneri - Providence
David J. Colbert - Cranston
John P. Cooney - Providence
Edward B. Corcoran - Middletown
Osias Cote - Pawtucket
Lloyd R. Crandall - Hopkinton
Matthew C. Cunningham - Pawtucket
Robert J. Delehanty - Newport
Thomas R. Diluglio - Johnston
Domenic A. DiSandro - Narragansett
Harry J. Dyl - Central Falls
Edward M. Dolbashian - Portsmouth
John F. Doris - Woonsocket
William A. Peener - East Providence
Paul A. Pontaine - Woonsocket
Ernest A. Poster - Pawtucket
Mrs. M. S. Poster - No. Kingstown
Robert B. Gates - So. Kingstown
Fulda E. Geoffroy - West Warwick
Anthony Giangiacomo - Providence
Bradford Giacomo - Foster
John Gorham - Scituate
George D. Greenhalgh - Glocester
Mrs. A. Marion Hager - Cranston
Samuel C. Kagan - Providence
Samuel J. Kanakry - Pawtucket
Mrs. Demetra Lambros - Providence
John W. Laporte - Burrillville
Frederick A. Lawrence - Providence
Epifanio F. Macara - Cranston
Edward P. Manning - Cumberland
William I. Matzner - Providence
Francis H. McCabe - Pawtucket
Vincent P. McKinnon - Pawtucket
Donald E. McKiernan - Providence
Arthur Merolla - Providence
James E. Murphy - Warren
James F. Murphy - Coventry
William F. Murphy - Tiverton
Paul F. Murray - Newport
Charles Nathanson - Warwick
Robert S. Ortoleva - Providence
John A. Parrillo - Providence
Mrs. Nuala O'D. Pell - Newport
Robert F. Pickard - E. Greenwich
Antonio Prince - Woonsocket
Anthony F. Principe - Bristol
Mrs. Theresa P. Pulner - Cranston
The Committee considered Proposal No. 2, 'Lotteries'.

"The Committee on Resolutions recommended referral to the Committee on the Legislative Department. On a division vote, with a majority of the delegates so voting, a motion to recommend recommittal of the proposal to the Committee on the Legislative Department prevailed."

By unanimous consent, the proposal was recommitted to the Committee on the Legislative Department.

Also "The Committee considered Proposal No. 3, 'Of the Legislative Power'.

"The Committee on Resolutions recommended referral to the Committee on the Legislative Department. On a division vote, with a majority of the delegates so voting, a motion to recommit the proposal to the Committee on the Legislative Department prevailed."

By unanimous consent, the proposal was recommitted to the Committee on the Legislative Department.

Also "The Committee considered Proposal No. 93, 'Oath of Fealty'.

Table of Delegates Present:

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<tr>
<th>Name</th>
<th>Town</th>
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<td>Hugo L. Ricci</td>
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<td>Dennis J. Roberts</td>
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<td>David D. Warren</td>
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<td>Mrs. Charlotte H. Webster</td>
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<td>Edmund Wexler</td>
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<td>Grafton H. Willey</td>
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<td>John J. Wrenn</td>
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<td>Stephen A. Fanning</td>
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<td>Raymond E. Jordan</td>
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<td>Augusto W. SaoBento</td>
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<td>John J. Toolin</td>
<td>Richmond</td>
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<td>NOES - 4</td>
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<td>Roger A. Beauchemin</td>
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<td>Edward P. Gallogly</td>
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<td>James H. Kiernan</td>
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<td>Mrs. Jeannette M. Lacroix</td>
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<td>August P. LaFrance</td>
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<td>A. Norman LaSalle</td>
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<td>Edwin J. Moon</td>
<td>Exeter</td>
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<td>Edward J. Mulligan</td>
<td>Central Falls</td>
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<tr>
<td>Thomas D. Pucci</td>
<td>Providence</td>
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ABSENT OR NOT VOTING - 26
"The Committee on Resolutions recommended that the proposal not be adopted. On a division vote, with a majority of the delegates voting, a motion to adopt the proposal was defeated."

Mr. Fanning of Cumberland, seconded by Messrs. Cunningham, LaSalle, Peaney and Toolin moved that the proposal be adopted.

The motion was debated.

The roll of delegates was called and the motion, which required the affirmative vote of a majority of all the delegates elected to the Convention pursuant to Rule 48, failed of passage, 44 delegates voting in the affirmative, 33 delegates voting in the negative and 23 delegates absent or not voting as follows:

**AYES - 44**

- Felix A. Appolonia - W. Warwick
- Vincent J. Baccari - Providence
- Joseph A. Bevilacqua - Providence
- Norman E. Bizer - Central Falls
- Adrien Bissonnette - Woonsocket
- Mrs. Claire Capuano - Woonsocket
- William J. Champion - Newport
- Eugene F. Cochrane - Providence
- Miss Elaine C. Colaneri - Providence
- David J. Colbert - Cranston
- Lloyd R. Crandall - Hopkinton
- Matthew C. Cunningham - Pawtucket
- Thomas R. DiLuglio - Johnston
- Domenic A. DiSandro - Narragansett
- Harry J. Dyl - Central Falls
- Edward M. Dolbashian - Portsmouth
- Stephen A. Fanning - Cumberland
- Stephen A. Fanning, Jr. - Prov.
- William A. Feeney - East Prov.
- Paul A. Fontaine - Woonsocket
- Ernest A. Foster - Pawtucket
- Fulda E. Geoffroy - W. Warwick
- Mrs. A. Marion Hager - Cranston
- Raymond E. Jordan - Pawtucket
- Samuel J. Kanakry - Pawtucket
- John W. Laporte - Burrillville
- A. Norman LaSalle - Warwick
- Epifanio P. Macari - Cranston
- Edward P. Manning - Cumberland
- Francis H. McCabe - Pawtucket
- Vincent P. McKinnon - Pawtucket
- Arthur Merolla - Providence
- James E. Murphy - Warren
- James F. Murphy - Coventry
- William F. Murphy - Tiverton
- Robert S. Ortoleva - Providence
- John A. Parrillo - Providence
- Mrs. Theresa F. Pulner - Cranston
- Hugo L. Ricci - Providence
- Augusto W. SaoBento - E. Providence
- Howard R. Smart - Lincoln
- John J. Toolin - Richmond
- Charles C. Viall - E. Providence
- Mrs. Charlotte H. Webster - E.Prov.

**NOES - 33**

- Jane H. Barber - Westerly
- Domenic C. Canna - Bristol
- Aurora Castiglia - Cranston
- John P. Cooney - Providence
- Edward B. Corcoran - Middletown
- Osias Cote - Pawtucket
- Robert J. Delehanty - Newport
- John F. Doris - Woonsocket
- Mrs. M. S. Foster - No. Kingstown
- Robert B. Gates - So. Kingstown
- Anthony Giangiacomo - Providence
- Bradford Gorham - Foster
- John Gorham - Scituate
- George D. Greenhalgh - Glocester
- Samuel C. Kagan - Providence
- Mrs. Demetra Lambros - Providence
- Frederick A. Lawrence - Providence
- William I. Matzner - Providence
- Donald E. McKiernan - Providence
- Paul F. Murray - Newport
Mr. Fanning of Cumberland announced that the Committee on the Administration of the Convention would meet at the rising of the Convention.

GENERAL ORDERS

On motion of Mr. Warren, seconded by Mr. Murphy of Tiverton, 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, the Chairman again called the Convention to order.

Mrs. Webster announced that the Committee on the Executive Department would meet at 3 P.M., Friday, October 22, 1965 at Convention Headquarters.

Mr. Murphy of Warren announced that the Committee on Personal Liberties would meet at 7:30 P.M., Thursday, October 21, 1965 at Convention Headquarters.

ADJOURNMENT

At 5:30 P.M. on motion of Mr. Cochran, seconded by Messrs. Doris, Wexler & Principe, the Convention adjourned to meet on Monday, October 25, 1965 at 2:00 P.M. in the Chamber of the House of Representatives on a voice vote.

August P. LaFrance, Secretary Constitutional Convention
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APPENDIX

Journal of the Committee of the Whole October 18, 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.

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

The proposal had been read at the session of the Committee of the Whole held on October 4, 1965.

Section 1 of the proposal was read.

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

The motion was debated.

On a division vote, the motion prevailed, 66 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 2 of the proposal was read.

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

The motion was debated.

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

"I move to amend Section 2 by adding thereto the following: The justices of the supreme court shall give their written opinion upon any question of law whenever requested by the governor or by either house of the general assembly."

A. Norman LaSalle

The motion was read.

The motion was debated.
Mr. Cooney, seconded by Messrs. Doris and Warren, moved that the motion to amend be laid on the table.

On a division vote, the motion prevailed, 42 delegates voting in the affirmative and 15 delegates voting in the negative.

The motion to recommend adoption of the section prevailed on a division vote, 62 delegates voting in the affirmative and 4 delegates voting in the negative.

Section 3 of the proposal was read.

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

The motion was debated.

Mr. Corcoran, seconded by Mr. Warren, offered the following written motion to amend:

"I move to amend Section 3 to read as follows:
Sec. 3. The justices of the supreme court shall be appointed by the governor with the advice and consent of the senate (given in such manner as shall be provided by law)."

Edward B. Corcoran

The motion was read.

The motion was debated.

On motion of Mr. Doris, seconded by Messrs. Dolbashian and Ricci, the motion to amend was laid on the table, on a division vote, 42 delegates voting in the affirmative and 23 delegates voting in the negative.

The motion to recommend adoption of the section prevailed on a division vote, 44 delegates voting in the affirmative and 20 delegates voting in the negative.

Section 4 of the proposal was read.

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

The motion was debated.
Mr. LaSalle, seconded by Mr. Appolonia, offered the following written motion to amend:

"I move to amend Section 4 to read as follows:
'Section 4. Each justice of the supreme court 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 on any day other than the first day of the annual session of the general assembly in the odd numbered years; provided, that if any such justice is removed from office in the aforesaid manner he shall be pensioned according to law. Except as hereinbefore provided, each justice of the supreme court shall hold his office until voluntary retirement or retirement because of age or for disability as hereinafter provided. But a justice of the supreme court or any inferior court shall be removed from office if, upon impeachment, he shall be found guilty of any official misdemeanor."

A. Norman LaSalle

The motion was read.

The motion was debated.

On motion of Mr. Cooney, seconded by Mr. Cochran, the motion to amend was laid on the table, on a division vote, 42 delegates voting in the affirmative and 21 delegates voting in the negative.

Mr. Ricci, seconded by Dr. Parrillo, offered the following written motion to amend:

"I move to amend Section 4 by deleting therefrom the words 'and he shall not be removed from office except by impeachment'."

Hugo L. Ricci

The motion was read.

The motion was debated.

On motion of Mr. Cooney, seconded by Messrs. Viall, Feeney and Cote, the motion to amend was laid on the table on a division vote, 56 delegates voting in the affirmative and 5 delegates voting in the negative.

The motion to recommend adoption of the section prevailed on a division vote, 57 delegates voting in the affirmative and 3 delegates
voting in the negative.

Mr. Cochran, seconded by Dr. Parrillo, moved that the Committee of the Whole rise.

The motion prevailed on a voice vote.

August P. LaFrance
Secretary
Constitutional Convention