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CHARTERS

AND

LEGISLATIVE DOCUMENTS,

ILLUSTRATIVE OF

RHODE-ISLAND HISTORY ;

SHOWING THAT THE PEOPLE OF RHODE-ISLAND, FROM THE
FOUNDATION OF THE STATE, UNTIL THEIR CON-
STITUTION OF 1842, POSSESSED AND
EXERCISED THE RIGHTS OF

SELF-GOVERNMENT ;

AND IN WHAT MANNER AND UNDER WHAT FORM OF GOVERNMENT THEY
DECLARED THEIR INDEPENDENCE, IN 1776, BECAME A MEMBER OF
THE CONFEDERATION OF THE UNITED STATES, IN 1778,
AND ADOPTED THE CONSTITUTION OF THE
UNITED STATES IN 1790.

"The basis of our political systems is the right of the people to make and alter their consti-
tutions of government; but the constitution which at any time exists, till changed by an expli-
cit and authentic act of the whole people, is sacredly obligatory upon all."—WASHINGTON

PROVIDENCE:
KNOWLES & VOSE, PRINTERS.
1844.

ter of 1643. The recital, in the beginning of the Charter of 1663, shows that this Charter was not imposed upon the people, but granted to the "*purchasers and free inhabitants of Rhode-Island and Providence Plantations*," upon the petition of John Clarke *in their "behalf."* This Charter gave to the freemen of the Colony the right to choose their Governor and Legislative Assembly, to be called "the General Assembly," and gave to this General Assembly "full power and authority to admit persons free of said body politic"—"to elect and constitute such offices and officers, and to grant such needful commissions as they shall think fit"—"*and from time to time, to make, ordain, constitute or repeal, such laws, statutes, orders and ordinances, forms and ceremonies of government and magistracy as to them shall seem meet, for the good and welfare of the said Company, and for the government and ordering the lands and hereditaments granted therein, and of the people that do, or at any time hereafter shall inhabit or be within the same*; so as such laws, ordinances and CONSTITUTIONS, so made, be not contrary and repugnant unto, but as near as may be agreeable to the laws of England, *considering the nature and Constitution of the place and people there.*"*

The following is this charter which commends itself to every lover of free government.

THE CHARTER

GRANTED BY KING CHARLES II.

CHARLES the Second, by the grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. to all to whom these presents shall come greeting: Whereas we have been informed, by the humble petition of our trusty and well beloved subject, John Clarke, on the behalf of Benjamin Arnold, William Brenton, William Coddington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuel Gorton, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and free inhabitants of our island, called Rhode-Island, and the rest of the colony of Providence Plantations, in the Narragansett Bay, in New-England, in America, that they, pursuing, with peaceable and loyal minds, their sober, serious and re-

* See Page 11.

ligious intentions, of godly edifying themselves, and one another, in the holy Christian faith and worship, as they were persuaded; together with the gaining over and conversion of the poor ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship, did, not only by the consent and good encouragement of our royal progenitors, transport themselves out of this kingdom of England into America, but also, since their arrival there, after their first settlement amongst other our subjects in those parts, for the avoiding of discord, and those many evils which were likely to ensue upon some of those our subjects not being able to bear, in these remote parts, their different apprehensions in religious concerns, and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and with excessive labor and travel, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as we are informed, are the most potent princes and people of all that country; where, by the good Providence of God, from whom the Plantations have taken their name, upon their labour and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized and possessed, by purchase and consent of the said natives, to their full content, of such lands, islands, rivers, harbors and roads, as are very convenient, both for plantations, and also for building of ships, supply of pipe-staves, and other merchandize; and which lie very commodious, in many respects for commerce, and to accommodate our southern plantations, and may much advance the trade of this our realm, and greatly enlarge the territories thereof; they having, by near neighborhood to and friendly society with the great body of the Narragansett Indians, given them encouragement, of their own accord, to subject themselves, their people and lands unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavors, be laid a sure foundation of happiness to all America: And whereas, in their humble address, they have freely declared, that it is much on their hearts (if they may be permitted) to hold forth a lively experiment, that a most flourishing civil state may stand and best be maintained, and that among our English subjects, with a full liberty in religious concerns; and that true piety, rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty: Now know ye, that we, being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all their civil and religious rights, appertaining to them, as our loving subjects; and to preserve unto them that liberty, in the true Christian faith and worship of God, which they have sought with so much travel, and with peaceable minds, and loyal subjection to our royal progenitors and ourselves, to enjoy; and because some of the people and inhabitants of the same colony cannot, in their private opinions, conform to the public exercise of religion, according to the liturgy, forms and ceremonies of the Church of England, or take or subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will (as we hope) be no breach of the unity and uniformity established in this nation: Have therefore thought fit, and do hereby publish, grant, ordain and declare, That our royal will and pleasure is, that no person within the said colony,

at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, and do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concerns, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness, nor to the civil injury or outward disturbance of others; any law, statute, or clause, therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise, notwithstanding. And that they may be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the Christian faith, and others, in all respects, we have further thought fit, and at the humble petition of the persons aforesaid are graciously pleased to declare, That they shall have and enjoy the benefit of our late act of indemnity and free pardon, as the rest of our subjects in other our dominions and territories have; and to create and make them a body politic or corporate, with the powers and privileges hereinafter mentioned. And accordingly our will and pleasure is, and of our especial grace, certain knowledge, and mere motion, we have ordained, constituted and declared, and by these presents, for us, our heirs and successors, do ordain, constitute and declare, That they, the said William Brenton, William Coddington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Field, Thomas Harris, James Barker, ——— Rainsborrow, ——— Williams, and John Nickson, and all such others as now are, or hereafter shall be, admitted and made free of the company and society of our colony of Providence Plantations, in the Narragansett Bay, in New-England, shall be, from time to time, and forever hereafter, a body corporate and politic, in fact and name, by the name of The Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in New-England, in America; and that, by the same name, they and their successors shall and may have perpetual succession, and shall and may be persons able and capable, in the law, to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and to be defended, in all and singular suits, causes, quarrels, matters, actions and things, of what kind or nature soever; and also to have, take, possess, acquire and purchase, lands, tenements or hereditaments, or any goods or chattels, and the same to lease, grant, demise, aliene, bargain, sell and dispose of, at their own will and pleasure, as other our liege people, of this our realm of England, or any corporation or body politic within the same, may lawfully do. And further, that they the said Governor and Company, and their successors, shall and may, forever hereafter, have a common seal, to serve and use for all matters, causes, things and affairs, whatsoever, of them and their successors; and the same seal to alter, change, break, and make new, from time to time, at their will and pleasure, as they shall think fit. And further, we will and ordain, and by these presents, for us, our heirs and successors, do declare and appoint that, for the better ordering and managing of the affairs and business of the said Company, and their successors, there shall be one

Governor, one Deputy-Governor and ten Assistants, to be, from time to time, constituted, elected and chosen, out of the freemen of the said Company, for the time being, in such manner and form as is hereafter in these presents expressed; which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people there. And, for the better execution of our royal pleasure herein, we do, for us, our heirs and successors, assign, name, constitute and appoint the aforesaid Benedict Arnold to be the first and present Governor of the said Company, and the said William Brenton to be the Deputy-Governor, and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Coggeshall, James Barker, William Field, and Joseph Clarke, to be the ten present Assistants of the said Company, to continue in the said several offices, respectively, until the first Wednesday which shall be in the month of May now next coming. And further, we will, and by these presents, for us, our heirs and successors, do ordain and grant, that the Governor of the said Company, for the time being, or, in his absence, by occasion of sickness, or otherwise, by his leave and permission, the Deputy-Governor, for the time being shall, and may, from time to time, upon all occasions, give order for the assembling of the said Company, and calling them together, to consult and advise of the business and affairs of the said Company. And that forever hereafter, twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October, or oftener, in case it shall be requisite, the Assistants, and such of the freemen of the said Company, not exceeding six persons for Newport, four persons for each of the respective towns of Providence, Portsmouth and Warwick, and two persons for each other place, town or city, who shall be, from time to time, thereunto elected or deputed by the major part of the freemen of the respective towns or places for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise and determine, in and about the affairs and business of the said Company and Plantations. And further, we do, of our especial grace, certain knowledge, and mere motion, give and grant unto the said Governor and Company of the English colony of Rhode-Island and Providence Plantations, in New-England, in America, and their successors, that the Governor, or, in his absence, or by his permission, the Deputy-Governor of the said Company, for the time being; the Assistants, and such of the freemen of the said Company as shall be so as aforesaid elected or deputed, or so many of them as shall be present at such meeting or assembly, as aforesaid, shall be called the General Assembly; and that they, or the greatest part of them present, whereof the Governor or Deputy-Governor, and six of the Assistants, at least to be seven, shall have, and have hereby given and granted unto them, full power and authority, from time to time, and at all times hereafter, to appoint, alter and change, such days, times and places of meeting and General Assembly, as they shall think fit; AND TO CHOOSE, NOMINATE, AND APPOINT, SUCH AND SO MANY OTHER PERSONS AS THEY SHALL THINK FIT, AND SHALL BE WILLING TO ACCEPT THE SAME, TO BE FREE OF THE SAID COMPANY AND BODY POLITIC, AND THEM INTO THE SAME TO ADMIT; and to elect and constitute such offices and officers, and to grant such needful commissions, as they shall think fit and requisite,

trade, with such of the inhabitants of our other English Colonies as shall be willing to admit them thereunto, they behaving themselves peaceably among them; any act, clause, or sentence, in any of the said Colonies provided, or that shall be provided, to the contrary in any wise notwithstanding. And lastly, we do, for us, our heirs and successors, ordain and grant unto the said Governor and Company, and their successors, by these presents, that these our letters patent shall be firm, good, effectual, and available in all things in the law, to all intents, constructions and purposes whatsoever, according to our true intent and meaning hereinbefore declared; and shall be construed, reputed and adjudged in all cases most favorably on the behalf, and for the best benefit and behoof, of the said Governor and Company, and their successors; although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants by us, or by any of our progenitors or predecessors, heretofore made to the said Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in the Narragansett Bay, New-England, in America, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordained or provided, or any other matter, cause or thing whatsoever, to the contrary thereof in any wise notwithstanding. In witness whereof, we have caused these our letters to be made patent. Witness ourself at Westminster, the eighth day of July, in the fifteenth year of our reign. *By the King:* HOWARD.

The whole purport and effect of the preceding Charter stripped of legal verbiage, was to give to the People of Rhode-Island the power to govern themselves, in civil affairs, as they pleased, so that they did not violate the laws of England, so far as applicable to their constitution; and a perfect freedom in religious concerns. This in effect was but a confirmation of the rights of self-government which the People of Rhode-Island possessed by the Charter granted them under the authority of the Parliament.

The Charter of Charles II. was gladly accepted by the people of Rhode-Island, as appears from the following record of the proceedings of "A Court of Commissioners," the Legislative Assembly under the Charter of 1643, held at Newport, November 24th, 1663, and the record of a very great meeting and Assembly of the Freemen of the Colony on the same day, legally called and met for the reception of the Charter.

Here follow the proceedings copied from the ancient records.

"THE PROCEEDS OF A COURT OF COMMISSIONERS
AT NEWPORT, NOVEMBER 24, 1663.

"*For Providence.* Mr. William Field, Mr. William Carpenter, Mr. Zachary Rhods, Mr. William Harris, Mr. Richard Tew, Joseph Torrey.

"*Newport.* Mr. Benedick Arnold, Mr. William Brenton, Mr. William Coddington, Mr. James Barker, Mr. John Coggeshall, Captayne John Cranston.

"*Portsmouth.* Mr. William Almye, Mr. Lot Strange, Mr. William Wodall, Mr. Frances Brayton, Mr. William Hall, Mr. Philip Tabor.

"*Warwick.* Mr. John Greene, Mr. Samuel Gorton, Mr. Randall Howlden, Mr. John Weekes, Mr. James Greene, Mr. Richard Carder.

"The President chosen Moderator.

"Voted, That Captayne George Baxter be desired to bring forth and present the Charter to this Court.

"Voted, That this Court be adjourned until tomorrow morning, eight of the clock, to give way for the Charter to be read.

"Voted, That the Moderator of the Assembly be chosen by vote.

"The President chosen Moderator of the Assembly.

"At a very great meeting and Assembly of the Freemen of the Colony of Providence Plantations at Newport, on Rhode-Island, in New-England,

November 24, 1663.

"The above said Assembly beinge legally called, and orderly met for the solemn Reception of his Majesty's Gracious Letters patent unto them sent, and having in order thereto Chosen the President Benedick Arnold, Moderator of the Assembly,

"It was ordered and voted *nemine contradicente*.

"Voted 1. That Mr. John Clarke, the colony Agent's, letter to the President, Assistants and Freemen of the Colony be opened, and read, which accordingly was done with good delivery, and attention.

"Voted 2. That the box in which the Kings gracious Letters were enclosed be opened, and the Letters, with the Broad Seale thereto affixed, be taken forth and Read by Captayne George Baxter, in the Audience and view of all the people; which was accordingly done and the said Letters, with his Majesties Royal Stampe and the Broad Seale with much be-seeming gravity held up on high and presented to the perfect view of the people, and so returned into the Box and locked up by the Governor in order to the safe keeping it.

"Voted 3. That the most humble Thanks of this Colony, unto our gracious Sovereign Lord, King Charles the second of England, &c. for the high and Inestimable, yea incomparable grace and favor unto the Colony in giving those his gracious