The Right of the People of Rhode Island to form a Constitution.

The Nine Lawyers' Opinion.

The following opinion was written by Thomas W. Dorr. Mr. Dorr employed George F. Man, an attorney-at-law, to look up the authorities. He then wrote the opinion and the nine lawyers signed it. The sequence of events which led to it are practically thus: Those persons interested in an extension of the suffrage in Rhode Island formed an association in 1840 in Providence, which was followed by similar associations throughout the State. A mass meeting was held by them in Providence in April, 1841; another followed at Newport in May, which was adjourned to meet at Providence, July 5th. A State Committee of eleven was appointed by the meeting which was held at Newport.[1] This committee issued an address on the 24th of July, 1841, calling upon the people to choose delegates to a convention to be held

1. The following gentlemen composed the committee: Charles Collins, Dutee J. Pearce, Samuel H. Wales, Welcome B. Sayles, Benjamin Arnold, Jr., Benjamin M. Bosworth, Samuel S. Allen, Emanuel Rice, Silas Weaver, William S. Peckham, Sylvester Himes.

the following October for the purpose of framing a constitution. Delegates were chosen, the convention met, the constitution was framed, and submitted to the people of the State to be by them accepted or rejected.

The people voted upon it on the 27th of December and on the five following days. Every person who voted upon it was required to be an American citizen, twenty-one years of age, and to have his permanent residence or home in Rhode Island; to write his full name with the fact that he voted for or against the constitution on the back of his ballot. The convention re-assembled on the 12th of January, 1842, counted the votes, declared the constitution adopted, and it was proclaimed the law of the land. It was claimed that there were in the State 22,674 free, white male citizens of the age of twenty-one years and upwards. Of these, 9,590 were qualified freemen. It was also claimed that 13,955 voted in favor of adopting the constitution, and forty-six against adopting it. Of those voting, 10,193 voted in person, and 3,762 voted by proxy; 4,925 were qualified freemen under the then existing laws, and 9,026 were not

qualified.[1] Thus a majority of freemen qualified to vote under the existing laws voted to adopt the constitution.

At this point, doubts of the validity of the entire proceedings were raised by those opposed to an enlargement of the suffrage, and to the correction of the evils which existed under the old system. These doubts the leaders of the suffrage party thought proper to endeavor to allay. Hence arose the document which follows, and which became at once known as the Nine Lawyers' Opinion. It appeared, as stated in the memoir of Angell, only in a single newspaper, and is of course one of the scarcest documents connected with this interesting period. John P. Knowles, at present United States District Judge for Rhode Island, is the only one of its signers now living, unless, possibly, Aaron White may be still alive. It is as here presented an exact reprint, both as to the subject matter and style of composition.

1. These figures are taken from Burke's Report. They do not balance in some cases. From the private papers of Mr. Dorr the author gathers the following result: Freemen voting in favor of adopting, 4,960; non-Freemen, 8,984. Total, 13,944.

RIGHT OF THE PEOPLE TO FORM A CONSTITUTION.

STATEMENT OF REASONS.

Many citizens in different parts of the State having requested that the reasons, which sustain the recent proceedings of the PEOPLE, in framing and adopting a Constitution of Government, should be put forth to the public,—the undersigned cheerfully comply with this request; and ask the attention of their fellow citizens to the following STATEMENT OF REASONS, which has been made as brief as the great importance and extent of the subject treated of would permit.

By the Sovereign Power of a State we understand that supreme and ultimate power, which prescribes the form of Government for the People of the State. By the Republican theory of this country this power resides in the *People themselves*. This power is of course superior to the *Legislative* power, which is derived from, and created by the Supreme power,

and exercises its functions according to the fundamental rules prescribed by the People, through the expression of their will called a CONSTITUTION of Government.

At the American Revolution, the sovereign power of this State passed from the king and Parliament of England to the People of the State; not to a portion of them, but to the *whole* People, who succeeded as tenants in common to this power.

Before the Revolution, the power to alter the form of government established by the *Charter* was in the king of England, who granted it. The government of the State was a government of the *majority* to the time of the Revolution, and for years subsequent. It has long ceased to be such. And if the majority of the People have in any way *lost* the power of altering and reforming the government of this State, the Revolution has not made them free; but has only opened a change of masters.

The sovereign power of this State having been forever divested from the king, to whom could it have passed, if not to the whole People?

It did not vest in the *Colonies* or *States*, nor in the

General Government, which is the creature of the States, or of the People of the States.

The General Assembly of this State exercises very general and undefined powers; but no one contends that the absolute sovereignty of this State is vested in them. It must therefore have passed to a *part* of the people of this State or to the *whole*.

The whole People of the Colony were the subjects of, and owed a common allegiance to the king of England. The non-freeholders were not the subjects of the *freemen*, and the freemen the subjects of the king; but all stood in an equal relation to the head of the State. Those who were equal before the sovereign, were equal to each other after he ceased to be such; and when his power passed away, *they* received it by succession, in equal undivided portions.

Sovereignty is an attribute of the *persons*, and not of the *soil* of a State. But if the sovereign power of this State, did not pass to the whole People, but only to the qualified *freeholders*, then it resides in the soil and freehold; and, if a few freeholders should become possessed of all the land, they would become the rightful sovereigns: nay, more, if a State should

by any cause become depopulated, the sovereignty, being in the *land*, would be as complete and perfect as ever, which is a manifest absurdity.

If the non-freeholders of that day made any *surrender*, or *disclaimer*, to the freemen, of their own rightful shares in the succession, the evidence of it can be produced; and our opponents are bound to produce it. No such surrender was ever made.

If it had been made, we should then have to ask—what right has one generation to bind another in this manner; and what rights of sovereignty can one generation barter or give away, which their successors have not the right to reassume?

The Sovereign power and the Legislative power, being, in the American system of government, distinct, and the latter being derived from the former by consent expressed, or implied, there is nothing in the long exercise of the latter power by the freemen inconsistent with the exercise of the former power by the whole People, when they shall judge the proper time to have arrived.

Sovereign power from its nature can and ought to be but rarely exercised. A Constitution if it be

wisely framed, secure all just rights, and contain an equitable provision for its own amendment, is made to last; and will become the permanent rule of generations and ages to to come, in a free country.

It cannot therefore be inferred from the unfrequent exercise, or the non-exercise of the sovereign power that it has ceased to exist. The king of England made no amendment of our Charter government from 1663 to 1776, a period of one hundred and thirteen years; but he did not lose the *power* to amend. The *People* of Rhode Island have made no amendment in the form of government, from 1776 to 1841, a period of 65 years; neither have *they* lost the power to amend. "Time does not run against the king;" nor does it run against the sovereignty and rights of the People.

The agent may act in place of his principal; the Legislature may act under the consent of the sovereign; but, in both cases, the *source* of power remains, —the right of revocation remains. What was conferred by *assent* may be taken away by *dissent*. If the present government be valid, because the People *assent* to it, it may become invalid by their *dissent*, definitely expressed. The one power involves the other.

The *time* of exercising this sovereign power is to be determined by the People ; who are also the judges of the *necessity*. Neither the People nor the Legislature took any steps (beyond an inquiry) for the formation of a Constitution in 1776 ; the government of the State being in the hands of the majority, and by semi-annual elections,—and the State being deeply involved in the war of the Revolution, and subjected to invasion. The necessity for a total reformation has been increasing during the last forty years ; and, in the judgment of the people, has now become absolute.

The *mode* of proceeding by the People is also immaterial. They are the judges of this also ; and, deeming the right time to have arrived, they have, by Delegates, elected in the proportion of *one* to every *fifteen hundred* inhabitants, formed a Constitution.

Great stress is laid on the fact, that the Convention which framed the People's Constitution was not *called* by an *act* of the General Assembly. Such an act was not, in our judgment, necessary to give validity to the proceedings of that Convention, or to the votes of the People for that Constitution.

The greater power inherent in the People, by virtue of their sovereignty, to form a Constitution, involves the less power, viz: that of proceeding in the *way* and *manner*, which the People deem proper to adopt.

Further, there is no mode whatsoever established in this State by any Constitution, Charter, law, or usage, according to which the People are to proceed in framing and adopting a Constitution. The king of England having power to make a supplemental grant to the *Charter*, that instrument of course contained no provision for its own amendment. And no way of amending our Government has been established since the Revolution. One of the complaints made in fact is, that we have no such Constitutional mode of amendment in this State.

Still further, the General Assembly *never have* passed, nor *can* pass a *law* for the People to assemble and make a Constitution. A law has no force as law, unless its execution, if it be not complied with, can be *compelled*, or a non-obedience to its mandate subject the offender to penalty or damages. Now, there can be no penalty to a *law* for the call of a Conven-

tion. The people cannot be compelled to elect delegates, nor punished for not electing them. Nor can the delegates be punished for not making a Constitution. They tried to do this in 1834, and failed; but they were not treated as criminals for their failure. All that the Assembly can do is to REQUEST their constituents, or the People, to make a Constitution. If they do not see fit to comply with the request, it goes for nothing. The request of the Assembly has no more binding effect as *law*, than any other request —than, for instance, the usual resolutions for Thanksgiving, with which the people comply, but yet are not punishable, if they do not.

The only difference, therefore, between the Freeholders' Convention and the People's Convention is, that the former sat by REQUEST of the General Assembly, which was not a law; and the latter sat without a request from the Assembly, but by a REQUEST from the People. This is all that can possibly e meant, when it is said by any one, that the People's Convention sat "WITHOUT LAW." In this respect, both Conventions were alike.

Again, if there be so much efficacy in the call or re-

quest of the General Assembly, and no Convention of the Freeholders, or of the People, can be valid without it, then the General Assembly have a right to make a Constitution themselves; because they have the right to do that themselves, which others cannot do without their permission or authority. If the Legislature can command others to do an act, it is clear that they have the power to do the same act themselves. And thus the Legislative servants of the people, are greater than the people themselves.

This doctrine of a necessary permission, authority or request, from the General Assembly to the People, before they can rightfully proceed to form a Constitution, is an English doctrine, borrowed from the Parliament of England, in which body the *sovereignty* is lodged by the theory of the English Constitution. It is a doctrine which has no application in this country, where the sovereignty resides in the people.

The proceedings of the People, therefore, in calling their Convention, and in making and voting their Constitution, in our opinion have been rightful, and not *against law*, and are only *without law* in the sense before explained, viz: that they were *without a re-*

quest of the General Assembly; which request, if made, would have given no additional validity to said proceedings.

The opponents of the People's Constitution, are in this difficulty. They say, that the People have no right of themselves to make a Constitution; that the General Assembly have no right to make a Constitution; and that the Freeholders and Freemen have no right to make a Constitution, *unless* called and authorized thereto by the General Assembly, which has no power! So that there is really *no* power in this State to make a Constitution! The People have rightfully determined, that the power is in them, and have exercised it.

That the Government, when set up, under the People's Constitution, will be recognized as such by the General Government, we believe, is beyond doubt or question; as that Government, in all its departments, will look no farther than the *fact*, that the Government here is established.

We can present only a portion of the *authorities* by which the positions that we have taken are supported. We ask all our fellow-citizens to read them,

and to judge for themselves. It is proper to say of the writers quoted, that Jefferson and Madison alone were members of the democratic party in general politics.

The authorities go much farther than the case presented in R. Island, where we have no Charter, Constitution, Law or usage, which prescribes any mode of amending the Government; and they assert, in the clearest and most express language, that, where there *is* a Constitution, the people are *not* bound to proceed in the manner prescribed in it for its own amendment, though this may be most *convenient* or expedient; but that they may rightfully proceed in the mode and manner which they deem most proper.

☞It will be remembered that *the Constitution of the United States was not made by virtue of any call or power from the then existing Congress or General Government, but by the voluntary unauthorized act of the several States.*

AUTHORITIES.

THE DECLARATION OF AMERICAN INDEPENDENCE; which the Representatives of the *freemen*,

in General Assembly convened, formally ratified and adopted, at their July session, in 1776. They thereby adopted the principles it contains as the principles of our political system.

This Declaration says that "all *men* are created *equal.*" It asserts that *liberty* (including political liberty) is one of their "inalienable rights." Also, that governments derive "their just powers from the consent of the *governed*"—all the governed. And again, that "it is the *right* of the people [that is the *governed*] to alter or abolish" their government, whenever they deem it expedient, and "to institute new government, laying its foundation on such principles and organizing its powers in such form, *as to them shall seem most likely to effect their safety and happiness.*"

THE DECLARATION OF 1790—The Convention of freemen which assembled in this State in that year, to act upon the federal Constitution, adopted the same with a protest, which includes a Declaration of rights. This Declaration says, (section 1,) "That there are certain *natural rights* of which men, when they form a social compact, *cannot* deprive them or

divest their *posterity;* among which are the enjoyment of life and *liberty*, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety." 2d, "That *all* power is naturally vested in, and consequently *derived from* the *People:*" and consequently—3d, "That the power of government may be *reassumed by the People*, whensoever it shall become necessary to their happiness," of which they are the judges. Our fathers of 1790 say, that by the *People* they mean their *posterity*, their successors, who are the *men* of the present day.

WASHINGTON says, in his Farewell Address, "The basis of our political systems is the right of the *People to make and alter* their Constitutions of government; but the Constitution which at any time exists, till changed *by an explicit and authentic act* of the *whole* People is sacredly obligatory upon all." By the People we understand that this great man intended the *governed;* and by the act of the *whole* People, the act of the *majority*, and not of any portion or class, however favored by law. The "established government" is valid and receives obedience, until it is rightfully

superseded by an "explicit and authentic act" of the People.

JEFFERSON says—"It is not only the *right* but the *duty* of *those now on the stage of action* to change the laws and *institutions* of government, to keep pace with the progress of knowledge, the light of science, and the amelioration of the condition of society. Nothing is to be considered unchangeable but the inherent and inalienable rights of man."

MADISON, in advocating the adoption of the Constitution of the United States, says:

"The first question that offers itself is, whether the general form and aspect of the government be strictly republican? It is evident that no other form would be reconcileable with the genius of the people of America, with the fundamental principles of the revolution, or with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government. If the plan of the Convention, therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible."

"It is *essential* to such a government," (that is republican,) "that it be derived from *the great body of the society*, not from an *inconsiderable proportion* or *a favored class* of it; otherwise a handful of tyrannical nobles, exercising their oppressions

by a delegation of their power, might aspire to the rank of republicans and claim for their government the honorable title of republic."

Speaking of the states to which the title of republican has been improperly applied, he says :—" The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised in the most absolute manner by a small body of hereditary nobles." We cite this last passage to show that in the preceding passage Madison means by " the great body of the society," not the great body of the rulers or those invested with the government, but the great body of the whole society, ruled as well as rulers.—Federalist, No. 39, p. 203—4.

" The opinion of the Federalist has always been considered as of a great authority. It is a complete commentary upon our constitution; and is appealed to by all parties, in the questions to which that instrument has given birth. Its intrinsic merit entitles it to this high rank; and the part two of its authors performed in framing the constitution, put it very much in their power to explain the views with which it was framed."—6 Wheaton's Reports, 413 to 423, cited 3 vol. Story's Commentaries, p. 612, note.

HAMILTON, says, Federalist No. 22, p. 119 :

" The fabric of American Empire ought to rest on the solid basis of *the consent of the people.* The streams of national power ought to flow *immediately* from that pure original fountain of all legitimate authority."

JAY, Chief Justice of the Supreme Court of the United States, says:

"At the Revolution, the sovereignty devolved on the People; and they are truly the sovereigns of the country; but they are sovereign without subjects, (unless the African *slaves* among us may be so called,) and have none to govern but themselves: *the citizens of America* are *equal as fellow-citizens*, and as *joint tenants in the sovereignty*."—2 Dallas's Reports, 419.

MARSHALL, Chief Justice of the Supreme Court of the United States, says:

"It has been said that the people had already surrendered all their powers to the State sovereignties, and had nothing more to give. But surely the question whether they may resume and modify the powers granted to government does not remain to be settled in this country."—4 Wheaton's Reports, 405.

JUSTICE WILSON furnishes our next authority. He was a signer of the Declaration of Independence; was a member of the Convention which formed the Constitution of the United States, and of the Pennsylvania State Convention which adopted it; a Judge of the Supreme Court of the United States; a Pro-

fessor of Law, and Revisor of the Laws of Pennsylvania. He says,

"Of the right of a *majority* of the *whole people* to change their government *at will*, there is no doubt."—1 Wilson, 418. —1 Tucker's Black. Comm. 165, cited 324 p. Vol. 1. Story Comm.

THE SAME JUDGE.—"Permit me to mention one great principle, the *vital* principle I may well call it which diffuses animation and vigor through all the others. The principle I mean is this, that the supreme or sovereign power of the society resides *in the citizens at large;* and that, therefore, they *always retain* the right of abolishing, altering or amending their Constitution, *at whatever time*, and *in whatever manner*, they shall deem expedient."—Lectures on Law, vol. 1, p. 17.

"Perhaps some politician, who has not considered with sufficient accuracy our political systems, would answer that, in our government, the supreme power was vested in the Constitution. This opinion approaches a step nearer to the truth" (than the supposition that it resides in the Legislatures) "but does not reach it. The truth is that in our government, the supreme, absolute and uncontrollable power *remains* in the People. As our Constitutions are superior to our Legislatures, so the People are superior to our Constitutions. Indeed, the superiority in this last instance, is much greater, for the People possess, over our Constitutions, control in *act*, as well as right."—Works 3d vol. p. 292.

"The consequence is, that the People may change the Constitution, *whenever* and *however* they please. This is a right of which no positive institution can deprive them."

"These important truths, sir, are far from being merely speculative; we, at this moment, speak and deliberate under their immediate and benign influence. To the operation of these truths, we are to ascribe the scene, hitherto unparalleled, which America now exhibits to the world: a gentle, a peaceful, a voluntary and a deliberate transition from one Constitution of government to another, (from the Confederation to the Constitution of the United States.) In other parts of the world, the idea of revolution in government is, by a mournful and indissoluble association, connected with the idea of wars, and all the calamities attendant on war." (This is the case in Rhode Island, which has forgotten the principles of American government.)

"But happy experience teaches us to view such revolutions in a very different light—to consider them as progressive steps in improving the knowledge of government, and increasing the happiness of society and mankind." p 293.

"Oft have I viewed with silent pleasure and admiration the force and prevalence through the United States of this principle, that the supreme power resides in the people, and that they never part with it. It may be called the *panacea* in politics. If the error be in the legislature it may be corrected by the Constitution; if in the Constitution, it may be corrected by the people. There is a remedy, therefore, for

every distemper in government, if the people are not wanting to themselves. ☞ *For a people wanting to themselves there is no remedy.*"—Works, vol. 3, p. 293.

"A revolution principle certainly is, and certainly should be taught as a principle of the Constitution of the United States, and of every State in the Union. This revolution principle—that the sovereign power resides in the People, they may change their Constitution and government *whenever they please*—is not a principle of discord, rancor or war: it is a principle of melioration, contentment and peace."—Wils. Dict. vol. 1. p. 21.

"The dread and redoubtable sovereign, when traced to his ultimate and genuine source, has been found, as he ought to have been found, in the free and independent man." "This truth, so simple and natural, and yet so neglected or despised, may be appreciated as the first and fundamental principle in the science of government."—Lect. on Law, vol. 1. p. 25.

THE SAME JUDGE. "A proper regard to the *original* and *inherent* and *continued* power of the *Society to change its constitution*, will prevent mistakes and mischief of a very different kind. It will prevent giddy inconstancy; it will prevent unthinking rashness; it will prevent unmanly languor."—Wilson, Vol. 1, p. 420.

JUSTICE PATTERSON, of the Supreme Court of the United States, says, "The Constitution is the work of the People themselves, in their original, sovereign and unlimited capaci-

ty." "A Constitution is the form of government delineated by the mighty hand of the people," is "paramount to the will of the Legislature," and is liable only "to be revoked or altered by those who made it."—Dallas Rep. p. 304.

JUSTICE IREDELL, of the Supreme Court of the United States, in speaking of the difference between the principles of European governments and those of our own, 3 Vol. Elliot's Debates, says,

"Our government is founded on much nobler principles. The people are known with certainty to have originated it themselves. Those in power are their servants and agents. And the *People, without their consent*, may remodel the government, whenever they think proper, not merely because it is oppressively exercised, but *because they think another form is more conducive to their welfare.*"—Cited, Story Comm. Vol. 1, p. 326.

THE SUPREME COURT of the United States say, by Marshall, Ch. Justice,—

"That the People have an original right to establish for their future government, such principles, as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion: nor can it, nor ought it to be frequently repeated."—1 Cranch. 157, cited 431. Story Com. Vol. 3.

Mr. Rawle, a distinguished Commentator on the Constitution of the United States, has the following passage:

"It is not necessary that a Constitution should be in writing; but the superior advantages of one reduced to writing over those which rest on traditionary information, or which are to be collected from the acts and proceedings of the government itself, are great and manifest. A dependence on the latter is indeed destructive of one main object of a constitution, which is to check and restrain governors. If the people can only refer to the *acts and proceedings* of the government to ascertain their own rights, it is obvious that, as every such act may introduce a new principle, there can be no stability in the government. The order of things is inverted; what ought to be the inferior is placed above that which should be the superior, and the legislature is enabled to alter the constitution at its pleasure."—Rawle on the Constitution, p. 16.

The same writer goes on to say,

"Vattell justly observes, that the perfection of a State and its aptitude to fulfill the ends proposed by Society, depend upon its Constitution. The first duty to itself is, to form the best Constitution possible, and one most suited to its circumstances, and thus it lays the foundation of its safety, permanence and happiness. But the best Constitution which can be framed with the most anxious deliberation that can be

bestowed upon it, may, in practice, be found imperfect and inadequate to the true interests of society. Alterations and amendments then become desirable. *The people retains, the people cannot perhaps divest itself of, the power to make such alterations.* A moral power equal to and of the same nature with that which made, alone can destroy. *The laws of one Legislature may be repealed by another Legislature*, and the power to repeal them cannot be withheld by the power that enacted them. *So the people may, on the same principle, at any time alter or abolish the Constitution they have formed.* This has been frequently and peacably done by several of these States since 1776. If *a particular mode* of effecting such alterations has been agreed upon, it is *most convenient* to adhere to it, but it is not *exclusively binding.*"—Rawle on the Constitution, p. 17.

JUSTICE STORY, of the Supreme Court of the United States, says, in his Commentaries on the Constitution,

"The Declaration puts the doctrine on the *true ground*—that governments derive their powers from the *consent* of the governed. And the people," plainly intending the majority of the people, "have a right to alter it," &c.—Page 300, vol. 1.

THE SAME JUDGE also says,

"The understanding is general, if not universal, that having been adopted by a *majority* of the people, the Constitu-

tion of the State *binds the whole community, proprio vigore:*" (by its own innate power,) " and is unalterable, unless by the consent of *a majority* of the people, or *at least* by the qualified voters of the State, in the manner prescribed by the Constitution, or *otherwise provided by the majority.* No right exists, or is supposed to exist, on the part of any town or county, or any organized body within the State, *short of the whole people* of the State, to alter, suspend, resist, or disown the operations of that Constitution, or to withdraw themselves from its jurisdiction. Much less is the compact supposed liable to interruption, or suspension, or dissolution at the will of any private citizen upon his own notion of its obligations, or of any infringement of them by the constituted authorities. The only redress for any such infringements, and the only guaranties of individual rights and property, are understood to consist in the peaceable appeal to the proper tribunals constituted by the government for such purposes; *if these should fail*, by the *ultimate appeal* to the good sense and justice *of the majority.* And this, according to Mr. Locke, is the true sense of the original compact, by which every individual has surrendered to the majority of the Society the right permanently to control and direct the operations of the government therein."—Story, Comm. Vol. I, p. 305—6.

THE SAME, Vol. I, p. 303, says,

" It is certain, that a right of the *minority* to withdraw

from a government and to overthrow its powers, has no just foundation in any just reasoning."

By which it appears that the *minority* of this State will be bound by the act of the majority of the people in establishing the government under their Constitution.

JUDGE PITMAN, of the United States Court for this District, in a recent Address to the Members of the General Assembly, says, respecting the Constitution of the People. ☞ "*We must settle this question for ourselves;* it belongs not to Congress, nor to the Supreme Court of the United States. It is a question of State Government, which neither Congress, nor the Supreme Court of the United States has *any constitutional authority* to settle for us."

"If you suffer your government to be put down, and the government of the Suffrage men to become the government of the State, Congress and the Supreme Court of the United States will not inquire into the question of right. The *only question* will be the *question of fact.* Is it a government *in fact?* Neither Congress nor the Supreme Court has *any authority to inquire farther?*"

We respectfully submit to you, fellow citizens, that that the PEOPLE'S CONSTITUTION "is a republican form of government," as required by the Constitution of the United States, and that the people of this State, in forming and voting for the same, proceeded without any defect of law, and without violation of any law.

SAMUEL Y. ATWELL,
JOSEPH K. ANGELL,
THOMAS F. CARPENTER,
DAVID DANIELS,
THOMAS W. DORR,
LEVI C. EATON,
JOHN P. KNOWLES,
DUTEE J. PEARCE,
AARON WHITE, Jr.

PROVIDENCE, R. I. March 14, 1842.