

CHAPTER XX.

THE DORR WAR AND ITS RESULTS.

The question of a new constitution, or rather the formation of a written constitution to take the place of the charter granted by King Charles II, in 1663, had been agitated now for about fifty years, and matters were fast approaching a crisis. The advocates of the reform, though actuated by various motives, were chiefly confined to three classes—the non-freeholders, those who believed that the freehold qualification for votes was in a measure rendered nugatory by fraudulent practices; and the people of Providence and other fast-growing towns which were inadequately represented in the general assembly under the charter,¹ and for which there was no redress. The suffrage was limited by the terms of the charter to citizens otherwise qualified who were owners of a certain amount of real estate, and to the oldest sons of such freeholders. The minimum value of the real estate required to constitute the owner a freeholder had varied, at different times, but since 1798 it had been \$134. In the old farming towns under the freehold system, the number of freeholders was practically stationary, but in Providence and the large villages it had become the practice to divide small tracts of land into house lots, so-called, and these lots were conveyed to individuals who would vote as the grantor desired; the grantor retaining the grantee's note for a sum above the actual worth of the land for his security, and which could be used as a voucher to prove to the assessors of taxes that the lot was of a value sufficient to constitute the alleged owner a freeholder. The extent to which this system of fraud was carried in 1840 so irritated

¹ By the provisions of the charter Newport, then the largest of the four towns, was to have six deputies (representatives); Providence, Portsmouth and Warwick, four each; while each new town was to have two. The relative importance of the towns had greatly changed since the seventeenth century, and the injustice of the charter representative provisions was becoming more and more apparent with the increased growth of the factory towns, and of Providence, the great centre of the cotton manufacturing interest. Providence had 28,172 inhabitants in 1840, and Smithfield, which had increased its population by more than 40 per cent. since 1830, had 9,584, while Newport, which had three times her representation, had only 8,888, and Portsmouth, with four members to Smithfield's two, had only 1,706 souls, and was actually retrograding in population. Other fast-growing towns were Cumberland, with 5,225 inhabitants, Warwick, with 6,726, North Providence, with 4,207, and Bristol, with 8,490.

the freeholders, or a large portion of them, that they preferred giving up their freehold privileges directly by an enlargement of the suffrage, rather than to be defrauded in this manner.

The genuine landholding electors were generally substantial, well-to-do people, and their leaders, the men who became governors, senators and members of assembly, belonged chiefly to old and wealthy families, and "lived in roomy, substantial colonial houses, where they dispensed a liberal hospitality in the midst of the memorials of an ancestry of which they were as proud as any feudal nobles". These leaders generally opposed the enlargement of the suffrage as an innovation which would place the substantial, conservative citizens and their property at the mercy of an "irresponsible rabble". They had therefore, as a class, constantly opposed all movements in the direction of an enlargement of the suffrage.

But the growth of the state incident to the great growth of its manufacturing industries had largely increased the number of non-freeholders who would have been qualified to vote in almost any other state in the Union. Besides the factory class, there were large numbers of mechanics, tradesmen and their employees, people engaged in transportation, and laborers generally. And besides all these classes, there were the younger sons of the freeholders themselves. These men were disfranchised by the accident of birth, and many of them joined in the growing suffrage movement.

In the fall of 1840, the subject of a written constitution, securing an extension of the suffrage, and a more equal representation, with other reforms, was again agitated in the state, and an organization, called the Rhode Island Suffrage Association was established in Providence. Similar associations were formed in other towns, and frequent meetings were held in the cause. The declaration of principles by the association was based upon the assertion that all men were created free and equal, and that the possession of property should create no political advantage. It maintained the right of the people to meet by delegates and form a constitution, without regard to the absence of any such authority for such proceedings in the terms of the charter. This theory of the suffrage party was forcibly expressed in the famous question of a suffrage orator, "If the sovereignty don't reside in the people, where the — — does it reside?"

In November, 1840, a paper, devoted to the suffrage cause, was established in Providence. It was called the "New Age", and was non-partisan in politics. The Providence Herald, the leading Democratic paper in the state, which had opposed suffrage extension twelve

¹The Suffragists did not recognize the fact that sovereignty resides in the people, not as individuals or as a group of individuals, but only as a body politic. As Cooley says in his *Constitutional Limitations*: "As a practical fact, the sovereignty is vested in those persons who are permitted by the Constitution of the State to exercise the elective franchise."

years before, now joined in the movement; while the Providence Journal, which had advocated the cause most ably nearly a score of years before, was now for some time non-committal, and admitted communications upon both sides of the question. When the crisis arrived, however, it was a potential and an uncompromising champion of the charter government.

At the January session in 1841, a memorial was received from the large and populous town of Smithfield, praying the general assembly to take the subject of the extreme inequality of the existing representation from the several towns under consideration, and "in such manner as seems most practicable and just to correct the evil complained of". At the same session, printed petitions, bearing the names of Elisha Dillingham and about 580 others, were presented, praying for the abrogation of the charter and the establishment of a constitution, and asking especially for an extension of suffrage to a greater portion of the white male citizens of the state. This latter petition was laid on the table, but the Smithfield memorial was referred to a select committee of the house, of which ex-Senator Robbins was chairman. The committee reported in favor of adopting measures for calling a constitutional convention, and, after considerable discussion, resolutions were adopted asking the freemen at the August town or ward meetings to elect delegates, equal in number to the representation of the several municipalities in the general assembly, to attend a convention to be holden at Providence on the first Monday of November, 1841, to frame a new constitution, either in whole or in part, and if in part, to take into "especial consideration the expediency of equalizing the representation of the towns in the house of representatives". The resolution passed by a vote of 37 to 16, and it is a significant fact that the Providence Whig delegation voted solidly against it.

This convention, like all previous ones, was to be elected by the "freemen", or qualified electors only, and was regarded by the suffragists as a mere expedient to deceive the advocates of the reform without yielding them any advantages. Determined, therefore, to take independent action, the suffragists called a mass meeting of the friends of extended suffrage to meet in Providence, April 17, 1841. The day was ushered in by the ringing of church bells. A great procession, headed by butchers in white frocks, marched with bands and banners to Federal Hill and participated in a barbecue, the main features of which were a roasted ox, calf and hog, a loaf of bread ten feet long and two feet wide, and several barrels of beer. The procession, which was declared to have numbered over three thousand male adults, after the feasting repaired to the State House, and listened to suffrage speeches. Large parades were infrequent sixty years ago, and this one attracted a great deal of attention. Among the mottoes borne by the marchers were "Worth makes the man, but sand and

gravel make the voter!" and "Virtue, patriotism and intelligence, versus \$134 worth of dirt!" Speeches were made at the State House by ex-Congressman Dutee J. Pearce, Samuel Y. Atwell and General Martin Stoddard. On May 5 another great suffrage meeting was held in Newport.

The meeting at Newport in May had adjourned to meet at Providence on July 5, which was to be observed as Independence Day, the 4th being Sunday. This meeting was attended by young men from every town in the state, and was one of the largest assemblages of people that had ever been held in Rhode Island up to that time. A long procession, in which were two of the independent military organizations of the state, escorted the speakers to the Dexter Training Ground, upon which the meeting was organized. Many freeholders were present and participated, although a majority of the existing voters did not countenance it. Resolutions were adopted ordering the calling of a convention to frame a constitution, and the unanimous vote of the meeting pledged its members to sustain and carry into effect such a constitution, if adopted, "by all necessary means." On July 24, 1841, the state committee issued a call for the election of delegates to a convention to meet in Providence, October 4. Every male American citizen, twenty-one years old, who had resided one year in the state, was entitled to vote, and the delegates were apportioned strictly on the basis of population. On August 28 delegates were elected under this call from nearly every town in the state. Three days later, at the regular town meetings, delegates were elected to the convention called by the general assembly, and which was termed the "Landholders' Convention," to distinguish it from that called by the suffrage party.

The People's convention convened at the State House in Providence, on October 4, and lasted from Monday till Saturday. The ruling spirit in the convention was Thomas W. Dorr, who had begun his public efforts in behalf of the suffrage cause in the general assembly in 1834, and who, as a member of the convention called that year, had unavailingly attempted to secure an expression from it favorable to the reform. Under Mr. Dorr's leadership a constitution was adopted which granted many of the reforms advocated by the suffragists, but which, owing to the varied interests and opinions of the delegates from the several towns, did not come up to the standard of excellence contended for by the most radical participators in the movement. Many of the features of the charter were retained, while an effort was made to bring them into harmony with modern ideas. A strong effort was made to include negroes among those entitled to the suffrage, but, although it received the support of Mr. Dorr, it failed of success.

The Landholders' convention met at the State House on November 1, and although many of its delegates had become convinced that some

concession to the demands of the people had become necessary, the majority were determined to cling fast to the old order. A constitution was drafted which retained the freehold qualification, and whose only substantial improvement was an equalization of the representation. After framing the constitution the convention adjourned until February to get the sense of the people regarding their work. Mr. Dorr and Mr. Atwell were elected delegates to both the People's and Landholders' conventions. Mr. Atwell, while professing to believe in the legality of the people's movement, did not participate in their convention, but attended and took a prominent part in the one called by the assembly. Mr. Dorr, on the other hand attended both conventions. He made several abortive attempts in that of the landholders to secure an endorsement of the action of the popular convention, and failing in that, to persuade the convention to accept the reforms for which the suffragists were contending. Ex-Congressman Dutee J. Pearce was a leading member of the People's convention, and, after Dorr, was held in the greatest detestation by the charter party.

The People's convention met by adjournment on November 18, 1841, and directed its constitution to be submitted to the votes of the people enfranchised under it, on December 27, 28 and 29. On these days, accordingly, the vote was taken. Each voter was required to state in writing on his ballot whether he was or was not a qualified voter under the existing laws. By this method the exact standing of every voter was ascertained, a fact that was clearly shown in the investigations that were subsequently held by both state and national governments. On January 12, 1842, the People's convention met again, counted the votes, and announced that 13,944 had been cast for the constitution and only 52 against it. An analysis of the vote showed that 4,960 of the total had been cast by freemen, and 8,984 by non-freemen. The committee which drew up the returns claimed that the total number of people in the state qualified to vote by an enlarged suffrage was 23,142, of which 13,944 was a large majority. The exact number of freemen in the state was not known, but it was generally believed that the 4,960 constituted an actual majority of the legal voters of the state. Thus it was claimed by the suffrage advocates that the People's constitution represented the wishes of both the restricted and enlarged electorates. The entire movement was of course in contravention of the provisions of the charter, and utterly without legal sanction. This fact, it is true, was admitted by the participants in it, but they contended that the people by whose authority or with whose consent—either expressed or tacit—all governments existed, always possessed the right to change their form of government at will.

The Governor and the general assembly, constituting the lawful authorities, utterly ignored the movement. Their action, however, in January, 1841, and at subsequent sessions showed that they recognized

the serious nature of affairs. At the May session, on motion of Mr. Mowry of Smithfield, the apportionment of the delegates had been changed so as to base it upon population. And at the session in June a memorial from the Suffrage Association, asking that legal citizens who paid taxes upon real estate or personal property be permitted to vote upon the adoption of the proposed constitution, was warmly discussed by Messrs. Atwell of Gloucester and Ames of Providence, respectively in favor of and against the proposition, and was lost, the vote being ten to fifty-two.

At the opening of the January session, in 1842, Mr. Atwell introduced resolutions in the house providing for the acceptance of the People's constitution. A copy of the constitution, together with a certification of the vote upon it, had been transmitted to the general assembly by direction of the convention, and many of the more sanguine suffragists entertained the hope that the assembly would accept the constitution as in accordance with the undoubted will of the people. Mr. Atwell's resolutions were supported by Messrs. Gavitt, J. H. Clarke and W. S. Burges, and opposed by Messrs. Randolph, Cranston, Dixon, King, Bosworth, Spencer, Whipple and others, and were lost by a vote of eleven to fifty-seven. Mr. Barber of Hopkinton then presented resolutions condemning the actions of the People's convention, and they were accepted by a vote of sixty to seven. An act was passed providing that persons qualified to vote by the provisions of the new constitution should be qualified to vote on its acceptance.

The laws against masonry had been a dead letter for some time, and at this session, Mr. Atwell presented an act repealing the forfeiture act of February 1, 1834, and the hostile legislation of January 27, 1835. The repeal act passed the house by a vote of 37 to 17, and was accepted by the senate. This ended the public war against free masonry in Rhode Island.

In February, 1842, the Landholders' convention reconvened. The preceding events, and especially the fact that a large percentage, if not a majority of the freemen, had accepted the suffrage constitution, had convinced the conservative members that some concession was necessary. The draft of their own constitution was therefore reconsidered, and its suffrage provisions were extended. But as the convention had previously refused to give the eldest sons of freeholders the ballot, many believed that the actual number of votes would be lessened instead of increased. Mr. Dorr attended this convention, and took an early opportunity to offer a motion that the body adjourn without day, in view of the acceptance of the People's constitution by popular vote. His motion was rejected—11 to 51. The convention voted to submit its constitution to popular vote on March 21, 22 and 23, and a warm contest took place over it between the charter and the suffrage parties. Great efforts were made by the former to secure its acceptance. The

opinion of the Supreme Court to the effect that the action of the People's convention was unlawful and revolutionary; and the opinions of the senators and representatives in Congress and of all the ex-Governors of the state, and of various other prominent public and private personages were obtained to the same effect. To offset in some measure the judicial and congressional thunderbolts against their document, the Suffragists published the opinions of Judge Pitman of the United States District Court, and of nine Democratic lawyers, to the effect that they considered the People's constitution to have been legally adopted. Many of the Suffragists, however, were disposed to drop the People's constitution, and, by accepting the practical benefits of the Landholders' constitution, avoid any trouble. That was undoubtedly the most prudent course for them to have adopted, as they would have thus secured more than was again likely to be conceded to them by the freeholders. But Mr. Dorr was a radical, and would make no compromise. "The People's constitution," he said, "has been adopted, and is the law; this device of our enemies to perplex the decision should be voted down." His advice was followed. In a total vote of 16,702—nearly three thousand more than had voted for the People's constitution—8,013 voted for and 8,689 against the Landholders' constitution.

A special session of the general assembly had been called to meet in March, and after the rejection of the Landholders' constitution, Mr. Atwell moved that the People's constitution be submitted to a vote of the freeholders. The motion was lost—three to fifty-three. A resolution warning the people against unlawful acts, was passed by a vote of sixty to six, and a bill introduced by W. S. Burges, for an extension of suffrage, failed, four to sixty.

The suffrage party held numerous meetings, at which the people were called upon to be ready to enforce the popular will by arms, if necessary. Armed bands were organized and drilled and almost nightly paraded the streets, and two or three chartered military companies decided to support the suffrage cause. In consequence of these threats to resist the constituted authorities, the charter party, who were called "Algerines" by the suffragists, because of the alleged tyranny of their measures, assumed for themselves the name of the "Law and Order" party. Governor King convened the general assembly in extra session on April 25, to take precautionary measures to preserve the public peace. An act was passed to "prevent riots and tumultuous assemblages", by the terms of which it was made "a misdemeanor, punishable by fine and imprisonment" for any person to act as moderator or clerk at any election meeting under the People's constitution, and treason for any one to accept office under it.¹ At the same time the assembly

¹This act made a person who allowed his name to be used as a candidate in elections other than those held in accordance with state laws, subject to a year's

gave Governor King authority to take such measures as he should deem best to protect the public property, to fill vacancies, should any exist among the officers of militia, and to grant commissions, at his discretion, to officers of independent companies. A board of councillors, consisting of Lieutenant-Governor Diman, ex-Governors Fenner and Arnold and four others was chosen to advise with the Governor, and the inhabitants of Providence were authorized to organize special police companies to assist in "the prevention or suppression of any tumult, riot or mob in said city". Governor King warned the militia to be in readiness for service at thirty minutes' notice. The passage of this act caused many of the more conservative of the Suffragists, who had never intended to resort to force, to withdraw from the organization and submit to the constituted authorities.

But meanwhile, Mr. Dorr and the leaders who stood by him were struggling to set up the People's government. After counting the votes, the People's convention had, on January 13, 1842, passed resolutions, declaring the constitution to have been duly ratified and adopted by a majority of the people of the state, and directing the officers of the convention to make proclamation in due form that the said constitution was to be henceforth the supreme and paramount law and constitution of the state. The proclamation was made, and an election was held under the new (People's) constitution on April 18, 1842, resulting in the election of Thomas W. Dorr as Governor, a general assembly, and the usual elective state officials. The People's assembly met in Providence on May 3, received Governor Dorr's inaugural message, and after remaining in session two days, during which a few unimportant acts were passed, adjourned to meet in Providence again on the first Monday in January. It never reconvened, as the movement was suppressed.

On April 20, came the regular charter election. To the law and order candidates, Samuel W. King and Nathaniel Bullock, was opposed a Democratic, or Suffragist ticket, with Thomas F. Carpenter for Governor and Wager Weeden for Lieutenant-Governor. Many of the Suffragists, however, declined to recognize the validity of an election held under the charter and took no part. King was elected by 2,648 majority, Carpenter's vote being only 2,211. Only ten Suffragists were elected to the assembly.

Governor King in April sent a committee, consisting of John Whipple, John Brown Francis and Elisha R. Potter, to Washington to acquaint President Tyler of the situation in Rhode Island, and to solicit aid from the general government in maintaining the constituted officers

imprisonment and \$2,000 fine, and any one who assumed a state office because of such election would be deemed guilty of treason and subject to life imprisonment. This act was called by the Suffragists the "Algerine Law", in comment upon its arbitrary nature.

in authority. He also wrote directly to the President to the same effect. President Tyler declined to interfere previous to an actual outbreak, but promised, if an insurrection should take place, to aid the established government if such a course should become necessary.

The "inauguration" of Governor Dorr had been accompanied by a show of force. Two military companies, with muskets loaded, as was claimed, with ball cartridges, had accompanied the procession of two thousand persons who escorted the "People's" Governor and general assembly to the place of meeting. The Law and Order party had closed and barricaded the State House, and the new government was forced to meet in an unfinished building intended for a foundry. Had the Suffragists at once broken into the State House and taken possession of it and of the arsenal they would probably have succeeded, as public sentiment, in Providence at least, was considerably in their favor.¹ But, although Mr. Dorr was in favor of such a course, most of the other leaders feared to take so radical a step. The legal general assembly met at Newport the same day (May 3) and all the leading state officials were away. It was the most favorable time for the accomplishment of the Suffragists' purpose, to take possession of the state government, that could have been chosen, but the leaders hesitated, and their followers immediately began to fall away.

On May 4 a member of the People's legislature was arrested under the law recently enacted, and the arrest was followed by several others. This action frightened timid members and numerous resignations took place, so that, had the "assembly" again convened, it would doubtless have been without a quorum in either house. Mr. Dorr went to Washington to request military aid of the general government, but was of course unsuccessful. On his return he issued a proclamation, assuring his followers that if the United States interfered against the people's cause, aid had been promised from other states, especially from New York, and that force would be met with force.

The Law and Order assembly met at Newport on May 4 and passed resolutions declaring that a state of insurrection existed, and asking for the interposition of the authority and power of the national government. Governor King despatched Representatives Randolph and Potter to Washington as messengers to President Tyler, and awaiting the latter's answer, the assembly adjourned from the 6th till the 11th of May, when the Governor informed the two houses of the result. The President declined to intervene before the commencement of hostilities, and would not at all unless satisfied that the state authorities would "be unable to overcome" the insurrectionists. He tendered the Governor, however, the assurance of his "distinguished considera-

¹The records show that 1,060 freemen and 2,496 non-freemen, or 3,556 in all, voted in Providence for the People's constitution. The vote of Providence in well-contested elections, had seldom exceeded one thousand.

tion." But such as it was the assembly ordered copies of the President's letter to be printed and circulated, together with Governor King's proclamation, as a warning to the Suffragists to desist from their unlawful practices.

During Mr. Dorr's absence, both parties were pushing on military preparations. The charter authorities had caused the militia companies to be filled up and drilled, had placed a guard in the state arsenal, a strong stone building containing several pieces of artillery and a quantity of small arms and ammunition, had called upon the citizens to arm for the defense of the city, and had furnished all who applied with arms for this purpose. The Suffrage people were also doing all they could in the same direction, but, although they succeeded in collecting a considerable quantity of arms, a portion of which came from without the state, they experienced some difficulty in finding men to use them.

Finally, on the 18th of May, Mr. Dorr determined to attack the arsenal and take possession of the property there. He had, all told, according to his own statement, but two hundred and fifty men and two pieces of artillery. They started for the arsenal at two o'clock in the morning, and many of Dorr's forces, knowing that they were greatly outnumbered, slipped away in the darkness. A summons to surrender was contemptuously refused, whereupon more men deserted, including Dorr's second in command. To render the situation worse, some one had treacherously disabled the guns, so that when the match was applied they flashed without result. Finally Dorr retreated with thirty-five or forty men, all that remained at the end of this bloodless battle. Dorr fled to Connecticut, and was in hiding for some time, but returned in the latter part of June to the village of Chepachet in the town of Glocester, which had become the headquarters of the People's party. A force of nearly three hundred men, with five cannon, was collected, and preparations were made to resist the Law and Order forces. The state militia to the number of about three thousand, assembled at Providence and marched against Chepachet on the morning of June 28. Aware that resistance was useless, Dorr dismissed his small forces and again fled to Connecticut. The only blood shed during this entire trouble, which is known in history as the "Dorr War", was in Pawtucket village, where some of the militia on June 27th fired into a riotous crowd, and killed an innocent spectator named Alexander Kelby. A good many arrests of persons suspected of taking part in the Dorr movements were made, and doubtless in some cases the triumphant militiamen who were sent to search houses were rough and brutal in their treatment of the suspects and their families. Most of the persons arrested were discharged after examination, but several were imprisoned and subsequently tried and sentenced for treason.

A reward of five thousand dollars was offered for Dorr's arrest, and

he was pursued by a party which included some of his own relatives, but he escaped and found a refuge in New Hampshire, where Governor Hubbard received him with honor, and refused to surrender him.

At the June session of the general assembly, in 1842, a resolution by Mr. Clarke, calling a constitutional convention, passed the house by a vote of fifty-four to one, after an amendment by Mr. Daniels, extending the privilege of voting on the adoption of the constitution to all male citizens, had been rejected by a vote of six to fifty-eight. The Governor was authorized at this session to proclaim martial law whenever, in his judgment, such action should be necessary and the assembly afterward declared martial law to be in force until suspended by the Governor.

The constitutional convention met at East Greenwich in September, elected ex-Governor Fenner as presiding officer, and proceeded to form a constitution. It completed its labors on November 5, the document was submitted to the people on the 21st, 22d and 23d of the same month and was accepted by them by a vote of 7,032 to 59. The suffrage people generally, on the advice of their leaders, abstained from voting. In submitting the constitution the question of confining the suffrage to white male citizens had been left to the decision of the voters, and 1,798 had voted for such restrictions, and 4,031 against it. Thus it happened that the Algerine constitution gave the colored citizens of the state citizenship privileges which the People's constitution had refused them. In consequence of this feature of the constitution the assembly repealed the act of June, 1841, whereby blacks and other people of color, not freemen of the state, were exempted from taxation. The assembly also passed an act to regulate the election of civil officers and provide the minor changes necessary to conform to the provisions of the new constitution. A resolution by this last assembly under the charter—a body which was overwhelmingly Whig in its political principles, shows the regard in which ex-President Jackson was really held by his political opponents. It passed a resolution instructing the Rhode Island senators and representatives in Congress to use their exertions to secure the passage of a law for the repayment of the fine imposed upon him a generation before by the United States District Court in Louisiana, that he might "be solaced by the reflection that every imputation upon his character had been removed".

Although the Democrats and Suffragists had abstained from voting for or against the constitution, they were satisfied that resistance to its provisions would be useless, and they resolved to contest the April election in 1843. By the advice of Dorr and other leaders, the newly enfranchised citizens of liberal sentiments had registered in considerable numbers, and the suffrage leaders were hopeful of carrying the election. Thomas F. Carpenter and Benjamin B. Thurston were placed at the head of their ticket, while the Law and Order party

nominated ex-Governor James Fenner for Governor, and Byron Dimon for Lieutenant-Governor. The total vote was 16,520, of which Fenner received 9,107 and Carpenter 7,392. Providence, in which 2,529 non-property voters had registered, and whose whole voting list contained 4,235 names, gave Fenner 2,118 and Carpenter 1,733 votes. The senate contained 24 Whigs and 7 Democrats, and the house 53 Whigs and 19 Democrats.

The passing of a government which had been in existence for one hundred and eighty years and the installation of a new and untried one was an occasion of considerable solemnity. In a monarchy considerable form and pomp would have been displayed, but the Rhode Island change was carried out on election day at Newport in a very simple fashion. The affair took place in the little State House. Most of the members of the old assembly were re-elected for the new one. The charter assembly met in grand committee and appointed a joint committee of nine members¹ to be present at the organization of the government under the constitution and make report, in order that the charter general assembly might know when its functions had been ended. This done, the two houses of the new assembly were called to order, and met in grand committee with Governor King in the chair. The votes for state officers were canvassed and the result announced. Then a committee of ten, three of whom were members of the charter committee, entered to inform the dying assembly that the government under the constitution was duly organized. The two grand committees were both in the house chamber, and Governor King, without leaving his seat, called the charter one to order again. It received the report and then ordered itself dissolved.

Under the new constitution the senate, which had been composed of ten members, elected on the state ticket, was increased to thirty-one members, one from each town and city, elected by the individual municipalities. The membership of the house was the same as under the charter, but members were distributed according to population with certain limitations. Every town was to have at least one member, and no municipality could have more than one-sixth of the whole. Under the new arrangement Providence's apportionment was raised from four to twelve—one-sixth of the whole number; Newport's was reduced from six to five; Warwick's remained four and Portsmouth's was reduced from four to one. Of the other towns—each of which had two members under the charter, Smithfield's number was increased to six, and North Providence, Cumberland and Scituate each to three; Cranston, Johnston, Glocester, Tiverton, South Kingstown, North Kingstown, Coventry, Bristol and Warren had two apiece; and each of the remaining fifteen towns had one member.

¹ All this committee were Whigs, all but one members of the constitution assembly, and one, the venerable James Fenner, was the Governor-elect.

The Supreme Court was reorganized and a third assistant justice elected at the May session. The thanks of the assembly were voted to Henry A. S. Dearborn, the adjutant-general of the Massachusetts militia, for the loan of arms to Rhode Island during the troubles of the year before, whose action, however, had been disavowed by both the Governor and the legislature of his own state. A new militia law, designed to increase the efficiency of the citizen soldiery in case of internal or external trouble, was passed at the June session of the assembly, and in October money was appropriated to reimburse Colonel William P. Blodget and Stephen Hendrick for money expended by themselves in prosecutions brought against them by the state of Massachusetts for entering a dwelling in Bellingham, during the Dorr war, and arresting several Dorrites, in the execution of a military order.

At the June session in 1843 the state was divided into two districts, to be called the eastern and western districts, and the qualified electors in each were entitled to elect a representative in Congress. At the previous January session the date for the congressional elections had been changed to August. It had been customary for many years to elect one member each from Providence and Newport counties—the two capitals usually furnishing the candidates. Both were now in the eastern district and only one of the sitting congressmen could be re-nominated. As it happened, both retired, and Henry Y. Cranston, a brother of the Newport congressman, was nominated for the position by the Whigs and Law and Order men. Elisha R. Potter received the nomination of the same party in the western district. The Democratic candidates were John H. Weeden of North Providence and Wilmarth N. Aldrich of Glocester. The Whig candidates were elected by large majorities.

The murder, on December 31, 1843, of Amasa Sprague, a representative from the town of Cranston in the general assembly, the head of the cotton manufacturing house of A. & W. Sprague, and a brother of Senator Sprague, caused the latter to resign his seat in the United States senate, and the vacancy was filled on January 25, 1844, by the election by the assembly of ex-Governor Francis. The vote stood 67 for Francis and 26 for Christopher Spencer, whom the Democrats supported.

A new license law was passed in January. It made the maximum license fee for retailers and wholesalers \$50 and \$25, respectively, and gave one-half of the total proceeds from this source to each town or city, and the other half, less two-and-a-half per cent. for collection, to the state. An elaborate election law was also enacted. A noticeable feature of it was a provision by which, in case of bribery, both the giver and the taker were to be punished in equal degree. The militia law was again amended and the formation of independent companies

continued to be encouraged by the bestowal of charters. A law giving married women control over their own property was passed at this session after a lengthy discussion.

Directly after the adjournment of the January session of the assembly a memorial, signed by the eight Democratic members of the senate and the eighteen of the house, was presented in the national house, asking that the right of the sitting members of that body from Rhode Island to their seats be investigated, to ascertain if a portion of the freemen of the state had not been deprived of their right to vote by the suppression of the suffrage government. The memorial caused great indignation among the Law and Order citizens. Governor Fenner called the assembly together in extra session in March to take action upon what he considered an unwarrantable interference of the national government with the internal affairs of an individual state. A joint committee, composed entirely of Whigs, was appointed to investigate the conduct of the Democratic members. The latter were charged with having violated their oaths to support the constitution, and with having committed virtual treason against the state in calling for the interference of the national government in the internal affairs of the state. Three of the Democratic senators wavered, claiming that they had signed the memorial without clearly understanding its terms, but the rest stoutly defended themselves, declaring that although bound by oath to support the *de facto* constitution, they believed that that of the "People" had been lawfully adopted, and that their opponents had set them the example of asking for national interference in Rhode Island affairs, when they had asked for United States troops to help suppress the government set up under the People's constitution. A series of resolutions, denying the right of the United States to interfere in the internal affairs of the individual states, and censuring the Democratic memorialists was passed by a strict party vote.

Mr. Dorr returned to Providence on October 31, 1843, with the intention of submitting to arrest and standing trial. He went to the City Hotel and calmly awaited the action of the authorities. He was soon arrested, under an indictment for high treason, and was placed in jail without bail. His trial was held at Newport, although the offenses with which he was charged were committed in Providence county. In the absence of his principal counsel, Samuel Y. Atwell, who was detained at home by illness, and who died a few months later, Mr. Dorr conducted his own defense, although he was assisted by Walter S. Burges of Providence and George Turner of Newport. The trial began on April 26, 1844. The jury was drawn from a panel of 108 persons, all but one of whom were members of the Law and Order party, and that one was not drawn. It is now generally conceded that the prisoner was treated with scant courtesy. Some of the judges at times displayed an enmity toward him that would have been considered

brutal had he been an acknowledged murderer. Every ruling was against him, and his conviction was certain from the beginning. He was found guilty of treason, was sentenced to imprisonment for life on June 25, and was immediately incarcerated in the state prison at Providence.

The general assembly again came to the aid of Colonel Blodget and Stephen Hendrick, who were being prosecuted by the Massachusetts courts for violation of Massachusetts territory in the Bellingham affair two years before. At the time of its occurrence, Governor King had disavowed the conduct of the two men, and had surrendered them to Massachusetts upon a requisition from its Governor. The general assembly now passed a resolution appropriating money to pay all costs and fines in the case, declaring that the trespassing officials were obeying orders, and were hence blameless, and requesting Massachusetts to seek redress from Rhode Island rather than from its irresponsible agents.

The national house passed a resolution by a vote of 78 to 71 to send for persons and papers regarding the suffrage question, and a commission of investigation proceeded to Pawtucket in May, established its headquarters at Abell's tavern, on the Massachusetts side of the river, and proceeded to take testimony. The evidence collected, however, was largely of a partisan character, as the Law and Order men generally paid no attention to the commission.

The Dorr trial had attracted wide attention throughout the country. The Democratic press united in condemning the proceedings, and Dorr was heralded as a martyr to the principles of the Declaration of Independence. Nor did the Law and Order people receive much comfort from the Whig papers of other states. Their defense of their Rhode Island political associates was mainly perfunctory—based upon the principal of non-interference with the internal affairs of a sister state, rather than upon the intrinsic justice of the Law and Order cause. Outside newspapers raised a great clamor and demanded Dorr's release. Democratic legislatures and conventions passed resolutions to the same effect, and Whig statesmen, who were fighting for the party in a doubtful presidential campaign, were anxious to be relieved from a situation which was helping to make votes for the enemy. All manner of rumors were spread over the country regarding this political prisoner's treatment in prison. He was kept in solitary confinement in a noisome dungeon; he was not allowed to communicate with or see his wife and children;¹ he was not allowed the use of a Bible, et cetera, et cetera. All this outside comment, interference and slander was extremely exasperating to the Law and Order politicians, but it could not be entirely ignored. At the June session of the assembly resolu-

¹ Dorr was a bachelor.

tions were passed forbidding further prosecutions for treason, and ordering the release of parties awaiting trial in treason cases on writs of *nolle prosequi*.

The two great parties were forming their alignments for the presidential campaign. Polk, the Democratic candidate, was from Jackson's state, and he had been nicknamed "Young Hickory." Democratic campaign gatherings in Rhode Island would parade, plant a hickory pole, and shout for "Polk, Dallas and Dorr!" A great mass meeting to further the cause of liberation, and incidentally of the Democratic presidential nominee, was held on September 4. It was a big affair for that time. Large delegations were present from New York, Massachusetts and Connecticut. Governor Hubbard of New Hampshire and ex-Governor Marcus Morton of Massachusetts were in attendance. Ex-President Jackson and Van Buren, Presidents-to-be Polk and Buchanan, and other leading Democratic statesmen sent letters of regret, expressing their sympathy with the cause. The procession paraded the streets and marched to a grove on Smith's hill, where a hickory pole was planted, and speeches were made. It is noticeable that among the most aggressive of the orators upon this occasion was a young man from Waltham, Massachusetts, who afterwards became a prominent figure in the country's history—Gen. Nathaniel P. Banks. The Democratic organ, the Republican Herald, estimated the crowd in attendance at between 40,000 and 50,000, but the Providence Journal declared that there were only 3,999 people—of whom 550 were women—in the parade, and that no more than 8,000 were at the grove. Such as it was, however, the demonstration alarmed the state authorities. Governor Fenner ordered a regiment of militia under arms, and some of them placed in the prison as a guard; and the application of Walter S. Burges, counsel for Mr. Dorr, for permission to visit his client, was refused.

Failing in the attempt to secure Mr. Dorr's release at this time, the Democrats had to be content with a lesser martyr. One Martin Luther, early in 1842, had been guilty of the heinous offense of presiding at a "People's" meeting after the assembly had declared such action to be criminal, and he had been haled before the Algerine "Diet of Worms" and sentenced to pay a fine of \$500, in default of which he was incarcerated in the jail at Bristol. Shortly before the presidential election the amount of Luther's fine and costs was raised by the Democrats, and a party of them went to Bristol with the money and secured his release. The party in passing through Warren, on their return, were stoned by the Whigs, were refused refreshments by the Whig innkeepers, and were obliged to cross the line into Massachusetts to obtain food.¹

¹ His arrest gave rise to the celebrated case of Luther vs. Borden, in which

The electoral vote of the state was cast for Henry Clay, the Whig candidate. He received 7,322 votes to 4,876 for James K. Polk, and 107 for James G. Birney, the Liberty candidate.

At the opening of the January session of the assembly in 1845, Governor Fenner transmitted to the two houses a copy of resolutions passed by the New Hampshire legislature regarding the trial and imprisonment of Dorr. The resolutions in substance charged the Rhode Island authorities with unfairness and persecution, and a special committee to which they were referred drew up resolutions in reply, resolving that the said resolutions "marked, as they are, by the grossest falsehood, ignorance and impertinence, are at once disgraceful to the legislature of New Hampshire, and insulting to the government and people of Rhode Island". Resolutions equally irritating from the Maine legislature, which had been referred to Representatives John H. Clarke and William G. Goddard of Providence, were answered in June in terms equally strong but much more elegant. The congressional investigation of the suffrage question in the state had been completed, and the testimony, known as "Burke's Report," comprising a volume of a thousand pages, was being discussed by people and papers of other states.¹ As the report was practically condemnatory of the proceedings of the charter authorities, a commission was appointed by the assembly to "prepare an authentic account of the recent struggle in the state in the cause of constitutional freedom." At the same time a resolution was adopted to liberate Dorr on condition that he should take an oath of allegiance to the state and swear to support the constitution. He declined to accept the conditions.

The assembly passed resolutions at the January session condemning the annexation of Texas.² The problem of providing sufficient revenue for the expenses of the state government had always been a difficult one, and the increase of the state in population and the rapid expansion of its industries added to the gravity of the situation. A new expedient to increase the revenue at this session was tried by means of an act requiring fees of from one to ten dollars on all petitions and

Luther brought an action of trespass against the person sent to arrest him. The case finally came before the Supreme Court of the United States in 1848, when the chief question at issue resolved itself as to the legality of the People's government in 1842. Although the court refused to decide the case on the ground that it was not within the authority of the court, the testimony and arguments in the trial, together with the dissenting opinion of Mr. Justice Woodbury as to martial law, make the case of considerable importance. (See Bibliography at close of last volume under DORR WAR, under the names of Luther, Webster, Whipple. See also Rider's *Book Notes*, xvii, 88.)

¹S. S. Rider has noted certain bibliographical memoranda concerning Burke's Report in *Book Notes*, vol. 5, p. 1. A minority report, called Causin's Report, a document of 172 pages, was also rendered.

²In this connection see an *Address to the people of R. I., upon the course of Hon. E. R. Potter, upon the question of the annexation of Texas* [1845].

memorials to the general assembly. The license fees for hawkers and peddlers were also raised to from \$75 to \$200, the maximum rate being charged to sellers of gold jewelry. At the May session the license law was amended so as to allow municipalities to vote upon the question of licensing the sale of intoxicating liquors at their annual elections. In June, 1845, acts were passed, electing a commissioner of public schools; providing that in the event of the neglect of a school district to provide schools, the school committee might do so on its own responsibility; and providing for the employment of prisoners in jails.

As Dorr was fast becoming a national martyr in the popular mind, the Law and Order legislators at last gave way, and a resolution passed both houses on June 27, releasing him and other treason-convicts unconditionally and forbidding further prosecutions under the treason act of 1842. News of the passage of the amnesty act reached Providence at half past three on the afternoon of the 27th, and Walter S. Burges immediately drove in a carriage to the prison and took Dorr to his father's house. As he left the prison cannon boomed from Smith and Federal hills, bells were rung, and a procession of carriages and pedestrians followed the hack which contained the "people's martyr." In the evening Dorr was taken in a carriage to the residence of a friend in the Cranston suburbs. Market Square was packed with his sympathizers as he drove through, and a vast crowd surrounded the house of his entertainer and listened to congratulatory speeches. The stories of the brutal treatment of Dorr in prison were doubtless greatly exaggerated, and many of them were pure fabrications, but the jails and prisons of half a century ago were not healthful residences. Mr. Dorr left prison broken in health and he never recovered his former vitality.

On January 15, 1845, Albert C. Greene was elected United States senator to succeed John Brown Francis. He received 52 votes in grand committee, while Lemuel Arnold and Olney Ballou—the latter the Democratic candidate, were given, respectively, 25 and 18 votes.

The Democrats received many accessions from the Whig ranks in the gubernatorial campaign of this year, chiefly from those who favored the release of Dorr. Charles Jackson, one of these Liberation Whigs, was nominated for Governor by the Democrats, and was elected by a majority of 149. Byron Dimon, however, the Whig, or Law and Order candidate for Lieutenant-Governor, was elected over Robert Hazard, the Liberation candidate, and all of the other candidates on the "Rhode Island Prox" defeated their coalition opponents. In this campaign ex-Senator Lemuel H. Arnold and Senator James F. Simmons espoused the cause of liberation, and the former was nominated by the coalitionists for Congress in the western district against Elisha R. Potter, and was elected by a small majority. In the eastern district Henry Y. Cranston was re-elected without opposition.