

A Call to Arms: Thomas Wilson Dorr's Forceful Effort to Implement the People's Constitution

This is an excerpt from an essay written by Howard R. Ernst is an associate professor of political science at the United States Naval Academy at Annapolis, Maryland.

In the spring of 1842 Rhode Island was torn between competing legal systems, rival governors, and separate legislative assemblies. The People's government was led by Thomas Wilson Dorr. Dorr and his followers founded their government on the ideal of popular sovereignty, with a constitution that was ratified by an unauthorized popular referendum the previous winter. The Charter government was led by Governor Samuel Ward King. King's government received its authority from Rhode Island's original royal charter of 1663, which the state had failed to replace with a modern constitution after severing its ties with England. The Charter government justified its authority not by popular consent but by the legitimacy that came with nearly two hundred years of relatively stable and prosperous governance.

Both governments claimed to be the legitimate authority of the state, and the supporters of each side, including armed militias, swore to defend their respective governments. The rival groups worked hard to win allies within the federal government and neighboring states. The federal government reluctantly supported the Charter side and promised to send federal troops to Rhode Island should the conflict turn violent. Leading authorities in neighboring states, including armed militias in New York, were outraged by this apparent federal meddling and pledged support for the People's government.

The full text of the essay is in the Fall 2008 issue of *Rhode Island History*.

The People's Constitution was challenged by vocal opposition and led to the Freeman's Constitution, which eventually resulted in the Constitution of 1842. The major concern of the day was suffrage (voting rights). Each constitution addresses the issue of suffrage with various qualifications and restrictions. The evolution of suffrage in Rhode Island can be traced through the state's constitutional history.*

Included with this lesson are the following handouts:

The People's Constitution: Article II

The Freeman's Constitution: Article II

The RI Constitution of 1842: Article II

The RI Constitution of 1986 (Amended in 2006): Article II

Individual Graphic Organizer, Handout 1a.

Group Graphic Organizer, Handout 1.b.

Divide the students into groups of 4. Give each student in each group a different constitution and a copy of the individual graphic organizer, which is Handout 1.a. Have each student fill out the information for the assigned constitution. After each student in the group has completed the individual assignment, give the group one copy of Handout 1.b. Each member of the group reports the information from each constitution. Upon completion of this task, the entire class is brought back together for a discussion of suffrage in Rhode Island.

* Please note that the following documents contain spelling errors that are found in the originals. Also, websites to view the entire documents can be found after each individual document.

THE PEOPLE'S CONSTITUTION
(Voted on December 1841 and Certified January 1842)

ARTICLE II.

Of Electors and the Right of Suffrage.

1. Every white male citizen of the United States, of the age of twenty-one years, who has resided in this State for one year, and in any town, city, or district of the same for six months, next preceding the election at which he offers to vote, shall be an elector of all officers who are elected, or may hereafter be made eligible by the people. But persons in the military, naval or marine service of the United States, shall not be considered as having such established residence, by being stationed in any garrison, barrack, or military place in any town or city in this State.
2. Paupers and persons under guardianship, insane, or lunatic, are excluded from the electoral right ; and the same shall be forfeited on conviction of bribery, forgery, perjury, theft, or other infamous crime, and shall not be restored unless by an act of the General Assembly.
3. No person who is excluded from voting, for want of the qualification first named in section first of this article, shall be taxed, or be liable to do military duty ; provided that nothing in said first article shall be so construed as to exempt from taxation any property or persons now liable to be taxed.
4. No elector who is not possessed of, and assessed for, ratable property in his own right, to the amount of one hundred and fifty dollars, or who shall have neglected or refused to pay any tax assessed upon him, in any town, city, or district, for one year preceding the town, city, ward, or district meeting at which he shall offer to vote, shall be entitled to vote on any question of taxation, or the expenditure of public moneys in such town, city or district, until the same be paid.
5. In the city of Providence, and other cities, no person shall be eligible to the office of mayor, alderman, or common councilman, who is not taxed, or who shall have neglected or refused to pay his tax, as provided in the preceding section.

6. The voting for all officers chosen by the people, except town or city officers, shall be by ballot ; that is to say, by depositing a written or printed ticket in the ballot-box, without the name of the voter written thereon. Town or city officers shall be chosen by ballot, on the demand of any two persons entitled to vote for the same.

7. There shall be a strict registration of all qualified voters in the towns and cities of the State ; and no person shall be permitted to vote, whose name has not been entered upon the list of voters before the polls are opened.

8. The General Assembly shall pass all necessary laws for the prevention of fraudulent voting. by persons not having an actual, permanent residence, or home, in the State, or otherwise disqualified according to this constitution ; for the careful registration of all voters, previously to the time of voting; for the prevention of frauds upon the ballot-box; for the preservation of the purity of elections; and for the safe -keeping and accurate counting of votes ; to the end that the will of the people may be freely and fully expressed, truly ascertained, and effectually exerted, without intimidation, suppression, or -unnecessary delay.

9. The electors shall be exempted from arrest on days of election, and one day before, and one day after the same, except in cases of treason, felony, or breach of the peace.

10. No person shall be eligible to any office by the votes of the people, who does not possess the qualifications of an elector.

For the complete text of The People's Constitution:

<http://books.google.com/books?id=J6hWdyveIAUC&printsec=frontcover&dq=Arthur+May+Mowry&ei=yxkjSYiLB5OGM6uW0Hg#PPA322,MI>

THE FREEMEN'S CONSTITUTION

January 1842

(Voted on & Defeated February 1842)

ARTICLE II.

Of the Right of Suffrage.

SECTION 1. Every person who is now a freeman, and qualified voter, shall continue to be so, so long as he retains the qualifications upon which he was admitted.

SEC. 2. Hereafter, every white male native citizen of the United States, or any territory thereof, of the full age of twenty -one years, who shall have had his actual permanent residence and home in this State for the period of one year, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, and shall be seized in his own right of a freehold real estate in such town or city, of the value at least of one hundred and thirty - four dollars over and above all incumbrances, shall, therefrom, have the right to~vote in the election of all civil officers, and on all questions in all legal town or ward meetings.

SEC. 3. Every white male native citizen of the United States or any territory thereof, of the full age of twenty -one years, who shall have had his actual permanent residence and 'home in this State for the period of two years, and in the town or city in which he may claim the right to vote six months next preceding the time of voting, shall have the right to vote in the election of all civil officers, and on all questions in all legal town or ward meetings : Provided, however, That no person who is not now a freeman shall be allowed to vote upon any motion to impose a tax, or incur expenditures in any town or city, unless he possess the freehold qualification required by this article, or shall have been taxed upon property valued at least at one hundred and fifty dollars, within one year from the time he may offer to vote, and shall have paid such tax in said town or city.

SEC. 4. Any white male, native of any foreign country, of the full age of twenty -one years, naturalized in the United States according to law, who shall have had his actual permanent residence and home in this State for the period of three years after his naturalization, and in the town or city in which he may claim the right to vote six months next preceding the time of voting, and shall be seized in his own right of a freehold real estate, in such town or city, of the value at least of one hundred and thirty -four dollars over and above all incumbrances, shall, therefrom, have a right to vote in the election of all civil officers, and in all questions in all town or ward meetings. But no person in the military, naval, marine, or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval Station in this State. And no pauper, lunatic, or person non compos mentis, or under guardianship, shall be permitted to vote ; nor shall any person convicted of any crime deemed infamous at common law, be permitted to exercise that privilege until he be restored thereto by 'the General Assembly. Persons residing on land ceded by this State to the United States shall not be entitled to exercise the privilege of electors during such residence-

SEC. 5. The General Assembly shall, as soon as may be after the adoption of this constitution, provide for the registration of voters; and shall also have full power generally to enact all laws necessary to carry this article into effect, and to prevent abuse and fraud in voting.

SEC. 6. All persons entitled to vote shall be protected from arrest in civil cases, on the days of election, and on the day preceding and the day following an election.

SEC. 7. In the city of Providence, and all other cities, no person shall be eligible to the office of mayor, alderman, or common councilman, who is not qualified to vote upon a motion to impose a tax or incur expenditures as herein provided.

SEC. 8. The General Assembly shall have power to provide, by special or general laws, for the admission of any native male citizen of the United States, or any territory, who shall have had his permanent residence and home in this State for two years, but who is not otherwise qualified under this article, to vote on such conditions as they may deem proper, except for taxes and expenditures.

For the Full Text of the Freeman's Constitution:

<http://books.google.com/books?id=J6hWdyveIAUC&printsec=frontcover&dq=Arthur+May+Mowry&ei=yxkjSYiLB5OGM6uW0Hg#PPA347,MI>

**CONSTITUTION of the STATE OF RHODE ISLAND
and PROVIDENCE PLANTATIONS.**

1842 Constitution

(Ratified in November 1842 and became effective in May 1843)

ARTICLE II.

Of the Qualifications of Electors.

SECTION 1. Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state for one year, and in the town or city in which he may claim a right to vote, six months next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty - four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved or the interest est of any incumbrances thereon, being an estate in fee -simple, fee -tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days, shall thereafter have a right to vote in the election of all civil officers and on all questions in all legal town or ward meetings so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this state out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the general assembly in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter ; and that the deed, if any, has been recorded ninety days.

SEC. 2. Every male native citizen of the United States, of .the age of twenty -one years, who has had his residence and home in this state two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this constitution, or shall be registered in the office of the clerk of such town or city at least seven days before the time he shall offer to vote, and before the last day of December in the present year ;

and who has paid or shall pay a tax or taxes assessed upon his estate within this state, and within a year of the time of voting, to the amount of one dollar, or who shall voluntarily pay, at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as with his other taxes shall amount to one dollar, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer, or collector of any town or city where such payment is made: or who, being so registered, has been enrolled in any military company in this state, and done military service or duty therein, within the present year, pursuant to law, and shall (until other proof is required by law) prove by the certificate of the officer legally commanding the regiment, or chartered, or legally authorized volunteer company in which he may have served or done duty, that he has been equipped and done duty according to law, or by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the first year after the adoption of this constitution, or until the end of the year eighteen hundred and forty -three. From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof, that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state, to the amount of one dollar, or that he has been enrolled in a military company in this state, been equipped and done duty therein according to law, and at least for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions, in all legally organized town or ward meetings: Provided, that no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, , unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at one hundred and thirty -four dollars.

SBC. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein ; but no compulsory process shall issue for the collection of any registry tax: Provided, that the registry tax of every person who has . performed military duty according to the provisions of the preceding section shall be remitted for the year he shall perform such duty ; and the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted; and no person shall be allowed to vote whose registry tax for either of the two years next preceding the time of voting is not paid or remitted as herein provided.

SBC. 4. No person in the military, naval, marine, or any other service of the United States shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this state: and no pauper, lunatic, person non compos mentis, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the general assembly.

SBC. 5. Persons residing on lands ceded by this state to the United States shall not be entitled to exercise the privilege of electors.

SBC. 6. The general assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption and fraud in voting.

For the full text of the Constitution of 1842:

<http://books.google.com/books?id=J6hWdyveIAUC&printsec=frontcover&dq=Arthur+May+Mowry&ei=yxkjSYiLB5OGM6uW0Hg#PPA367,MI>

Constitution of the State of Rhode Island and Providence Plantations

Adopted 1986 (Amended 2006)

ARTICLE II OF SUFFRAGE

Section 1. Persons entitled to vote. -- Every citizen of the United States of the age of eighteen years or over who has had residence and home in this state for thirty days next preceding the time of voting, who has resided thirty days in the town or city from which such citizen desires to vote, and whose name shall be registered at least thirty days next preceding the time of voting as provided by law, shall have the right to vote for all offices to be elected and on all questions submitted to the electors, except that no person who has been lawfully adjudicated to be non compos mentis shall be permitted to vote. No person who is incarcerated in a correctional facility upon a felony conviction shall be permitted to vote until such person is discharged from the facility. Upon discharge, such person's right to vote shall be restored. The general assembly may provide by law for shorter state and local residence requirements to vote for electors for president and vice president of the United States.

Section 2. Nomination of candidates -- Voter registration -- Absentee voting -- Conduct of elections -- Residency. -- The general assembly shall provide by law for the nomination of candidates; for a uniform system of permanent registration of voters; for the exemption from such registration of persons in the active service of the nation and their families absent from the state because of such service, and, in time of war, members of the Merchant Marine; for absentee and shut in voting; for the time, manner and place of conducting elections; for the prevention of abuse, corruption and fraud in voting; and may define by law residence for voting purposes, but no person shall acquire such residence merely by being stationed or assigned in this state in the active service of the United States.

<http://www.rilin.state.ri.us/RiConstitution/ConstFull.html>

Handout 1.a.

Who is given the right to vote under this Constitution?

Constitution _____

You will be able to answer this question by reading the assigned document. Look for information on each category listed. Be sure to write complete answers on the chart.

Age	
Race	
Gender Male/Female	
Convicted Felons	
RI Residency Requirement	
Property Ownership	
Restrictions	

Handout 1.b.**Who has the right to vote?**

	The People's Constitution (Voted on December 1841 & Certified January 1842)	The Freemen's Constitution January 1842 (Voted on & Defeated February 1842)	Rhode Island Constitution Adopted November 1842 (In effect May 1843)	Rhode Island Constitution 1986 Amended 2006
Age				
Race				
Gender Male/Female				
Convicted Felons				
RI Residency Requirement				
Property Ownership				

	The People's Constitution (Voted on December 1841 & Certified January 1842)	The Freeman's Constitution January 1842 (Voted on & Defeated February 1842)	Rhode Island Constitution Adopted November 1842 (In effect May 1843)	Rhode Island Constitution 1986 Amended 2006
Restrictions				