

agreeably to law, or against law. The only question is, whether they can, in any respect, be brought to answer for it, *but by due course of law*? And consequently, whether they can be passed upon and condemned, until they be proved guilty of a crime?

THE tenure by which all commissions are held in this State, is for the space of one year. Consequently, during that term, every officer has an interest, a kind of estate, inseparably annexed to his appointment. To be divested of which, he must either neglect, misuse, or abuse his trust, so as to work a forfeiture. This neglect, misuse, and abuse, include questions of fact, which must appear, either by the confession of the party, or by proof, before the forfeiture can be declared. But how can the facts appear to be true or false, without an impartial and candid examination? And how can such examination take place until the facts or charges are particularly stated, and the party accused have an opportunity of making defence, in such way as he shall deem most beneficial to himself?—Suppose he should deny the facts, he must certainly be presumed innocent till the contrary appear. How shall the contrary appear, but by producing evidence, oral or written?—If oral, hath he not a right to cross-examine the witnesses, to disqualify them, or produce others to disprove their testimony, either by destroying their credibility, or proving some other proposition totally inconsistent with that asserted by them?—Or, if the evidence be written, hath he not a right to suggest and establish alteration, diminution, or even forgery itself?—In short, can there exist, in contemplation of law, the possibility of an accusation, that cannot be controverted, and proved to be groundless?

DID the Judges hold their commissions during the pleasure of the General Assembly, then indeed they might be removed without the formalities of a trial. But, even in that case, the exercise of so high a prerogative, without some kind of suggestion and proof, would be deemed injurious and oppressive. In the present case, however, wherein the Judges cannot be molested, but by being called to answer for some crime, *by due course of law*, there is not even a suggestion that they have intentionally departed

departed from the line of their duty. Then are they secured in their posts, during the term of their appointment, in as sacred a manner as the property of any individual is guarded against the encroachments of a rapacious neighbour.

THEY stand upon the firm ground of rectitude and independence. If any man hath any accusation to exhibit, let him come forth:—Let him produce the list of his charges;—they are willing to meet him. But they will meet him only upon *due and legal process*, and before a Court lawfully qualified to try them. Should no such accusation be made, what remains but that the Judges be immediately discharged from any farther attendance upon this Assembly?

SHOULD they be impeached, I pledge myself to shew, that they cannot be tried by this Honourable Assembly. But if a contrary sentiment should prevail, I must request time, till the next session, to be prepared with arguments and authorities, to establish a doctrine so important in its consequences. Permit me, however, for the present, to observe,

THAT in England the Judges are appointed by the King, as the Supreme Executive. Their commissions are *during good behaviour*; and therefore they are not triable by the King, but by the Parliament only, and *upon impeachment*. Were they to be tried by the King, who appoints them, their judgments might be influenced by his authority; and so the channels of justice would be corrupted. Besides, the King is the party accusing, and consequently cannot be the Judge. For the very act of complaining, presupposes an opinion that the party complained of is guilty. Hence it is that the Grand Jurors, who make presentment, are disqualified ultimately to decide upon the fact.

In this State the Judges are appointed by both Houses of Assembly, in a Grand Committee. In this respect, they resemble the King; and therefore cannot try the Judges upon a criminal charge. In the present instance, both Houses of Assembly are the party complaining; in this respect also, they resemble

ble the King, and so cannot be the triers. For, with deference to the Legislators present, there may be an Assembly, whose interested views might induce them to establish systems totally subversive of the constitution, and of political as well as civil liberty. To effect which, the Supreme Judiciary must be the creatures of their power; and such creatures they would finally be, were the Judges to be appointed, accused, and tried by them.

LET the human heart, and, as I have the honour of addressing myself to some who profess and even attempt to teach the doctrines of Christianity, the conscience also, be consulted upon this question!—Should not the parties litigant be equally indifferent to the Judge, who is to decide upon their controversy?—Why is it that jurors may be challenged, and removed, for favour, but that the mind should be perfectly unbiassed, and open to the reception of truth?—Why, like Cæsar's wife, should they be incapable of being suspected, unless that the parties themselves might feel a perfect confidence in their Judges?—Can that confidence be placed upon this occasion?—Hath not the matter been taken up rather in a political than a juridical point of view?—I do not assert; but hath it not been determined, in a convention of part of the members, to remove the Judges, and appoint others who will execute, at all events, the penal acts?—Hath not one town in particular proceeded so far, as to instruct its Deputies to use their utmost influence in bringing the Judges to punishment?—Can these members be considered as impartial triers?—Is it possible to suppose, but that the influence of their constituents will have some weight in forming their opinion?—Can they be objected to, as having prejudged the cause?—If they cannot, is there not a moral certainty of condemnation? If they can, will not the objection be so far extended, as to prevent the possibility of a legal decision?—

BE entreated therefore, O ye guardians and protectors of the people, seriously to reflect upon the magnitude of the present question, and the important events that may result from your determination!—“The Great Judge of all the earth, can He do wrong?”—Of beings rational, *He* requires the “*heart*.”—

And

And “as a man believeth in his *conscience*, so is he!”—Submit then to the heavenly standard! And, as the Judges have acquitted themselves *conscientiously*, in the sight of God and man, add to the general plaudit, which shall waft their names upon the wings of immortal fame, to the latest posterity!

THE claim and demand of the Judges, as stated in their memorial, and enforced by their counsel, were followed by a concise, but rational debate, in which the fury of passion, excepting in one or two instances, surrendered to cool reflection, and prepared the way for vindicating the honour of the law, and the dignity of the State. In vain did any endeavour to recall the mind to a predetermined resolution! Truth, “which is lodged in a secret corner of the heart,” exerted her gentle influence, while prejudice and malice retired abashed!

A MOTION was made by an honourable member, seconded, and agreed to, that the opinion of the Attorney-General be taken, and the sentiments of the other professional gentlemen requested, whether constitutionally, and agreeably to law, the General Assembly can suspend, or remove from office, the Judges of the Supreme Judiciary Court, without a previous charge and statement of criminality; due process, trial, and conviction thereon?

Mr. Channing, the Attorney-General, observed, that as it was at all times his duty, so he derived a peculiar pleasure in rendering to the Hon. the Legislature every legal assistance in his power.—That he attended the trial upon the information, without any bias or partiality upon his mind; and was happy in the conviction, that the whole conduct of the Judges, upon that interesting occasion, demonstrated the greatest candour and uprightness; and, according to his private opinion, their determination was conformable to the principles of constitutional law.—But, be their judgment agreeably to law or not, confident he was, that there would be a fatal interruption, if not annihilation to government, if they could be suspended, or removed from office, for a mere matter of opinion, without a charge of criminality.—How that charge should be preferred and conducted, he

did not presume to decide, as it might possibly be the subject-matter of an after question, and was not contained in the present order.——

THE Honourable Mr. Bradford informed the House, that he was not present at the trial in Newport, nor had he attended to the proceedings of the Legislature respecting the Judges, excepting so far as related to the citation, and the memorial upon the table:—That till then, he never doubted but the General Assembly were vested with constitutional authority to try and remove any officer by them appointed, for any mal-practices in his office; but that from the observations that had been made, he very much doubted the propriety of his former opinion:—That one point, however, was clear and certain, that as the Judges were commissioned and sworn for the term of a year, they could not be deprived of their powers during that term, but by regular impeachment, in which the charges against them must be particularly stated; trial, in which they would have an undoubted right for time to prepare their defence, and to be heard by counsel; and condemnation, upon full proofs of the charges:—That in the proceedings now before the House, there was not a charge, or the appearance of one, against the Court, to which they could, in any manner, be held to answer:—That he was really astonished, that so much time should be taken up in needless enquiries, and fruitless altercations!—That he had been honoured with a seat, in one or other of the Houses of the Assembly, for upwards of thirty years, and could not recollect a period, in which harmony and unanimity were more essentially wanting than at the present time:—That the people of this State had been well governed; that they had been an happy people, and might still be as happy as any on earth, if all party contentions could be laid aside, and every one strive to sooth the cares, and heal the wounds, of his neighbours!—He besought, he entreated the members to embrace the present moment, in which there seemed to be a spirit of conciliation, to put an end to all further contentions among themselves, but what might arise for the sake of information!—And, as they regarded the honour, the peace, and the safety of the State, that they would discharge the Judges from any farther attendance, and apply themselves

themselves in earnest, and with one mind, to such measures as would render them happy at home, and respectable abroad.—

MR. HELME remarked, that the subject was new, and he was not fully prepared to give an opinion.—But that, at present, he inclined to think, that there was no constitutional law by which the question could be solved:—That therefore it must be in the breast of the General Assembly to point out the mode of trial by an act for that purpose, should a trial be thought necessary:—That if they should proceed to try the Judges, either by themselves, or a Court to be specially appointed for that purpose, they must cause them first to be impeached, and state the facts particularly upon which the impeachment is founded:—That the common law will direct in the manner of process; and should they be found guilty, they cannot be removed from their office but by a bill, in nature of a bill of attainder, which must pass both Houses, and be enacted into a law.

MR. GOODWIN spoke with elegance, and fully acquiesced in the opinions already given, that no sentence could be passed against the Judges, but by regular process, in which a specification of the charges is essentially requisite.—He was diffusively eloquent, enlarged upon the subject, and concluded by observing, that he had given his sentiments without reserve, and had thought with freedom before he gave them.

THE two professional Gentlemen in the House, the Honourable Mr. Marchant, and Mr. Bourne, confirmed the sentiments of their brethren, in the leading points, by a masterly display of legal talents.—

THE only question remaining was, whether the Judges should be discharged from any further attendance upon the General Assembly, as no accusation appeared against them?—The question was put, and decided by a very great majority, “that as the Judges are not charged with any criminality in rendering the judgment, upon the information, Trevett against Weeden, they are therefore discharged from any further attendance upon this Assembly, on that account.”

A P P E N D I X.

THE following are the penal acts referred to in the preceding trial:

State of RHODE-ISLAND and PROVIDENCE PLANTATIONS.

In GENERAL ASSEMBLY, May Session, 1786.

WHEREAS from a variety of causes, political and mercantile, the currency of this State now in circulation has become altogether insufficient in point of quantity for the purposes of trade and commerce, and for paying the just debts of the inhabitants thereof: Therefore, to establish a circulating medium, upon the firmest and most equitable principles that may be, and for facilitating that interchange of property so essential to a commercial State, and a people circumstanced as are the inhabitants of this State: *Be it Enacted by this General Assembly, and by the Authority thereof it is hereby Enacted,* That One Hundred Thousand Pounds, lawful money, be forthwith emitted in bills of paper; and loaned on the credit of clear landed real estates, double the value of the said bills so loaned to be pledged in such real estates: That the aforesaid sum be apportioned to the city of Newport, and the several towns in this State, agreeable to the apportionment of the last State tax, and be delivered to two Trustees of the said city, and each of the said towns, who are to be chosen and appointed by this General Assembly, for the purpose of receiving and loaning out the said bills to the freeholders of the said city, and the said towns they shall represent: That each freeholder shall have and receive of the said Trustees, after the apportionment of the said sum, an equal part of such apportionment, he giving security agreeable to this act: And that the said sum of One Hundred Thousand Pounds be paid into the Grand Committee's Office, within and at the expiration of fourteen years from the time of emitting the same.

AND be it farther Enacted by the Authority aforesaid, That Messieurs Elijah Cobb, of Portsmouth, Nehemiah Knight, of Cranston, Jonathan J. Hazard, of Charlestown, Job Comstock, of East-Greenwich, and Samuel Allen, of Barrington, be a Grand Committee for the purposes herein mentioned, who shall keep a public office in the said city of Newport; and all necessary expences of the said office shall be paid out of the General-Treasury of this State: That Thomas Rumrell, Esq; be appointed Keeper of the said Grand-Committee's Office, to receive and safely to keep all the deeds, bonds, and other papers, that shall be given the Trustees of the said city and the said towns, by the individuals as aforesaid, for the money loaned as aforesaid. And that the following persons be appointed the said Trustees, to wit: Newport, Messieurs Thomas Freebody, and Nicholas Easton: Providence, Messieurs James Arnold, and George Olney: Portsmouth, Messieurs William Anthony, jun. and William Hall: Warwick, Messieurs Thomas Holden, and Othniel Gorton: Westerly, Messieurs Christopher Babcock, and Joseph Crandall: New-Shoreham, Messieurs John Sands, and Caleb Littlefield: North-Kingstown, Messieurs William Hammond, and George Thomas (Son of Samuel): South-Kingstown, Messieurs Stephen Hazard, and Samuel Potter: East-Greenwich, Messieurs

Messieurs Joseph Fry, and Benjamin Tillinghast : Jamestown, Messieurs John Gardner, and Rowland Robinson : Smithfield, Messieurs John Sayles, and Andrew Waterman : Scituate, Messieurs Josiah Colwell, and John Harris : Gloucester, Messieurs John Smith, (Son of Benjamin) and Stephen Winsor : Charlestown, Messieurs Joseph Stanton, jun. and Benjamin Hoxsie, jun. West-Greenwich, Messieurs Thomas Joslin, and Gideon Waite : Coventry, Messieurs William Burlingame, and Jeremiah Fenner : Exeter, Messieurs George Pierce, and Joseph Reynolds, jun. Middletown, Messieurs Thomas Coggenhall, and John Gould : Bristol, Messieurs Nathaniel Fales, and Shearjathub Bourne : Tiverton, Messieurs Walter Cooke, and Abraham Barker : Little-Compton, Messieurs Nathaniel Searle, and Perez Richmond : Warren, Messieurs William T. Miller, and Daniel Cole : Cumberland, Messieurs John S. Dexter, and John Lapham : Richmond, Messieurs James Sheldon, and Thomas James : Cranston, Messieurs Stephen Knight, and Stephen Sprague : Hopkinton, Messieurs Abel Tanner, and Randall Wells : Johnston, Messieurs Abraham Belknap, and Andrew Harris : North-Providence, Messieurs Stephen Jenckes, and Hope Angell : Barrington, Messieurs Josiah Humphry, and Nathaniel Martin : Foster, Messieurs John Westcott, and Nehemiah Angell.

AND be it further Enacted by the Authority aforesaid, That the individuals of the said city, and the several towns of this State, who shall receive bills as aforesaid of the said Trustees, shall pay an interest of four per centum per annum, into the General-Treasury of this State, annually, for the term of seven years from their having received the said bills, and for the last seven years that no interest be paid : And that one seventh part of the aforesaid sum of One Hundred Thousand Pounds be paid into the Grand Committee's Office aforesaid, in seven equal annual payments, during the last seven years of the said fourteen years, and be consumed with fire.

AND be it further Enacted by the Authority aforesaid, That the said Elijah Cobb, Nehemiah Knight, Jonathan J. Hazard, Job Comstock, and Samuel Allen, be a Committee to sign, divide, and cause to be printed, the aforesaid sum of One Hundred Thousand Pounds, into bills of convenient sums and denominations, not to exceed Three Pounds, and not less than Sixpence ; and to make such checks and devices, for the preventing of altering and counterfeiting the same, as to them may seem meet : That three at least of the said Committee sign every bill of Twenty Shillings and upwards, and that two at least sign every bill of a less denomination : And that Messieurs William Borden, and Thomas Freebody, be and they are hereby appointed to superintend the press, at the printing of the said bills.

AND be it further Enacted by the Authority aforesaid, That the freeholders or individuals aforesaid, so receiving bills of the said Trustees, shall mortgage real estates in double the value of the bills so received (the said Trustees having no regard to the wood or timber growing on the land, but to the real land only) and also the said seven years interest arising upon the same, at the rate of four per centum per annum, as aforesaid, to the Keeper of the said Grand Committee's Office, for the use of the State ; and also shall give seven bonds for the principal sum of the said bills, in equal apportionments, and also seven bonds, in equal sums, for the interest arising upon the same in the term of seven years, as aforesaid, to the General-Treasurer, which last mentioned bonds shall be delivered by the said Trustees to the General-Treasurer of this State, for the recovery of the said annual interest.

AND be it further Enacted, That the said Trustees of the said city, and the several towns, and also the said Keeper of the aforesaid Grand Committee's Office, shall be duly engaged, before a Justice of the Superior Court, for the discharge of their trust, and shall give good and sufficient bonds to the General-Treasurer of this State, for the true
and

and faithful discharge of their several trusts, in double the sum received by the said Trustees, and the said Keeper every year in double the sum, annually to be brought into the said Grand Committee's Office: And as the said Trustees shall carry in their proportions to the said Grand Committee's Office, they shall receive of the Keeper of the said Office a certificate, which shall authorize the General-Treasurer to cancel the said Trustees' bonds, upon their producing the same.

AND be it further Enacted, That the bills so to be emitted shall be of the following form and tenor, to wit:

State of Rhode-Island, &c.

THIS bill is equal to in lawful silver money, and shall be received in all payments within this State, agreeable to an act passed by the General Assembly of said State, at their May sessions, holden at the city of Newport, A. D. 1786.

Death to counterfeit.

AND be it further Enacted by the Authority aforesaid, That the said bills when emitted shall be a good and lawful tender, for the complete payment and final discharge of all debts now due and contracted, and that may hereafter become due and be contracted, and for the final and full discharge of all fines and forfeitures, judgments and executions, now had, become due, and recovered, of every and any nature and kind whatsoever, within this State.

AND be it further Enacted by the Authority aforesaid, That if any creditor or creditors, their lawful agent or attorney, shall refuse to receive any of the aforesaid bills, in discharge of any debt or demand, then and in that case it shall and may be lawful for the said debtor to make application to a Justice of the Superior Court of Judicature, &c. or to any Justice of the Inferior Court of Common Pleas, of the county wherein said debtor lives, or is resident; and the said Justice upon such application shall grant citation in the following manner, to wit:

State of Rhode-Island, &c.

To the Sheriff of the county of his Deputy, or to either of the Town or City Serjeants, or Constables, greeting.

CITE A. B. of, &c. (or his attorney, or agent, as the case may be) creditor to C. D. to appear before me the subscriber, one of the Justices of the Court at my dwelling-house, in ten days from the service hereof, to receive the sum of lawful money, lodged with me, by the said C. D. debtor to the said A. B. being the principal and interest due upon a note (bond, account, mortgage, judgment of Court, &c. as the case may be) upon the penalty of the law in such case made and provided; and make true return of this citation, with your doings thereon, in three days from the date hereof.

WHICH citation is to be served by the officer personally upon the creditor, or his agent, or attorney, or in case of absence by leaving an attested copy of the same at the creditor's, his agent's or attorney's last and usual place of residence, or abode. And in case the said creditor, his agent, or attorney, after having had such notice, does not appear, agreeable to the said citation, the said Justice shall give a certificate expressing the lodging of the said money; and the said lodgment shall be deemed a sufficient tender for every purpose mentioned in this act, which said certificate shall be of the following tenor, to wit:

State

State of Rhode-Island, &c.

*T*O all whom it may concern.—Know ye, that C. D. of, &c. on the _____ day of _____ at my dwelling-house at _____ lodged with me the sum of _____ pounds, lawful money, being in full of the principal and interest of a sum of money due from the said C. D. to A. B. of, &c. That the said C. D. hath in all respects complied with the law respecting the paper currency; and that the said A. B. (or his agent, or attorney, as the case may be) hath been legally and duly notified thereof.

*A*ND if the said creditor, his agent, or attorney, does not apply for the said sum of money so tendered and lodged in the time aforesaid, the said Justice shall cause the said tender or lodgment to be notified and published in all the news-papers in this State for the term of three weeks, the expence of which publication, and all other expences of the said process, shall be defrayed out of the money so lodged: That the said certificate shall be a sufficient plea in bar to all and every action and actions that shall or may be brought for the recovery of money so lodged and tendered, and shall forever operate as a discharge and a *bona fide* payment of the said debt, in all and every Court and Courts having jurisdiction in this State: That the said Justice shall keep and have a fair record of all his acts and doings touching the premises, and shall have the same fees for his services as are now allowed by law for summonses, copies, &c. And that if the said creditor, his agent, or attorney, shall not within the space of the said three months call for or demand the said sum so tendered or lodged, the same shall be forever forfeit to and for the use of this State, and shall be paid by the said Justice into the General-Treasury accordingly.

*A*ND be it further Enacted by the Authority aforesaid, That if any person shall counterfeit or alter any bill, with design to augment the value thereof, and be thereof legally convicted at the Superior Court of Judicature, Court of Assize, &c. in this State, he, she or they, so offending, shall suffer the pains of death, without benefit of clergy.

A true Copy :

Witness, HENRY WARD, Secretary.

State of RHODE-ISLAND, &c.

*I*N GENERAL ASSEMBLY, June Session, A. D. 1786.

An Act in Addition to and Amendment of an Act made and passed by the General Assembly of this State, at their last May Session at Newport, for emitting the Sum of One Hundred Thousand Pounds.

WHEREAS it is highly necessary, and of the last and most important consequence to the government of all States, that the proceedings of the Legislature be held in high estimation, and the most sacred regard; and that the law when promulgated be strictly adhered to, and punctually and most religiously obeyed.

*A*ND whereas it is of the greatest moment, that the aforesaid emission of One Hundred Thousand Pounds, which will have the greatest tendency of any thing within the wisdom of this Legislature to quiet the minds and to alleviate the distressed situation and circumstances of the good citizens of this State, should be kept in good credit; and that the same should be a currency equal in value to coined gold and silver: And whereas various attempts have been made by a certain class of men, who, from mistaken principles, suppose the said currency to be injurious to their interest, and from an inclination

tion to render invalid such laws and regulations of this Assembly, as may not quadrate with their interest, judgment and opinion of things, and for many other causes, which, if permitted to exist, will support a power in this State counter to the authority chosen and appointed by the suffrages of the free people thereof, and subversive of those laws and principles upon which the happiness, welfare and safety, of the people depend.

THEREFORE, Be it Enacted by this General Assembly, and by the Authority thereof it is hereby Enacted, That any person or persons, who shall hereafter refuse to take the bills of credit of the aforesaid emission of One Hundred Thousand Pounds, in exchange for any article or articles, which he, she or they, may have for and expose to sale, agreeable to and for the value mentioned on the face of the said bills, or shall, by making two prices for his, her or their goods, a silver-money less than a paper-money price, or shall make any difference in bartering or exchanging his, her or their goods, in affixing a value to his, her or their goods, between the paper bills aforesaid, and the goods so to be exchanged, or shall, by any overt act, or overt acts, of his, her or their own, or by his, her or their directions, to any person or persons acting for or under him, her or them, or to any person or persons over whom he, she or they, may have influence, or by any ways, means or manner, whatsoever, or howsoever, tend to depreciate, discourage the passing or discountenance the bills of credit aforesaid, or in any degree to lessen the true value of the same, or by any ways or means whatsoever to invalidate, weaken or make void the act afore alluded to, for emitting the aforesaid One Hundred Thousand Pounds, he, she or they, so offending, shall, upon due conviction thereof, for the first offence, before any Court of General Sessions of the Peace in this State, or the Superior Court of Judicature, Court of Assize and General Gaol-Delivery, forfeit and pay the sum of One Hundred Pounds, lawful money, one moiety of the same to and for the use of the person who shall inform of and appear to prosecute the same, and the other moiety to be paid into the General-Treasury of this State: And whatsoever person or persons shall be convicted, as aforesaid, of a second offence, as aforesaid, he or they so offending shall be rendered incapable and unfit to elect, or to be elected, to any office of honour, trust or profit, within this State; and also, he, she or they, so offending a second time, shall forfeit and pay the sum of One Hundred Pounds, lawful money, to be recovered and appropriated as aforesaid.

O R D E R E D, That this act be published in all the news-papers in this State.

A true Copy:

Witness, HENRY WARD, *Secretary.*

State of RHODE-ISLAND, &c.

In GENERAL ASSEMBLY, especially convened at the City of Newport, August 22, 1786.

An Act, in Addition to and Amendment of an Act, entitled, "An Act in Addition to and Amendment of an Act, made and passed by this Assembly, at their Session holden at Newport, in May last, for emitting the Sum of One Hundred Thousand Pounds, in Bills of public Credit."

WHEREAS it is an established maxim in legislation, and ought to be strictly and most punctually adhered to in all wise governments, that process upon the breach of penal laws be immediate, and the penalty be inflicted or exacted directly consequent upon conviction; and that the usual and stated methods and times of holding Courts

Courts within this State are impracticable, inexpedient, and inapplicable to the true intent and meaning of the said act, and altogether insufficient to carry into effect the good purposes of this Legislature, touching the same.

THEREFORE, Be it Enacted by this General Assembly, and by the Authority thereof it is hereby Enacted, That the mode of procedure, and the method of law process, against any person or persons who shall be guilty of a breach of the aforesaid act, or any part thereof, so that such person or persons would thereby be subject to the penalty of the same, shall be as followeth, to wit: That the complainant shall apply to either of the Judges of the Superior Court of Judicature, &c. within this State, or to either of the Judges of the Inferior Court of Common Pleas, within the county where such offence shall be committed, and lodge his certain information, which shall be issued by the said Judge in the following form, to wit:

ff. B E. it remembered, that A. B. of in the county of who, as well for the Governor and Company of the State of Rhode-Island and Providence Plantations as for himself, doth prosecute, cometh before me C. D. one of the Justices of the Court the day of in the year of in his proper person; and, as well for the said Governor and Company as for himself, giveth me and the said Court to understand and be informed, that E. F. of in the county of on the day of in the year aforesaid, at aforesaid, in the county aforesaid, not regarding the laws and statutes of the said State, but the same intending to break, make void and annul, with force and arms (here insert the offence, with legal precision) against the form of the statute in that case made and provided: Whereupon the aforesaid A. B. as well for the said Governor and Company as for himself, prayeth the advice of the said Court in the premises; and that the aforesaid E. F. may forfeit the sum of according to the form of the statute aforesaid; and that he the same A. B. may have one moiety thereof, according to the form of the statute aforesaid; and also, that the aforesaid E. F. may come before the Court, to be especially convened at in three days from the date hereof, to answer concerning the premises.

AND hereupon the said Judge shall command to the said E. F. that all other things omitted, he be in his proper person at the said Court, for the said county, to be especially convened on the day of at to answer as well to the said Governor and Company as to the said A. B. who, as well for the said Governor and Company as for himself, doth prosecute of and concerning the premises; and further to do and receive what the said Court shall consider in this behalf. All which shall be signed and sealed by the said Judge, and directed to the Sheriff or his Deputy of the county where the offender lives or may be found; and the said Sheriff or his Deputy shall serve the same agreeable to law, and make return forthwith; and that the said Judge, immediately upon his issuing the same, appoint a place for the holding said Court, and give notification in writing to all the other Judges of said Court, of the time and place of holding the same; and that the said Judge, so applied to as aforesaid, take good and sufficient bonds of the aforesaid A. B. the complainant, for the payment of all lawful cost that may accrue, provided said complaint should be dismissed as groundless, or should not be prosecuted to effect: Provided, however, that the offence against said act be tried in the county where such offence shall be committed.

A N D be it further Enacted by the Authority aforesaid, That the said Court, when so convened, shall proceed to the trial of said offender; and they are hereby authorized so to do, without any jury, by a majority of the Judges present, according to the laws of the Land, and to make adjudication and determination; and that three members be sufficient to constitute a Court; and that the judgment of the Court, if against the offender so complained of, be forthwith complied with, or that he stand committed to the county gaol where the said Court may be sitting, till sentence be performed,

THAT

THAT no complainant or informer be admitted as a competent witness to support his information, and that the said judgment of said Court shall be final and conclusive, and from which there shall be no appeal; and in said process no essoin, protection, writ of habeas corpus, or injunction, shall be in anywise prayed, granted, or allowed.

AND be it further Enacted, That the legal mode of carrying the aforesaid act into execution shall be in force fully and completely, for every purpose therein mentioned and contained, until all offences against the same which have been committed or committed of, and which may be committed and complained of, until the expiration of ten days after the rising of this Assembly, may be fully heard, tried and determined; any thing in this act to the contrary in anywise notwithstanding.

AND be it further Enacted by the Authority aforesaid, That whatsoever person or persons shall be duly convicted as aforesaid, by the Court aforesaid, of any or either of the offences in the act aforesaid enumerated, mentioned and expressed, shall for the first offence forfeit and pay as a fine not less than the sum of Six Pounds, lawful money, and not exceeding the sum of Thirty Pounds, at the discretion of the Court; one moiety thereof to and for the use of the person who shall inform of and appear to prosecute the same, and the other moiety to be paid into the General-Treasury of this State; and that the offender so convicted pay all costs of prosecution and conviction; and also he, she or they, so offending again, for every after offence, upon due conviction thereof, shall forfeit and pay not less than Ten Pounds, and not exceeding Fifty Pounds, lawful money, to be recovered and appropriated agreeable to this act.

In the Lower-House, August 26, 1786.

RESOLVED, That the preceding bill pass as an act of this Assembly.

Voted, &c.

B. BOURNE, Clerk.

In the Upper-House.

READ the same day and concurred, with these amendments, that the Secretary cause the said act to be published in the Newport and Providence news-papers:—And that no complaint or information shall be received by any of the Justices of the said Courts, that is not made in due form, according to this act, within ten days after the offence shall be committed. *Voted and passed.*

By Order,

H. SHERBURNE, Deputy-Secretary.

In the Lower House.

THE amendments read and concurred.

By Order,

B. BOURNE, Clerk.