

**Records of the colony of Rhode Island and Providence Plantations,
in New England : Printed by order of the General assembly / Ed.
by John Russell Bartlett, secretary of state**

Rhode Island.

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An Act repealing an act, entitled “ An act for the more effectually securing to His Majesty, the allegiance of his subjects, in this his colony and dominion of Rhode Island and Providence Plantations ;” and altering the forms of commissions, of all writs and processes in the courts, and of the oaths prescribed by law.*

Whereas, in all states, existing by compact, protection and allegiance are reciprocal; the latter being only due in consequence of the former.

And whereas, George the Third, King of Great Britain, forgetting his dignity, regardless of the compact most solemnly entered into, ratified and confirmed to the inhabitants of this colony, by his illustrious ancestors; and till of late, fully recognized by him; and entirely departing from the duties and character of a good king, instead of protecting, is endeavoring to destroy the good people of this colony, and of all the United Colonies, by sending fleets and armies to America, to confiscate our property, and spread fire, sword and desolation, throughout our country, in order to compel us to submit to the most debasing and detestable tyranny; whereby, we are obliged, by necessity, and it becomes our highest duty, to use every means, with which God and nature have furnished us, in support of our invaluable rights and privileges; to oppose that power which is exerted only for our destruction.

Be it therefore enacted by this General Assembly, and by the authority thereof, it is enacted, that an act entitled “ An act for the more effectual securing to His Majesty the allegiance of his subjects, in this his colony and dominion of Rhode Island and Providence Plantations,” be, and the same is hereby, repealed.

And be it further enacted by this General Assembly, and by the authority thereof, it is enacted, that in all commissions for offices, civil and military; and in all writs and processes in law, whether original, judicial or executory, civil or criminal, wherever the name and authority of the said King is made use of,

* The official journals of the senate, show that this act, repealing the act of allegiance with Great Britain, was passed on the 4th May, 1776.

the same shall be omitted ; and in the room thereof, the name and authority of the Governor and Company of this colony, shall be substituted, in the following words, to wit : “ The Governor and Company of the English Colony of Rhode Island and Providence Plantations.”

That all such commissions, writs and processes, shall be otherwise of the same form and tenure as they heretofore were.

That the courts of law be no longer entitled, nor considered, as the King's courts.

And that no instrument in writing, of any nature or kind, whether public or private, shall, in the date thereof, mention the year of the said King's reign.

Provided, nevertheless, that nothing in this act contained, shall render void or vitiate any commission, writ, process or instrument, heretofore made or executed, on account of the name and authority of the said King being therein inserted.

And be it further enacted by the authority aforesaid, that the oaths or engagements to be administered to the officers appointed in this colony, shall be as follows, to wit :

General Officers.

“ You, —, being by the free vote of the freemen of this colony of Rhode Island and Providence Plantations, elected unto the place of —, do solemnly engage to be true and faithful unto this said colony ; and in your said office equal justice to do unto all persons, poor and rich, within this jurisdiction, to the utmost of your skill and ability, without partiality, according to the laws established, or that may be established by the General Assembly of this colony, as well in matters military as civil ; and this engagement you make and give upon the peril of the penalty of perjury.”

Deputies.

“ You, —, being chosen to the place of a deputy, to sit in the General Assembly, do solemnly engage, that you will be

true and faithful to this colony of Rhode Island and Providence Plantations ; and that you will do equal right and justice to all persons who shall appeal unto you, for your judgment in their respective cases, according to the laws established, or that may be established by the General Assembly of this said colony ; and this engagement you make and give upon the peril of the penalty of perjury.”

Judges of the Superior Court.

“ You, ——, being by the General Assembly of this colony, chosen to the place of a justice of the superior court of judicature, court of assize and general jail delivery, in and throughout the colony, do solemnly engage to be true and faithful to this said colony, and to execute the office unto which you are chosen, as aforesaid, with fidelity, to the best of your skill and knowledge, according to the laws established, or that may be established by the General Assembly of this said colony ; and this engagement you make and give upon the peril of the penalty of perjury.”

[Public notaries, clerks of the superior and inferior courts, justices of the inferior courts, and sheriffs, to take the same oath as the justices of the superior court, *mutatis mutandis*.]

Grand Jurors.

“ You, A. B., being of the grand inquest, on the behalf of the Governor and Company of the English colony of Rhode Island and Providence Plantations, do hereby promise and engage to make a true return to this court of all such bills as shall be presented to you, or such breakers of law as shall come to your knowledge ; and this engagement you make and give upon the peril of the penalty of perjury.”

Petit Jurors in Civil Causes.

“ You, A. B., being of this jury of trials, shall well and truly try the issue of this case, and all cases that shall be com-

mitted unto you from this court, between the parties, plaintiff and defendant, according to law and evidence ; and to keep together until you agree of a verdict in the case or cases committed to you, and make true return of a verdict or verdicts unto this court ; and to keep your own and fellows' secrets ; and this engagement you make and give upon the peril of the penalty of perjury."

Petit Jurors in Criminal Causes.

" You, A. B., being of this jury of trials, shall well and truly try, and true deliverance make, between the Governor and Company of the English colony of Rhode Island and Providence Plantations, and the prisoner at the bar, according to law and evidence ; and to keep together until you are agreed of a verdict or verdicts, in the case or cases that shall be committed to you, from this court, and to keep your own and fellows' secrets ; and this engagement you make and give upon the peril of the penalty of perjury."

Town Officers.

" You, A. B., do hereby solemnly engage to be true and faithful unto this colony of Rhode Island and Providence Plantations ; and that you will well and truly, according to the laws established, or that may be established by the General Assembly of said colony, execute the office of —, for the ensuing year, or until another be engaged in your room, or you be legally discharged therefrom ; and this engagement you make and give upon the peril of the penalty of perjury."

Military Commissioned Officers.

" You, A. B., being, by the General Assembly, chosen and elected unto the place and office of —, do solemnly swear to be true and faithful unto this colony of Rhode Island and Providence Plantations, and to the authority therein established by

the General Assembly ; and you do also further engage well and truly to execute the office of —, to which you are elected, according to your commission ; and to perform and observe all the laws made and provided for the support and well ordering the militia, without partiality ; and that you will observe and follow such orders and instructions as you shall from time to time receive from your superiors. So help you God.”

Clerk of a Company of Militia.

“ You, A. B., do solemnly swear well and truly to perform and execute the office of clerk of the company, or trained band, under the command of C. D., to the utmost of your skill and ability, without partiality, according to the laws of this colony, which relate to your office. So help you God.”

Instructions from the General Assembly of Rhode Island, to Stephen Hopkins and William Ellery, Delegates from the Colony to the Continental Congress.

The Governor and Company of the English colony of Rhode Island and Providence Plantations, in General Assembly convened, to Stephen Hopkins and William Ellery, Esquires, greeting :

Whereas, this Assembly, reposing special trust and confidence in your abilities and integrity, have appointed you, the said Stephen Hopkins and William Ellery, delegates, to represent this colony in general Congress ; you are therefore hereby empowered to join with the delegates of the other United Colonies, in Congress, at Philadelphia, as soon as conveniently may be, or at such time and place as shall be agreed upon by the major part of the delegates from the said colonies.

You are also authorized and empowered to consult and advise with the delegates of the said colonies, in Congress, upon the most proper measures for promoting and confirming the strictest union and confederation between the said United Colonies, for exerting their whole strength and force to annoy the common enemy, and to secure to the said colonies their rights and liberties, both civil and religious ; whether by entering into treaties with any prince, state, or potentate ; or by such other prudent and effectual ways and means as shall be devised and agreed upon.

And in conjunction with the delegates from the said United Colonies, or the major part of them, to enter into and adopt all such measures ; taking the greatest care to secure to this colony, in the strongest and most perfect manner, its present established form, and all the powers of government, so far as relate to its internal police and conduct of our own affairs, civil and religious.

You are also instructed and directed to exert your utmost abilities in carrying on this just and necessary war, in which we are engaged against cruel and unnatural

enemies, in the most vigorous manner, until peace shall be restored to the said colonies, and their rights and liberties secured upon a solid and permanent basis.

You are also empowered to join with the major part of the delegates of the said United Colonies, in adjourning from time to time, and to such place or places, as shall be thought proper, for and during one year.

You have it in express charge, to make immediate application to Congress, to put the colony brigade upon the Continental establishment, and to defray the expenses of it from the first enlistment of the troops, as that number is indispensably necessary for the defence of the colony, which is utterly unable to support them.

And as it may happen, that from sickness, or other necessary causes, one of you may be absent from Congress, in all such cases, the other is hereby as fully empowered to represent the colony, as though both were present and agreed in sentiment.

The committee appointed for that purpose, having reported the foregoing instructions to the delegates to represent this colony in Congress; which being considered,—

It is voted and resolved, that the same be, and hereby are, approved.*

** Stephen Hopkins to the Governor of Rhode Island.*

Philadelphia, 15th May, 1776.

Sir :—Your favor of the 7th of May, I have received, and the papers enclosed in it. I observe that you have avoided giving me a direct answer to my queries concerning dependence or independence; however, the copy of the act of Assembly, which you have sent me, together with our instructions, leave me little room to doubt what is the opinion of the colony I came from.

I suppose that it will not be long before the Congress will throw off all connection as well in name as in substance, with Great Britain; as one thing after another, seem gradually to lead them to such a step; they having, within a few days, passed a resolve earnestly to recommend to all the colonies who at present are not under a perfect form of government, to take up and form such, each colony for themselves; which I make no doubt most of them will very soon do.

I have now the pleasure to inform you, that Congress on Saturday last, passed a resolve for taking into Continental pay, the two Rhode Island battalions; which resolve, I herewith enclose.

A letter from General Washington to Congress, warmly recommending it to them to take this step respecting the colony of Rhode Island, had great influence in procuring it to be done. I could therefore wish the colony in a handsome manner, to acknowledge this favor, and to return thanks to the General, for his good offices in their behalf.

The affair which you mention, respecting Block-Island, I shall take the first opportunity to lay before Congress, and obtain their directions concerning it.

I am very glad you have given me a colleague; and am well pleased with the gentleman whom you have appointed.

I am very glad to hear that the colony appeared so very unanimous in the late election: congratulate you in your choice to the office of government, and wish that every part of the colony would forget and totally banish every kind of jealousy and discord from amongst them. This is a time when the very great danger that all America is exposed to, should make every body sensible that the most firm union in all its parts, should be carefully studied and effected.