"The Fundamental Orders of Connecticut"

January 14, 1639

SCRIPTURE PASSAGE: [Deu 1:13-16]

"13 'Choose wise and discerning and experienced men from your tribes, and I will appoint them as your heads.' 14 "You answered me and said, 'The thing which you have said to do is good.' 15 "So I took the heads of your tribes, wise and experienced men, and appointed them heads over you, leaders of thousands and of hundreds, of fifties and of tens, and officers for your tribes. 16 "Then I charged your judges at that time, saying, 'Hear [the cases] between your fellow countrymen, and judge righteously between a man and his fellow countryman, or the alien who is with him." – [Deu 1:13-16 NASB95]

INTRODUCTION:

"The Foundation of Authority is Laid In the Free Consent of the People."

Puritan minister Thomas Hooker spoke this line in a May 31, 1638 sermon opening the Connecticut General Court in Hartford.

1. *In 1636 the Reverend John Cotton insisted only _____ could vote in Massachusetts.*
2. *Hooker insisted any _____ should be free to vote and parted with his congregation to Connecticut.*
3. *He addressed reps from Windsor, Hartford, and Wethersfield to frame a _____ for the settlement.*
4. *He preached on May 31st 1638 prescribing a _____ form of government from Deut.1:13*

MAIN POINT: Connecticut is known as "the Constitution State" today because lawyer Roger Ludlow drafted a document from this sermon that became the fundamental Orders of Connecticut and turned the idea of "free consent of the people" into a working legal framework considered to be the first written constitution in Western tradition that created a government of by and for the people apart from royalty and any form of dictatorship.

POINT: This document is boasted to be the textual source for the constitutional ideas of self-government that framed the U.S.Constitution of 1787.

1. Fundamental Orders that _____ our Constitution.

1. **Wise and experienced but equal _____ were appointed for representation.** English monarch or any outside authority was excluded and the authority was derived solely from the citizens.

2. ***Voting _____ were not restricted to church members as they were in Massachusetts.***

3. ***Secret _____ _____ rather than a show of hands were conducted for election of governors and magistrates.***

4. ***Term _____ and _____ restricted service to two consecutive terms for members of an approved congregation only and freemen had a legal right to convene General Court into session if governors and magistrates failed to act.***

5. ***Town-Based _____ by all three original towns allotment of four deputies to a biannual General Court which held legislative, executive and judicial authority which was a model for federalism and equal representation.***

POINT: This document is boasted to be the textual source for the constitutional ideas of self-government that framed the U.S.Constitution of 1787.

2. A comparison of key _____ and matching _____.

1. Preamble and Social Compact / Consent of the Governed

1. ***Fundamental Orders:*** *The inhabitants "associate and conjoin ourselves to be as one Public State or Commonwealth; and do for ourselves and our successors… enter into Combination and Confederation together, to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus… as also in our*

civil affairs to be _____ and _____ according to such Laws, Rules, Orders and Decrees as shall be made…"

2. **U.S. Constitution:** *Preamble — "We the People of the United States… do ordain and establish this Constitution for the United States of America." Related concept in the Declaration of Independence: governments derive "their just powers from the _____ of the governed."*

Matching Concept: *Both rest on a _____ _____ among the people rather than an external royal grant. The Orders notably omit any reference to the English Crown and separate their commitment to church affairs and civil affairs*

2. Purpose of Government

1. ***Fundamental Orders:*** *An "orderly and decent Government established according to God" to maintain "the _____ and _____ of such a people," preserve the Gospel and church discipline, and dispose of civil affairs by law.*
2. ***U.S. Constitution:*** *Preamble goals of forming a more perfect Union, establishing _____, ensuring domestic _____, providing for the common defence, promoting the general Welfare, and securing the Blessings of Liberty.*

Matching Concept: *The Orders and the Constitution delineates and defines the parameters of the churches responsibilities for special revelation and a nations responsibilities under general _____ and natural _____.*

3. Elections, Representation, and Popular Choice of Officials

1. ***Fundamental Orders:*** *Annual "Court of Election" in which freemen choose a Governor and magistrates (by _____ ballots); towns elect deputies (representatives) who, with the magistrates, form the General Court. Qualifications center on freemen who have taken an oath of fidelity (no religious test for voting itself, unlike some other colonies).*
2. ***U.S. Constitution: Article I*** *(House elected by the people; original Senate by state legislatures); Article II (President via electors); regular elections as a core _____ on power.*

Matching Concept: *Representative government grounded in _____ election of officials, with towns/states sending deputies/representatives with sworn oaths taken to uphold the agreed upon rules intended to restrict government overreach.*

4. Limits on Executive Power / Rotation in Office

1. ***Fundamental Orders:*** *"No person be chosen Governor above once in two years," and the Governor must be a member of an approved congregation and previously a magistrate. Magistrates serve one-year _____.*
2. ***U.S. Constitution:*** *Original design emphasized frequent elections and _____ terms as checks (formal presidential term limits came later via the 22nd Amendment).*

Matching Concept: *Concern with preventing long tenure and _____ of power in one person.*

5. Legislative Supremacy and Enumerated Powers

1. ***Fundamental Orders (Order 10):*** *"In which said _____ Courts shall consist the supreme power of the Commonwealth, and they only shall have power to make laws or repeal them, to grant levies, to admit of Freemen, dispose of lands undisposed of… and also shall have power to call either Court or Magistrate or any other person whatsoever into question for any misdemeanor… and also may deal in any other matter that concerns the good of this Commonwealth…"*
2. ***U.S. Constitution:*** *Article I, Section 8 enumerates _____ powers (including taxation, etc.); Article VI establishes the Constitution as supreme law. Separation of powers and checks and balances distribute authority across branches.*

Matching Concept: *Written allocation of governmental powers and legislative authority over taxes, laws, and public good. Key diffe _____rence: the Orders concentrate nearly all power in one body (the General Court), whereas the Constitution _____ legislative, executive, and judicial functions.*

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6. Rule of Law, Oaths, and Accountability

1. ***Fundamental Orders:*** *Magistrates "shall have power to administer justice according to the _____ here established, and for want thereof, according to the Rule of the Word of God." Officials take oaths to promote the public good and execute the laws. Freemen can call a court if officials neglect to do so.*
2. ***U.S. Constitution:*** *Article VI (_____ or affirmation to support the Constitution); due process protections (later Bill of Rights and 14th Amendment); elections, impeachment, and amendment processes as accountability mechanisms.*

Matching Concept: *Officials _____ by law and popular mechanisms to correct neglect. The Orders also contain a more explicit religious reference for gaps in the law.*

7. Taxation and Apportionment

1. ***Fundamental Orders (Order 11):*** *The General Court may _____ sums on the towns, with a committee of equal numbers from each town to set the proportions.*
2. ***U.S. Constitution:*** *Article I, Section 8 (power to _____); historical apportionment rules for direct taxes.*

Matching Concept: *Legislative power to raise revenue with some structured apportionment among local units.*

CONCLUSION:

"The Foundation of Authority is Laid In the Free Consent of the People."

1. ***Fundamental Orders states:*** *Where a people are gathered together the word of God requires that to maintain the peace and union ... there should be an orderly and decent government established according to God ... The people ... conjoin ourselves to be as one public state or commonwealth ... to maintain and preserve the _____ and _____ of the Gospel of our Lord Jesus which we now profess ... According to the truth of the said Gospel ... our civil affairs to be guided and governed according to such laws, rules, orders and decrees as shall be made ... The Governor ... shall have the power to administer justice according to the laws here established, and for want thereof, according to the rule of the Word of God.*
2. ***U.S. Constitution:*** *Orders were a blueprint for the Constitution stating, "We the people ... in order to form a more perfect union ... and secure the _____ of liberty to ourselves and our posterity."*
3. ***Declaration of Independence:*** *"... that to secure these rights, governments are instituted among men, deriving their _____ powers from the consent of the governed,"*

Matching Concepts: *Some of the strongest conceptual _____ between the Fundamental Orders are the written compact based on free consent of the people, limited government, representative elections, term/rotation limits, legislative control of lawmaking and taxation, secret paper ballots, and the absence of external monarchical or dictatorial authority. These helped plant seeds for the constitutional tradition that culminated in 1787.*

Point: *We _____ thanks this Thanksgiving celebration because the separation of church and state issue is a lie fabricated in the 20th Century. Pastor's were involved in politics to the extent that they created the state based upon biblical principles. Our Constitutional Republic was not established on the enlightenment principles of the French Revolution and the Constitution has never been a secular document but it was and is a biblical Christian legal document promoting the freedom to promote the gospel and worship God according to ones conscience.*