

saide English p^rte, All former wronges whatsoever are remitted on both sides and the saide Soheage is againe receiued in Amytie to the saide English, & Mr. Stone, Mr. Goodwin & Tho: Staunton are desired to goe to the saide Soheage & to treat wth him accordinge to the best of their discretion & to compose matters betweene the saide English and the saide Soheage, and vpon their reporte there shalbe som settled course in the thinge.

It is ordered there shalbe 1s. p^r skin of beaver to be paide to the publicqu^e out of the Trade of beaver, to be paide into the Treasury every half yeere: this order to stand for an yeere & vntill the Cort take other order to the Contrary.

It is ordered that none shall trade in this River wth the Indians for beaur but those that are hereafter named (vizt) For Agawam Mr. Pyncheon, for Windsor Mr. Ludlowe, Mr. Hull; for Hartford Mr. Whytinge, Tho: Staunton; Wythersfeild Geo: Hubberd & Rich: Lawes; and if any trade for beauer other then are fornamed they shall forfeit 5s. p^r p^r pounde to be paide p^r eu^ry pounde they soe trade.

[Pages 12-22, blank: these pages were probably designed for the insertion of the Constitution, Oaths, &c., which were subsequently recorded on pp. 215-227 of the original as now paged.]

The Fundamental Orders

[220] Forasmuch as it hath pleased the Almighty God by the wise disposition of his diuyn^e p^ruidence so to Order and dispose of things that we the Inhabitants and Residents of Windsor, Hartford and Wethersfield are now cohabiting and dwelling in and vpon the River of Conectecotte and the Lands thereunto adioyneing; And well knowing where a people are gath-

ered together the word of God requires that to mayntayne the peace and vnion of such a people there should be an orderly and decent Gouverment established according to God, to order and dispose of the affayres of the people at all seasons as occation shall require ; doe therefore assotiate and conioyne our selues to be as one Publike State or Coñonwelth ; and doe, for our selues and our Successors and such as shall be adioyned to vs att any tyme hereafter, enter into Combination and Confederation together, to mayntayne and p^rsearue the liberty and purity of the gossell of our Lord Jesus w^{ch} we now p^rfesse, as also the disciplyne of the Churches, w^{ch} according to the truth of the said gossell is now practised amongst vs ; As also in o^r Ciuell Affaires to be guided and gouerned according to such Lawes, Rules, Orders and decrees as shall be made, ordered & decreed, as followeth :—

1. It is Ordered, sentenced and decreed, that there shall be yerely two generall Assemblies or Courts, the one the second thursday in Aprill, the other the second thursday in September, following ; the first shall be called the Courte of Election, wherein shall be yerely Chosen frō tyme to tyme soe many Magestrats and other publike Officers as shall be found requisite : Whereof one to be chosen Gouvernour for the yeare ensuing and vntill another be chosen, and noe other Magestrate to be chosen for more then one yeare ; p^ruided allwayes there be sixe chosen besids the Gouvernour ; w^{ch} being chosen and sworne according to an Oath recorded for that purpose shall haue power to administer iustice according to the Lawes here established, and for want thereof according to the rule of the word of God ; w^{ch} choise shall be made by all that are admitted freemen and haue taken the Oath of Fidellity, and doe cohabitte wthin this Jurisdiction, (hauing beene admitted Inhabitants by the maior p^rt of the Towne wherein they liue,*) or the mayor p^rte of such as shall be then p^rsent.

[222] 2. It is Ordered, sentensed and decreed, that the Election of the aforesaid Magestrats shall be on this manner : euery p^rson p^rsent and quallified for choyse shall bring in (to the p^rsons deputed to receaue thē) one single pap^r wth the name of him written in yt whom he desires to haue Gouvernour, and he

* This clause has been interlined in a different hand writing and at a more recent period.

that hath the greatest nūber of papers shall be Governour for that yeare. And the rest of the Magestrats or publike Officers to be chosen in this manner: The Secretary for the tyme being shall first read the names of all that are to be put to choise and then shall seuerally nominate them distinctly, and euery one that would haue the p^rson nominated to be chosen shall bring in one single paper written vppon, and he that would not haue him chosen shall bring in a blanke: and euery one that hath more written papers then blanks shall be a Magestrat for that yeare; w^{ch} papers shall be receaued and told by one or more that shall be then chosen by the court and sworne to be faythfull therein; but in case there should not be sixe chosen as aforesaid, besids the Governour, out of those w^{ch} are nominated, then he or they w^{ch} haue the most written pap^rs shall be a Magestrate or Magestrats for the ensueing yeare, to make vp the foresaid nūber.

3. It is Ordered, sentenced and decreed, that the Secretary shall not nominate any p^rson, nor shall any p^rson be chosen newly into the Magestracy w^{ch} was not p^rpownded in some Generall Courte before, to be nominated the next Election; and to that end yt shall be lawfull for ech of the Townes aforesaid by their deputyes to nominate any two whō they conceaue fittē to be put to Election; and the Courte may ad so many more as they iudge requisitt.

4. It is Ordered, sentenced and decreed that noe p^rson be chosen Governour aboue once in two yeares, and that the Governour be alwayes a mēber of some approved congregation, and formerly of the Magestracy wthin this Jurisdiction; and all the Magestrats Freemen of this Co^mmonwelth: and that no Magestrate or other publike officer shall execute any p^rte of his or their Office before they are seuerally sworne, w^{ch} shall be done in the face of the Courte if they be p^rsent, and in case of absence by some deputed for that purpose.

[224] 5. It is Ordered, sentenced and decreed, that to the aforesaid Courte of Election the seuerall Townes shall send their deputyes, and when the Elections are ended they may p^rceed in any publike searvice as at other Courts. Also the other Generall Courte in September shall be for makeing of lawes, and

any other publike occation, w^{ch} concerns the good of the Com^{on}welth.

6. It is Ordered, sentenced and decreed, that the Gou^rnor shall, ether by himselfe or by the secretary, send out su^mons to the Constables of eu^r Towne for the cauleing of these two standing Courts, on month at lest before their seu^rall tymes: And also if the Gou^rnor and the gretest p^rte of the Magestrats see cause v^ppon any spetiall occation to call a generall Courte, they may giue order to the secretary soe to doe wthin fower-teene dayes warneing: and if vrgent necessity so require, v^ppon a shorter notice, giueing sufficient grownds for yt to the deputies when they meete, or els be questioned for the same; And if the Gou^rnor and Mayor p^rte of Magestrats shall ether neglect or refuse to call the two Generall standing Courts or ether of thē, as also at other tymes when the occations of the Com^{on}welth require, the Freemen thereof, or the Mayor p^rte of them, shall petition to them soe to doe: if then yt be ether denyed or neglected the said Freemen or the Mayor p^rte of them shall haue power to giue order to the Constables of the seu^rall Townes to doe the same, and so may meete togather, and chuse to themselues a Moderator, and may p^rceed to do any Acte of power, w^{ch} any other Generall Courte may.

7. It is Ordered, sentenced and decreed that after there are warrants giuen out for any of the said Generall Courts, the Constable or Constables of ech Towne shall forthwth give notice distinctly to the inhabitants of the same, in some Publike Assembly or by goeing or sending frō howse to howse, that at a place and tyme by him or them lymited and sett, they meet and assemble thē selues togather to elect and chuse certen deputies to be att the Generall Courte then following to agitate the afayres of the com^{on}welth; w^{ch} said Deputyes shall be chosen by all that are admitted Inhabitants in the seu^rall Townes and haue taken the oath of fidellity; p^ruided that non be chosen a Deputy for any Generall Courte w^{ch} is not a Freeman of this Com^{on}welth.

[226] The foresaid deputyes shall be chosen in manner following: euery p^rson that is p^rsent and quallified as before exp^rssed, shall bring the names of such, written in seu^rrall papers. as they desire to haue chosen for that Imployment, and these 3

or 4, more or lesse, being the nūber agreed on to be chosen for that tyme, that haue greatest nūber of papers written for thē shall be deputyes for that Courte; whose names shall be endorsed on the backe side of the warrant and returned into the Courte, wth the Constable or Constables hand vnto the same.

8. It is Ordered, sentenced and decreed, that Wyndsor, Hartford and Wethersfield shall haue power, ech Towne, to send fower of their freemen as their deputyes to euery Generall Courte; and whatsoever other Townes shall be hereafter added to this Jurisdiction, they shall send so many deputyes as the Courte shall judge meete, a resonable p^{ro}portion to the nūber of Freemen that are in the said Townes being to be attended therein; w^{ch} deputyes shall have the power of the whole Towne to giue their voats and allowance to all such lawes and orders as may be for the publike good, and unto w^{ch} the said Townes are to be bownd.

9. It is ordered and decreed, that the deputyes thus chosen shall haue power and liberty to appoynt a tyme and a place of meeting together before any Generall Courte to aduise and consult of all such things as may concerne the good of the publike, as also to examine their owne Elections, whether according to the order, and if they or the gretest p^{te} of them find any election to be illegall they may seclud such for p^{re}sent frō their meeting, and returne the same and their resons to the Courte; and if yt proue true, the Courte may fyne the p^{ty} or p^{tyes} so intruding and the Towne, if they see cause, and giue out a warrant to goe to a newe election in a legall way, ether in p^{te} or in whole. Also the said deputyes shall haue power to fyne any that shall be disorderly at their meetings, or for not comīng in due tyme or place according to appoyntment; and they may returne the said fynes into the Courte if yt be refused to be paid, and the Tresurer to take notice of yt, and to estreete or levy the same as he doth other fynes.

10. It is Ordered, sentenced and decreed, that euery Generall Courte, except such as through neglecte of the Gou^rnor and the greatest p^{te} of Magestrats the Freemen themselves doe call, shall consist of the Gouernor, or some one chosen to moderate the Court, and 4 other Magestrats at lest, wth the mayor p^{te} of the deputyes of the seuerall Townes legally chosen;

and in case the Freemen or mayor p^rte of thē, through neglect or refusall of the Gouvernor and mayor p^rte of the magistrats, shall call a Courte, y^t shall consist of the mayor p^rte of Freemen that are p^rsent or their deputyes, wth a Moderator chosen by thē: In w^{ch} said Generall Courts shall consist the supreme power of the Co^monwelth, and they only shall haue power to make lawes or repeale thē, to graunt leuyes, to admitt of Freemen, dispose of lands vndisposed of, to seuerall Townes or p^rsons, and also shall haue power to call ether Courte or Magistrate or any other p^rson whatsoeuer into question for any misdemeanour, and may for just causes displace or deale otherwise according to the nature of the offence; and also may deale in any other matter that concerns the good of this co^mon welth, excepte election of Magistrats, w^{ch} shall be done by the whole boddy of Freemen.

[227] In w^{ch} Courte the Gouvernour or Moderator shall haue power to order the Courte to giue liberty of spech, and silence vnreasonable and disorderly speakeings, to put all things to voate, and in case the voate be equall to haue the casting voice. But non of these Courts shall be adiorned or dissolued wthout the consent of the maior p^rte of the Court.

11. It is ordered, sentenced and decreed, that when any Generall Courte vppon the occations of the Co^monwelth haue agreed vppon any su^me or so^mes of mony to be leuyed vppon the seuerall Townes wthin this Jurisdiction, that a Co^mittee be chosen to sett out and appoynt w^t shall be the p^rportion of euery Towne to pay of the said leuy, p^rvided the Co^mittees be made vp of an equall n^uber out of each Towne.

14th January, 1638, the 11 Orders abouesaid are voted.

[216] THE OATH OF THE GOU^RNOR, FOR THE [P^RSENT.]

I N. W. being now chosen to be GOU^RNOR wthin this Jurisdiction, for the yeare ensueing, and vntil a new be chosen, doe sweare by the greate and dreadfull name of the everliueing God, to p^rmote the publicke good and peace of the same, according to the best of my skill; as also will mayntayne all lawfull priuiledges of this Co^monwealth; as also that all wholsome lawes that are or shall be made by lawfull authority here estab-