

# **PLYMOUTH'S GENERAL FUNDAMENTALS of 1636: America's 1st Constitution, Bill of Rights & Law Code**



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**Old Colony Club**

**Forefathers Day, December 22, 2025**



**Why so glum, Pilgrim?**

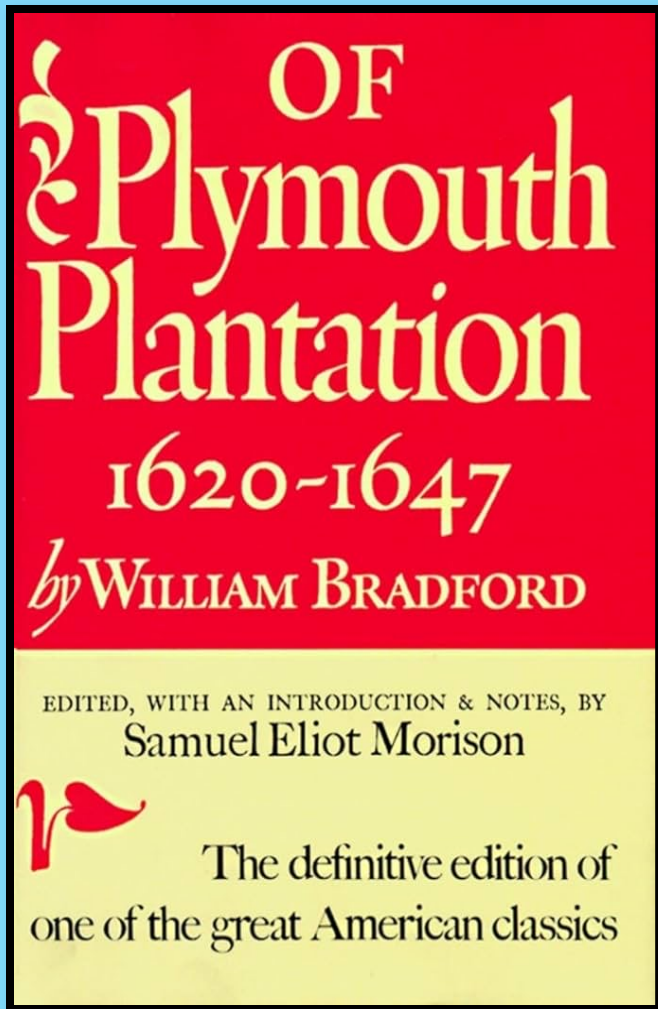
## Some say the Pilgrims struggled in a small, uninfluential colony

“[Plymouth Colony was a] **backwater, its** people quiet and basically conservative...” Darret Rutman, *Husbandmen of Plymouth: Farms and Villages in the Old Colony* (Boston: Plimoth Plantation, 1967), 63-64.

“[S]imple folk who had few ambitions other than to survive and worship in their own fashion” comprised Plymouth’s “**small, uninfluential colony.**” Richard Middleton, *Colonial America, A History 1607-1760* (Cambridge, Ma.: Blackwell, 1992), 50.

**Samuel Eliot Morison, editor of William Bradford's**  
***Of Plimoth Plantation*, called Plymouth “insignificant”**

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“The **insignificance** of Plymouth Colony in the colonial era, is one upon which almost all American historians are now agreed....Massachusetts Bay, rather than Plymouth Colony, was the seedbed of New England.” *The Pilgrim Fathers: Their Significance in History* (article, Sept. 13, 1951).



**Plymouth's constitutional history began in what is now Provincetown Harbor on Cape Cod on November 11, 1620 (Old Style)...**





Edward Percy Moran's 1900 painting *The Signing of the Mayflower Compact* in Pilgrim Hall depicts the signing...



# **The PLYMOUTH COMBINATION (MAYFLOWER COMPACT) began American self-government**

**The words:** To avoid dissension, the Pilgrims drafted an “ASSOCIATION AND AGREEMENT” to memorialize their “COMBINATION” into a civil body politic.

**The result:** The *first* democratic election of a governor *by the governed* in North America: John Carver, elected by all freemen and 3 servants (41 signers, most of the men, including the servants).

**The consequences:** Democratic elections of colonial leaders began in Plymouth.

# The Pilgrims empowered themselves to enact laws when they signed the COMPACT in 1620

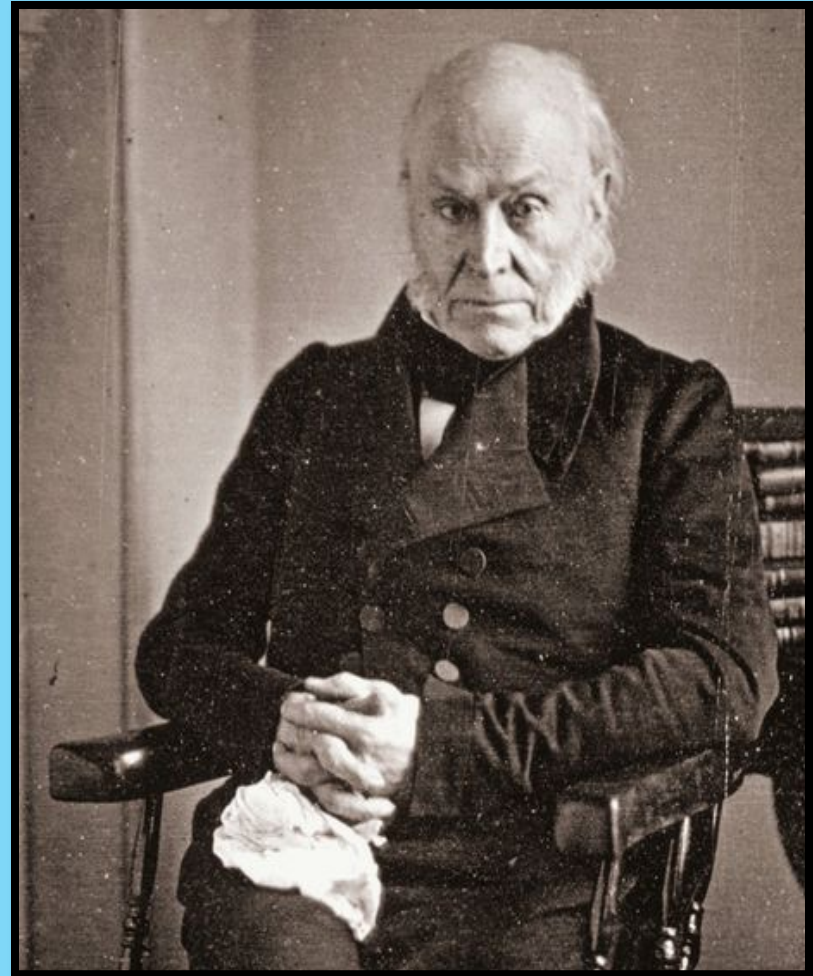
“We whose Names are under-written...do by these Presents...*Covenant* and *Combine* ourselves together into a *Civil Body Politick*...and...do *enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions and Officers*...as shall be thought most meet and convenient...”



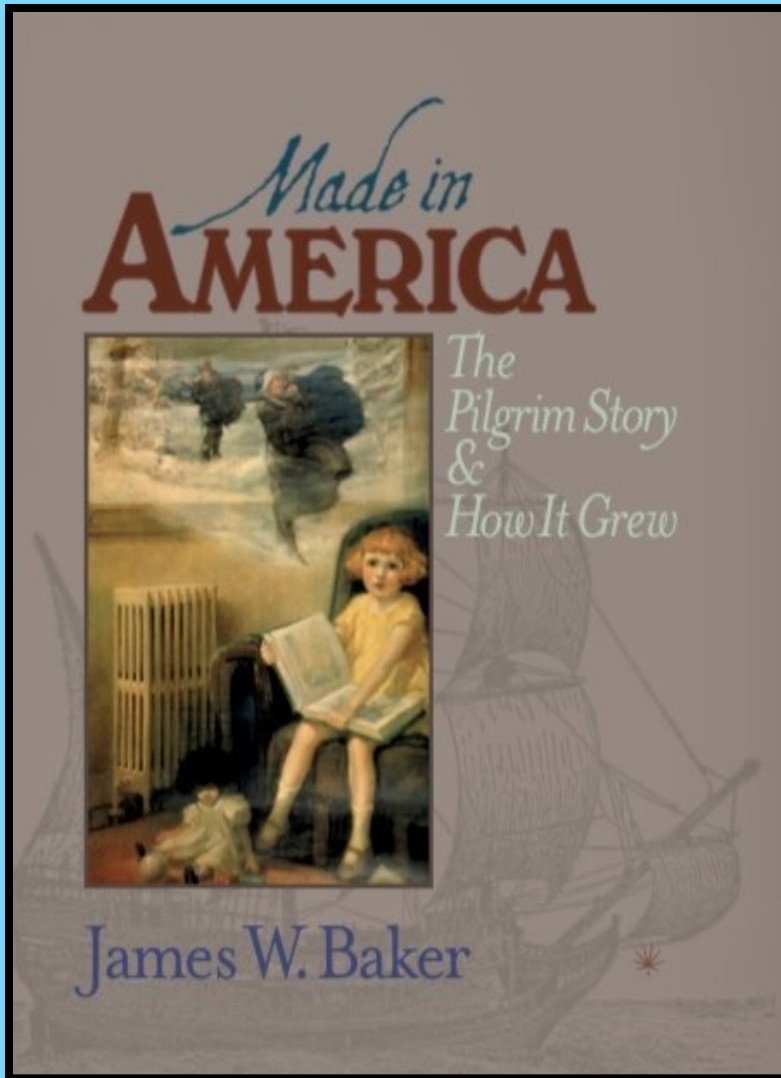
# John Quincy Adams re-labeled the COMBINATION a “social compact” on Forefathers Day in 1802

## John Quincy Adams:

“This is perhaps the only instance in human history of that positive, **original social compact**, which speculative philosophers have imagined as the only legitimate source of government...by which they became a nation.”



# James W. Baker's view of the COMPACT



In *Made in America: The Pilgrim Story and How It Grew* (2020), Jim Baker stated that the COMBINATION/COMPACT was “not a constitution, nor yet a charter; nor yet in a true sense a social compact...**The agreement was not a revolutionary departure from English precedent but a pragmatic application of it.**” *Id.*, at 413.

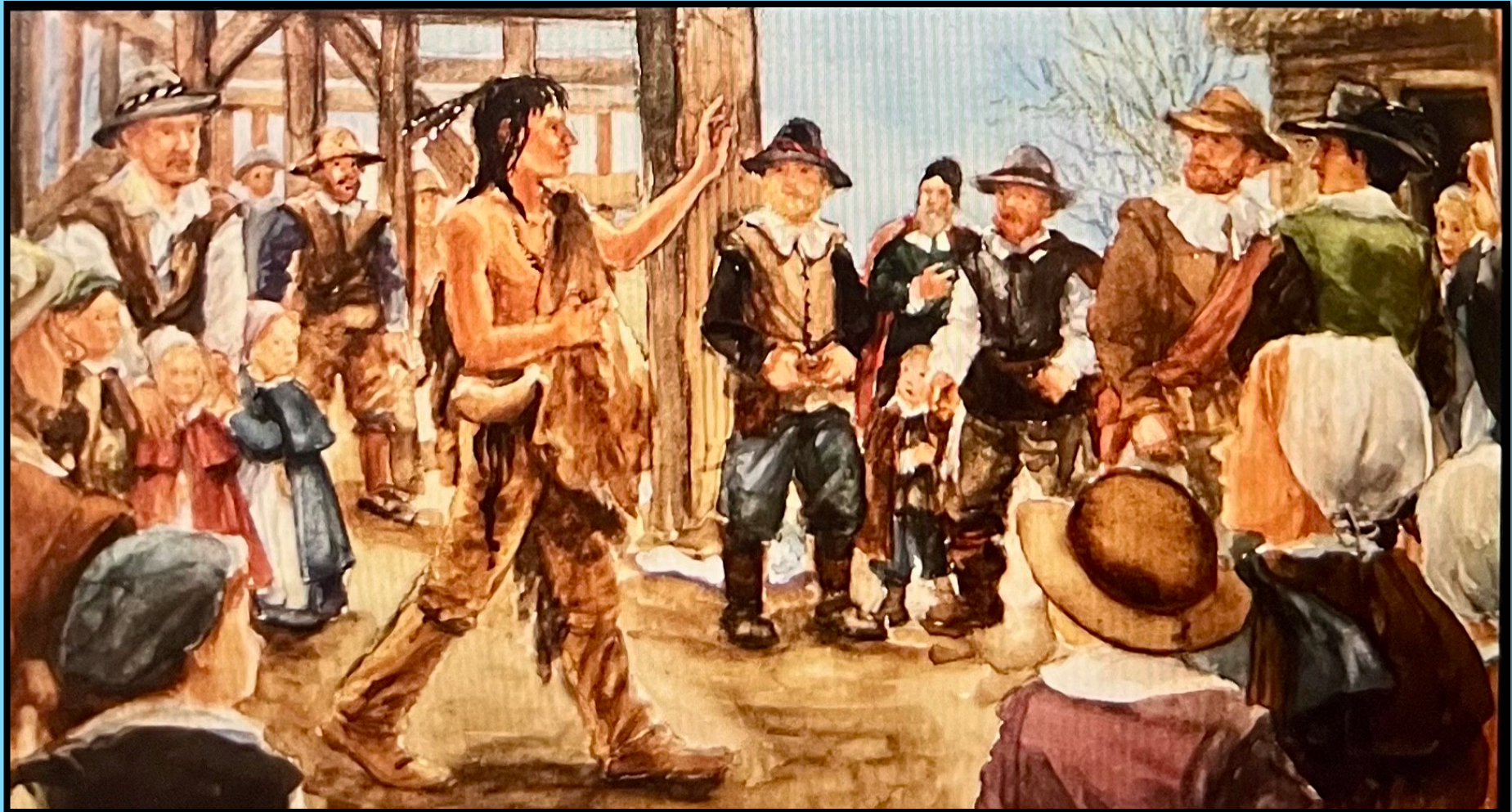




The U.S. Army traces its origins to the February 1621 organization of the Plymouth Militia and the election of Myles Standish as its Captain.



**March 1621: The Pilgrims entered into a treaty of peace and mutual defense with the Pokanoket sachem Ousamequin Massasoit that lasted 54 years. The COMBINATION expanded to include Indians.**



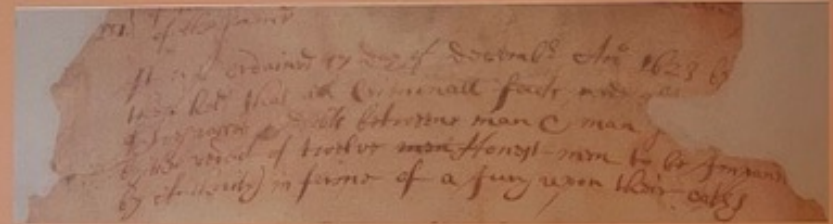


Plymouth's first law  
authorized jury trials.

It preserved a right to  
due process under the  
“law of the land” the  
Pilgrims enjoyed in the  
England of their birth.

# Right to Trial by Jury

The right to trial by jury was the first law written in America when, on December 17, 1623, the Colonial Court ordered that:

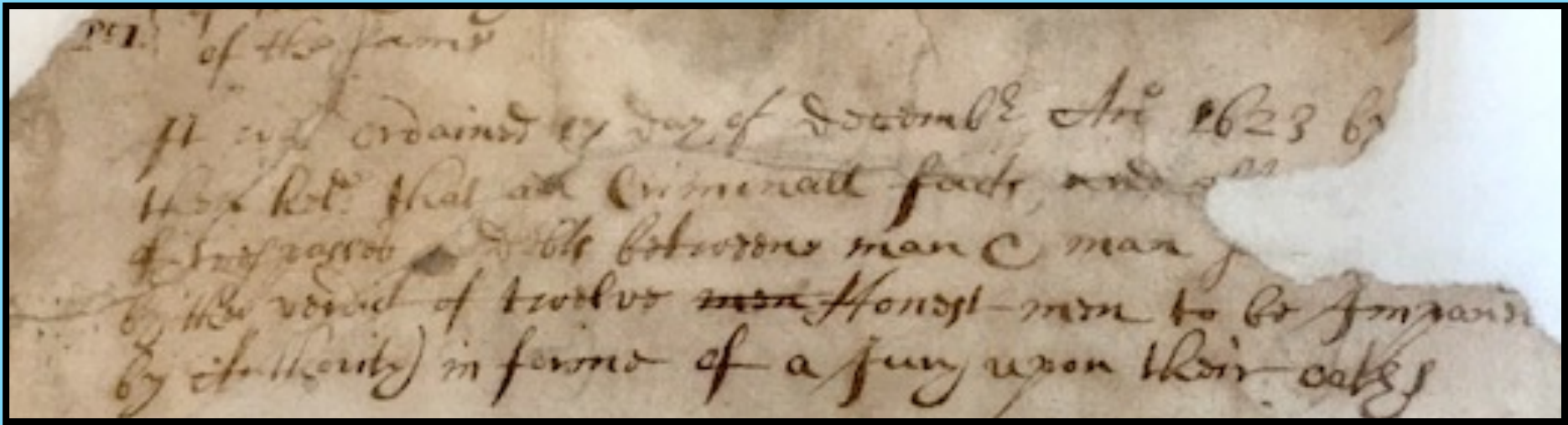


The Colonists brought with them the old English law of trial by jury. With the landing at Plymouth Rock, the right to a trial before a jury of one's peers has been guaranteed throughout the history of Massachusetts and the United States.



Picture yourself at the table next to the colonists as they debated the proper language, striking twelve “men” and replacing it with twelve “honest men”

# It's in the PLYMOUTH BOOK OF LAWS in America's oldest county deed registry



“IT was ordained 17 day of [December] Ano 1623 by [the Court] then held that all Criminall facts, and also all [matters] of trespasses and debts betweene man [and] man should [be tried] by the verdict of twelve ~~men~~ **Honest men** to be Impanelled by Authority in forme of a Jury upon their oath.”

*Other laws soon followed....*

# Reforming English Law on the Colonial Frontier

**Many colonists died in the smallpox epidemic of 1633-1634. Plymouth lawmakers enacted America's first laws to protect destitute widows and orphans, based on Exodus 22:22: "Ye shall not trouble the any widowe, nor fatherless childe."**



Plymouth lawmakers provided the first pensions for militiamen maimed in military service.



In October 1636,  
King Charles ordered  
colonial governors to  
revise their laws.  
Governor Edward  
Winslow appointed  
eight Plymouth  
representatives—four  
from Plymouth, two  
from Duxbury, and  
two from Scituate—  
to review the colony's  
laws.





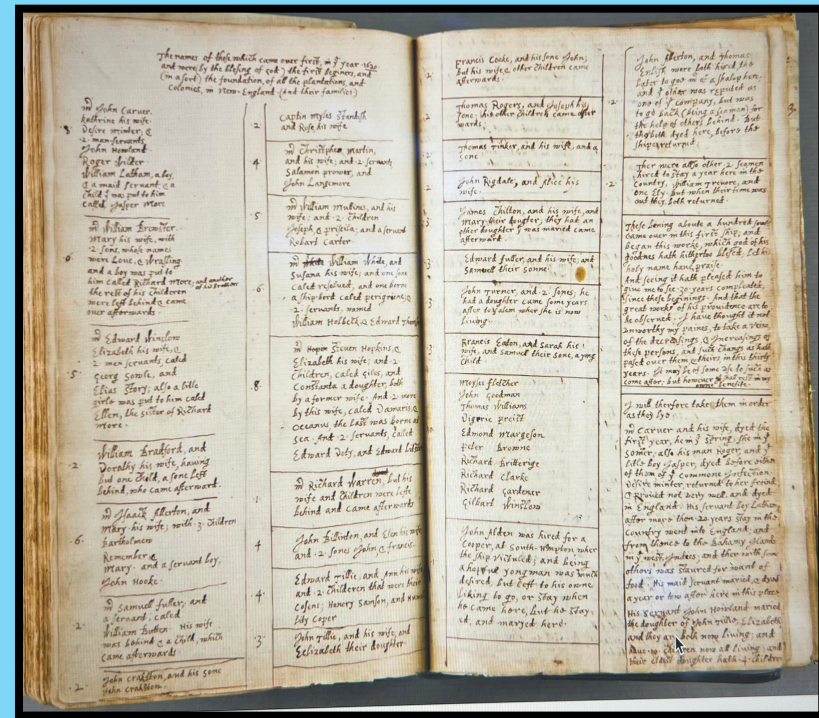


Winslow's Committee drafted the **GENERAL FUNDAMENTALS** on Burial Hill at the Colony's Meetinghouse and First Fort.



**Winslow's committee started by reading aloud COMPACT, "which they hailed as solemn and binding..." Then they read the WARWICK/BRADFORD PATENT (January 1630).**

**Plymouth's freemen voted, through the General Court, to enact the GENERAL FUNDAMENTALS into law on November 15, 1636.**





In 1636, The  
Pilgrims adopted THE  
GENERAL  
FUNDAMENTALS OF  
NEW-PLIMOUTH  
(1636), America's  
first constitution, first  
bill of rights, and  
first law code  
(according to  
Harvard historian  
Samuel Eliot  
Morison).

A Preface.



A P R E F A C E,

*Declaring the Warrantable Grounds and Proceedings of the first  
ASSOCIATES of the Government of*

New--Plimouth;

*In their Laying the first Foundation of this Government, in their  
Making of L A W S, and Disposing of the LANDS within  
the same.*

VV Hereas John Carver, William Bradford, Edward Winslow,  
William Brewster, Isaac Allerton, and divers others, the  
Subjects of our late Sovereign Lord JAMES, by the  
Grace of God, King of England, Scotland, France and  
Ireland, Defender of the Faith, &c. Did in the eighteenth Year of His  
Reign of England, France and Ireland; and of Scotland the fifty four (which  
was in the Year of our Lord God 1620.) undertake a Voyage into that parts  
of America, called Virginia, or New-England thereunto adjoining; there to  
Erect a Plantation and Colony of English, intending the Glory of God, the  
Enlargement of His Majesties Dominions, and the special Good of the En-  
glish Nation. And whereas, by the good providence of our Gracious God,  
the said John Carver, William Bradford, Edward Winslow, William Brewster,  
Isaac Allerton and their Associates Arrived in New-England aforesaid, in the  
Harbour of Cape Cod or Paomet, Scituate and being in New-England afore-  
said; where all the said Persons entred into a civil Combination (being the  
eleventh of November, in the Year aforementioned) as the Subjects of our  
said Sovereign Lord the KING, to become a Body Politick; Binding our  
selves to observe such Laws and Ordinances, and obey such Officers, as  
from time to time should be, made and chosen for our well Ordering and  
Guidance. And thereupon, by the favour of the Almighty, began the first  
Colony in New-England (there being then no other within the said Con-  
tinent) at a place called by the Natives *Apaum*, alias *Patuxet*; but by the  
English, *New-Plimouth*. All which Lands being void of Inhabitants; We the  
said John Carver, William Bradford, Edward Winslow, William Brewster, Isaac  
Allerton, and the rest of our Associates, Entering into a League of Peace with  
*Massasoit*, since called *Wosamequin*, Prince or Sachem of those Parts: By  
the said *Massasoit* freely gave them all the Lands adjacent to them, and their  
Heirs

The Combi-  
nation of the  
first Associates  
1620.



André's father, eight in all, is a member of the National, to Glen and Grand Ledge, Va.

John Brannan, and the other part; being therein depured by the said Merchants, and the said Adversurers as aforesaid; in as open a way as a Deal, bearing Date Now, *Feb* in the third Year of the Reign of our Sovereign Lord George, by the Grace of God King of England, Scotland, France and Ireland, &c. Anno Dom. 1697. Be it Known therefore unto all Men by these presents, that according to our first Intents, for the better offering up the glory of God, the enlargement of the Dominions of our said Sovereign Lord the King, and the General good of His Subjects; by virtue as well of our Considerations as aforesaid, as also the several Grants by us procured in the Names of *the Prince and William Bradford, his Heirs, and Affinities*; together with our lawful Rights, in respect of Vacancy, Donation, or Purchase of the Names, and our full Purchase of the Adversiments before expressed; have given unto, Allowed, Affirmed and Granted to all and every person or persons, whose Name or Names shall follow upon this publick Record, such proportion or proportions of Grounds, with all and singular the prerogatives therein belonging, as aforesaid, to him or them, his or their Heirs, and Affinities successively for ever; to be Holden of His Majesty of England, His Heirs and Successors, as of His Manor of *Half Greenwich*, in the County of *Kent* in free and common Socage, and not in Capite, viz: by Knights Service; yielding and paying to our said Sovereign Lord the King, His Heirs and Successors for ever, one fifth part of the Ore of the Mines of Gold and Silver; and one other fifth part to the President and Council, which shall be had, possessed and obtained as aforesaid. And whatsoever Lands are or shall be granted to any by the said *William Bradford, Edward Tupper, William Brewster, Isaac Axtell*; their Heirs or Affinities as aforesaid; being as aforesaid in publick Court, and brought to the publick Records of the several Intestigations of the Subjects of our Sovereign Lord the King, within this Government; it shall be lawful for the Governour of New-England aforesaid, from time to time successively, to give under the common Seal of the Government a Copy of the said Grants so Received; Considering the said Lands to hunt or chase, *how or which* times and Alligies for ever; with the several bounds and Limits of the same, which shall be sufficient Evidence in Law from time to time, and at all times, for the said party or parties, his or their Heirs or Affinities; to Have and to Hold the said portion of Land so Granted, bounded and Recorded as aforesaid; with all and singular the Appurtenances therein belonging, to the only proper use and behoof of the said party or parties, his or their Heirs and Affinities for ever.

The Copy being imperfect most of these Errata's following happened clerely.

[illegible]

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## The General

## Fundamentals.

Anna. 1676. and Revised 1671.

1. **W** E the Associates of the Colony of New Plymouth, among others as free born Subjects of the Kingdom of England, Endowed with all and singular the Privileges belonging to such Being Assembled,

Do Enact, Ordain and <sup>Constitute</sup> that no <sup>Act</sup> ~~Law~~ Imposition, ~~Law~~ or Ordinance be Made or Imposed upon us at present or to come, but such as shall be Enacted by consent of the body of Brethren or Associates, or their Representatives legally assembled; which is according to the first Liberties of the free born People of England.

It was to be made by the Government of these agricultural estates.

3: And for the well Governing this Colony: It is also Relolved and Ordered, that there be a free Election annually, of Governour, Deputy Governour and Assitants, by the Voce of the Freeman of this Corporation.

Another illustration by the same artist.

3. It is also Enacted, that Justice and Right be equally and impartially Administered unto all, not sold, denied or causably deferred unto any.

Justice to be  
equally and  
specifically admin-  
istered.

4. It is also Enacted, that no person in this Government shall suffer or be indamaged, in respect of Life, Liberty, Good Name or Estate, under colour of Law, or maintenance of Authority, but by Virtue or Equity and Justice of Law, or of the General Court of this Colony, or the good and equitable Laws of our Nation, suitable for us, in matters which are of a civil nature (as by the Court here hath been accustomed) wherein we have no particular Law of our own. And that none shall suffer at aforesaid, without being brought to answer by due course and process of Law.

Name: Robert  
 Date: 10/10/19  
 and by John  
 and by John  
 and by John

5. And that all Cases, whether Capital, Criminal, or between man and

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*The Book of the General Laws of the Inhabitants of the Jurisdiction of New-Plimouth* (1685, Library of Congress).



**In 1636 (and again in 1658, 1672, and 1685), the  
Pilgrims reasserted their rights as  
FREE-BORN ENGLISHMEN**

**“We the Associates of the Colony of New-Plimouth,  
coming hither as free born Subjects of the Kingdom of  
England, endowed with all and singular the Privileges  
belonging to such: Being Assembled...” (11/15/1636)**

**What did it mean to be “free born Subjects of the  
Kingdom of England, endowed with all and singular  
the Privileges belonging to such...”?**

**What “privileges” did the Pilgrims enjoy in England?**



**The Pilgrims sought to preserve their rights under MAGNA CARTA LIBERTATUM, the “Great Charter of Liberties.”  
Selfied at Runnymede on June 15, 2025.**



MAGNA CARTA  
LIBERTATUM, the *Great  
Charter of Liberties*,  
arose in 1215 A.D.  
during a rebellion  
against a tyrannical  
ruler, King John,  
“Lackland.”





# MAGNA CARTA resulted from King John's greed, lust, cruelty, and impiety

King John's *ira et malevolentia* (“anger and ill-will”) made him **hated** by his barons, churchmen, and people.

He twice lost wars against the French, earning the nickname “Soft-Sword.”

He raised taxes on knights, stole forests, and extorted huge sums from widows and orphans while administering their wardships and inheritances.

He murdered his 16-year-old nephew Arthur in 1203. He imprisoned the wife and son of his best friend William DeBraose, then starved them to death in a dungeon.

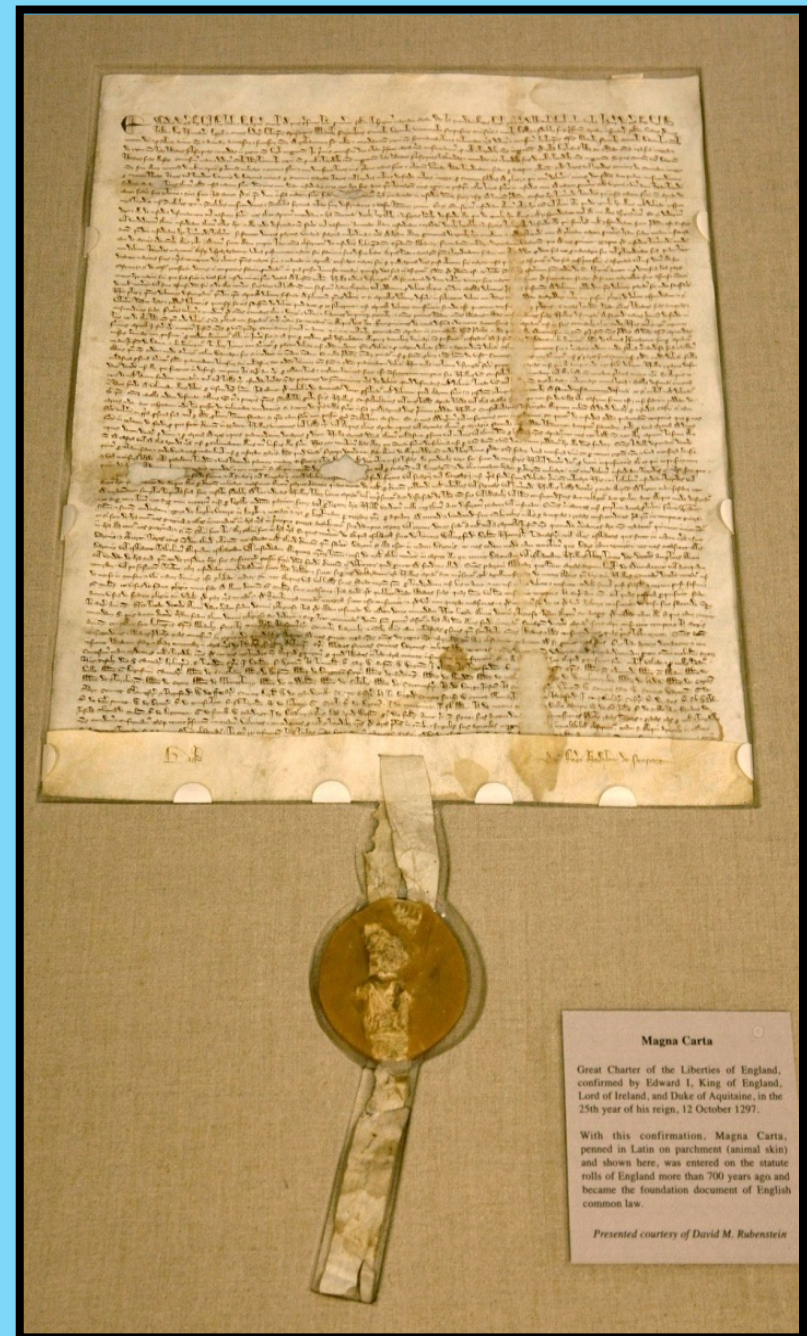
He raped 12-year-old girls, widows, and married women—and fathered 5 children through adultery.

He openly scoffed at Jesus's Resurrection.

# Runnymede June 15, 1215

Rebellious barons, knights,  
and the Archbishop of  
Canterbury, Stephen  
Langton, compelled King  
John to *seal* (not sign)  
MAGNA CARTA by threat of  
force on June 15, 1215.

The Barons published the  
original MAGNA CARTA  
LIBERTATUM as their “Great  
Charter of Liberty.”



#### Magna Carta

Great Charter of the Liberties of England,  
confirmed by Edward I, King of England,  
Lord of Ireland, and Duke of Aquitaine, in the  
25th year of his reign, 12 October 1297.

With this confirmation, Magna Carta,  
penned in Latin on parchment (animal skin)  
and shown here, was entered on the statute  
rolls of England more than 700 years ago and  
became the foundation document of English  
common law.

Presented courtesy of David M. Rubenstein

The First Barons War (1215-1216) began when King John convinced Pope Innocent III to nullify MAGNA CARTA. John plunged England into a bloody civil war from 1215 through 1216.





# **John's young son Henry III reissued MAGNA CARTA to win his nobles' support**



**Oct. 16, 1216:** King John died in Worcester, leaving his 9-year-old son Henry III under the protection of England's greatest knight, William Marshall.



**1216, 1217 & 1225:** While William Marshall defeated invading French forces, Henry III voluntarily reissued an amended **MAGNA CARTA** to win support.

## MAGNA CARTA (1215), Chapters 38-40

**Chapter 38:** “[N]o bailiff will put anyone on trial by his [the bailiff’s] own unsupported allegation, without bringing credible witnesses to the charge...”

**Chapter 39:** “No free man will be taken or imprisoned or disseised or outlawed or exiled or in any way ruined, nor shall we go or send against him, *save by the lawful judgment of his peers and by the law of the land.*”

**Chapter 40:** “To no one shall we sell, to no one shall we deny or delay right or justice.”

[Henry III combined these provisions.]

# M.C. commenced England's RULE OF LAW

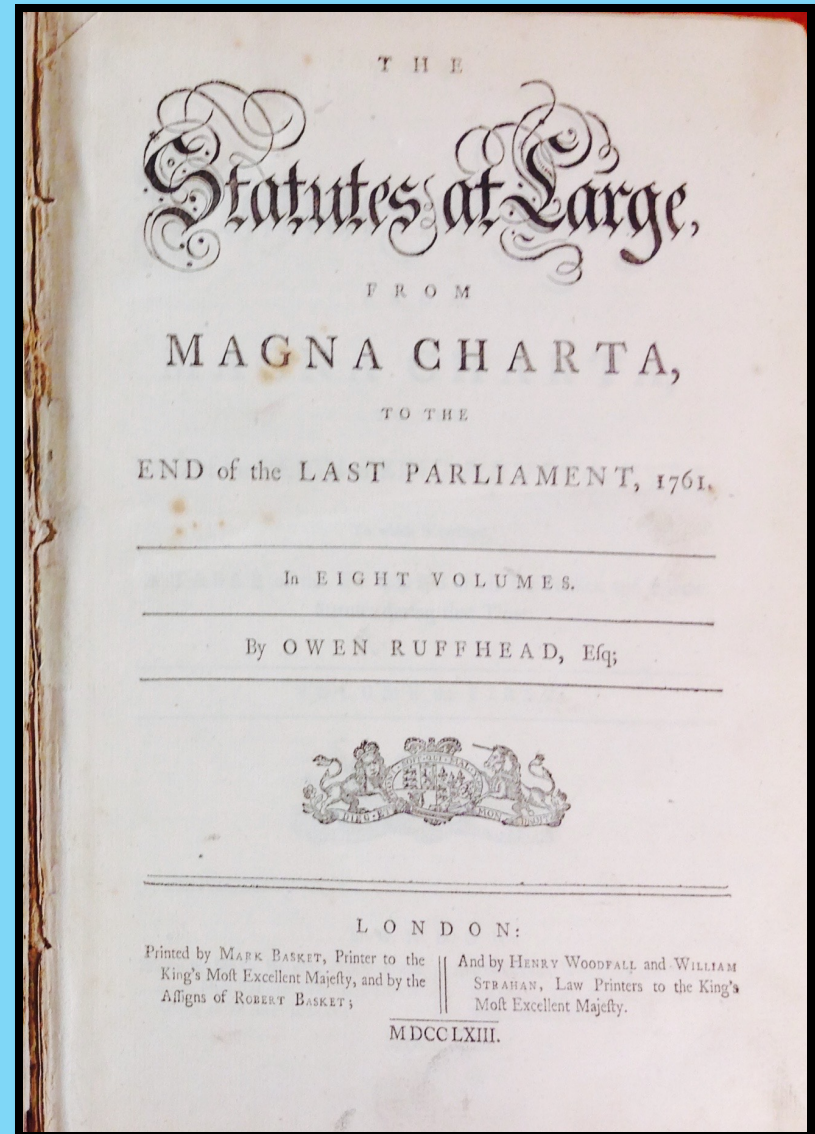
1. **MAGNA CARTA** precluded the king from interfering with the freedom of England's church (abbeys, etc.).
2. It required kings to grant *Due Process* under the *Law of the Land*. The writ of ***Habeas Corpus*** precluded imprisonment without a valid reason.
3. No king could raise taxes before consulting with England's nobles (later, parliament).
4. Most importantly, MAGNA CARTA required that *everyone*—even the king—had to obey the law.



# M.C.: England's first law of the land 1297-1826

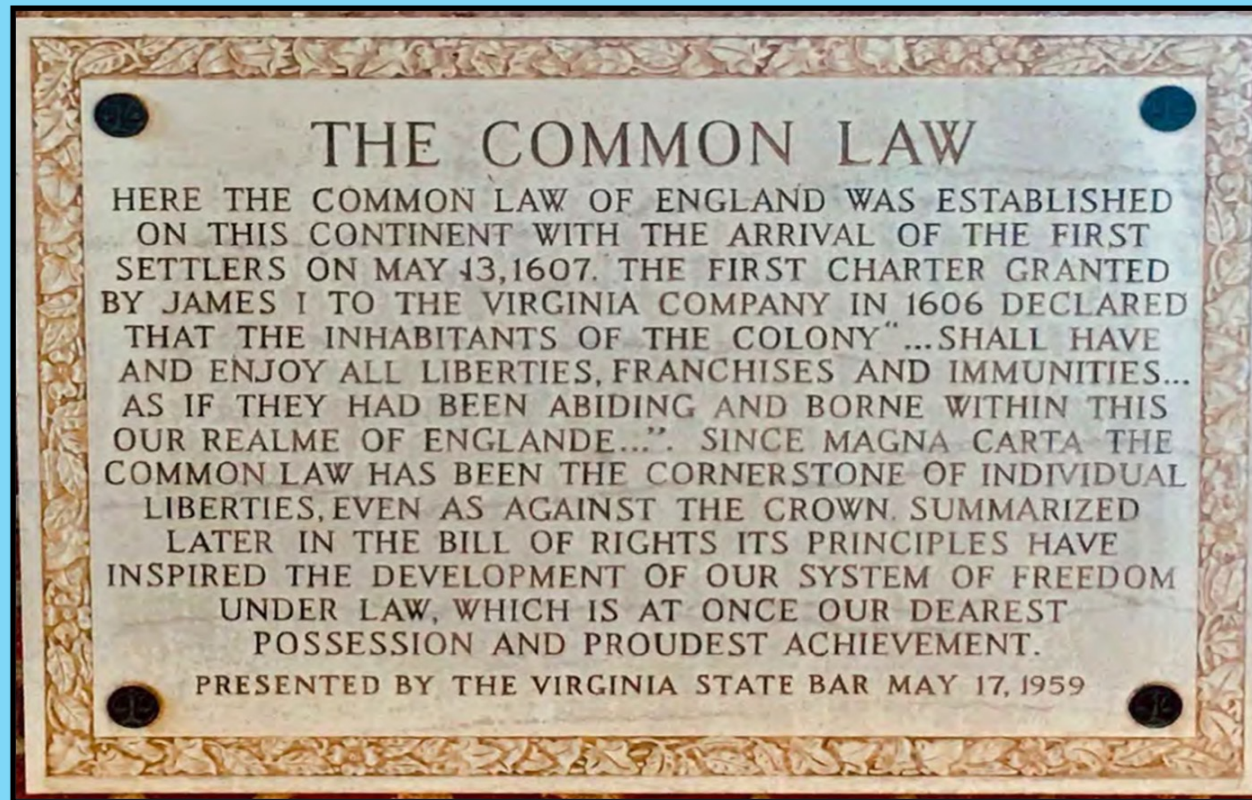
**1297:** King Edward re-issued an amended version of the 1225 MAGNA CARTA in 1297.

Edward I's 1297 MAGNA CARTA became the first law of the land in England's **Statutes at Large**. Parliament re-enacted it over 30 times.



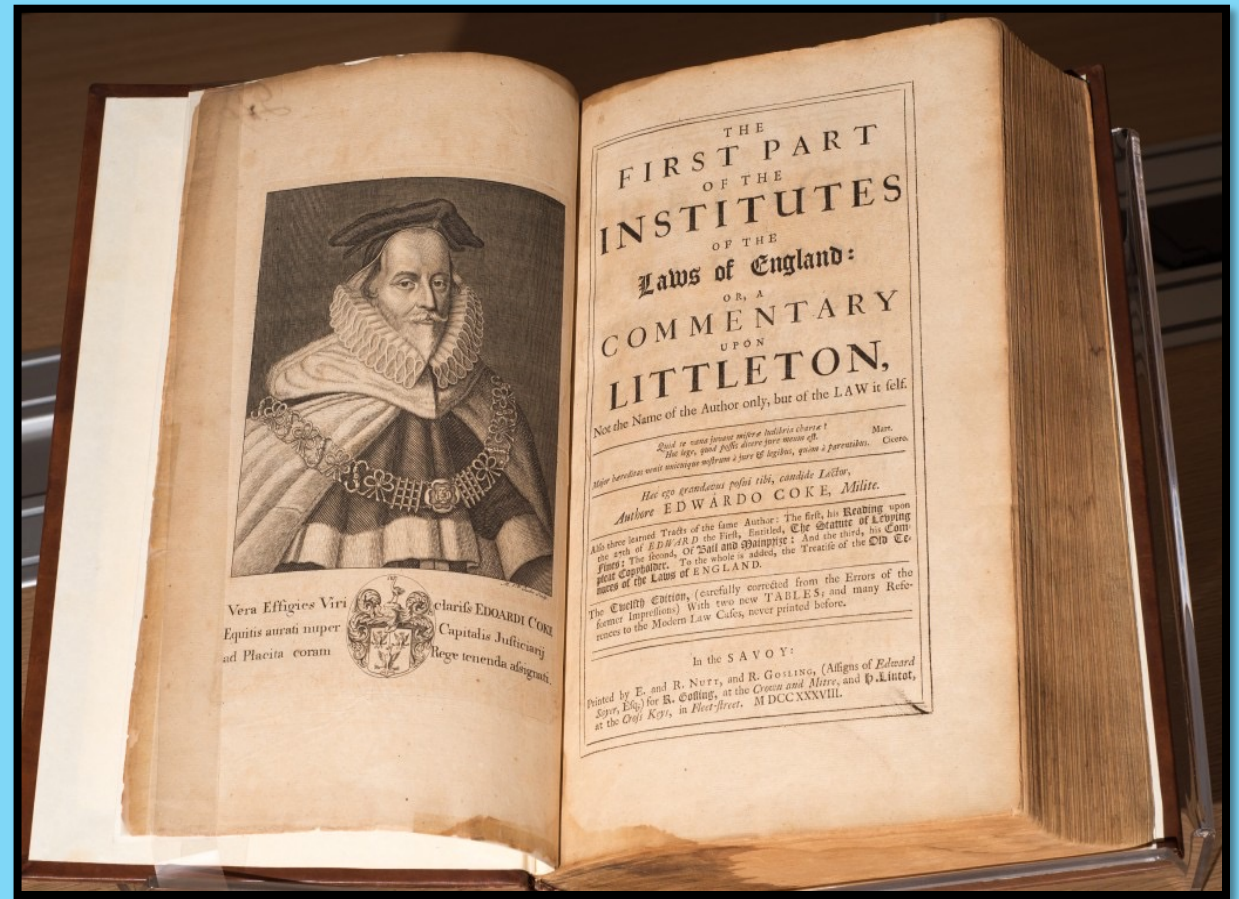
# **King James incorporated M.C. rights into Virginia Company charters**

**King James induced emigration a by protecting **M.C.** rights. The 1<sup>st</sup> VIRGINIA COMPANY CHARTER OF 1606 declared that colonists abroad were entitled to all “liberties, franchises, and immunities” of English subjects at home.**





Sir Edward  
Coke  
*reinterpreted*  
MAGNA  
CARTA as a  
limit on royal  
power.



“MAGNA CARTA is such a fellow, that he will have no  
‘sovereign.’” Edward Coke, THE PETITION OF RIGHT  
(Parliament: 17 May 1628), repeated in INSTITUTES OF THE  
LAWS OF ENGLAND (London: Parliament, 1642).

# **In 1636 and 1672, the GENERAL FUNDAMENTALS codified the Pilgrims' MAGNA CARTA rights**

**“We the Associates of the Colony of New-Plimouth, coming hither as free born Subjects of the Kingdom of England, endowed with all and singular the [MAGNA CARTA] Privileges belonging to such: Being Assembled...**

**1. “Do Enact, Ordain and Constitute; that no Act Imposition, Law or Ordinance be Made or Imposed upon us at present or to come, but such as shall be Enacted by consent of the body of Freemen or Associates...according to the free Liberties of the free born People of England....” (1636)**



## **G.F. Clauses 2 and 3 memorialized Plymouth's election process and commitment to equal justice**

2. “And for the well Governing this Colony: It is also Resolved and Ordered, that **there be a free Election annually, of Governor, Deputy Governor and Assistants, by the Vote of the Freemen of this Corporation.**”

3. “It is also Enacted, that **Justice and Right be equally and impartially Administered unto all, not sold, denied or causelessly deferred unto any...**” [echoing MAGNA CARTA (1215) Chapter 38; MAGNA CARTA (1297), Chapter 29.]

## G.F. Clause 4 preserved Due Process rights

4. “It is also Enacted, that *no person in this Government shall suffer or be indamaged [sic], in respect of Life, Limb, Liberty, Good Name or Estate, under colour of Law...but by Virtue or Equity of some express Law of the General Court of this Colony, or the good and equitable Laws of our Nation*, suitable for us, in matters which are of a civil nature...And that no one shall suffer as aforesaid, without being brought to answer by *due course and process of Law.*”

[Clause 4 (1672) echoes MAGNA CARTA Chapters 39-40 (1215) & MAGNA CARTA Chapter 29 (1225/1297).]



# The *G.F.* was a comprehensive legal code

Established a church and provided for ministers.

Declared that blasphemy, treason, witchcraft, murder, and bestiality are punishable by death.

Authorized a General Court, a Court of Assistants, marshals, and constables.

Structured government, specified oaths, detailed civil and criminal procedure, and regulated trade.

Regulated marriages, wills, and estates.

Provided for the education of children.

# **Plymouth's GENERAL FUNDAMENTALS inspired Bay Colony and Rhode Island law codes**

**1641**: A statutory committee in the Bay Colony organized to “frame a body of grounds of laws, in resemblance to a MAGNA CARTA” and drafted the **BODY OF LIBERTIES (1641)**.

**1644**: Sir Edward Coke's former law clerk, Roger Williams, enshrined MAGNA CARTA rights in the **CHARTER OF RHODE ISLAND AND PROVIDENCE PLANTATION**, enacted with Parliament's approval.

African-Americans, Scots, and Germans joined Plymouth's **COMBINATION** of people.



# MAGNA CARTA disputes ignited the Revolution

- 1763-1775: Patriots James Otis, Jr., James and Mercy Otis Warren *combined* with Sam, John and Abigail Adams, Paul Revere, and John Hancock to oppose King George III and Parliament.
- Dec. 22, 1769: Seven educated young men of Plymouth organized the **OLD COLONY CLUB** as an alternative to the town's contentious taverns.
- 1774-1775: Thomas Jefferson, George Washington, Ben Franklin, and James Madison *combined* with Massachusetts Bay Patriots to defend the colonists' MAGNA CARTA rights.



Differences over MAGNA CARTA rights, the rule of law, and the right to self-government divided Old Colony Club Patriots from Tories by 1773.

# Plymouth versus Parliament

Plymouthans quoted Sir Edward Coke's 1609-1628 arguments that **MAGNA CARTA** rights trumped a king's prerogative to impose taxes without the consent of the governed—and applied that rule to Parliament as well as King George III:

“When an act of parliament is against common right or reason, or repugnant, or impossible to be performed, the common law will control it and adjudge such an act void.”



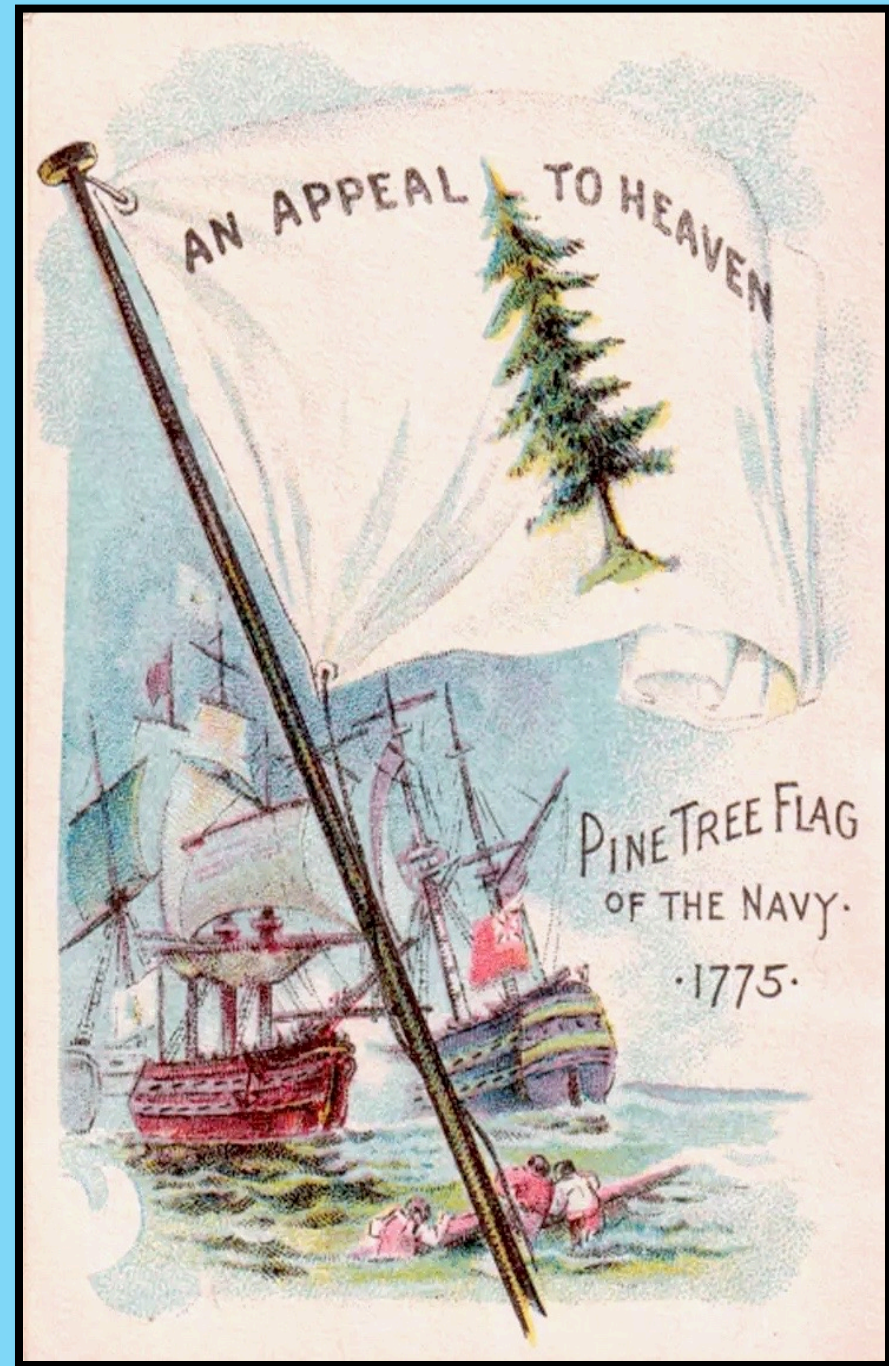
1775: The Massachusetts Assembly declared the STAMP Act and TOWNSHEND DUTIES ACTS “against the MAGNA CARTA and the natural rights of Englishmen, and therefore, according to Lord Coke, null and void.”

Paul Revere engraved a new seal after Lexington & Concord (1775-1780).



When pleas, petitions, and remonstrances to Parliament and King George III failed, Americans made “an appeal to heaven.”

Plymouth's Patriots defended their rights on land and at sea. Their appeal culminated in the Declaration of Independence, Battle of Yorktown, the Peace of Paris, and birth of the U.S.





**The Constitution Americanized MAGNA CARTA rights in the Supremacy Clause, *Habeas Corpus* relief, and the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Amendments in the Bill of Rights.**



**Plymouth's **COMBINATION** later came to include Portuguese, Italians, Cape Verdeans, Jews, and Asians.**





**The End**