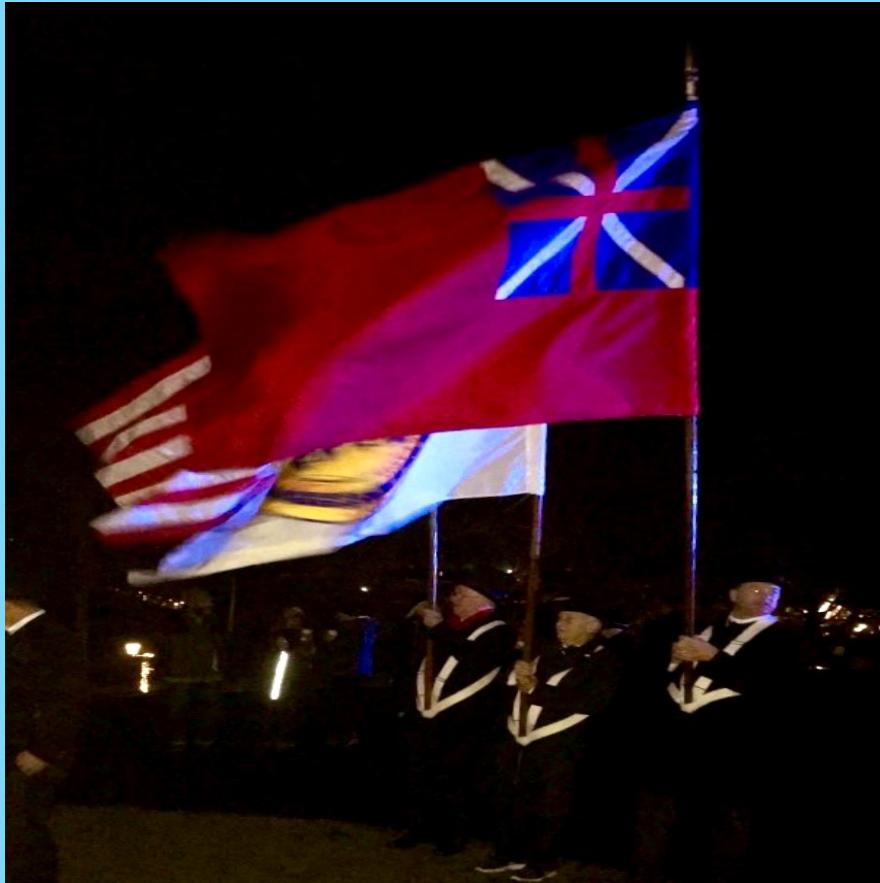


PLYMOUTH'S GENERAL FUNDAMENTALS of 1636: America's 1st Constitution, Bill of Rights & Law Code



David A. Furlow

Forefathers Day, December 22, 2025

Old Colony Club



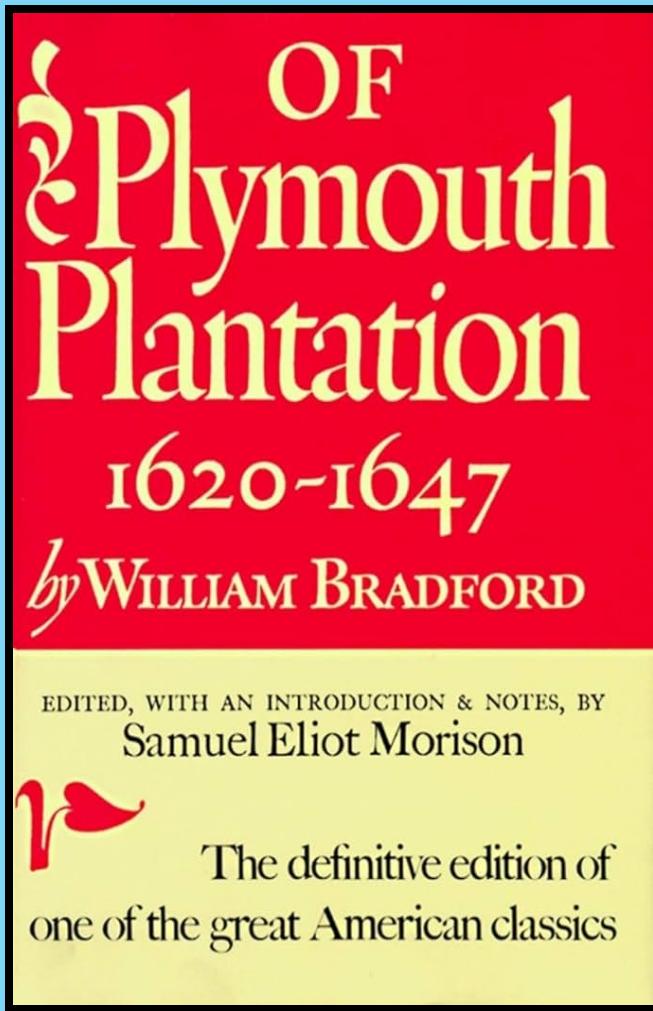
Why so glum, Pilgrim?

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"



“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.

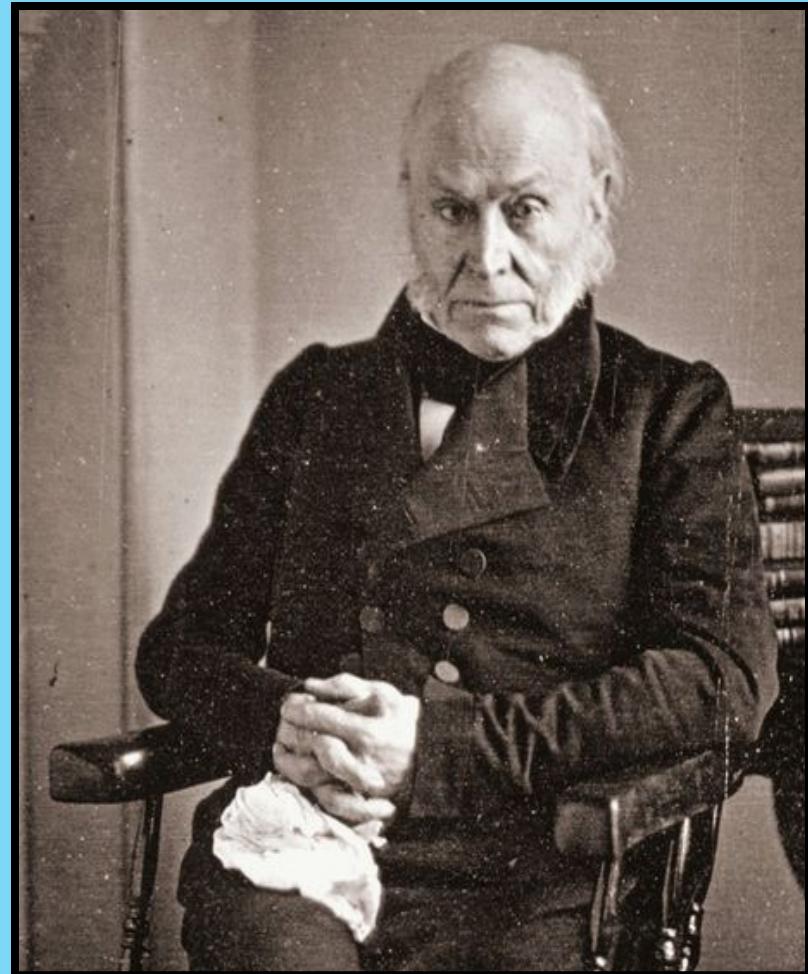
The Pilgrims empowered themselves to enact laws when they signed the COMPACT in 1620

“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...”

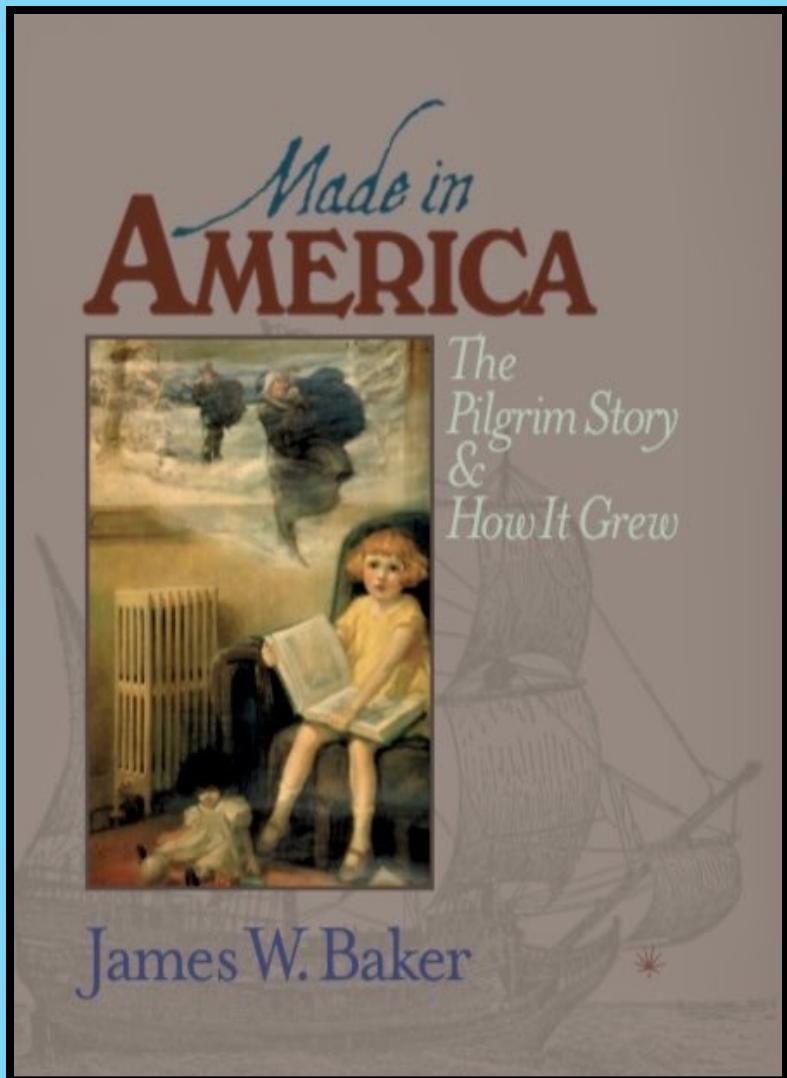
John Quincy Adams re-labeled the COMBINATION a “social compact” on Forefathers Day in 1802

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

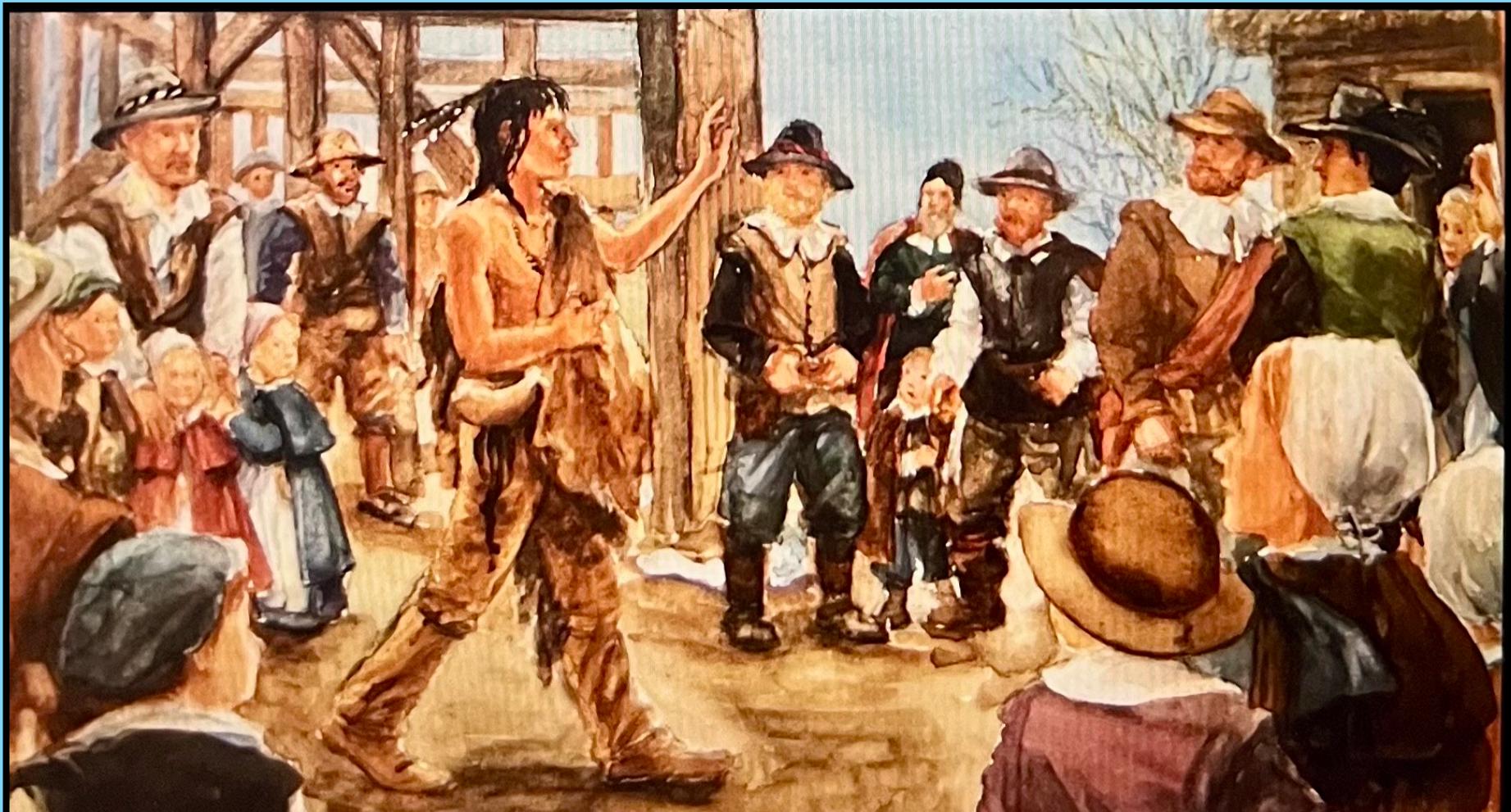


In *Made in America: The Pilgrim Story and How It Grew* (2020), Jim Baker stated that the COMBINATION/COMPACT was “not a constitution, nor yet a charter; nor yet in a true sense a social compact... The agreement was not a revolutionary departure from English precedent but a pragmatic application of it.”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

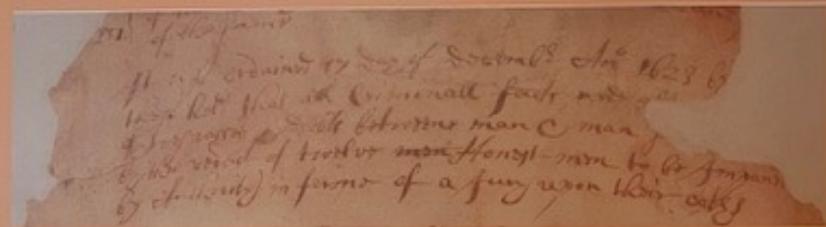


Plymouth's first law authorized jury trials.

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:



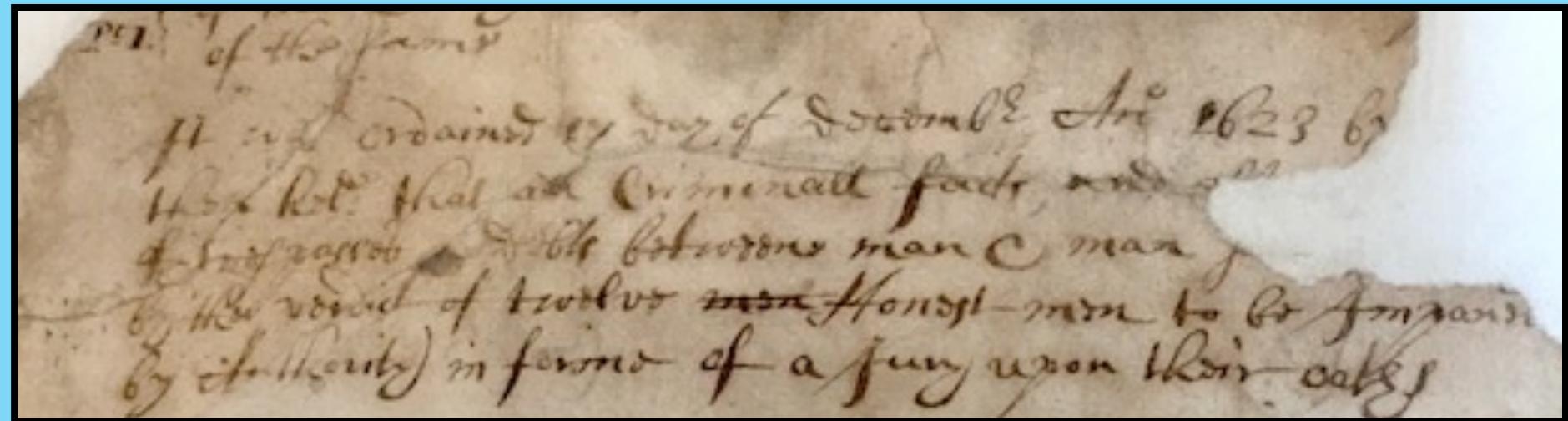
The Colonists brought with them the old English law of trial by jury. With the landing at Plymouth Rock, the right to a trial before a jury of one's peers has been guaranteed throughout the history of Massachusetts and the United States.



men honest men

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

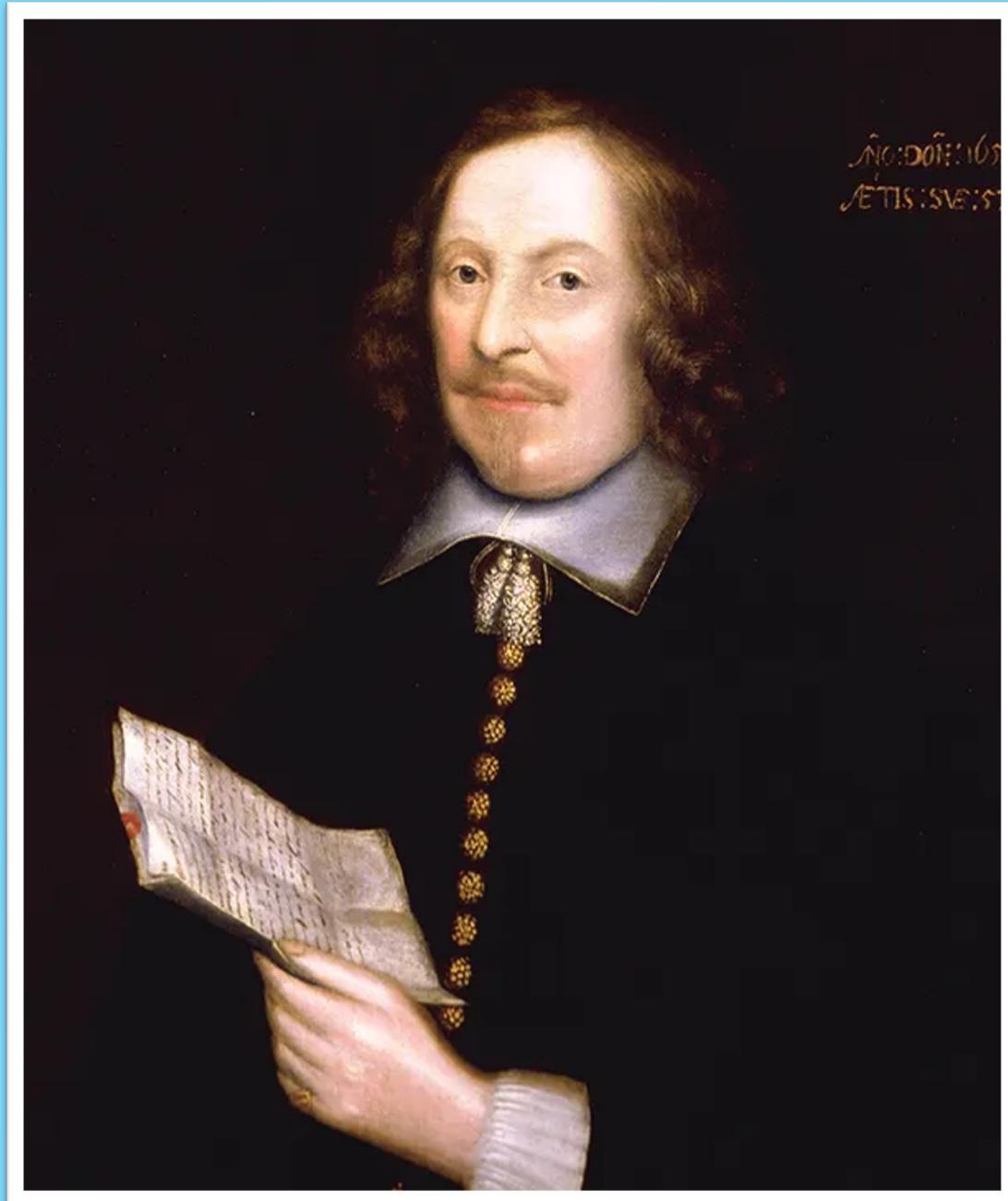
Many colonists died in the smallpox epidemic of 1633-1634. Plymouth lawmakers enacted America's first laws to protect destitute widows and orphans, based on Exodus 22:22: "Ye shall not trouble the any widow, nor fatherless childe."



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.

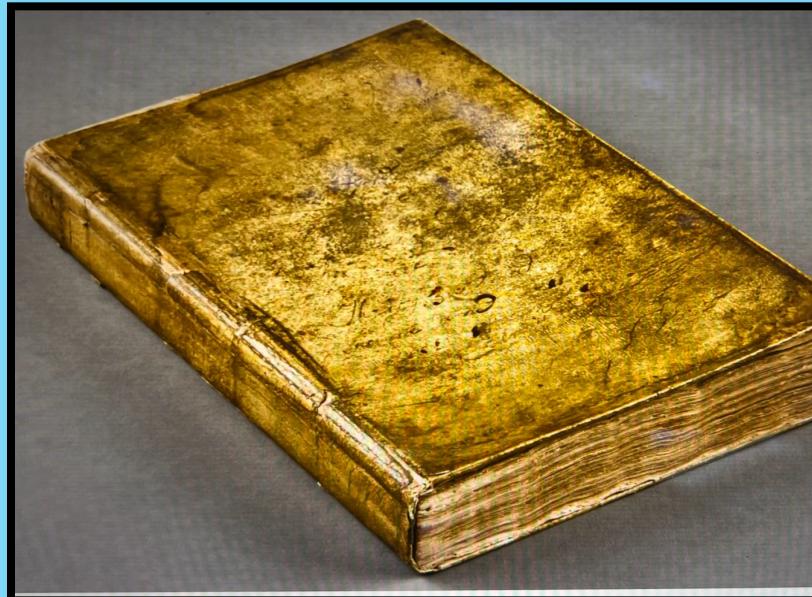
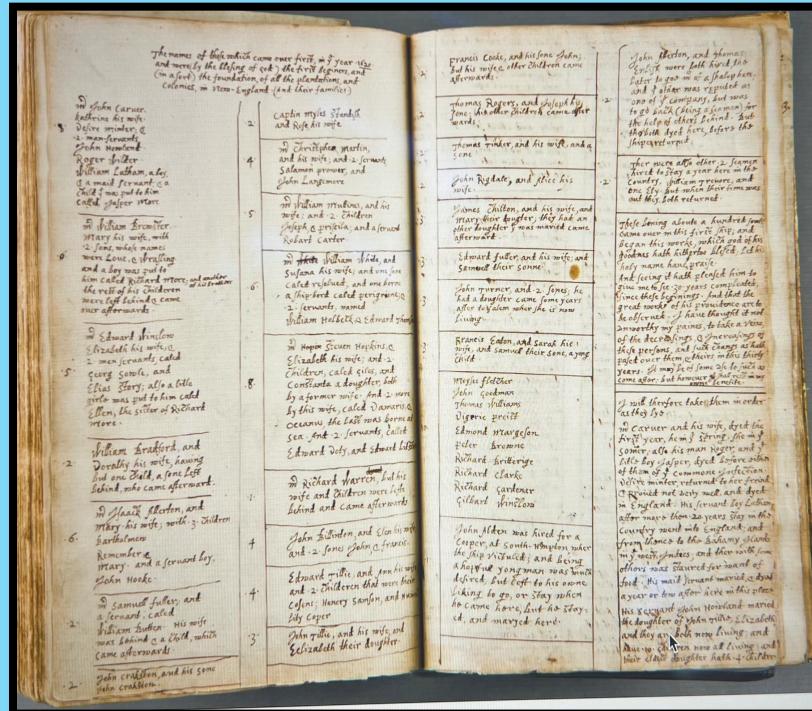




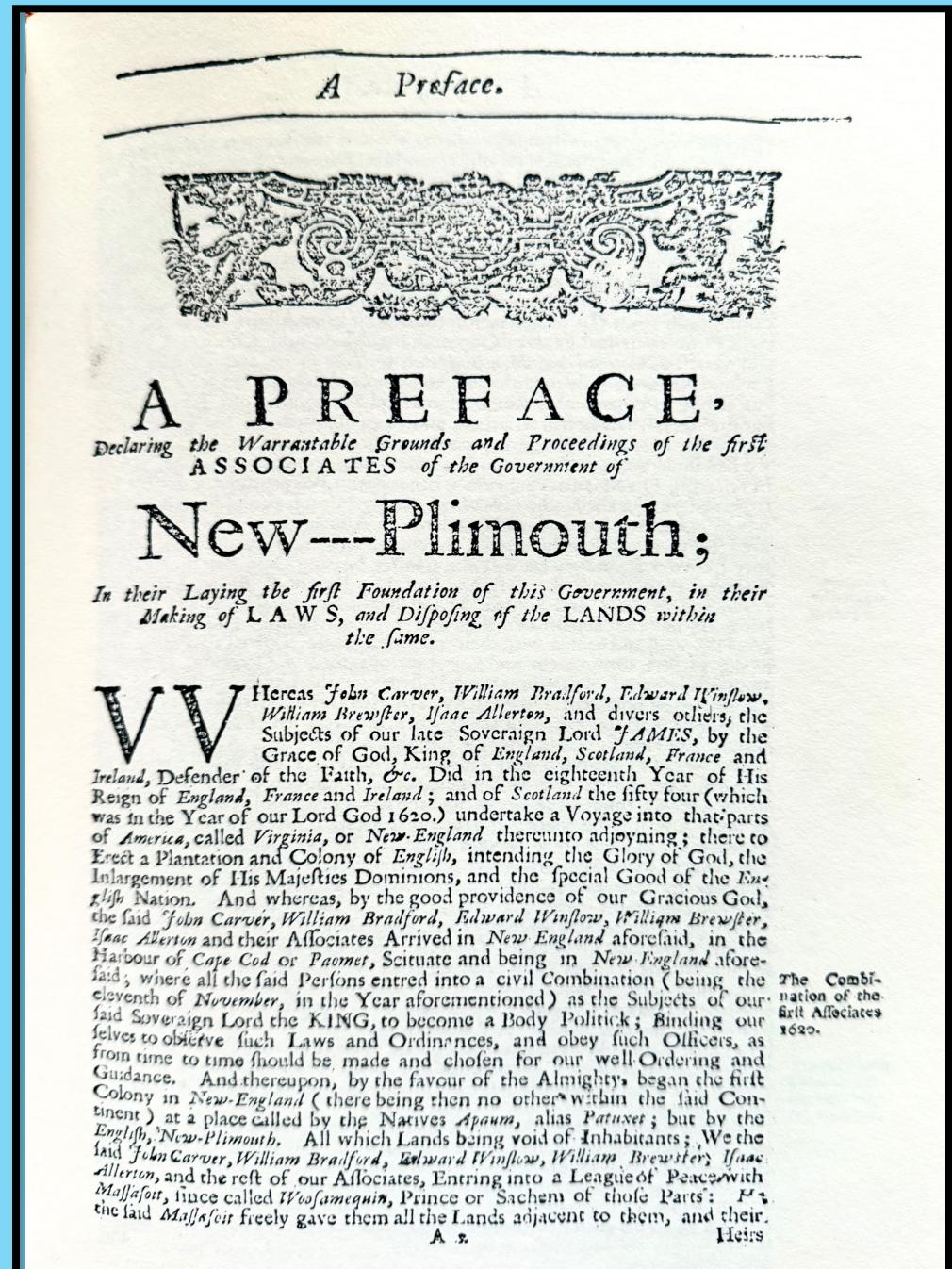
Winslow's Committee drafted the **GENERAL FUNDAMENTALS** on Burial Hill at the Colony's Meetinghouse and First Fort.

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).



John Branscom on the other part; being therewith depused by the said Merchant, and the rest Admiring as aforesaid; as appears by a Deed, bearing Date Nov. 26. in the third Year of the Reign of our Sovereign, *Lord Charles*, by the Grace of God King of England, Scotland, France and Ireland, &c. Anno Dom. 1617. Be it Known therefore unto all Men by these presents, that according to our first intent, for the better effacing the glory of God, the enlargement of the Dominion of our late Sovereign, *Lord the King*, and the special good of His Subjects; by virtue as well of our Combination aforesaid, as also the several Grants by us procured in the Names of *John Prince* and *William Bradford*, their Heirs, and Aliances; together with our lawful Rights, an report of Vacancy, Donation or Purchase of the Names, and our full Purchase of the Admiringes before expidid; have given unto, Alligned, Affigned and Granted all and every person or persons, whose Names or Names shall follow upon this publick Record, such proportion or proportion of Grounds, with all and singular the prerogatives thereto belonging, as aforesaid, to him or them, his or their Heirs, and Aliances successively for ever; to be Holden of His Majestie of England, His Heirs and Successors, as of His Maner of *East-Greenwiche*, in the County of *Essex*, in free and common Socage, and not in Capite, nor by Knights Service; yielding and paying to our said Sovereign *Lord the King*, His Heirs and Successors for ever, one fifth part of the Out of the Mines of Gold and Silver; and one other fifth part to the President and Council, which shall be held, polidised and obtauned as aforesaid. And whatsoever Lands are or shall be granted to any by the said *William Bradford*, *Edward Westover*, *William Brewster*, *base Aliances*, their Heirs or Aliances as aforesaid; being acknowledged in publick Cour, and brought to the publick Records of the several Inheritances of the Subjects of our Sovereign *Lord the King*, within this Government; it shall be lawfull for the Governor 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 Recorded; Confirming the said Lands to him or them, *base Aliances* and Aliances for ever; with the tenth part of the Rent and Lemes of the same, which shall be sufficient Evidence in Law time to time, and at all times, for the said party or parties, his or their Heirs or Aliances; to Have and to Hold the said portion of Land as Granted, Bounded and Recorded as aforesaid; with all and singular the Appurtenances therunto belonging, to the only proper use and behoof of the said party or parties, his or their Heirs and Aliances for ever.



CHAP. I.

The General

Fundamentals

Ann. 1676. and Revised 1677.

VEE the Associates of the Colony of New-England
having hitherto as free born Subjects of the King
of England, Endured with all
Regular the Privileges belonging to such: Being
assembled.

Do Enact, Ordain and Confirm, that no TAX, 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 Abbots, and their Representatives legally assembled, which is according to the true Liberties of the free born People of England.

5: 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 of the Members of the General Assembly.

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

4. It is also Enacted, that no person in this Government shall suffer or be

indamaged, in respect of Life, Limb, Liberty, Good Name or Estate, under colour of Law, or countenance of Authority, but by Virtue of Equity or some special Law of the General Court of the Colony, or of the good and equitable Laws of our Nation, suitable for us, in matters which are, or 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 our hands, without being brought to answer by due course and process of Law.

5. And that all Cases, whether Capital, Criminal, or between persons, and
B 3

Edwin H. Lee
Speaker of the
California State
Assembly

Among the Gentry the In- vitees

Follow the
equality and
opportunity ad-
vocacy

Monte Carlo
Statistical
Law
and the
Statistical
Law.

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.

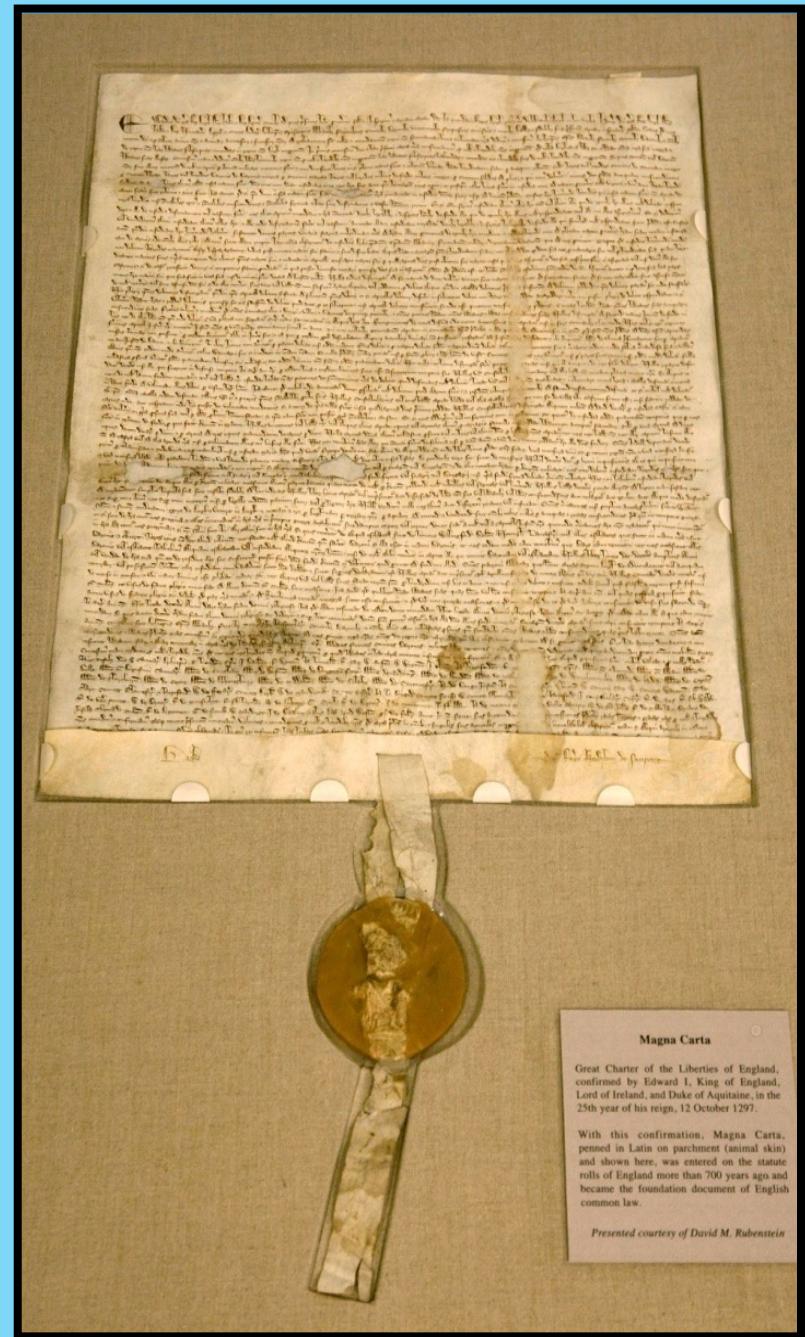
He raped 12-year-old girls, widows, and married women—and fathered 5 children through adultery.

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.”





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.]

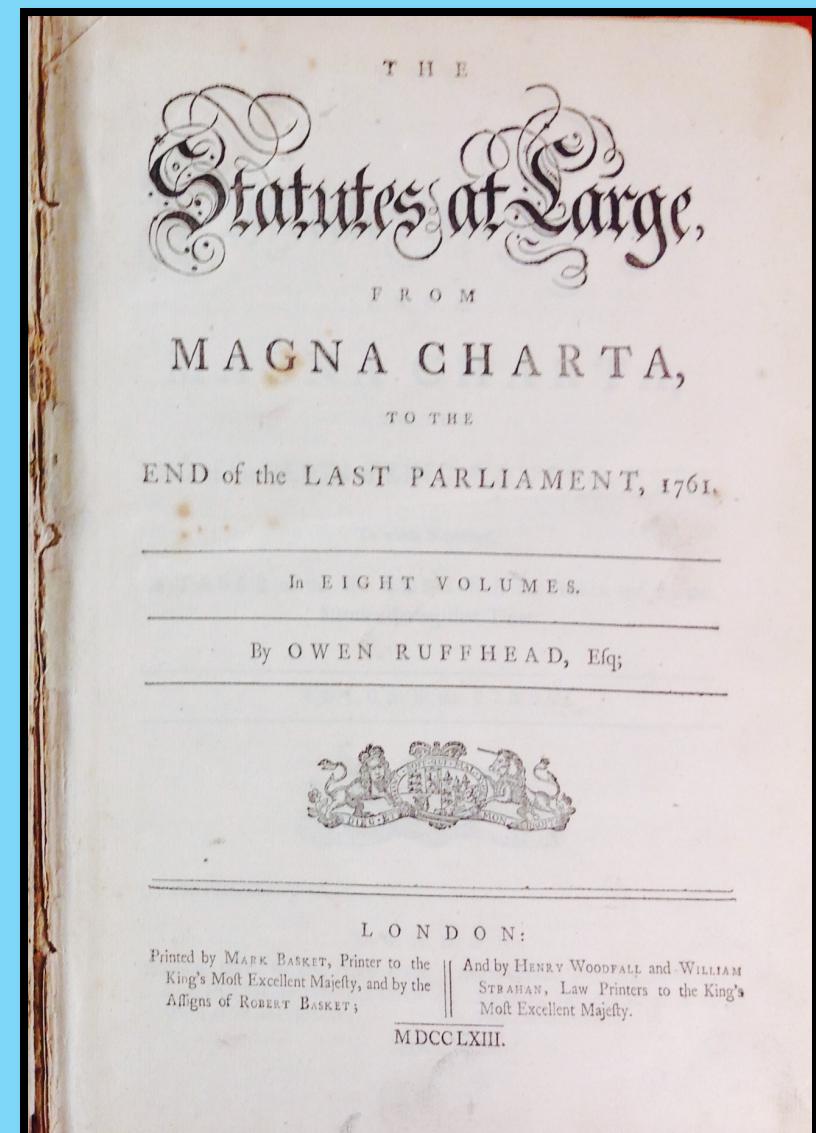
M.C. commenced England's RULE OF LAW

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

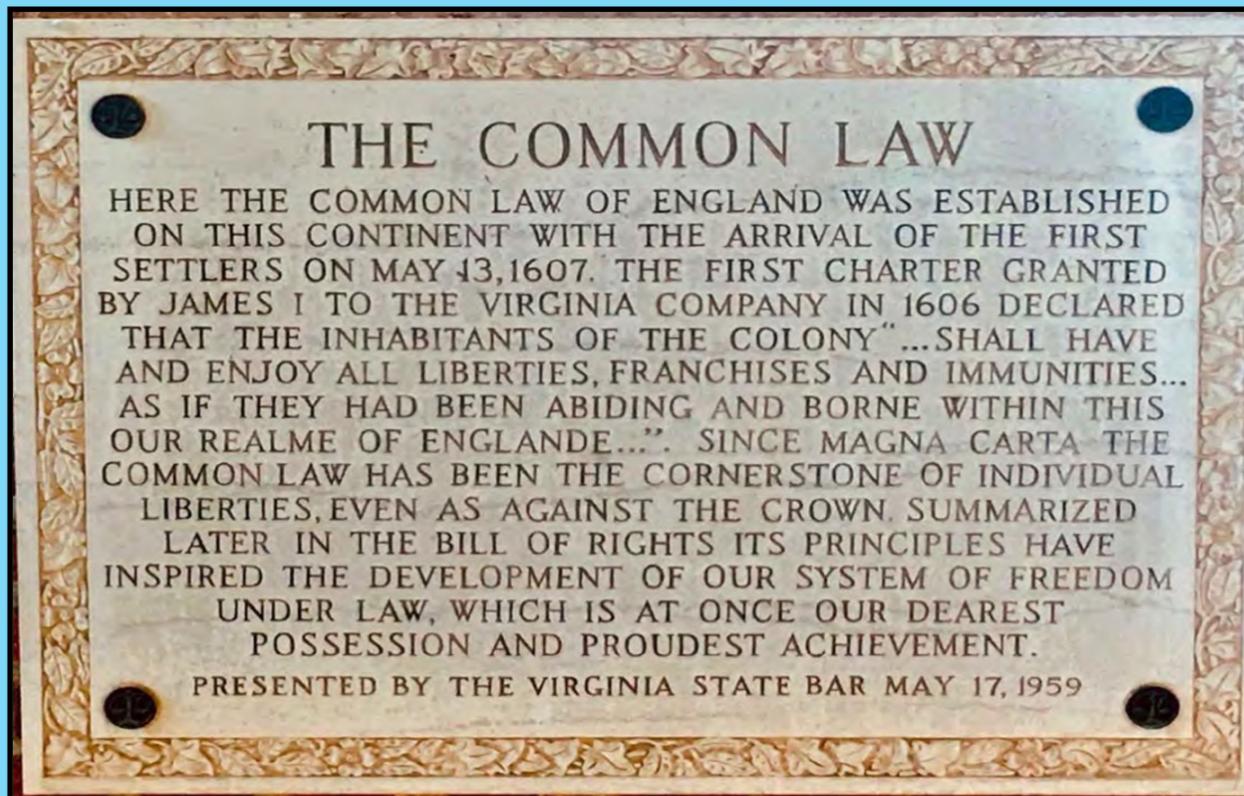
1297: King Edward re-issued an amended version of the 1225 MAGNA CARTA in 1297.

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.

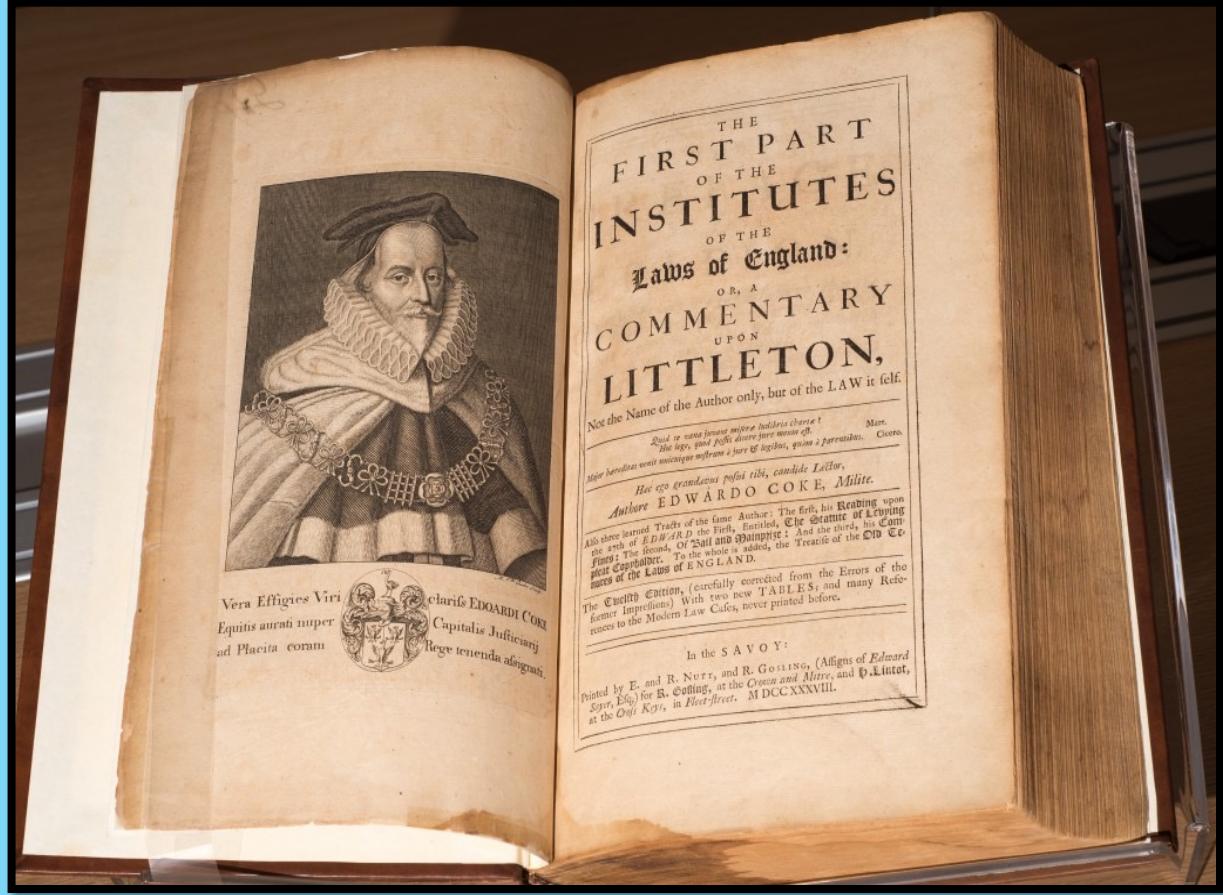


King James incorporated M.C. rights into Virginia Company charters

King James induced emigration a by protecting **M.C.** rights. The 1st 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

Plymoutheans 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.”

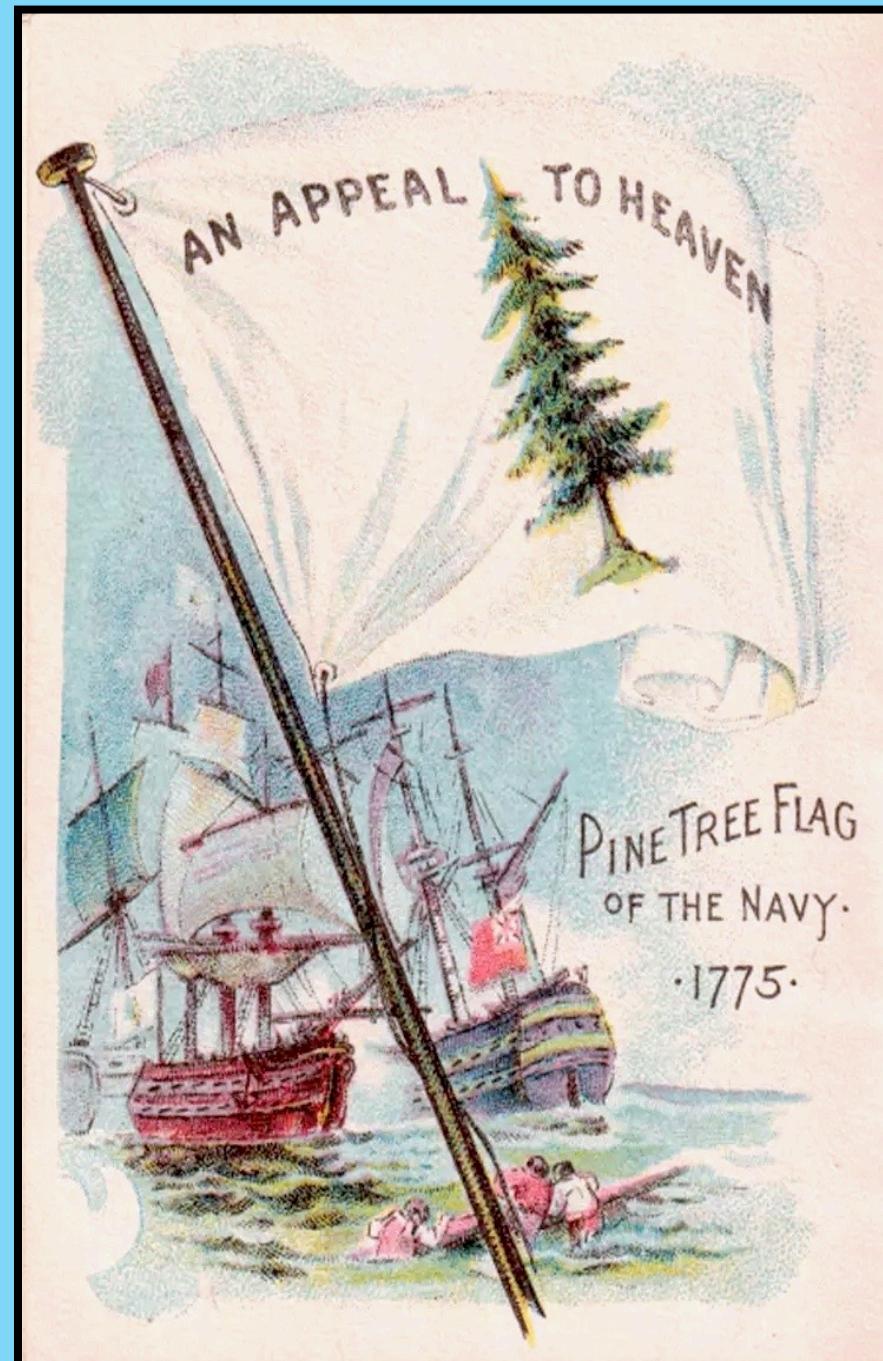
1775: The Massachusetts Assembly declared the STAMP Act and TOWNSHEND DUTIES ACTS “against the MAGNA CARTA and the natural rights of Englishmen, and therefore, according to Lord Coke, null and void.”

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.”

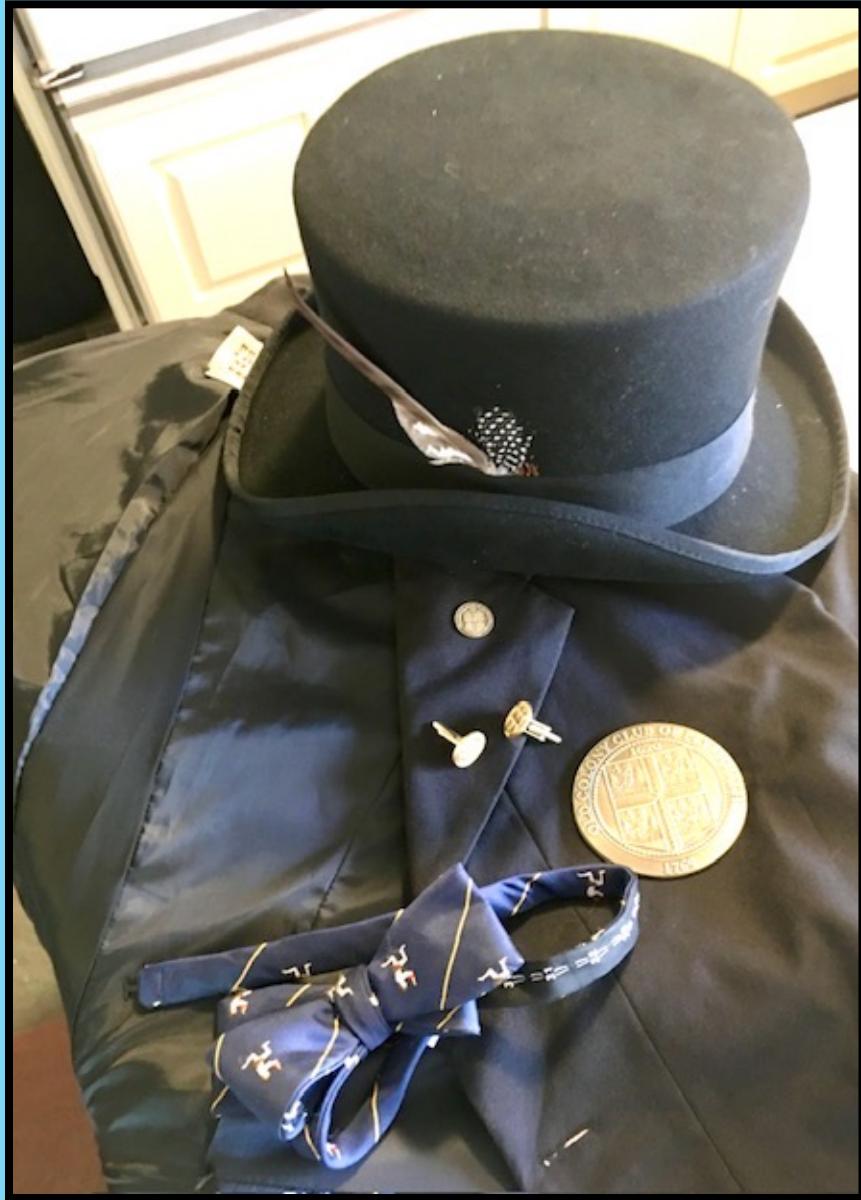
Plymouth’s Patriots defended their rights on land and at sea. Their appeal culminated in the Declaration of Independence, Battle of Yorktown, the Peace of Paris, and birth of the U.S.



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



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



The End