

them shall be vanquished, he shall pay a fine of 40 shillings to the king. If an Englishman shall charge a Frenchman and be unwilling to prove his accusation either by ordeal or by wager of battle, I will, nevertheless, that the Frenchman shall acquit himself by a valid oath.

7. This also I command and will, that all shall have and hold the law of King Edward in respect of their lands and all their possessions, with the addition of those decrees I have ordained for the welfare of the English people.

8. Every man who wishes to be considered a freeman shall be in pledge¹ so that his surety shall hold him and hand him over to justice if he shall offend in any way. And if any such shall escape, let his sureties see to it that they pay forthwith what is charged against him, and let them clear themselves of any complicity in his escape. Let recourse be had to the hundred and shire courts as our predecessors decreed. And those who ought of right to come and are unwilling to appear, shall be summoned once; and if for the second time they refuse to come, one ox shall be taken from them, and they shall be summoned a third time. And if they do not come the third time, a second ox shall be taken from them. But if they do not come at the fourth summons, the man who was unwilling to come shall forfeit from his goods the amount of the charge against him – “ceapgeld” as it is called – and in addition to this a fine to the king.

9. I prohibit the sale of any man by another outside the country on pain of a fine to be paid in full to me.

10. I also forbid that anyone shall be slain or hanged for any fault, but let his eyes be put out and let him be castrated. And this command shall not be violated under pain of a fine in full to me.

19. “The Coronation Charter” of Henry I (5 August 1100)

This famous charter was issued by Henry I at the beginning of his reign, and since in the surviving copies the address and witnesses vary, it is probable that it was circulated to every shire. It can best be regarded as a bid for support by the new king, who here makes promises which he hopes will be acceptable to various sections of the community and in particular to the lay magnates. Its contemporary significance may thus easily be over-emphasised, but it was later to be cited as an important precedent. It is particularly informative as evidence of feudal custom and especially of the relations between the Anglo-Norman kings and their tenants-in-chief. Its testimony respecting the “feudal incidents” is also noteworthy, as is also its illustration of the manner in which feudal rights might be abused. It has been many times printed. The best edition is probably in F. Liebermann, *Die Gesetze der Angelsachsen*, I, 521. It is also printed in C. Bémont, *Chartes des Libertés anglaises* (1892), pp. 3–6; and in W. Stubbs, *Select Charters* (ed. 1913), pp. 117–19.

Henry, king of the English, to Samson the bishop, and Urse of Abbetot, and to all his barons and faithful vassals, both French and English, in Worcestershire, greeting.

I.² Know that by the mercy of God and by the common counsel of the barons of the whole kingdom of England I have been crowned king of this realm.

¹ frankpledge, see No. 57, p. 493, n. 2

² Paragraphs are not numbered in the original.

And because the kingdom has been oppressed by unjust exactions, I now, being moved by reverence towards God and by the love I bear you all, make free the Church of God; so that I will neither sell nor lease its property; nor on the death of an archbishop or a bishop or an abbot will I take anything from the demesne of the Church or from its vassals during the period which elapses before a successor is installed. I abolish all the evil customs by which the kingdom of England has been unjustly oppressed. Some of those evil customs are here set forth.

2. If any of my barons or of my earls or of any other of my tenants shall die, his heir shall not redeem his land as he was wont to do in the time of my brother, but he shall henceforth redeem it by means of a just and lawful “relief”. Similarly the men of my barons shall redeem their lands from their lords by means of a just and lawful “relief”.¹

3. If any of my barons or of my tenants shall wish to give in marriage his daughter or his sister or his niece or his cousin, he shall consult me about the matter; but I will neither seek payment for my consent, nor will I refuse my permission, unless he wishes to give her in marriage to one of my enemies. And if, on the death of one of my barons or of one of my tenants, a daughter should be his heir, I will dispose of her in marriage and of her lands according to the counsel given me by my barons. And if the wife of one of my tenants shall survive her husband and be without children, she shall have her dower and her marriage portion, and I will not give her in marriage unless she herself consents.²

4. If a widow survives with children under age, she shall have her dower and her marriage portion, so long as she keeps her body chaste; and I will not give her in marriage except with her consent. And the guardian of the land, and of the children, shall be either the widow or another of their relations, as may seem more proper. And I order that my barons shall act likewise towards the sons and daughters and widows of their men.

5. I utterly forbid that the common mintage,³ which has been taken from the towns and shires, shall henceforth be levied, since it was not so levied in the time of King Edward. If any moneyer or other person be taken with false money in his possession, let true justice be visited upon him.

6. I forgive all pleas and all debts which were owing to my brother, except my own proper dues, and except those things which were agreed to belong to the inheritance of others, or to concern the property which justly belonged to others. And if anyone had promised anything for his heritage, I remit it, and I also remit all “reliefs” which were promised for direct inheritance.

7. If any of my barons or of my men, being ill, shall give away or bequeath his movable property, I will allow that it shall be bestowed according to his desires. But if, prevented either by violence or through sickness, he shall die intestate as far as concerns his movable property, his widow or his children or

¹ see below, p. 445, n. 3

² see No. 268, p. 1008

³ *monetatum*: mintage in the sense of a forced levy to prevent loss to the king from depreciation of the coinage.

his relatives or one of his true men shall make such division for the sake of his soul, as may seem best to them.

8. If any of my barons or of my men shall incur a forfeit, he shall not be compelled to pledge his movable property to an unlimited amount, as was done in the time of my father and my brother; but he shall only make payment according to the extent of his legal forfeiture, as was done before the time of my father and in the time of my earlier predecessors. Nevertheless, if he be convicted of breach of faith or of crime, he shall suffer such penalty as is just.

9. I remit all murder-fines which were incurred before the day on which I was crowned king; and such murder-fines as shall now be incurred shall be paid justly according to the law of King Edward.

10. By the common counsel of my barons I have retained the forests in my own hands as my father did before me.¹

11. The knights, who in return for their estates perform military service equipped with a hauberk of mail, shall hold their demesne lands quit of all gelds and all work; I make this concession as my own free gift in order that, being thus relieved of so great a burden, they may furnish themselves so well with horses and arms that they may be properly equipped and prepared to discharge my service and to defend my kingdom.

12. I establish a firm peace in all my kingdom, and I order that this peace shall henceforth be kept.

13. I restore to you the law of King Edward together with such emendations to it as my father made with the counsel of his barons.

14. If since the death of my brother, King William, anyone shall have seized any of my property, or the property of any other man, let him speedily return the whole of it. If he does this no penalty will be exacted, but if he retains any part of it he shall, when discovered, pay a heavy penalty to me.

Witness: Maurice, bishop of London; William, bishop-elect of Winchester;² Gerard, bishop of Hereford; Henry the earl;³ Simon the earl;⁴ Walter Giffard; Robert of Montfort-sur-Risle; Roger Bigot; Eudo the steward; Robert, son of Haimo; and Robert Malet.

At Westminster when I was crowned. Farewell.

20. charter of Stephen addressed generally (probably 1135)

This charter is of uncertain date but was probably issued in 1135 at the time of Stephen's coronation. It is vague and formal in its terms, but the reference to Edward the Confessor is of interest. It has been printed many times, notably in W. Stubbs, *Select Charters* (1913 edn), p. 142.

Stephen (by the grace of God), king of the English, to the justices sheriffs, Sbarons, and to all his servants and liegemen, both French and English, greeting. Know that I have granted, and by this present charter confirmed, to

¹ cf. No. 28

² William Giffard. He was not consecrated until 11 August 1107.

³ Henry of Beaumont, earl of Warwick: see table 12 ⁴ Simon "de St-Liz", earl of Huntingdon: see table 9

all my barons and vassals of England all the liberties and good laws which Henry, king of the English, my uncle,¹ granted and conceded to them. I also grant them all the good laws and good customs which they enjoyed in the time of King Edward.² Wherefore I will and firmly command that both they and their heirs shall have and hold all these good laws and liberties from me and from my heirs freely, fully and in peace. And I forbid anyone to molest or hinder them, or to cause them loss or damage in respect of these things under pain of forfeiture to me.

Witness: William Martel.

At London.

21. charter of Stephen addressed generally (1136)

The bid on the part of the king for ecclesiastical support is noteworthy (cf. Nos 19, 20, above), and the large number of witnesses represent a full session of the king's court. In the Hereford copy of the charter it is described as given in *communi concilio*. The original, in the possession of the dean and chapter of Salisbury, is described by R. L. Poole, in *Hist. MSS Comm.: Report on MSS in Various Collections*, I (1901), 384; and the circumstances in which it was granted, by J. H. Round, *Geoffrey de Mandeville* (1892), pp. 19-23. Many copies of this charter have survived and it has been printed many times; the text is in W. Stubbs, *Select Charters* (1913 edn), pp. 143, 144.

I, Stephen, by the grace of God, and, with the assent of the clergy and people, elected king of the English,³ and consecrated thereto by William,⁴ archbishop of Canterbury and legate of the holy Roman Church, and confirmed by Innocent,⁵ pope of the holy Roman see, out of respect and love towards God, do grant freedom to holy Church and confirm the reverence due to her.

I promise that I will neither do nor permit anything to be done simoniacally in the Church, or in ecclesiastical affairs. I allow and concede that jurisdiction and authority over ecclesiastical persons and over all clerks and their property, together with the disposal of ecclesiastical estates, shall lie in the hands of the bishops. I grant and decree that the immunities of churches confirmed by their charters, and their customs which have been observed from antiquity, shall remain inviolate. I grant also that all ecclesiastical possessions and tenures, which were held on the day King William, my grandfather, was alive and dead, shall be free and quit of all dues and from the claims of all litigants. But if the Church shall hereafter seek to claim possessions which it held before the death of the said king, but of which it is now deprived, I reserve to my own pleasure and decision whether the matter is to be discussed, or the property restored. But whatsoever has been bestowed upon the churches since the death of the said king by the generosity of kings or the munificence of princes, whether in alms or by purchase, or by any other alienation on the part of the faithful, I duly confirm. I promise that I will keep peace and do justice to all men, and preserve them as far as I am able.

¹ Henry I

² Edward the Confessor

³ The whole charter may be regarded as an exotic diplomatic form.

⁴ "de Corbeil"

⁵ Innocent II