

- ✠ I, Benedict, bishop of Porto and S. Rufina, have signed.
- ✠ I, Cinthius, cardinal priest of the title of S. Lorenzo in Lucina, have signed.
- ✠ I, Cencius, cardinal priest of SS Giovanni e Paolo of the title of Pammachius, have signed.
- ✠ I, Peter, cardinal priest of the title of S. Marcello, have signed.
- ✠ I, Leo, cardinal priest of the title of Santa Croce in Gerusalemme, have signed.
- ✠ I, Peter, cardinal priest of Santa Pudenziana of the title of the pastor, have signed.
- ✠ I, Guala, cardinal priest of S. Martino of the title of Equitius, have signed.
- ✠ I, John, cardinal priest of the title of Santa Prassede, have signed.
- ✠ I, Guy, cardinal deacon of S. Nicola in Carcere Tulliano, have signed.
- ✠ I, Octavian, cardinal deacon of Santi Sergio e Bacco, have signed.
- ✠ I, John, cardinal deacon of Santi Cosma e Damiano, have signed.
- ✠ I, Angelus, cardinal deacon of S. Adriano, have signed.

Rome, St Peter's, by the hand of master Raynaldus, acolyte and chaplain to the lord pope Innocent III, the 21st of April, indiction 2, A.D. 1214, in the 17th year of the pontificate of the lord Innocent

18. The "Unknown" Charter of Liberties, before 15 June 1215

(Paris, Archives Nationales: Archives du Royaume J. 655, as printed in J. C. Holt, *Magna Carta* (Cambridge, 1965), App. II, more particularly pp. 302-3)

The problem presented by this text and the discussion it has given rise to are summarised in Holt, loc. cit.

- [1] King John concedes that he will not take a man without judgment, nor accept anything for doing justice and will not do injustice.
- [2] And if my baron or my man should happen to die and his heir is of age, I ought to give him his land at a just relief without taking more.
- [3] And if it be that the heir is under age, I ought to put the land in charge of four knights from among the more lawful men of the fief, and they with my official ought to render to me the revenues of the land without sale of woods and without letting men be redeemed and without destruction of park and preserve; and then when the heir comes of age I will let him have the land without payment.
- [4] If a woman is heir to the land, I ought to give her in marriage on the advice of her relatives so that she is not disparaged; and if I give her once in marriage I cannot give her again, but she can marry as she pleases, though not to my enemies.
- [5] If my baron or man should happen to die, I grant that his money¹ be divided as he himself willed; and if he dies unexpectedly through arms or unforeseen illness, his wife or children or relatives and close friends shall divide it for the good of his soul.
- [6] And his wife shall not leave the house within forty days and until she has had her proper dower, and she shall have her marriage portion.
- [7] In addition, I grant to my men that they should not serve in the army outside

¹ pecunia

- England save in Normandy and Brittany, and this properly, because if anyone owes me the service of ten knights it shall be alleviated by the counsel of my barons.
- [8] And if a scutage takes place in the land one mark of silver will be taken on the knight's fee, and if the burden of an army occurs more may be taken by the counsel of the barons of the kingdom.
- [9] Further, I grant that all the forests which my father and my brother and I have made forest I disafforest.
- [10] Furthermore, I grant that knights who have their own wood in my ancient forests are to have the wood from now on for their rights of herbage and for burning; and they are to have their forester¹ and I one only to protect my beasts.
- [11] And if any of my men dies in debt to the Jews, the debt shall not bear interest as long as his heir is under age.
- [12] And I grant that a man is not to lose life or limb for a beast.

19. The articles of the barons, 15 June 1215

(Brit. Mus. Add. MS. 4838 - the original. Now best read in print in J. C. Holt, *Magna Carta* (Cambridge, 1965), App. III, but also conveniently in W. Stubbs, *Select Charters*, 9th edn, pp. 285-91)

This document "the preliminary draft terms not yet put into charter form . . . the true original [of Magna Carta] which must have been seen and handled by both parties [at Runnymede]", has been called "the most momentous single document in our history" and its survival, "a miracle" (V. H. Galbraith, *Studies in the Public Records*, p. 124).

These are the articles which the barons ask for and the lord king grants

- [1] After the death of their predecessors, heirs who are of full age shall have their inheritance on payment of the old relief, which is to be stated in the charter.
- [2] Heirs who are under age and are wards shall have their inheritance when they come of age without paying relief and without making fine.
- [3] The guardian of the land of an heir shall take reasonable revenues, customary dues and services without destruction and waste of his men and goods, and if the guardian of the land causes destruction and waste, he shall lose the wardship; and the guardian shall keep in repair the houses, parks, preserves, ponds, mills and other things pertaining to the land out of the revenue from it; and that heirs shall be so married that they are not disparaged and on the advice of those nearest in blood to them.
- [4] That a widow shall not pay anything to have her dower or marriage portion after the death of her husband, but shall remain in his house for forty days after his death, and within that term the dower shall be assigned to her; the marriage portion and her inheritance she shall have forthwith.
- [5] King or bailiff shall not seize any land for debt while the chattels of the debtor suffice; nor shall those who have gone surety for the debtor be distrained while the principal debtor is himself able to pay; if however the principal debtor fails to pay, the sureties shall, if they wish, have the lands of the debtor until that debt is fully paid, unless the principal debtor can show that he has discharged his obligation in the matter to the sureties.

¹ a private forester, i.e. woodward