

- ✠ 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 money<sup>1</sup> 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

<sup>1</sup> 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 forester<sup>1</sup> 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.

<sup>1</sup> a private forester, i.e. woodward

[6] The king shall not grant any baron the right to take an aid from his free men, except for ransoming his person, for making his eldest son a knight and for once marrying his eldest daughter, and this he shall do by a reasonable aid.

[7] That no one shall do greater service for a knight's fee than is due from it.

[8] That common pleas shall not follow the court of the lord king, but shall be assigned in some fixed place; and that recognitions be held in the counties to which they relate,<sup>1</sup> in this manner – that the king shall send two justices four times a year, who with four knights of the same county chosen by the county shall hold assizes of *novel disseisin*, *mort d'ancestor* and *darrein presentment*, nor shall anyone be summoned on account of this save the jurors and the two parties.

[9] That a free man shall be amerced for a trivial offence in accordance with the degree of the offence, and for a grave offence in accordance with its gravity, yet saving his way of living;<sup>2</sup> a villein also shall be amerced in the same way, saving his means of livelihood;<sup>3</sup> and a merchant in the same way, saving his stock-in-trade;<sup>4</sup> by the oath of good men of the neighbourhood.

[10] That a clerk shall be amerced in respect of his lay fief after the manner of the others aforesaid and not according to his ecclesiastical benefice.

[11] That no vill shall be amerced for the purpose of making bridges at river banks save where they used to be legally and of old.

[12] That the measure for wine, corn and widths of cloths and other things be improved; and so with weights.

[13] That assizes of *novel disseisin* and of *mort d'ancestor* be shortened; and similarly with other assizes.

[14] That no sheriff shall concern himself with pleas pertaining to the crown without coroners; and that counties and hundreds be at the old rents without any additional payment, except the king's demesne manors.

[15] If anyone holding of the king dies, it shall be lawful for the sheriff or other bailiff of the king to seize and make a list of his chattels under the supervision of law-worthy men, provided that none of the chattels shall be removed until it is more fully known whether he owes any manifest<sup>5</sup> debt to the lord king and then the debt to the king is paid in full; the residue however shall be left to the executors for carrying out the will of the deceased. And if nothing is owing to the king, all the chattels shall accrue to the deceased.

[16] If any free man dies without leaving a will, his goods shall be distributed by his nearest kinsfolk and friends and under the supervision of the church.

[17] That widows shall not be forced to marry, so long as they wish to live without a husband, provided that they give security not to marry without the consent of the king, if they hold of the king, or of the lords of whom they hold.

[18] That no constable or other bailiff shall take corn or other chattels unless he pays on the spot in cash for them, unless he can delay payment by arrangement with the seller.

[19] That no constable shall be able to compel any knight to give money instead of

<sup>1</sup> in *eisdem comitatibus*  
<sup>4</sup> *mercandisa*

<sup>2</sup> *contenementum*  
<sup>5</sup> *liquidum*

<sup>3</sup> *waynagium*

castle-guard if he is willing to do the guard himself or through another good man, if for some good reason he cannot do it himself; and if the king leads him on military service, let him be excused guard in proportion to the time.

[20] That no sheriff or king's bailiff or anyone else shall take the horses or carts of any free man for transport work save with his agreement.

[21] That neither the king nor his bailiff shall take another man's timber for castles or other works of his, except with the agreement of him whose timber it is.

[22] That the king shall not hold for more than a year and a day the land of those convicted of felony, but then it shall be handed over to the lord of the fief.

[23] That all fish-weirs be henceforth cleared completely from the Thames and Medway and throughout all England.

[24] That the writ called *Praeceptum* be not in future issued to anyone in respect of any holding whereby a free man may lose his court.

[25] If any one has been disseised of or kept out of his lands, franchises and his right by the king without a judgment, let it be immediately restored to him; and if a dispute arises over this, then let it be decided by the judgment of the twenty-five barons; and that those who were disseised by the father or the brother of the king get justice without delay by the judgment of their peers in the king's court; and let the archbishop and bishops by a certain date give their decision, which shall be final,<sup>1</sup> whether the king should have the respite allowed to other crusaders.

[26] That nothing be given for the writ of inquisition of life or limbs, but that instead it be freely granted without charge and not refused.

[27] If anyone holds of the king by fee-farm, by socage, or by burgage, and of another by knight service, the lord king shall not, by reason of the burgage or socage, have the wardship of the knights of the fief of the other, nor ought he to have custody of the burgage, socage or fee-farm; and that a free man shall not lose his knight service<sup>2</sup> by reason of petty serjeanties, such as those who hold any holding by rendering knives or arrows or the like for it.

[28] That no bailiff be able to put anyone to trial<sup>3</sup> upon his own bare word without reliable witnesses.

[29] That the body of a free man be not arrested or imprisoned or disseised or outlawed or exiled or in any way victimised, nor shall the king attack or send anyone to attack him with force, except by the judgment of his social equals or<sup>4</sup> by the law of the land.

[30] That right be not sold or delayed or forbidden to be done.

[31] That merchants be able to go and come safely for buying or selling by the ancient and right customs, free from all evil tolls.

[32] That no scutage or aid be imposed in the kingdom unless by common counsel of the kingdom, except for ransoming the king's person, for making his eldest son a knight, and for once marrying his eldest daughter; and for this a reasonable aid shall be levied. Be it done in like manner concerning tallages and aids from the city of

<sup>1</sup> *appellatione remota*

<sup>2</sup> *militia*

<sup>3</sup> *lex* (here a technical term for a trial, such as compurgation, ordeal or combat)

<sup>4</sup> *vel*

London and from other cities which have liberties in respect thereof, and that the city of London have in full its ancient liberties and free customs as well by water as by land.

[33] That it be lawful for any one, without prejudicing the allegiance due to the lord king, to leave the kingdom and return, save, in the public interest, for a short period in time of war.

[34] If anyone who has borrowed from the Jews any sum, great or small, dies before it is repaid, the debt shall not bear interest as long as the heir is under age, of whomsoever he holds; and if the debt falls into the hand of the king, the king shall not take anything except the principal which is mentioned in the bond.

[35] If anyone dies indebted to the Jews, his wife shall have her dower; and if children are left, they shall be provided with necessities befitting the holding; and the debt shall be paid out of the residue, reserving, however, service due to lords of the land; other debts shall be dealt with in like manner; and that the guardian of the land shall restore to the heir when he comes of full age his land stocked, according to what he can reasonably bear from the revenues of the land, with ploughs and the means of husbandry.

[36] If anyone who holds of some escheat such as the honour of Wallingford, Nottingham, Boulogne, and Lancaster or<sup>1</sup> of other escheats which are in the king's hands and are baronies, dies, his heir shall give no other relief or do no other service to the king than he would have done to the baron; and that the king hold it in the same manner in which the baron held it.

[37] That fines made for dowers, marriage portions, inheritances and amercements unjustly and against the law of the land be entirely remitted, or else let them be settled by the judgment of the twenty-five barons, or by the judgment of the majority of the same, along with the archbishop and such others as he may wish to associate with himself, provided that if any one or more of the twenty-five are in a like suit they be removed and others put in their place by the rest of the twenty-five.

[38] That hostages and charters given to the king as security be returned.

[39] That those who were outside the forest need not come before justices of the forest upon a general summons, unless they are impleaded or are sureties; and that wicked customs connected with forests and with foresters and warrens and sheriffs and river-banks be amended by twelve knights of every county who are to be chosen by good men of the same county.

[40] That the king remove completely from office<sup>2</sup> the relations and all the following of Gerard d'Athée so that they have no office in future, namely Engeland, Andrew, Peter and Guy de Chanceaux, Guy de Cigogné, Matthew de Martigny and his brothers and his nephew Geoffrey and Philip Marc.

[41] And that the king remove foreign knights, mercenaries, cross-bowmen, routiers and serjeants, who come with horses and arms to the detriment of the kingdom.

[42] That the king make justices, constables, sheriffs and bailiffs of such as know the law of the land and mean to observe it well.

<sup>1</sup> et<sup>2</sup> de balliva

[43] That barons who have founded abbeys, for which they have royal charters<sup>1</sup> or ancient tenure, have the custody of them during vacancies.

[44] If the king has disseised or kept out Welshmen from lands or liberties or from other things in England or in Wales they shall be immediately restored to them without a lawsuit;<sup>2</sup> and if they were disseised or kept out of their holdings in England by the king's father or brother without the judgment of their peers, the king shall without delay do justice to them in the way that he does justice to the English, for their holdings in England according to the law of England, and for holdings in Wales according to the law of Wales, and for holdings in the March according to the law of the March; Welshmen shall do the same to the king and his men.<sup>3</sup>

[45] That the king give back the son of Llywelyn and, besides, all the hostages from Wales and the charters that were handed over to him as security for peace

unless, in the judgment of the archbishop and of such others as he may wish to associate with himself, it ought to be otherwise by the charters which the king has.

[46] That the king act towards the king of the Scots concerning the return of hostages and concerning his franchises and his right in the same manner in which he acts towards the barons of England

[47] And let all forests that have been made forest by the king in his time be disafforested, and so be it done with river-banks that have been made preserves<sup>4</sup> by the king himself.

[48] All these customs and liberties which the king has granted to be observed in the kingdom as far as it pertains to him towards his men, all of the kingdom, clerks as well as laymen, shall observe as far as it pertains to them towards their men.

[A space in the manuscript between [48] and [49]]

[49] This is the form of security for the observance of the peace and liberties between the king and the kingdom. The barons shall choose any twenty-five barons of the kingdom they wish, who must with all their might observe, hold and cause to be observed, the peace and liberties which the lord king has granted and confirmed to them by his charter; so that if the king or the justiciar or the king's bailiffs or any one of his servants offends in any way against any one or transgresses any of the articles of the peace or the security and the offence be notified to four of the aforesaid twenty-five barons, those four barons shall come to the lord king, or to his justiciar if the king is out of the kingdom, and, laying the transgression before him, shall petition him to have that transgression corrected without delay; and if the king or his justiciar does not correct it, if the king is out of the kingdom, within a reasonable time to be determined in the charter, the aforesaid four shall refer that case to the rest of the twenty-five barons and those twenty-five together with the community of the whole land shall distrain and distress the king in every way they can, namely, by seizing castles, lands, possessions, and in such other ways as they can, saving the

<sup>1</sup> cartas regum<sup>2</sup> suis<sup>3</sup> sine placito<sup>4</sup> literally, "are 'in defence'"

person of the lord king and the persons of the queen and his children, until, in their opinion, amends have been made; and when amends have been made they shall obey the lord king as before. And anyone in the land who wishes shall take an oath to obey the orders of the said twenty-five barons for the execution of the aforesaid matters, and with them to distress the king as much as he can, and the king shall publicly and freely give anyone leave to take the oath who wishes to take it and he shall never prohibit anyone from taking it. Indeed, all those in the land who are unwilling of their own accord and of themselves to take an oath to the twenty-five barons to help them to distrain and distress the king, the king shall make them take the oath as aforesaid at his command. Also, if any of the said twenty-five barons dies or leaves the country or is in any other way prevented from carrying out the things aforesaid, the rest of the twenty-five shall choose as they think fit another one in his place, and he shall take the oath like the rest. In all matters the execution of which is committed to these twenty-five barons, if it should happen that these twenty-five are present yet disagree among themselves about anything, or if some of those summoned will not or cannot be present, that shall be held, as fixed and established which the majority of them ordained or commanded, exactly as if all the twenty-five had consented to it; and the said twenty-five shall swear that they will faithfully observe all the things aforesaid and will do all they can to get them observed. Furthermore, the king shall give them security by charters of the archbishop and bishops and master Pandulf that he will procure nothing from the lord pope whereby any of the things here agreed might be revoked or diminished, and if he does procure any such thing, let it be reckoned void and null and let him never use it.

## 20. Magna Carta, 1215

(There is no "original" of the Charter of Liberties of 1215. Four copies sent out from the royal chancery shortly after the meeting at Runnymede on 19 June survive: two are in the British Museum, one at Lincoln Cathedral, and one at Salisbury Cathedral. Each consists of a single sheet of parchment measuring approximately 15 × 20 in. The punctuation, division into paragraphs, and numeration of them in the translation which follows are in accordance with the practice of modern editors. The Latin text has been printed many times, most conveniently in Stubbs, *Select Charters* (9th edn, ed H. W. C. Davis, pp. 292–302), most recently by J. C. Holt, *Magna Carta* (Cambridge, 1965), App. IV)

Professor Holt's book just mentioned is quite indispensable, superseding for the historian that of W. S. McKelvie, *Magna Carta*, 2nd edn (Glasgow, 1914).

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and count of Anjou, to the archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, stewards, servants, and to all his bailiffs and faithful subjects, greeting. Know that we, out of reverence for God and for the salvation of our soul and those of all our ancestors and heirs, for the honour of God and the exaltation of holy church, and for the reform of our realm, on the advice of our venerable fathers, Stephen, archbishop of Canterbury, primate of all England and cardinal of the holy Roman church, Henry archbishop of Dublin, William of London, Peter of Winchester, Jocelyn of Bath and Glastonbury, Hugh of Lincoln, Walter of

<sup>1</sup> *istarum conventionum*

Worcester, William of Coventry and Benedict of Rochester, bishops, of master Pandulf, subdeacon and member of the household of the lord pope, of brother Aymeric, master of the order of Knights Templar in England, and of the noble men William Marshal earl of Pembroke, William earl of Salisbury, William earl of Warenne, William earl of Arundel, Alan of Galloway constable of Scotland, Warin fitz Gerold, Peter fitz Herbert, Hubert de Burgh seneschal of Poitou, Hugh de Neville, Matthew fitz Herbert, Thomas Basset, Alan Basset, Philip de Aubeney, Robert of Ropsley, John Marshal, John fitz Hugh, and others, our faithful subjects: [1] In the first place have granted to God, and by this our present charter confirmed for us and our heirs for ever that the English church shall be free, and shall have its rights undiminished and its liberties unimpaired; and it is our will that it be thus observed; which is evident from the fact that, before the quarrel between us and our barons began, we willingly and spontaneously granted and by our charter confirmed the freedom of elections which is reckoned most important and very essential to the English church, and obtained confirmation of it from the lord pope Innocent III; the which we will observe and we wish our heirs to observe it in good faith for ever. We have also granted to all free men of our kingdom, for ourselves and our heirs for ever, all the liberties written below, to be had and held by them and their heirs of us and our heirs.

[2] If any of our earls or barons or others holding of us in chief by knight service dies, and at his death his heir be of full age and owe relief he shall have his inheritance on payment of the old relief, namely the heir or heirs of an earl £100 for a whole earl's barony, the heir or heirs of a baron £100 for a whole barony, the heir or heirs of a knight 100s, at most, for a whole knight's fee; and he who owes less shall give less according to the ancient usage of fiefs.

[3] If, however, the heir of any such be under age and a ward, he shall have his inheritance when he comes of age without paying relief and without making fine.

[4] The guardian of the land of such an heir who is under age shall take from the land of the heir no more than reasonable revenues, reasonable customary dues and reasonable services, and that without destruction and waste of men or goods; and if we commit the wardship of the land of any such to a sheriff, or to any other who is answerable to us for its revenues, and he destroys or wastes what he has wardship of, we will take compensation from him and the land shall be committed to two lawful and discreet men of that fief, who shall be answerable for the revenues to us or to him to whom we have assigned them; and if we give or sell to anyone the wardship of any such land and he causes destruction or waste therein, he shall lose that wardship, and it shall be transferred to two lawful and discreet men of that fief, who shall similarly be answerable to us as is aforesaid.

[5] Moreover, so long as he has the wardship of the land, the guardian shall keep in repair the houses, parks, preserves, ponds, mills and other things pertaining to the land out of the revenues from it; and he shall restore to the heir when he comes of age his land fully<sup>1</sup> stocked with ploughs and the means of husbandry<sup>2</sup> according to what the season of husbandry requires and the revenues of the land can reasonably bear.

<sup>2</sup> *waynagiis*, cf. c. 20 below

<sup>1</sup> *totam*