

Magna Carta

- Date** ■ June 15, 1215
Place ■ Runnymede, England
Type of Source ■ Government document (original in Latin)
Author ■ Officially King John of England, drafted by Archbishop Stephen Langton and several important barons
- Historical Context** ■ King John's high taxes, quarrels with Pope Innocent III, and defeats in France turned the nobility of England against John. Without an obvious replacement, the nobles forced John to agree to the Magna Carta, protecting the feudal rights of the nobility, the Church, and the towns. The limits on royal power, the guarantee of legal due process, and required consent for new taxes would become the basis of the unwritten English constitution. It also inspired most modern constitutions, including that of the United States.
- Internal Context** ■ The Magna Carta was originally written in a single passage. Later interpreters would break it up into the clauses shown here.

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and count of Anjou, to the archbishop, bishops, **abbots, earls, barons, justiciaries, foresters, sheriffs**, stewards, servants, and to all his **bailiffs** and liege subjects, greetings...

12. No **scutage** nor **aid** shall be imposed on our kingdom, unless by common **counsel** of our kingdom, except **for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter**; and for these there shall not be levied more than a reasonable aid. In like manner it shall be done concerning aids from the city of London.
13. And the city of London shall have all its ancient liberties and free customs, as well by land as by water; furthermore, we decree and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.
14. And for obtaining the common counsel of the kingdom for the assessing of an aid (except in the three cases aforesaid) or of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, severally by our letters; and we will moreover cause to be summoned generally, through the sheriffs and other officials, to come together on a fixed day (of which at least forty days notice shall be given) and at a fixed place. In all letters of summons, the cause of the summons will be stated. When a summons has been issued, the business appointed for the day shall go forward in accordance with the resolution of those present, even if not all those who were summoned have appeared.

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Latin for "Great Charter"

abbots

heads of monasteries

earls, barons

ranks of nobility

justiciaries

officers of the King's Court and judges

foresters, sheriffs, bailiffs

law-enforcement officers

scutage

a tax or fee given by a knight instead of providing military service. John had demanded scutage even when there was no war.

aid

a special fee the king could ask for in the event of certain special occasions and emergencies

counsel

consent

for ransoming...

These were the three main obligations a vassal owed his lord. See the social structure chart in Atlas of World History, page 68, for more on feudal obligations.

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15. We will not for the future grant to anyone license to take an aid from his own free tenants, except to ransom his person, to make his eldest son a knight, and once to marry his eldest daughter; and on each of these occasions there shall be levied only a reasonable aid.
16. No one shall be forced to perform greater service for a knight's fee, or for any other free **tenement**, than is due from it.
17. Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.
18. **Inquests of novel disseisin**, of **mort d'ancestor**, and of **darrein presentment** shall not be held elsewhere than in their own county courts, and that in manner following; We, or, if we should be out of the realm, our **chief justiciar**, will send two justiciaries through every county four times a year, who shall alone with four knights of the county chosen by the county, hold the said **assizes** in the county court, on the day and in the place of meeting of that court.
19. And if any of the said assizes cannot be taken on the day of the county court, let there remain of the knights and freeholders, who were present at the county court on that day, as many as may be required for the efficient making of judgments, according as the business be more or less.
20. A freeman shall not be **amerced** for a slight offense, except in accordance with the degree of the offense; and for a grave offense he shall be amerced in accordance with the gravity of the offense, but not so heavily as to deprive him of his livelihood; and a merchant in the same way, saving his "merchandise"; and a **villein** shall be amerced in the same way, saving his "**wainage**" if they have fallen into our mercy: and none of the aforesaid ameracements shall be imposed except by the oath of honest men of the neighborhood.
21. Earls and barons shall not be amerced except through their peers, and only in accordance with the degree of the offense.
22. A **clerk** shall not be amerced in respect of his **lay holding** except after the manner of the others aforesaid; further, he shall not be amerced in accordance with the extent of his **ecclesiastical benefice**.
23. No village or individual shall be compelled to make bridges at river banks, except those who from of old were legally bound to do so.
24. No sheriff, constable, coroners, or others of our bailiffs, shall hold **pleas of our Crown**...
36. Nothing in future shall be given or taken for a **writ of inquisition of life or limbs**, but it shall be granted for free, and never denied...
38. No bailiff for the future shall, upon his own unsupported complaint, put anyone on trial, without credible witnesses brought for this purposes.

tenement
rental property

Inquests of novel disseisin, mort d'ancestor, darrein presentment
different types of cases dealing with alleged land dispossession

chief justiciar
the king's highest official, similar to a modern prime minister

assizes
law courts

amerced
fined

villein
peasant

wainage
cart, livestock, and other tools for farming

clerk
priest or other religious official

lay holding
property not belonging to the church. Church officials gained lay holdings through their family.

ecclesiastical benefice
property or salary provided by the Church

pleas of our Crown
This clause forbids law enforcement officers from holding criminal courts for serious crimes.

writs of inquisition of life or limbs
judicial writ allowing for a jury trial rather than trial by combat

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39. No freemen shall be taken or imprisoned or **disseised** or exiled or in any way destroyed, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his peers or by the law of the land.
40. To no one will we sell, to no one will we refuse or delay, right or justice.
41. All merchants shall have safe and secure exit from England, and entry to England, with the right to **tarry** there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all **evil tolls**, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war, they shall be detained, without injury to their bodies or goods, until information be received by us, or by our chief justiciar, how the merchants of our land found in the land at war with us are treated; and if our men are safe there, the others shall be safe in our land.
42. It shall be lawful in future for anyone (excepting always those imprisoned or outlawed in accordance with the law of the kingdom, and natives of any country at war with us, and merchants, who shall be treated as if above provided) to leave our kingdom and to return, safe and secure by land and water, except for a short period in time of war, on grounds of public policy—reserving always the allegiance due to us...
45. We will appoint as justices, constables, sheriffs, or bailiffs only such as know the law of the realm and mean to observe it well...
52. If anyone has been dispossessed or removed by us, without the legal judgment of his peers, from his lands, castles, **franchises**, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty barons of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseised or removed, by our father, **King Henry**, or by our brother, **King Richard**, and which we retain in our hand (or which as possessed by others, to whom we are bound to warrant them) we shall have respite until the usual term of crusaders; excepting those things about which a plea has been raised, or an inquest made by our order, before our taking of the cross; but as soon as we return from the expedition, we will immediately grant full justice therein.
53. We shall have, moreover, the same respite and in the same manner in rendering justice concerning the **disafforestation** or retention of those forests which Henry our father and Richard our brother afforested, and concerning the wardship of lands which are of the fief of another (namely, such wardships as we have hitherto had by reason of a fief which anyone held of us by knight's service), and concerning abbeys founded on other fiefs than our own, in which the lord of the fee claims to have right; and when we have returned, or if we desist from our

disseised
dispossessed

tarry
remain, wait

evil tolls
illegal extortions from officials

franchises
liberties, rights

King Henry II
ruled from 1154–1189. Henry II had largely been responsible for establishing formal law courts and jury trials in England.

King Richard I
ruled from 1189–1199. Richard, called "the Lion Heart," was famed for leading the Third Crusade (see Atlas of World History, pages 70–71). Because Richard was almost never in England, John had unsuccessfully tried to take control of the country.

disafforestation
removing the charter on a section of royal hunting ground (a forest, but not necessarily a woodland). People legally living in forests or on the edge of the forests had special legal rights.

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expedition, we will immediately grant full justice to all who complain of such things.

54. No one shall be arrested or imprisoned upon the appeal of a woman, for the death of any other than her husband.
55. All fines made with us unjustly and against the law of the land, and all amercements, imposed unjustly and against the law of the land, shall be entirely remitted, or else it shall be done concerning them according to the decision of the five and twenty barons whom mention is made below in the clause for securing the pease, or according to the judgment of the majority of the same, along with the aforesaid Stephen, archbishop of Canterbury, if he can be present, and such others as he may wish to bring with him for this purpose, and if he cannot be present the business shall nevertheless proceed without him, provided always that if any one or more of the aforesaid five and twenty barons are in a similar suit, they shall be removed as far as concerns this particular judgment, others being substituted in their places after having been selected by the rest of the same five and twenty for this purpose only, and after having been sworn.
56. If we have disseised or removed **Welshmen** from lands or liberties, or other things, without the legal judgment of their peers in England or in Wales, they shall be immediately restored to them; and if a dispute arise over this, then let it be decided in the marches by the judgment of their peers; for the tenements in England according to the law of England, for tenements in Wales according to the law of Wales, and for tenements in the **marches** according to the law of the marches. Welshmen shall do the same to us and ours...
63. Wherefore we will and firmly order that the English Church be free, and that the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely and quietly, fully and wholly, for themselves and their heirs, of us and our heirs, in all respects and in all places forever, as is aforesaid. An oath, moreover, has been taken, as well on our part as on the part of the barons, that all these conditions aforesaid shall be kept in good faith and without evil intent.

Given under our hand—the **above named** and many others being witnesses—in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.

Welshmen

men from Wales. The Welsh were largely ruled King Llywelyn the Great, who supported the English barons against John.

marches

The marches were border areas between England and Wales that were ruled by largely independent nobles on behalf of the English king or one of the Welsh kings. Different laws applied to the marches than elsewhere in the kingdoms.

above named

The witnesses were listed in the preamble but have been omitted from this copy.

Source: "The Magna Carta," *Constitution Society*, n.d., <<http://constitution.org/cons/magnacar.htm>> (June, 3, 2011).