



Tuesday, February 17, 2009



Documents of Freedom

MAGNA CARTA

A translation of Magna Carta as confirmed by Edward I with his seal in 1297

[Preamble] EDWARD by the grace of God, King of England, Lord of Ireland, and Duke of Guyan, to all Archbishops, Bishops, etc. We have seen the Great Charter of the Lord HENRY, sometimes King of England, our father, of the Liberties of England, in these words: Henry by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Guyan, and Earl of Anjou, to all Archbishops, Bishops, Abbots, Priors, Earls, Barons, Sheriffs, Provosts, Officers, and to all Bailiffs and other our faithful Subjects, which shall see this present Charter, Greeting. Know ye that we, unto the honour of Almighty God, and for the salvation of the souls of our progenitors and successors, Kings of England, to the advancement of holy Church, and amendment of our Realm, of our meer and free will, have given and granted to all Archbishops, Bishops, Abbots, Priors, Earls, Barons, and to all freemen of this our realm, these liberties following, to be kept in our kingdom of England for ever.

[1] First, We have granted to God, and by this our present Charter have confirmed, for us and our Heirs for ever, That the Church of England shall be free, and shall have her whole rights and liberties inviolable. We have granted also, and given to all the freemen of our realm, for us and our Heirs for ever, these liberties underwritten, to have and to hold to them and their Heirs, of us and our Heirs for ever.

[2] If any of our Earls or Barons, or any other, which holdeth of Us in chief by Knights service, shall die and at the time of his death his heir be of full age, and oweth us Relief, he shall have his inheritance by the old Relief; that is to say, the heir or heirs of an Earl, for a whole Earldom, by one hundred pound; the heir or heirs of a Baron, for an whole Barony, by one hundred marks; the heir or heirs of a Knight, for one whole Knights fee, one hundred shillings at the most; and he that hath less, shall give less, according to the custom of the fees.

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[3] But if the Heir of any such be within age, his Lord shall not have the ward of him, nor of his land, before that he hath taken him homage. And after that such an heir hath been in ward (when he is come of full age) that is to say, to the age of one and twenty years, he shall have his inheritance without Relief, and without Fine; so that if such an heir, being within age, be made Knight, yet nevertheless his land shall remain in the keeping of his Lord unto the term aforesaid.

[4] The keeper of the land of such an heir, being within age, shall not take of the lands of the heir, but reasonable issues, reasonable customs, and reasonable servics, and that without destruction and waste of his men and goods. And if we commit the custody of any such land to the Sheriff, or to any other, which is answerable unto us for the issues of the same land, and he make destruction or waste of those things that he hath in custody, we will take of him amends and recompence therefore, and the land shall be committed to two lawful and discreet men of that fee, which shall answer unto us for the issues of the same land, or unto him whom we will assign. And if we give or sell to any man the custody of any such land, and he therein do make destruction or waste, he shall lose the same custody; and it shall be assigned to two lawful and discreet men of that fee, which also in like manner shall be answerable to us, as afore is said.

[5] The keeper, so long as he hath the custody of the land of such an heir, shall keep up the houses, parks, warrens, ponds, mills, and other things pertaining to the same land, with the issues of the said land; and he shall deliver to the Heir, when he cometh to his full age, all his land stored with ploughs, and all other things, at the least as he received it. All these things shall be observed in the custodies of the Archbishopricks, Bishopricks, Abbeyes, Priories, Churchs, and Dignities vacant, which appertain to us; except this, that such custody shall not be sold.

[6] Heirs shall be married without Disparagement.

[7] A Widow, after the death of her husband, incontinent, and without any Difficulty, shall have her marriage and her inheritance, and shall give nothing for her dower, her marriage, or her inheritance, which her husband and she held the day of the death of her husband, and she shall tarry in the chief house of her husband by forty days after the death of her husband, within which days her dower shall be assigned her (if it were not assigned her before) or that the house be a castle; and if she depart from the castle, then a competent house shall be forthwith provided for her, in the which she may honestly dwell, until her dower be to her assigned, as it is aforesaid; and she shall have in the meantime her reasonable estovers of the common; and for her do wer shall be assigned unto her the third part of all the lands of her husband, which were his during coverture, except she

were endowed of less at the Church-door. No widow shall be distrained to marry herself: nevertheless she shall find surety, that she shall not marry without our licence and assent (if she hold of us) nor without the assent of the Lord, if she hold of another.

[8] We or our Bailiffs shall not seize any land or rent for any debt, as long as the present Goods and Chattels of the debtor do suffice to pay the debt, and the debtor himself be ready to satisfy therefore. Neither shall the pledges of the debtor be distrained, as long as the principal debtor is sufficient for the payment of the debt. And if the principal debtor fail in the payment of the debt, having nothing wherewith to pay, or will not pay where he is able, the pledges shall answer for the debt. And if they will, they shall have the lands and rents of the debtor, until they be satisfied of that which they before paid for him, except that the debtor can show himself to be acquitted against the said sureties.

[9] The city of London shall have all the old liberties and customs, which it hath been used to have. Moreover we will and grant, that all other Cities, Boroughs, Towns, and the Barons of the Five Ports, and all other Ports, shall have all their liberties and free customs.

[10] No man shall be distrained to do more service for a Knights fee, nor any freehold, than therefore is due.

[11] Common Pleas shall not follow our Court, but shall be holden in some place certain.

[12] Assises of novel disseisin, and of Mortdancestor, shall not be taken but in the shires, and after this manner: If we be out of this Realm, our chief Justicer shall send our Justicers through every County once in the Year, which, with the Knights of the shires, shall take the said Assises in those counties; and those things that at the coming of our foresaid Justicers, being sent to take those Assises in the counties, cannot be determined, shall be ended by them in some other place in their circuit; and those things, which for difficulty of some articles cannot be determined by them, shall be referred to our Justicers of the Bench, and there shall be ended.

[13] Assises of Darrein Presentment shall be always taken before our Justices of the Bench, and there shall be determined.

[14] A Freeman shall not be amerced for a small fault, but after the manner of the fault; and for a great fault after the greatness thereof, saving to him his contenment; and a Merchant likewise, saving to him his Merchandise; and any other's villain than ours shall be likewise amerced, saving his wainage, if he falls into our mercy. And none of the said amerciaments shall be assessed, but by the oath of honest and lawful men of the vicinage. Earls and Barons shall not be amerced but by their Peers, and after the manner of their offence. No

man of the Church shall be amerced after the quantity of his spiritual Benefice, but after his Lay-tenement, and after the quantity of his offence.

[15] No Town or Freeman shall be distrained to make Bridges nor Banks, but such as of old time and of right have been accustomed to make them in the time of King Henry our Grandfather.

[16] No Banks shall be defended from henceforth, but such as were in defence in the time of King Henry our Grandfather, by the same places, and the same bounds, as they were wont to be in his time.

[17] No Sheriff, Constable, Escheator, Coroner, nor any other our Bailiffs, shall hold Pleas of our Crown.

[18] If any that holdeth of us Lay-fee do die, and our Sheriff or Bailiff do show our Letters Patents of our summon for Debt, which the dead man did owe to us; it shall be lawful to our Sheriff or Bailiff to attach or inroll all the goods and chattels of the dead, being found in the said fee, to the Value of the same Debt, by the sight and testimony of lawful men, so that nothing thereof shall be taken away, until we be clearly paid off the debt; and the residue shall remain to the Executors to perform the testament of the dead; and if nothing be owing unto us, all the chattels shall go to the use of the dead (saving to his wife and children their reasonable parts).

[19] No Constable, nor his Bailiff, shall take corn or other chattels of any man, if the man be not of the Town where the Castle is, but he shall forthwith pay for the same, unless that the will of the seller was to respite the payment; and if he be of the same Town, the price shall be paid unto him within forty days.

[20] No Constable shall distrain any Knight to give money for keeping of his Castle, if he himself will do it in his proper person, or cause it to be done by another sufficient man, if he may not do it himself for a reasonable cause. And if we lead or send him to an army, he shall be free from Castle-ward for the time that he shall be with us in fee in our host, for the which he hath done service in our wars.

[21] No Sheriff nor Bailiff of ours, or any other, shall take the Horses or Carts of any man to make carriage, except he pay the old price limited, that is to say, for carriage with two horse, x.d. a day; for three horse, xiv.d. a day. No demesne Cart of any Spiritual person or Knight, or any Lord, shall be taken by our Bailiffs; nor we, nor our Bailiffs, nor any other, shall take any man's wood for our Castles, or other our necessities to be done, but by the licence of him whose wood it shall be.

[22] We will not hold the Lands of them that be convict of Felony but one year and one day, and then those Lands shall be delivered to the

Lords of the fee.

[23] All Wears from henceforth shall be utterly put down by Thames and Medway, and through all England, but only by the Sea-coasts.

[24] The Writ that is called Praecipe in capite shall be from henceforth granted to no person of any freehold, whereby any freeman may lose his Court.

[25] One measure of Wine shall be through our Realm, and one measure of Ale, and one measure of Corn, that is to say, the Quarter of London; and one breadth of dyed Cloth, Russets, and Haberjects, that is to say, two Yards within the lists. And it shall be of Weights as it is of Measures.

[26] Nothing from henceforth shall be given for a Writ of Inquisition, nor taken of him that prayeth Inquisition of Life, or of Member, but it shall be granted freely, and not denied.

[27] If any do hold of us by Fee-ferm, or by Socage, or Burgage, and he holdeth Lands of another by Knights Service, we will not have the Custody of his Heir, nor of his Land, which is holden of the Fee of another, by reason of that Fee-ferm, Socage, or Burgage. Neither will we have the custody of such Fee-ferm, or Socage, or Burgage, except Knights Service be due unto us out of the same Fee-ferm. We will not have the custody of the Heir, or of any Land, by occasion of any Petit Serjeanty, that any man holdeth of us by Service to pay a Knife, an Arrow, or the like.

[28] No Bailiff from henceforth shall put any man to his open Law, nor to an Oath, upon his own bare saying, without faithful Witnesses brought in for the same.

[29] No Freeman shall be taken, or imprisoned, or be disseised of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any otherwise destroyed; nor will we pass upon him, nor condemn him, but by lawful Judgment of his Peers, or by the Law of the Land. We will sell to no man, we will not deny or defer to any man either Justice or Right.

[30] All Merchants (if they were not openly prohibited before) shall have their safe and sure Conduct to depart out of England, to come into England, to tarry in, and go through England, as well by Land as by Water, to buy and sell without any manner of evil Tolts, by the old and rightful Customs, except in Time of War. And if they be of a land making War against us, and such be found in our Realm at the beginning of the Wars, they shall be attached without harm of body or goods, until it be known unto us, or our Chief Justice, how our Merchants be intreated there in the land making War against us; and if our Merchants be well intreated there, theirs shall be likewise with

us.

[31] If any man hold of any Eschete, as of the honour of Wallingford, Nottingham, Boloin, or of any other Eschetes which be in our hands, and are Baronies, and die, his Heir shall give none other Relief, nor do none other Service to us, than he should to the Baron, if it were in the Baron's hand. And we in the same wise shall hold it as the Baron held it; neither shall we have, by occasion of any such Barony or Eschete, any Eschete or keeping of any of our men, unless he that held the Barony or Eschete hold of us in chief.

[32] No Freeman from henceforth shall give or sell any more of his Land, but so that of the residue of the Lands the Lord of the Fee may have the Service due to him, which belongeth to the Fee.

[33] All Patrons of Abbies, which have the King's Charters of England of Advowson, or have old Tenure or Possession in the same, shall have the Custody of them when they fall void, as it hath been accustomed, and as it is afore declared.

[34] No Man shall be taken or imprisoned upon the Appeal of a Woman for the Death of any other, than of her husband.

[35] No County Court from henceforth shall be holden, but from Month to Month; and where greater time hath been used, there shall be greater: Nor any Sheriff, or his Bailiff, shall keep his Turn in the Hundred but twice in the Year; and nowhere but in due place, and accustomed; that is to say, once after Easter, and again after the Feast of St. Michael. And the View of Frankpledge shall be likewise at the Feast of St. Michael without occasion; so that every man may have his Liberties which he had, or used to have, in the time of King HENRY our Grandfather, or which he hath purchased since: but the View of Frankpledge shall be so done, that our Peace may be kept; and that the Tything be wholly kept as it hath been accustomed; and that the Sheriff seek no Occasions, and that he be content with so much as the Sheriff was wont to have for his Viewmaking in the time of King HENRY our Grandfather.

[36] It shall not be lawful from henceforth to any to give his Lands to any Religious House, and to take the same Land again to hold of the same House. Nor shall it be lawful to any House of Religion to take the Lands of any, and to lease the same to him of whom he received it. If any from henceforth give his Lands to any Religious House, and thereupon be convict, the Gift shall be utterly void, and the Land shall accrue to the Lord of the Fee.

[37] Escuage from henceforth shall be taken like as it was wont to be in the time of King HENRY our Grandfather; reserving to all Archbishops, Bishops, Abbots, Priors, Templers, Hospitallers, Earls, Barons, and all persons, as well Spiritual as Temporal, all their free

liberties and free Customs, which they have had in time passed. And all these Customs and Liberties aforesaid, which we have granted to be holden within this our Realm, as much as appertaineth to us and our Heirs, we shall observe; and all Men of this our Realm, as well Spiritual as Temporal (as much as in them is) shall observe the same against all persons in like wise. And for this our Gift and Grant of these Liberties, and of other contained in our Charter of Liberties of our Forest, the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Freeholders, and other our Subjects, have given unto us the Fifteenth Part of all their Moveables. And we have granted unto them for us and our Heirs, that neither we, nor our Heirs shall procure or do anything whereby the Liberties in this Charter contained shall be infringed or broken; and if anything be procured by any person contrary to the premisses, it shall be had of no force nor effect. These being Witnesses; Lord B. Archbishop of Canterbury, E. Bishop of London, J. Bishop of Bath, P. of Winchester, H. of Lincoln, R. of Salisbury, W. of Rochester, W. of Worcester, J. of Ely, H. of Hereford, R. of Chichester, W. of Exeter, Bishops; the Abbot of St. Edmunds, the Abbot of St. Albans, the Abbot of Bello, the Abbot of St. Augustines in Canterbury, the Abbot of Evesham, the Abbot of Westminster, the Abbot of Bourgh St. Peter, the Abbot of Reading, the Abbot of Abindon, the Abbot of Malmesbury, the Abbot of Winchcomb, the Abbot of Hyde, the Abbot of Certefey, the Abbot of Sherburn, the Abbot of Cerne, the Abbot of Abbotebir, the Abbot of Middleton, the Abbot of Seleby, the Abbot of Cirencester; H. de Burgh Justice, H. Earl of Chester and Lincoln, W. Earl of Salisbury, W. Earl of Warren, G. de Clare Earl of Gloucester and Hereford, W. de Ferrars Earl of Derby, W. de Mandeville Earl of Essex, H. de Bygod Earl of Norfolk, W. Earl of Albermarle, H. Earl of Hereford, J. Constable of Chester, R. de Ros, R. Fitzwalter, R. de Vyponde, W. de Bruer, R. de Muntefichet, P. Fitzherbert, W. de Aubenie, F. Grefly, F. de Breus, J. de Monemue, J. Fitzallen, H. de Mortimer, W. de Beauchamp, W. de St. John, P. de Mauly, Brian de Lisle, Thomas de Multon, R. de Argenteyn, G. de Nevil, W. de Mauduit, J. de Balun, and others.

We, ratifying and approving these Gifts and Grants aforesaid, confirm and make strong all the same for us and our Heirs perpetually, and, by the Tenour of these Presents, do renew the same; willing and granting for us and our Heirs, that this Charter, and all and singular his Articles, for ever shall be stedfastly, firmly, and inviolably observed; although some Articles in the same Charter contained, yet hitherto peradventure have not been kept, we will, and by Authority Royal command, from henceforth firmly they be observed. In witness whereof we have caused these our Letters Patents to be made. T. EDWARD our Son at Westminster, the Twenty-eighth Day of March, in the Twenty-eighth Year of our Reign.

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