

MAGNA CARTA LIBERTATUM (The Great Charter of Liberties)

THE THIRD GREAT CHARTER OF KING HENRY THE THIRD

Granted February 11th AD. 1224/25,

IN THE NINTH YEAR OF HIS REIGN

TRANSLATED FROM THE ORIGINAL, PRESERVED IN THE
ARCHIVES OF DURHAM CATHEDRAL BY RICHARD THOMSON, 1829

CLAUSES MARKED (†) ARE ADDITIONS TO THE ORIGINAL CHARTER.
PRESENTATION AND [EXPLANATIONS] BY BARRY SHARPLES, 2011

Henricus Dei gratia rex Anglie, dominus Hybernie, dux Normannie, Aquitanie et comes Andegavie, archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, vicecomitibus, prepositis, ministris et omnibus ballivis et fidelibus suis presentem cartam inspecturis salutem.

Sciatis quod nos, intuitu Dei et pro salute anime nostre et animarum antecessorum et successorum nostrorum, ad exaltacionem sancte ecclesie, et emendacionem regni nostri, spontanea et bona voluntate nostra, dedimus et concessimus archiepiscopis, episcopis abbatibus, prioribus, comitibus, baronibus et omnibus de regno nostro has libertates subscriptas tenendas in regno nostro Anglie in perpetuum.

HENRY, by the Grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou, to the archbishops, bishops, abbots, priors, earls, barons, sheriffs, governors, officers, and all bailiffs, and his faithful subjects, who see this present Charter, Greeting.

Know ye, that in the presence of God, and for the salvation of our own soul, and of the souls of our ancestors, and of our successors, to the exaltation of the Holy Church, and the amendment of our kingdom, that we spontaneously and of our own free will, do give and grant to the archbishops, bishops, abbots, priors, earls, barons, and all of our kingdom, these under-written liberties to be held in our realm of England for ever.

(1) In the first place we grant unto God, and by this our present Charter we have confirmed for us, and for our heirs for ever, that the English Church shall be free, and shall have her whole rights and her liberties inviolable. We have also granted to all the free-men of our kingdom, for us and for our heirs for ever, all the under-written liberties to be had and held by them and by their heirs, of us and of our heirs.

(2) If any of our earls or barons, or others who hold of us in chief by military service, shall die, and at his death his heir shall be of full age, and shall owe a relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an earl, a whole earl's barony for one hundred pounds: the heir or heirs of a baron, a whole barony, for one hundred pounds; the heir or heirs of a knight, a whole knight's fee, for one hundred shillings at the most: and he who owes less, shall give less, according to the ancient customs of fees. But if the heir of any such be under age, his lord shall not have the wardship of him nor of his land, before he shall have received his homage, and afterward such heir shall be in ward; and when he shall come to age, that is to say, to twenty and one years, he shall have his inheritance without relief and without fine: yet so, that if he made a knight, whilst he is under age, his lands shall nevertheless remain in custody of his lord, until the term aforesaid.

(3) The warden [*guardian*] of the land of such an heir who shall be under age, shall not take from the lands of the heir any but reasonable issues, and reasonable customs, and reasonable services, and that without destruction and waste of the men or goods. And if we commit the custody of any such lands to a sheriff, or to any other person who is bound to us for the issues of them, and he shall make destruction or waste upon the ward-lands, we will recover damages from him, and the lands shall be committed to two lawful and discreet men of the same fee, who shall answer for the issues to us, or to him to whom we have assigned them: and if we shall give or sell to any one the custody of any such lands, and he shall make destruction or waste upon them, he shall lose the custody; and it shall be committed to two lawful and discreet men of the same fee, who shall answer to us in like manner as it is said before.

(4) But the warden, as long as he hath the custody of the lands, shall keep up and maintain the houses, parks, [*rabbit*] warrens, ponds, mills, and other things belonging to them, out of their issues; and shall restore to the heir, when he comes of full age, his whole estate, provided with carriages and all other things, at the least such as he received it. All these things shall be observed in the custodies of vacant archbishoprics, bishoprics, abbeys, priories, churches and dignities, which appertain to us; excepting that these wardships are not to be sold.

(5) Heirs shall be married without disparagement [*not to someone of lower social status*].

(6) A widow, after the death of her husband, shall immediately, and without difficulty, have her freedom of marriage and her inheritance; nor shall she give any thing for her dower, or for her freedom of marriage, or for her inheritance, which her husband and she held at the day of his death; and she may remain in the principal messuage of her husband, for forty days after her husband's death, within which time her dower shall be assigned; unless it shall have been assigned before, or excepting his house shall be a castle; and if she depart from the castle, there shall be provided for her a complete house in which she may decently dwell, until her dower shall be assigned to her as aforesaid: and she shall have her reasonable estover within a common term. And for her dower, shall be assigned to her the third part of all the lands of her husband, which were his during his life, except she were endowed with less at the church door.

(7) No widow shall be compelled to marry, whilst she is willing to live without a husband; but yet she shall give security that she will not marry, without our consent, if she hold of us, or without the consent of her lord if she hold of another.

(8) Neither we nor our bailiffs, will seize any land or rent for any debt, whilst the chattels of the debtor present sufficient for the payment of the debt, and the debtor shall be ready to make satisfaction: nor shall the sureties of the debtor be distrained, whilst the principal debtor is able to pay the debt; and if the principal debtor fail in payment of the debt, not having wherewith to discharge it, or will not discharge it when he is able, then the sureties shall answer for the debt; and if they be willing, they shall have the lands and rents of the debtor, until satisfaction be made to them for the debt which they had before paid for him, unless the principal debtor can show himself acquitted thereof against the said sureties.

(9†) The City of London shall have all it's ancient liberties, and it's free customs, as well by land as by water. Furthermore, we will and grant that all other cities, and burghs, and towns, and the barons of the Cinque Ports, and all ports, should have all their liberties and free customs.

(10) None shall be distrained to do more service for a knight's fee, nor for any other free tenement [*land holding*], than what is due from thence.

(11) Common Pleas [*ordinary lawsuits*] shall not follow our court, but shall be held in a fixed place.

(12) Assizes upon the writs of 'novel disseisin' [*recent interruption in the ownership of land*], and of 'mort d'ancestre' [*an heir being deprived of his inheritance*], shall not be taken but in their proper counties, and in this manner:— we, or our Chief Justiciary, if we should be out of the kingdom, will send justiciaries into every county, once in the year; who, with the knights of each county, shall hold in the county, the aforesaid assizes. And those things, which at the coming of the aforesaid justiciaries being sent to take the said assizes, cannot be determined, shall be ended by them in some other place in their circuit; and those things which for difficulty of some of the articles cannot be determined by them, shall be determined by our justiciaries of the Bench, and there shall be ended.

(13) Assizes of 'darrein presentment' [*last person to appoint a clergyman to a vacant church*] shall always be taken before our justiciaries of the Bench, and there shall be determined.

(14) A free-man shall not be amerced [*given an arbitrary fine*] for a small offence, but only according to the degree of the offence; and for a great delinquency, according to the magnitude of the delinquency, saving his contenment: and a merchant in the same manner, saving his merchandise, and a villain, if he belong to another, shall be amerced after the same manner, saving to him his wainage, if he shall fall into our mercy; and none of the aforesaid ameracements [*finis*] shall be assessed, but by the oath of honest and lawful men of the neighbourhood. Earls and barons shall not be amerced but by their peers, and that only according to the degree of their delinquency. No ecclesiastical person shall be amerced according to the quantity of his ecclesiastical benefice, but according to the quantity of his lay fee, and the extent of his crime. [*Contenment – livelihood; Wainage – chattels needed for livelihood, implements, seed-corn and stock*]

(15) Neither a town nor any person shall be distrained to build bridges or embankments, excepting those which anciently, and of right, are bound to do it.

(16) No embankments shall from henceforth be defended, 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 accustomed to be in his time.

(17) No sheriff, constable, coroners, nor other of our bailiffs, shall hold pleas of our crown.

(18) If any one holding of us a lay fee die, and the sheriff or our bailiff shall show our letters-patent of summons concerning the debt, which the deceased owed to us, it shall be lawful for the sheriff, or for our bailiff to attach and register all the goods and chattels of the deceased found on that lay fee, to the amount of that debt by the view of lawful men. So that nothing shall be removed from thence until our debt be paid to us; and the rest shall be left to the executors to fulfil the will of the deceased; and if nothing be owing to us by him, all the chattels shall fall to the deceased, saving to his wife and children their reasonable shares.

(19) No constable, nor his bailiff, shall take the corn or other goods of any one, who is not of that town where his castle is, without instantly paying money for them, unless he can obtain a respite from the free will of the seller; but if he be of that town wherein the castle is, he shall give him the price within forty days.

(20) No constable shall distrain any knight to give him money for castle-guard, if he be willing to perform it in his own person, or by another able man, if he cannot perform it himself, for a reasonable cause: and if we do lead or send him into the army, he shall be excused from castle-guard, according to the time that he shall be with us in the army, on account of the fee for which he hath done service in the host.

(21) No sheriff nor bailiff of our's, nor of any other person, shall take the horses or carts of any, for the purpose of carriage, without paying according to the rate anciently appointed; that is to say, for a cart with two horses, ten-pence by the day, and for a cart with three horses, fourteen-pence by the day. No demesne cart of any ecclesiastical person, or knight, or of any lord, shall be taken by the aforesaid bailiffs. Neither we, nor our bailiffs, nor those of another, shall take another man's wood, for our castles or for other uses, unless by the consent of him to whom the wood belongs.

(22) We will not retain the lands of those who have been convicted of felony, excepting for one year and one day, and then they shall be given up to the lord of the fee concerned.

(23) All kydells [*fish weirs*] for the future, shall be quite removed out of the Thames and the Medway, and through all England, excepting upon the sea coast.

(24) The writ which is called 'præcipe', for the future shall not be granted to any one of any tenement, by which a free-man loses his court [*right of trial in his own lord's court*].

(25) There shall be one measure of wine throughout all our kingdom, and one measure of ale, and one measure of corn, namely the quarter of London; and one breadth of dyed cloth, and of russets, and of halberjects, namely, two ells within the selvedges. Also it shall be the same with weights as with measures. [*Russets and halberjects – forms of rough cloth; Ell – 45 inches*]

(26) Nothing shall for the future be given or taken [*paid or accepted*] for a writ of inquisition, nor taken of him that requests inquisition of life or limb; but it shall be given without charge, and not denied.

(27) If any man holds of us by fee-farm, or socage, or by burgage, and holds land of another by military service, we will not have the guardianship of his heir, nor of his lands, which are of the fee of another, on account of that fee-farm, or socage, or burgage; nor will we have the custody of the fee-farm, socage, or burgage, unless the fee-farm owe military service. We will not have the custody of the man's heir, nor of the lands of anyone, which he holds of another by military service, on account of any petty-sergeantry [*minor service owed to the king*] which he holds of us by the service of giving us daggers, or arrows, or the like. [*Fee-Farm – land held freehold but paying rent; Socage – land held in exchange for regular payments to the landowner; Burgage – land rented from the landowner*]

(28) No bailiff, for the future, shall put any man to his open law, nor to an oath, upon his own simple affirmation, without faithful witnesses produced for that purpose.

(29) No free-man shall be taken, or imprisoned, or dispossessed, of his free tenement, or liberties, or free customs, or be outlawed, or exiled, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land. To none will we sell, to none will we deny, to none will we delay right or justice.

(30) All merchants, unless they have before been publicly prohibited, shall have safety and security in going out of England, and in coming into England, and in staying and in travelling through England, as well by land as by water, to buy and sell, without any unjust exactions, according to ancient and right customs, excepting in the time of war, and if they be of a country at war against us: and if such are found in our land at the beginning of a war, they shall be apprehended, without injury of their bodies or goods, until it be known to us, or to our Chief Justiciary, how the merchants of our country are treated who are found in the country at war against us: and if our's be in safety there, the others shall be in safety in our land.

(31) If any man holds lands of any escheat, as of the honour [*large estate*] of Wallingford, Boulogne, Nottingham, Lancaster, or of other escheats which are in our hand, and are baronies, and shall die, his heir shall not give any other relief, nor do any other service to us, than he should have done to the baron, if those lands had been in the hands of the baron; and we will hold it in the same manner that the baron held it. Neither will we have, by occasion of any barony or escheat, any escheat, or the custody of any of our men, unless he who held the barony or escheat, held otherwise of us in chief. [*Escheat - the transfer of property of a person who dies without heirs to the crown*]

(32†) No free-man shall, from henceforth, give or sell any more of his land, so that of the residue of his lands, the Lord of the fee may have the service due to him which belongeth to the fee.

(33) All patrons of abbeys, which are held by Charters of Advowson from the kings of England, or by ancient tenure or possession of the same, shall have the custody of them when they become vacant, as they ought to have, and such as it hath been declared above.

(34) No man shall be apprehended or imprisoned on the appeal of a woman, for the death of any other man than her husband.

(35†) No County Court shall, from henceforth, be holden but from month to month; and where a greater term hath been used, it shall be greater. Neither shall any sheriff or his bailiff, keep his turn in the hundred but twice in the year; and no where but in due and accustomed place; that is to say, once after Easter, and again after the Feast of Saint Michael. And the view of frank-pledge shall be likewise at Saint Michael's term, without occasion; so that every man may have his liberties, which he had and was accustomed to have, in the time of King Henry our grandfather, or which he hath since procured him. Also the view of frank-pledge shall be so done, that our peace may be kept, and that the tything may 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 view-making, in the time of King Henry our grandfather. *[Frank-pledge – the compulsory sharing of responsibility among persons tied through kinship or possibly an oath of fealty to a lord or knight. All men over 12 years old were joined in groups of about ten households. The group leader, the chief-pledge or tithing-man, was responsible for producing any man of that tithing suspected of a crime. If the man did not appear, the entire group could be fined]*

(36†) It shall not from henceforth, be lawful for 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 religious house to take the lands of any, and to lease the same to him from whom they were received. Therefore, if any from henceforth do give his land to any religious house, and thereupon be convict, his gift shall be utterly void, and the land shall accrue to the lord of the fee.

(37†) Scutage from henceforth shall be taken as it was accustomed to be taken in the time of King Henry our grandfather. Saving to the archbishops, bishops, abbots, priors, Templars, Hospitallers, earls, barons, and all others, as well ecclesiastical as secular persons, the liberties and free customs which they have formerly had. *[Scutage – under the feudal tenure of knight's service, this was a tax which he could pay to avoid the need to fight for the king]*

Also all those customs and liberties aforesaid, which we have granted to be held in our kingdom, for so much of it as belongs to us, all our subjects, as well clergy as laity, shall observe towards their tenants as far as concerns them.

Omnes autem istas consuetudines predictas et libertates quas concessimus in regno nostro tenendas quantum ad nos pertinet ergo nostros, omnes de regno nostro tam clerici quam laici observant quantum ad se pertinet erga suas.

And for this our grant and gift of these liberties, and of the others contained in our Charter of Liberties of our forest, the archbishops, bishops, abbots, priors, earls, barons, knights, free tenants, and all others of our kingdom, have given unto us the fifteenth part of all their

moveables. And we have granted to them for us and our heirs, that neither we nor our heirs shall procure or do any thing, whereby the Liberties in this Charter contained shall be infringed or broken; and if any thing shall be procured by any person contrary to the premises, it shall be had of no force nor effect.

These being witnesses, the Lord Stephen Archbishop of Canterbury, Eustace of London, Joceline of Bath, Peter of Winchester, Hugh of Lincoln, Richard of Salisbury, Benedict of Rochester, William of Worcester, John of Ely, Hugh of Hereford, Ralph of Chichester, William of Exeter, for the Bishops: the Abbot of Saint Edmund's, the Abbot of Saint Albans, the Abbot of Battle Abbey, the Abbot of Saint Augustine's Canterbury, the Abbot of Evesham, the Abbot of Westminster, the Abbot of Peterborough, the Abbot of Reading, the Abbot of Abingdon, the Abbot of Malmsbury, the Abbot of Winchcomb, the Abbot of Hyde, the Abbot of Chertsey, the Abbot of Sherburn, the Abbot of Cerne, the Abbot of Abbotsbury, the Abbot of Middleton, the Abbot of Selby, the Abbot of Whitby, the Abbot of Cirencester, Hubert de Burgh, the Kings Justiciary, Ranulph Earl of Chester and Lincoln, William Earl of Salisbury, William Earl of Warren, Gilbert de Clare, Earl of Gloucester and Hertford, William de Ferrers, Earl of Derby, William de Mandeville, Earl of Essex, Hugh le Bigod, Earl of Norfolk, William Earl of Albemarle, Humphrey Earl of Hereford, John Constable of Chester, Robert de Ros, Robert Fitz Walter, Robert de Vieuxpont, William de Brewer, Richard de Montfichet, Peter Fitz-Herbert, Matthew Fitz-Herbert, William de Albiac, Robert Gresley, Reginald de Briose, John de Monmouth, John Fitz Alan, Hugh de Mortimer, Walter de Beauchamp, William de Saint John, Peter de Mauley, Brian de Lisle, Thomas de Muleton, Richard de Argenton, Wilfred de Neville, William Mauduit, John de Baalun.

Given at Westminster, the eleventh day of February, in the ninth year of our reign.

Datum apud Westmonasterium undecimo die februarii anno regno nostri nono.