

venerable father, the lord Gualo cardinal priest of St Martin, legate of the apostolic see, and William Marshal earl of Pembroke, ruler of us and of our kingdom.¹ Witness all the aforementioned and many others. Given by the hands of the aforesaid lord, the legate, and William Marshal earl of Pembroke at Bristol on the twelfth day of November in the first year of our reign.

23. Magna Carta, 1217

(*Statutes of the Realm*, I (1810), Charters, pp. 17-19)

The further changes made in the charter in this reissue compared with that of 1216 are shown in the same way that the differences of 1216 from 1215 were shown in No. 22 above.

It will be noticed that, unlike the Forest Charter (No. 24 below), this 1217 reissue of Magna Carta is not dated: from c. 20 of it (and the footnote thereto) it is clear, however, that it was drafted after the decision had been taken to make a separate charter for forest questions.

Henry, by the grace of God king of England, lord of Ireland, duke of Normandy, Aquitaine, and count of Anjou, to the archbishops, bishops, abbots, priors, earls, barons,² sheriffs, stewards, servants and to all his bailiffs and faithful subjects *who shall look at the present charter*, greeting. Know that out of reverence for God and for the salvation of our soul and the souls of³ our ancestors and successors, for⁴ the exaltation of holy church and the reform of our realm, *we have granted and by this present charter confirmed for us and our heirs for ever*, on the advice of our venerable father, the lord Gualo, cardinal priest of St Martin and legate of the apostolic see, of the lord Walter archbishop of York, William bishop of London and the other bishops of England and of⁵ William Marshal earl of Pembroke, ruler of us and of our kingdom, and our other faithful earls and barons of England, *these liberties written below to be held in our kingdom of England for ever.*

[1] In the first place *we 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. We have also granted to all free men of our kingdom, for ourselves and our heirs for ever, all the liberties written below, to be⁶ held by them and their heirs of us and our heirs. [1216, c. 1]

[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. [1216, c. 2]

[3] If, however, the heir of any such be under age, his lord shall not have wardship of him, nor of his land, before he has received his homage; and after being a ward such an heir shall have his inheritance when he comes of age, that is of twenty-one years, without paying relief and without making fine, so, however, that if he is

¹ *rectoris nostri et regni nostri*

² Here the "justiciars, foresters" of M.C. 1216 is omitted.

³ Here the "all" of 1216 is omitted.

⁴ Here "the honour of God and" of 1216 is omitted.

⁵ Here "the noble men" of 1216 is omitted.

⁶ Here the "had and" of 1216 is omitted.

made a knight while¹ still under age, the land nevertheless shall remain in the wardship of his lords for the full term. [1216, c. 3]

[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 the revenues of that land, 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. [1216, c. 4]

[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 stocked with ploughs and all other things in at least the measure he received. All these things shall be observed in the case of wardships of vacant archbishoprics, bishoprics, abbeys, priories, churches and dignities *that pertain to us* except that wardships of this kind may not be sold. [1216, c. 5]

[6] Heirs shall be married without disparagement. [1216, c. 6]

[7] A widow shall have her marriage portion and inheritance forthwith and without any difficulty after the death of her husband, nor shall she pay anything to have her dower or her marriage portion or the inheritance which she and her husband held on the day of her husband's death; and she may remain in the *chief* house of her husband for forty days after his death, within which time her dower shall be assigned to her, unless it has already been assigned to her or unless the house is a castle; and if she leaves the castle, a suitable house shall be immediately provided for her in which she can stay honourably until her dower is assigned to her in accordance with what is aforesaid, *and she shall have meanwhile her reasonable estover of common.*² *There shall be assigned to her for her dower a third of all her husband's land which was his in his lifetime, unless a smaller share was given her at the church door.*³ [1216, c. 7]

[8] No widow shall be forced to marry so long as she wishes to live without a husband, provided that she gives security not to marry without our consent if she holds of us, or without the consent of her lord if she holds of another. [1216, c. 8]

[9] We or our bailiffs will not seize for any debt any land or rent, so long as the available chattels of the debtor are sufficient to repay the debt and the debtor himself is prepared to have it paid therefrom; nor will those who have gone surety for the debtor be distrained so long as the principal debtor is himself able to pay the debt; and if the principal debtor fails to pay the debt, having nothing wherewith to pay it or is able but unwilling to pay, then shall the sureties answer for the debt; and they

¹ "while" is wanting, but its omission would appear to be no more than accidental and M.C. 1225 restores it.

² i.e. reasonable allowances from the estate of things necessary to maintain her pending provision out of it of the dower

³ The amount of dower was usually arranged at the church door at the time of the marriage.

shall, if they wish, have the lands and rents of the debtor until they are reimbursed for the debt which they have paid for him, unless the principal debtor can show that he has discharged his obligation in the matter to the said sureties. [1216, c. 9]

[10] The city of London shall have all its ancient liberties and free customs. Furthermore, we will and grant that all other cities, boroughs, towns, the barons of the Cinque Ports, and all ports shall have all their liberties and free customs. [1216, c. 10]

[11] No one shall be compelled to do greater service for a knight's fee or for any other free holding than is due from it. [1216, c. 11]

[12] Common pleas shall not follow our court, but shall be held in some fixed place. [1216, c. 12]

[13] Recognitions of novel disseisin, of mort d'ancestor¹ shall not be held elsewhere than in the counties to which they relate, and in this manner — we, or, if we should be out of the realm, our chief justiciar, will send justices through each county once a year, who with knights of the counties shall hold the said assizes in the counties. [1216, cc. 13–14]

[14] And those which cannot on that visit be determined in the county to which they relate by the said justices sent to hold the said assizes shall be determined by them elsewhere on their circuit, and those which cannot be determined by them because of difficulty over certain articles shall be referred to our justices of the bench and determined there. [1216, cc. 13–14]

[15] Assizes of darrein presentment shall always be held before the justices of the bench and determined there. [1216, cc. 13–14]

[16] A free man shall not be amerced for a trivial offence except in accordance with the degree of the offence and for a grave offence in accordance with its gravity, yet saving his way of living; and a merchant in the same way, saving his stock-in-trade; and a villein other than one of our own shall be amerced in the same way, saving his means of livelihood; if he has fallen into our mercy: and none of the aforesaid ameracements shall be imposed except by the oaths of good and law-worthy men of the neighbourhood. [1216, c. 15]

[17] Earls and barons shall not be amerced except by their peers, and only in accordance with the degree of the offence. [1216, c. 16]

[18] No ecclesiastical person shall be amerced according to the amount of his ecclesiastical benefice but in accordance with his lay holding and in accordance with the degree of the offence. [1216, c. 17]

[19] No vill or individual shall be compelled to make bridges at river banks, except one who from of old is legally bound to do so. [1216, c. 18]

[20] No river bank shall henceforth be made a preserve, except those which were preserves in the time of king Henry, our grandfather, in the same places and for the same periods as they used to be in his day. [1216, c. 38]²

[21] No sheriff, constable, coroners, or others of our bailiffs shall hold pleas of our crown. [1216, c. 19]

[22] If anyone holding a lay fief of us dies and our sheriff or bailiff shows our letters patent of summons for a debt that the deceased owed us, it shall be lawful for our

¹ Here the "and of darrein presentment" of 1216 is omitted; the resulting rough edge is smoothed in M.C. 1225 by the insertion of "and" before "of mort d'ancestor".

² The residue of 1216, c. 38, after the forest part had been transferred to the separate Charter of the Forest: it is now promoted to bring it and article 19 of M.C. 1217 together.

sheriff or bailiff to attach and make a list of chattels of the deceased found upon the lay fief to the value of that debt under the supervision of law-worthy men, provided that none of the chattels shall be removed until the debt which is manifest has been paid to us in full; and the residue shall be left to the executors for carrying out the will of the deceased. And if nothing is owing to us from him, all the chattels shall accrue to the deceased, saving to his wife¹ their reasonable shares. [1216, c. 20]

[23] No constable or his bailiff shall take the corn or other chattels of anyone who is not of the vill where the castle is situated unless he pays on the spot in cash for them or can delay payment by arrangement with the seller; if the seller is of that vill he shall pay within forty days. [1216, c. 21]

[24] No constable shall compel any knight to give money instead of castle-guard if he is willing to do it himself or through another good man, if for some good reason he cannot do it himself; and if we lead or send him on military service, he shall be excused guard in respect of the fief for which he did service in the army in proportion to the time that because of us he has been on service. [1216, c. 22]

[25] No sheriff, or bailiff of ours, or other person shall take anyone's horses or carts for transport work unless he pays for them at the old-established rates, namely at ten pence a day for a cart with two horses and fourteen pence a day for a cart with three horses. [1216, c. 23]

[26] No demesne cart of any ecclesiastical person or knight or of any lady shall be taken by the aforesaid bailiffs.

[27] Neither we nor our bailiffs nor others will take, for castles or other works of ours, timber which is not ours, except with the agreement of him whose timber it is. [1216, c. 24]

[28] We will not hold for more than a year and a day the lands of those convicted of felony, and then the lands shall be handed over to the lords of the fiefs. [1216, c. 25]

[29] Henceforth all fish-weirs shall be cleared completely from the Thames and the Medway and throughout all England, except along the sea coast. [1216, c. 26]

[30] The writ called Praeceptum shall not in future be issued to anyone in respect of any holding whereby a free man may lose his court. [1216, c. 27]

[31] Let there be one measure for wine throughout our kingdom, and one measure for ale, and one measure for corn, namely "the London quarter"; and one width for cloths whether dyed, russet or halberget, namely two ells within the selvedges. Let it be the same with weights as with measures. [1216, c. 28]

[32] Nothing shall be given in future for the writ of inquisition by him who seeks an inquisition of life or limbs: instead, it shall be granted free of charge and not refused. [1216, c. 29]

[33] If anyone holds of us by fee-farm, by socage, or by burgage, and holds land of another by knight service, we will not, by reason of that fee-farm, socage or burgage, have the wardship of his heir or of land of his that is of the fief of the other; nor will we have custody of the fee-farm, socage, or burgage, unless such fee-farm owes knight service. We will not have custody of anyone's heir or land which he holds of

¹ Here the "and his children" of 1216 is omitted, but quite obviously from the plural ("their reasonable shares") unintentionally, and M.C. 1225 restores it.

another by knight service by reason of any petty serjeanty which he holds of us by the service of rendering¹ knives or arrows or the like. [1216, c. 30]

[34] No bailiff shall in future put anyone to *manifest trial or to oath* upon his own bare word without reliable witnesses produced for this purpose. [1216, c. 31]

[35] No free man shall be arrested or imprisoned or disseised of his *freehold, liberties or free customs*, or outlawed or exiled or victimised in any other way, neither will we attack him or send anyone to attack him, except by the lawful judgment of his peers or by the law of the land. [1216, c. 32]

[36] To no one will we sell, to no one will we refuse or delay right or justice. [1216, c. 33]

[37] All merchants, unless they have been publicly prohibited beforehand, shall be able to go out of and come into England safely and securely² and stay and travel throughout England, as well by land as by water, for buying and selling by the ancient and right customs free from all evil tolls, except in time of war and if they are of the land that is at war with us. And if such are found in our land at the beginning of a war, they shall be attached without injury to their persons or goods, until we, or our chief justiciar, know how merchants of our land are treated who were found in the land at war with us when war broke out; and if ours are safe there, the others shall be safe in our land. [1216, c. 34]

[38] If anyone who holds of some escheat such as the honour of Wallingford, Boulogne, Nottingham, Lancaster, or of other escheats which are in our hands and are baronies dies, his heir shall give no other relief and do no other service to us than he would have done to the baron if that³ had been in the baron's hands; and we will hold it in the same manner in which the baron held it. *Nor will we by reason of such a barony or escheat have any escheat or wardship of any men of ours unless he who held the barony or escheat held in chief of us elsewhere.* [1216, c. 35]⁴

[39] *No free man shall henceforth give or sell to anyone more of his land than will leave enough for the full service due from the fief to be rendered to the lord of the fief.*

[40] All patrons of abbeys who have charters of advowson of the kings of England or ancient tenure or possession shall have the custody of them during vacancies, as they ought to have and as is made clear above.⁵ [1216, c. 37]⁶

[41] No one shall be arrested or imprisoned upon the appeal of a woman for the death of anyone except her husband. [1216, c. 39]⁷

¹ Here the "to us" of 1216 is omitted (but restored in 1225).

² Here in the text as printed in *Stat. Realm*, "conduct" is given (*salvum et securum conductum exire*). There is no warrant for it in the 1215, 1216 or the 1225 issues and it is scarcely explicable save as an interpolation. It should be added that *conductum* is given in the text which was confirmed by *inseximus* in 1297 and 1300 (*Stat. Realm*, I, p. 33 (Charters), p. 114, and p. 38 (Charters)).

³ Here the "land" of 1216 is omitted.

⁴ Here article 36 of M.C. 1216 (on the forest) is omitted, being transferred to the separate charter on forest matters (Charter of the Forest, 1217, c. 2, No. 24 below) and replaced as article 39 here by a new article on alienation. ⁵ article 5 above.

⁶ Here article 38 of 1216 is omitted and divided, the forest part being taken into the new Charter of the Forest (No. 24 below), and the residue about river banks becoming an article in its own right as c. 20 above.

⁷ Here article 40 of 1216 is omitted, but before continuing with article 41 of 1216 three new articles are introduced, presumably so as to have them too covered by article 41 (which becomes c. 45 below). Of the new articles (cc. 42-44 below) two, 42 and 44, in fact reintroduce matters deferred by 1216, c. 42, for further consideration. Article 43 is entirely new.

[42] *No county shall in future be held more often than once a month and where a greater interval has been customary let it be greater. Nor shall any sheriff or his bailiff make his tourn through the hundred save twice a year (and then only in the due and accustomed place), that is to say, once after Easter and again after Michaelmas. And view of frankpledge shall be held then at the Michaelmas term without interference,¹ that is to say, so that each has his liberties which he had and was accustomed to have in the time of king Henry our grandfather or which he has since acquired. View of frankpledge shall be held in this manner, namely, that our peace be kept, that a tithing be kept full as it used to be, and that the sheriff shall not look for opportunities for exactions,² but be satisfied with what a sheriff used to get from holding his view in the time of king Henry our grandfather.*

[43] *It shall not in future be lawful for anyone to give land of his to any religious house in such a way that he gets it back again as a tenant of that house. Nor shall it be lawful for any religious house to receive anyone's land to hand it back to him as a tenant. And if in future anyone does give land of his in this way to any religious house and he is convicted of it, his gift shall be utterly quashed and the land shall be forfeit to the lord of the fief concerned.*

[44] *Scutage shall be taken in future as it used to be taken in the time of king Henry our grandfather.*

[45] All these aforesaid customs and liberties which we have granted to be observed in our kingdom as far as it pertains to us towards our men, all of our kingdom, clerks as well as laymen, shall observe as far as it pertains to them towards their men. [1216, c. 41]³

[46] *Saving⁴ to archbishops, bishops, abbots, priors, Templars, Hospitallers, earls, barons and all other persons, ecclesiastical and secular, the liberties and free customs they had previously.*

[47] *We have also with the common counsel of our whole realm decreed that all adulterine castles, that is to say, those built or rebuilt since the beginning of the war between the lord John our father and his barons of England, shall be destroyed immediately. Because we have not yet a seal, we have had this [charter] sealed with the seals of the aforesaid lord legate and the earl W. Marshal, ruler of us and of our kingdom.*

24. The Charter of the Forest, 1217

(*Statutes of the Realm*, I (Rec. Com., 1810), Charters, pp. 20-1)

Henry by the grace of God, king of England, lord of Ireland, duke of Normandy, Aquitaine, and count of Anjou, to the archbishops, bishops, abbots, priors, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his bailiffs and faithful subjects, greeting. Know that out of reverence for God and for the salvation of our soul and the souls of our ancestors and successors, for the exaltation of holy church and the reform of our realm, we have granted and by this present charter confirmed for us and our heirs for ever, on the advice of our venerable father, the lord Gualo, cardinal priest of St Martin and legate of the apostolic see, of

¹ *sine occasione*

² *non querat occasiones*

³ All the rest of M.C. 1216 (art. 42, including the final protocol) is omitted and the following (articles 46-47) substituted.

⁴ In the Latin this article is not a sentence but an ablative absolute. Both the construction and the context are changed in the 1225 reissue (No. 26 below, article 37).