

## MAGNA CARTA (1215)<sup>[1]</sup>

*John, by the grace of God king of England, lord of Ireland, duke of Normandy and of Aquitaine, and count of Anjou, to his archbishops, bishops, abbots, earls, barons, justiciars, foresters, sheriffs, reeves, ministers, and all his bailiffs and faithful men, greeting. Know that, through the inspiration of God, for the health of our soul and [the souls] of all our ancestors and heirs, for the honour of God and the exaltation of Holy Church, and for the betterment of our realm, by the counsel of our venerable fathers<sup>[2]</sup> ..., of our nobles<sup>[3]</sup> ..., and of our other faithful men —*

1. We have in the first place granted to God and by this our present charter have confirmed, for us and our heirs forever, that the English Church shall be free and shall have its rights entire and its liberties inviolate. *And how we wish [that freedom] to be observed appears from this, that of our own pure and free will, before the conflict that arose between us and our barons, we granted and by our charter confirmed the liberty of election that is considered of prime importance and necessity for the English Church,<sup>[4]</sup> and we obtained confirmation of it from the lord pope Innocent III — which [charter] we will observe ourselves and we wish to be observed in good faith by our heirs forever.* We have also granted to all freemen of our kingdom, for us and our heirs forever, all the liberties hereinunder written, to be had and held by them and their heirs of us and our heirs.

2. If any one of our earls or barons or other men holding of us in chief dies, and if when he dies his heir is of full age and owes relief, [that heir] shall have his inheritance for the ancient relief: namely, the heir or heirs of an earl £100 for the whole barony of an earl; 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.<sup>[5]</sup> And let whoever owes less give less, according to the ancient custom of fiefs.

3. If, however, the heir of any such person is under age<sup>[6]</sup> and is in wardship, he shall, when he comes of age, have his inheritance without relief and without fine.<sup>[7]</sup>

4. The guardian of the land of such an heir who is under age shall not take from the land of the heir more than reasonable issues and reasonable customs and reasonable services, and this without destruction and waste of men or things. And if we entrust the wardship of any such land to a sheriff or to any one else who is to answer to us for its issues, and if he causes destruction or waste of [what is under] wardship, we will exact compensation from him; and the land shall be entrusted to two discreet and lawful men of that fief, who shall answer for the issues to us or the man to whom we may assign them. And if we give or sell the wardship of any such land to any one, and if he causes destruction or waste of it, he shall forfeit that wardship and it shall be given to two discreet and lawful men of that fief, who likewise shall answer to us as aforesaid.

5. Moreover, the guardian, so long as he has wardship of the land, shall from the issues of that same land keep up the houses, parks, preserves, fish-ponds, mills, and other things belonging to that land. And to the heir, when he comes of full age, [the guardian] shall give all his land, stocked with ploughs<sup>[8]</sup> and produce,<sup>[9]</sup> according to what crops may be seasonable and to what the issues of the land can reasonably permit.

6. Heirs shall be married without disparagement; yet so that, before the marriage is contracted, it shall be announced to the blood-relatives of the said heir.

7. A widow shall have her marriage portion and inheritance immediately after the death of her husband and without difficulty; nor shall she give anything for her dowry or for her marriage portion or for her inheritance — which inheritance she and her husband were holding on the day of that husband's death. And after his death she shall remain in the house<sup>[10]</sup> of her husband for forty days, within which her dowry shall be assigned to her.<sup>[11]</sup>

8. No widow shall be forced to marry so long as she wishes to live without a husband; yet so that she shall give security against marrying without our consent if she holds of us, or without the consent of her lord if she holds of another.

9. Neither we nor our bailiffs will seize any land or revenue for any debt, so long as the chattels of the debtor are sufficient to repay the debt;<sup>[12]</sup> nor shall the sureties of that debtor be distrained so long as the chief debtor is himself able to pay the debt. And if the chief debtor, having nothing with which to pay,<sup>[13]</sup> defaults in payment of the debt, the sureties shall be responsible for the debt; and, if they wish, they shall have the lands and revenues of the debtor until satisfaction is made to them for the debt which they previously paid on his behalf, unless the chief debtor proves that he is quit of such responsibility toward the said sureties.

*10. If any one has taken anything, whether much or little, by way of loan from Jews, and if he dies before that debt is paid, the debt shall not carry usury so long as the heir is under age, from whomsoever he may hold. And if that debt falls into our hands, we will take only the principal contained in the note.*

*11. And if any one dies owing a debt to Jews, his wife shall have her dowry and shall pay nothing on that debt. And if the said deceased is survived by children who are under age, necessities shall be provided for them in proportion to the tenement that belonged to the deceased; and the debt shall be paid from the remainder, saving the service of the lords. In the same way let action be taken with regard to debts owed to others besides Jews.*

*12. Scutage or aid shall be levied in our kingdom only by the common counsel of our kingdom, except for ransoming our body, for knighting our eldest son, and for once marrying our eldest daughter; and for these [purposes] only a reasonable aid shall be taken. The same provision shall hold with regard to the aids of the city of London.<sup>[14]</sup>*

13. And the city of London shall have all its ancient liberties and free customs, *both by land and by water*. Besides we will and grant that all the other cities, boroughs, towns,<sup>[15]</sup> and ports shall have all their liberties and free customs.

*14. And in order to have the common counsel of the kingdom for assessing aid other than in the three cases aforesaid, or for assessing scutage, we will cause the archbishops, bishops, abbots, earls, and greater barons to be summoned by our letters individually; and besides we will cause to be summoned in general, through our sheriffs and bailiffs, all those who hold of us in chief — for a certain day, namely, at the end of forty days at least, and to a certain place. And in all such letters of summons we will state the cause of the summons; and when the summons has thus been made, the business assigned for the day shall proceed according to the counsel of those who are present, although all those summoned may not come.*

*15. In the future we will not grant to any one that he may take aid from his freemen, except for ransoming his body, for knighting his eldest son, and for once marrying his eldest daughter; and for these [purposes] only a reasonable aid shall be taken.*

16. No one shall be distrained to render greater service from a knight's fee, or from any other free tenement, than is thence owed.

17. Common pleas shall not follow our court, but shall be held in some definite place.

18. Assizes of novel disseisin, of mort d'ancestor, *and of darrein presentment*<sup>[16]</sup> shall be held only in their counties [of origin] and in this way: we, or our chief justice if we are out of the kingdom, will send two justices through each county<sup>[17]</sup> *four times a year; and they, together with four knights of each county elected by the county [court], shall hold the aforesaid assizes in the county, on the day and at the place [set for the meeting] of the county [court].*

19. *And if within the day [set for the meeting] of the county [court] the aforesaid assizes cannot be held, as many knights and free tenants shall remain of those present at the county [court] on that day as may be needed for holding the trials, according as the business is greater or less.*

20. A freeman shall be amerced for a small offence only according to the degree of the offence; and for a grave offence he shall be amerced according to the gravity of the offence, saving his contenment.<sup>[18]</sup> And a merchant shall be amerced in the same way, saving his merchandise; and a villein<sup>[19]</sup> in the same way, saving his wainage<sup>[20]</sup> — should they fall into our mercy. And none of the aforesaid ameracements shall be imposed except by the oaths of good men from the neighbourhood.<sup>[21]</sup>

21. Earls and barons shall be amerced only by their peers,<sup>[22]</sup> and only according to the degree of the misdeed.

22. No clergyman shall be amerced with respect to his lay tenement except in the manner of those aforesaid, not according to the value of his ecclesiastical benefice.<sup>[23]</sup>

23. Neither vill nor man shall be distrained to make bridges on river-banks, except such as by right and ancient custom ought to do so.

24. No sheriff, constable, coroner, or other bailiff of ours shall hold the pleas of our crown.<sup>[24]</sup>

25. *All counties, hundreds, wapentakes, and trithings*<sup>[25]</sup> *shall remain at the ancient farms without any increment, with the exception of our demesne manors.*

26. If any one holding a lay fee of us dies, and if our sheriff or bailiff shows our letters patent of summons concerning a debt that the deceased owed to us, our sheriff or bailiff shall be permitted, by view of lawful men, to attach and record such chattels of the deceased as are found on the lay fief to the value of that debt; so that, moreover, nothing shall thence be removed until a debt that is manifestly owed shall be paid to us. And the residue shall be left to the executors for carrying out the will of the deceased. And if nothing is owed us from it, all the chattels shall be yielded to [disposition by] the deceased, saving to his wife and children their reasonable portions.

27. *If any freeman dies intestate, his chattels, under ecclesiastical inspection, shall be distributed by the hands of his near relatives and friends, saving to each [creditor] the debts that the deceased owed him.*

28. No constable or other bailiff of ours shall take grain or other chattels of any one without immediate payment therefor in money, unless by the will of the seller he may secure postponement of that [payment].<sup>[26]</sup>
29. No constable shall distrain any knight to pay money for castle-guard when he is willing to perform that service himself, or through another good man if for reasonable cause he is unable to perform it himself. And if we lead or send him on a military expedition, he shall be quit of [castle-] guard for so long a time as he shall be with the army<sup>[27]</sup> *at our command*.
30. No sheriff or bailiff of ours, nor any other person, shall take the horses or carts of any freeman for carrying service,<sup>[28]</sup> *except by the will of that freeman*.
31. Neither we nor our bailiffs<sup>[29]</sup> will take some one else's wood for [repairing] castles or for doing any other work of ours, except by the will of him to whom the wood belongs.
32. We will hold the lands of those convicted of felony only for a year and a day, and the lands shall then be given to the lords of the fiefs [concerned].
33. All fish-weirs shall henceforth be entirely removed from the Thames and the Medway and throughout all England except along the sea-coasts.
34. Henceforth the writ called praecipe shall not be issued for any one concerning any tenement whereby a freeman may lose his court.<sup>[30]</sup>
35. There shall be one measure of wine throughout our entire kingdom, and one measure of ale; also one measure of grain, namely, the quarter of London; and one width of dyed cloth, russet [cloth], and hauberk [cloth],<sup>[31]</sup> namely, two yards between the borders. With weights, moreover, it shall be as with measures.
36. Nothing henceforth shall be taken or given for the writ of inquisition concerning life and limbs,<sup>[32]</sup> but it shall be issued gratis and shall not be denied.
37. If any one holding of us by fee-farm or by socage or by burgage<sup>[33]</sup> holds land of some one else by military service, on account of that fee-farm or socage or burgage we are not to have the wardship of the heir or of the land that is another's fee, unless the said [land held by] fee-farm owes military service. By virtue of some little serjeanty held of us by the service of rendering knives or arrows or something of the sort, we are not to have wardship of any one's heir or of land that he holds of another by military service.
38. No bailiff shall henceforth put any one to his law<sup>[34]</sup> by merely bringing suit [against him] without trustworthy witnesses presented for this purpose.
39. No freeman shall be captured or imprisoned or disseised<sup>[35]</sup> or outlawed or exiled or in any way destroyed, nor will we go against him or send against him, except by the lawful judgment of his peers or<sup>[36]</sup> by the law of the land.
40. To no one will we sell, to no one will we deny or delay right or justice.
41. All merchants<sup>[37]</sup> may safely and securely go away from England, come to England, stay in and go through England, by land or by water, for buying and selling under right and

ancient customs and without any evil exactions,<sup>[38]</sup> except in time of war if they are from the land at war with us. And if such persons are found in our land at the beginning of a war, they shall be arrested without injury to their bodies or goods until we or our chief justice can ascertain how the merchants of our land who may then be found in the land at war with us are to be treated. And if our men are to be safe, the others shall be safe in our land.

42. *Every one shall henceforth be permitted, saving our fealty, to leave our kingdom and to return in safety and security, by land or by water, except in the common interest of the realm for a brief period during wartime, and excepting [always] men imprisoned or outlawed according to the law of the kingdom and people from a land at war with us and merchants, who are to be treated as aforesaid.*

43. If any one holds of any escheat — such as the honour of Wallingford, Nottingham, Boulogne, Lancaster, or the other escheats that are in our hands and are baronies — and if he dies, his heir shall give only such relief and shall render us only such service as would be due to the baron if that barony were in the hands of the baron; and we shall hold it in the same way that the baron held it.<sup>[39]</sup>

44. *Men dwelling outside the forest shall no longer, in consequence of a general summons, come before our justices of the forest, unless they are [involved] in a plea [of the forest] or are sureties of some person or persons who have been arrested for [offences against] the forest.*<sup>[40]</sup>

45. *We will appoint as justiciars, constables, sheriffs, or bailiffs only such men as know the law of the kingdom and well desire to observe it.*

46. All barons who have founded abbeys, concerning which they have charters from kings of England or [enjoy] ancient tenures, shall have the custody of those [abbeys] during vacancies, as they ought to have.<sup>[41]</sup>

47. *All forests that have been afforested in our time shall at once be disafforested; and the same shall be done with regard to riverbanks which in our time we have placed under ban.*<sup>[42]</sup>

48. *Concerning all bad customs of forest and warrens, of foresters and warreners, of sheriffs and their officers, and of river-banks and their wardens, inquisition shall at once be made in each county through twelve knights of that same county placed under oath, who ought to be elected by the good men of the same county. And within forty days after the inquisition has been made, they shall be utterly abolished by the same [knights], so that they shall never be restored; in such fashion [however] that we may have prior notice, or our justiciar [may] if we are not in England.*

49. *We will immediately restore all hostages and charters which were delivered to us by Englishmen as security for the peace or for faithful service.*

50. *We will utterly remove from their offices the relatives of Gérard d'Athée, Engeland de Cigogne, Peter and Guy and Andrew de Chanceaux, Guy de Cigogne, Geoffrey de Martigny and his brothers, Philip Marc and his brothers and his nephew Geoffrey, together with all their adherents, so that henceforth they shall have no office in England.*

51. *And immediately after the restoration of peace we will remove from the kingdom all alien knights, crossbowmen, serjeants, and mercenaries, who have come with horses and arms to the injury of the kingdom.*

52. *If any one, without the lawful judgment of his peers, has been disseised or deprived by us of his lands, castles, liberties, or rights, we will at once restore them to him. And if a dispute arises in this connection, then let the matter be decided by the judgment of the twenty-five barons, concerning whom provision is made below in [the article on] security for the peace. With regard, however, to all those [possessions] of which any one, without lawful judgment of his peers, was disseised or deprived by King Henry, our father, or by King Richard, our brother — which possessions we have in our hands or which are held by others whose possession we are bound to warrant — we are to have respite for the ordinary term of crusaders,<sup>[43]</sup> except those [possessions] concerning which suit was brought or inquest was made by our precept before we took the cross. Moreover, when we return from our journey, or if perchance we abandon our journey, we will at once administer full justice in such matters.*

53. *Moreover, we are to have similar respite and in the same way with regard to the disafforestation or retention of the forests which Henry, our father, or Richard, our brother, afforested; with regard to wardships over lands of another's fee, which sort of wardships we have hitherto enjoyed on account of a fee that any one holds of us by military service,<sup>[44]</sup> and with regard to abbeys which were founded in a fee other than our own, and over which the lord of the fee has asserted that he has the right. And when we return, or if we abandon our journey, we will at once give full justice to those making complaints in such matters.*

54. *No one shall be seized or imprisoned on the appeal of a woman for the death of any one but her husband.<sup>[45]</sup>*

55. *All fines which have been made with us unjustly and contrary to the law of the land, and all ameracements made unjustly and contrary to the law of the land, are to be entirely pardoned; or decision is thereon to be made by the judgment of the twenty-five barons concerning whom provision is made below in [the article on] security for the peace, or by the judgment of the majority of them, together with the aforesaid Stephen, archbishop of Canterbury, if he can be present, and other men whom he may wish to associate with himself for this purpose — and if he cannot be present, the business shall nevertheless proceed without him; yet so that, if any one or more of the twenty-five barons aforesaid are [involved] in a dispute of this kind, they shall be removed so far as this judgment is concerned, and others, elected and sworn for this purpose, shall be substituted in their places by the rest of the twenty-five.*

56. *If, without the lawful judgment of their peers, we have disseised or deprived Welshmen of their lands, liberties, or other things in England or in Wales, [the same] shall be immediately restored to them. And if a dispute arises in this connection, then decision is thereon to be made in the [Welsh] march by the judgment of their peers — according to the law of England for their tenements in England, according to the law of Wales for their tenements in Wales, and according to the law of the march for their tenements in the march. Welshmen shall act in the same way toward us and our men.*

57. *Moreover, with regard to those [possessions] of which any Welshman, without the lawful judgment of his peers, was disseised or deprived by King Henry, our father, or King Richard, our brother.<sup>[46]</sup> ...*

58. *We will at once restore the son of Llewelyn and all the [other] hostages of Wales, together with the charters that were given us as security for the peace.*

59. *We will act toward Alexander, king of the Scots, in the matter of restoring his sisters and the [other] hostages, together with his liberties and rights in the same way as we act toward our other barons of England,<sup>[47]</sup> unless by the charters which we have from his father William, one time king of the Scots, the action ought to be otherwise — and this shall be [determined] by the judgment of his peers in our court.*

60. *Now all these aforesaid customs and liberties, which we have granted, in so far as concerns us, to be observed in our kingdom toward our men, all men of our kingdom, both clergy and laity, shall, in so far as concerns them, observe toward their men.*

61. *Since moreover for [the love of] God, for the improvement of our kingdom, and for the better allayment of the conflict that has arisen between us and our barons, we have granted all these [liberties] aforesaid, wishing them to enjoy those [liberties] by full and firm establishment forever, we have made and granted them the following security: namely, that the barons shall elect twenty-five barons of the kingdom, whomsoever they please, who to the best of their ability should observe, hold, and cause to be observed the peace and liberties that we have granted to them and have confirmed by this our present charter; so that, specifically, if we or our justiciar or our bailiffs or any of our ministers are in any respect delinquent toward any one or transgress any article of the peace or the security, and if the delinquency is shown to four barons of the aforesaid twenty-five barons, those four barons shall come to us, or to our justiciar if we are out of the kingdom, to explain to us the wrong, asking that without delay we cause this wrong to be redressed. And if within a period of forty days, counted from the time that notification is made to us, or to our justiciar if we are out of the kingdom, we do not redress the wrong, or, if we are out of the kingdom, our justiciar does not redress it, the four barons aforesaid shall refer that case to the rest of the twenty-five barons, and those twenty-five barons, together with the community of the entire country, shall distress and injure us in all ways possible — namely, by capturing our castles, lands, and possessions and in all ways that they can — until they secure redress according to their own decision, saving our person and [the person] of our queen and [the persons] of our children. And when redress has been made, they shall be obedient to us as they were before. And any one in the land who wishes shall swear that, for carrying out the aforesaid matters, he will obey the commands of the twenty-five barons aforesaid and that he, with his men, will injure us to the best of his ability; and we publicly and freely give licence of [thus] swearing to every one who wishes to do so, and to no one will we ever prohibit [such] swearing. Moreover, all those of the land who of themselves and by their own free will are unwilling to take the oath for the twenty-five barons, with them to distress and injure us, we will by our mandate cause to swear [such an oath] as aforesaid. And if any one of the twenty-five barons dies or departs from the land, or in any other way is prevented from carrying out these aforesaid matters, the rest of the twenty-five barons aforesaid shall by their own decision choose another in his place, who is to be sworn in the same way as the others. Moreover, in all the matters entrusted to those twenty-five barons for execution, if perchance the same twenty-five are present and disagree among themselves in some respect, or if certain of those summoned are unwilling or unable to be present, that which the majority of those present*

*may provide or command shall be held as settled and established, just as if all twenty-five had agreed to it. And the aforesaid twenty-five shall swear that they will faithfully observe all that has been set forth above. And neither of ourself nor through others will we procure from any one anything whereby any of these concessions and liberties may be revoked or diminished; and should anything of the sort be procured, it shall be null and void, and we will never make use of it either of ourself or through others.*

62. *And to all we freely pardon and condone all the ill-will, indignation, and rancour that from the beginning of the conflict have arisen between us and our men, both clergy and laity. Furthermore, to all, whether clergy or laity, we fully pardon and condone, in so far as pertains to us, all trespasses committed on account of the said conflict since Easter in the sixteenth year of our reign until the reestablishment of peace. And besides we have caused to be drawn up for them letters patent of the lord Stephen, archbishop of Canterbury, of the lord Henry, archbishop of Dublin, of the bishops aforesaid, and of Master Pandulf,<sup>[48]</sup> in witness of that security and the concessions aforesaid.*

63. *Wherefore we wish and straitly enjoin that the English Church shall be free and that the men in our kingdom shall have and hold all the aforesaid liberties, rights, and grants well and in peace, freely and quietly, fully and completely, for themselves and their heirs from us and our heirs, in all things and in all places forever, as aforesaid. Moreover, it has been sworn both on our part and on the part of the barons that all the aforesaid [provisions] shall be observed in good faith and without malicious intent. By the witness of the aforesaid men and of many others. Given by our hand in the meadow that is called Runnymede between Windsor and Staines, June 15, in the seventeenth year of our reign.*

(Latin) *Ibid.*, pp. 292 f., 336 f., 341 f., 350 f.

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<sup>[1]</sup> John's charter was reissued under Henry III in 1216 and again in 1217, at both times with considerable revision. The second reissue was confirmed with minor changes by Henry III in 1225, after he had been declared of age, and this remained the official Magna Carta of subsequent reigns. Parts of the original charter omitted after 1215 are here printed in italics. It has not been thought necessary to show how the introductory and final clauses were modified in each reissue, but noteworthy alterations of the numbered articles are given in the footnotes. The latter also include explanations of the more obscure words and phrases. For more detailed comment, see McKechnie, *Magna Carta*; and for all points connected with the reissues, see Faith Thompson, *The First Century of Magna Carta*.

<sup>[2]</sup> Here in the text follow the names of eleven ecclesiastics.

<sup>[3]</sup> Here in the text follow the names of sixteen lay nobles.

<sup>[4]</sup> Above, no. 43.

<sup>[5]</sup> On the interpretation of this article, see J. H. Round, in *Magna Carta Commemoration Essays*, pp. 46 f.

<sup>[6]</sup> In the reissues this article ends as follows: "his lord shall not have wardship over him or over his land before receiving his homage. And when such heir, being under wardship, comes

of age — that is to say, [attains] his twenty-first year — he shall have his inheritance without relief and without fine; so that, although he may become a knight while he is yet under age, his land shall nevertheless remain under the wardship of his lords until the term aforesaid."

[7] A term often used for an offering or a composition.

[8] In the reissues this article ends as follows: "and with all other things as, at least, he received it. All these [provisions] are to be observed with regard to custody over archbishoprics, bishoprics, abbeys, priories, churches, and vacant prelacies that belong to us, except that rights of this sort ought not to be sold."

[9] *Wainnagium*, by which the context forces us to understand chiefly harvested crops necessary for seed and the upkeep of the estate.

[10] Changed in the second reissue to "principal dwelling."

[11] See above, p. 47, n. 3. The second reissue adds: "unless it has been assigned to her earlier, or unless that house is a castle. And if she leaves the castle, she shall at once be provided with a suitable house, in which she may honourably dwell until her dowry is assigned to her as aforesaid. And in the meantime she shall have her reasonable estovers of common. Moreover, she shall be assigned as dowry one-third of all the land held by her husband during his lifetime, unless she was endowed with less at the church door." Estovers of common were a share of the produce.

[12] The reissues here insert the clause: "and the debtor is himself ready to satisfy [the debt] from them."

[13] The reissues here insert the clause: "or being unwilling to pay when he can."

[14] Literally, "in the same way let it be done...." The Londoners had wanted a guarantee of exemption from forced taxes, but secured only this vague and ambiguous article; see C. Stephenson, *Borough and Town*, p. 183.

[15] The reissues here make specific mention of the barons of the Cinque Ports; see above, p. 103, n. 17.

[16] See no. 33.

[17] The second reissue substitutes the following provisions: "once a year; and they, together with the knights of the counties, shall hold the aforesaid assizes in the counties. And those matters which cannot be concluded during that visit in the county by the aforesaid justices, sent to hold the said assizes, shall be concluded by the same men elsewhere on their eyre. And those matters which, owing to the difficulty of some particulars, cannot be determined by the same men shall be referred to our justices of the bench and there concluded. Assizes of darrein presentment shall always be held before the justices of the bench and there concluded. " The court of the bench (*de banco*) was that which became known as the court of common pleas; see Pollock and Maitland, I. 198 f.

[18] Sufficient property to guarantee sustenance for himself and his family.

[19] The second reissue here inserts: "of some one else, not our own."

[20] See above, p. 116, n. 9.

[21] Under such conditions the amercement was said to be afeered.

[22] Social equals.

[23] The wording of this article is changed in the reissues, but without affecting its meaning.

[24] See above, p. 53, n. 16.

[25] Certain large counties were divided into trithings or ridings, and these were subdivided into hundreds or wapentakes.

[26] Changed in the second reissue to read: "No constable or his bailiff shall take grain or other chattels of any one who is not of the vill where the castle is situated without immediate payment therefor in money, unless by the will of the seller he may secure postponement of that [payment]. If, moreover, he is of that vill, payment must be made within forty days."

[27] The reissues here substitute: "to perform the service owed from his fief."

[28] The reissues end the clause as follows: "unless he makes the anciently established payment [for such service]: namely, for a two-horse cart 10*d.* a day and for a three-horse cart 14*d.* a day. No cart from the demesne of any ecclesiastical parson or knight, or of any lady, shall be taken by the aforesaid bailiffs."

[29] The second reissue here inserts: "nor other men."

[30] That is to say, through which procedure a baron or other freeholder may lose jurisdiction over his men; see no. 33F.

[31] Perhaps cloth to be worn under a hauberk.

[32] Also called the writ *de odio et atia*; it was designed to relieve a man of trial by combat when he had been appealed "through spite and hatred." At this point the third reissue inserts: "by him who seeks the inquisition."

[33] These three tenures were alike in being free, though non-military.

[34] See above, p. 77, n. 3. The second reissue expands this phrase to "manifest law or oath." The new provision was probably intended to cover substitutes for the ordeal, which had been abolished by the Lateran Council of 1215.

[35] The second reissue adds: "of any free tenement or liberties or free customs."

[36] Presumably meaning "and"; cf. art. 56. The interpretation is also aided by John's writ of May, 1215 (*Rotuli Litterarum Patentium*, I, 141): "Know that we have granted to our barons who are opposing us that we will neither capture nor disseise them or their men, nor will we go against them with force or with arms, except by the law of our kingdom or by the

judgment of their peers in our court...." See McIlwain, in *Magna Carta Commemoration Essays*, pp. 122 f.; and, for another interpretation, M. Radin, *Anglo-American Legal History*, pp. 165 f.

[37] The reissues here insert: "unless they have earlier been given public prohibition."

[38] *Malis toltis* (maltotes); see no. 51C

[39] The second reissue adds: "Nor shall we, by virtue of such barony or escheat, have any escheat or [enjoy] wardship over any of our men unless he who held the barony or escheat [also] held of us in chief elsewhere." And after this a new article is inserted, as follows: "Henceforth no freeman shall give or sell to any one so much of his land that from what remains of it whatever service pertains to the fief cannot adequately be performed for the lord to whom it is owed."

[40] This became art. 2 of the Forest Charter, no. 45.

[41] Changed in the second reissue to read: "All patrons of abbeys who have charters from kings of England concerning their advowson, or [who enjoy] ancient tenure or possession [of that privilege], shall have custody of those [abbeys] when they are vacant, as they ought to have and as has been declared above."

[42] That is to say, reserved for the king's hawking. Part of this article was incorporated in the Forest Charter (no. 45); the rest was made into a new article in the second reissue.

[43] The three years' grace enjoyed by crusaders in meeting their obligations.

[44] Cf. art. 37.

[45] The second reissue adds three new articles:

"Henceforth no county [court] shall be held oftener than once a month; and wherever a longer time [between sessions] has been customary, let it be longer. Nor shall any sheriff or his bailiff make his tourn\* through a hundred more often than twice a year; and [then he shall hold the court] only at the due and accustomed place [and time], namely, once after Easter and again after Michaelmas. And view of frankpledge shall without excuse be made then, at that Michaelmas term; and in such a way that every one shall enjoy the liberties which he was accustomed to have in the time of King Henry, our grandfather, or which he has subsequently acquired. The view of frankpledge, moreover, shall be made in this way: namely, so that our peace is maintained, the tithings are [kept] whole as has been accustomed, and the sheriff does not seek excuses [for additional revenue], but is content with what the sheriff was accustomed to have for making his view in the time of King Henry, our grandfather.

"Henceforth no one shall be permitted to give his land to any religious house in such a way as to receive it back, to be held of that house; nor shall any religious house be permitted to accept the land of any one on condition that it be given back, to be held by the man from whom it has been received. If, moreover, any one henceforth grants his land to any religious house in this way and is convicted of so doing, his grant shall be utterly quashed and that land shall be forfeit to the lord of the fief.

"Scutage shall henceforth be taken as it was customarily taken in the time of King Henry, our grandfather."

\* See Pollock and Maitland, I, 530 f.

[46] The rest of this article repeats the ending of art. 52.

[47] The Scottish king held the earldom of Huntingdon and other English fiefs of King John.

[48] The papal legate.