

THE GREAT CHARTER OF LIBERTIES.

(This is the charter which was presented to king John by Pembroke and Langton, before the meeting of the barons at Runnymede, and which John, with many oaths, refused to grant. It was the 49th section of these articles that particularly angered John. See pages 149 and 150.)

THESE are the particulars of what the barons petition, and our lord the king grants:

1. After the death of an Ancestor, the Heir of full age shall have his inheritance by the ancient Relief, as expressed in the Charter.

2. An Heir who is under age, and who is in guardianship, when he comes to age shall have his inheritance without Relief or Fine.

3. The Keeper of an Heir's land shall take only reasonable issues, customs, and services, without destruction or waste of the men or goods; and if the Keeper of such land shall make destruction or waste, he shall be dismissed from that guardianship; and the Keeper shall maintain the houses, parks, fish ponds, mills, and other things which belong to the land, or to the rents thereof; and that Heirs shall be married without disparagement, so that it be by the advice of them that are nearest of kin.

4. No Widow shall give anything for her Dower or Marriage, after the decease of her husband; but she may remain within his house for forty days after his death; and within that term they shall be assigned her, and she shall have in the same place her Dower, and her Marriage-portion, and her Inheritance.

5. The King nor his Bailiffs shall not seize upon any land for debt, while there are sufficient goods of the Debtor's; nor shall the Securities of a Debtor be distressed, so long as the principal Debtor be solvent: but if the principal Debtor fail in payment, the Securities, if they be willing, shall have the lands of the Debtor until they shall be repaid; unless the principal Debtor can show himself to be acquitted thereof from the Securities.

6. The King shall not grant to any of his Barons, that he shall take aid of his freemen, unless it be for the redeeming of his own body, for the making of his eldest son a Knight, and once for marrying his eldest daughter; and this shall be done by a reasonable aid.

7. No one shall do more service for a Knight's-fee than that which is due from thence.

8. That Common Pleas shall not follow the Court of our Lord the King, but shall be assigned

to any certain place ; and that recognitions shall be taken in their same counties in this manner : That the King shall send two Justiciaries four times in the year, who, with four Knights of the same County, elected by the people thereof, shall hold Assizes of Novel Disseisin, Morte d'Ancestre, and Last Presentation ; nor shall any be summoned for this, unless they be Jurors, or of the two parties.

9. That a Free-man shall be amerced for a small fault according to the degree of the fault ; and for a greater crime according to its magnitude, saving to him his Contenement ; a Villain also shall be amerced in the same manner, saving his Wainage ; and a Merchant in the same manner, saving his Merchandise ; by the oath of faithful men of the neighborhood.

10. That a Clerk shall be fined according to his lay-fee in the manner aforesaid, and not according to his Ecclesiastical benefice.

11. No Town shall be amerced for the making of bridges for river's banks, unless they shall of right have been anciently accustomed to do so.

12. That the Measure of Corn, Wine, the breadth of cloth, and other things be amended ; and the same of Weights.

13. That the Assizes of Novel Disseisin and

Morte d'Ancestre be shortened, and made like to other Assizes.

14. That no Sheriff shall of himself enter into Pleas belonging to the Crown, without the Crown's authority; and that Counties and Hundreds shall be at the Ancient Ferme without increase, unless they be the Manors of our Lord the King.

15. If any who hold of the King shall die, although a Sheriff or other Officer of the King shall seize and register his goods by the view of lawful men, yet nothing shall be removed until it be fully known if he owed anything, and his debts to our Lord the King shall be cleared; then when the whole of the King's debts are paid, the remainder shall be given up to his executors, to do according to the will of the deceased; and if he should not owe anything to the King, all the goods of the deceased shall be restored.

16. If any Free-man shall die intestate, his goods shall be distributed by his nearest of kindred and his friends, and by the view of the Church.

17. No Widow shall be obliged to marry while she is willing to live without an husband; so that she will give security that she will not marry without the consent of the King, if she

hold of the King, or that of the Lord of whom she does hold.

18. No Constable nor other Officer shall take corn or other goods, unless he shall presently render payment; or unless he can have respite by the will of the sellor.

19. No Constable can distrain any Knight to give money for Castle-guard, if he be willing to keep it in his own Person, or by any other true man, if he shall not be able to do so by any reasonable cause; and if the King shall have sent him into the Army, he shall be free from Castle-guard for that space of time.

20. No Sheriff nor Bailiff of the King nor any other, shall take horses or carts of any Free-man, for carriage, unless it be by his own will.

21. Neither the King nor his Bailiffs shall take another man's timber for castles or for any other uses, unless it be by the will of him to whom the timber was belonging.

22. The King shall not hold the lands of them that have been convicted of felony, more than one year and one day, and then he shall give them up to the lord of the fee.

23. That all Wears for the time to come shall be destroyed in the Rivers of Thames and Medway, and throughout all England.

24. No Writ, called *Precipe*, shall for the future be granted to any one of any tenement, whereby a Free-man may lose his cause.

25. If any one have been dispossessed or deprived by the King, without judgment, of his lands, his liberties or his rights, they shall immediately be restored; and if any contention should arise upon that subject, then shall it be decided by the judgment of twenty-five Barons; and that those who were Disseised by the Kings, our Father or our Brother, shall have right without delay according to the judgment of their Peers in the King's Courts; and if the King oweth anything he shall have until the common term of the Crusaders, and then the Archbishop and Bishops shall cause justice to be done, and a certain day to be named for the debt being cleared.

26. Not anything shall be given for a Writ of Inquisition of life or limb, but it shall be granted freely without price and not be denied.

27. If any hold of the King by Fee-farm, by Socage, or by Burgage, and of another by Knight's-service, our Lord the King shall not have the custody of the other's Knight's-fee, by reason of the Socage or Burgage, nor will we hold the custody of the Burgage, Socage or Fee-farm;

and that a Free-man shall not lose his Knight's-fee by reason of Petit-Sergeantry, such as of them that hold another tenement by giving for it knives, arrows or the like.

28. No Bailiff can put any one to his Law upon his single accusation, without sufficient witnesses.

29. No Free-man's body shall be taken, nor imprisoned, nor disseised, nor outlawed, nor banished, nor in any ways be damaged, nor shall the King send him to prison by force, excepting by the judgment of his Peers and by the Law of the land.

30. No right shall be sold, delayed or denied.

31. That Merchants shall have safety to go and come, buy and sell, without any evil tolls, but by ancient and honest customs.

32. No Scutage nor aid shall be imposed on the Kingdom, excepting by the Common Council of the Kingdom; unless it be to redeem the King's body, to make his eldest son a Knight, and once to marry his eldest daughter, and that to be a reasonable aid; and in like manner shall it be concerning the taillage and aids of the City of London; and of other Cities which from this time shall have their liberties; and that the City of London shall fully have all its liberties and free customs, as well by water as by land.

33. That it shall be lawful for any one to go out of the Kingdom and return again, saving his allegiance to our Lord the King, unless in time of war, by some short space for the common benefit of the Kingdom.

34. If any one have borrowed anything of the Jews more or less, and shall die before they have cleared that debt, there shall be no interest paid for that debt so long as the Heir is under age, of whomsoever he may hold; and if the debt shall fall into the King's hands, the King shall take only the chattel, which is contained in the charter.

35. If any one die indebted to the Jews, his wife shall have her Dower, and if he shall have left children, they shall have necessities provided for them according to his tenement, and out of the residue the debt shall be paid, saving the service of the Lords. In like manner shall it be with other debts, and that guardians of land shall give to the Heir when he shall come to full age, his land stocked according to what the same can reasonably bear, and the land shall require, with ploughs and carriages.

36. If any man hold of us any Escheat, such as the Honour of Wallingford, Nottingham, Bologne, or Lancaster, or of any other Escheats which are in the King's hands and are Baronies,

and dies, his Heir shall not give any other Relief nor do to the King any other service than he would do to the Baron; and that the King shall hold it in the same manner as if the Baron held it.

37. That Fines which are made for Dowers, the Marriages of Heirs, and unjust amerciaments against the law of the Land, shall be either entirely forgiven, or else left to be decided by the judgment of the twenty-five Barons, or by the decision of the greater part of them, with one Archbishop and others whom he shall be willing to call with him: but so, that if any one or any of the twenty-five shall be concerned in the cause, they shall be removed, and others be substituted in their places by the remainder of the twenty-five.

38. That the Hostages and engagements which were given to the King as security, shall be delivered up.

39. That they who dwell without the Forest shall not appear before the Justiciaries of the Forests upon a common summons, unless they are impleaded or are securities; and that irregular customs of Forests and of Foresters, and Warrenners, and Sheriffs, and Keepers of Rivers, shall be amended by twelve Knights of the same Shire who ought to be elected by true men of the same Shire.

40. That the King shall remove from his Bailiwicks the relations and all the followers of Gerard de Athyes, so that for the future they shall not hold a Bailiwick;—they are namely, Engelard, Andrew, Peter, and Gyon de Chancell, Gyon de Cygony, Matthew de Martin, and his brother, and Walter his nephew, and Phillip Mark.

41. That the King shall remove all foreign Knights, Stipendiaries, Crossbowmen, Infringers, and Servitors who came with horses and arms to the injury of the Kingdom.

42. That the King shall make Justiciaries, Sheriffs, and Bailiffs of such as know the Law of the Land, and are disposed duly to observe it.

43. That Barons who have founded Abbeys, and hold them by Charters from the King, or by ancient tenure, shall have the custody of them when they shall be vacant.

44. If the King have disseised or dispossessed the Welsh of lands or liberties, or other things in England or in Wales, they shall immediately without plea be restored; and if they were disseised or dispossessed of their English tenements by the King's father or brother, without judgment of their Peers, he shall without delay do them justice according the manner of justice in England;—for their English tenements accord-

ing to the English Law, for their Welsh tenements according to the Law of Wales, and for tenements in the Marches according to the Law of the Marches:—the same shall the Welsh do to the King and to his subjects.

45. That the King shall give up the son of Llewellyn; and moreover all the Hostages of Wales, and the engagements which they have entered into for the security of the peace.

46. That the King shall treat with the King of Scots on the restoring of his Hostages, and his rights and liberties, according to the same form as he shall do with the Barons of England, unless it ought to be otherwise by the engagements which the King Hath entered into, and this shall be decided by the judgment of the Archbishop, and others, whom he shall think proper to call with him.

47. And all Forests which have been afforested by the King in his time shall be disforested, and the same shall be done with rivers which have been fenced by the King Himself.

48. All the aforesaid customs and liberties which the King Hath conceded, are to be holden in the Kingdom as much as belongs to him; therefore all his subjects of the realm, as well Ecclesiastics as Laity, shall observe them inas-

much as they are concerned from themselves towards their dependants.

49. This is the form of the security for the observance of the peace and liberties between the King and the Kingdom. That the Barons may elect twenty-five Barons of the Kingdom, whom they will, who shall take care with all their might to hold and observe, and cause to be observed, the peace and liberties which our Lord the King hath conceded, and by his Charter hath confirmed; so that, namely, if the King or the Justiciaries or Bailiffs of the King, or any of his Ministers shall in any case fail in the performance of them towards any person, or shall break through these Articles of peace and security, and the offence be notified to four Barons of the aforesaid five and twenty, they, the four Barons, shall go to our Lord the King, or to his Justiciary, if the King shall be out of the Kingdom, and laying open the grievance, shall petition to have it redressed without delay; and if the King shall not amend it, or his Justiciary shall not amend it for him, if the King shall be out of his Kingdom, within a reasonable time determined upon in the aforesaid Charter, the four Barons shall refer the case to the remainder of the twenty-five, and they—the twenty-five—with

the whole community of the land, shall distrain and distress the King by all the means which they can; that is to say, by taking his Castles, Lands, Possessions, and in every other manner which they can, until amendment shall be made according to their decision, saving the persons of the King and Queen and of their Children, and when the grievance shall be redressed they shall obey our Lord the King as before; and whosoever of the Kingdom is willing may swear to obey the orders of the aforesaid five and twenty Barons, and harass the King with them, to the extent of his power, and the King shall give public and free leave to any to swear to them that are willing to swear; and he shall not prohibit any from swearing; also, all those of the land who of themselves and of their own accord will not swear to join with the five and twenty Barons, to distrain and distress the King, the King shall make them swear to the same such as is aforesaid, by his command. Also, if any of the aforesaid five and twenty Barons shall die or remove from the land, or by any other way be prevented from putting the things aforesaid into execution, the five and twenty may elect another in his place, by their own decision, who shall be sworn in a similar way with the rest.

Also in all things that are committed to the charge of these five and twenty Barons, if, when they be all assembled, and between themselves they should disagree upon anything, or some of them when called cannot or will not come, whatever be agreed upon by the greater part, shall be as firm and valid as if all the five and twenty had given their consent; and the aforesaid five and twenty shall swear that all the aforesaid they will faithfully observe, and will cause to be observed, with their whole power. Moreover the King shall make them secure by the engagements of the Archbishops and Bishops, and of Master Pandulph, that he will not procure from our Lord the Pope, anything by which any part of this covenant shall be revoked or lessened, and if any such thing be obtained, let it be considered as null and void.