

THE FIRST GREAT CHARTER OF KING HENRY III.

GRANTED NOVEMBER 12, A.D. 1216.

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, Earls, Barons, Justiciaries, Foresters, Sheriffs, Governors, Officers, Bailiffs, and to all his faithful subjects,—Greeting. Know ye, that we, 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 honour of God, and the exaltation of the Holy Church, and the amendment of our kingdom, by the counsel of our venerable fathers, the Lord Gualo, entitled a Cardinal Priest of St. Martin, legate from the Apostolic See; Peter of Winchester, Reinerus of St. Asaph, Joceline of Bath and Glastonbury, Simon of Exeter, Richard of Chichester, William of Coventry, Benedict of Rochester, Henry of Landaff,—of St. David's,—of Bangor, and Sylvester of Worcester, of the Bishops; and of these noble persons, William Mareschal Earl of Pembroke, Ranulph Earl of Chester, William de Ferrars Earl of Derby, William Earl of Albermarle, Hubert de Burgh, our

Justiciary, Savary de Mallion, William de Bruer, the father, William de Bruer, the son, Robert de Courtenay, Fulke de Brent, Reginald de Vautort, Walter de Lacy, Hugo de Mortimer, John de Monmouth, Walter de Beauchamp, Walter de Clifford, Robert de Mortimer, William de Cantelow, Matthew Fitz-Herbert, John Mareschal, Alan Basset, Philip de Albiniac, John LeStrange, and others of our liegemen; have in the

1. 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 her whole rights and her liberties inviolable. We have also granted to all the Freemen of our Kingdom, for us and our heirs forever, all the under-written liberties, to be enjoyed and held by them and by their heirs, from us and from 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, for a whole Barony, for one hundred pounds; the heir or heirs of a Knight, for a whole

Knight's fee, for one hundred shillings at the most: and he who owes less, shall give less, according to the ancient custom of fees.

3. 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 be made a Knight, whilst he be under age, nevertheless his land shall remain in custody of his Lord until the term aforesaid.

4. The Warden of the land of such 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 any other person who is bound to us for the issue 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.

5. But the warden, as long as he hath the custody of the lands, shall keep up and maintain the houses, parks, 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, Abbies, Priories, Churches, and Dignities, which appertain to us, excepting that these wardships are not to be sold.

6. Heirs shall be married without disparagement

7. 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 anything 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 her husband's

house forty days after his 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 departs 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.

8. No widow shall be distrained to marry herself, while she is willing to live without a husband ; but yet she shall give security that she will not marry herself without our consent, if she hold of us, or without the consent of her lord, if she hold of another.

9. We, nor our Bailiffs, will not seize any land nor 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 land 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

shew himself acquitted thereof against the said sureties.

10. The City of London shall have all its ancient liberties, and its 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, shall have all their liberties and free customs.

11. None shall be distrained who do more service for a Knight's fee, nor for any other free tenement, than what is due from thence.

12. Common Pleas shall not follow our Court, but shall be held in any certain place.

13. Trials upon the Writ of Novel Disseisin, of Morte d'Ancestre (death of an ancestor), and of Darien Presentment (last presentation), 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 two Justiciaries into each County, four times in the year, who, with four Knights of each County, chosen by the County, shall hold the aforesaid Assizes, within the County on the day, and at the place appointed.

14. And if the aforesaid assizes cannot be taken on the day of the county-court, let as many

knights and freeholders, of those who were present at the county-court remain behind, as shall be sufficient to do justice, according to the great or less importance of the business.

15. A Freeman shall not be amerced 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 contenement; a Merchant shall be amerced in the same manner, saving his Merchandise, and a villain shall be amerced after the same manner, saving to him his wainage, if he shall fall into our mercy; and none of the aforesaid amerciaments shall be assessed, but by the oath of honest and lawful men of the vicinage.

16. Earls and Barons shall not be amerced but by their Peers, and that only according to the degree of their delinquency.

17. No Clerk shall be amerced excepting according to the form aforesaid, and not according to the quantity of his ecclesiastical benefice.

18. 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.

19. No Sheriff, Constable, Coroners, nor other of our Bailiffs, shall hold pleas of our Crown.

20. If any one holding of us a lay fee dies, and the Sheriff or our Bailiffs shall shew our letters-patent of summons concerning the debt which the defunct owed to us, it shall be lawful for the Sheriff, or for our Bailiffs, to attach and register the chattels of the defunct 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 defunct; and if nothing be owing to us by him, all the chattels shall fall to the defunct, saving to his wife and children their reasonable shares.

21. No Constable, Governor, 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 three weeks.

22. No Constable shall distrain any Knight to give 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 have carried or sent him into the army, he shall be excused from Castle-

guard, according to the time that he shall be in the army by our command.

23. No Sheriff nor Bailiff of ours, 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.

24. Neither we, nor our Bailiffs, will take another man's wood, for our castles or for other uses, unless by the consent of him to whom the wood belongs.

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

26. All Kydells (Wears) for the future shall be quite removed out of the Thames and the Medway and through all England, excepting upon the sea-coast.

27. The Writ which is called *Præcipe*, for the future, shall not be granted to any one of any tenement, by which a Free-man may lose his court.

28. 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 list. Also it shall be the same with Weights as with Measures.

29. Nothing shall be given or taken for the Writ of Inquisition of life or limb; but it shall be given without charge and not denied.

30. If any hold of us by Fee-Farm, or Socage, or Burgage, and hold land of another by Military Service, we will not have the custody of the heir, nor of his land, 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 heir, nor of the lands of any one, which he holds of another by Military Service, on account of any Petty-Sergeantry which he holds of us by the service of giving us daggers, or arrows, or the like.

31. No Bailiff, for the future, shall put any man to his law, upon his own simple affirmation, without credible witnesses produced for that purpose.

32. No free-man shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way de-

stroyed; 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.

33. To none will we sell, to none will we deny, to none will we delay, right or justice.

34. 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 traveling 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 ours be in safety there, the others shall be in safety in our land.

35. If any hold of any escheat, as of the Honour of Wallingford, Nottingham, Bolougne, Lancaster, or of other escheats which are in our hand, and are Baronies, and shall die, his heirs 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.

36. Men who dwell without the Forest shall not come, for the future, before our Justiciaries of the Forest on a common summons, unless they be parties in a plea or sureties for some person or persons who are attached for the Forest.

37. All Barons who have founded Abbies, which they hold by Charters from the Kings of England, or by ancient tenure, shall have the custody of them when they become vacant, as they ought to have, and such as it hath been declared above.

38. All Forests which have been made in the time of King John, our Father, shall be immediately disforested ; and it shall be so done with Water-banks, which have been taken or fenced in by the same John during his reign.

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

40. And if the King John our Father hath disseised or dispossessed any Welshmen of their lands or liberties, or other things, without a legal verdict of their peers, in England or in Wales, they shall be immediately restored to

them; and if any dispute shall arise upon this head, then let it be determined in the Marches by the verdict of their peers; for a tenement of England according to the law of England; for a tenement of Wales, according to the law of Wales; for a tenement of the Marches, according to the law of the Marches; also the Welsh shall do the same to us and to our subjects.

41. 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 it concerns them.

42. But because in some chapters in the first Charter were contained that which seemed weighty and doubtful; namely, concerning scutages and the assessing of aids, concerning debts to the Jews and others, concerning of the liberty of going out and returning to our kingdom, concerning of forests and foresters, warrens and warreners, concerning the customs of counties, and concerning rivers and their keepers, it hath pleased the aforesaid prelates and nobles that they be had in respect, until we may have a full council, and then we will provide most fully, as well for those as for other emendations which

have occurred, for the common use of all whom they shall have pertained to, and the peace and estate of us and our kingdom. But because we have not as yet any seal, we have caused the present Charter to be sealed with the seals of our venerable father, the Lord Gualo, Cardinal Priest by the title of Saint Martin, Legate of the Apostolic See; and of William Mareschall, Earl of Pembroke, the guardian of us and of our kingdom, at Bristol the twelfth day of November, in the first year of our reign.