

THE SECOND GREAT CHARTER OF KING
HENRY III.

GRANTED NOVEMBER 6, 1217.

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, we grant, and by this present Charter we have confirmed for us and for our heirs for ever, by the counsel of our venerable fathers, the Lord Gualo, entitled a Cardinal Priest of St. Martin, Legate from the Apostolic See; the Lord Walter, Archbishop of York, William, Bishop of London, and other Bishops of England, and William Mareschal Earl of Pembroke, Guardian of us and of our kingdom, and others of our faithful Earls and Barons of England,—these underwritten 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 freemen of our kingdom, for us and for our heirs for ever, all the under-written liberties to be 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 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 is under age, his lands shall nevertheless remain in custody of his Lords, 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 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.

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 is-

sues; 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 the principal mesuage 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.

8. No widow shall be distrained to marry herself whilst 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 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 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, should have all their liberties and free customs.

11. None shall be distrained to do more service for a Knight's fee, nor for any other free tene-ment, 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 Writs of Novel Disseisin and of Mort d'Ancestre, 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 king-
dom, 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.

14. 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.

15. Assizes of Last Presentation shall always be taken before our Justiciaries of the Bench, and there shall be determined.

16. A Free-man 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 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 amerciaments shall be assessed, but by the oath of honest and lawful men of the vicinage.

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

18. 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.

19. 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.

20. No embankment 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.

21. No Sheriff, Constable, Coroners, nor other of our Bailiffs, shall hold pleas of our crown.

22. If any one holding of us a lay-fee dies, and the Sheriff or our Bailiff 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 Bailiff, 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 fulfill 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 seasonable shares.

23. 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 forty days.

24. No Constable shall distrain any Knight to give him money for Castle Guard, if he be

*This word omitted in the 3rd Charter of 9 Henry III. following.

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.

25. 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.

26. No demesne cart of any ecclesiastical person, or knight, or any lord, shall be taken by the aforesaid Bailiffs.

27. 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.

28. 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.

29. All Kydells (wears) for the future shall be quite removed out of the Thames and the Med-

way, and through all England, excepting upon the sea coast.

30. 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.

31. 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 lists. Also it shall be the same with Weights as with Measures.

32. Nothing shall, for the future, be given or taken for a Writ of Inquisition, nor taken of him that prayeth Inquisition of life or limb; but it shall be given without charge, and not denied.

33. If any hold of us by Fee-Farm, or Socage, or by Burgage, and hold land of another by Military Service, we will not have the custody of the 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 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.

34. 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.

35. 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.

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

37. 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 coun-

try at war against us; and if ours be in safety there, the others shall be in safety in our land.

38. If any hold of any escheat, as of the Honour 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 Eschest, any Escheat, or the custody of any of our men, unless he who held the Barony or Escheat, held other wise of us in chief.

39. No Free-man shall from henceforth give or sell any more of his land, but 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.

40. All Patrons of Abbies, 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.

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

42. 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 has 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.

43. 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 House of Religion 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.

44. Scutage from henceforth shall be taken as it was accustomed to be taken in the time of King Henry our grandfather.

45. 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.

46. 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.

47. We also ordain by the Common Council of our whole kingdom that all the adulterine castles, namely, those which from the beginning of the turbulent war between the Lord John our Father, and his Barons of England, which were built or re-edified, shall be pulled down. But because we have not as yet any seal, we have caused this to be sealed with seals of our Lord the Legate aforesaid, and of the Earl, William Marshal, guardian of us and of our kingdom.