

## PREFACE TO FIRST EDITION.

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THERE is certainly no event in the history of England of more importance and interest, not only to the English themselves, but to all of the Anglo-Saxon race, than the facts and circumstances, and peculiar historical conditions relating to the granting of the Magna Charta by King John. Surprising as it may seem, it is nevertheless the fact, that there is no other act of similar importance pertaining to any country about which so little has been written and so little is generally known. Sir William Blackstone has said that "*there is none that has been transmitted down to us with less accuracy and historical precision.*" To the average reader the facts relating to the Magna Charta, as well as the Magna Charta itself, are like a sealed book, absolutely unknown. There is no book of refer-

ence extant to-day that gives any adequate idea of the circumstances and historical reasons that caused its birth. Those articles appearing in most of the better known encyclopædias are very conspicuous for their inaccuracy and brevity, which brevity was undoubtedly caused by lack of knowledge relating to the subject. The admirable works upon the Magna Charta by the Hon. Sir William Blackstone and Mr. Richard Thomson, are so rare and so difficult to obtain, that they are unknown to most of the readers of to-day. The work of Mr. Thomson, while it leaves little to be desired, is so very exhaustive, that it is impossible, without much study of his book, to get at the facts and circumstances in a brief manner. It is the work of a lawyer, and appeals particularly to them. It is always difficult to avoid tiresome dryness if the object is to give great and exhaustive information, and while Mr. Thomson has avoided dryness by his admirable style of writing, he has not made his work sufficiently concise to be

of value to the hurried and busied reader of to-day. The result is, the almost total lack of knowledge on the part of a majority of the English-speaking people of the history of the Magna Charta. How many have read the Charter itself?

To the time of the granting of this wonderful statute, the people of England had no other rights than custom, and such additional privileges as the kings in their own peculiar way saw fit from time to time to grant to them. There was no established and recognized law other than custom. There was no parliament. There was no body of men empowered to make laws, either with or without the king's permission. Everybody regarded the administration of the law as being vested in the king, and when he was kind and wise, the people were happy under his government, as they were during the reign of Edward the Confessor; but when he was overbearing and domineering, as was William the Conqueror, the opposite status existed, and as a consequence created much misery.

When for any length of time the people had enjoyed any particular privilege, they became used to it, and this custom of enjoyment became so rooted in their minds and habits, that they considered it an established right, and therefore the law—the common law. While they were not disturbed in the benefits derived from these customs or laws, they did not demur to the rule then existing. Of course as time went on and the population was increasing, particularly in the cities and towns, new conditions would arise demanding new and greater concessions from the king, which sometimes were granted and sometimes not. Especially were they not granted, if by the granting the king was asked to part with some coveted right of his own which was dear to him. This granting of favors and privileges, or as they were called, laws, was invariably the result of petitions addressed to the king, by or through the barons. In most cases they were the result of pressure, either direct or indirect. Direct when the barons, clergy, and people

clamored so loudly for what they wanted that the king dared not refuse; indirect when the king, asking for grants of aids, or scutages or other taxes, granted them as a recompense to appease a clamor he knew would otherwise arise. But in any and all cases pressure was existent to force their creation. It was so in the case of John and his granting of his charter. That instrument was the result of pressure, and very great pressure, the most severe, perhaps, that was ever inflicted upon an English king. His struggles against its granting were very long and severe, and it is really surprising that during all this intestinal strife and turmoil, John did not lose his life, as did Charles I.

The effect upon the subsequent history of England that this charter created has been more beneficent than is generally conceded or understood. It is the one great and single act of any of the English kings that of itself stands out sharply and clearly as a starting point from whence all law must

flow. From the present time we need go back but to this charter for our fundamental law; from that time back we must rely solely upon custom, and what that was is only conjectural. Never was it written down definitely, and so set out that it could be handed to us as codified law. Those laws which are attributed to Edward the Confessor, and which I include in this work in Part 2, are the only laws we have, and the only knowledge we have of what, perhaps, were the customs at that time. But these laws are unfortunately robbed of their great value because, instead of being written in or near the time of that king, they are now generally conceded to be forgeries of the fourteenth century. It is, however, generally agreed that this table of laws were existent at that time, and were, so far as they go, the customs of the times; but that they were all of the general rights, and that they contain no particular modification suited to a change of three hundred years, is not accepted. Therefore their value as accurate portrayers

of conditions existing three centuries separated from their writing, is evident to any one. To give an account of John's reign and explain his charter without setting out in some measure the conditions giving rise to the times, would not accomplish the purpose of any work upon the Magna Charta. A short account of the early history of England showing the causes that in themselves were by the nature of things bound to result as they did, must of necessity preface any description of the charters themselves. Without setting forth, chronologically and in proper order, the most important of these happenings and events, which were the causes of the granting of the charter, would be to so place the matter before the reader that it could not be intelligently understood. Of course all history had its value in the granting of this charter. One thing led up to another, one cause was the result of another, as it always is, and the final act of John was only the culmination of years of events, so conducted and so hap-

pening that they could not result in any manner other than they did. But of course there were some things more than others that exerted their influence. Some events and acts had a stronger and more lasting effect, and as such should be given that prominence which in a case of this kind they deserve. The obtaining of the charter from John was, of course, the final act of the whole history of England preceding it, but in order to understand intelligently the charter, and how it was obtained, will not compel a studied review of the details of history. It is to trace out those acts and events which of themselves are entitled to this prominence, and so show them in their proper light and relation to the subject that I have prepared this treatise.

What, therefore, may be expected in my work will be a short, concise and accurate account of the most important facts, causes, circumstances and conditions, from the earliest important date, which in any way had its influence upon the granting of the Magna



Charta, down to the time of King John, and culminating in that monarch's grant. I have also followed the subject from John's death through the reign of his son, Henry III., to its final establishment in the reign of Edward I., since which time it may be considered as most effectually settled and established.

I have also in my work endeavored to obliterate any and all technical language, and to so set the matter out that any one can readily understand that of which I have written.

The works of Blackstone, Coke and Thomson require somewhat of a legal knowledge to understand and appreciate their language and terms. I have avoided that and have made a short book, I hope of interest to the general reader, which can be read readily and quickly, and at the same time possesses *all* the facts and truths together with the authorities.

No claim is made for originality, but solely for research, which has been exhaus-

tive in every line I can pursue. All discrepancies and errors which have come to my notice in other works and articles I have tried to correct, using to help me the authorities I have cited.

It is with the hope that the work will fill a want which originated in my own desire to obtain this knowledge, and which caused me to undertake the work, that I conclude my task, and present it to the public, for such use and such criticism as they shall deem fit to bestow upon it.

BOYD C. BARRINGTON.

PHILADELPHIA, July 31, 1899.