

THE MAGNA CARTA – EXTRACT

The Magna Carta was a document signed in 1215 that established the principle that the law is superior to the king. It was the first document to clearly state that the king and his government were subject to the law.

John met the rebel leaders at Runnymede, a water-meadow on the south bank of the River Thames, on 10 June 1215. Runnymede was a traditional place for assemblies, but it was also located on neutral ground between the royal fortress of Windsor Castle and the rebel base at Staines, and offered both sides the security of a rendezvous where they were unlikely to find themselves at a military disadvantage.

Significance

The Magna Carta limited the king's power and established the importance of Parliament.

It also established the principle that taxation must be by consent.

It established the principle of trial by jury.

It is considered one of the most important legal documents in the English-speaking world.

History

The Magna Carta was drafted by Cardinal Stephen Langton, the Archbishop of Canterbury.

It was granted by King John to rebel barons in exchange for peace.

It was annulled by Pope Innocent III within 10 weeks of being sealed.

It was reissued by King Henry III in 1216, 1217, and 1225.

It was written into law by King Edward I.

Legacy

The Magna Carta continues to influence legal systems today.

It has been used to support demands for political freedom.

Magna Carta was issued in June 1215 and was the first document to put into writing the principle that the king and his government was not above the law. It sought to prevent the king from exploiting his power, and placed limits of royal authority by establishing law as a power in itself.

The contents of Magna Carta

Magna Carta is Latin for 'great charter' and the term was first used in 1217 to distinguish it from the Charter of the Forest, a document that also set out limits on the king's administration, this time of the royal forest, areas of the country set aside for royal hunting and subject to much harsher laws and restrictions. Both charters set out what the king could and could not do. In other words, Magna Carta set out the laws which the king and everyone else had to follow for the first time. Copies of Magna Carta were sent out to be read out in each county of England so that everyone knew of its existence.

The Clauses of Magna Carta

There are 63 clauses in Magna Carta. For the main part, the clauses do not deal with legal principles but instead relate to the regulation of feudal customs and the operation of the justice system. There are clauses on the granting of taxes, towns and trade, the extent and regulation of the royal forest, debt, the Church and the restoration of peace.

Only four of the 63 clauses in Magna Carta are still valid today - 1 (part), 13, 39 and 40. Of enduring importance to people appealing to the charter over the last 800 years are the famous clauses 39 and 40:

“No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded against, except by the lawful judgement of his peers and the law of the land.

“To no one will we sell, to no one will we deny or delay right or justice.”

These clauses remain law today, and provided the basis for important principles in English law developed in the fourteenth through to the seventeenth century, and which were exported to America and other English-speaking countries.

The four copies of the Magna Carta is kept in the British Library, Salisbury Cathedral, and Lincoln Castle.

End.