THE EVE OF MAGNA CARTA

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ALTHOUGH Magna Carta has been a household word in England for more than seven centuries, it is less than two hundred years since the scientific study of the great charter of King John was initiated by one of England’s most celebrated lawyers, William Blackstone. Writing in 1759 he said: “There is no transaction in the antient part of our english history more interesting and important, than the rise and progress, the gradual mutation, and final establishment of the charters of liberties . . . and yet there is none that has been transmitted down to us with less accuracy and historical precision. . . . This want of authentic materials, or neglect of recurring to such as might be easily had, . . . has often betrayed our very best historians and most painful antiquarians into gross and palpable errors, as will in some measure appear from the following deduction.” ² He concludes by leaving the last word on the Charter to “some masterly and comprehensive genius”, but opines that such a one may be wanting in “critical attention to dates, and names, and other minuter circumstances”.³

Blackstone’s care and acuteness cleared away some of the muddle surrounding the Magna Carta of 1215; and from his day to ours the Charter has been continuously studied. It is, however, many years since anyone attempted a chronological account of the weeks which preceded its issue. That is my object: to establish dates. I am not concerned with the constitutional importance of the Charter: I am trying to find the order of preceding political events. Even so, I shall not

¹ A lecture delivered in the John Rylands Library on Wednesday, the 11th of May 1955, printed with some additions and changes. I am indebted to Professor V. H. Galbraith, Mr. Eric John, and my wife for criticism and advice.
³ Ibid. p. lxxvi.
attempt to include all relevant events, but only to provide a chronological framework in which they will fit. Our sources are inadequate, and a plausible conjecture is often all that can be offered instead of a certain conclusion. Nevertheless the attempt is worth making. The "critical attention to dates" of which Blackstone spoke should not be beneath the dignity of serious students of history. I invite you, then, to follow me along a somewhat arid track of facts and dates. As we go we may gain incidental light upon the situation, besides preparing the chronological path for some future "masterly and comprehensive genius" to tread.

The period which I wish to study and which I have described as "the eve of Magna Carta" begins in Easter Week 1215 and comprises some nine weeks. A rather protracted eve, you may think: but Mr. H. G. Richardson, in an important contribution to the BULLETIN in 1944, made the "morrow of the Great Charter" last a full three months.

Now, in January 1215, Low Sunday, that is the Sunday next after Easter, 26 April, had been appointed as the day when King John would answer a request for redress of grievances which an important group of barons had made. These barons had come armed to the king's council in London on 6 January. Although most of the earls stood aloof, the party clearly was a political and military force to be reckoned with. It included a strong north-country element, but we cannot guess its numbers or composition. Eustace de Vescy, Richard de Percy, Robert fitzWalter were among the leaders. They had asked the king to confirm their ancient liberties, as contained in his predecessors' charters and implicit in his coronation-oath. The king had reacted violently. He had tried to make the malcontents withdraw their demand and give security that they would not renew it. This they would not do. Eventually, the king had

1 Cf. the report of Walter Mauclerc from the Curia in March 1215 (T. Rymer, Foedera (Record Commission ed.), i. i. 120). Roger Wendover and "Walter of Coventry" both say that the coronation-charter of Henry I was brought to the fore at this stage.
promised to give them safe-conduct to and from Northampton, where, on Low Sunday, 26 April, he would give his answer. John had played for time, and the records show that between January and April he was not inactive. He was fetching troops from abroad, stocking his castles with food and ammunition, making siege-weapons and, in short, preparing for war. The business of the law-courts diminished and the enrolment of charters in chancery ceased entirely for ten weeks.¹ Chroniclers suggest that the king’s court was deserted by most of those prelates and nobles who usually frequented it. But meanwhile, the king was making concessions to individuals, which might detach them from the opposition, and he used Archbishop Stephen Langton and the bishops and the veteran William Marshal, earl of Pembroke, to negotiate with the “northerners”, as the malcontents are almost invariably described. One meeting may have taken place at Oxford on 22 February, another at the same place on 13 April.²

Both sides recognized (better than some modern historians have done) the importance of interesting the king’s new overlord, Pope Innocent III. They had sent their respective envoys off to Rome soon after the meeting in January. But these démarches could only produce results later on, for the journey to and from Rome in winter-time would scarcely take less than three months and, in this instance, took longer. We must leave them, for the present, on the path to Rome. Then, on 4 March, King John took a step which all acknowledged to be a master-stroke of diplomacy. He took the Cross as a Crusader. It put him and his possessions under the special protection of the Church and rendered liable to anathema those who interfered with him.

II

By the time Easter came both the king and his opponents apparently were dubious of settling the matter peaceably. If we may credit “Walter of Coventry”, the harsh reply which

¹ Between 9 February and 22 April.
² Rotuli litterarum patentium, ed. T. D. Hardy (Record Comm.), p. 129a; Memorials of St. Edmund’s Abbey (Rolls Series), ii. 124-5.
the king had returned to the barons' proposals in recent parleys made them hurry to fortify their castles, look for allies, and prepare horses and arms. So they came armed to the appointed meeting-place, Northampton, on Low Sunday, 26 April. We hear from chroniclers of a first assembly of northern barons at Stamford in Easter week. Thence they moved to Northampton where they were joined by Giles, bishop of Hereford, Geoffrey de Mandeville, Robert fitzWalter, and many others—presumably those whose strength, like these great lords', lay in East Anglia. The opposition came chiefly, though not entirely, from the north and east of the country. The king made no attempt to keep the appointment. Having gone as far north as his stronghold of Nottingham late in March, he came southwards at the beginning of April and stayed in the Thames valley and farther south. Easter he spent at London, and during Easter-week moved through Hampshire to his hunting-box of Clarendon, near Salisbury. Nevertheless, before leaving London on Thursday, 23 April, he issued letters of safe-conduct for those who should come with the archbishop of Canterbury or bearing letters from him to speak with the king. The safe-conduct was to last for five weeks—until Ascension day, 28 May.

Stephen Langton was still working for a peaceful settlement, but for the course of his negotiations there are few clues. Our account of the fortnight after 26 April, therefore, may well be faulty in detail.

According to Roger Wendover, on the day after Low Sunday the malcontents moved to Brackley, some twenty miles to the south-west of Northampton. There (or nearby) they met the

1 Wendover, in Matthew Paris, Chronica maiora (Rolls Series), ii. 585 and Walter of Coventry, Memoriale (Rolls Series), ii. 219. Sir James Ramsay (The Angevin Empire (1903), pp. 470–2) places this and succeeding events much earlier. His arguments for dating the barons' dissension about 13 April are not cogent. Professor Sidney Painter, The Reign of King John (Baltimore, 1949), p. 288, puts the meeting at Stamford in mid-April.


3 Rot. lit. pat. p. 134a.

4 He was engaged in the negotiations of 22 February and 13 April, and between those two dates he is found in Norfolk (Gaywood, 31 March) and Herts (Little Wymondley, 6 April): see Acta Stephani Langton, ed. K. Major (Canterbury and York Soc., 1950), nos. 13, 14.

5 Walter of Coventry, ii. 219.
archbishop, the earl of Pembroke, and other representatives of
the king. The malcontents had now set down in writing their
demands, largely for "old laws and customs of the realm",
which were to be found in the coronation-charter of Henry I
and the so-called Laws of Edward the Confessor. They asked
that the document embodying their demands should be confirmed
at once by the king's seal; otherwise they would resort to force.
Wendover is not a writer on whom we can rely for accuracy in
describing a transaction of this sort; but it is altogether proba­
tle that at this juncture a demand was made in writing. To
suppose, with Sir James Ramsay, that the demand was " doubt­
less the Articles subsequently produced at Runnymede" is
to go far beyond the evidence, but we can best explain the
impasse which was reached if we suppose that the baronial
document included a demand for a restrictive council of some
sort.

This demand, which may be dated 27 April, had to be con­
vayed to the king, who was then making his way rapidly from
Corfe, through Clarendon and Marlborough, to Wallingford.
He reached Wallingford (if the chancery-roll can be trusted to
give the king's itinerary) late on Thursday, 30 April. Walling­
ford is about thirty-four miles from Brackley. There, I suggest,
he received the malcontents' demand and threat. On the same
day, as the patent roll shows, he wrote to Walter de Lascy,
John de Monmouth, Hugh de Mortimer, Walter de Clifford, and
"other barons at Gloucester", requesting them to be at Ciren­
cester on Monday next, well equipped with horses and arms and
all the men they could muster, there to await the king's command.
Without going into questions of military strategy I may point
out in passing the importance of Cirencester at a key-point east
of the main Cotswold ridge.

At this critical juncture an event occurred which prompted
the king, if he needed prompting, to reject the malcontents'
demands and make counter-proposals. The evidence points
to this week after Low Sunday—about the end of April—as the
moment when the king's messengers returned from Rome.
Precisely when they arrived and what they brought with them
are far from clear; but we shall not be wrong in placing their
arrival in this week¹ and in making them the carriers of two letters, which were later transcribed upon the dorse of the patent roll. Both these letters are dated at the Lateran, 19 March.² One letter, addressed to the magnates and barons of England, ordered them to abandon conspiracies and show of force against the king, to render their due service to him, and, if they had requests to make, to make them respectfully. The second surviving letter was directed to Archbishop Stephen and his suffragans. It upbraided them for failing to mediate in the dispute between king and barons, and stated that they were suspected of giving help and favour to the king’s opponents: they were to condemn conspiracies and forbid them under pain of excommunication. In both these letters the Pope said that he had written to the king asking him to treat the barons kindly and hear their just petitions graciously. The letter to the king on behalf of the barons does not survive; presumably it was brought by the barons’ messengers at about the same time.³ Besides these three hortatory letters the Pope, it seems, also sent to the disputants terms of agreement which he had propounded and to which the barons’ messengers at the Curia had agreed.⁴ A few months later the Pope’s commissioners spoke of these “three-fold peace-terms (triplex forma pacis) which were thoroughly honourable and reasonable and worthy of acceptance by God-fearing men”.⁵ From later letters of the Pope we learn that one of the proposals was for the king to “grant the barons full safe-conduct, . . .

¹ A writ of computate in favour of Thomas of Erdington suggests that he was back to his normal activities by 7 May (Rotuli Litterarum Clausarum, ed. T.D. Hardy (Record Comm.), i. 199a), completed by an unpublished fragment of the roll. Brother Alan Martel appears on 14 May (Rot. lit. pat., p. 135b). Sir Maurice Powicke suggested that the letters might not have reached England before the seizure of London on 17 May (Stephen Langton (Oxford, 1928), p. 131 and n. 4), but the terms of the later papal letter (“interim prefatis nuntiis revertentibus”) seem to date their arrival much earlier.


³ See Walter of Coventry’s evidence, below.

⁴ This agreement is stated in the Pope’s letter of 18 June (Magna Carta Commemoration Essays, ed. H. E. Malden (1917), p. 44).

⁵ English Historical Review, xliv (1929), 92. Mr. Painter has pointed out that this cannot refer to Magna Carta, as Powicke and Richardson supposed (The Reign of King John, pp. 345–6, and cf. my remarks, ante, xxxiii (1950), 35–6).
so that if they could not arrive at agreement the dispute might be decided in his court by their peers according to the laws and customs of the kingdom.”¹ This proposal, although made by the Pope, must surely have been inserted in the papal *triplex forma* at the instance of the barons’ messengers. But what more was included we cannot say.

John told the Pope that he offered to accept these terms and that the barons refused to agree to them.² Wendover says nothing of this, but since his object was to make a dramatic story and to represent the king as wholly intransigent, his silence is not fatal. It is to be noted that “Walter of Coventry” says that the Pope’s letters, to the king “pro baronibus” and to the archbishop “pro rege”, were produced in the discussions between the king’s representatives and the barons before the latter defied the king. He does not mention the letter to the barons “pro rege” or the *triplex forma*, but it seems most probable that when the first two letters came under discussion, the third letter and the *forma* were also produced. This is borne out by the words of the Pope’s commissioners in England who afterwards said that the barons defied their lord *contra triplicem formam pacis*.³

We may assume, then, that the offer was made. We can only guess why the barons rejected the king’s offer and what part of their earlier proposal was objectionable to the king. The impasse is explicable if the barons were already insisting upon the sort of supervision over the Crown which was eventually effected by the security clause of Magna Carta.⁴

The malcontents had sent their demands to the king by the hands of the archbishop and the earl of Pembroke in the week

¹ *Selected Letters*, p. 214 (24 August) and the letter of 18 June cited above.
² *Foedera*, i. i. 129. Objection may not only have been raised by the “opposition” barons.
³ “Walter of Coventry”, ii. 219; *Eng. Hist. Rev.*, xlv. 92. Note that the Pope’s letter of 24 August suggests that before the messengers bearing the *forma* reached England, the barons had defied the king. But the English chronicles and the Pope’s commissioners in England may have been better informed of the sequence of events.
following Low Sunday. I have suggested that he received and rejected them on Thursday, 30 April at Wallingford. If the barons waited at Brackley, they can hardly have received the king's reply and counter-proposals before 1 or 2 May. Another day may well have been spent in discussing the situation and then the barons took the decisive step of diffidation: they "defied" the king, in the sense of formally renouncing their homage and fealty. It was a declaration of war.

The annals of Southwark report that war broke out between the king and the northern barons about the feast of the Invention of the Holy Cross (that is, about Sunday, 3 May), and that the barons defied the king by an Austin canon at Reading on 5 May. If the canon left Brackley on 3 May to go to the king where he was last known to be, i.e. Wallingford, he would find on arrival that the king had left for Reading (18 miles away) on 2 May. The Dunstable annals say that a canon of Dereham (O. Praem.) was sent to the king at Wallingford (ibid. iii. 43). Praestita Roll 16 John m. 6 confirms the evidence of the chancery rolls that John was at Reading on 5 May.

Meanwhile, the malcontents marched back in battle-formation to Northampton, where they laid siege to the royal castle whose castellan was a Poitevin soldier, Geoffrey de Martigny. As the attackers had no siege-weapons, they sat before the castle in vain for a week or two. If we may trust Wendorf, the rebels straightway appointed the great East Anglian lord Robert

1 M. Tyson, "The Annals of Southwark and Merton", Surrey Archaeol. Collections, xxxvi. 49. Tewkesbury annals say that "turbatio magna" arose on 1 May (Annales monastici (Rolls Series), i. 61). If the canon left Brackley on 3 May to go to the king where he was last known to be, i.e. Wallingford, he would find on arrival that the king had left for Reading (18 miles away) on 2 May. The Dunstable annals say that a canon of Dereham (O. Praem.) was sent to the king at Wallingford (ibid. iii. 43). Praestita Roll 16 John m. 6 confirms the evidence of the chancery rolls that John was at Reading on 5 May.

2 This is how I interpret the king's letter to the Pope of 29 May which does not, however, mention the diffidation (Foedera, i. i. 129). The earls of Pembroke and Warenne were with the king on 5 May (Rotuli chartarum, ed. T. D. Hardy (Record Comm.), p. 206b); neither attests a charter of 6 May; Pembroke does not witness charters of 7 and 9 May.

3 Wendorf says: a fortnight, but a writer who puts the capture of London a week too late cannot be trusted here.
fitzWalter as their commander-in-chief and he took the high-sounding title of "Marshal of the army of God". Did Robert or any of his fellows really believe that they were about to wage a holy war? The title is intriguing. In 1212, to be sure, Robert had associated his opposition to John with the grievances of the Church against an excommunicate king. It was less easy to take this line in 1215 when the king was the Pope's vassal and a Crusader. But the rebels had one of the bishops committed to their cause and they found in Langton a sympathetic mediator with the king.

III

With 5 May, then, civil war seems to have broken out. Northampton castle was besieged by rebels and we might expect the king to take violent action. But he still held his hand. The records show that the earlier preparations for war were continuing; one would never guess from them that hostilities had begun. Not until 9 May does the chancery take note of the state of affairs by referring to "the barons opposed to us" (barones nobis adversantes), and a fragmentary copy of a letter of the same day shows the first hostile act on the king's part: Philip of Worcester is to have possession of "the manor of Ditton, which belonged to Geoffrey de Mandeville".

Why did the king hold his hand? There may have been adequate military reasons which are obscure to us, and John and his advisers may still have had hopes of settlement. He was evidently persuaded to go a long way towards meeting reasonable complaints. His own version of what followed, as

1 M. Paris, Chronica maiora, ii. 586. Coggeshall gives Robert the same title and Robert uses it officially a little later (Foedera, i. i. 133, cf. Eng. Hist. Rev. xliv. 92). Walter of Coventry speaks of the appointment of "marshals of the army of God", and the London chronicle (De antiquis legibus (Camden Soc., 1846), p. 201) says that Robert fitzWalter and Geoffrey de Mandeville were appointed marshals.

2 Public Record Office, Close Roll 16 John (C. 54/9) m. 1. Mr. Jolliffe notes that Geoffrey's lands had been taken in hand in July 1214 for failure to keep his terms at the Exchequer in the matter of the Gloucester inheritance (Angevin Kingship (1955), p. 333). But Geoffrey regained seisin by writs of 9-10 August 1214 (Rot. lit. claus. i. 209b-210) and the record of 9 May must relate to a new disseisin if we interpret it correctly.
contained in a letter of 29 May to the Pope, is anything but clear. Fortunately, the chancery rolls enable us to confirm and date his proposition, conveyed to the rebels by the archbishop and two or three bishops, that each side should choose four arbiters who, with the Pope as president, should settle all complaints about liberties which the rebels might bring forward. A charter to this effect was drafted, with the date 9 May. This document, seldom quoted, is of interest for two reasons. It refers to “questionibus et articulis que petunt a nobis et que ipsi proponent”, which recalls the title: “Capitula que barones petunt et dominus rex concedit” which heads the Articles of the Barons. Also, it reserves to the king interim rights to fines and debts and services which he enjoyed “before the disagreement (discordia) arose”. But this charter did not protect the barons from the king’s displeasure pending arbitration. Next day it was re-drafted as letters patent with the proviso (made famous later on by the words of Magna Carta) that the king would not take the barons or their men nor dispossess them nor go against them with force and arms except according to the law of the realm or by judgement of their peers in the king’s court until the arbitrators should give their decision.

At the same time the king offered Geoffrey de Mandeville and Giles de Braose, bishop of Hereford, the judgement of his court respecting the enormous sums charged upon them as reliefs for the Gloucester and Braose inheritances. The king also granted his fifth charter to the citizens of London, empowering them to appoint their mayor by annual election; but simultaneously he pressed forward the fortification of the city and the manning of his castles throughout the country.

He had every reason to do so. By Tuesday, 12 May, he

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1 Rot. Chart. p. 209b (the dorse of the roll). Note the connection with the triplex forma. If the forma only reached the king after the barons’ diffidation, the fact might help to explain these continuing negotiations. But see p. 317 n. 3.

2 Rot. lit. pat., p 141a (the dorse of the roll).

3 Ibid.

4 The two documents printed by Mary Bateson from “A London municipal collection” (Eng. Hist. Rev. xvii (1902), 726-8) may well belong to this time when the citizens were being encouraged to look to the defences and were themselves framing their desiderata.
heard that his latest proposal to the rebels was rejected. This is implied by the writ of that date to all sheriffs of England ordering them immediately to seize the lands and chattels of the king's "enemies" and to submit returns and valuations to the king. Two days later the king began to grant the lands of rebels to his supporters: William de Mandeville's estates in Devon to Henry fitzCount, the lands of Robert de Vere in Devon to Reginald de Vautort, and so on. In the case of all but the most important rebels this action may have been a threat in order to recall them to loyalty. Thus, Simon of Pateshull's manor of Wasden (Bucks) was granted to Robert de Courtenay on 15 May; but within a week, on the intercession of the abbot of Woburn, Simon had a royal letter of safe-conduct to come and make peace with the king. Henry of Braybrook's manors of Horsendon and Corby were also seized; but on 17 May Henry had safe-conduct offered to him to come and speak with the king. At this stage, indeed, John may still have entertained hopes of dividing and pacifying the rebels. For on 16 May he instructed Geoffrey of Martigny and the others to observe a truce if the archbishop of Canterbury should announce one, to be effective until Thursday 21 May or later.

But no such truce was made. For early on Sunday morning, 17 May, some of the rebels arrived at London, having come from Northampton through Bedford, where the castle was delivered to them by its castellan, William de Beauchamp. The rebels had friends in the city, who aided their entry, and there was little resistance by the Londoners. Doubtless a strong element sympathized with the barons or saw in their

1 If the proposals of 10 May were sent to the barons at Northampton there must have been some hard riding in both directions: Windsor to Northampton and thence to the king at Wallingford. These proposals may explain the note "vidus Mai ad Norhamtun" added in the margin to the poetic account of negotiations in the Chronicle of Melrose, facs. ed. by A. O. and M. O. Anderson (1936), pl. 60 (fo. 31v): but it is the wrong date, if we are right in putting the barons' diffidation on 5 May.

2 Rot. lit. claus. i. 200a and Rot. lit. pat. pp. 136b, 138a. It is unlikely that either Simon or Henry availed himself of the offer; their reconciliation only came later. Martin of Patteshull had safe-conduct on 2 June.

3 Rot. lit pat. p. 136b.

4 Foedera, i. i. 121.
alliance an opportunity to realize civic ambitions. William, earl of Salisbury, who had been directed to London on the day before it fell, was too late to intervene, likewise some Flemish soldiery under Robert de Bethune and others. ¹

London already had the prestige of a capital city and the news of its capture must have made a deep impression in the country. Wendover is not likely to have fabricated the story that from London the rebels sent persuasive and minatory letters, urging the other barons to join them.² The king's situation must have seemed critical; and John's material superiority in wealth, trained soldiery, and fortified places over the scattered resources of an ill-organised opposition is perhaps more evident to us than it was to contemporaries. There were sporadic outbreaks in other parts of the country, at Lincoln and at Exeter, and on the North Welsh march a raid in considerable force by Llewellyn ap Iorwerth surprised the town and castle of Shrewsbury.³ The rebels felt strong enough to attempt some sort of shrieval organization in the counties where they were predominant. The king, deprived of much of his normal revenue, left his castellans to maintain their garrisons by levying protection-money from the countryside. He was at a severe disadvantage because he did not know on whom to rely. Thus, on 29 May the king ordered that "if Hugh de Beauchamp is our enemy and with our enemies, then his lands in Cornwall are granted to Hasculf de Suleny".⁴ Two days later he apparently still counted on the loyalty of John de Lascy, the young constable of Chester,⁵ whose heavy debts he had remitted over two months ago. But within three weeks John de Lascy was sufficiently deeply implicated with the rebels to be chosen as one of the council of twenty-five.

² M. Paris, Chron. maiora, ii. 587-8; cf. Coggeshall, loc. cit.
³ Reginald de Braose made trouble in the southern march, but whether this synchronized with these other events is doubtful (Brut y Tywysogion, trans. T. Jones (Cardiff, 1952), p. 90; cf. J. Lloyd, History of Wales, ii. 643–5).
⁴ Rot. lit. claus. i. 213b.
⁵ Rot. lit. pat. p. 142b, cf. 129b. Mr Painter doubts Wendover's statement that John de Lascy was with the barons at Stamford (op. cit. p. 288).
After the fall of London on 17 May neither party embarked on hostilities on a big scale. On 29 May another royal proposal was made to the rebels. This we learn from a letter addressed by King John to the Pope. A clerk of the papal camera had arrived at the king’s court at Odiham that same day, the Friday after Ascension Day; he brought (almost certainly) the Pope’s reply to John’s announcement that he had taken the Cross. The bishops of Worcester and Coventry were present at court and Saer de Quincy, earl of Winchester, was probably there under safe-conduct, representing the rebels. In the presence of the papal clerk the king offered (so he says) to submit to the Pope’s arbitration in the matter of all the petitions the rebels were making, so that the Pope, holding the plenitude of power, might order what should be just. The barons, he says, refused this offer. “Therefore, pious father,” concludes John’s letter, “we have thought fit to tell you all this in order that you, with your customary kindness, may order things as seems expedient to you.” This invitation to the Pope (dated 29 May) is not without interest in the light of the next few months’ events.

Stephen Langton is not named as being present at this encounter of 29 May. Where he was during these weeks is not known, but he was still actively working for peace. As on 16 May, so on the 27, various of John’s captains were told to keep truce with the king’s barons according as the archbishop of Canterbury should require by his letters patent; and on the same day the archbishop had safe-conduct with all those whom he should bring to Staines to treat of peace between the king and his barons. If this safe-conduct was immediately used, the fact is not recorded; but according to the king’s itinerary John was near at hand, at Windsor, from 31 May to 3 June. Thence he went to Winchester for Whitsun, but may have been brought back by fresh proposals for a meeting. On Monday, 8 June,

1 There was disorder in London, and at the end of May John took reprisals against the citizens of Northampton (Walter of Coventry, ii. 220; Rot. lit. claus. i. 214a).
2 Foedera, 1. i. 129. For a letter probably enclosed in the Pope’s letter to which John’s letter was the reply see Selected letters, pp. 203–4.
3 Rot. lit. pat. p. 138b.
4 Ibid. p. 142a.
5 Apparently without taking the great seal.
being at Merton, he issued safe-conduct for those who should come next day to Staines on behalf of the barons to make peace, the safe-conduct to last until Thursday the 11th. The king followed up this letter two days later by announcing to his captains that “the aforesaid truce” was extended from Thursday to the following Monday, 15 June.¹

And so we reach the last stage in the preparation of Magna Carta.

IV

It is, of all the stages, the most debated and the hardest to establish. We shall never know the whole truth about these days of mid-June. But the generally accepted chronology will, I am convinced, repay scrutiny.

What may be called the orthodox view can be briefly stated.²

The rebels did not come to the king until the last day for which their recorded safe-conduct was valid: 15 June in the meadows of Runnymede, between Windsor and Staines. There they presented their proposals which were written on a sheet of vellum (about 20 in. × 10½ in.) which still survives, with the title: “These are the articles (capitula) which the barons request and which the king grants.” The document received there and then the royal seal whereby it became a warrant for the chancellor to issue Magna Carta. The charter is dated 15 June; but, it is argued, it is too lengthy a document to have been prepared and engrossed all in a day and it varies in some particulars from the Articles. Therefore, the date when it was actually completed and handed over must be 19 June, which is the day upon which (according to several royal writs) “firm peace” was made between the king and his barons.

On this view one or two preliminary observations must be made. First, the Articles do not constitute a chancery warrant.³

¹ Rot. lit. pat. pp. 142–3.
³ Cf. V. H. Galbraith, Studies in the Public Records (1948), p. 135. As Mr. Collins observes (loc. cit. p. 224), the chancery could not be responsible for all the differences between the Articles and the Charter.
The affixing to them of the Great Seal simply amounted to a promise by the king that a charter would be made on the basis of the Articles' demands and suggestions. Secondly, the assignment of the date 19 June to the Charter—that being the day when "firm peace" was proclaimed—assumes that the completion of a charter was an essential preliminary to the announcement of firm peace. This seems to me a big and unwarrantable assumption. Documents describe the peace which has been made without mentioning the charter.\(^1\) It was needed, certainly, to confirm the promises made when the king set his seal to the Articles, and to provide a document to be permanently preserved; but its completion was not the most urgent need, from the point of view of a group of extremist barons of whom each had his own grievances and of whom probably none believed that the king's good faith was guaranteed by a piece of vellum. They understood better a system of oaths, hostages, and sureties.

With these considerations in mind, let us look at the positive evidence, such as it is.

The Articles of the Barons are undated. We do not know either how long the document existed before it received the seal or when the sealing took place. So far as internal evidence goes, it reflects other interests besides those of the extremist barons. With its reference to London and merchants and trade it is highly improbable that it could have been finally framed before London joined the opposition in the second half of May; and the careful draftsmanship and breadth of scope suggest that Langton and other negotiators of moderate opinions had said their say.\(^2\) On the other hand, the security clause, which set up twenty-five barons to control the king, was a

\(^1\) It is only mentioned in the draft writ dated 19 June which orders its publication (cf. below, p. 326). As will be seen, copies of this writ were delivered out of the chancery in advance of copies of the Charter.

\(^2\) Mr. Collins's important discovery that the sealed Articles found their way into the Canterbury archives adds to the probability that the archbishop played a leading part. But while ch. 46 of the Articles provided for arbitration by the archbishop and his nominees, the Charter (ch. 59) requires, instead, judgment by the king's court. This looks like a change made by the king or his advisers who mistrusted Langton.
condition most obnoxious to the king, who can hardly have accepted it at sight.

Then we have Magna Carta itself, which is dated in the meadow called Runnymede between Windsor and Staines on 15 June. McKechnie explained this by asserting that in John's reign "elaborate charters, which occupied time in preparation, usually bore the date, not of their actual execution, but of the day on which occurred the transactions they record." It may be so; but McKechnie produced no evidence, and studies of the chancery's practice in John's reign have so far failed to reveal what system was used for dating either original instruments or their enrolments.

What other record-evidence is there? Hundreds of chancery writs were enrolled during the month of June. None shows the king to have been at Runnymede before 18 June: only Magna Carta (whose real date is dubious) declares him to be there on the 15th. Moreover, the only writ dated at Runnymede on Thursday, 18 June, is the letter patent to Stephen Harengod announcing that firm peace has been made on Friday, 19 June! All other letters given on 18 June are dated, like those of 10–17 June, from Windsor. Then for six days the activity of the chancery was divided between Windsor and Runnymede. The latest writ from Runnymede is dated 23 June.

Among these writs several refer to the "firm peace" made between king and barons on Friday, 19 June. One of them also informs sheriffs and other royal officers that a charter has been made and that it is to be read publicly and firmly maintained. Arrangements are then made for implementing certain regulations common to the Articles of the Barons and Magna

2 McKechnie brushes aside the discrepancy; assuming the error of "xviii" for "xxiii" in the date as a "certainty" (p. 41, n. 1), he prints the text with the date 23 June (p. 493). Mr. Collins tacitly accepts this emendation (p. 244, n. 2). But the error, if it be an error, was not made at enrolment, for this letter appears on a chronologically-arranged roll between letters of 18 and 19 June (Rot. lit. pat., p. 143b. Cf. ibid. p. 142a, where a receipt is dated 28 May for property received on 29 May).
The date is Runnymede, 19 June. Following the enrolled copy of this writ, which is on the dorse of the roll, is a memorandum that certain named persons received copies of the aforesaid "draft" (forma) and copies of the Charter. No date is assigned to the record of the first twenty-one deliveries (all of them writs); then comes a dated record of delivery of both writs and charters to the bishop of Lincoln on St. John the Baptist's day (24 June). This is followed by other undated entries until the last: "Also at Oxford on Wednesday the feast of St. Mary Magdalen (22 July) were delivered to Master Elias of Dereham six charters." In all, thirty-five writs and thirteen charters had been issued by this date, if this memorandum is complete. It is to be observed that the writ, though fully dated, has a generalized address. Either it is a draft or it is copied from a draft. If 19 June saw firm peace established that was certainly the day to compose such a letter as this for general distribution. But we cannot assume from the date on the draft that the letter was actually despatched on that day. All we can safely say is that twenty-one writs were delivered out of chancery before 24 June, the date at which we have clear official evidence for the first time that copies of the charter were in existence, for two were then handed over to the bishop of Lincoln.

Do the thirteenth-century narrative-writers throw light on the events of June 1215? Very few of them are sufficiently precise to be of service and when they are precise they are not always convincing. Modern historians have gone for details as a rule to Roger Wendover. Wendover describes the king's meeting with the barons in the meadows on 15 June; but he does so in a context which suggests that his narrative is simply embroidery upon the dated charter which he had before him.

The Annals of Melrose contain a rhymed poem about the

1 The word prove is applied to consuetudines as in Articles, ch. 39, not male as in Charter, ch. 48. On the other hand, the reference to abolishing (delendis) customs resembles the Charter more than the Articles.

2 Mr. H. G. Richardson says cautiously: "some perhaps were actually despatched on that day" ("The morrow of the Great Charter", ante, xxviii (1944), 428).

3 M. Paris, Chron. maior, ii. 589.

4 Facs. edition, pl. 60 (fo. 3 lv).
troubles of this year. It says that peace-terms (forma pacis) were presented to the king and that the king refused to accept the terms until, being forced, he conceded everything. Against the words "forma pacis" the contemporary annotator puts the date: 18 June in the meadow of Staines.

The Annals of Dunstable do not discuss or even mention the charter, but simply say that peace was made at Runnymede on the feast of SS. Gervase and Protasius (i.e. 19 June).

The Annals of Southwark give a later date for the making of peace: Tuesday before the feast of St. John the Baptist (i.e. 23 June); and the Annals of Waverley say that it was on this day that the king, archbishops, bishops, magnates, and barons met at Runnymede, where the king made the charter of liberties they wanted.

Finally, there is the story of the Histoire des ducs de Normandie et des rois d'Angleterre, which represents the information available to the mercenary troops brought over from Flanders for the king's service. It is confusing in the extreme. It tells of an expedition headed by Earl William of Salisbury and Robert de Bethune to put down a rising in Devonshire. They turned back once on hearing of the rebels' superior strength. Their departure from Winchester for the second time can be probably dated 6 or 7 June. They marched to Exeter (a distance of about 112 miles), spent four days there, and then returned to the king. In their absence, the king (says the author) met the barons at Staines without waiting to consult his half-brother, the earl, or the Flemings, and he made a shameful peace (vilaine pays). Now Earl William appears in the preamble of Magna Carta as one of

1 Ann. monastici, iii. 43.
2 Loc. cit. p. 49. The Merton annals and the London "Liber de antiquis legibus" agree, as was to be expected.
3 Ann. monastici, ii. 283.
4 pp. 147-9.
5 Miss Norgate reckoned that the first expedition set out from Freemantle (Southampton) c. 19-20 May and the second, from Winchester, on 24 May. But the troops had only landed in Kent on 16 May and this scheme seems to allow too little time. The king was at Winchester also 5-8 June and on 6 June ordered Faukes de Breaute to send to the earl of Salisbury 400 Welshmen, to be at Salisbury on 9 June (Rot. lit. claus. p. 214 a). On 8 June the king was already arranging an immediate truce (above, p. 324).
the king's counsellors by whose advice the charter was granted. But if William went to Exeter on 6 June he could not be at Runnymede by 15 June; he could, indeed, hardly have reached this point by the 19th, and a letter from the king of that date confirms the presumption that he was still absent from court.¹

What does all this evidence amount to? It gives no certainty about the genesis of the charter but it suggests other possibilities besides (and in preference to) the usually proposed sequence: the Articles sealed on Monday 15 April, the charter sealed on Friday the 19th.

First, the hypothesis of an earlier dating of events must be considered, even if we have later to reject it. The datelessness of the Articles permits the hypothesis that they were the result of discussions between the king's representatives and the rebels towards the end of May,² and that they were presented to the king about Whitsun (7 June). The king, having decided by 8 June to agree to them, summoned the barons to be at Staines on 9 June: there and then he signified his agreement by having the great seal affixed to the Articles.³ (It may be added that probably the king would not deign to negotiate in person or, at the most, would only meet the rebels to ratify the articles which his representatives had accepted on his behalf.) But much remained to be done before either the Articles were turned into the charter or the immediate conditions for peace were fulfilled. So the safe-conduct of the barons was prolonged, discussions continued, and the Charter was hammered out of the Articles on Monday, 15 June, as the charter itself proclaims.

I do not see how this hypothesis can be disproved. It has the advantage of requiring no elaborate explanation of the date set upon the charter. That date is taken at its face-value. On the other hand, there is no record-evidence that the rebels came to Staines or to Runnymede before Monday, 15 June; except for Wendover, no narrative-writer who provides dates regarded

¹ Rot. lit. claus. p. 215 a. He does not witness a charter at Windsor, 25 June, but witnesses charters at Winchester two days later.
² According to Wendover, William Marshal went to London to treat with the rebels.
³ Langton was apparently with the king at Windsor on 9 June (Mem. of St. Edmund's, ii. 124, cf. Histoire des ducs, p. 149).
the 15th as a significant date. And if the Articles were sealed before that day, either the list of counsellors in the preamble to Magna Carta errs in including William, earl of Salisbury, or the *Histoire des ducs* is at fault in a detail where we should expect it to be accurate when it says that the earl was absent.¹ Moreover, it may be questioned whether a solemn charter of this sort would be finally drafted before the king took the homage of the barons who had defied him. He only took homages on 19 June, the day of the official, ceremonial peace-making. Finally, this hypothesis leaves a sort of vacuum between the events of Monday and the ceremonies of Friday: the king is unrecorded at Runnymede and the chancery issues from Windsor a bare dozen letters, of which only two or three concern pacification; this is in strong contrast to the activity of the next few days (19–23 June).²

An alternative reading of the evidence seems to be preferable. It may be that the prolongation of the "truce" till 15 June, of which the king notified his captains on the 10th, meant that the rebels had not yet moved to Staines. (For had they arrived sooner, their stay at Runnymede would have ceased to concern the king's captains in other parts of the country.) Let us, then, suppose that the peace-terms, already debated between the king's representatives and the rebels during the preceding week, were brought to Runnymede on 15 June. A meeting with the king had been arranged on the understanding that he would agree to the Articles as we know them. The king rode to Runnymede on that day. A fair copy of the Articles was written, neatly enough in an official-looking clerkly hand, but perhaps hastily, for a few purely scribal omissions are corrected by interlineation. Also a few last-minute additions were made, and then the document received the royal seal, either at Windsor or at Runnymede.³ Thus far, the accepted view seems plausible: that is, the Articles were sealed on 15 June.

¹ Though William might have urged agreement to the Articles when they were put to the king at an earlier stage.

² Fifty-four letters close and twenty-three letters patent. It might be argued that they were putting into effect at the earliest moment arrangements made before the ceremonial peace-making.

³ See the original and cf. Blackstone, op. cit. p. xvii. The document itself is as silent about the place as about the time of its completion.
But the Articles, apart from being only the first documentary step towards Magna Carta,¹ only represent one part of the work which the negotiators had to accomplish. To express in a generalized form the principles of sound government, as then commonly conceived, even if "politically inept",² was no small achievement. But the appeasement of aggrieved individuals was fully as important a task, and the acceptance of the Articles by the king was not, of itself, sufficient to reconcile the extremists. Three more days, from Monday, 15 June to Thursday, the 18th were (on this hypothesis) consumed in debate and bargaining. The canons of St. David's found their opportunity in the king's embarrassment and got his assent to their election of a Welshman as bishop. The canons of York got permission to proceed to an election.³ By Thursday the 18th the barons were ready to render their homage again and the scene was set for formal reconciliation with the king in person on Friday 19th. The peace-making took place, as recorded in several writs. The king received the barons with the kiss of peace. Since this was a bit of ceremonial to which all parties had agreed, the notice of it (like some modern newspaper reports or minutes of meetings) could be prepared before the event. That might account for the date, Thursday, 18 June, which appears in the Melrose annals and explain why one of the royal writs announcing that peace had been made on the 19 June is itself dated on the 18th.⁴

But the charter to be composed on the basis of the Articles was as yet unwritten. When it finally appeared, the Articles had undergone much re-drafting, which cannot have been

¹ Apart, that is, from the "Unknown charter of liberties". This, interesting though it is, does not come into my account because I cannot fit it into the events of April-June 1215. Of the various suggestions for its dating which have been made (all of them highly conjectural), I think the earlier dates are the more probable. Professor Galbraith and Dr. Poole, on the other hand, would place it after 9-10 May 1215 (Galbraith, Studies, pp. 133-34; A. L. Poole, From Domesday Book, pp. 471-2). The problem would be much simpler if we had any evidence of the authorship or official character of the document.

² The phrase is Mr. Jolliffe's: Angevin Kingship, p. 303.

³ Rot. lit. pat. p. 143ab.

⁴ See above, p. 326.
carried out in a hurry. The earliest date at which we hear of written copies of the Charter being in existence is Wednesday, 24 June; the king was apparently at Runnymede intermittently from Thursday, 18 to Tuesday, 23 June. The Annals of Southwark record the peace-making on the latter day. This was the day when tents were struck at Runnymede and it may well have been the day on which the terms of Magna Carta were finally agreed and it was ready to be engrossed and sealed.  

The peace (I have suggested) did not depend mainly on the production of this document. The things which made up the peace were, on the one hand, the king’s acceptance of homage from those who had performed diffidation six weeks earlier; on the other hand, the choice of the committee of twenty-five (unrecorded in any official document which has survived), and the restoration to the barons of lands, castles, hostages, and so on. Magna Carta consisted mainly of promises for the future: it did not give the individuals who sought it these immediate concessions; they were the subject of numerous letters issued after 19 June, that is, as soon as the barons had renewed their homage. In the patent roll we find them indicated by such marginalia as “Liberacio castr. Deliberacio obsidis. Custodia foreste liberate.” The terms of the charter could be settled when these other measures were under way. It is noticeable that Ralph of Coggeshall, a contemporary Cistercian, without providing precise dates, gives a sequence of events which is consistent with this. He describes a meeting on the appointed day at Runnymede, the barons encamped on one side, the king and his followers in tents apart from them. Peace was sworn by both sides “and soon the peace-terms were brought together

1 Cf. Art. ch. 25 (Magna Carta, ch. 52), 32 (M.C. 12–3), 37 (M.C. 55), 46 (M.C. 59).

2 Mr. Richardson considered it “uncertain whether the first fair example, which seems to have been preserved in the treasury of the exchequer, was written and sealed on the 19th”, although he adopts the usual view that the Articles were sealed on the 15th and the Charter ratified on the 19th (“The morrow of the Great Charter: an addendum”, ante, xxix (1945), p. 183).

3 It is for remark that the names of the 25 had apparently not been published when the charter was composed: “concedimus . . . quod barones eligant . . ” (ch. 61); cf. Poole, op. cit. p. 472.
in a charter". The Cistercian annals of Waverley, we have seen, assign the making of this charter to 23 June. This seems to me a likely date.

It must be admitted that finality cannot be claimed for this hypothesis. It leaves certain questions unanswered. (1) Like the orthodox view, it assumes that the day on which the Articles were sealed (which we suppose to be 15 June) provided the chancery with a date to set upon the Charter. Yet the Articles were not a warrant, in the ordinary sense, and there must have been a later day when the draft charter was at last prepared, and approved, by the king, which would have served equally well for dating the document. (2) Then there is the dating clause: "Dat' per manum nostram in prato quod vocatur Ronimed." Whatever the significance of the appearance of the king in this formula, it certainly implies that the king, when he authorized the charter, was at Runnymede. Either this element of the dating clause is to be taken as evidence of an otherwise unattested visit of the king to Runnymede on 15 June, when the great seal was set to the Articles, or it is incompatible with the time-date and refers to the period when the chancery is otherwise known to have been at Runnymede (19–23 June). But we know little of the diplomatic usages of John's chancery. Moreover, the Charter itself was an anomalous instrument and the circumstances—to put it mildly—unusual. These ambiguities of the dating-clause do not invalidate our conjecture, based on the concurrent witness of other records and literary sources. In short, it seems likely that the Articles were prepared in advance of the assembly at Runnymede on 15 June, and were sealed on that day. The work of drafting a charter on the basis of the Articles required further discussions and was only completed on 23 June.

So Magna Carta comes to be disengaged from the recorded ceremonial of 19 June. Had they been more closely bound together, contemporaries might have commented more often

1 "Mox igitur forma pacis in charta est comprehensa" (Chronicon anglic. p. 172).
2 It may simply indicate on this occasion that the datary could not be one of the king's subjects, since all were beneficiaries.
upon the Charter. In fact, only a few chroniclers, in describing
the establishment of the short-lived peace, take account of the
charter’s existence; still fewer seem to know much about its
contents. But this does not mean that the Charter was unim-
portant. It was not merely the record of an antecedent oral
transaction; it was provided for as a necessary complement to
the peace-making.\(^1\) In some respects it was an enactment of
law, not merely a re-statement of custom. Its concluding
clause remained the justification for the activities of the Twenty-
five in the following months. Then, too, the Pope’s condem-
nation of Magna Carta stiffened the rebels in the civil war
which broke out again in September, and probably drove many
moderate men to their ranks. Finally, Magna Carta itself,
shorn of its obnoxious sanctions and some dubious clauses,
survived the papal thunders: after John’s death, in its reissues,
it became an instrument of genuine reconciliation and an earnest
of good government.

NOTE ON THE EXECUTION OF MAGNA CARTA

In considering the order of events leading to the grant
of Magna Carta I have avoided touching on the character
of the Charter as a diplomatic instrument. But the tentative
conclusion which has been reached above implicitly con-
tricts a view recently expressed by Mr. A. J. Collins. I
must explain why this does not lead me to modify my opinion
about the date.

Briefly, Mr. Collins argues that the Charter was inextricably
tied up with the barons’ resumption of homage, that as it
embodied, so to speak, the peace-terms of a treaty, that peace
could not be declared without a formal delivery of the Charter
to the barons. This delivery to the barons of the Charter,
“which was certainly the first exemplar to receive the Great
Seal and which may actually have been sealed in their
presence”, can only have taken place on the day when firma pax

\(^1\) Cf. Articles ch. 1 (“ exprimendum in carta ”), 48 (“ infra rationabile tempus
determinandum in carta ”).
was made, i.e. 19 June. On this view, the question of chronology discussed above simply does not arise.

But there are various objections to this view of Magna Carta as a treaty. Diplomatically, it is a royal charter of grant, unlike any contemporary treaty in its form. The nearest approach to the terms of a treaty is in the final record that both king and barons have sworn to observe all the foregoing faithfully. Throughout the document there is no quid pro quo: the renewal of homage is not so much as mentioned. In the early thirteenth century a treaty implied an exchange of instruments between the parties. Recognizing this, Mr. Collins—in search for the counter-part of the "treaty" of Magna Carta—produces the Letters testimonial of the prelates. But the prelates could not be regarded as a party to a treaty, or as representatives of the baronial opposition, and this document of theirs (which survives only in copy in the Red Book of the Exchequer) is a colourless, certified copy of Magna Carta. It is pure assumption that the first sealed exemplar of Magna Carta was handed to "the barons" (presumably in the person of Robert fitzWalter as Marshal of the Army of God); and an assumption of an extremely hazardous sort that the letters testimonial of the prelates were 'delivered to the Crown' as a complementary ceremony.

The significance of the prelates' letter has generally been ignored, and deserves a few words. The barons in their Articles (ad fin.) had asked the king to guarantee by charters of the archbishops and bishops and Pandulf that he would not obtain revocation or diminution of his undertakings from the Pope. But how could the representatives of the Church be expected to comply and so seem to set limits on the Pope's power? The demand was watered down to a very different consistency:

1 Collins, loc. cit. pp. 244, 245, cf. 246: "robed in the majesty of the deed publicly delivered into the hands of the barons of Runnymede." Professor Galbraith was not so explicit: "the completed Charter, which when duly sealed figured in the final ceremony of renewing homage" (op. cit. p. 135).
2 Collins, loc. cit. p. 245 and pl. 13.
4 Cf. the security that the barons gave in May 1213 in support of the king's act of submission to Rome (Foedera, i. i. 112).
Magna Carta included the king's personal promise that he would not obtain from anyone revocation or diminution of his grants. Then, at the very end of the security clause, the king states that he has caused to be made for the barons letters patent of the archbishops of Canterbury and Dublin, the bishops named in the preamble, and Master Pandulf, testifying to "this security and the aforesaid grants". Thus, in the drafting of the Charter, the prelates' guarantee has become detached from the specific question of application to the Pope. When this guarantee is drawn up, there is further dilution. The document is a plain *vidimus*, which does no more than certify that the copy of the charter it rehearses is word-perfect. The prelates have avoided acting as guarantors of the king and have avoided expressing approval or disapproval of the transaction (except in so far as approval is implied by including their names in the preamble). Their letter simply prevents an untrustworthy king from tampering with the text of his charter.¹

The terms of the Charter suggest that, once the letter was written (whether in the archbishop's chancery or the royal chancery we cannot tell), it should be held by some representative of the baronial party. But in fact, the only copy with the bishops' seals attached, of which we have record, resided in a hamper of the Treasury of Receipt in or about the year 1323. About then, it was copied into the Red Book of the Exchequer; and Mr. Collins offers reasons for supposing that it was already in the Treasury in 1216.² How or why it came to be preserved there has not been explained.

To return to the problem of the issue of Magna Carta. If the Charter was not tied to the ceremonial of 19 June, what procedure governed its issue? Was there ever any ceremonial delivery to a representative of the beneficiaries, who are described in the injunctive clause as "the men in our realm"? Such proceedings would seem to be unnecessary. Once the Charter had been drafted, a copy might be engrossed and sealed

¹ The royal chancery was capable of issuing doctored documents; see C. Petit-Dutaillis, "Les copies du traité de paix du Goulet (22 Mai 1200). Variantes et falsifications", *Bibliothèque de l'Ecole des Chartes*, cii (1941), 35–50.
for preservation in the Treasury of the Exchequer, for there is some evidence that this had been a method of record in earlier times,¹ but there is no proof that this was done on this occasion. If a sealed copy of the prelates' vidimus was deposited, a copy of the Charter itself would be superfluous.

What happened next remains obscure. It is generally supposed that copies of Magna Carta were despatched by royal command to all the shires, there to be read publicly in county courts and afterwards placed for safe keeping in a cathedral or abbey. The grounds for this view are three, which may be considered in turn.

1. **The inherent probability of such a course**: "there might have been doubt as to its validity", says Mr. Collins, "had it not been proclaimed locally throughout the realm."² Expediency might suggest to the barons the need for giving wide publicity to the Charter; but there is no evidence that its legal validity could have been impugned if it were not proclaimed in the shires.

2. **The practice in 1215 followed well-established precedents**: In a classic essay,³ R. L. Poole compared the circumstances of Magna Carta of 1215 with those of earlier and later "great charters". The important factual contents of that essay have perhaps obscured the frequent recourse to conjecture where problems connected with promulgation crop up. Poole examined only two charters earlier than Magna Carta: the coronation charter of Henry I (1100) and the second charter of Stephen (1136). He did not notice the brief and comparatively unimportant charters of liberties given at coronation by Stephen (1135) and Henry II (1154). This is not surprising, for no clue to the method of their promulgation seems to exist; but this very absence of evidence affects the general picture. Roger Wendover, speaking of Henry I's charter, declared that "as many charters were made as there are counties in England, and by the king's command they were deposited in the abbeys of

every county as a memorial". Now Roger wrote more than a century later, and no contemporary of Henry I records this action. In support of the chronicler, however, Liebermann and Poole pointed to numerous copies addressed variously to bishops and sheriffs in different parts of the country.¹ This proves that many copies circulated but not that the king or his chancery took the initiative in sending out copies; and the textual variants militate against a simultaneous promulgation in all directions. We have only Roger Wendover's word that the king ordered this distribution. Poole went on to discuss the second charter of Stephen, of which three survive from the cathedral muniments of Exeter, Hereford, and Salisbury.² On this he observed: "Though the charter was certainly sent out to three cathedral churches and was no doubt published in every county, its provisions did not become well known."³ But there is no proof that the surviving copies were "sent out" rather than procured by the initiative of the bishops or other magnates of the localities concerned; and there is no evidence whatsoever that the charter was 'published in every county'.

(3) The contemporary evidence of 1215 points to a general distribution of Magna Carta. By this time the chancery was highly organized and, as we may see from the Close Rolls, was accustomed to send administrative orders to all parts of the country simultaneously. It was not impossible for the king to send out copies of Magna Carta from chancery by his messengers, if this seemed to him necessary or desirable. But was this done? Poole answered, yes. He quoted Ralph of Coggeshall, who says that the peace-terms were put into a charter "so that each county of all England should have its charter of the same tenor confirmed by the king's seal". The Dunstable


² They have no address and all begin alike. They show minor variants in the text, witness-list, and dating. Besides these so-called "originals", contemporary copies are found in Historia novella of William of Malmesbury and Richard of Hexham's De gestis R. Stephani.

³ Ibid. p. 312 (italics are mine); cf. p. 311: Poole says, "there are also signs of the charter having been accessible at Canterbury and Malmesbury".
annalist says that "charter were made and deposited in a
safe place in each bishopric"; while "Walter of Coventry"
suggests that "a copy was carried round towns and villages
and everyone swore to observe it". Now Coggeshall's words
certainly imply, as Poole thinks, that the charter was officially
despatched throughout the country, though they could be
otherwise interpreted. The Dunstable annalist throws no light
on the method of delivery. Walter of Coventry's account
conforms to the terms of the draft writ to sheriffs of 19 June (and
might indeed be derived from it); this speaks of "our charter
which we have ordered to be publicly read throughout your
bailiwick and firmly maintained". The obvious implication
is that royal officers bore the charter from place to place and
exacted the oath for its maintenance. So Poole wrote: "The
charter was not merely circulated; it was proclaimed."

But Poole's further discussion of the writ is curiously
ambiguous. "The procedure with regard to preceding charters
suggests that what was sent to the sheriff was an original of
the charter itself. But on no previous occasion was it comman­
ded that the charter should be publicly proclaimed in the county
court or in any other court. We have difficulty in believing
that so long and technical a document as Magna Carta could
have been actually read aloud in Latin in the county courts;
and when we follow the text of the document which orders
this reading, we may infer that its essential purpose was to
enjoin obedience to the twenty-five guardians of the Charter
and to provide for the election of persons to inquire into and to
abolish the evil customs practised by the royal officers." Poole
seems to suggest that the Charter was sent with the writ to each
sheriff, but that formal proclamation did not involve a public
reading of its text.

Regarding the evidence of the writ it must be noted that it
is a draft, written upon the dorse of the patent roll, addressed

xxviii (1913), reprinted in his Studies in Chronology and History (Oxford, 1934),
p. 314.
2 We have seen how valueless this argument is.
3 The writ is only known from the patent roll, and in the twelfth century
there were no enrolments.
"vicecomiti ", etc., without specifying a shire. In other words, we rely on inference from the terms of the writ in supposing that writ and charter went out at royal command to all shires. This, however, is reckoning without the memorandum which follows the writ on the dorse of the patent roll, a memorandum which Mr. Richardson analysed and discussed in a different context. One interesting feature of this memorandum has been remarked above (p. 327): that writs apparently went out in advance of any copy of the charter and that the charter is not mentioned before 24 June. But there is another point of interest. Most of these copies of the writ (each clearly earmarked to be the authorization for the particular sheriff and officials named in the copy) were not handed to royal messengers for delivery. One of John's soldier-sheriffs, Engelard de Cygoiny receives a copy, and Henry de Ver, a confidential clerk of the king, is provided with a writ or writs for twelve counties, ranging from Kent to Cornwall and Cumberland. But apart from these men and two bishops (of Worcester and Lincoln) the recipients of writs are persons associated with the baronial party. They include two of its leaders, the earl of Winchester and Eustace de Vescy, a lesser man, Philip fitzJohn, who later appears as a rebel, and (most conspicuously), Master Elias of Dereham, Archbishop Stephen Langton's famous steward. Not only did Master Elias receive the writs for the Cinque Ports and eleven counties; he also received ten of the thirteen copies of the charter which are mentioned in this memorandum. The remaining three were taken by the bishops.

The machinery of distribution is not made perfectly clear by this memorandum, but its main significance is unescapable. The chancery did not, of its own initiative, distribute writs and charters to all the shires of England. The Crown was in no hurry to see them delivered. Either the chancery did not accept any obligation to distribute these documents or

1 The words "in eodem comitatu", later in the address, forbid us to extend vic' to vicecomitibus.

2 Poole unaccountably failed to mention it. It is discussed by Collins, loc. cit. pp. 275-6, who gives a facsimile, pl. 14. Cf. above.

else it proceeded so slowly with the task that the baronial party stepped in and organized a partial distribution itself. The writ was an administrative order and the responsibility for delivering it, once authorized, to the sheriffs should surely have rested with the chancery.¹ But Magna Carta itself may have been treated like any other grant to subjects of the king: if the beneficiaries wanted copies they must get them and pay for them. Likewise as regards enrolment: it has often been remarked that neither Magna Carta of 1215 nor any of its three reissues was enrolled by chancery. The reason would seem to be that nobody wanted to pay the fees.² This was not a document which chancery felt constrained either to copy or to enrol on its own initiative. Nothing in the evidence which has been reviewed seems to suggest the contrary.

¹ Cf. the writ of 27 June to the sheriff and twelve elected knights of Warwickshire. "Idem mandatum est omnibus vicecomitibus Anglie" (Rot. lit. pat. p. 145b).
² Cf. Memorandum Roll I John (Pipe Roll Soc., n. s. 21, 1943), p. xlvii, where Mr. H. G. Richardson, arguing along different lines, connects the absence of enrolment with the matter of fees.