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THE DOCUMENTS OF THE GREAT CHARTER OF 1215

By ARTHUR JEFFERIES COLLINS

Keeper of Manuscripts in the British Museum

THOUGHTS have turned to Magna Carta in almost every age. Three centuries ago men were telling one another that it had been confirmed more than thirty times by the reign of Henry V.¹ Even though most of the confirmations may have been routine re-enactments, part of the general affirmance of the law at the opening of each Parliament, the fact remains that the Charter, or rather its definitive (fourth) edition of 1225, was from the first invested with a peculiar sanctity. Other enactments might be repealed, but not the Charter; and various parliamentary petitions praying that statutes inconsistent with its articles should be held null and void, to say nothing of the measures taken to achieve that end, show that it was considered well-nigh immutable as well as irrevocable.² Its subsequent growth into what Dr. McKechnie has called 'an indispensable storehouse of precedents for desired reforms'³ was the natural outcome of that pre-eminence. The habit of seeking in the ancient words a prohibition of new abuses of the prerogative, a habit which may explain the joint purchase of a copy of Magna Carta in London by the ports of New Romney and Winchelsea in 1386 or 1387,⁴ reached its zenith in the seventeenth century. In May 1628 Sir Edward Coke truculently maintained in the House of Commons that '*Magna Charta* is such a Fellow, that he will have no Sovereign'.⁵ More often the note struck was one of reverence. John Hampden, answering for his refusal to pay the forced loan of 1626-7 before the Privy Council, is said to

¹ Reference to the number of the confirmations was made on fol. 81 of Coke's *1st Inst.*, published in 1628, as also during a debate on the Petition of Right in May of the same year (Rushworth, *Historical Collections*, i, p. 567). A summary list of the confirmations appears at the beginning of the late (e.g. 1797), but not the early, editions of the *2nd Inst.*

² A paper entitled 'Magna Carta and Common Law' by C. H. McIlwain in *Magna Carta Commemoration Essays* (R. Historical Soc., 1917), pp. 122-79, discusses the whole subject. McIlwain's theory of a fundamental law paramount to legislative enactments, however, has met with severe criticism (see, for example, Plucknett, *Concise Hist. of Common Law*, 1948, pp. 318-20).

³ *Magna Carta Essays*, p. 12.

⁴ *Hist. MSS. Comm.*, 5th Rep., App., p. 533. ⁵ Rushworth, i, p. 562.

have declared 'that he could be content to lend, as well as others, but feared to draw upon himself that curse in Magna Charta which should be read twice a year against those who infringe it'.¹ To Sir Henry Spelman the Charter was *Augustissimum Anglicanarum libertatum diploma et sacra anchora*—the most majestic instrument and sacrosanct sheet-anchor of English liberties.² By the end of the century it had virtually passed out of the arena of politics, but it lost none of its grip on the imagination. It has remained for posterity, secure in the enjoyment of benefits won with its aid by the Cokes and the Hampdens, to show that many of its provisions were misinterpreted by those worthies and to try afresh to elucidate the real intentions of its feudal authors. No other document, it is safe to say, has been studied from so many standpoints; yet obscurities persist in plenty. It is to the most elementary of the problems that attention is now invited. In what form was Magna Carta given to the world? What were the actual deeds which were executed during the nine days between 15 June 1215, when John and the barons first met at Runnymede, and 23 June, the last day of the colloquy, or in the course of the ensuing weeks? And what has since become of them?

In his *Magna Carta*, still the standard authority, McKechnie expresses the view that before the end of the first day's conference the Articles of the Barons, which served as the warrant for and the preliminary draft of the Charter, had been engrossed by one of the Chancery clerks and sealed on the spot.³ That the Articles, now in the British Museum,⁴ summarize the terms agreed upon is implicit in their title, 'Ista sunt Capitula que Barones petunt et dominus Rex concedit', but they are undated. The date ascribed to them is that borne by the four extant examples of the Charter itself. If in fact any one of the latter was completed on 15 June, not only would the Articles have become a superseded draft within an hour or two of sealing, but the definitive instrument would have been produced at the first of a series of meetings which went on for more than another week. McKechnie concludes—and with reason—that the Char-

¹ Nugent, *Memorials of Hampden*, i, p. 107; cf. *Dict. Nat. Biog.*, xxiv, p. 254.

² *Glossarium Archæologicum*, 1687, p. 374.

³ It should be unnecessary to remind the reader that John did not sign any document connected with Magna Carta or even seal it with his own hand; see C. G. Crump, 'The Execution of the Great Charter', in *History*, new ser., xiii (Oct. 1928), pp. 247-53.

⁴ Add. MS. 4838.

ter, its datal clause notwithstanding, must have been executed some days later.¹ When Philip, Earl Stanhope, presented the Articles to the national collection on 26 May 1769, the Great Seal of white wax was still attached: 'a great part of the original seal remains to it', wrote Samuel Ayscough in 1782.² About a century later, so it would appear, the vellum label which connected the seal to the document broke, and the two are now exhibited side by side. One other feature, of prime importance for the present inquiry, must be mentioned, namely, the endorsed descriptive title 'Articuli magne carte libertatum sub sigillo Regis Johannis' and press-mark 'Johannes xxx',³ both of which were added later in the thirteenth century.

Although this frail membrane of vellum (so precarious was its state in 1881 that it had to be withdrawn from exhibition for a time) is Magna Carta itself in embryo, no serious attempt has been made to ascertain where and by whom it was preserved before it reached the hands of Gilbert Burnet, Bishop of Salisbury, who died in 1715.⁴ In his *History of his own Time*, Burnet

¹ On Friday, 19 June (Blackstone had been of the same opinion: *Great Charter*, 1759, p. xxiv). Nevertheless, evidence simply does not exist to substantiate McKechnie's sweeping assertion (1914 ed., p. 40) that in the reign of John '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'. All that can be said is that in the time of Edward I and for more than a century afterwards a charter issued under the Great Seal usually bore the date of its originating warrant (Maxwell-Lyte, *Great Seal*, pp. 243 sqq.). Since, however, the practices of the Chancery crystallized slowly, this was presumably no Edwardian innovation.

² *Cat. of MSS. in British Museum*, i, 235.

³ The engraved reproduction in the Record Commission's *Statutes of the Realm*, i, Charters of Liberties, opp. pp. 6, 7, makes the press-mark appear as 'xxxix'. It has certainly been altered. An original 'xxix' would seem to have been converted to 'xxx' by erasing the final 'ix' and prefixing an 'x' of slightly different shape. Examination under ultra-violet light reveals traces of such an erasure and confirms that the number finally assigned was 'xxx' (see also the additional note on p. 279 and Pl. 11a). The document measures 21½ inches in length, including the fold at the bottom, and 10½ inches in breadth.

⁴ In 1759, when Blackstone's *Great Charter* appeared, the Articles were in the possession of David Mitchell, who is described (p. xvi) as the executor of Sir Thomas Burnet (d. 1753), the bishop's youngest son. Further facts may be gleaned from a collection of papers (B.M., Add. 11404) dealing with the affairs of the Burnet family. Mitchell, it appears, had married the bishop's daughter, Mary, and was appointed his administrator after the death of his eldest son and executor, Governor William Burnet. Mitchell died in January 1766, having by his will created for the benefit of his idiot son a trust, of which Lord Stanhope was named one of the trustees. Stanhope is thus likely to have received the Articles as a token of friendship, either from Mitchell

thus relates that it had come to him indirectly from Archbishop Laud, and so from Lambeth Palace:

When his impeachment was brought to the lords bar [on 18 December 1640], he apprehending how it would end, sent over Warner, bishop of Rochester, with the keys of his closet and cabinet, that he might destroy, or put out of the way, all papers that might either hurt himself or any body else. He was at that work for three hours, till upon Laud's being committed to the black rod, a messenger went over to seal up his closet, who came after all was withdrawn. Among the writings he took away, it is believed the original Magna Charta, passed by king John in the mead near Stains, was one. This was found among Warner's papers by his executor: and that descended to his son and executor, colonel Lee, who gave it to me. So it is now in my hands; and it came very fairly to me. For this conveyance of it we have nothing but conjecture.¹

Encouraged, no doubt, by the confession in the last sentence, William, Earl of Dartmouth, appended this comment:

There was reason enough for the bishop's giving an account how he came by this most valuable piece of antiquity: his having been trusted (especially after his publication of the History of the Reformation) in searching all records, private and public, gave good grounds to suspect he had obtained it in a less justifiable manner.

Dartmouth, it is plain to see, vented his sarcasm on the wrong bishop. The story must have originated with John Warner, Bishop of Rochester, not with his hesitant brother of Salisbury. Indeed, if the former did obtain the Articles from Laud's closet, they almost certainly descended in the manner described by the latter. By his will, Warner, who died in 1666, left all his printed books and written papers to his nephew, the archdeacon of his diocese, Dr. John Lee.² That nephew was one of the executors appointed by the will, and he inherited the real property; his children, alone of the bishop's kindred, received mourning at the expense of the estate. Colonel Henry Lee or Lee-Warner, who, according to the story, gave the document to Burnet, was the second son and ultimate heir of the archdeacon; he repre-

himself, or from his daughter Mary, his sole executrix and residuary legatee. According to McKechnie (ed. 1914, p. 171), on the other hand, Stanhope bought the document from Mary Mitchell.

¹ Ed. 1823, i, pp. 55-6. Elsewhere (iii. 359) he says 'that the original of king John's Magna Charta, with his great seal to it, was . . . given to me by a gentleman that found it among his father's papers, but did not know how he came by it: and it is still in my hands'.

² A copy of the will is in B.M., Lansd. MS. 989, ff. 13-17. An abstract is printed, from Lansd. MS. 986, ff. 50-1, in Wood, *Athene Oxon.*, ed. Bliss, iii, coll. 732-3; cf. also Lansd. 938, ff. 66-7.

sented Canterbury in the House of Commons almost continuously from 1685 to 1715 and seems as trustworthy a witness as his father. Since Bishop Warner would not have confided an account of his surreptitious excursion to any but his nearest friends, it is not surprising that no contemporary reference to the exploit, no corroboration of the story, has been found. We are thus driven to ask: Is there ground for the belief that the Articles were in Lambeth Palace on 18 December 1640?

Let us go back to 1215 in search of an answer. A moment's reflection will make it evident that one man at Runnymede, Stephen Langton, was marked out to become the custodian of the document. Mediator in the conflict, he was trusted to the full by the opposition, which, being a mere coalition in danger of instant disintegration,¹ had certainly made no provision for the keeping of records. The one place in which Archbishop Langton would have been likely to deposit his charge was his own treasury. And there, sure enough, it lay half a century later, as is proved by a register of the archiepiscopal muniments, compiled soon after the middle of the thirteenth century and now MS. 1212 at Lambeth Palace.² The register opens with a table or index, to which a hand of the fourteenth century has added the inadequate title 'Capitula Cartarum Regiarum in Thesauraria archiepiscopi inuentarum'. In point of fact these royal charters constitute only a small part of the whole, but it is they that stand at the beginning.³ Arranged under sovereigns, they were stored in receptacles called *vasa*, the documents in the

¹ McKechnie, p. 44; Stubbs, *Constitutional Hist.*, ii (1880), pp. 2-3.

² The name—it is not a signature—of John, Lord Lumley (d. 1609), the owner of many manuscripts now in the Old Royal Library at the British Museum, at the foot of the first page indicates that the volume has not been uninterruptedly in the possession of the archbishops. Its later history is discussed by M. R. James (who wrongly describes the contents as 'Christ Church Canterbury Documents') in *Cat. of MSS. of Lambeth Palace*, p. 829. I have to thank Miss Irene J. Churchill, D.Phil., both for calling my attention to this register, and for giving me access to all the manuscripts and deeds at Lambeth Palace that I desired to consult. Selden, unaware of the presence of the original document at Lambeth, referred to the text of the Articles in this register during the debate on the Petition of Right (cf. p. 233, n. 1, and Rushworth, i. 563), and Spelman copied that text for his 'Codex legum veterum', published by Wilkins in *Leges Anglo-Saxonice*, 1721, pp. 356-9. Previously, in 1689, a version from the same source had appeared in a tract, and was reprinted in *A Collection of State Tracts*, i, 1705, pp. 522-5. It remained for Blackstone to produce the first edition from the original document in his *Great Charter*. There have been many later editions.

³ A list of the contents of the manuscript is given by James, loc. cit.

several receptacles being numbered consecutively. At that time the charters of John reposed *in vase quinto*, and opposite the number 'xxx' in the list of its contents (p. 3) are the words 'Articuli magne Carte libertatum regni primo concesse per Johannem Regem'. Advancing from the table to the register itself, we find the text of the Articles on pp. 50-4 (amongst the 'Carte regum Anglie concesse Archiepiscopo Cantuariensi'), and—most significant of all—we find, too, the press-mark 'Johannes xxx' duly reproduced. To collate the entry with the original is to discover that the scribe did his work well and truly; his errors and omissions were few, but he added—a graphic touch—'Signata sigillo Johannis Regis' to the heading. The evidence afforded by Lambeth MS. 1212, considered in conjunction with what may fairly be presumed to have happened at Runnymede, justifies two inferences: (1) the Articles had found a home from the very outset in the primatial treasury, which appears to have been located, not at Lambeth, but in the Priory of St. Gregory at Canterbury;¹ (2) the man who lodged the document there was none other than Stephen Langton.²

The view here expressed runs counter to a suggestion thrown out by Blackstone and accepted by McKechnie.³ According to one of its versions, the Treaty of Lambeth, made with Prince Louis of France in September 1217, contained this provision: 'Item, dominus LODOVICUS reddat domino regi rotulos de scacario, cartas Judæorum, & cartas factas de libertatibus tempore regis Johannis à P. Rumougrend [?ad Pratum Runnymede], & omnia alia scripta de scacario quod habet, bonâ fide'. 'These writings and records', says Blackstone, 'had probably been placed in his hands by the discontented barons; nor is it an extravagant conjecture to suppose, that the *capitula* of king John's charter were among them, and that, as this transaction was brought to a period at Lambeth, they thence came to be deposited in the archiepiscopal library there.'⁴ Unaware that the muniment-room of the archbishops was not, in all probability, situated at Lambeth in 1217, Blackstone saw a coincidence where none existed and was bemused by the magic

¹ Miss I. J. Churchill, 'Table of Canterbury Archbishopric Charters', pp. vii-ix, in *Camden Miscellany*, vol. xv. The entries quoted above are reproduced in Pl. 11 b, c.

² See also p. 242, n. 1. It is there claimed that Langton had deposited in the treasury the two originals of an earlier *Reformacio pacis* between John and his subjects, executed on 18 July 1213, thus creating a precedent.

³ *Magna Carta*, 1905, pp. 171, 200-1; less is said in the 1914 edition (pp. 146, 170).

⁴ *Great Charter*, pp. xxxiii-xxxiv.

of a name. Manifestly, Louis, in possessing himself of the Pipe Rolls (*rotuli de scaccario*) and the chirographs or bonds (*carte Judeorum*) from the *archæ* in which the Jews were obliged to deposit them,¹ had gained control of the reins of fiscal administration, of the means of assessing the revenue. Nor can it be doubted that all these rolls and charters were returned to the Exchequer, whence, so the treaty explicitly states, they had all come. If the Articles of the Barons were of a stature to invite seizure by Louis and to require specific mention in the treaty, why, upon surrender to Henry III, should they be placed with the deeds of the archbishops, rather than restored to the custody of the appropriate officers of the Crown? It was, of course, a different record that the French prince undertook to relinquish. In the reign of Edward II, as we shall see,² there did lie in the Exchequer an instrument with a better claim than the superseded Articles to be called 'cartas factas de libertatibus tempore regis Johannis'. That instrument, the Letters Testimonial, would appear to have been placed in the Exchequer immediately after execution and would thus have fallen in the way of Louis when he made his bid to wrest the Crown from John.

A revised table or list of titles of the royal and various other charters of the archbishops was compiled in 1330, apparently in consequence of a rearrangement of the contents of the *vasa*. That list, which has a heading with a familiar ring, 'Capitula Cartarum Regiarum in Thesauraria Archiepiscopi Cantuariensis Inuentarum anno domini m^occc^{mo}xxx^{mo}', is at the Public Record Office and has been published by Miss Irene J. Churchill.³ Although the old press-marks are no longer recorded—the changes had made them meaningless—the entry describing the Articles is identical with, having doubtless been copied from, the endorsement on the original.⁴ Along with the other charters of John, the document was then in *Vas ix*.

¹ McKechnie takes the *carte Judeorum* to be 'the rolls on which copies of their starrs or mortgages had been registered'.

² See pp. 249-52.

³ In *Camden Miscellany*, xv (cf. p. 238, n. 1). Miss Churchill presumes that the manuscript found its way into the Treasury of the Exchequer (its present reference is E. 36/137) 'on some occasion when the possessions of the archbishopric were seized into the King's hands or at the time of the dissolution of the Priory of St. Gregory'.

⁴ Like several other words, *libertatum* of the endorsement appears in the list (E. 36/137, p. 5; see Pl. 11 d) in an abbreviated form (*tibitate*) which Miss Churchill expands (p. 4) as *libertatis*. In the case of the *Carta Regis R. de confirmacione omnium libertatum* and the *Sentencia prelatorum in transgressores libertatum ecclesiasticarum*, &c. (E. 36/137, pp. 4, 10; *Camd. Misc.*, pp. 3, 11),

Early in the sixteenth century, perhaps before 1527,¹ a second full-length register appeared. If only that volume, which has become Tanner MS. 223 in the Bodleian Library,² contained the text of the Articles, the descent of the document from archbishop to archbishop until it came to Laud would, to outward appearance at least, be comfortably established. Whilst, however, Tanner 223 includes every other charter of John entered in Lambeth 1212, it does not contain the Articles. The omission, unfortunate though it may be, does not necessarily imply that the document had left the treasury; for Tanner 223 was compiled, not from original deeds, but from Lambeth 1212 itself.³ Since its authors were intent on reproducing in a revised sequence the material in the old register which might still prove of service to the archbishops,⁴ they may have felt it out of place the same abbreviation is perforce rendered in the plural; *scriptum* appears repeatedly as *scripte*.

¹ A patent of 28 June 1527 (*Letters and Papers, Henry VIII*, iv, no. 3204) appears on some of the leaves at the beginning (ff. 3, 4) which originally had been left blank.

² 'This Lierger-Book', wrote Archbishop Sancroft (f. 7b), 'I recoverd out of Cheshire, being inform'd of it.' His signature is on f. 3. Dr. R. W. Hunt suggests that Selden may have obtained the volume from Lambeth, that it perhaps passed to Sir Matthew Hale, one of his executors, and that Sancroft may have recovered it from the Hales. See also *Bodleian Lib. Rec.*, iii (Mar. 1951), p. 137.

³ Miss K. Major, who has compared the two manuscripts in a different connexion, has already come to this conclusion (see *Acta Stephani Langton, Canterbury and York Soc.*, 1950, pp. 158, 159). She refers to errors in a document in Tanner 223 which are attributable to misreadings of unusually-formed letters in Lambeth 1212. Such errors are common. Occasionally, too, a blank space is left in Tanner (e.g. on ff. 21, 150, 171b), the scribe having failed to make anything of the corresponding word (on pp. 332, 256, 290 respectively) of Lambeth. Another indication of copying is the appearance in both of (a) the same remark on a deed, such as *hec fuit apud Sanctum Augustinum* (Lamb. p. 28 and Tan. ff. 27, 27b) and *iste non computatur quia parum duravit* (Lamb. p. 30 and Tan. f. 28) and (b) the same narrative matter, of which there was presumably no original, such as a statement concerning lands in dispute between the archbishop and the monks of Boxley (Lamb. p. 128 and Tan. f. 79).

⁴ This was not the only Canterbury record to be re-edited early in the sixteenth century. Just as the old register of the archiepiscopal muniments, even if not already misbound, had been made inconvenient to consult by that date by the accretion of later entries in blank spaces or on inserted slips of vellum and was replaced, so the thirteenth-century Martyrology and Obituary of Christ Church (B.M., Arundel MS. 68) had likewise become antiquated and made way at about the same time for a revised edition, now Lambeth MS. 20 (cf. F. Procter and E. S. Dewick, *The Martiloge*, Henry Bradshaw Soc., pp. v, 287).

to copy a long entry that had nothing to do with the property or rights of the See of Canterbury.

There is, of course, no means of discovering how many of the deeds transcribed into Lambeth 1212 in the thirteenth century remained in the treasury when the Tanner MS. was written, but enough are preserved at Lambeth Palace at this moment to make it certain that the archive has suffered no deliberate dispersal. Some two dozen charters (four of them granted by John) were found by the present writer during a cursory inspection of the contents of two of the portfolios of 'Chartæ Miscellanæ';¹ and six of the papal bulls came to light in MSS. 643 and 644;² in almost every case an endorsed press-mark corresponds with the marginal reference given in MS. 1212 and with its tables of contents.

The press-marked original of yet another of the Lambeth 1212 entries is incorporated in a printed book at the Palace, which, be it noted, was at first the private property of an archbishop. That volume, Matthew Parker's own copy of his *De Antiquitate Britannicæ Ecclesiæ et Privilegiis Ecclesiæ Cantuariensis*, 1572, now Lambeth MS. 959,³ contains a protest or affirmation executed on 8 May 1259 by the Earl of Gloucester regarding the rights of the archbishops in his manor of Tonbridge which appears on p. 142 of Lambeth 1212.⁴ Inserted in the book are other documents which Parker must have withdrawn from the archiepiscopal treasury, including the originals of the 'Reformacio pacis inter Johannem regem Anglie et clerum Comites et Baronum (*sic*) et quod per iuramentum staret mandatis apostolicis' of 18 July 1213 (the forerunner of the Charter) and of the 'Processus contra Leulinum principem Wallie' in the

¹ Portfolio x, no. 123; portfolio xi, nos. 1-6, 8-22, 33, 37, 50. They appear on pp. 167, 18, 25, 26, 32, 30, 33, 29, 48, 44, 47, 26, 177, 91 (*bis*), 137, 135, 136, 36, 37, 40, 163, 109, 75 of MS. 1212; they include charters of Henry I (1), Henry II (5), Henry, son of Henry II (1), and Richard I (4), in addition to those of John.

² MS. 643, nos. 4, 28, 46 (MS. 1212, pp. 239, 240, 260); MS. 644, nos. 1, 3, 12 (MS. 1212, pp. 243, 270, 277).

³ An account of the book, together with abstracts of the inserted documents, is given in a prefatory notice by Dr. A. C. Ducarel, the then librarian, dated 15 July 1758. Most of the notice is reproduced in Todd's *Cat. of MSS. at Lambeth Palace*, 1812, pp. 242-5. The notes throughout by John Parker, the archbishop's son, of themselves show that the book was at first regarded as personal property.

⁴ It stands at pp. 190, 191 in MS. 959, numbered 'xiiij' (as in MS. 1212). It is also endorsed *de vase xij*, having been transferred, from *vase x^o* (MS. 1212, p. 11), to that receptacle by the time of the 1330 list (*Camden Misc.*, xv. 10).

1330 table or list.¹ He set his mark on the Lambeth archive in another way, by annotating in his familiar red chalk such instruments as Henry II's letter on his coronation to Archbishop Theobald² and Celestine III's indult to Archbishop Hubert Walter respecting tithes.³ If Parker thus concerned himself, tampered perhaps, with the muniments of his predecessors, why not Laud also? Both archbishops zealously collected manuscripts, now preserved in their respective universities, and Laud's interest in records is attested by the solicitude he showed for the safety and orderly arrangement of those at Canterbury.⁴

One more scrap of circumstantial evidence deserves a word. The preface (*proeme*) to the *Second Part of the Institutes*, written by Coke in or before 1628, but not published till 1642, contains the following passage: 'There were many of the great Charters [of Henry III], and *Charta de Foresta*, put under the Great Seale, and sent to Archbishops, Bishops, and other men of the Clergie, to be safely kept, whereof one of them remain (*sic*) at this day at *Lambeth*, with the Archbishop of *Canterbury*.' That, remarks Blackstone, 'was possibly the *capitula* of king John's beforementioned; since no original of Henry the third's has ever yet been produced from thence'.⁵

¹ *Camden Misc.*, xv. 18. They are inserted in MS. 959 at pp. 150, 151 and 194, 195 respectively. The Charter Roll, after reciting the text of the *Reformacio pacis*, continues 'Duo paria litterarum istarum liberata fuerunt magistro P. de Lang. custodienda post sacramentum prestitum' (*Rotuli Chartarum*, p. 194). Both are now at Lambeth (the duplicate is *Chartæ Miscellaneæ*, portfolio i, no. 43). Since it was before Langton, at their first meeting after his return from exile, that John took the oath ('stare mandatis domini Pape', &c.) to which the *Reformacio pacis* bears witness, who would have been so well entitled to claim the permanent custody of the two originals as the archbishop? And who else would have placed them in the archiepiscopal treasury? When the second and greater surrender came, a surrender in which the archbishop again played the leading part, assuredly the document (the Articles) which set out its terms was likewise committed to his charge and was by him deposited with the *Reformacio pacis* to which it was so closely related.

² *Chart. Miscell.*, portf. xi, no. 13 (MS. 1212, pp. 26, 29). It is actually printed in *De Antiquitate Britannicæ Ecclesiæ*, pp. 117, 118.

³ MS. 643, no. 28 (MS. 1212, p. 240). Printed in Holtzmann, *Papsturkunden in England*, ii, no. 290; cf. James, *Cat. of MSS. of Lambeth*, p. 785.

⁴ A letter of 9 May 1637 to the Dean and Chapter on this subject is printed, from a copy made by his secretary and now at the Public Record Office, in *Works of Laud* (Lib. of Anglo-Catholic Theology), vii, pp. 345, 346; see also Miss Churchill in *Camden Misc.*, xv, pp. viii, ix, and *Cal. State Papers, Domestic, 1637*, pp. 86, 87.

⁵ *Great Charter*, p. xlv.

There has been no bridging of the void in the history of the Articles of the Barons between the list of 1330, which proves that the document was in the archiepiscopal treasury in that year, and Burnet's *History of his own Time*, published in 1724-34, which puts out the account of the removal of the document from Lambeth Palace on 18 December 1640; but it has been made clear that the story of Bishop Warner's exploit has almost everything short of outright corroboration in its favour.

From the Articles of the Barons we turn to the Charter itself, dated 15 June 1215, but not executed, according to Blackstone and McKechnie, until 19 June 1215.¹ Writs attested in the name of the King on the latter day and on those immediately following announced in many quarters that firm peace had been restored.² By far the most important and instructive of them is the writ for the publication of the Charter—there might have been doubt as to its validity had it not been proclaimed locally throughout the realm.³ Attested at Runnymede on 19 June and addressed to the sheriffs and other royal officers in the counties, that writ required the Charter to be read publicly within their bailiwicks; it also directed the sheriffs to cause the oaths prescribed by chapters 61 and 48 to be administered.⁴ Obviously *Magna Carta* had by then been brought to birth. McKechnie makes a bolder claim, averring with insistent reiteration that several originals were sealed and delivered on that day 'for greater security'.⁵ His claim finds no support in the memorandum or dispatch-list which follows the text of the writ for the promulgation of the Charter on the Patent Roll. The list seems to be incomplete,⁶ but it makes this fact plain, that in many cases the writ, a brief document, went out ahead of the exemplification of the long Charter. The first documents to be delivered were a batch of 21 writs, dated 19 June; next,

¹ Cf. pp. 234-5.

² They are referred to by McKechnie, *Magna Carta*, 1914, pp. 40-2, two being printed on pp. 493-4.

³ *Magna Carta Commemoration Essays*, pp. 144, 168, &c.; *Statutes of the Realm*, i, p. xlv; cf. Maxwell-Lyte, *Great Seal*, pp. 372-3.

⁴ *Rotuli Litterarum Patentium* (Record Comm., 1835), i, pt. i, p. 180; also printed, but without the all-important memorandum (see below), by Blackstone, McKechnie and others; reproduced in Pl. 14.

⁵ The assertion is thrice repeated in *Magna Carta*, pp. 38-40; see also p. 165.

⁶ It fails to name six out of the thirty-nine shires (see pp. 277-8).

on 24 June, both *brevia* (14) and *carte* (7) were issued, and it may be remarked that the Bishop of Worcester, who had received a writ for his shire (*de Wigornia*) at the first distribution, was then handed *j. cartam*; the third and last delivery mentioned by the list took place as late as 22 July and consisted of *vj. carte* only.

The production of a single copy of Magna Carta by 19 June would have been achievement enough. Within the compass of four days the heads of agreement set out in the Articles had been expanded, re-arranged and cast in the form of a royal charter. Doubtless the technical task of drafting and the laborious work of engrossing a document which ran to more than 3,500 words had fallen on the staff of the Chancery. Not to the Chancery, however, is to be assigned the responsibility for the modifications that had been made. Though not of great consequence,¹ they point to the continuance of parleys, which must have impeded drafting and engrossing, during those four busy days.

In any event, McKechnie, for all his insistence on the completion of several originals on 19 June, has left unanswered and may be presumed to have overlooked a question of some importance: Were all these formally handed over at Runnymede? The question is important because it cannot be doubted that *one* Magna Carta, sealed on or by that Friday, was there and then publicly delivered to the barons. By the end of the day they had renewed their oaths of homage and fealty, presumably with all the trappings of feudal pageantry.² Before they thus resumed their allegiance by an overt and ceremonial action, they, the victors in the struggle, must have secured a no less open and solemn acknowledgement and ratification of the instrument which defined the liberties granted or restored to them. There would have been nothing new in the execution of a number of examples, since, as Giry points out,³ royal charters had sometimes been prepared in two or more originals on both sides of the Channel from the seventh century onwards; and it

¹ 'The most material alterations and additions' are set out in Blackstone's *Great Charter*, pp. xviii, xix. In *A comparative view of the Barons' Articles and the Great Charter*, privately printed by G. W. Atherton in 1900, the Articles and the Charter appear in parallel columns, the order being that of the former.

² John's writ of 23 June to Stephen Harengod is conclusive on this point. It begins: 'Sciatis quod firma pax facta est per Dei gratiam inter nos et barones nostros die Veneris proxima post festum Sancte Trinitatis apud Runnemed. prope Stanes. Ita quod eorum homagia eodem die ibidem cepimus' (*Rot. Litt. Pat.*, i. 143; also Blackstone, McKechnie and others).

³ *Manuel de Diplomatie*, 1894, p. 10.

is the current view that there had been 'more than thirty originals' of an earlier charter of liberties, the coronation charter of Henry I.¹ At the same time, it is evident that the written safeguard did not consist of a plurality of texts of Magna Carta. The device adopted was of a different kind, as witness chapter 62:

Et insuper fecimus eis fieri litteras testimoniales patentes domini Stephani Cantuariensis Archiepiscopi domini Henrici Dublinensis Archiepiscopi et Episcoporum predictorum et magistri Pandulfi super securitate ista et concessionibus prefatis.

Although that document is spoken of in the past tense, as if already in existence, it cannot have been anterior to the Charter itself, which it recited.² Accordingly, it is suggested that the sequence of events at Runnymede on 19 June was: (1) the delivery to the barons of a Magna Carta which was certainly the first exemplar to receive the Great Seal and which may actually have been sealed in their presence; (2) the delivery to the Crown, immediately afterwards, of the Letters Testimonial, sealed, also perhaps in the meadow, by the ecclesiastics; (3) the renewal of homage by the barons. The formal exchange of the two instruments provided all the *documentary* security that the occasion required.

A few other copies of Magna Carta may have been written on that day, possibly earlier;³ but it is most improbable that

¹ F. Liebermann in *Trans. of R. Hist. Soc.*, new ser., viii. 22. They were sent, he concludes, to every county, one being deposited in the treasury at Winchester. This and other opinions expressed in the article are repeated in *Engl. Hist. Rev.*, xxviii. 444-5. It may not be out of place to mention that an exemplar of this Henry I charter, with a general address (*omnibus baronibus et fidelibus*, &c.), was preserved in the treasury of the Archbishops of Canterbury in the thirteenth century. Two copies of it, differing slightly from one another, are in Lambeth MS. 1212: the one in the register itself (pp. 17-18), the other in the inserted quire from an earlier thirteenth-century chartulary (pp. 187-8). The former entry gives the press-mark *j. Henr. primus*; against the latter a hand of the thirteenth century has added the significant words *hec inuenitur*. According to the table of contents (p. 1), the charter was in *uase secundo*. Can it be doubted that this was the document which Langton had produced and read to a council of churchmen and barons in August 1213? The text is of the type dismissed by Liebermann as a Westminster forgery, and it is to be regretted that he was unaware of the evidence supplied by Lamb. 1212. The charter also appears in Tanner MS. 223, ff. 23b-24b (early sixteenth century), in which, as in other Canterbury copies, the monks' privilege (*Presentis vero ecclesie monachis*, &c.) that, along with another unusual feature, led Liebermann to reject this version is said to have concerned, not Westminster Abbey, but Christ Church, Canterbury.

² Cf. pp. 248-9.

³ Cf. pp. 261-3.

any one of them was issued in the presence of John and his adversaries, and it is certain that they were not drawn up 'for greater security'. Every exemplar of Magna Carta save one, it is submitted, had for its purpose the publication or promulgation of the concessions made by the King. It will be necessary to return to this topic when the four extant 'originals', upon which McKechnie would seem to have had his eyes rather too firmly set, are examined. All that need be added here is that exemplifications of the Charter prepared on—even before—19 June would have enjoyed no greater authority than those produced on any subsequent day in June or July, and that none of them would have been robed in the majesty of the deed publicly delivered into the hands of the barons at Runnymede.

It is sometimes suggested that this deed was laid up in the Treasury of the Exchequer. Thus Dr. R. L. Poole conjectured 'that the great seal was attached to the original kept in the exchequer',¹ and a recent writer has declared that 'the treasury contained . . . the charter formally sealed at Runnymede.'² Any such idea is irreconcilable with well-attested historic facts. Having gained temporary possession of the City of London in gage of the royal good faith,³ the barons, unmoved by a protest from their clerical colleagues, declined to furnish the security which they on their part had promised—a charter formally avowing that they were bound by the renewed allegiance sworn on 19 June.⁴ It is inconceivable that they should have suffered

¹ *Engl. Hist. Rev.*, xxviii. 449; cf. C. W. Foster, *Registrum Antiquissimum* (Lincoln Record Soc., 1931), i. 137 n.

² *Memoranda Roll, 1 John* (Pipe Roll Soc., 1943), p. xlvij n. It is fair to add that Mr. H. G. Richardson also mentions the document which was, in fact, kept in the Treasury.

³ McKechnie (p. 43 n.) holds that the agreement for the surrender of the City—it is undated—alludes to a writ of 27 June and must have been executed after that day. The writ in question, however, is supplementary to the writ of 19 June (cf. p. 243), and it is evident that the allusion in the agreement is to the parent writ, not to its subsidiary. If that is so (it is the view taken by Blackstone), the City might have been surrendered on any day after 19 June. McKechnie prints the three documents one after the other in his Appendix (pp. 494–6), and the reader may judge for himself. The original indented agreement, with slits for the labels of the seals of Robert Fitz Walter, 'Marshal of the Army of God and Holy Church', and the six earls and six barons named with him, is at the Public Record Office—Chancery, Miscellanea, (C. 47) 34/1/1—the date officially assigned to it being 15–25 June (*Cat. of MSS. in Museum*, 1948, p. 19).

⁴ The protest, which describes the events that led to its issue, is printed in *Rot. Litt. Pat.*, p. 183; also by Blackstone, McKechnie and others.

John to retain the original instrument which bestowed on them what McKechnie has called 'the right of legalized rebellion'. If they were guided by precedent, the custodian of their choice must have been Stephen Langton. As we have discovered, the *Reformatio pacis* and the Articles of the Barons, each in its turn, had passed into the keeping of the archbishop. It is alongside those documents which were its precursors, in his treasury, that we should expect Magna Carta to have been deposited. Yet it was not copied into Lambeth MS. 1212; nor is there any word of it in the 1330 list of the archiepiscopal charters, which, nevertheless, does reveal that the archbishops had received and preserved one of the reissues or confirmations of the Charter by Henry III,¹ and one of Edward I's confirmations of both it and the Charter of the Forest,² to say nothing of an exemplification of the 'Sentencia lata in transgressores carte libertatis Anglie sub sigillo Bonifacii archiepiscopi et quorundem episcoporum' of 13 May 1253.³ The silence of the records might be explained away in more ways than one. Langton may have considered the muniment-room of his Cathedral Priory, the metropolitanical church of the Province of Canterbury, a more fitting repository than his own treasury for so inestimable a record. That the prior and monks of Christ Church had access to the Charter in some form is proved by the presence of a copy in a manuscript compiled for that house in or soon after 1275 and now in the British Museum;⁴ but since other houses found means to secure copies,⁵ the entry in the Christ Church volume may have no

¹ 'Magna carta Regis Henrici quarti [sc. tercii] vt ecclesia Angl. libera sit et habeat omnia iura sua integra et libertates suas illesas' (*Camden Misc.*, xv. 3). The entry virtually reproduces the essential words of the first chapter of the Charter, which were repeated in each of Henry III's reissues (1216, 1217 and 1225), &c.

² 'Magna Carta regis Edwardi primi post conquestum de libertatibus ecclesie. Carta Regis E. de foresta' (*ibid.*, p. 6).

³ *Ibid.*, p. 7; cf. *Statutes of Realm*, i. 6.

⁴ Cotton MS. Galba E. iii, ff. 72b–80; as to its date and provenance, cf. *British Museum Quarterly*, xii, p. 43. Magna Carta is also found in Register E (early fourteenth century) of Christ Church, which is still in the possession of the Dean and Chapter of Canterbury (*Hist. MSS. Comm.*, 8th Rep., App., p. 330).

⁵ E.g. Wymondham Priory, a cell of St. Alban's Abbey, second half of thirteenth century (Cotton MS. Julius D. vii, ff. 122b–5); Peterborough Abbey, c. 1320–30 (B.M., Add. 39758, ff. 220–7). Both texts are very corrupt, the earlier being a conflation of the 1215 and 1225 versions of the Charter; cf. p. 260, n. 2. Although not without scribal blunders, the copy in Galba E. iii is much superior to either of them.

significance.¹ A gloomier possibility has been suggested to me by Professor J. G. Edwards, in whose debt I stand for much helpful criticism and advice. Suppose the Charter to have been entrusted to Langton, would he not have been compelled to relinquish it to John after it had been quashed by Innocent III? An affirmative answer to this question would at least make it credible that during the few weeks before the Charter was surrendered—surrendered in order to be destroyed—it did lie in the treasury of the archbishops. Inasmuch as evidence that Langton even took charge of it is lacking, however, we must perforce admit that we know nothing of the first or any subsequent resting-place (assuming that there was one) of the only 'original', in the strictly diplomatic sense of that word, of the document which established itself as the corner-stone of English liberties.

It has already been asserted that there was delivered to the Crown on 19 June 1215 at Runnymede, where it may well have been executed, the document—it bore no date—which chapter 62 of the Charter terms *litteras testimoniales patentes* and which now goes under the title of the Letters Testimonial.² Issued in the names and authenticated by the seals of all ten ecclesiastics who, according to the preamble to the Charter, had counselled John to make the grant, that document was intended to provide an authoritative and unquestionable text, to ensure, so ran its

¹ Magna Carta does not appear in the fifteenth-century list of Christ Church deeds at the Public Record Office (E. 36/138). There is, however, not a single charter of John amongst the very few royal deeds described in that list, which is almost certainly imperfect both at the beginning and end. On the other hand, Innocent III's bull 'Dignis laudibus attollimus' of 30 March 1215, ratifying John's grant of free elections in the English Church (Potthast, *Regesta*, 4963), which follows Magna Carta in Galba E. iii, occurs in the list (p. 10), being then in 'Cista vij^{us}' at Christ Church. A fourteenth-century copy is in Register A at Canterbury (*Hist. MSS. Comm.*, 8th Rep., App., p. 317), and the document is described in Canterbury Charta Antiqua C. 232 (cf. *Hist. MSS. Comm.*, 5th Rep., App., p. 435); but Mr. W. Urry, Keeper of MSS. at Canterbury, whom I have to thank for the above information, tells me that the original seems no longer to be preserved. An original is at the Public Record Office (*Lists and Indexes*, xlix. 222). It is recorded in Bishop Stapleton's Calendar (Palgrave, *Ant. Kals. and Invs.*, i. 23, no. 102). In Stapleton's time (*temp.* Edw. II) a copy was inserted in the Red Book of the Exchequer (ed. Hall, i. cxxxvii); the document, which had come to light amongst the effects of a royal clerk, had been delivered into the Treasury in 1315 (*ibid.*, iii. 1042-6).

² See p. 245.

final clause, 'that nothing can be added to this foresaid form of words nor withdrawn or abated from it'.¹ The Letters Testimonial thus took the shape of an *inspeximus* or recital of the Charter, without, needless to say, the usual clause of confirmation. The document, indeed, may be regarded as standing to the Charter in a position analogous to that of a counterpart in indentures, the part retained by the grantor. Whatever the words of chapter 62 may suggest, it was the royal grantor rather than the grantees, his lieges, who might have needed such a deed; for (as is commonly known) the Great Charter of John, like the reissues and confirmations of his son and successor, was not enrolled.² We shall see in a moment that the Letters Testimonial were, in very truth, kept in the Exchequer, and this fact makes it all the more unbelievable that the Crown was also permitted to hold the original Charter. If the Letters Testimonial served as a sort of counterpart of that original, the former would have been sealed after, perhaps immediately after, the latter, and the two were, for a certainty, simultaneously exchanged.³ Moreover, in view of the fact that the Charter must have passed, as other royal charters passed, to the grantees, it seems by no means impossible that the Letters Testimonial became the basis or working draft of the first reissue of Henry III, and so the ancestor of the enactment still on the statute-book. Be that as it may, for the student of diplomatic this instrument stands nearer to the original Charter than any other document which emanated from the negotiations at Runnymede.

Only one early copy of the text of the Letters Testimonial is known. It is found in the Red Book of the Exchequer, into which it was inserted during the reign of Edward II.⁴ Since the

¹ The substance of the text is reproduced in *Statutes of the Realm*, i, Table of Charters, by Bémont, *Chartes des Libertés anglaises*, p. 39, and by McKechnie, pp. 478-9; cf. also J. Hunter, *Three Catalogues; describing the contents of the Red Book of the Exchequer, &c.*, p. 34.

² Many explanations of the non-enrolment have been advanced: see, for example, Galbraith, *Studies in the Public Records*, pp. 139-40, and H. G. Richardson, *Memoranda Roll, 1 John*, p. xlvij.

³ The Letters Testimonial must have been executed before the protests of the ecclesiastics (*a*) on the interpretation of chapter 48 of the Charter, which dealt with forest abuses, and (*b*) against the barons' repudiation of their promise to furnish the charters referred to above (p. 246), since the Bishop of Rochester, who is named in the preamble to the Charter and sealed the Letters Testimonial, was a party to neither protest. Unhappily, the protests are undated (the *Syllabus of Rymer's Fœdera*, i. 20, 21, assigns them respectively to 18 June and 19 June, but those datings are manifestly too early).

⁴ P.R.O., E. 164/2, ff. ccxxxiii-ccxxxvib; cf. Pl. 13 b, c, and H. Hall, *Red*

Treasury of the Exchequer was then the usual place of deposit for important State documents, the inclusion of this copy in its great register argues the preservation of the original in what has been described as 'the first national Record Office'. Before inference is vindicated by evidence, it may be well to explain how a transcript came to be made at that particular time. In Edward's latter years Walter Stapleton (or de Stapeldon), Bishop of Exeter, who was twice Treasurer of the Exchequer (February 1320–August 1321, May 1322–July 1325), started a drastic and well-devised reform of his department.¹ One step taken at his instigation was the appointment, in August 1320, of 'such of the king's clerks as shall be necessary to survey, dispose of, and put into a proper state . . . the king's things in his treasury and in the Tower of London, and the rolls, books, and other memoranda touching the exchequer of the times of his progenitors, which, the king understands, are not so well disposed as is needed for him and the common weal'.² Brought to notice in the course of the survey, the Letters Testimonial received a signal honour at the hands of the reformers, or rather of one of the clerks to the Chamberlains of the Exchequer—transcription into an official book of reference which even then had no peer.³

On 3 December 1322, after Stapleton's reappointment, the general calendaring of the administrative archives, apart from those of the Chancery, was undertaken. The order then given to him and the Chamberlains told them that 'the king wills that all papal bulls and all other charters, deeds, and memoranda touching him and his estate and liberties in England, Ireland, Wales, Scotland, and Ponthieu in the treasury under their custody and in the wardrobe and elsewhere shall be put into a

Book of Exchequer (Rolls ser.), i, p. cxx. The entry does not occur in B.M., Hargrave MS. 313 (mid thirteenth century), which reproduces almost all the matter copied into the Red Book down to 1251. There are a number of later transcripts of the Red Book (made sixteenth century and subsequently) which, of course, may be ignored. Needless to say, neither the Red Book nor Harg. 313 contains a copy of John's Magna Carta itself, though they both have the reissue of 1225.

¹ T. F. Tout, *Chapters in Mediaeval Administrative History*, ii. 211. On the whole subject see *ibid.*, ii. 207–21, 258–67, &c., and the same writer's *Place of Reign of Edward II in English History*, 2nd ed. (1936), pp. 168–79.

² *Cal. of Close Rolls, 1318–23*, p. 258.

³ 'Second only in honour to Domesday Book itself, the "Liber Rubeus de Saccario" has, for more than six centuries, held a foremost place among our national records' (J. H. Round, *Studies on Red Book of Exchequer*, p. 17; cf. also *Stat. of Realm*, i. xxxviii).

calendar, and shall be arrayed by certain sufficient persons.'¹ The various writings had been sorted and stored in labelled receptacles by the end of 1323,² in or about which year a classified inventory, known as Bishop Stapleton's Calendar, was produced. Now, like the Red Book and the other Exchequer records, in the Public Record Office,³ the Calendar contains (p. 177) the following entry which beyond cavil or doubt—the specific mention of the seals of the bishops provides decisive proof—describes the Letters Testimonial:

Copia Carte Johannis Regis Anglie facte Magnatibus Anglie de Libertatibus eiusdem post concordiam inter ipsum et Barones factam, sub sigillis Archiepiscopi (*sic*) Cantuarie et Dublinie, Episcoporum Londonie, Wyntonie, Bathe et Glastonie, Lincolnie, Wygornie, Couentrie, et Roffe. Datum anno regis predicti xvij^o.⁴

'We owe to Stapeldon, more than to any other one person, the fact that our vast collection of exchequer records before 1323 is still preserved to us', wrote Tout.⁵ Students of Magna Carta should be particularly grateful to him. Owing to the negligence or ignorance of one of his successors in office, the original Letters Testimonial have vanished; but his providence in causing a copy to be inscribed in the Red Book has saved the text from oblivion. That text was collated both by Blackstone and by the authors of the Record Commission's *Statutes of the Realm* for their editions of Magna Carta.

Having discovered that the Letters Testimonial formed part of the national records in 1323, we may assume without hesitation that they had been placed in the national repository in the first instance. When, therefore, the Treaty of Lambeth, in a version which seems to be of foreign origin, makes Prince Louis of France surrender to Henry III the 'cartas factas de liberta-

¹ *Cal. of Close Rolls, 1318–23*, p. 688.

² For the purpose of speedy production, the sketch, letters or other registration-mark on each label alluded, whenever possible, to the nature of the contents of the receptacle. Thus on a wooden coffer filled with quittances and other documents relating to the Welsh wars stood the figure of a Welsh soldier, one foot bare (as in another Exchequer book, the 'Liber A'; cf. J. R. Green, *Short Hist. of English People*, i. 315); an oak sapling was the mark on the canvas bag containing rolls of the Eyres of the Forest. They are reproduced in Palgrave, i. 118, 98 (see n. 3).

³ Its present reference is E. 36/268. Printed in Sir F. Palgrave's *Antient Kalendars and Inventories of the Exchequer*, i. 1–155.

⁴ Abbreviations have been expanded; Palgrave (p. 103, no. 80) seeks to reproduce the entry (see Pl. 13 a) in its original form. It will be observed that master Pandulf, the papal legate, is not mentioned.

⁵ *Place of Edw. II in Engl. Hist.*, p. 173.

tibus tempore regis Johannis à P. Rumougrend' which had come from the Exchequer,¹ the conclusions already reached regarding the disposal of the Articles of the Barons and the original Charter warrant the belief that it was the Letters Testimonial, and they alone, that were restored to the Exchequer in September 1217. To be sure, this version of the treaty has *cartas* where the present contention requires either *cartam* or *litteras*; but the treaty also says à P. Rumougrend, showing that its author or transcriber lacked precise knowledge of the material surrendered; the Chancery itself, incidentally, sometimes had difficulty with its singulars and plurals at that period.²

It has been assumed in the foregoing remarks that the document in the Exchequer was unique. The notion that only one exemplar of the Letters Testimonial was needed and sealed is not new. The late Sir John Fox expressed this view in the *English Historical Review* for July 1924,³ although, being unacquainted with the evidence in Stapleton's Calendar, he did not claim that exemplar for the Exchequer. Other recent writers on the Charter, however, have maintained in unison that many copies were distributed. In an earlier article on the procedure for publishing great charters of the sovereigns,⁴ Dr. Poole had suggested that the Charter and the Letters Testimonial were sent out together; he would make the Charter go, in accordance with precedent, to the sheriffs, but he leaves us to guess who were the recipients of the document which was a repetition of it in slightly different guise. McKechnie, the second edition of whose *Magna Carta* appeared in 1914, outdid Poole. He asserted simply and uncompromisingly that what was intended for the sheriffs was the Letters Testimonial.⁵ Very recently Professor Galbraith has added his voice to the chorus so far as to represent that many copies of the Letters Testimonial, as well as of the Charter, were made.⁶

¹ See pp. 238-9. This version of the treaty, which differs considerably from the others, was printed by E. Martène and U. Durand, *Thesaurus novus Anecdotorum*, 1717, i, coll. 857-9, 'Ex ms. illustrissimi Marchionis Daubais'.

² See, for example, Blackstone, *Great Charter*, p. xxxiii, and Poole in *Engl. Hist. Rev.*, xxviii, 450 n. *Cartas* presents no difficulty if there is substance in McKechnie's surmise (p. 175) that the original of the so-called 'unknown Charter of Liberties' may have been one of the documents restored by Louis. Both the purpose and the date of that 'Charter' are, however, obscure.

³ Vol. xxxix, p. 332.

⁴ *Ibid.*, xxviii (July 1913), pp. 448-50. The argument is by no means easy to follow.

⁵ *Magna Carta*, pp. 41-2; cf. pp. 189, n. 2, 478.

⁶ *Studies in the Public Records*, 1948, p. 139.

The idea would seem to have originated with Poole and to have arisen out of the interpretation he placed on the passage in chapter 62 of the Charter which mentions the Letters Testimonial.¹ To him the passage signified that the promulgation of *Magna Carta* was entrusted to Langton and his brethren, and was effected by means of copies of their deed. Perhaps because earlier charters of liberties (those of Henry I and Stephen, with which his article had previously dealt) had not been promulgated in this way, he described the procedure as 'quite anomalous'. It did not occur to him, though it struck Fox, that the three reissues of *Magna Carta* by Henry III were not published by letters testimonial either. Let us read what the writ of 19 June 1215, the instrument which ordered the Great Charter of John to be published, had to say to the sheriffs and their subordinates, the men who were to do the work. It began thus:

Sciatis pacem firmam esse reformatam per Dei gratiam inter nos et barones et liberos homines regni nostri, sicut audire poteritis et videre per cartam nostram quam inde fieri fecimus quam eciam legi publice precepimus per totam bailliam vestram et firmiter teneri.²

John would hardly have called an *inspeximus* by a party of ecclesiastics *cartam nostram*, nor would his officers have accepted it as such.

Poole's adherents must not only read into chapter 62 of the Charter and the writ of 19 June 1215 much that those documents do not say, they have also to do the like by the final clause of the Letters Testimonial themselves which explains their *raison d'être*.³ Largely on the strength of that clause, Fox concluded that the document was 'not intended to be a means of promulgating the charter'. If he is right—and right he assuredly is—some new purpose will have to be found for copies of the Letters Testimonial sent out along with the Charters. The engrossment of the requisite number of specimens of the latter took more than a month,⁴ and we are entitled to believe that the preparation of as many examples of the former, a doubling of the labour, would not have been undertaken without a cogent reason. At whose behest would they have been produced, whether in preference to the Charter itself or merely in addition to it? To be a valid instrument, moreover, each *inspeximus* would have needed the

¹ Quoted on p. 245.

² References are given on p. 243, n. 4.

³ A translation has been attempted on p. 249. The Latin runs: *Et ne hui forme predictae aliquid possit addi uel ab eadem aliquid possit subtrahi uel minui, hui scripto sigilla nostra apposimus.*

⁴ The number of copies sent out is discussed below, pp. 275-8.

seals of two archbishops, seven bishops and the papal legate. For some reason one of those bishops, Benedict (of Sansetun) of Rochester, failed to join with his colleagues in the two protests which must have been executed very shortly after 19 June.¹ Are we to imagine that they all reassembled at intervals until 22 July (copies of Magna Carta were certainly issued on that day)² for the sole purpose of attesting copies of their deed? And what has become of these many duplicates? We possess four 'originals' of the Charter and a number of transcripts in monastic and other chartularies;³ but no specimen of the Letters Testimonial has come to light, nor, as has already been stated, is any early transcript known, other than that in the Red Book of the Exchequer.

No such questions call for an answer, no strained construction need be placed on the words of any of the relevant documents, if the claim here made is accepted, namely, that in order to provide the King with an indisputable text of his Charter, the ecclesiastics at whose instance it was granted, immediately after its presentation to the barons, handed in exchange to a royal officer a single *inspeximus* which was forthwith deposited in the Exchequer.⁴

In Stapleton's time the document was kept *in hanaperio de virgis*. Its disappearance from that wicker hamper, or from some other container to which it was subsequently transferred, has deprived the nation of the one authoritative copy of the 1215 Magna Carta which by right should be amongst its archives to-day.⁵ The loss had almost certainly occurred before the time

¹ Cf. p. 249, n. 3. The legate was a party to only one of the protests.

² Cf. p. 244.

³ A few monastic chartularies have already been mentioned (p. 247). Examples of secular manuscripts are: (1) B.M., Cotton MS. Claudius D. ii—which contains parts of the original (c. 1324) 'Liber Custumarum' of the City of London, formerly preserved at Guildhall (cf. pp. 256–7)—has a rather careless copy of the Charter on ff. 116–19; (2) A copy of the late thirteenth century is in a volume with Lincolnshire associations, B.M., Harl. MS. 746, ff. 59b–64. Yet another kind of copy is referred to on pp. 258–9.

⁴ Instances of *littera testimonialis* (in the singular) are not uncommon; but it is hardly necessary to remark that *litterae testimoniales*, like *litterae patentes*, &c., while plural in form, may carry a singular meaning. Cf. also *New Engl. Dict.*, s.v. 'Letter 1' 4 b, 'Testimonial' *adj. b*. It must be admitted that the final requirement of the Articles of the Barons was that 'Rex faciet eos [the twenty-five barons] securos per cartas Archiepiscopi et Episcoporum et Magistri Pandulfi', &c., though, as Fox shows (*E.H.R.*, xxxix. 331–2), the provisions of this article were modified in other respects.

⁵ None of the sealed copies of Magna Carta which were made and

of Sir Robert Cotton (1571–1631), who, as will now be shown, had intimate knowledge of the Exchequer records and would neither have failed to recognize the document, nor, recognizing it, have left it undisturbed. Cotton helped Arthur Agarde, one of the Deputy Chamberlains of the Exchequer, to compile his 'Compendium Recordorum', a catalogue of the contents of the four record treasuries at Westminster, which was completed in 1610.¹ A few months later he would seem to have been re-admitted to the various repositories to study records from a different angle. Clashes with the Commons had already led James I to interest himself in expedients of every kind, ancient precedents most of all, for levying revenue without the assent of Parliament, and when, in February 1611, he dismissed that intractable body, his interest and need both became acute. He accordingly turned, amongst others, to the antiquary, who brought together what he entitled in his own handwriting 'A Collection mad by Sr Robert Cotton for his Ma^{ties} service in time of Extremitie,' now Cotton MS. Cleopatra F. vi.² The volume consists partly of newly-devised fiscal projects, partly of such compilations as Cotton's own 'collection of diuerse courses out of Record whereby the kinges of England haue repaired their estate',³ which was printed with minor changes in 1642 as *An abstract out of the records of the Tower touching the Kings Revenue*,⁴ and partly of official instruments concerned with the raising of money. Amongst the last-mentioned are many documents issued by the Privy Council of Henry VI, including instructions to commissioners sent into the country to exact benevolences for the defence of Calais,⁵ and minutes, warrants to the Exchequer,

dispatched to different parts of the country are preserved in the Public Record Office' (Giuseppi, *Guide to Public Records*, i. 101).

¹ The presentation copy to Sir Julius Cæsar, Chancellor of the Exchequer, is B.M., Lansdowne MS. 137. In view of the charges which have been levelled at Cotton (see below), it may be well to remark that in his preface, addressed to Cæsar, Agarde expresses his obligations to the antiquary for 'supplieng manie originalles of treaties w^{ch} heretofore haue bene careleslie lost out of the Kinges Treasuries' (Lansd. 137, f. 2).

² The above is substantially the view expressed by J. G. Nichols in *Herald and Genealogist*, iii. 195–6.

³ Cleop. F. vi, ff. 39–51. Although dated 25 Sept. 1612 by Cotton himself, internal evidence shows that it had been composed in 1609 or 1610, before the actual crisis. It was prepared for and annotated by Henry, Earl of Northampton. Cf. also *Cal. State Papers, Domestic, 1611–18*, p. 165.

⁴ Reprinted as 'The manner and meanes how the Kings of England Have from time to time Supported And Repaired their Estates' in James Howell's *Cottoni Posthuma*, 1651, pp. 161–200. ⁵ Cleop. F. vi, ff. 233–44 *passim*.

&c., dealing with the Crown jewels pawned to maintain the forces in France.¹ Well-nigh all the surviving Council records down to the end of the Lancastrian period are in the Cotton collection. Sir Harris Nicolas, who printed them in his *Proceedings and Ordinances of the Privy Council*, remarked of the minutes and letters in Cleopatra F. iii that 'they must originally have been deposited among the public archives';² in the case of the 'Book of the Council', a register of its proceedings covering the years 1421-35, he proved by means of an entry in the 'Liber Memorandorum Camerarii' that it had been delivered into the Treasury of the Exchequer in 1449.³ Another writer has estimated that 'almost a third of the manuscripts which form the most important section of the Cotton Library consist of, or contain, Papers of State'. 'Of these', he continues, 'a very considerable proportion once belonged to the State'.⁴

How Cotton came by those records has never been satisfactorily explained.⁵ The story, however, of the failure of the Corporation of London to induce him to relinquish the portion of its 'Liber Custumarum' which is still in Claudius D. ii⁶ points

¹ Cleop. F. vi, ff. 329-46. Many of these have been copied into the 'Book of the Council' (see below).

² Vol. i, p. viii.

³ Vol. v, pp. iii-v. The 'Book' originally consisted of four vellum rolls. Cotton cut them up into pages which he laid down in volumes (Cleop. F. iii, f. 207-Cleop. F. iv, f. 94 *passim*). Cf. also Palgrave, *Antient Kalendars and Inventories of Exchequer*, i, pp. lxxiv, lxxv.

⁴ E. Edwards, *Lives of Founders of British Museum*, p. 148.

⁵ Sir Thomas Wilson, Keeper of State Papers, in a letter of 24 Aug. 1615 to his son-in-law, accused Cotton of having 'coningly scraped together' various records; it would be dangerous to the State, he said, if Cotton was allowed to nominate the successor to Agarde, Keeper of the Exchequer Records, who had lately died (*Cal. State Papers, Dom., 1611-18*, p. 305). The charge of theft has often been repeated, for example, in *Letters and Papers, Hen. VIII*, i (1862), pp. viii-xii, and by the Royal Commission on Public Records of 1912 (see *Reports from Commissioners, &c.*, vol. xlv, 1912-13, p. 448, s.v. 'Cotton: Sir Robert'). The testimony of Wilson, however, is countered by that of Agarde (see p. 255, n. 1), and it has been suggested that the latter, who bequeathed most of his manuscripts to Cotton, may have been the channel through which some at least of the Exchequer records flowed into the Cottonian Library (P.R.O., *Lists and Indexes*, xlix, p. v). Wilson, moreover, was directed on 3 March 1618 to allow Cotton to remove from the State Paper Office 'subscriptions and signatures of Princes and great men, attached to letters otherwise unimportant, as he is collecting such for curiosity's sake' (*Cal. State Papers, Dom., 1623-5*, p. 553). See also Edwards, *op. cit.*, pp. 148-51.

⁶ See H. T. Riley, *Munimenta Gildhallæ Londoniensis* (Rolls ser.), ii, pt. i, pp. xvi-xxiv.

an obvious moral: it was unwise to place choice manuscripts within his reach. Inevitably, his lifelong quest of original materials for English history made Cotton a connoisseur of Magna Carta. By the gift of friends he secured for his collection two of the four 'originals' of the first Great Charter now extant,¹ and he added to them examples of the confirmations by Henry III in 1237 and 1252 and of the confirmation by Edward I in 1297.² He possessed himself of two other documents, documents more nearly related to the primal Charter than its later confirmations, the bulls by which Innocent III, on 4 November 1213 and 21 April 1214, accepted John's surrender of England and Ireland to the Holy Roman Church, took the King and his kingdoms under the protection of St. Peter, and granted the kingdoms to John and his heirs in fee on condition of an oath of fealty by each successive king at his coronation, an annual payment of 1,000 marks being reserved to the Holy See.³ In 1323 they and the Letters Testimonial had been preserved together in the Exchequer. Of that fact Bishop Stapleton's Calendar leaves no doubt.⁴ In the days of Cotton the Letters Testimonial can have been there no longer; for the researches which brought the two bulls to light would surely have revealed the sealed *inspeximus* of the Charter also. No scholar of his age, indeed no scholar before Blackstone, was so well equipped as Cotton to appreciate that treasure at its true worth; nor is it to be imagined that, when he contrived to lay hands on the bulls, he would have let such a find slip through his fingers.⁵ In

¹ Cott. Ch. xiii. 31a (much injured in the fire of 1731: designated below, as by the Record Commissioners and others, C¹), and Cott. MS. Augustus ii. 106 (C¹¹). See pp. 260 sqq.

² Respectively Vespasian F. xiii, art. 3, Augustus ii. 51, and Cott. Ch. vii. 9 (also injured in the fire, and now backed with another sheet of vellum).

³ Cleop. E. i, f. 149 (Potthast, *Regesta*, i. 4843); Cott. Ch. viii. 24 (*ibid.*, 4912). The latter was displayed in the Magna Carta case at the British Museum until January 1949, when it was replaced by the Lacock Abbey Charter; the other bull was formerly exhibited in the Manuscript Saloon.

⁴ The entries describing the bulls (E. 36/268, p. 29) are reproduced by Palgrave, *op. cit.*, i, p. 25, nos. 113, 114, and need not be repeated. Cleop. E. i, f. 149, recites John's deed of surrender dated at Dover on 15 May 1213, as the Calendar states; but Cott. Ch. viii. 24, which is represented as 'continens tenorem supranominate bulle de verbo ad verbum preter datum', recites the very similar charter executed by John at St. Paul's, London, on 3 Oct. 1213. According to the Red Book of the Exchequer (ed. Hall, iii. 1043), one of them was delivered into the Treasury of the Exchequer on 25 July 1315.

⁵ The document does not appear in the catalogues of the Cotton Charters

all likelihood, therefore, the Letters Testimonial were missing from official custody more than three centuries ago. If that be so, the document is to be regarded as irretrievably lost.

The thesis now submitted may be summed up in two sentences. (1) Three instruments formally changed hands at Runnymede: the Articles of the Barons on 15 June, a single exemplar of Magna Carta, along with the (unique) Letters Testimonial, on 19 June. (2) Every other 'original' was an exemplification of the Charter, produced in order that its provisions might be proclaimed, sent out with or after the writ of 19 June in the course of the ensuing weeks. It remains to determine whether this theory is invalidated by any of the four 'originals' that we now possess. Two of them, as has already been remarked,¹ form part of the Cotton Library in the British Museum (Cⁱ and Cⁱⁱ), the other two being respectively the property of the Dean and Chapter of Lincoln (L) and the Dean and Chapter of Salisbury (S). The most detailed and careful of several available descriptions will be found in Fox's article.² All the material features he mentions, and some which he does not, will be referred to in the following discussion.

Before proceeding with our task, we must turn aside to take a glance at yet another text of the Charter, which, although it has no pretensions to the status of an original, should not pass unnoticed in such a study as this. Presented to the Bodleian Library by the family of its late owner, the well-known collector John Eliot Hodgkin,³ the document in question is so early a copy that, in the opinion of Sir Edmund Craster, it 'may even fall within the first quarter of the thirteenth century'.⁴ The abridgement of the royal titles and the many errors had already led the late Mr. G. J. Turner to suggest that the copy derives from a

(see B.M., Add. 38683, a copy of T. Smith's cat. of c.1680-1700, and Add. 46911, ff. 128-30, H. Wanley's *autogr.* cat. of c.1703) compiled prior to the fire at Ashburnham House on 23 Oct. 1731. There is thus little reason to suppose that, after being acquired by Cotton, it perished in that catastrophe.

¹ P. 257.

² *E.H.R.* xxxix, 321-36.

³ It had previously appeared in the sale-room on two occasions: in the Hodgkin sale of 22 Apr. 1914, lot 1, and in another sale at the rooms of Messrs. Sotheby & Co. on 11 Apr. 1919, lot 834.

⁴ *Bodleian Quarterly Record*, v. 29. The document is also described and partially reproduced in J. E. Hodgkin's *Rariora*, i. 26, the facsimile reappearing as the frontispiece of the Hodgkin sale-catalogue.

register or chartulary, and it is safe to say that no 'original' would have been engrossed, as this was, on both sides of a narrow strip of vellum measuring 25½ by 5 inches. Written in England, the copy must soon have found its way to Italy; for it is endorsed 'Privilegio Regni Angliae' by an Italian hand of the fifteenth century, and it bears a still later inscription in Italian.¹ Sir Edmund Craster has thrown out the fascinating surmise—a surmise, however, inconsistent with the view that the text was copied from a chartulary—that it may have been made for transmission to the papal court.

It is difficult to believe, of course, that the bull 'Etsi karissimus' of 24 August 1215² would have condemned the Charter as 'worthless, shameful, unlawful and unjust' unless its terms had been communicated to the Curia, and in the admonition (under ban of anathema) to John to disregard his concessions *etiam ipso volente illa servari* there seems to be more than a hint of acquaintance with the pledge given in chapter 61;³ but such considerations lend little support to the conjecture that the Bodleian Library may have had the good fortune to secure the actual document sent to Rome on John's behalf. Nevertheless, we may rest assured that neither this nor any other early copy of the Charter was made in the interests of historical science. Chroniclers of the thirteenth century had none of the record-consciousness of their modern counterparts and showed scant respect for the integrity of the materials they used. Even Matthew Paris (d. 1259), the ablest, the best-informed and the most careful writer of his age, was at no pains whatsoever to transmit to posterity an authentic version of Magna Carta. 'We know from the historian's own words that he was in the habit of questioning the Exchequer clerks about matters of state, that he had access to Exchequer records and knew their value';⁴ we know also that those same Exchequer clerks could have produced the Letters Testimonial for him; and we may suspect that ready to his hand in St. Alban's Abbey, had he cared to consult it, lay

¹ In addition, it has a press-mark (fourteenth or fifteenth century) 'xxvii'.

² Cotton MS. Cleop. E. i, ff. 155b-6 (Potthast, *Regesta*, i. 4990). Like the two bulls mentioned on p. 257, it appears formerly to have been preserved in the Exchequer (see Palgrave, *op. cit.*, i. 19, no. 75; Hall, *Red Book of Exchequer*, iii. 1043).

³ By ch. 61 John promised: 'Et nos nichil impetrabimus ab aliquo per nos nec per alium per quod aliqua istarum concessionum et libertatum revocetur vel minuatur. Et si aliquid tale impetratum fuerit irritum sit et inane et nunquam eo utemur per nos nec per alium.'

⁴ Hall, *op. cit.*, i, p. xxx, cf. p. xxxii.

the Hertfordshire copy of the Charter.¹ For all that, what Paris and Roger of Wendover, whom he followed, offered as the Great Charter of John to those for whose instruction they wrote was a patchwork of the various issues, still further embellished by insertions of their own.²

We return to our four 'originals'. Let it be said at once that the honour of being the instrument delivered to the barons at Runnymede cannot be claimed for any one of them. Indications, not amounting to proof, give ground for the belief that Cⁱ had been the copy directed to the Cinque Ports, and that it was discovered by Sir Edward Dering, Lieutenant of Dover Castle, amongst the muniments there. In a letter from the Castle, dated 10 May 1630, he wrote to Cotton:

I haue heere y^e Charter of K. John dat. att Running Meade: by y^e first safe and sure messenger itt is your's. So are y^e Saxon charters, as fast as I can copy them: but in y^e meane time I will close K. John in a boxe and send him.³

The writ of 19 June 1215 (which needed a copy of the Charter for its execution) was issued to the Barons of the Cinque Ports on or after 24 June;⁴ Dering, for all his protestations to the contrary, stands convicted of the removal to his seat at Surrenden of 'large masses of most important Records and Rolls relating to Dover Castle',⁵ a conviction which brings him under suspicion of having abstracted Cⁱ from the same archive. Yet he does not tell us that he had *found* the document at Dover. Nor is there hope that endorsements which might settle the question will ever be recovered: Cⁱ is gummed or pasted to

¹ But see pp. 277-8.

² See H. R. Luard, *Matthæi Parisiensis Chronica Majora* (Rolls ser.), ii, pp. xxxii-xxxvi. 'The St. Alban's historians,' he says, 'thought they might pull about and piece together the two [the versions of 1215 and 1225] as they liked.' The text of the Charter (*ibid.*, pp. 589-98, 602-4) may be said to be in general agreement with that of Cotton MS. Julius D. vii, ff. 122b-5 (cf. p. 247, n. 5). As Blackstone pointed out, Paris, copying from Wendover, says 'cartæ utrorumque regum [John and Henry III] in nullo inveniuntur dissimiles' (cf. Luard, *op. cit.*, iii, 92).

³ Cotton MS. Julius C. iii, f. 143. Fox identifies Dering's gift with Cⁱ for three reasons. 1. The only other specimen owned by Cotton, Cⁱⁱ, is known to have been the gift of H. Wyems (see below). 2. Dering's 'Running Meade' corresponds more closely to the 'Runingmed.' of Cⁱ than to the 'Ronimed.' of Cⁱⁱ. 3. According to a note by Sir Roger Twysden, the Charter given by Dering to Cotton bore a seal, and Cⁱⁱ has no seal.

⁴ *Rot. Litt. Pat.*, p. 180 (the memorandum which follows the writ).

⁵ See C. E. Wright, 'Sir Edward Dering: a seventeenth-century Antiquary and his "Saxon" Charters', in *Early Cultures of N.W. Europe*, pp. 374-7.

another skin and would disintegrate were an attempt made to detach it.¹ The probability is none the less strong that it had been sent to the Barons of the Cinque Ports, who, so it will be argued later, could hardly have received the original under cover of their writ.²

Of the antecedents of Cⁱⁱ this only is known, that it formerly bore the words, now obliterated, 'Venerabili et digno Viro Roberto Cotton, militi, hoc antiquum presentat scriptum Humphredus Wyems, primo Januarii, 1628[9]'. According to Fox, Cⁱⁱ, like Cⁱ, is mounted on another skin. Whilst that is not the case, the disappearance of the note of presentation—it cannot have been erased deliberately—may be attributed to the application and subsequent removal of a mount, since traces of the substance used as an adhesive become visible when the back of the document is exposed to ultra-violet light.³ Immediately above the still-legible inscription of the fourteenth or fifteenth century 'Magna Carta Anglie per Regem Johannem', lower down on the dorse, stands another undecipherable entry. It ends 'xx', perhaps preceded by 'Cista', and seems to be a press-mark. Such a mark would show that Cⁱⁱ has formed part of an ordered archive. The entry, however, has not been read,⁴ nor is it known how Wyems, who appears to have been a barrister of the Inner Temple,⁵ came by the Charter.

Evidence of another kind would seem to make it impossible to regard either Cⁱ or Cⁱⁱ as the document handed over at Runnymede. Short passages and words included in L and S are appended to both. Five such additions—to chapters 48, 53 (two), 56 and 61—stand at the foot of Cⁱ; the first three occupy a similar position in Cⁱⁱ, but the last two are embodied in the text.⁶ In them all, as Fox remarks, 'there is no indication of a

¹ More is said of its condition on pp. 268-9.

² See p. 262.

³ Presumably the note was restored temporarily by means of a reagent about the middle of the last century, to which period the transcript preserved with the document belongs. A few of the words may still be read under ultra-violet light.

⁴ It has not responded either to ultra-violet or infra-red photography. I have received much help from Dr. H. J. Plenderleith, of the British Museum Research Laboratory, in my examination of Cⁱ and Cⁱⁱ. See Pl. 12 a.

⁵ A Humphrey Wymes or Wymmes was admitted to the Inner Temple in 1607 and called to the bar in 1620 (F. A. Inderwick, *Cal. of Inner Temple Recs.*, ii, pp. 30, 121, cf. also pp. 96, 136). I have to thank Dr. B. Schofield for these references.

⁶ For details see McKechnie, pp. 166, n. 1, 438, n. 4, 450, n. 2, 456, n., 465, n. 2; *E.H.R.* xxxix. 325-7.

scribal error, such as that the omitted words are obviously required by the context or that the transcriber's eye has wandered from one clause to another ending in the same word'. Since, on the contrary, they either supplement or clarify the text, they have the look of last-minute revisions, made after the engrossment of copies had begun.¹ We may thus readily accept the suggestion, put forward by Richard Thomson and approved by McKechnie and Fox, that a copy with words added at the foot would have been written before a copy which has those words in the body; but here agreement with Fox must end. In his view, the barons 'insisted that an engrossment of the charter with visible alterations should be sealed. . . . When the seal was attached to the altered engrossment of the charter the barons were secure'.² One altered 'original' might be explained on this hypothesis, but not two. Fox saw that. 'It is improbable', he says later, 'that two charters with visible alterations would receive the Great Seal'.³ He met the difficulty by asserting that Cⁱⁱ was never sealed. A circumstance will be mentioned later which tends to show that his assertion, which would make Cⁱⁱ a discarded draft (a later copy would hardly have the addenda at the foot), is a mere surmise.⁴ There are other objections to his theory. The fact that two of the four surviving 'originals' were emended after engrossment raises a presumption that other such specimens, all of which had some function, once existed. Even if it be assumed that by some freak of chance we still possess the only two altered copies originally preserved, Fox remains beset with difficulties. He contends that Cⁱ was the first Charter to receive the Great Seal, and he agrees that it would seem to have been issued to the Cinque Ports. They were amongst the later, apparently amongst the last, recipients of the writ of 19 June. Why, then, should the first sealed Charter have been sent to them?

That the barons insisted on the execution of any copy that had needed revision, above all of Cⁱ, passes belief. They would not have preferred Cⁱ to Cⁱⁱ unless they deliberately chose the more defective of the two. Then, as always, an altered deed was an impeachable deed. Not many years later (c. 1235-59) Bracton was to write—and his concluding phrase was borrowed from the Digest of Justinian—'Apparere autem debet carta in prima sui

¹ As might be expected, it is the *later* chapters that have been subjected to revision.

² *E.H.R.* xxxix. 333.

³ *Ibid.*, p. 335.

⁴ The question of the sealing of Cⁱⁱ is discussed on pp. 271-3.

figura absque omni vituperatione, rasura vel cancellatura, quia calumpniosam scripturam inde in iudicio obtinere non convenit.¹ In terms which are unequivocal the Letters Testimonial explain that they were drawn up for no other purpose than to prevent additions to or subtractions from an agreed form of words.² Not until a final agreement had been reached would an engrossment, with or without alterations, have been sealed; not until then could the *inspeximus* have come into being. When the latter was authenticated by the seals of the ecclesiastics and passed into the hands of the Crown, the barons, it may be claimed with confidence, had already (though on the same day) received an immaculate Charter and would have been satisfied with nothing less. It may be that Cⁱ and Cⁱⁱ were actually written before that Charter: executed before it they were not.³

Whilst the sealing of Cⁱ and Cⁱⁱ has yet to be considered, the conclusion towards which we are heading is that both were promulgation copies. Fortified by the writ of 19 June, which itself bore the Great Seal, they would have been good enough, if executed, for that purpose. In support of this contention I may cite a parallel case to which Mr. H. C. Johnson has kindly

¹ *De Legibus et Consuetudinibus Angliæ* (ed. Sir Travers Twiss, Rolls ser., vi. 142; ed. G. E. Woodbine, iv. 242). In place of *inde* some manuscripts have *vim*, which is the word of the Digest, lib. xxii, tit. iiii, cap. 2 (*Corpus Juris Civilis*, Berlin, i. 291). Twiss renders *vituperatione* as 'defect'.

² See pp. 248-9, 253, n. 3.

³ About the end of the seventeenth century either Cⁱ or Cⁱⁱ was mislaid for a time. Had not Fox, who reviews the evidence (*E.H.R.* xxxix. 327-8), concluded that it was Cⁱⁱ that had gone astray, it would hardly be necessary to mention the accident here. Briefly, the facts are: (1) Thomas Smith, in the preface to his *Cat. Librorum Manuscriptorum Bibliothecæ Cottonianæ*, 1696, describes the missing Charter as Dering's gift to Cotton in 1630 (i.e. Cⁱ), but he says, relying on his memory, that it bore the seals of the barons; (2) James Tyrrell, in his *General Hist. of England*, ii (1700), app., p. 18, after describing what was undoubtedly Cⁱ, says that the document, 'having lain hid for this last Age', was discovered in the Cotton Library by George Holmes, Deputy-Keeper of the Tower Records. Since Smith, the better authority, actually described Cⁱⁱ on p. 18 of his catalogue (the form 'Ronimede' should be noted), under the number Augustus ii. 101, it is certain that the document referred to in his preface was Cⁱ. The loss can have been of very short duration; for a document which must be Cⁱ appears in the manuscript lists of the Cotton Charters compiled by Smith himself c. 1680-1700 (B.M., Add. 38683, f. 18, the volume being a transcript of MS. 15695, *al.* Smith 90, in Bodley) and by Humfrey Wanley in or about 1703 (B.M., Add. 46911, f. 128b; cf. Harl. 7647, f. 6). In the Smith list, it may be added, Runnymede appears as 'Running mead', corresponding to the 'Runingmed.' of Cⁱ, as against the 'Ronimed.' of Cⁱⁱ.

drawn my attention. At the Public Record Office is a file of nine writs, of the same date (22 July 1306) and in similar terms, directing the Statute of Winchester to be proclaimed and observed.¹ All the writs have been corrected by interlineation or erasure. They were, nevertheless, sent out under the Great Seal, executed by the sheriffs to whom they were addressed, and returned, duly endorsed, to the Chancery. If that happened in the reign of Edward I, we may believe that the Chancery of John would not have hesitated to issue amended texts of Magna Carta under the Great Seal for promulgation.

The assumption that the present home of L and of S has always been its place of domicile is supported by ancient endorsements carried by the two Charters, though Poole and Fox give no hint of this, contenting themselves with the observation that the documents were presumably deposited in their respective cathedral churches in 1215. The case for L was stated in part by the Record Commissioners in 1810 thus:

From the contemporary Indorsements of the Word *Lincolnia* on Two Folds of the Charter, this may be presumed to be the Charter transmitted by the Hands of Hugh the then Bishop of Lincoln, who is one of the Bishops named in the Introductory Clause.²

McKechnie, it must be admitted, would attribute the endorsements to a later hand;³ but, so far from that being likely, the only doubt is whether or not they were written by the engrossing clerk himself. The second *N* and the *A* of both resemble the forms of letters in the first line of the text,⁴ just as *London*, on the copy of the confirmation of Magna Carta of 12 October 1297 which was sent to the Sheriffs of London is in a handwriting indistinguishable from that of the body of the document.⁵ The view that the two words were intended to serve as a direction or address receives support from the press-marks. These, 'I.j.' (thirteenth century) and 'XXXV^a visa' (thirteenth or four-

¹ Chancery Files (*Brevia Regia*): present reference C. 202/C. 8/170-179. Cf. *Cal. Close Rolls, 1302-7*, pp. 396, 406.

² *Stat. of Realm*, i. xxix. It seems more probable that the Charter was 'transmitted' by a royal clerk (see p. 276 below).

³ *Magna Carta*, p. 167.

⁴ I am indebted to Miss K. Major for pointing out the resemblance. The engraved reproduction in *Stat. of Realm*, i, Charters of Liberties, opp. pp. 8, 9 (or in the Record Commission's *Fœdera*, i, pt. i, opp. pp. 130, 131) will enable the reader to form some opinion for himself. See also Pl. 12 c-e.

⁵ The Charter, which still forms part of the City archives, is partially reproduced in *Stat. of Realm*, i, Chs. of Liberties, opp. pp. 32, 33. The word stands on the fold at the foot. See also the additional note on p. 279.

teenth century), are to be regarded as common (though not standard) Lincoln marks of the period, so often are entries of the same type found on deeds in the muniment-room of the Dean and Chapter.¹ There is hardly a peradventure about the pedigree of L, and it becomes almost superfluous to add that the Charter was copied into the *Lincoln Registrum* of about 1330.²

Since the earliest marks on S date from the fourteenth century, they are necessarily less decisive. In its original form one of them ran 'Carta Regis Johannis de libertatibus duplicata'.³ The same hand, or one strikingly like it, wrote 'Carta Regis Stephani de diuersis libertatibus pop[u]lo anglicano concessis' on an earlier charter of liberties preserved at Salisbury, the charter granted by Stephen at Oxford in 1136.⁴ Yet another royal charter apparently minuted by this hand, a grant of the temporalities to the Dean and Chapter *sede vacante*, dated 19 December 1317,⁵ is exhibited in the Chapter Library. The entry on this last deed, like that on S, ends with the word 'Duplicata', which word is found, once more, so it would seem, in the same handwriting, on a bull of Alexander III to the Dean and Canons now in the British Museum (Harl. Ch. 43 A. 23).⁶ Even more to the point is the other fourteenth-century endorsement, which, although defective, has demonstrably been the press-mark. All that can now be read is '... orio primi Inclusionarii ascendendo'. The clerk responsible for the inscription endorsed the Stephen charter, which may well have been kept in the same receptacle as S, 'reponatur in secundo diuersorio

¹ See, for example, C. W. Foster, *Registrum Antiquissimum* (Lincoln Record Soc.), i. 136 ('I.j.'), 139 ('II.j.'). and for the other mark pp. lvi, lxi, 3, 36, 47, 62, 106, 107, and pl. iv. The marks on L are reproduced in Pl. 12 b. Miss Major has pointed out that 'a certain scrutiny and a certain ordination and distinction of the charters and instruments belonging to the bishopric of Lincoln and then in the Treasury of the Cathedral Church of Lincoln was made' in 1283 (*Assoc. Architectural Soc's. Reports and Papers*, xxiv, pt. ii, p. 313).

² Foster, *op. cit.*, p. 137 (no. 210). L was exhibited in the British Pavilion at the New York World's Fair in 1939 and subsequently in the Library of Congress at Washington.

³ 'Ecclesie anglicane et omnium legiorum Regis' was added in the fifteenth century, and 'Magna' was prefixed a century or more later. See Pl. 12 f.

⁴ Cf. *E.H.R.* xxviii. 445 ff., and Pl. 12 g.

⁵ Cf. *Cal. Charter Rolls*, iv. 122, and Pl. 12 h. It is not noticed in the Historical Manuscripts Commission's report on the muniments of the Dean and Chapter (*Various Collections*, i. 338-88).

⁶ Cf. *E.H.R.* xxxvi. 397, no. 12; Holtzmann, *Papsturkunden in England*, i. 347, no. 88.

primi Inclusorii ascendendo'; his direction for the replacement of the charter of 1317 was 'reponatur in tercio diuersorio primi Inclusorii ascendendo'.¹ The foregoing evidence requires us to believe that at least as early as the middle of the fourteenth century S reposed in the first press or cupboard in the muniment-room of Salisbury Cathedral. It is difficult to avoid the conclusion that the document had entered the archive very soon, perhaps immediately, after its issue.

Whether L and S were sent direct to their cathedral churches, or whether they were deposited in them after promulgation by the sheriffs—and it is between these alternatives that a choice will have to be made—there is no reason to suppose that either church would have been singled out to receive the all-important original, still less that it would have been dispatched to the sheriff of either of the counties in which those churches lay.

Fox, whilst apparently disposed to allow Cⁱⁱ to have been one of the first engrossments, denied it the standing of an original on the ground that it never was sealed. A reason which is the direct opposite led Sir Thomas Duffus Hardy to reject L. 'It is singular', he wrote in 1837, 'that no contemporary copy of King John's Magna Carta has yet been found. The copy called the Lincoln copy, from the place wherein it is deposited, is certainly not of so early a date.'² The last remark drew from Bémont the caustic rejoinder 'Certainement, il ne l'avait pas vu',³ and Hardy's strictures have not found favour with any of the recent authorities. Even so, in an utterance which is the latest word on the subject, Professor Galbraith thus denounces our four manuscripts one and all: 'Not one of them is in any sense an "original", and to none does any special interest attach, beyond the fact that they all are very old. To contemporaries they would have meant no more than a carbon copy, or a printed copy of, say, a modern treaty means to-day.'⁴

One modern virtue they indubitably lack, and that is strict uniformity. No two of them are of exactly the same size or shape; there are textual variations, almost entirely transpositions of words and discrepancies of spelling;⁵ the three which

¹ An examination of these documents was made possible by the kindness of the Librarian, the Rev. Chancellor C. T. Dimont, and Dr. Elsie Smith, the Sub-Librarian. The late Canon R. Quirk, Dr. Dimont's predecessor, had noted that the two charters of liberties are endorsed in a similar manner.

² *Rotuli Chartarum*, vol. i, pt. i, p. ii, n. 5.

³ *Chartes des Libertés anglaises*, p. 25, n. 1.

⁴ *Studies in the Public Records*, p. 123.

⁵ The additions to Cⁱ and Cⁱⁱ cannot be regarded as variations.

remain legible were manifestly written by different hands; nor was the Great Seal attached to all of them in the same way.

They now measure: Cⁱ 14 $\frac{1}{4}$ by 20 inches (approximately),¹ Cⁱⁱ 20 $\frac{1}{4}$ by 13 $\frac{1}{2}$ inches, L 18 $\frac{1}{2}$ by 17 $\frac{3}{4}$ inches, S 14 by 17 $\frac{1}{4}$ inches. The writing runs parallel to the shorter sides of the membrane on Cⁱ and S, which have 86² and 76 lines of text respectively. On Cⁱⁱ and L the writing runs parallel to the longer sides, the former having 52² and the latter 54 lines. Some diversity of form is to be expected in a number of exemplars of a long record, and it may be apposite to mention that the three surviving specimens of the charter of liberties of Stephen, a deed less than one-seventh the length of Magna Carta, differ almost as much in their dimensions.³

Textually, the four versions are in amazing harmony, judged by medieval standards.⁴ Wholly absent are the differences of substance found in the three charters of Stephen,⁵ to say nothing of the wider variations which, in the opinion of Dr. F. Liebermann, existed between the now lost exemplars of the coronation charter of Henry I.⁶ No conspectus of the various readings in our four manuscripts is at present available in print,⁷ an omission which would be unpardonable were it not for the fact that those variants are of very little consequence. Fox, however, made a complete collation, which is preserved in typescript in the British Museum (Add. MS. 41178, ff. 10-18), and summarized his conclusions in his article.⁸ In brief, he found that

¹ Its condition makes exact measurement impossible. Fox, following Blackstone (*Great Charter*, p. xviii), gives the dimensions as 14 $\frac{1}{2}$ by 20 $\frac{1}{2}$ inches; Pine's engraved facsimile (mentioned below) measures 14 $\frac{3}{8}$ by 19 $\frac{7}{8}$ inches. Since Cⁱ, L and S are not quite rectangular, the other figures quoted here differ slightly from those given by Fox.

² Including the line added at the foot.

³ See *E.H.R.* xxviii. 447.

⁴ Both McKechnie (p. 169) and Fox (p. 333, cf. p. 327) describe them as 'practically identical'.

⁵ In addition to *E.H.R.*, loc. cit., cf. *Hist. MSS. Comm., Various Collns.*, i. 384-5.

⁶ *Transactions of R. Hist. Soc.*, new ser., viii. 21-46. According to Liebermann, a charter 'was addressed to every single county separately'. In his view, authentic exemplars of the charter may also have differed in their concluding lines and have presented various readings in the main body.

⁷ Blackstone used Pine's engraving of Cⁱ and the text of the Letters Testimonial in the Red Book of the Exchequer for the version in his *Great Charter*, 1759; but both Cⁱ and Cⁱⁱ were collated for the revised edition in his *Law Tracts*, vol. ii, published in 1762. The editors of *Stat. of Realm* compared Cⁱ, Cⁱⁱ and the text in the Red Book (but not S) with L.

⁸ Pp. 330-1.

Cⁱ and Cⁱⁱ more often agree with one another than with either of the other two, and that S is the least satisfactory of the four.

On the handwriting of Cⁱ an opinion can no longer be formed, the text being, in the words of the British Museum brochure, 'now almost entirely illegible'.¹ It is, unhappily, only too apparent that an injudicious attempt has been made to put right the damage suffered in the fire of 1731. Fox has reproduced the earliest pronouncements, in print and manuscript, on the condition of Cⁱ after that disaster.² They largely repeat one another and do not call for restatement in detail. Before reference is made to their contents, it may be observed that if the Magna Carta described in Wanley's list of the Cotton Charters was in fact Cⁱ,³ the document was already imperfect in or about 1703, since it appears in the list as 'Magna Charta Johannis Regis Angliæ lacer[ata]'. Its imperfections, however, must have been slight; for when David Casley, Deputy-Keeper of the Cotton Library, prepared a transcript (see below) after the fire—it had been completed before 18 December 1731—he found it necessary to have recourse to Cⁱⁱ for only a word or two, to be exact, for twenty-seven letters.⁴ Those letters, he says elsewhere, were wanting 'by reason of two holes in the Parchment'.⁵ Although both he and the Parliamentary Committee appointed to view the Cotton Library seem to ascribe the holes to the action of the fire, they may have been present when Wanley saw the Charter. According to 'A Narrative of the Fire which happened at Ashburnham-House, Oct. 23, 1731', printed as an appendix to the Committee's *Report* of 9 May 1732, Cⁱ escaped 'greatly shrivel'd up, the Letters being contracted, Part of the Wax of the Seal melted, and one or two Words quite destroyed, and was so much damaged by the Fire, that there is Reason to fear, that some

¹ There is, however, a by no means negligible reaction to ultra-violet light.

² *E.H.R.* xxxix. 322-4. A remark in App. B. vi (p. 139) of the *Report from Committee Appointed to View Cottonian Library* is not printed by Fox and may be quoted: 'The Impression of the Seal is melted away: And the Charter so scorched and shrivelled up, that it is hard to be read in some Places. But by the Direction of the Right Honourable the Speaker of the House of Commons, a Copy hath been taken of it, attested by several Persons.'

³ See p. 263, n. 3.

⁴ *E.H.R.* xxxix. 323-4. Casley says in the endorsement on the transcript (Cott. Roll xliii. 31b) 'verbo tantum uno aut altero, quod corruperat Flamma, ex altero Autographorum suppleto'.

⁵ Statement at the foot of John Pine's engraved facsimile of Cⁱ, published c. 1733.

Parts of it will not much longer continue legible'.¹ That fear led the Speaker, who was one of the Cotton Trustees, to direct Casley's transcript on vellum to be made, to be collated and certified by 'several Keepers of Records and others versed in such Writings', and to be preserved *ad perpetuam Rei Memoriam* in the Cotton collection, where it is now Cotton Roll xliii. 31 b. In 1810, almost eighty years later, the Record Commissioners remarked that 'the Whole is considerably injured';² but, as Fox has pointed out, they let fall no hint that Cⁱ was illegible, and we can by no means be sure that it was then in its present state.³ If the date of the attempted restoration is in doubt, there can be no doubt of the measures that were adopted. In order to flatten and expand the wrinkled and shrunken membrane, moisture was applied with more thoroughness than discretion. Relaxed by that means, it was stretched and gummed or pasted to another sheet of vellum. As the membrane dried, so it contracted considerably, and its age, its condition and the drastic treatment to which it had been subjected caused it to split in many places. Since that time tiny fragments of the original have flaked off, leaving patches, some no more than specks, of a whitish colour in the places they occupied on the mount. It may be that the end of the process of deterioration is not yet.

Casley, who supervised the transcription of Cⁱ and made good its deficiencies by reference to Cⁱⁱ, has said—and we are in no position to challenge his statement—that they were 'both written by the same Hand'.⁴ This much will be plain to every eye, that Cⁱⁱ, L and S were engrossed by three different scribes. They do not become suspect for that reason. No more are the two extant specimens of the third and final reissue of the Charter in 1225, although much alike in appearance, in the same handwriting.⁵ As for the first of the many confirmations, the short

¹ *Rep. from Comm. to View Cottonian Lib.*, App. A (p. 14).

² *Stat. of Realm*, i, Table of Charters.

³ The following, from the minutes of a meeting of the Trustees of the British Museum held on 30 July 1756, may seem conclusive and not without a touch of irony: 'Some Capital pieces are already sufficiently known and their Importance seems to require the greatest care of them. Amongst them deserves the first Rank King John's famous grant of priviledges, which tho' one of the Sufferers by the Fire, is still very legible, and would be more so had any thing been done to repair the Damages done by this dreadful accident.'

⁴ Memorandum on Pine's engraving. The assertion had already been made, on the authority of Casley, by P. de Rapin-Thoyras in his *Hist. of England*, i (1732), p. 293.

⁵ Cf. Collins, *Notes on the Lacock Abbey Magna Carta of 1225*, Washington,

confirmation of 1237 which runs to little more than 280 words, the two examples in the British Museum, Cotton MS. Vespasian F. xiii, art. 3, and Add. Ch. 19826, are in scripts which bear not the faintest resemblance to one another.¹ The writs for the proclamation of the Statute of Winchester, referred to above,² are likewise in a variety of hands. So far as the present writer is aware, none of the four manuscripts has been called in question on palaeographical grounds since the time of Hardy, and it seems scarcely too much to say that instructed opinion would be ranged against any new assault on them on that score.³

We thus come to the question of execution. Attached to Cⁱ is 'a shapeless fragment' of wax which, so Casley assures us, has been the Great Seal.⁴ He saw fit, moreover, to provide his transcript with a fold through which passes a label bearing a representation of the defaced seal. Pine reproduced those features in his facsimile, and Blackstone referred to the fold some thirty years later.⁵ Unless it be that a brown stain which appears to run across the left half of the tattered bottom edge of the document marks the position in which the fold or turn-up

1947. One is preserved in the archives of Durham Cathedral; the other, formerly at Lacock Abbey, in Wiltshire, was presented to the nation by Miss M. T. Talbot in 1945 and is now B.M., Add. MS. 46144.

¹ Although neither now has its seal, the one has slits in the fold through which the label passed, the other having a fragment of the label itself; each bears an early endorsement and a later (but medieval) press-mark.

² See pp. 263-4.

³ Just as the text of S is inferior to that of the other exemplars, so its script is the least convincing. To my eye it rather suggests a date a decade or so later than 1215 and smacks of an ecclesiastical scriptorium. It seems to me to be similar in type to (but earlier than) the hand of a charter of the Dean and Chapter of Salisbury of 1244 in the British Museum, Add. Ch. 7500. On the other hand, Mr. Charles Johnson and Sir Hilary Jenkinson, who have been kind enough to examine photostatic reproductions of S, are not prepared to say that the document could not have been written in the Chancery in 1215; and those inclined to condemn it should see and compare the two British Museum specimens of the 1237 confirmation (mentioned above). If, moreover, not less than forty-one exemplars of the Charter were produced in the course of a few weeks (see p. 278)—we know for certain that thirteen copies had been issued by 22 July (see p. 244)—the staff of the Chancery must have been subjected to unprecedented strain, and it may be that exceptional measures were taken to meet an abnormal situation.

⁴ The fire, he says, 'melted the Wax of the Seal, so that the Impression cannot now be discern'd. However, I know, it bore the Impression of K. Johns Seal, before the Fire happen'd' (memorandum on Pine's engraving).

⁵ *Great Charter*, p. xviii; *Law Tracts*, ii, p. xxviii. So, too, did Thomson in 1829 (*Historical Essay on Magna Charta*, p. 423).

formerly lay, no trace of it remains. Nevertheless, the evidence that the seal hung from the fold on a label is conclusive, and, to clinch the matter, the ends of the label itself still protrude from the wax. In what way the remnant of the seal has been re-attached cannot be determined, but it is not in its original place.

The seal of L, now lost, was applied, not to a vellum label, but to a lace, presumably of silk, similar to those of the Durham and Lacock Charters of 1225. Three eyelet holes, arranged triangle-wise, are pierced in the fold, and it was through them that the lace passed. Amongst the 4,200 pre-Reformation deeds still in the muniment-room at Lincoln are many royal charters. Not one of those charters previous to the reign of Edward III retains its seal,¹ so that in this respect the Great Charter of John has fared no worse than its fellows.

In the centre of the lower margin of S, just where the seal should be attached, there is an M-shaped gap or tear about one inch in depth. From its appearance Fox concluded that the document had two eyelet holes for a seal-cord, and he inclined to the view that the sealing of L and S on a lace or cord, instead of on a vellum label, may indicate that they were not executed at the same time as Cⁱ. The seal was missing when Tyrrell saw S in 1700.² It may have been detached by means of 'two incisions', as Fox suggests, but removal by a violent wrench appears to be more likely. Another of Fox's suggestions, that S has never had a fold, seems even more doubtful. It is preferable to suppose that the Charter was prepared for sealing in the usual manner, and that the remains of the useless fold were trimmed off at the crease after the loss of the seal.

The problem set by Cⁱⁱ must now be faced. At the foot are three incisions. The longest ($1\frac{1}{8}$ inches) is in the centre of the document; the others, respectively $\frac{5}{8}$ and $\frac{7}{16}$ of an inch in length (each is shorter than the one before), stand to the right of it at unequal intervals. No trace of a fold remains, but if the membrane was folded close to the text, the longest slit could have been made when both thicknesses were pierced to receive the seal-label. The British Museum description of the document takes that view, adding 'the great seal is lost': it hazards no explanation of the other two incisions. Fox, on the other hand, after arguing that the three slits cannot have been intended for seals of the barons,

¹ Foster, *Registrum Antiquissimum*, i, p. xliv. The only exception is 'the first Forest Charter of Henry III, of which the seal of the legate Gualo has survived in an imperfect state'.

² *Gen. Hist. of England*, ii, app., p. 18.

attributes the smaller ones 'to accident or mischief'. 'From their appearance', he goes on, 'they might rather be taken for the work of John's own hand—stabs with a knife or a dagger—the visible evidence of his fury against the barons.'¹ What the Museum description and Fox do not make clear is that, like many other large Cotton charters now or formerly bound up in volumes, Cⁱⁱ has been cropped.² For example, Cotton's copy of the 1252 edition of the Charter (Augustus ii. 51), once in the same volume as Cⁱⁱ, has been so tampered with that it is impossible to determine whether a seal has ever been attached; nearly all the papal bulls in Cleopatra E. i have been trimmed at the head, one of great size having been cut into two portions.³ The condition of the side-headings (? late fourteenth century) of Cⁱⁱ is eloquent of cropping, and no clerk would have engrossed his first line so close to the top that the initial letter of the sovereign's name almost touched it. Obviously, if a label for the Great Seal has passed through the longest incision—its appearance is against that conclusion—Fox's claim that Cⁱⁱ was not executed falls to the ground; but the two shorter slits, which cannot have been intended for seals, have still to be explained. I suspect that the instrument responsible for them—and for the longest incision also—was not the dagger of King John but the knife of Sir Robert Cotton's bookbinder.⁴ They seem to me to mark the line to which he at first proposed to trim the lower margin. A straight edge so placed that it touches the bottom left corner and lies as nearly as possible at right angles to both sides passes along the line of the three cuts; trimmed to that line, the document would have been almost rectangular. Even if this conjecture be unacceptable, there is no gainsaying the fact that the fold has gone and that all other evidence of the sealing of Cⁱⁱ may have been destroyed. Since the testimony provided by the present state of the margin is inconclusive, we must look elsewhere for a solution of the problem. The marginal notes on the subjects of the clauses, the damaged endorsement which appears to be

¹ *E.H.R.* xxxix. 334.

² According to *Stat. of Realm*, i, Table of Charters, it was (in 1810) 'bound up, with other original Instruments, in a large Volume; Augustus II. No. 106, in the Volume'. Fox does say that the centre slit is much too near the lower edge of the vellum to allow us to suppose that this was the original condition of the charter; he holds that there was once a fold at the foot.

³ Cleop. E. i, ff. 118–19, 120–21.

⁴ We can at least be sure that the three slits were made before 1731, since Casley's memorandum at the foot of Pine's engraving (cf. *E.H.R.* xxxix. 323–4) refers to them.

a press-mark,¹ and, above all, the very survival of Cⁱⁱ point to its preservation in a muniment-room or library. Unless it had been issued—formally issued under seal, as were Cⁱ, L and S—how came it to be laid up there? Fox's contention that Cⁱⁱ is an unsealed and discarded draft is supported neither by evidence nor probability and may be rejected.²

Even if all four Charters still retained their seals, that would not be an absolute guarantee of authenticity. To give verisimilitude to a spurious royal charter by tricking it out with a genuine Great Seal was not difficult. An impression cut from an authentic instrument had only to be pierced at its edge with a thin piece of heated metal and the label or other attachment of the fraudulent changeling inserted in the aperture. It has recently been suggested that the one charter of William I in the British Museum which really seemed to be above suspicion (Add. Ch. 11205) has been manipulated in this way. The seal, itself genuine, has, it is alleged, been transferred from another document.³ Similarly, the Public Record Office now feels compelled to say of a charter which it displays to the public and which purports to be a grant by William II to Battle Abbey: 'The Seal appears to be genuine, but the Charter may be a later fabrication or copy. It was accepted as genuine and confirmed in 1312.'⁴ At a much later date a Chancery clerk hit upon a highly ingenious device. He stuck two membranes together so that 'they were taken for one'. He then put a label through them both, wrote 'a true Patent' upon the thin upper skin, and caused the Great Seal to be affixed. Finally, having stripped off the upper skin, 'he wrote another Patent on the blank Parchment, and did publish it as a good Patent'.⁵

It was a motive for forging, almost for copying, the Great

¹ Cf. p. 261; the marginalia are mentioned above.

² When, in 1829, Richard Thomson published his *Historical Essay on Magna Charta*, Cⁱⁱ was 'extremely fresh and fair' (p. 425). It is to be feared that exhibition over a long period may have led to some impairment of its condition. Only Cⁱ seems to have been exhibited in Thomson's time.

³ See G. L. Haskins in *Speculum*, xviii (1943), pp. 497–8.

⁴ *Cat. of Museum of P.R.O.*, 1948, p. 17. It is possible that the seal of a charter of William II to Battle Abbey in the British Museum, Egerton Ch. 2211, may not be original. On this charter and the question of the Battle Abbey forgeries see *Brit. Mus. Quarterly*, xii. 122–8, and the references there given. A charter of Henry I to Gloucester Abbey, with an apparently authentic Great Seal, but in a hand of the thirteenth century, is referred to by H. Hall, *Formula Book of Diplomatic Docs.*, pp. 18, 19, 23, 24.

⁵ The story is repeated, from Brydall's *Jus Sigilli*, 1673, in Maxwell-Lyte, *Great Seal*, p. 310.

Charter of John that was absent in the thirteenth century, not the ability to perpetrate a fraud. The prestige which that Charter enjoys to-day is posthumous, and 'its power now lies in the halo almost of romance that has collected round it in the course of centuries'.¹ As part of the law of England its life is to be counted in months, possibly in weeks. Professor T. F. T. Plucknett considers that it ceased to be valid on 24 August 1215, the day on which Innocent III, apparently relying on his apostolic authority rather than on his feudal rights as suzerain,² annulled it by the bull 'Etsi karissimus'.³ In Professor Plucknett's view, it was 'actually law for only about nine weeks'.⁴ It should be remembered, however, that on 29 December 1305 Clement V, by the bull 'Regalis devotionis integritas', now Cotton MS. Cleopatra E. i, ff. 266-7,⁵ formally abrogated Edward I's confirmations without securing the removal of Magna Carta from the statute-book or even arresting the flow of confirmations themselves. We shall take our stand on unassailable ground if we say that upon the reissue of the Charter in the name of Henry III on 12 November 1216 the instrument to which John had given his assent seventeen months earlier was deprived of validity. 'To the barons at Runnymede', to quote McKechnie once more, it had been 'a present help for present ills'.⁶ Once superseded, it lost that virtue, and as one reissue followed another, each introducing fresh modifications, it must have sunk deeper and deeper into limbo. Here, surely, we find the explanation of the indifference of Wendover and Paris to its precise wording.⁷ It cannot for one moment be supposed that up and down the country, at Lincoln and Salisbury, probably at Dover, and elsewhere, in muniment-rooms with none of the traditions or facilities of the scriptorium at St. Alban's Abbey, clerks, not content with producing virtually word-perfect copies

¹ *Magna Carta Commemoration Essays*, p. 20. The theme of McKechnie's address (pp. 1-25) was that the Charter has been differently rated by different ages. 'The nature and the motives of the interest that is to-day taken in Magna Carta are', he says (p. 15), 'widely different from those that influenced the men of the seventeenth century, and both are different from those of the thirteenth.'

² See *ibid.*, pp. 26-40: G. B. Adams, 'Innocent III and the Great Charter'.

³ Cf. p. 259. ⁴ *Concise Hist. of the Common Law*, p. 23.

⁵ Apparently another original is at the Public Record Office: see *Vadera* (Record Comm.), i, pt. ii, p. 978. A bull of John XXII in the British Museum (Cleop. E. ii, ff. 15-16), dated 5 July 1333, serves to remind us that the yearly cess of 1,000 marks was remitted to Rome at least until 1331.

⁶ *Magna Carta Essays*, p. 9.

⁷ See pp. 259-60.

of an obsolete deed, attempted to pass off those copies as originals by attaching to them impressions of the Great Seal. One view, and one only, can reasonably be taken of the four Charters: they are the survivors of the documents sent out in 1215. Although not 'original' in the strictest diplomatic sense, they are nevertheless authoritative exemplifications, officially circulated in compliance with the writ which ordered the promulgation of Magna Carta; the official status of each was doubly warranted—by its own Great Seal and by that attached to the associated writ. From the historian's point of view their authority is beyond reproach, and Professor Galbraith's dictum,¹ technically correct though it may be, disparages them unduly.

Let us, as a last word, attempt an estimate of the number of copies that were distributed. Blackstone refers to the statements of two contemporary chroniclers on the places to which they were sent,² and it would seem that no other author of the time has anything illuminating to add.³ At first sight the statements give the impression of a variance of opinion. According to Ralph, Abbot of Coggeshall, 'forma pacis in charta est comprehensa, ita quod singuli comitatus totius Angliæ singulas unius tenoris haberent chartas regio sigillo communitas'.⁴ Richard de Morins, Prior of Dunstable, on the other hand, wrote in the annals of his house 'confectæ sunt ibidem [Runnymede] chartæ super libertatibus regni Angliæ, et per singulos episcopatus in locis tutis depositæ'.⁵ 'There is here', Poole declares, 'no real discrepancy: the charter, like Henry I's, was to be entrusted to the cathedral church, if there was any in the county; if there was none it would, according to analogy, be kept in a monastery'.⁶ The memorandum appended to the enrolment of the writ of 19 June 1215, although concerned primarily with the issue of that instrument to the sheriffs, contains remarks which tend to

¹ See p. 266.

² *Great Charter*, pp. xvii, xxiv. The British Museum brochure on Cⁱⁱ is content to repeat Blackstone's words.

³ The so-called 'Memoriale Fratris Walteri de Coventria', the later part of which is derived from a chronicle of the monastery of Barnwell of about 1227, says (Rolls ser., ii, p. 222): 'Deferebatur interim exemplar illius cartæ per civitates et vicus, et juratum est ab omnibus quod eam observarent, ipso rege hoc jubente.' All this tells us is that the sheriff and his subordinates performed the duty imposed on them by the writ of 19 June 1215.

⁴ *Radulphi de Coggeshall, Chronicon Anglicanum*, Rolls ser., p. 172.

⁵ *Annales Monastici*, Rolls ser., iii, p. 43. 'This surely implies', says Fox, 'that the copies deposited were authenticated by the Great Seal.'

⁶ *E.H.R.* xxviii. 449.

bear out the view that it was to the counties only that the Charter was sent in the first instance. On 24 June, so the memorandum or dispatch-list discloses, the Bishop of Lincoln was handed two writs, 'unum par in com. Oxon. et unum par de Bedeford'.¹ The words which follow immediately are 'Item eidem due carte'. Both counties were then in the diocese of Lincoln, and it may be supposed that the Charters were intended for them, since a single copy would have sufficed for the cathedral church and would presumably have been entrusted to Henry de Ver, the royal clerk who, on 19 June, received the writ for Lincolnshire itself. The dispatch-list makes but one other bishop receive either writ or Charter, namely, Walter de Grey, of Worcester, the former Chancellor, who was handed both. The writ, of course, was addressed to the sheriff² and could not have been executed by him without the Charter. In this case, too, the reasonable inference is that the Charter was placed in the hands of the bishop, not to be deposited forthwith in his cathedral, but to be delivered for publication in the county.

Against this evidence must be set that of the word 'duplicata' endorsed on S. On the Continent the word was sometimes used to describe a transcript,³ but in England it usually signified either the engrossment of, or else the possession of, two instruments deemed to be originals. The possibility thus arises that two Charters reached Wiltshire—presumably one for the sheriff and the other for the bishop—and that both were deposited in Salisbury Cathedral.⁴ There, however, as at St. Alban's Abbey, the Great Charter of John may not have been distinguished from the reissues of Henry III, and the 'duplicate' may conceivably have been an exemplar of one of the three later editions or even of one of the still later confirmations.⁵ Lincoln was in

¹ *Rot. Litt. Pat.*, p. 180.

² Moreover, it is actually said to be *de Wigornia* (cf. p. 244).

³ Du Cange, *Glossarium Mediae et Infimae Latinitatis*, ii (1842), p. 964, s.v. 'Duplicata'.

⁴ Curiously enough, Wiltshire is one of the few counties which is not named in the memorandum on the issue of the writ of 19 June 1215 (see below).

⁵ It is perhaps relevant to mention that a bull of Gregory IX in Lambeth MS. 1212, p. 260, bears the note 'Hec dupl[ic]ata est? ab antiquo. Item de nouo duplicata est de registro sub bulla Gregorii XI.' Does not this mean that the bull was reissued or confirmed at least twice? And might not the writer of the note have marked all the originals 'duplicata'? Since the bull was a faculty to the archbishop to consecrate his suffragans elsewhere than at Canterbury, it may have been frequently renewed. Somewhat similar notes are found on pp. 261 and 276 of the manuscript.

the same position as Salisbury, but L bears no mark which encourages us to believe that a second copy had found its way to that cathedral. 'Duplicata', whatever its import may be, seems to be endorsed fairly commonly on the Salisbury deeds. In the present state of our knowledge of that archive it would be unwise to hold that the presence of the word on S vitiates the inference drawn by Poole from the procedure adopted in the case of the earlier charters of liberties, an inference which seems to be corroborated by the dispatch-list annexed to the writ for the promulgation of the Charter of John.

But can we even be sure that every county had its Charter, as Coggeshall so emphatically asserts? It has already been remarked that six shires are missing from the dispatch-list. Two of them, Durham and Chester, may not appear there for a good reason—the Charter could not have been sent under cover of a writ addressed to a royal sheriff, even if the king's writ then ran at all in those palatine counties. Yet no cathedral archive in the country is as rich as Durham in specimens of the various editions of the Charter—along with the issues of 1216 and 1225, it has the Forest Charters of 1217 and 1225, to say nothing of the confirmations of both Charters in 1300¹—and in 1302 the *communitas* of the shire, complaining to the king of the misdeeds of the bishop, instanced as one of its grievances his contraventions of Magna Carta.² In view of this evidence it would be surprising if both palatinates did not also receive the Charter of 1215. Another county absent from the dispatch-list is Hertford. When the writ was issued, and almost without a break until well on in the sixteenth century, it and Essex were administered by a single sheriff.³ That, clearly, cannot have been the cause of its omission from the list; for in every other case of the normal administration of two counties conjointly—excluding London and Middlesex, there were eight such cases—the delivery of a writ for both is recorded, sometimes in terms that are explicit.⁴ May it not be, then, that the non-appearance of

¹ Lincoln, its nearest rival, has, in addition to L, only the Forest Charters of 1217 and 1225 (cf. *Registrum Antiquissimum*, i. 145-53).

² G. T. Lapsley, *County Palatine of Durham* (Harvard Hist. Studies, vol. viii), pp. 72, 125. On the latter page Lapsley says: 'Edward I's redaction, in 1301, of the great charter and the charter of the forests appears in Bishop Kellaw's register in 1316.'

³ Cf. P.R.O., *Lists and Indexes*, ix (List of Sheriffs for England and Wales), pp. 43-5.

⁴ In one such case, Somerset and Dorset, the words are 'Item Willelmo de Lesnes clerico domini Bathoniensis duo paria literarum scilicet Dors. et

Hertfordshire was due to an oversight on the part of the compiler of the list? The other absentees are Gloucester, Hereford and Wiltshire, and they provide the real crux. Now the sheriff of Gloucester in June 1215 was the notorious Engelard de Cigogné,¹ and he may perhaps still have been sheriff of Hereford as well.² To him, we are told, was delivered a single writ, 'unum par'; but we are told nothing of its ultimate destination. It is, in consequence, just possible that this writ of Engelard's was intended to serve for the two counties. Any such explanation, however, will not hold good for Wiltshire, the sheriff of which, William Longespée, Earl of Salisbury, was sheriff also of Cambridge and Huntingdon. If the list may be trusted, the two adjacent eastern counties each received the writ, but far-off Wiltshire, although presumably the recipient of S, did not. That is scarcely to be believed, and we have already had occasion to suspect that the list is fallible. We thus seem to be thrown back on the testimony of Coggeshall. He would give us a figure of thirty-nine,³ which becomes forty-one when, together with the original, we add the exemplar sent to the Cinque Ports.⁴ The Charter Roll, it is true, says of the confirmation of 1237 'Consimilem cartam habent Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones et omnes alii de Comitatu Suthanton',⁵ and the famous confirmation of 5 November 1297 ordered the Great Charter and Forest Charter of Henry III to be sent under seal to all justices, cities and cathedral churches, in addition to the sheriffs and other royal officers,⁶ but there is no evidence of any such extended distribution in 1215. With the tentative figure of forty-one, therefore, we must be content.

The centuries have taken their toll of the documents that resulted from the conferences at Runnymede. That was to be expected, but as historians we may at least justly deplore the Somerset; in another, Warwick and Leicester, the list says 'Item Comiti Wintonie duo paria Leic. Warewic.'

¹ He ceased to be sheriff on 8 July 1215 (F. W. Maitland, *Pleas of Crown for Gloucester*, p. xv; *Rot. Litt. Pat.*, p. 148b).

² Since Hubert de Burgh seems to have replaced Andrew de Cancellis as sheriff on 19 July 1215 (*Rot. Litt. Pat.*, p. 149b; *Lists and Indexes*, ix, 59), it is more likely that Engelard had relinquished Hereford at an earlier date.

³ Monmouth was not constituted a shire until much later.

⁴ As we have seen (pp. 260-1), the Barons received the writ and (very probably) C.

⁵ *Stat. of Realm*, i, Chs. of Liberties, p. 28 and pl. opp.; *Cal. Charter Rolls*, i, pp. 225-6.

⁶ *Stat. of Realm*, i, Chs. of Liberties, p. 37; Stubbs, *Select Charters*, 1921, pp. 490-3.

loss of the Letters Testimonial from the Exchequer. Still, when we reflect that the Articles of the Barons had an effective life of a day or two and the exemplifications of the Charter itself (the Letters Testimonial with them) a life of months at the most, we have little cause to be dissatisfied with our legacy, the five instruments which survive to-day.

Addendum to p. 235, n. 3. The reason for the alteration of the press-mark on the Articles of the Barons is made plain by a scrutiny of Lambeth MS. 1212, the thirteenth-century register of the archiepiscopal muniments. Its evidence leaves no doubt that at the original numeration one charter of John had been overlooked. This charter was almost immediately added to the register on an inserted leaf (p. 42) and assigned the mark *Johannes ij*, with the result that the number of every subsequent deed of that sovereign had to be increased by one. The concomitant insertion of the omitted deed in the table or index (Lamb. 1212, p. 3) led to a parallel alteration of the figures there also, and some traces of the erasures and other changes then made may be detected in the portion of the table reproduced (see Pl. 11 b).

Addendum to p. 264, n. 5. The only other known exemplar of this confirmation, preserved at King's School, Bruton, Somerset, has *Com. Surr.*, together with *Exam.*, on the fold in a contemporary hand, but not apparently that of the engrossing clerk.

secunda magne carte libere
et privilegiorum

1212

1212

a

XXV. De iurisdictione iudiciali in personis ecclesiasticis. prefatus qd no pnt ad regem de personis
XXVI. De feodo de archiepiscopo concessio archiepiscopi
XXVII. De parochia curie decessio reddita archiepiscopo. fe de eod infra ^{post} xxxiii. 105.
XXVIII. De archiepiscopo in curia sua omnia dominia sua iuste alienare possit remane
XXIX. De archiepiscopo habeat omnia iurisdictiona hominum de suo feodo sic predecessores sui in
XXX. De archiepiscopo habeat custodiam omnium ecclesiarum capitulorum p quos possidet
XXXI. De speciali magno carta libere regis primo concessa p Joham Regem. // archiepiscopo
XXXII. De consuetudinibus omnium ecclesiarum tenentium libere libere consuetudinem quatinus et omnia alia regis

b

1212

Haec sunt capitula que barones petierunt a domino Rege concessa signata sigillo Johis Regis.
Post decessum antecessorum heredes plene etiam habent iurisdictionem suam p amicum delevit expedire et curiam.
Heredes qui infra curiam sunt et sunt in custodia ad eandem pertinent habent iurisdictionem suam et iurisdictionem suam.
Custos de feodis capiet rationabiles ex parte consuetudines et iurisdictionem suam destruat et vasto hominum et statum.

1212

c

concessit archiepiscopo
magno carta libere et privilegiorum
decessio archiepiscopi

d

a. Endorsement on the document (ultra-violet photograph). b. List of charters of John in Lambeth MS. 1212. c. Text, with press-mark, in Lambeth MS. 1212. d. List of charters of the archbishops, 1330. See pp. 235-9.

12. ENDORSEMENTS ON THE CHARTERS

Magna Carta Anthoni
1215

a

I
capitulum

b

LINCOLNIA

c

LINCOLNIA

d

*Jobas on p[er] die[bus] Regis Ricardi Secundi
 de iurisdictione s[an]cte ecclesie et emendationem Regni n[ost]ri p[er] consilium baronum p[ri]m[us] d[omi]ni Ricardi*

e

*Magna Carta Ricardi Secundi
 Eadem amplius et cum h[ab]itu p[ri]m[us]*
 1215
 39

f

*Capitulum de iurisdictione
 p[ar]ti in g[ra]tia concessio.*

*reponit in t[er]cio d[omi]nio p[ri]m[us] p[ri]ncipaliter
 ascendendo*

g

*Capitulum Ricardi Secundi p[ri]m[us] p[ri]ncipaliter
 de iurisdictione p[ar]ti in g[ra]tia concessio
 capitulum de iurisdictione p[ri]m[us] p[ri]ncipaliter*

*reponit in t[er]cio d[omi]nio p[ri]m[us] p[ri]ncipaliter
 ascendendo*

h

a. C¹¹: Cotton Augustus ii. 106 (see p. 261: ultra-violet photograph). b-e. L: Lincoln charter, with (e) first line of the text (see pp. 264-5). f-h. S: Salisbury Charter, with (g, h) charters of 1136 and 1317 (see pp. 265-6).

et hinc de corby me Angl

Capa Cayro. J. Angl fca magna ab Angl de Libertatibz
eiusdem post concordiam me ipm a Baronos fcau ob sigillis
Archiepi Cantuar a Dublino / Epoy London / Wyncon / Bath
a Glaston / Lincoln / Wigorn / Coueray a Ross. Dat. a. r. pda. xlvj.

Membus xpi fidelibus ad quos p[re]sens scripta
p[re]sentis de gra Cantuar Archiep[iscop]i
vniuers Anglie p[ri]mas et sic Boni Eccle[esi]e Cardin[alis].
Hec eadem gra Dublin Archiep[iscop]us. Willm[us]
Dorseti. Petri Winton. Joscelm[us] Bathon et
Glaston. Hugo Linc. Walterus Wigorn. Will[us]
Cunm. et Benedic[us] Ross. diuina misericordie
et a mag[ist]ro Pandulfus comiti p[ro] subdraco
et a familiaris saltem in dno. Scitis nos
repp[re]sentat[ur] carnam quam dominus n[ost]r[us] Johannes
secundus Rex Anglie fecit comitibz. Baronibus
et liberis hominibz suis Anglie de libertate s[an]cte eccle[esi]e
et libertatibus. et liberis consuetudinibz suis ass[er]t[ur]
h[ec] concessis sub hac for. Johannes dei gra
Rex Anglie. Dominus Hib[er]ni[ae]. Duc[us] Normann[ie].
Aquitan[ie]. Com[itis] Andeg[onie]. Archiep[iscop]us. Ep[iscop]us. Abbat[us].
Comitibz. Baronibz. Iusticiarij. Forestar[um]. vicariorum
et p[ro]p[ri]et[ar]um. amittis et omnibz balliuis et fide
lib[er]is saltem. Scitis nos inuocari dei et p[ro]p[ri]et[ar]i

hec omnia sup[er] dicta bona fide et sine malo
ingenuo obseruabunt. Testibz sup[er] dictis.
a multis alijs. Dat[ur] p[er] manum n[ost]ram
in p[re]s[ent]i quod vocat[ur] Runigmed und
Sondelore a Scanes Quinto decimo
die Junij anno Regni n[ost]ri septimo de
cimo. Et ne hinc forme p[re]s[ent]e alijs
possit addi ut ab eadem alijs possit
sube[re] ut inuocari hinc s[er]p[er]o sigilla
n[ost]ra anno /// s[er]p[er]o u u u u

Ita sit fuerit Caronarius Castellus Pyrenaei et omnibus Baillis suis in eodem Com. ...

Willelmus de Warenne comes de Barro. ...