



#LegacyofFreedom

Introduction: A contract. A simple contract. The king gives protection to the subjects of his land and in return, the subjects pledge their allegiance to the king. But what happens when the contract is broken? What happens when the ideology of the past conflicts with a quest for modernity? Where do rights actually stem from?

When examining the origins of rights, and the origins of due process, one must survey the past to see the connections to the present. Knowing that “rights” were not a foreign concept to the colonist, having already lived under the Magna Carta and English Bill of Rights, revolutionary leaders took up the cause of separation followed by the pursuit of self-governance as necessary, lawful and just.

When the king violated the people’s rights, and they compelled him to reaffirm the Magna Carta and Bill of Rights defining people’s liberties, Americans set forth a wheel in motion, upon which empowered the “Constitution-makers to formulate explicit charter of people’s liberties.” (Gordon Wood)

Defined by man and the state of nature, due process is the “legal requirement that the state must respect all legal rights that are owed to a person.” Therefore, to expose students to the importance of not only rights, but the protection of those rights, a student must go back to the very beginning.

Overview: Students will be able to define due process and the origins of this concept. By examining the Magna Carta Clause 39 and the English Bill of Rights, students will understand the origins behind the writing of the Constitution, specifically the United States Bill of Rights.

Website:

- ✓ British Library Magna Carta: <http://www.bl.uk/magna-carta/articles/magna-carta-an-introduction>
- ✓ Library of Congress: <https://loc.gov/exhibits/magna-carta-muse-and-mentor/due-process-of-law.html>
- ✓ Archives Primary Source Worksheet: <https://www.archives.gov/education/lessons/worksheets>
- ✓ Gilder Lehrman Center: www.gilderlehrman.org Creating a New Government, Gordon S. Wood

Lessons: 3-4 Class Periods

1. Introduction to the Magna Carta—Magna Carta Worksheet
 - ✓ Entire class read the Introduction Sheet and Views the video
2. Reading of the Magna Carta, specifically Clause 39—Magna Carta Primary Source Sheet
 - ✓ This can be whole class or jigsaw
3. Reading of the English Bill of Rights—EBOR Worksheet
 - ✓ This can be whole class or jigsaw
4. Reading of United States Bill of Rights—USBOR Worksheet
 - ✓ This can be whole class or jigsaw
5. Comparison Chart for Magna Carta, English Bill of Rights and United States Bill of Rights
 - ✓ This can be whole class or jigsaw
6. Final Assessment—#ChartersofFreedom

The Magna Carta—Jigsaw or Separate Class times



Bell Ringer (Advanced Organizer): Please have students answer the following question:
What are rights, and where do they come from?
You have 7 minutes! We will be discussing as a group.



Discussion: Have students share responses.

- ✓ Ask the students: *Have student explain where do rights come from and is there a difference between natural rights and legal rights?* (This is a connection to the Enlightenment)

Video Introduction: <http://www.bl.uk/magna-carta/articles/magna-carta-an-introduction>

- ✓ Have student view the video from the British Library *What is Magna Carta?*
- ✓ This can be done as a whole class or separate devices.
- ✓ Students are to take notes on the three-minute video with the essential questions in mind:
What is the Magna Carta?
- ✓ Discuss the video.

*Pre-Read: What is the Magna Carta Worksheet. I did this as homework, but can be done in class.
Students read and margin noted the information.*

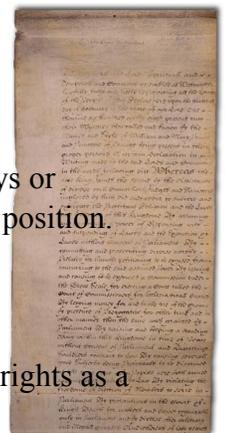
Class Assignment: This also can be done as a jigsaw for upper levels and advanced readers

- ✓ Read the Magna Carta and take margin notes on the information.
 - ✓ Fill out your Primary Source Worksheet with this document.
 - ✓ Make a list of Vocabulary Words that you think are essential to our class learning.
1. After students have read the Magna Carta Section, have the students discuss in small group and then entire group.
 - a. Remember to fill out your *Primary Source Checklist*.
 - b. Remember to look up your vocabulary
 2. As a class, define due process and then create a “kid-friendly” definition
 3. Exit Slip: Create a hashtag for the Magna Carta or due process

English Bill of Rights—Jigsaw or Separate Class time



Bell Ringer (Advanced Organizer): Please have students answer the following question
Mr. Guy, our principal, has mandated that all students are no longer to speak in the hallways or lunchroom. Do you agree or disagree with him? Please write him a letter explaining your position.
You have 7 minutes! We will be discussing in small group today and then large group.



Discussion: Have students share responses.

- ✓ Ask the students: Why are you so upset? Do you think Mr. Guy has usurped your rights as a student? Have student explain their position?

Class Assignment: This also can be done as a jigsaw for upper levels and advanced readers

- ✓ Read the English Bill of Rights and take margin notes on the information.
- ✓ Fill out your Primary Source Worksheet with this document.
- ✓ Make a list of Vocabulary Words that you think are essential to our class learning.

1. After students have read the English Bill of Rights, have the students discuss in small group and then entire group.
 - Are their connections between the two documents?*
 - If so, can you use textual evidence to support your answer?*
 - a. Remember to fill out your *Primary Source Checklist*.
 - b. Remember to look up your vocabulary
2. As a class, define Bill of Rights, what does that actually mean
3. Create a “kid-friendly” definition
4. Exit Slip: Create a hashtag for the English Bill of Rights

US Bill of Rights—Jigsaw or Separate Class time



Bell Ringer (Advanced Organizer): Should you write down rights? Explain your answer using information from our text and discussions. You have 7 minutes! We will be discussing as a group.



Discussion: Have students share responses.

- ✓ Ask the students: *Why do you think it was so important to James Madison and George Mason to have a Bill of Rights? What was their textual/historical evidence?*

Video Introduction: <http://constitutioncenter.org/learn/hall-pass/the-bill-of-rights>

- ✓ Have student view the video from the National Constitution Center.
- ✓ This can be done as a whole class or separate devices.
- ✓ Students are to take notes on the three-minute video with the essential questions in mind:
What is the US Bill of Rights?
- ✓ Discuss the video.

Class Assignment: This also can be done as a jigsaw for upper levels and advanced readers

- ✓ Read the Bill of Rights and take margin notes on the information.
 - ✓ Fill out your Primary Source Worksheet with this document.
 - ✓ Make a list of Vocabulary Words that you think are essential to our class learning.
1. After students have read the US Bill of Rights, have the students discuss in small group and then entire group.
 - a. Remember to fill out your *Primary Source Checklist*.
 - b. Remember to look up your vocabulary
 2. As a class, define legal rights and make a “kid-friendly” definition
 3. Exit Slip: Create a hashtag for the Bill of Rights.

Comparison of Rights



Bell Ringer (Advanced Organizer): Is America's Bill of Rights similar to England's.

Please explain your answer.

You have 7 minutes! We will be discussing as a group.

Discussion: Have students share responses.

- ✓ Ask the students: *Did England influence the American governmental system?*



Class Assignment: This can be done in small groups or individual

- ✓ Have your three documents out and fill out the comparison sheet.
- ✓ Class Discussion about the Similarities and Differences. Use SmartBoard to have kids right their answers on the board. If no technology available, chart paper or whiteboard.
- ✓ Where did due process originate?
- ✓ Is there evidence that each document reflects the idea of due process?

Exit Slip: Create a hashtag for the similarities between the three documents.

TIPS FOR LESSON(S):

- ✓ This lesson can be taught for grade levels 8-12.
 - **High School:** You may want to jigsaw or assign some work for homework
 - **Middle School:** Each document could be one day. Also you can do this assignment as stations if you have the room and setup for that type of lesson.

Making Rights Trending! Lesson

Please see attached worksheet!

Here is how to get our government, right and understanding TRENDING!!!!!!

#tbtInstagram



#Legacyoffreedom

Throw Back Thursday: Here is your task if you choose to take it.

You will be given a document or all three,
and you will need to do the following:

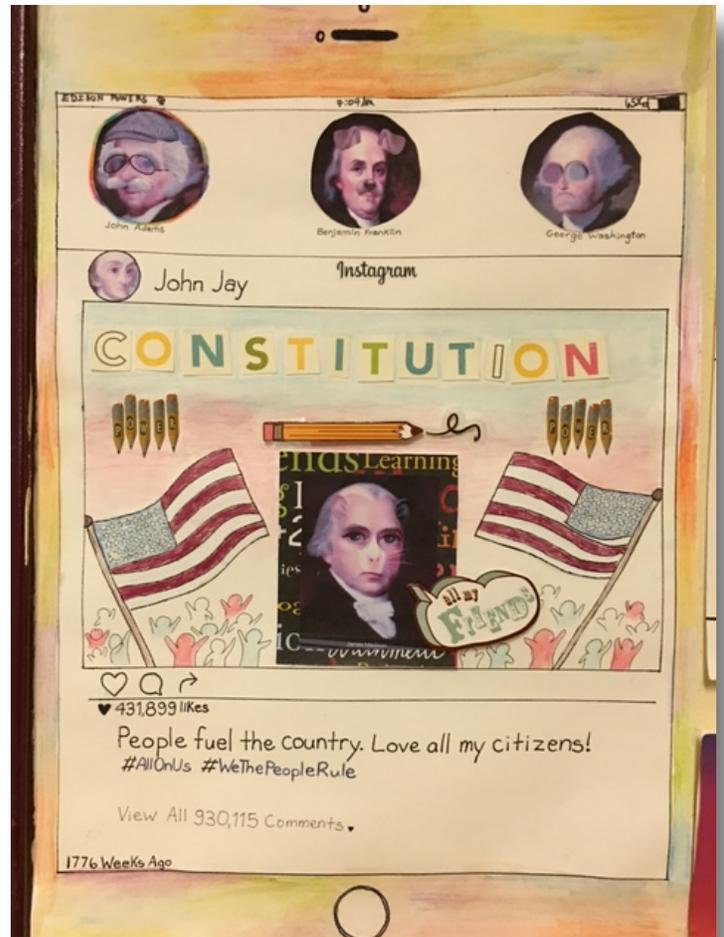
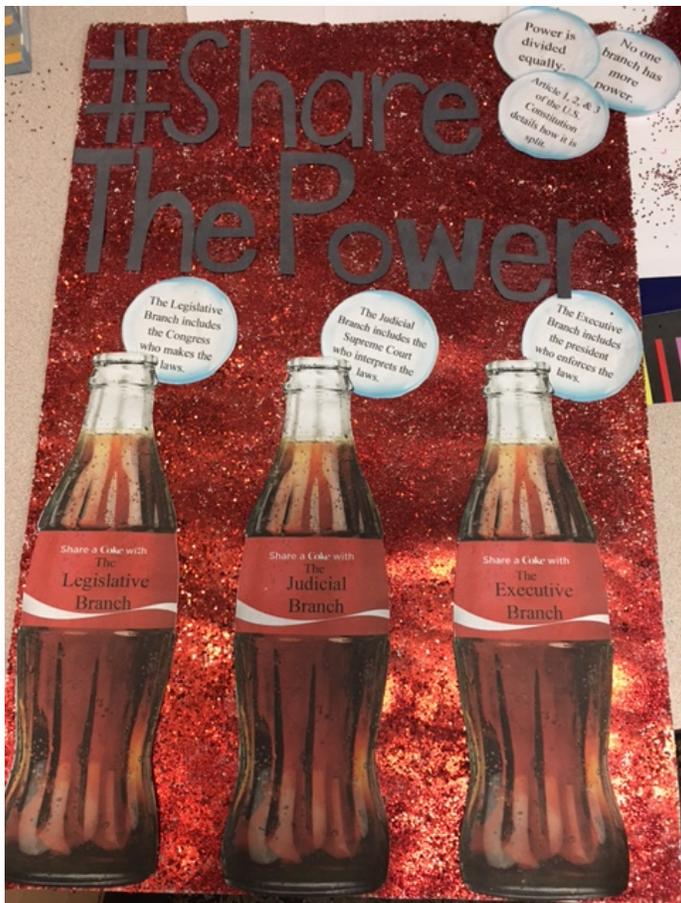
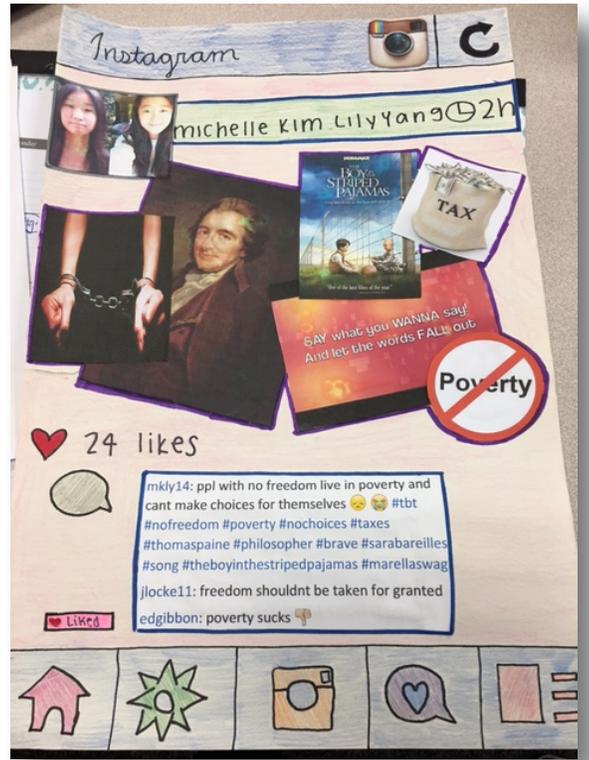
Part 1

1. Identify minimum of *3 vocabulary words* you did not know and define them.
2. Interpret your document: A kid-friendly summary and how it relates to rights.
3. Relate and explain your document to a modern day situation/problem, song or poem
4. Sketch your Instagram—directions on worksheet.

Part 2

1. Hand in Instagram Worksheet for approval.
2. You must find a Throw Back Thursday Picture—Printed from Internet
 - a. Picture of Document or painting depicting your document
 - b. Reference to Modern Day situation—Can be picture or hashtag
3. Your kid-friendly summary must then be placed into text message format
 - a. Take your kid-friendly description and condense it.
4. You must hashtag your picture with a minimum of 4 hashtags
 - a. 1: #tbt
 - b. 2: Reflective of the meaning of the document
 - c. 1: Reference modern day connection
 - d. 1: Reference to due process
5. Glue Picture and write description and write #s on paper given.

Examples



Name: _____

AC: _____

What is Magna Carta?

Magna Carta, meaning ‘The Great Charter’, is one of the most famous documents in the world. Originally issued by King John of England (r.1199-1216) as a practical solution to the political crisis he faced in 1215, Magna Carta established for the first time the principle that everybody, including the king, was subject to the law. Although nearly a third of the text was deleted or substantially rewritten within ten years, and almost all the clauses have been repealed in modern times, Magna Carta remains a cornerstone of the British constitution.

Most of the 63 clauses granted by King John dealt with specific grievances relating to his rule. However, buried within them were a number of fundamental values that both challenged the autocracy of the king and proved highly adaptable in future centuries. Most famously, the 39th clause gave all ‘free men’ the right to justice and a fair trial. Some of Magna Carta’s core principles are echoed in the United States Bill of Rights (1791) and in many other constitutional documents around the world, as well as in the Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950).

Why does Magna Carta matter today?

In 1215 Magna Carta was a peace treaty between the King and the rebel barons. In that respect it was a failure, but it provided a new framework for the relationship between the King and his subjects. The 1225 version of Magna Carta, freely issued by Henry III (r.1216-72) in return for a tax granted to him by the whole kingdom, took this idea further and became the definitive version of the text. Three clauses of the 1225 Magna Carta remain on the statute book today. Although most of the clauses of Magna Carta have now been repealed, the many divergent uses that have been made of it since the Middle Ages have shaped its meaning in the modern era, and it has become a potent, international rallying cry against the arbitrary use of power.

What does Magna Carta say?

Although Magna Carta contained 63 clauses when it was first granted, only three of those clauses remain part of English law. One defends the liberties and rights of the English Church, another confirms the liberties and customs of London and other towns, but the third is the most famous:

No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.

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

This clause gave all free men the right to justice and a fair trial. However, ‘free men’ comprised only a small proportion of the population in medieval England. The majority of the people were unfree peasants known as ‘villeins’, who could seek justice only through the courts of their own lords.

Buried deep in Magna Carta, this clause was given no particular prominence in 1215, but its intrinsic adaptability has allowed succeeding generations to reinterpret it for their own purposes. In the 14th century Parliament saw it as guaranteeing trial by jury; in the 17th century Sir Edward Coke (1552-1634) interpreted it as a declaration of individual liberty in his conflict with the early Stuart kings; and it has echoes in the American Bill of Rights (1791) and the Universal Declaration of Human Rights (1948).

Much of the remainder of Magna Carta dealt with specific grievances regarding the ownership of land, the regulation of the justice system, and medieval taxes with no modern equivalent (such as ‘scutage’ and ‘socage’). It demanded the removal of fish weirs from the Thames, the Medway and throughout England; the dismissal of several royal servants; the standardisation of various weights and measures; and so on.

Magna Carta stated that no taxes could be demanded without the ‘general consent of the realm’, meaning the leading barons and churchmen. It re-established privileges which had been lost, and it linked fines to the severity of the offence so as not to threaten an individual’s livelihood. It also confirmed that a widow could not be forced to remarry against her wishes.

Why was Magna Carta created?

In 1214, a mercenary army raised by King John was defeated by the French at the Battle of Bouvines in northern France. This army had been paid largely by the tax known as 'scutage', a payment made to the Crown in place of providing knights for military service, and the focus of much baronial discontent.

King John's reign was also marked by his strained relationship with the Church. John had rejected the election of Stephen Langton (1150-1228) as Archbishop of Canterbury, and in 1208 the Pope issued a decree (known as an 'Interdict'), prohibiting people in England from receiving the sacraments or being buried in consecrated ground. King John was excommunicated by Pope Innocent III (1161-1216) in 1209, and the Interdict remained in place until John surrendered his kingdom to the overlordship of the Pope in 1213.

In 1213, a party of rebel barons met with Archbishop Stephen Langton and the papal legate (a representative of the Pope) to air their grievances against the King. They also urged that John should agree to confirm the coronation charter issued by his ancestor, King Henry I, in 1100, which had promised 'to abolish all the evil customs by which the kingdom of England has been unjustly oppressed'. In early 1215, the dispute escalated when King John refused to meet the barons' demands. In May many barons renounced their oaths of allegiance to him, choosing Robert fitz Walter (1162-1235) as their leader. Their capture of the city of London that same month was a turning point in their campaign.

Once London was in the barons' hands, John had no option but to negotiate with them. The two sides met at Runnymede, on the River Thames near Windsor in the south of England, in June 1215. The demands of the barons were recorded in the document known as the Articles of the Barons. Following further discussions with the barons and clerics led by Archbishop Langton, King John granted the Charter of Liberties, subsequently known as Magna Carta, at Runnymede on 15 June 1215. On 19 June the rebel barons made their formal peace with King John and renewed their oaths of allegiance to him.

The King's clerks set about drawing up copies of the agreement for distribution throughout the kingdom. It is not certain how many copies of the 1215 Magna Carta were originally issued, but four copies still survive: one in Lincoln Cathedral; one in Salisbury Cathedral; and two at the British Library. Like other medieval royal charters, Magna Carta was authenticated with the Great Seal, not by the signature of the king.

Was Magna Carta effective in the short term?

Although King John agreed the terms of Magna Carta and the barons renewed their oaths of allegiance, the settlement did not last long. Aggrieved by the manner in which Magna Carta was to be enforced, John sent messengers to the Pope (the overlord of the kingdoms of England and Ireland) in the summer of 1215, requesting that the charter be annulled. In turn, the barons refused to surrender the city of London to the King until Magna Carta had been implemented. Pope Innocent III was alarmed by the charter's terms, and on 24 August 1215 he issued a document known as a papal bull, describing Magna Carta as 'illegal, unjust, harmful to royal rights and shameful to the English people', and declaring the charter 'null and void of all validity forever'. In September 1215, civil war broke out between King John and his barons. The King raised an army of mercenaries to fight his cause, while the barons renounced their allegiance to him, and invited Prince Louis (1187-1226), son of the King of France, to accept the English crown. Louis invaded England in 1216, and England was still at war when John died of dysentery on the night of 18 October 1216. Magna Carta was effectively dead, but it gained new life in the early years of the reign of the next king, Henry III. Henry was just nine years old when he succeeded to the throne, and in November 1216 a revised version of Magna Carta was issued in his name, in order to regain the support of the barons. Another version of Magna Carta was granted in the following year, after the French army had been expelled from England. In 1225, on reaching the age of 18, Henry reissued a much revised version of Magna Carta which was later enrolled on the statute book by King Edward I (r.1272-1307) in 1297.

What was the long-term impact of Magna Carta?

Magna Carta is sometimes regarded as the foundation of democracy in England. In fact, most of its terms applied only to a small proportion of the population in 1215, and the implementation of the charter in subsequent centuries remained open to the interpretation of the courts. Revised versions of Magna Carta were issued by King Henry III (in 1216, 1217 and 1225), and the text of the 1225 version was entered onto the statute roll in 1297. Magna Carta had limited the circumstances under which the King could raise money without the consent of the people. The 1225 version of Magna Carta had been granted explicitly in return for a payment of tax by the whole kingdom, and this paved the way for the first summons of Parliament in 1265, to approve the granting of taxation. In the 17th century, opponents of King Charles I (1625-49) used Magna Carta to regulate the arbitrary use of royal authority. Sir Edward Coke, declared that 'Magna Carta is such a fellow, that he will have no sovereign', and in 1628 he helped to draft the Petition of Right, which limited royal power and made explicit reference to Magna Carta. When King Charles was himself put on trial in 1649, it was argued that his attempts to halt the proceedings contravened the clause of Magna Carta which prohibited the delay of justice. Magna Carta has consequently acquired a special status as the cornerstone of English liberties. This is despite the fact that the vast majority of its clauses have now been repealed, or in some cases superseded by other legislation such as the Human Rights Act (1998). Magna Carta nonetheless retains enormous symbolic power as an ancient defence against arbitrary and tyrannical rulers, and as a guarantor of individual liberties.



Magna Carta with Annotations, unabridged. Edsitement.neh.gov

In your Groups, divide the Magna Carta into three parts.
Example: Five in a group, give each person seven to read.

The rule of law has its basis in Magna Carta. This concept, fundamental to democratic forms of government, asserts that all – including a king, prime minister, or president – must abide by the laws of the nation. While Magna Carta does not specifically state that the king is subject to the rule of law, the provisions of this document establish that principle by imposing limits on the king's power. The fact that the barons are given the authority to enforce this document in Chapter 61 of the original version reinforces the principle that the king could no longer ignore or violate established laws, traditions, or customs, nor could he arbitrarily infringe on the rights of his subjects. In short, the king would be compelled to abide by the rule of law.

The Magna Carta is not to be understood as a carefully crafted constitution, or framework of government, like the U.S. Constitution. Rather, it addresses the principal grievances of the barons, merchants, and church officials through a set of rules designed to both restrict the power of the king and protect the liberties of Englishmen, Scots, and Welshmen. The organization, while not entirely haphazard, does not have the same clear structure that we expect to find in a modern constitution. With some exceptions, however, it does follow a loose outline as will be made clear in the following annotations.

Magna Carta

JOHN, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects, Greeting.

KNOW THAT BEFORE GOD, for the health of our soul and those of our ancestors and heirs, to the honour of God, the exaltation of the holy Church, and the better ordering of our kingdom, at the advice of our reverend fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman Church, Henry archbishop of Dublin, William bishop of London, Peter bishop of Winchester, Jocelin bishop of Bath and Glastonbury, Hugh bishop of Lincoln, Walter Bishop of Worcester, William bishop of Coventry, Benedict bishop of Rochester, Master Pandulf subdeacon and member of the papal household, Brother Aymeric master of the knighthood of the Temple in England, William Marshal earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galloway constable of Scotland, Warin Fitz Gerald, Peter Fitz Herbert, Hubert de Burgh seneschal of Poitou, Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Basset, Philip Daubeny, Robert de Roppeley, John Marshal, John Fitz Hugh, and other loyal subjects:

Preamble: This identified the key players, the most important of whom were King John and Stephen Langton, the Archbishop of Canterbury. Others names in this section of the document included high church officials and leading nobles, described as “loyal subjects.” The fact that men of considerable stature had not joined the rebellion against the King is worth noting, for their presence probably helped to dissuade the barons from taking up arms against John. The King, it should be noted, signed the Magna Carta because of the threat of violence, but he had no intention of abiding by the agreement.

+ (1) FIRST, THAT WE HAVE GRANTED TO GOD, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections - a right reckoned to be of the greatest necessity and importance to it - and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity.

The Archbishop's role is evident in this provision – both its placement at the beginning of the document and its guarantee of the rights and freedom of the church to act without being subject to the king's interference.

TO ALL FREE MEN OF OUR KINGDOM we have also granted, for us and our heirs for ever, all the liberties written out below, to have and to keep for them and their heirs, of us and our heirs:

The second paragraph of this chapter was added, probably by Langton, between June 15 and June 19. It extended the liberties beyond the barons to include “all free men” and their heirs forever. At the time, this covered about 10% of the population; however, over time, as more of the population qualified as “free men,” it came to encompass virtually all of the people of Great Britain.

Chapters 2-16 deal with the feudal system and those traditionally governed by feudal arrangements. These provisions were intended to limit the arbitrary exercise of power by the king and, at the same time, reassert the traditions and customs (i.e. established precedents) that had governed feudal arrangements. These provisions serve as evidence of the

Magna Carta: (1) the idea that the laws should be fair and just and (2) the right to property.

(2) If any earl, baron, or other person that holds lands directly of the Crown, for military service, shall die, and at his death his heir shall be of full age and owe a 'relief', the heir shall have his inheritance on payment of the ancient scale of 'relief'. That is to say, the heir or heirs of an earl shall pay £100 for the entire earl's barony, the heir or heirs of a knight 100s. at most for the entire knight's 'fee', and any man that owes less shall pay less, in accordance with the ancient usage of 'fees'

Under the feudal system, the heir of a feudal estate was required to pay a “relief” to the king in order to retain ownership of the property. King John had increased the fees many fold. This provision set the fee, or “relief,” to the much smaller traditional amount.

(3) But if the heir of such a person is under age and a ward, when he comes of age he shall have his inheritance without 'relief' or fine.

The exemption of a minor from paying a relief when he came of age was an issue of fairness. The lord to whom the heir would have paid the fee would have had use of the land before the heir came of age, and, as a result, would already have benefited financially.

(4) The guardian of the land of an heir who is under age shall take from it only reasonable revenues, customary dues, and feudal services. He shall do this without destruction or damage to men or property. If we have given the guardianship of the land to a sheriff, or to any person answerable to us for the revenues, and he commits destruction or damage, we will exact compensation from him, and the land shall be entrusted to two worthy and prudent men of the same 'fee', who shall be answerable to us for the revenues, or to the person to whom we have assigned them. If we have given or sold to anyone the guardianship of such land, and he causes destruction or damage, he shall lose the guardianship of it, and it shall be handed over to two worthy and prudent men of the same 'fee', who shall be similarly answerable to us.

Concern for fairness is again evident. The guardian of land inherited by a minor could use the land for “reasonable” purposes, but he had to protect the land so that the heir would have full value of his inheritance. If the guardian damaged or destroyed the property, the heir had a right to compensation.

(5) For so long as a guardian has guardianship of such land, he shall maintain the houses, parks, fish preserves, ponds, mills, and everything else pertaining to it, from the revenues of the land itself. When the heir comes of age, he shall restore the whole land to him, stocked with plough teams and such implements of husbandry as the season demands and the revenues from the land can reasonably bear.

The guardian would not only return the land to the heir when the latter came of age, he would also provide the means for the heir to farm the land and to live off its product.

(6) Heirs may be given in marriage, but not to someone of lower social standing. Before a marriage takes place, it shall be' made known to the heir's next-of-kin.

This provision was designed to protect the children from being forced by guardians into marriages that would not have been approved by their fathers, had they lived.

(7) At her husband's death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may remain in her husband's house for forty days after his death, and within this period her dower shall be assigned to her.

The king could not force a widow to leave her home by imposing excessive demands for money. A widow's dower (what she brought into the marriage) as well as her marriage portion (her share of the family inheritance) and other property that she held jointly with her husband were protected, thus enabling her to live comfortably on what was rightfully hers.

(8) No widow shall be compelled to marry, so long as she wishes to remain without a husband. But she must give security that she will not marry without royal consent, if she holds her lands of the Crown, or without the consent of whatever other lord she may hold them of.

A widow could choose not to re-marry. However, if she did decide to re-marry, she had to obtain consent from whoever controlled her lands. The issue here was one of maintaining a balance of power among the barons. Marriage between a wealthy widow and a powerful baron could upset the balance within a region of the country.

(9) Neither we nor our officials will seize any land or rent in payment of a debt, so long as the debtor has movable goods sufficient to discharge the debt. A debtor's sureties shall not be distrained upon so long as the debtor himself can discharge his debt. If, for lack of means, the debtor is unable to discharge his debt, his sureties shall be answerable for it. If they so desire, they may have the debtor's lands and rents until they have received satisfaction for the debt that they paid for him, unless the debtor can show that he has settled his obligations to them.

This provision calls for the orderly settlement of debts (i.e. fair treatment for both debtor and lender) and protection of an individual's property. The king could not seize the land of a debtor if that individual had enough personal property (i.e. property other than land) to cover the debt. In turn, those who had given a loan could claim the land of the debtor as well as the rents from that land until the debt was paid.

*** (10) If anyone who has borrowed a sum of money from Jews dies before the debt has been repaid, his heir shall pay no interest on the debt for so long as he remains under age, irrespective of whom he holds his lands. If such a debt falls into the hands of the Crown, it will take nothing except the principal sum specified in the bond.**

[Chapters 10 & 11] These two provisions, by singling out Jewish moneylenders, raise questions regarding prejudice (though Chapter 10 also applied to the king and Chapter 11 makes clear that the provisions applied to other moneylenders as well). The basic idea behind both was to make sure that neither wives nor minor children would unfairly lose their inheritance or other properties.

*** (11) If a man dies owing money to Jews, his wife may have her dower and pay nothing towards the debt from it. If he leaves children that are under age, their needs may also be provided for on a scale appropriate to the size of his holding of lands. The debt is to be paid out of the residue, reserving the service due to his feudal lords. Debts owed to persons other than Jews are to be dealt with similarly.**

*** (12) No 'scutage' or 'aid' may be levied in our kingdom without its general consent, unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes only a reasonable 'aid' may be levied. 'Aids' from the city of London are to be treated similarly.**

The term *scutage* refers to a tax paid by feudal lords to avoid military service. The barons who wrote this provision were objecting to the King's demands that they provide financial support for his military campaigns in Europe. To avoid such payments, they limited the circumstances for which such a tax could be imposed.

+ (13) The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

The protection of the rights and liberties of London's business class recognized that the King's exercise of arbitrary power had threatened this influential group and had led to their support of the barons' uprising against John. By referring to ancient customs, etc.,

*** (14) To obtain the general consent of the realm for the assessment of an 'aid' - except in the three cases specified above - or a 'scutage', we will cause the archbishops, bishops, abbots, earls, and greater barons to be summoned individually by letter. To those who hold lands directly of us we will cause a general summons to be issued, through the sheriffs and other officials, to come together on a fixed day (of which at least forty days notice shall be given) and at a fixed place. In all letters of summons, the cause of the summons will be stated. When a summons has been issued, the business appointed for the day shall go forward in accordance with the resolution of those present, even if not all those who were summoned have appeared.**

The requirement that "general consent" for taxes be given by leaders from both secular society and the church opened the way for oversight of the king by representatives within the community. The meetings provided for here led to the creation of the British parliament. They also set in place an orderly procedure for convening this meeting and assured that it would take place as arranged.

*** (15) In future we will allow no one to levy an 'aid' from his free men, except to ransom his person, to make his eldest son a knight, and (once) to marry his eldest daughter. For these purposes only a reasonable 'aid' may be levied.**

This provision placed additional restrictions on the power to tax, limiting the purpose as well as the amount.

(16) No man shall be forced to perform more service for a knight's 'fee', or other free holding of land, than is due from it.

Concerned with fairness as well as the cost of foreign wars, the charter asserted that no man would have to give greater military service than his property holding required.

The next items provide for due process of law. In other words, they focus on the institutions and procedures needed to assure that an individual would be treated fairly by the legal process. The fundamental principle of “due process” as well as the specific provisions of the Magna Carta are generally considered as the most lasting contributions of the Great Charter.

(17) Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.

The idea of establishing a permanent court, which included a place where legal records could be stored and consulted, was presented as a reasonable alternative to the former practice of moving the court from one location to another, a practice that resulted in uncertain schedules and indefinite delays in having a case heard.

(18) Inquests of *novel disseisin*, *mort d'ancestor*, and *darrein presentment* shall be taken only in their proper county court. We ourselves, or in our absence abroad our chief justice, will send two justices to each county four times a year, and these justices, with four knights of the county elected by the county itself, shall hold the assizes in the county court, on the day and in the place where the court meets.

Certain cases were more appropriately (and conveniently) heard in local courts, provided for in this chapter. The details included in this chapter were intended to assure a just hearing.

(19) If any assizes cannot be taken on the day of the county court, as many knights and freeholders shall afterwards remain behind, of those who have attended the court, as will suffice for the administration of justice, having regard to the volume of business to be done.

Efforts would be made to assure a fair hearing, even when the docket was overloaded.

(20) For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

[Chapters 20-22] Punishment for violations of the law was to be in proportion to the seriousness of the offense, thus establishing a standard of fairness.

(21) Earls and barons shall be fined only by their equals, and in proportion to the gravity of their offence.

(22) A fine imposed upon the lay property of a clerk in holy orders shall be assessed upon the same principles, without reference to the value of his ecclesiastical benefice.

(23) No town or person shall be forced to build bridges over rivers except those with an ancient obligation to do so.

Traditionally, local communities were obligated to build and maintain bridges so that soldiers could cross. However, King John had taken this requirement to extremes, insisting that bridges also be provided in areas where he wanted to hunt. This resulted in considerable hardship for communities in terms of time and cost. This chapter limited the responsibility for bridges to those towns with “ancient obligations.”

(24) No sheriff, constable, coroners, or other royal officials are to hold lawsuits that should be held by the royal justices.

The goal of this provision was to provide a uniform system of justice, one not subject to local interpretation.

*** (25) Every county, hundred, wapentake, and tithing shall remain at its ancient rent, without increase, except the royal demesne manors.**

With the exception of royal manors, rents would be set as a means to prevent local officials who collected rent for the crown (such as sheriffs) from increasing the rents of local tenants.

(26) If at the death of a man who holds a lay 'fee' of the Crown, a sheriff or royal official produces royal letters patent of summons for a debt due to the Crown, it shall be lawful for them to seize and list movable goods found in the lay 'fee' of the dead man to the value of the debt, as assessed by worthy men. Nothing shall be removed until the whole debt is paid, when the residue shall be given over to the executors to carry out the dead man's will. If no debt is due to the Crown, all the movable goods shall be regarded as the property of the dead man, except the reasonable shares of his wife and children.

Sheriffs had a reputation for seizing all the goods of an individual who, at the time of his death, owed money to the king. This chapter limited the property that could be seized to the amount of the debt and, required a third party – a “worthy” man – to agree that the value of the goods taken did not exceed the amount of the debt. The provision calls for “due process,” respects the rights of property, and assures fair treatment of the heirs.

*** (27) If a free man dies intestate, his movable goods are to be distributed by his next-of-kin and friends, under the supervision of the Church. The rights of his debtors are to be preserved.**

In the case of a man who died without a will, the church was expected to oversee the fair distribution of his property to family and friends. At the same time, the property rights of those to whom he owed money would be honored.

(28) No constable or other royal official shall take corn or other movable goods from any man without immediate payment, unless the seller voluntarily offers postponement of this.

The practice of the king's men to obtain goods from nearby farms and villages in order to feed members of the royal household frequently resulted in underpayment, delayed payment, or no payment. This provision required immediate payment unless the seller voluntarily made other arrangements.

(29) No constable may compel a knight to pay money for castle-guard if the knight is willing to undertake the guard in person, or with reasonable excuse to supply some other fit man to do it. A knight taken or sent on military service shall be excused from castle-guard for the period of this service.

Traditionally, tenants had been called upon to serve as guards at the castles of local lords. They had been given the option of paying for a substitute but, over time, the option had been replaced by a required fee to pay for professional soldiers. This chapter restored the “option” so that tenants who could not afford the fee could, instead, accept guard duty.

(30) No sheriff, royal official, or other person shall take horses or carts for transport from any free man, without his consent.

[Chapters 30 & 31] These two chapters protected property from being stolen.

(31) Neither we nor any royal official will take wood for our castle, or for any other purpose, without the consent of the owner.

(32) We will not keep the lands of people convicted of felony in our hand for longer than a year and a day, after which they shall be returned to the lords of the 'fees' concerned.

Feudal custom allowed the king to use the property of a lord who had been convicted of a felony for a year and a day. At the end of that time, the land was to be returned to the lord. John had ignored that custom, controlling land well beyond the stipulated period. This provision re-instated the former “rule,” thus honoring precedent and, in the process, re-establishing what had been considered a fair process.

(33) All fish-weirs shall be removed from the Thames, the Medway, and throughout the whole of England, except on the sea coast.

In recognition of the need to facilitate transportation in order to accommodate trade, the king agreed to the removal of obstructions on the river-ways.

(34) The writ called *praecipe* shall not in future be issued to anyone in respect of any holding of land, if a free man could thereby be deprived of the right of trial in his own lord's court.

The writ of *praecipe* had first been used by King Henry II to move cases from local courts, where lords presided over cases involving their own tenants, to the king's own courts. [A *writ* is a legal document issued by a court, under the authority of the state, compelling certain action to be taken. It directs an officer of the law to carry out a specified action.] The king had claimed that his courts would be able to administer a uniform system of justice. The barons objected because it took away much of their influence and authority over their tenants. This provision was a major concession on the part of the king; it was made in response to one of the barons' most pressing demands.

(35) There shall be standard measures of wine, ale, and corn (the London quarter), throughout the kingdom. There shall also be a standard width of dyed cloth, russett, and haberject, namely two ells within the selvedges. Weights are to be standardised similarly.

This chapter recognized the need for fair exchange in the marketplace.

(36) In future nothing shall be paid or accepted for the issue of a writ of inquisition of life or limbs. It shall be given gratis, and not refused.

A precursor to the writ of *habeas corpus*, this chapter required that an inquiry be conducted in any case that might result in the defendant being deprived of life or limb, i.e., subject to punishment. The writ calling for the inquiry was to be issued free of charge. This established one of the essential elements of due process of law.

(37) If a man holds land of the Crown by 'fee-farm', 'socage', or 'burgage', and also holds land of someone else for knight's service, we will not have guardianship of his heir, nor of the land that belongs to the other person's 'fee', by virtue of the 'fee-farm', 'socage', or 'burgage', unless the 'fee-farm' owes knight's service. We will not have the guardianship of a man's heir, or of land that he holds of someone else, by reason of any small property that he may hold of the Crown for a service of knives, arrows, or the like.

A rather confusing provision that, in essence, minimized the king's claims over property.

(38) In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.

Another key element in due process, this chapter required “faithful witnesses” to attest that a man had committed a crime before he was formally accused and prosecuted. Edward Coke referred to this as the “golden passage,” indicating the importance he placed on this procedure.

+ (39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.

The requirement for a jury of one's peers (or, as the British Library translation puts it, "the lawful judgement of his equals") is probably the most famous and certainly one of the most crucial guarantees of due process in the Magna Carta. In the context of the time in which it was written, this provision meant that a person could present his case to members of his own class; it did not, however, mean that a jury (as we understand that term) would hear the case and render a verdict.

+ (40) To no one will we sell, to no one deny or delay right or justice.

The practice, until this clause was adopted, was to charge a fee for certain writs – with cost dependent on the nature of the writ and its potential value. These charges were considered legitimate ways for the king to raise revenue. However, they had the effect of denying justice to those who could not afford them.

Please answer as a group and hand in one response with all names listed.

1. Why do you think the Barons wrote the Magna Carta numbered?
2. Rewrite #39 in Kid-Friendly language.
3. What kind of impact do you think the Magna Carta had on Great Britain, and the world?

Name: _____

Primary Source Literacy Sheet



AC: _____

Date: _____

Date: _____

Author: _____

Give five summarizing points of the document: Use Textual Evidence

1. _____

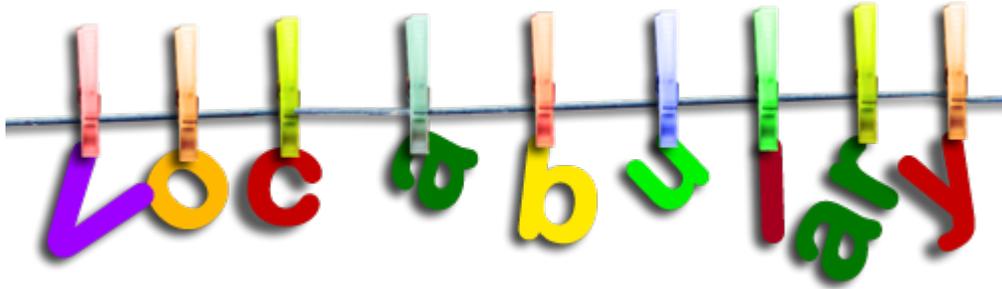
2. _____

3. _____

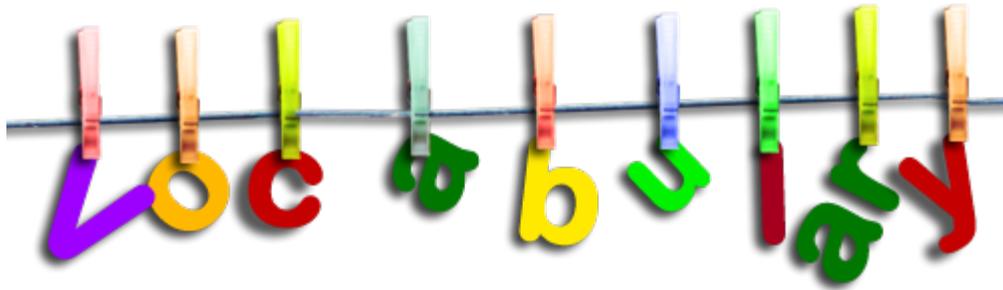
4. _____

5. _____

List of vocabulary words you need know and understand:



Vocabulary Word	Working Definition



Vocabulary Word	Formal Definition

English Bill of Rights
December 16, 1689

Whereas the late King *James* the Second, by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the protestant religion, and the laws and liberties of this kingdom.

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of parliament.
2. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power.
3. By issuing and causing to be executed a commission under the great seal for erecting a court called, *The court of commissioners for ecclesiastical causes*.
4. By levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by parliament.
5. By raising and keeping a standing army within this kingdom in time of peace, without consent of parliament, and quartering soldiers contrary to law.
6. By causing several good subjects, being protestants, to be disarmed, at the same time when papists were both armed and employed, contrary to law.
7. By violating the freedom of election of members to serve in parliament.
8. By prosecutions in the court of King's bench, for matters and causes cognizable only in parliament; and by divers other arbitrary and illegal courses.
9. And whereas of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders.
10. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.
11. And excessive fines have been imposed; and illegal and cruel punishments have been inflicted.
12. And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons, upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late king *James* the Second having abdicated the government, and the throne being thereby vacant ... the said lords spiritual and temporal, and commons ... do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties, declare;

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament, is illegal.
2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.
3. That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of like nature are illegal and pernicious.
4. That levying money for or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in other manner than the same is or shall be granted, is illegal.
5. That it is the right of the subjects to petition the King, and all committments [sic] and prosecutions for such petitioning are illegal.
6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law.
7. That the subjects which are protestants, may have arms for their defence suitable to their conditions, and as allowed by law.
8. That election of members of parliament ought to be free.
9. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.
10. That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.
11. That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.
12. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.
13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premisses, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premisses, ought in any wise to be drawn hereafter into consequence or example.

...

VI. Now in pursuance of the premisses, the said lords spiritual and temporal, and commons, in parliament assembled, for the ratifying, confirming and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of parliament, do pray that it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said

declaration, are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come.

...

XI. All which their Majesties are contented and pleased shall be declared, enacted, and established by authority of this present parliament, and shall stand, remain, and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, declared, enacted, and established accordingly.

THE BILL OF RIGHTS

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Magna Carta Similarities	English Bill of Rights Similarities	US Bill of Rights Similarities

NOTES or COMMENTS:

Magna Carta Difference	English Bill of Rights Difference	US Bill of Rights Difference

NOTES or COMMENTS: