Missouri Law Review

Volume 41
Issue 2 *Spring 1976*

Article 1

Spring 1976

Runnymede Revisited: Bicentennial Reflections on a 750th Anniversary

William F. Swindler

MISSOURI
LAW REVIEW

Volume 41 Spring 1976 Number 2

RUNNYMEDE REVISITED: BICENTENNIAL REFLECTIONS ON A 750TH ANNIVERSARY*

WILLIAM F. SWINDLER**

I. MAGNA CARTA, 1215-1225

America's bicentennial coincides with the 750th anniversary of the definitive reissue of the Great Charter of English liberties in 1225. Milestone dates tend to become public events in themselves, marking the beginning of an epoch without reference to subsequent dates which frequently are more significant. Thus, ten years ago, the common law world was astir with commemorative festivities concerning the execution of the forced agreement between King John and the English rebels, in a marshy meadow between Staines and Windsor on June 15, 1215. Yet, within a few months, John was dead, and the first reissues of his Charter, in 1216 and 1217, made progressively more significant changes in the document, and ten years later the definitive reissue was still further altered.[1]

The date 1225, rather than 1215, thus has a proper claim on the history of western constitutional thought—although it is safe to assume that few, if any, observances were held *vis-a-vis* this more significant anniversary of Magna Carta. Generations of folk-tales have made 1215 the date of overriding importance, just as the same folk-tales have persisted in making John a total blackguard (which he probably was not) and the rebelling barons the harbingers of democracy (which they definitely were not). Less spectacular scholarship has established that the fundamental principles of feudal law, which the instrument of 1215 restated, were the work neither

*Based on a bicentennial lecture delivered under auspices of the University of Missouri School of Law Foundation, November 4, 1975.

**John Marshall Professor of Law, College of William and Mary. Ph.D., 1942, University of Missouri; LL.B., 1958, University of Nebraska. Author: MAGNA CARTA: LEGEND AND LEGACY (1965); COURT AND CONSTITUTION IN THE 20TH CENTURY (3 vol., 1969-74).

1. Among various studies, *see, e.g.*, W. SWINDLER, MAGNA CARTA: LEGEND AND LEGACY (1965); F. THOMPSON, THE FIRST CENTURY OF MAGNA CARTA (1935); A. E. DICK HOWARD, THE ROAD FROM RUNNYMEDE (1969).

of the King nor of his barons, but in all likelihood of third parties like Archbishop Stephen Langton and the Earl William Marshall, who stood between the antagonists.[2] Magna Carta in 1215 was an ultimatum or force bill aimed specifically at John; when the minor Henry III succeeded him, the specifically vindictive provisions were deleted from the reissues of 1216 (a document intended to rally the subjects against a French invasion) and 1217 (a document intended to represent an interim settlement of the kingdom). When Henry finally reached majority in 1225, his reissue and reconfirmation of the Charter's guarantees was a recognition of the significance which had come to be put upon this cornerstone of English constitutionalism.[3]

The very fact that there had been four versions of Magna Carta within ten years suggests that it was considered to set out certain fundamentals which overshadowed—indeed, had little reference to—John and his circumstances in 1215. Whether there was consistent understanding of what these fundamentals amounted to, during the decade that followed, the fact is that by 1225 the whole had become something larger than the sum of the parts; in other words, a state of mind. The real moral to be discerned by tracing the Anglo-American constitutional heritage back to 1225 (and that is where the Statutes of the Realm begin) is that fundamental values survive the passage of time precisely because they *are* a state of mind. At Runnymede, King John put his seal to a draft containing sixty-three propositions (later called "chapters"); by 1225 these had been reduced to thirty-seven.[4] The fact that today fewer than half a dozen of these propositions remain among the statutes in force in modern Britian attests to the capacity of the common law to adapt itself to new situations over the centuries, casting off obsolescences while preserving firmly in legal memory the principle of government subject to the rule of law.

Lord Coke, in the seventeenth century, declared that the Great Charter in the course of four hundred years had been confirmed "thirty times over" by English monarchs. A more precise enumeration by modern scholars has indicated that the number is considerably larger[5]—and that the confirmations have been by Parliament as frequently as by the Crown. Legal analysis of the Charter indicates that it is a congeries of public and private law; indeed, by 1217 it had been divided already into two documents—*Carta de Foresta,* a kind of codification of royal rights over the kingdom's forests and their resources, and the Great (er) Charter of general law. In the darkling generations of the late Middle Ages, the private

2. *See generally* F. M. POWICKE, STEPHEN LANGTON (1927); W. MCKECHNIE, MAGNA CARTA (1915); RICHARDSON & SAYLES, THE GOVERNANCE OF ENGLAND FROM THE CONQUEST TO MAGNA CARTA (1963); S. PAINTER, THE REIGN OF KING JOHN (1949).

3. K. NORGATE, THE MINORITY OF HENRY III ch. 1 (1912); F. THOMPSON, *supra* note 1, at 12-15.

4. See Appendix.

5. F. THOMPSON, MAGNA CARTA: ITS ROLE IN THE MAKING OF THE ENGLISH CONSTITUTION 22 (1948).

rights preserved from feudal law were the viable parts of Magna Carta; with the coming of modern times, in the century of the Tudors, the public rights regained their ascendancy and, under Coke's sometimes gratuitous constructions, became the rallying point in the next century against the Stuarts.[6] By the end of the English Revolution, Magna Carta had become—in a new state of mind—the consistent principle connecting the medieval and modern English constitutions.[7]

In another significant respect, the progress of the Great Charter through the centuries demonstrated another feature of English constitutionalism—the capacity to define its terms in the context of changing eras. As Chief Justice Stone said of the American Constitution in 1941: "In determining whether a provision . . . applies to a new subject-matter, it is of little significance that it is one with which the framers were not familiar."[8] Stone was then reiterating what the Supreme Court had declared fifteen years earlier, in 1926: Though the meaning of constitutional language does not vary, the application of the language may expand or contract to deal with new factual situations.[9] Such an interpretation goes back to Chief Justice Marshall's distinction between the rigidity of a code of laws and a constitution "intended to endure for ages to come."[10]

Thus, when Edward I, the "English Justinian," at the close of the thirteenth century assented to *Articuli super Cartas*—which may freely be translated as "amendments to the Charters (*i.e.*, constitution)"—he demonstrated the capacity of Magna Carta to respond to the times. The rights, whether public or private, of a "freeman" (*liber homo* or freeholder) were susceptible of broadening definitions, as was the concept of a "freeman" as well. The rights declared in 1215/1225 applied to considerably fewer than ten percent of the inhabitants in England, Scotland, Wales, and Ireland. The English Revolution of the seventeenth century established the claim that these rights applied to all subjects because all subjects were henceforth freemen. Englishmen in the New World in the eighteen century would accordingly assume that these rights had followed them overseas.[11]

Thus anniversaries, whether they be 200th or 750th, more often than not commemorate events whose significance only becomes evident after the fact—indeed, are significant only because of the greater events which they set in motion. Moreover, the significance is rationalized, many times, to accommodate the case of revolutionaries. Witness, for example the arguments of the English Revolution in the seventeenth century and of the American Revolution in the eighteenth. Parliament, in its power struggle

6. *See* J. P. KENYON, THE STUART CONSTITUTION 107, 202, 420, 427 (1966).
7. W. SWINDLER, *supra* note 1, chs. 6, 7.
8. United States v. Classic, 313 U.S. 299, 316 (1941).
9. Village of Euclid v. Ambler Real. Co., 272 U.S. 365 (1926); South Carolina v. United States, 199 U.S. 457 (1905).
10. McCulloch v. Maryland, 17 U.S. (4 Wheat.) 415, 427 (1819).
11. *See* E. G. BROWN, BRITISH STATUTES IN AMERICAN LAW, 1776-1836 295ff (1964).

with the early Stuarts, accepted a revisionist version of Magna Carta and declared that it had always been a first principle of English government.[12] The Continental Congress in its Declarations of 1774 and 1775 relied upon what "Englishmen, their ancestors, in like cases have usually done"—a Petition of Right, and subsequently a Bill of Rights—and pointed out that "Our forefathers, inhabitants of the island of Great-Britain, left their native land to seek on these shores a residence for civil and religious freedom."[13]

II. The Shaping of Constitutional Traditions

In 1610 John Selden wrote a historical survey of English law, beginning with the reissue of Magna Carta in 1225.[14] It was essentially a brief in support of Parliament's first contest with James I, arising out of *Bate's Case*,[15] which the House of Commons declared to be in violation of Chapter 30 of the Great Charter.[16] This was the beginning of James' long struggle over the question of royal prerogatives, and on Parliament's side was a growing bookshelf of authorities, extending as far back as John Rastell's *Great Abridgment* of the English law in 1527[17] to the 1607 *Interpreter* of John Cowell, in which the author declared that Magna Carta "is of such extent . . . all the lawe wee have, is thought in some part to depend on it."[18]

The arguments were opportunistic, as most political arguments are; but they rallied an increasing number of legal theoreticians to the struggle. In 1620, protesting James' attempts at forced loans and grants of patent rights to favorites, Commons introduced a so-called "Magna Carta bill" declaring that unreasonable searches and seizures in enforcement of the patents violated the guarantees of the Great Charter.[19] This led to the famous Protestation of the Commons the following winter, with its insistence that "the liberties, franchises, privileges, and jurisdiction of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England."[20] James personally entered Westminster and tore the Protestation from the official journal of the House. It was not the first or last time that a monarch had betrayed the fear of an idea, committed to permanent record. John, in 1215, had petitioned the Pope to absolve him of the promises made at Runnymede.

Such actions, in the history of ideas, tend to magnify the importance of the ideas themselves. James committed Sir Edward Coke to the Tower for his part in the Protestation, and at the same time impounded the

12. W. Swindler, *supra* note 1, ch. 6; F. Thompson, *supra* note 5, at 36.
13. The Declaration and Resolves of the First Continental Congress have been reprinted in numerous collections; *see, e.g.*, Sources of Our Liberties (B. Perry, ed. 1960).
14. W. Swindler, *supra* note 1, ch. 6.
15. 2 State Trials 387 (1606).
16. *See generally* G. Davis, The Early Stuarts ch. 3 (1937).
17. W. Swindler, *supra* note 1, ch. 5.
18. *Id.* at 171.
19. *Id.* at 176.
20. *Id.* at 176; *see also* F. Relf, The Petition of Right (1917).

manuscripts for the final three volumes of his *Commentaries.* The first volume, published in 1627, was the renowned *Coke on Littleton;* the second, which would not be extricated from the Tower until after Coke's death, was his treatise on Magna Carta. By 1642, when it finally was published, the Great Charter had become a symbol and almost a fetish, while Coke's revisionist interpretation of the so-called "due process" chapter of the reissue of 1225 had been ratified in the opening document of the English Revolution, the Petition of Right in 1628:

> And where also by the statute called *The great charter of the liberties of England,* it is declared and enacted, That no freeman may be taken or imprisoned, or be disseised of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land.[21]

Charles I tried to compromise the Petition of 1628 as his father had tried, more flamboyantly, to expunge the Protestation of 1621. He first gave an equivocal answer to the Petition, and when this was not accepted he sought, after the fact, to recall the official printed record and substitute the original answer. When Sir John Eliot, in the following session of Parliament, offered a remonstrance for "a breach of the fundamental liberties of this kingdom, and contrary to your Majesty's Royal Answer to the Petition of Right," Charles also entered the House in person, to dissolve the session. But by now the revisionist interpretation of Chapter 29 of Magna Carta had become permanently ratified by the Petition itself—from one constitutional idea, two had grown, hydra-like. And from the intransigence of the early Stuarts, a revolution had been put in motion. To paraphrase Napoleon, stronger than all the armies is a state of mind.

The century of the English Revolution was the century of American colonization. That colonization process was largely a consequence of, and certainly in full awareness of, what was going on in England. In the name of James I, the signers of the Mayflower Compact pledged themselves to be bound by "such just and equal laws" as the mother country afforded. Two decades later, the Massachusetts Body of Liberties began with a recitation of Chapter 29 of the Great Charter. William Penn, in a guidebook for his proprietary colony published in 1687, categorically accepted Coke's interpretation of Magna Carta in writing:

> This excellent law holds first place in our statute books; 'tis called *Magna Carta* or the Great Charter. This charter is for the most part only declaratory of the principal ground of the fundamental laws and liberties of England; no new freedom is hereby granted, but a restitution of such as lawfully they had before.[22]

Sir John Randolph, speaker of the colonial assembly of Virginia in 1732, on the opening of the session by the newly arrived royal governor,

21. W. SWINDLER, *supra* note 1, 186-88.
22. Quoted in *id.* at 208.

said in effect that it was customary for His Majesty's representative in the New World formally to confirm and continue all the rights of Englishmen which existed under the common law. He clearly meant not only the common law as it was referred to in the first Virginia charter of 1606, but the ratification contained in the Petition of 1628 and the documents of the English Revolution down to and including the "glorious revolution's" Bill of Rights of 1689.[23] The coming half-century would be a record of the intellectual conflict which had taken place between Parliament and the Stuarts, translated to the New World and taking place between Parliament and the colonies.

The "rights of Englishmen" which the Americans began insisting upon in 1774, then took up arms to secure from England in 1775, and finally claimed in the Declaration of 1776 by making themselves independent of England itself—these rights were intellectualized and articulated by a succession of writers, both English and French, who were avidly read by the colonial leaders. What John Locke had written after the Bill of Rights was adopted in 1689 (another case of discerning the full significance of an event after the fact)—government must rest upon the consent of the governed—Montesquieu in 1748 extended into the concept of separated powers. Voltaire soon thereafter concluded that these powers were intended to be used to insure individual liberties, and Rousseau completed the argument in 1762 by declaring that the preservation of such liberties was the only basis for legitimacy in government.

This accelerating movement toward individual liberty was to culminate in the late eighteenth century in the Enlightenment, and gave to both the American and French Revolutions a theory of government much broader than that which evolved from the English Revolution. Edmund Burke in England, Thomas Jefferson in Virginia, Thomas Paine on the hustings and at the barricades of both continents, all read the Locke-to-Rousseau dialectic with varying degrees of radicalism. For Burke and Jefferson, at least, the English constitution was simply a demonstration of universal truth; for Paine, the French constitution was the dynamic, the logical consequence, of the process begun in England and confirmed in America. If these truths were universal as well as self-evident, they should be propagated.[24]

It has often been remarked that American independence was a conservative, rather than a radical, movement. Certainly, in the transition from the sweeping proclamations of the Declaration of Independence to the Constitution of 1787 there was an indisputable intellectual retrenchment. It was the insistence upon the drafting of a Bill of Rights for the American Constitution, as a condition of ratification in several states,

23. *Id.*, ch. 7.

24. The final portion of this paper is drawn substantially from the author's forthcoming essay, Swindler, *The Rights of Man: A Bicentennial Perspective,* to be published by the University of Oklahoma Press in a collection entitled EVOLUTION OF ISSUES AND IDEAS IN AMERICA; 1776-1976 (B. Taylor, ed., 1976).

which put American government back into the mainstream of political evolution.[25] Alexander Hamilton was literally correct when he defended the original constitutional text against the charge that it had omitted such a bill of individual guarantees. Such an omission did not betray the English or American revolutions, he contended, because Magna Carta and the Petition of Right had been "stipulations between kings and their subjects, abridgements of prerogative in favor of privilege."[26] But that technical definition did not satisfy a generation which had just fought a war to win the "rights of Englishmen"—these rights had to be set down anew, in a permanent and fundamental document.

The consequence was a specific enumeration in the American Constitution of provisions which the "unwritten" English constitution reduced to what English constitutional writers (and courts) refer to as "conventions" —tacitly recognized standards by which the rights of the subject are understood by succeeding generations.[27] If "conventions" are a state of mind, English constitutionalism has no monopoly upon them; one need but recall Chief Justice Stone's aphorism in the *Classic* case,[28] or even more in point, Chief Justice Warren's statement in the first desegregation opinion, *viz.*:

> In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.[29]

The American Constitution in 1975 obviously extends over a far broader subject-area than the original document of 1787, as the English constitution of 1975 covers much more than the product of the seventeenth-century revolution. "As to the words from Magna Carta," wrote Justice William Johnson in 1819, "after volumes spoken and written with a view to their exposition, the good sense of mankind has at length settled down to this, that they were intended to secure the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private right and distributive justice."[30] In a 1952 opinion, Justice Felix Frankfurter summed up the matter:

> In dealing not with the machinery of government but with human rights, the absence of formal exactitude, or want of fixity of meaning, is not an unusual or even regrettable attribute of constitu-

25. *Cf.* RUTLAND, THE BIRTH OF THE BILL OF RIGHTS, 1776-1791, chs. 1, 8, 9 (1955); I. BRANT, THE BILL OF RIGHTS: ITS ORIGIN AND MEANING, chs. 19-23 (1965).
26. W. SWINDLER, *supra* note 1, at 225.
27. HOOD PHILLIPS, CONSTITUTIONAL AND ADMINISTRATIVE LAW ch. 5 (5th ed. 1973).
28. United States v. Classic, 313 U.S. 299 (1941).
29. Brown v. Board of Education, 347 U.S. 483, 492-93 (1954).
30. Bank of Columbia v. Okely, 17 U.S. (4 Wheat.) 387, 390 (1819).

> tional provisions. Words being symbols do not speak without a gloss. On the one hand the gloss may be the deposit of history, whereby a term gains technical content. . . . On the other hand, the gloss of some of the verbal symbols of the Constitution does not give them a fixed technical content. . . . It exacts a continuing process of application.[31]

Thus the "conventions" of both the English and American constitutions take into account the fact that each generation must come to its own terms with the fundamental tenets of its own history.

III. From Retrospective to Perspective

The bicentennial is not—cannot be—limited to reflections upon the enduring significance of the Great Charter of 1225. Within our own history, and particularly within the twentieth century, there has been a transformation of ideas on the world scene, with implications as fundamentally different for the liberal individualism of the eighteenth century as that individualism of the Enlightenment differed from the feudal mentality of the thirteenth. The constitutional developments of the French Revolution began the process, laying new "glosses," in Frankfurter's phrase, upon the Lockean principles which became the basic beliefs of the English and American constitutionalists. Perhaps they may be described as the essential second part of the social contract theory—the balancing of the state's duty to the citizen with the citizen's obligation to the state.[32]

"Liberty, equality, fraternity," in 1793 formed a slogan of interdependence of rights and duties which the twentieth century has come to call collective security. The *philosophes* of the decaying *ancien regime* in eighteenth century France wrote their treatises in the context of an authoritarian Roman law heritage, distinguishable almost by definition from the individualism of the common law heritage. It is not entirely a coincidence that English and American constitutionalism devised the phrase, Bill of Rights, while the revolutionary French constitutions used the term, Rights of Man and of the Citizen.[33]

The divergence of the common law and civil law concepts of personal liberties was illustrated in the changes and chances of political development in Continental Europe, and even more in Latin America, during the nineteenth century. In the latter, authoritarianism derived in virtually equal parts from the militarism of the long wars of liberation and from the even longer ecclesiastical absolutism of the colonial centuries. In the former, the pendulum swung from left to right in the series of revolutions that pervaded the history of the Western European states for fifty years after the Napoleonic era.

This ferment of regimes had fundamental effects upon the nascent

31. Rochin v. California, 342 U.S. 165, 169-170 (1952).
32. *See generally* the discussion in the forthcoming essay cited note 24 *supra*.
33. *See* E. Cahm, Politics and Society in Contemporary France, 1789-1971, at 29-38 (1971).

idealism which had emerged from the American and French Revolutions in the context of the Enlightenment. On the one hand, the new economic and social frames of reference resulting from the Industrial Revolution placed economic and social rights on a parity with the political rights on which the preceding two centuries had placed such value. On the other, the succession of wars and revolutions and their disruptive effect upon a European community becoming increasingly interdependent stimulated a search for a new international regime which might provide the stability which the individual nations seemed incapable of recapturing. It remained only for the First and Second World Wars to draw the Anglo-American order into this vortex; and the twentieth century accordingly became the occasion for a new definition of government and individual relationships which came to be termed "human rights" (*Menschenrechte*).[34]

Resistance to the post-World War II internationalism was expressed in the Anglo-American sector.[35] The argument that the new amalgam of politico-socio-economic rights of individuals was alien to the individualistic traditions of the common law, however, lacked substance. What the Universal Declaration of Human Rights sets out in specific terms—*e.g.*, equal opportunity, social security, rights of labor, etc., have, at least since the American constitutional revolution of the past four decades, become "conventions" of national life in the United States.

It is not the province of this paper to analyze in detail the problem of accommodating the viewpoints of the thirteenth, seventeenth, eighteenth, and twentieth centuries. These viewpoints are parts of a spectrum if not a continuum, and the dominant theme of our perspective for our own bicentennial is the fact of the necessity of accommodation. There was no reason to anticipate, in 1215, that the accommodation between John and the barons would outlast the confrontation that brought them together. Ten years later, in 1225, the prospect of survival seemed better because the Great Charter had been reduced to what that age recognized as its fundamental values. There was no reason why this feudal document should have enjoyed continued vitality in the modern, Tudor-Stuart era, except that its central concepts were translated into modern political terms. Stated in this manner, the American Revolution may be viewed as the end of an era, representing the culmination of the accommodation of these central concepts. Certainly today, two hundred years later, the accommodation is between the individualism of the Anglo-American revolutions and the collective statement of rights in an ever more closely-knit world.

Runnymede today is little changed after 750 years, even though it is on a modern motorway from Windsor to Staines. On a prominence overlooking the still marshy meadow is the great Royal Air Force memorial to those who died in the skies in the Battle of Britain. On the meadow itself,

34. *Cf.* R. BEDDARD, HUMAN RIGHTS AND EUROPE, chs. 1, 2 1973); J. CAREY, INTERNATIONAL PROTECTION OF HUMAN RIGHTS (1968).

35. *See, e.g.*, the struggle over the so-called Bricker Amendment. S. REP. No. 412, 83rd Cong., 1st Sess. (1954).

to one side, is the simple stone memorial to John F. Kennedy, one of a sad number of martyrs in a modern age of violence. Finally, there is the marble edifice erected by the American Bar Association in commemoration of Magna Carta.

Neither Henry III in 1225, nor Sir Edward Coke in 1628, nor Thomas Jefferson in 1776 could foresee the ultimate development of all the complexities of government under law. Each age of necessity has had to define them, and will continue to have to define them, in its own terms. The Great Charter, the American Constitution, and now the Universal Declaration of Human Rights are, in the final analysis, simply states of mind, with which each generation must keep its own faith.

APPENDIX

MAGNA CARTA FROM 1215 TO 1225: EMERGENCE OF THE DEFINITIVE TEXT

Subject Matter	*Proposition or "Chapters" in Text:*			
	1215	*1216*	*1217*	*1225*
Freedom of the Church	1	1	1	1*
Reliefs of Tenants' Heirs	2	2	2	2
Wardships	3	3	3	3
Waste During Wardship	4	4	4	4
Sustaining Lands in Wardship	5	5	5	5
Marriage of Heirs	6	6	6	6
Widows' Rights	7	7	7	7
Widows' Marriages	8	8	8	
Kings' Debtors and Pledges	9	9	9	8
Usury	10			
Debtors' Dependents	11			
Crown Tenants' Rights	12			
Liberties of Towns	13	10	10	9*
Council; Method of Calling	14			
Aids to Mesne Tenants	15			
Distress for Services	16	11	11	10
Common Pleas	17	12	12	11
Petty Assizes	18	13		
Novel Disseisin; Mort a'Ancestor			13	12
Procedure at Petty Assizes	19	14		
Darrein Presentment			14,15	13
Amercements	20	15	16	
Amercements of Barons	21	16	17	14*
Amercements of Clergy	22	17	18	
Making of Bridges	23	18	19	15*
Bridges "in Defense"			20	16*
Pleas of the Crown	24	19	21	17
Farms of Counties and Hundreds	25			
Crown Tenants and Debtors	26	20	22	18
Intestate Succession	27			
Purveyances for Castles	28	21	23	19
Castle Ward	29	22	24	20
Purveyances for Carriage	30	23	25	
Fair Rental			26	21
Purveyances for Timber	31	24	27	
Lands of Felons	32	25	28	22

Weirs	33	26	29	23*
Writ of Praecipe	34	27	30	24
Measures and Weights	35	28	31	25
Writ de Odio et Atia	36	29	32	26
Prerogative Wardships	37	30	33	27
Wager of Law	38	31	34	28
Judgment Before Execution	39	32	35	29*
Administration of Justice	40	33	36	
Foreign Merchants	41	34	37	30*
Writ ne exeat	42			
Escheated Baronies; Wardship	43	35	38	31
Royal Forests	44	36+		
Conduct of Royal Officers	45			
Alienation of Tenancies			39	32
Custody of Vacant Abbeys	46	37	40	33
Forests and Riverbanks	47	38+		
Abolition of Evil Forest Laws	48+			
Restoration of Hostages	49			
Disabilities	50			
Dismissal of Foreign Troops	51			
Redress of Wrongful Disseisins	52			
Crusader's Respite to John	53			
Appeal of Death by Women	54	39	41	34
County Courts; View of Frankpledge			42	35
Fraudulent Gifts in Mortmain			43	36
Remission of Unjust Fines	55			
Redresses to Welsh Subjects	56,57	40		
Restoration of Charters	58			
Redress to Scots	59			
Escuage			44	37*
Rights of Mesne Lords	60	41	45	
Forma Securitatis	61			
Letters Testimonial	62			
Formal Clauses	63			
Deferred Rights		42		
Tenants' Saving Clause			46	
Adulterine Castles			47	

*Extant in modern Statutes of the Realm.
+Incorporated in *Carta de Foresta* in 1217.
Sources: W. BLACKSTONE, THE GREAT CHARTER AND THE CHARTER OF THE FOREST *passim* (1759); STUBBS, SELECT CHARTERS ILLUSTRATIVE OF ENGLISH CONSTITUTIONAL HISTORY 291, 335, 340, 344, 349 (9th ed. rev. 1913); THOMPSON, THE FIRST CENTURY OF MAGNA CARTA 108 (1925).