The Magna Carta

(The Great Charter)

Preamble: John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and count of Anjou, to the archbishop, bishops, abbots, earls, barons, justiciaries, foresters, sheriffs, stewards, servants, and to all his bailiffs and liege subjects, greetings. Know that, having regard to God and for the salvation of our soul, and those of all our ancestors and heirs, and unto the honor of God and the advancement of his holy Church and for the rectifying of our realm, we have granted as underwritten by advice of our venerable fathers, Stephen, archbishop of Canterbury, primate of all England and cardinal of the holy Roman Church, Henry, archbishop of Dublin, William of London, Peter of Winchester, Jocelyn of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, Benedict of Rochester, bishops; of Master Pandulf, subdeacon and member of the household of our lord the Pope, of brother Aymeric (master of the Knights of the Temple in England), and of the illustrious men William Marshal, earl of Pembroke, William, earl of Salisbury, William, earl of Warenne, William, earl of Arundel, Alan of Galloway (constable of Scotland), Waren Fitz Gerold, Peter Fitz Herbert, Hubert De Burgh (seneschal of Poitou), Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Basset, Philip d'Aubigny, Robert of Roppesley, John Marshal, John Fitz Hugh, and others, our liegemen.

1. In the first place we have granted to God, and by this our present charter confirmed for us and our heirs forever that the English Church shall be free, and shall have her rights entire, and her liberties inviolate; and we will that it be thus observed; which is apparent from this that the freedom of elections, which is reckoned most important and very essential to the English Church, we, of our pure and unconstrained will, did grant, and did by our charter confirm and did obtain the ratification of the same from our lord, Pope Innocent III, before the quarrel arose between us and our barons: and this we will observe, and our will is that it be observed in good faith by our heirs forever. We have also granted to all freemen of our kingdom, for us and our heirs forever, all the underwritten liberties, to be had and held by them and their heirs, of us and our heirs forever.

2. If any of our earls or barons, or others holding of us in chief by military service shall have died, and at the time of his death his heir shall be full of age and owe "relief", he shall have his inheritance by the old relief, to wit, the heir or heirs of an earl, for the whole barony of an earl by £100; the heir or heirs of a baron, £100 for a whole barony; the heir or heirs of a knight, 100s, at most, and whoever owes less let him give less, according to the ancient custom of fees.

3. If, however, the heir of any one of the aforesaid has been under age and in wardship, let him have his inheritance without relief and without fine when he comes of age.

4. The guardian of the land of an heir who is thus under age, shall take from the land of the heir nothing but reasonable produce, reasonable customs, and reasonable services, and that without destruction or waste of men or goods; and if we have committed the wardship of the lands of any such minor to the sheriff, or to any other who is responsible to us for its issues, and he has made destruction or waster of what he holds in wardship, we will take of him amends, and the land shall be committed to two lawful and discreet men of that fee, who shall be responsible for the issues to us or to him to whom we shall assign them; and if we have given or sold the wardship of any such land to anyone and he has therein made destruction or waste, he shall lose that wardship, and it shall be transferred to two lawful and discreet men of that fief, who shall be responsible to us in like manner as aforesaid.

5. The guardian, moreover, so long as he has the wardship of the land, shall keep up the houses, parks, fishponds, stanks, mills, and other things pertaining to the land, out of the issues of the same land; and he shall restore to the heir, when he has come to full age, all his land, stocked with ploughs and wainage, according as the season of husbandry shall require, and the issues of the land can reasonable bear.

6. Heirs shall be married without disparagement, yet so that before the marriage takes place the nearest in blood to that heir shall have notice.

7. A widow, after the death of her husband, shall forthwith and without difficulty have her marriage portion and inheritance; nor shall she give anything for her dower, or for her marriage portion, or for the inheritance which her husband and she held on the day of the death of that husband; and she may remain in the house of her husband for forty days after his death, within which time her dower shall be assigned to her.

8. No widow shall be compelled to marry, so long as she prefers to live without a husband; provided always that she gives security not to marry without our consent, if she holds of us, or without the consent of the lord of whom she holds, if she holds of another.

9. Neither we nor our bailiffs will seize any land or rent for any debt, as long as the chattels of the debtor are sufficient to repay the debt; nor shall the sureties of the debtor be distrained so long as the principal debtor is able to satisfy the debt; and if the principal debtor shall fail to pay the debt, having nothing wherewith to pay it, then the sureties shall answer for the debt; and let them have the lands and rents of the debtor, if they desire them, until they are indemnified for the debt which they have paid for him, unless the principal debtor can show proof that he is discharged thereof as against the said sureties.

10. If one who has borrowed from the Jews any sum, great or small, die before that loan be repaid, the debt shall not bear interest while the heir is under age, of whomsoever he may hold; and if the debt fall into our hands, we will not take anything except the principal sum contained in the bond.

11. And if anyone die indebted to the Jews, his wife shall have her dower and pay nothing of that debt; and if any children of the deceased are left under age, necessaries shall be provided for them in keeping with the holding of the deceased; and out of the residue the debt shall be paid, reserving, however, service due to feudal lords; in like manner let it be done touching debts due to others than Jews.

12. No scutage not aid shall be imposed on our kingdom, unless by common counsel of our kingdom, except for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter; and for these there shall not be levied more than a reasonable aid. In like manner it shall be done concerning aids from the city of London.

13. And the city of London shall have all it ancient liberties and free customs, as well by land as by water; furthermore, we decree and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.

14. And for obtaining the common counsel of the kingdom anent the assessing of an aid (except in the three cases aforesaid) or of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, severally by our letters; and we will moveover cause to be summoned generally, through our sheriffs and bailiffs, and others who hold of us in chief, for a fixed date, namely, after the expiry of at least forty days, and at a fixed place; and in all letters of such summons we will specify the reason of the summons. And when the summons has thus been made, the business shall proceed on the day appointed, according to the counsel of such as are present, although not all who were summoned have come.

15. We will not for the future grant to anyone license to take an aid from his own free tenants, except to ransom his person, to make his eldest son a knight, and once to marry his eldest daughter; and on each of these occasions there shall be levied only a reasonable aid.

16. No one shall be distrained for performance of greater service for a knight's fee, or for any other free tenement, than is due therefrom.

17. Common pleas shall not follow our court, but shall be held in some fixed place.

18. Inquests of novel disseisin, of mort d'ancestor, and of darrein presentment shall not be held elsewhere than in their own county courts, and that in manner following; We, or, if we should be out of the realm, our chief justiciar, will send two justiciaries through every county four times a year, who shall alone with four knights of the county chosen by the county, hold the said assizes in the county court, on the day and in the place of meeting of that court.

19. And if any of the said assizes cannot be taken on the day of the county court, let there remain of the knights and freeholders, who were present at the county court on that day, as many as may be required for the efficient making of judgments, according as the business be more or less.

20. A freeman shall not be amerced for a slight offense, except in accordance with the degree of the offense; and for a grave offense he shall be amerced in accordance with the gravity of the offense, yet saving always his "contentment"; and a merchant in the same way, saving his "merchandise"; and a villein shall be amerced in the same way, saving his "wainage" if they have fallen into our mercy: and none of the aforesaid amercements shall be imposed except by the oath of honest men of the neighborhood.

21. Earls and barons shall not be amerced except through their peers, and only in accordance with the degree of the offense.

22. A clerk shall not be amerced in respect of his lay holding except after the manner of the others aforesaid; further, he shall not be amerced in accordance with the extent of his ecclesiastical benefice.

23. No village or individual shall be compelled to make bridges at river banks, except those who from of old were legally bound to do so.

24. No sheriff, constable, coroners, or others of our bailiffs, shall hold pleas of our Crown.

25. All counties, hundred, wapentakes, and trithings (except our demesne manors) shall remain at the old rents, and without any additional payment.

26. If anyone holding of us a lay fief shall die, and our sheriff or bailiff shall exhibit our letters patent of summons for a debt which the deceased owed us, it shall be lawful for our sheriff or bailiff to attach and enroll the chattels of the deceased, found upon the lay fief, to the value of that debt, at the sight of law worthy men, provided always that nothing whatever be thence removed until the debt which is evident shall be fully paid to us; and the residue shall be left to the executors to fulfill the will of the deceased; and if there be nothing due from him to us, all the chattels shall go to the deceased, saving to his wife and children their reasonable shares.

27. If any freeman shall die intestate, his chattels shall be distributed by the hands of his nearest kinsfolk and friends, under supervision of the Church, saving to every one the debts which the deceased owed to him.

28. No constable or other bailiff of ours shall take corn or other provisions from anyone without immediately tendering money therefor, unless he can have postponement thereof by permission of the seller.

29. No constable shall compel any knight to give money in lieu of castle-guard, when he is willing to perform it in his own person, or (if he himself cannot do it from any reasonable cause) then by another responsible man. Further, if we have led or sent him upon military service, he shall be relieved from guard in proportion to the time during which he has been on service because of us.

30. No sheriff or bailiff of ours, or other person, shall take the horses or carts of any freeman for transport duty, against the will of the said freeman.

31. Neither we nor our bailiffs shall take, for our castles or for any other work of ours, wood which is not ours, against the will of the owner of that wood.

32. We will not retain beyond one year and one day, the lands those who have been convicted of felony, and the lands shall thereafter be handed over to the lords of the fiefs.

33. All kydells for the future shall be removed altogether from Thames and Medway, and throughout all England, except upon the seashore.

34. The writ which is called praecipe shall not for the future be issued to anyone, regarding any tenement whereby a freeman may lose his court.

35. Let there be one measure of wine throughout our whole realm; and one measure of ale; and one measure of corn, to wit, "the London quarter"; and one width of cloth (whether dyed, or russet, or "halberget"), to wit, two ells within the selvedges; of weights also let it be as of measures.

36. Nothing in future shall be given or taken for a writ of inquisition of life or limbs, but freely it shall be granted, and never denied.

37. If anyone holds of us by fee-farm, either by socage or by burage, or of any other land by knight's service, we will not (by reason of that fee-farm, socage, or burgage), have the wardship of the heir, or of such land of his as if of the fief of that other; nor shall we have wardship of that fee-farm, socage, or burgage, unless such fee-farm owes knight's service. We will not by reason of any small serjeancy which anyone may hold of us by the service of rendering to us knives, arrows, or the like, have wardship of his heir or of the land which he holds of another lord by knight's service.

38. No bailiff for the future shall, upon his own unsupported complaint, put anyone to his "law", without credible witnesses brought for this purposes.

39. No freemen shall be taken or imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land.

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

41. All merchants shall have safe and secure exit from England, and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war, they shall be detained, without injury to their bodies or goods, until information be received by us, or by our chief justiciar, how the merchants of our land found in the land at war with us are treated; and if our men are safe there, the others shall be safe in our land.

42. It shall be lawful in future for anyone (excepting always those imprisoned or outlawed in accordance with the law of the kingdom, and natives of any country at war with us, and merchants, who shall be treated as if above provided) to leave our kingdom and to return, safe and secure by land and water, except for a short period in time of war, on grounds of public policy- reserving always the allegiance due to us.

43. If anyone holding of some escheat (such as the honor of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which are in our hands and are baronies) shall die, his heir shall give no other relief, and perform no other service to us than he would have done to the baron if that barony had been in the baron's hand; and we shall hold it in the same manner in which the baron held it.

44. Men who dwell without the forest need not henceforth come before our justiciaries of the forest upon a general summons, unless they are in plea, or sureties of one or more, who are attached for the forest.

45. We will appoint as justices, constables, sheriffs, or bailiffs only such as know the law of the realm and mean to observe it well.

46. All barons who have founded abbeys, concerning which they hold charters from the kings of England, or of which they have long continued possession, shall have the wardship of them, when vacant, as they ought to have.

47. All forests that have been made such in our time shall forthwith be disafforsted; and a similar course shall be followed with regard to river banks that have been placed "in defense" by us in our time.

48. All evil customs connected with forests and warrens, foresters and warreners, sheriffs and their officers, river banks and their wardens, shall immediately by inquired into in each county by twelve sworn knights of the same county chosen by the honest men of the same county, and shall, within forty days of the said inquest, be utterly abolished, so as never to be restored, provided always that we previously have intimation thereof, or our justiciar, if we should not be in England.

49. We will immediately restore all hostages and charters delivered to us by Englishmen, as sureties of the peace of faithful service.

50. We will entirely remove from their bailiwicks, the relations of Gerard of Athee (so that in future they shall have no bailiwick in England); namely, Engelard of Cigogne, Peter, Guy, and Andrew of Chanceaux, Guy of Cigogne, Geoffrey of Martigny with his brothers, Philip Mark with his brothers and his nephew Geoffrey, and the whole brood of the same.

51. As soon as peace is restored, we will banish from the kingdom all foreign born knights, crossbowmen, serjeants, and mercenary soldiers who have come with horses and arms to the kingdom's hurt.

52. If anyone has been dispossessed or removed by us, without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty barons of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseised or removed, by our father, King Henry, or by our brother, King Richard, and which we retain in our hand (or which as possessed by others, to whom we are bound to warrant them) we shall have respite until the usual term of crusaders; excepting those things about which a plea has been raised, or an inquest made by our order, before our taking of the cross; but as soon as we return from the expedition, we will immediately grant full justice therein.

53. We shall have, moreover, the same respite and in the same manner in rendering justice concerning the disafforestation or retention of those forests which Henry our father and Richard our broter afforested, and concerning the wardship of lands which are of the fief of another (namely, such wardships as we have hitherto had by reason of a fief which anyone held of us by knight's service), and concerning abbeys founded on other fiefs than our own, in which the lord of the fee claims to have right; and when we have returned, or if we desist from our expedition, we will immediately grant full justice to all who complain of such things.

54. No one shall be arrested or imprisoned upon the appeal of a woman, for the death of any other than her husband.

55. All fines made with us unjustly and against the law of the land, and all amercements, imposed unjustly and against the law of the land, shall be entirely remitted, or else it shall be done concerning them according to the decision of the five and twenty barons whom mention is made below in the clause for securing the pease, or according to the judgment of the majority of the same, along with the aforesaid Stephen, archbishop of Canterbury, if he can be present, and such others as he may wish to bring with him for this purpose, and if he cannot be present the business shall nevertheless proceed without him, provided always that if any one or more of the aforesaid five and twenty barons are in a similar suit, they shall be removed as far as concerns this particular judgment, others being substituted in their places after having been selected by the rest of the same five and twenty for this purpose only, and after having been sworn.

56. If we have disseised or removed Welshmen from lands or liberties, or other things, without the legal judgment of their peers in England or in Wales, they shall be immediately restored to them; and if a dispute arise over this, then let it be decided in the marches by the judgment of their peers; for the tenements in England according to the law of England, for tenements in Wales according to the law of Wales, and for tenements in the marches according to the law of the marches. Welshmen shall do the same to us and ours.

57. Further, for all those possessions from which any Welshman has, without the lawful judgment of his peers, been disseised or removed by King Henry our father, or King Richard our brother, and which we retain in our hand (or which are possessed by others, and which we ought to warrant), we will have respite until the usual term of crusaders; excepting those things about which a plea has been raised or an inquest made by our order before we took the cross; but as soon as we return (or if perchance we desist from our expedition), we will immediately grant full justice in accordance with the laws of the Welsh and in relation to the foresaid regions.

58. We will immediately give up the son of Llywelyn and all the hostages of Wales, and the charters delivered to us as security for the peace.

59. We will do towards Alexander, king of Scots, concerning the return of his sisters and his hostages, and concerning his franchises, and his right, in the same manner as we shall do towards our owher barons of England, unless it ought to be otherwise according to the charters which we hold from William his father, formerly king of Scots; and this shall be according to the judgment of his peers in our court.

60. Moreover, all these aforesaid customs and liberties, the observances of which we have granted in our kingdom as far as pertains to us towards our men, shall be observed b all of our kingdom, as well clergy as laymen, as far as pertains to them towards their men.

61. Since, moveover, for God and the amendment of our kingdom and for the better allaying of the quarrel that has arisen between us and our barons, we have granted all these concessions, desirous that they should enjoy them in complete and firm endurance forever, we give and grant to them the underwritten security, namely, that the barons choose five and twenty barons of the kingdom, whomsoever they will, who shall be bound with all their might, to observe and hold, and cause to be observed, the peace and liberties we have granted and confirmed to them by this our present Charter, so that if we, or our justiciar, or our bailiffs or any one of our officers, shall in anything be at fault towards anyone, or shall have broken any one of the articles of this peace or of this security, and the offense be notified to four barons of the foresaid five and twenty, the said four barons shall repair to us (or our justiciar, if we are out of the realm) and, laying the transgression before us, petition to have that transgression redressed without delay. And if we shall not have corrected the transgression (or, in the event of our being out of the realm, if our justiciar shall not have corrected it) within forty days, reckoning from the time it has been intimated to us (or to our justiciar, if we should be out of the realm), the four barons aforesaid shall refer that matter to the rest of the five and twenty barons, and those five and twenty barons shall, together with the community of the whole realm, distrain and distress us in all possible ways, namely, by seizing our castles, lands, possessions, and in any other way they can, until redress has been obtained as they deem fit, saving harmless our own person, and the persons of our queen and children; and when redress has been obtained, they shall resume their old relations towards us. And let whoever in the country desires it, swear to obey the orders of the said five and twenty barons for the execution of all the aforesaid matters, and along with them, to molest us to the utmost of his power; and we publicly and freely grant leave to everyone who wishes to swear, and we shall never forbid anyone to swear. All those, moveover, in the land who of themselves and of their own accord are unwilling to swear to the twenty five to help them in constraining and molesting us, we shall by our command compel the same to swear to the effect foresaid. And if any one of the five and twenty barons shall have died or departed from the land, or be incapacitated in any other manner which would prevent the foresaid provisions being carried out, those of the said twenty five barons who are left shall choose another in his place according to their own judgment, and he shall be sworn in the same way as the others. Further, in all matters, the execution of which is entrusted,to these twenty five barons, if perchance these twenty five are present and disagree about anything, or if some of them, after being summoned, are unwilling or unable to be present, that which the majority of those present ordain or command shall be held as fixed and established, exactly as if the whole twenty five had concurred in this; and the said twenty five shall swear that they will faithfully observe all that is aforesaid, and cause it to be observed with all their might. And we shall procure nothing from anyone, directly or indirectly, whereby any part of these concessions and liberties might be revoked or diminished; and if any such things has been procured, let it be void and null, and we shall never use it personally or by another.

62. And all the will, hatreds, and bitterness that have arisen between us and our men, clergy and lay, from the date of the quarrel, we have completely remitted and pardoned to everyone. Moreover, all trespasses occasioned by the said quarrel, from Easter in the sixteenth year of our reign till the restoration of peace, we have fully remitted to all, both clergy and laymen, and completely forgiven, as far as pertains to us. And on this head, we have caused to be made for them letters testimonial patent of the lord Stephen, archbishop of Canterbury, of the lord Henry, archbishop of Dublin, of the bishops aforesaid, and of Master Pandulf as touching this security and the concessions aforesaid.

63. Wherefore we will and firmly order that the English Church be free, and that the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely and quietly, fully and wholly, for themselves and their heirs, of us and our heirs, in all respects and in all places forever, as is aforesaid. An oath, moreover, has been taken, as well on our part as on the art of the barons, that all these conditions aforesaid shall be kept in good faith and without evil intent.

Given under our hand - the above named and many others being witnesses - in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.

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This is but one of three different translations I found of the Magna Carta; it was originally done in Latin, probably by the Archbishop, Stephen Langton. It was in force for only a few months, when it was violated by the king. Just over a year later, with no resolution to the war, the king died, being succeeded by his 9-year old son, Henry III. The Charter (Carta) was reissued again, with some revisions, in 1216, 1217 and 1225. As near as I can tell, the version presented here is the one that preceeded all of the others; nearly all of it's provisions were soon superceded by other laws, and none of it is effective today.

The two other versions I found each professed to be the original, as well. The basic intent of each is the same.

Gerald Murphy (The Cleveland Free-Net - aa300)

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Prepared by Nancy Troutman (The Cleveland Free-Net - aa345). Distributed by the Cybercasting Services Division of the National Public Telecomputing Network (NPTN).

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1215年英国大宪章（中英文对照）

QKing 发布于：2008-09-07 02:27

受命于天的英格兰国王兼领爱尔兰宗主，诺曼底与阿奎丹公爵、安茹伯爵约翰，谨向大主教，主教，住持，伯爵，男爵，法官，森林官，执行吏，典狱官，差人，及其管家吏与忠顺的人民致候。

由于可敬的神父们，坎特伯里大主教，英格兰大教长兼圣罗马教会红衣主教斯提芬；杜伯林大主教亨利……暨培姆布卢克大司仪伯爵威廉；索斯伯利伯爵威廉……等贵族，及其他忠顺臣民谏议，使余等知道，为了余等自身以及余等之先人与后代灵魂的安全，同时也为了圣教会的昌盛和王国的兴隆，上帝的意旨使余等承认下列诸端，并昭告全国：

(1)首先，余等及余等之后嗣坚决应许上帝，根据本宪章，英国教会当享有自由，其权利将不受干扰，其自由将不受侵犯。关于英格兰教会所视为最重要与最必需之自由选举，在余等与诸男爵发生不睦之前曾自动地或按照己意用特许状所颁赐者，——同时经余等请得教王英诺森三世所同意者——余等及余等之世代子孙当永以善意遵守。此外，余等及余等之子孙后代，同时亦以下面附列之各项自由给予余等王国内一切自由人民，并允许严行遵守，永矢勿渝。

(2)任何伯爵或男爵，或因军役而自余等直接领有采地之人身故时，如有已达成年之继承者，于按照旧时数额缴纳承继税后，即可享有其遗产。计伯爵继承人于缴纳一百镑后，即可享受伯爵全部遗产；男爵继承人于缴纳一百镑后，即可享受男爵全部遗产；武士继承人于最多缴纳一百先令后，即可享受全部武士封地。其他均应按照采地旧有习惯，应少交者须少交。

(3)上述诸人之继承人如未达成年，须受监护者，应于成年后以其遗产交付之，不得收取任何继承税或产业转移税。

(4)凡经管前款所述未达成年之继承人之土地者，除自该项土地上收取适当数量之产品，及按照习惯应行征取之赋税与力役外，不得多有需索以免耗费人力与物力。如余等以该项土地之监护权委托执行吏或其他人等，俾对其收益向余等负责，而其人使所保管之财产遭受浪费与损毁时，余等将处此人以罚金，并将该项土地转交该采地中合法与端正之人士二人，俾对该项收益能向余等或余等所指定之人负责。如余等将该项土地之监护权赐予或售予任何人，而其人使土地遭受浪费与损毁时，即须丧失监护权，并将此项土地交由该采地中之合法与端正人士二人，按照前述条件向余等负责。

(5)此外，监护人在经管土地期间，应自该项土地之收益中拨出专款为房屋、园地、鱼塘、池沼、磨坊及其他附属物修缮费用，俾能井井有条。继承人达成年时，即应按照耕耘时之需要，就该项土地收益所许可之范围内置备犁、锄、与其他农具，附于其全部土地内归还之。

(6)继承人得在不贬抑其身分之条件下结婚，但在订婚前应向其宅人之卑属亲族通告。

(7)寡妇于其夫身故后，应不受任何留难而立即获得其嫁资与遗产。寡妇之嫁奁，嫁资，及其应得之遗产与其夫逝世前为二人共同保有之物品，俱不付任何代价。[自愿改醮]之寡妇得于其夫身故后，居留夫宅四十日，在此期间其嫁奁应交还之。

(8)寡妇之自愿孀居者，不得强迫其改醮，但寡妇本人，如执有余等之土地时，应提供保证，未得余等同意前不改醮。执有其他领主之土地者，亦应获得其他领主同意。

(9)凡债务人之动产足以抵偿其债务时，无论余等或余等之执行吏，均不得强取收入以抵偿债务。如负债人之财产足以抵偿其债务，即不得使该项债务之担保人受扣押动产之处分。但如债务人不能偿还债务，或无力偿还债务时，担保人应即负责清偿。担保人如愿意时，可扣押债务人之土地与收入，甚至后者偿还其前所代偿之债务时为止。惟该债务人能证明其所清偿已超过保人担保之额著，不在此限。

(10)任何向犹太人借债者，不论其数额多少，如在未清偿前身故，此项债款在负责清偿之继承人未达成年之前不得负有利息，如此项债务落入余等之手，则余等除契据上载明之动产以外，不得收取任何其他物品。

(11)欠付犹太人债务者亡故时，其妻仍应获得其嫁资，不负偿债之责。亡故者如有未成年之子女时，应按亡者遗产之性质，留备彼等之教养费，剩余数额，除扣还领主应得之报效外，始可作为清偿债务之用。关于犹太人以外之债务，同样依此规定处理。

(12)除下列三项税金外，设无全国公意许可，将不征收任何免役税与贡金。即(一)赎回余等身体时之赎金[指被俘时]。(二)策封余等之长子为武士时之费用。(三)余等之长女出嫁时之费用——但以一次为限。且为此三项目的征收之贡金亦务求适当。关于伦敦城之贡金，按同样规定办理。

(13)伦敦城，无论水上或陆上，俱应享有其旧有之自由与自由习惯。其他城市、州、市镇，港口，余等亦承认或赐予彼等以保有自由与自由习惯之权

(14)凡在上述征收范围之外，余等如欲征收贡金与免役税，应用加盖印信之诏书致送各大主教，主教，住持，伯爵与男爵指明时间与地点召集会议，以期获得全国公意。此项诏书之送达，至少应在开会以前四十日，此外，余等仍应通过执行吏与管家吏普遍召集凡直接领有余等之土地者。召集之缘由应于诏书内载明。召集之后，前项事件应在指定日期依出席者之公意进行，不以缺席人数阻延之。

(15)自此以往，除为赎还其本人之身体，策封其长子为武士，与一度出嫁其长女以外。余等不得准许任何人向其自由人征取贡金。而为上述目的所征收之贡金数额亦务求合乎情理。

(16)不得强迫执有武士采地，或其他自由保有地之人，服额外之役。

(17)一般诉讼应在一定地方审问，无需追随国王法庭请求处理。

(18)凡关于强占土地，收回遗产及最后控诉等案件，应不在该案件所发生之州以外地区审理。其方法如下：由余等自己，或余等不在国内时，由余等之大法官，指定法官二人，每年四次分赴各州郡，会同该州郡所推选之武士四人，在指定之日期，于该州郡法庭所在地审理之。

(19)州郡法庭开庭之日，如上述案件未能审理，则应就当日出庭之武士与自由佃农中酌留适当人数，俾能按照事件性质之轻重作出合宜裁决。

(20)自由人犯轻罪者，应按犯罪之程度科以罚金；犯重罪者应按其犯罪之大小没收其土地，与居室以外之财产；对于商人适用同样规定，但不得没收其货物。凡余等所辖之农奴犯罪时，亦应同样科以罚金，但不得没收其农具。上述罚金，须凭邻居正直之人宣誓证明，始得科罚。

(21)伯爵与男爵，非经其同级贵族陪审，并按照罪行程度外不得科以罚金。

(22)教士犯罪时，仅能按照处罚上述诸人之方法，就其在俗之财产科以罚金；不得按照其教士采地之收益为标准科处罚金。

(23)不得强迫任何市镇与个人修造渡河桥梁，惟向未负有修桥之责者不在此限。

(24)余等之执行吏，巡察吏，检验吏与管家等，均不得受理向余等提出之诉讼。

(25)一切州郡，百人村，小镇市，小区——余等自己之汤沐邑在外——均应按照旧章征收赋税，不得有任何增加。

(26)凡领受余等之采地者亡故时，执有余等向该亡故者索欠之特许证状之执行吏或管家应即依公正人士数人之意见，按照债务数额，将该亡故者之动产加以登记与扣押，使在偿清余等债务之前不得移动。偿清后之剩余，应即交由死者之遗嘱执行人处理。如死者不欠余等之债，则除为其妻子酌留相当部分外，其余一切动产概依亡者所指定之用途处理。

(27)任何未立遗嘱之自由人亡故时，其所遗动产应依教会之意见，经由其戚友之手分配之，但偿还死者债务之部分应予留出。

(28)余等之巡察吏或管家吏，除立即支付价款外，不得自任何人之处擅取谷物或其他动产，但依出售者之意志允予延期付款者不在此限。

(29)武士如愿亲自执行守卫勤务，或因正当理由不能亲自执行，而委托合适之人代为执

行时，巡察吏即不得向之强索财物。武士被率领或被派遣出征时，应在军役期内免除其守卫勤务。

(30)任何执行吏或管家吏，不得擅取自由人之车与马作为运输之用，但依照该自由人之意志为之者，不在此限。

(31)无论余等或余等之管家吏俱不得强取他人木材，以供建筑城堡或其他私用，但依木材所所有人之意志为之者不在此限。

(32)余等留用重罪既决犯之土地不得超过一年零一日，逾期后即应交还该项土地之原

主。

(33)自此以后，除海岸线以外，其他在泰晤斯河，美得威河及全英格兰各地一切河流上之堰坝与鱼梁概须拆除。

(34)自此以后，不得再行颁布强制转移土地争执案件至国王法庭审讯之敕令，以免自由人丧失其司法权。

（35）全国应有统一之度量衡。酒类、烈性麦酒与谷物之量器，以伦敦夸尔为标准；染色布、土布，锁子甲布之宽度应以织边下之两码为标准；其他衡器亦如量器之规定。

（36）自此以后发给检验状（验尸或验伤）时不得索取或给予任何陋规，请求发给时，亦不得拒绝。

（37）任何人以货币租地法，劳役租地法，或特许享有法保有余等之土地，但同时亦保有其他领主之兵役采地者，余等即不得借口上述诸关系强迫取得其继承人（未成年人）及其所保有他人土地之监护权。除该项货币租地，劳役租地与特许享有租地负有军役义务外，余等皆不得主张其监护权。任何人以献纳刀、剑、弓、箭等而得为余等之小军曹者，余等亦不得对其继承人及其所保有之他人土地主张监护权。

(38)自此以后，凡不能提供忠实可靠之证人与证物时，管家吏不得单凭己意使任何人经受神判法（水火法）。

(39)任何自由人，如未经其同级贵族之依法裁判，或经国法判决，皆不得被逮捕，监禁，没收财产，剥夺法律保护权，流放，或加以任何其他损害。

(40)余等不得向任何人出售，拒绝，或延搁其应享之权利与公正裁判。

(41)除战时与余等敌对之国家之人民外，一切商人，倘能遵照旧时之公正习惯，皆可免除苛捐杂税，安全经由水道与旱道，出入英格兰，或在英格兰全境逗留或耽搁以经营商业。战时，敌国商人在我国者，在余等或余等之大法官获知我国商人在敌国所受之待遇前，应先行扣留，但不得损害彼等之身体与货物。如我国商人之在敌国者安全无恙，敌国商人在我国者亦将安全无恙。

(42)自此以后，任何对余等效忠之人民，除在战时为国家与公共幸福得暂加限制外，皆可由水道或旱道安全出国或入国。但监犯与被褫夺法律保护权之人为例外，关于敌国人民与商人，依前述方法处理。

(43)领有归属土地——诸如自窝林福德，诺定昂，波罗因，兰开斯忒诸勋爵领有者，或其他归属于余等之男爵领地——之附庸亡故时，其继承人不另缴承继税。余等亦不得令其提供较男爵生前更多之役务，一切应依该采地在男爵手中时为标准。

(44)自此以后，不得以普通传票召唤森林区以外之居民赴森林区法庭审讯。但为森林区案件之被告人，或为森林区案件被告之保人者，不在此限。

(45)除熟习本国法律而又志愿遵守者外，余等将不任命任何人为法官，巡察吏，执行吏或管家吏。

(46)一切自英国历朝国王获得特许状创立寺院或握有寺产保管权之男爵(贵族)，应悉仍旧例，在该项寺院无人主持时，负保管之责。

(47)凡在余等即位后所划出之森林区，及建为防御工事之河岸，皆应立即撤除。

(48)有关每一州郡之森林，园圃，森林官，园圃守护人，管家吏及其仆役，河岸及其守护人等之一切陋规恶习，应由各该州郡推选武士十二人，于宣誓后立即驰赴各地详加调查，并于调查后四十日内予以全部彻底革除，务使永不再起。调查情形应先奏知余等，若余等不在国内时则先禀知大法官。

(49)凡英国臣民为表示和好和忠忱所交予余等之人质或其他担保品，概须立即退还。

(50)余等应解除热拉尔之戚及下列诸人(名略)及随从彼等来英任执行吏者之职务，并使彼等自此以后，不再在英国担任此项职务。

(51)君臣复归于好后，余等应将携带马匹与武器来英格兰并危害英国之外国士兵，弩手，仆役及佣兵等立即遣送出境。

(52)任何人凡未经其同级贵族之合法裁决而被余等夺去其土地，城堡，自由或合法权利者，余等应立即归还之。倘有关于此项事件之任何争执发生，应依后列负责保障和平之男爵二十五人之意见裁决之。其有在余等之父亨利王或余等之兄理查王时代，未经其同级贵族之合法判决而被夺去之上述各项，现为余等所有，或为他人所有而应由余等负责者，当较照参加十字军者获得展缓债务权利之一般规定办理。但当余等参谒圣地归来后，或因故中止余等之东征时，余等应即公平处理之。惟在余等誓师东征前正在进行诉讼，或由余等之敕令正在审理中者，不在此限。

(53)关于下列事件亦应依照前条规定处理或展缓处理之；

(甲)余等之父亨利王，兄理查王时代所划出之森林，何者应撤除，何者应保留。

(乙)余等在他人采地中之监护权(此项监护权系因某人曾自余等领受军役采地，因而使余等享有者)。

(丙)余等在他人采地中所建立之寺院(该采地之领主声称有管辖权者)。

当余等参谒圣地归来后，或因故中止余等之东征时，余等应立即对上述诸项予以公正处理。

(54)凡妇女指控之杀人案件，如死者并非其夫，即不得逮捕或监禁任何人。

(55)凡余等所科之一切不正当与不合法之罚金与处罚，须一概免除或纠正之，或依照后列保障和平之男爵二十五人之意见，或大多数男爵连同前述之坎特伯里大主教斯提芬，及其所愿与共同商讨此事件者之意见处理之。遇大教主不能出席时，事件应照常进行。但如上述二十五男爵中有一人或数人与同一事件有关(“大宪章重订译本”作“为同一事件之原告”)，则应于处理此一事件时回避，而代之以其余男爵中所遴选之人。

(56)如余等曾在英格兰或威尔斯，未依其同级贵族之合法裁判，而夺去任何威尔斯贵族之土地，自由或其他物品，应立即归还之。遇有关于此类事件之争执发生时，应交由“边区”贵族处理，凡属英格兰人之产业，按照英格兰法律办理，威尔斯人产业，按照威尔斯法律办理，边区产业则依边区法律办理。威尔斯人对余等及余等之人民应同样行之。

(57)至关于威尔斯人在余等之父亨利，或余等之兄理查时代未经其同级贵族之合法判

决而被夺去之物，现在余等手中，或虽不在余等手中而应由余等负责者，余等将按照参加十字军者可展缓债务之一般规定处理。但当余等参谒圣地归来后，或因故中止余等之东征时，余等应即予以公平处理。惟在余等誓师东征前正在进行诉讼，或由余等之敕令正在审理中者，不在此限。

(58)余等应立即归还刘埃霖之子及威尔斯人一切人质以及作为和平担保之一切信物与

契据。

(59)关于苏格兰王亚历山大，余等将归还其姊妹，质物，自由与合法权利，一如余等对英格兰诸男爵之所为，但属于其父威廉王敕令中所载，而为余等所保有者，不在此限。此一切当依照在英国宫廷中之苏格兰贵族之意见处理。

(60)余等在上述敕令中所公布之一切习惯与自由，就属于余等之范围而言，应为全国臣民，无论僧俗，一律遵守，就属于诸男爵（一切贵族）之范围而言，应为彼等之附庸共同遵守。

(61)余等之所以作前述诸让步，在欲归荣于上帝，致国家于富强，但尤在泯除余等与诸男爵间之意见，使彼等永享太平之福，因此，余等愿再以下列保证赐予之。

诸男爵得任意从国中推选男爵二十五人，此二十五人应尽力遵守，维护，同时亦使其余人等共同遵守余等所颁赐彼等，并以本宪章所赐予之和平与特权。其方法如下：如余等或余等之法官，管家吏或任何其他臣仆，在任何方面干犯任何人之权利，或破坏任何和平条款而为上述二十五男爵中之四人发觉时，此四人可即至余等之前——如余等不在国内时，则至余等之三官前，——指出余等之错误，要求余等立即设法改正。自错误指出之四十日内，如余等，或余等不在国内时，余等之法官不顾改正此项错误，则该四人应将此事取决于其余男爵，而此二十三男爵即可联合全国人民，共同使用其权力，以一切方法向余等施以抑制与压力，诸如夺取余等之城堡、土地与财产等等，务使此项错误终能依照彼等之意见改正而后已。但对余等及余等二王后与子女之人身不得加以侵犯。错误一经改正，彼等即应与余等复为君臣如初。国内任何人如欲按上述方法实行，应宣誓服从前述男爵二十五人之命令，并尽其全力与彼等共同向余等施以压力。余等兹特公开允许任何人皆可作上述宣誓，并允许永不阻止任何人宣誓。国内所有人民，纵其依自己之意志，不愿对该二十五男爵宣誓以共同向余等施用压力者，余等亦应以命令令之宣誓。如上述二十五男爵中有任何人死亡，离国或因故不能执行上述职务时，其余男爵应依己意自其他男爵中推选另外之人代之，其宣誓方法与上述诸人同。此外，上述二十五男爵于受托执行任务时，倘在出席讨论中关于某些事件发生争端，或有某些男爵被召请后，不愿或不能出席时，则出席男爵过半数之决定，或宣布之方案，应被视为合法且具有约束力，一如二十五人全体出席所议决者同。上述二十五男爵应宣誓对前列各项竭诚遵守，并尽力使其余人遵守之，而余等亦不得由自己或通过他人自任何人取得任何物品致使上列诸权利与自由废止或削减。如有此项取得之物，应视同无效与非法，余等自己不得加以利用，亦不得通过别人加以利用。

(62)自斗争开始以来，余等之僧俗臣民与余等之间所发生之一切敌意，愤怒与仇恨，余等已予宽恕并赦宥之，此外，自本朝第十六年复活节起，至和平重建之日止，一切僧俗人民所犯之一切罪过，余等亦已加以宽恕并赦宥之。关于上述各项让步与诺言，余等兹任命坎特伯里大主教斯提芬勋爵，杜伯林大主教亨利勋爵及前述诸主教与班达尔夫君共同草拟敕令以昭信守。

(63)余等即以此敕令欣然而坚决昭告全国：英国教会应享自由，英国臣民及其子孙后代，将如前述，自余等及余等之后嗣在任何事件与任何时期中，永远适当而和平，自由而安静，充分而全然享受上述各项自由，权剂与让与，余等与诺男爵惧已宣誓，将以忠信与善意遵守上述各条款。上列诸人及其他多人当可为证。

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