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Magna Carta; Statutes of the Realm; Register of Writs
In Latin and Anglo-Norman, illuminated manuscript on parchment
[England, probably London, mid-fourteenth century]

216 folios, plus two vellum flyleaves, complete (i-xvii¹²), old foliation until f.171, omits one after f. 37, horizontal catchwords in cartouches (one with a face on f. 120v), alphabetical quire signatures, written in light brown ink in a tight English courthand, on 41 to 42 long lines (justification 120 x 68 mm.), prickings still visible, ruled in brown ink, running titles, paragraph-marks alternately red and blue, 60 ILLUMINATED INITIALS in burnished gold on blue and pink grounds with white tracery, one ILLUMINATED INITIAL on first folio with full length bar border extending into the margin ending in a leaf and face, some medieval marginal annotations, f. 84 mended with pink thread, well-thumbed and used, worn but sound. Bound in modern medieval-style dark brown calf, blind-tooled decoration on pasteboards composed of double fillets, floral tools and roll-tool outer border, spine sewn on three thongs, blind-stamped fillets in compartments, leather ties, by John Smart, London, England, 1989. Dimensions 158 x 103 mm.

Portable manuscript owned by a lawyer from the Inns of Court and containing the basis of English law—the Magna Carta, Statutes, and Writs—to which the American Bill of Rights and Constitution are deeply indebted. Manuscripts of the Magna Carta have become increasingly rare on the market as most copies are now housed in institutions; the present copy is closely related to the older tradition of the *Statuta vetera*.

PROVENANCE

1. Written probably quite soon after 1344, the date of the latest statute while the latest writ dates 1342, probably in one of the very early London workshops associated with the Inns of Court. Combining the Statutes, which were the basis of common law, and a collection of writs, on which new actions in the pursuit of justice were modeled, the present manuscript provided the essential texts for understanding and effecting medieval law. Although the reading audience was quite broad and included large landowners, the church, merchants, public

officials, lawyers, and students, the majority were likely owned by lawyers. The fourteenth-century provenance of the present volume is unknown, but it was in the hands of a lawyer of the Inn of Court in the sixteenth century, which lends credence to the hypothesis that a member of the legal profession may also have been the first owner. With the enactment of new statutes it was essential that codices be up-to-date, so the dates of the latest statutes and writs provide a relatively accurate means of assigning a date of execution.

2. Robert Dacres, of the Inner Temple, 1532, with his ex-libris on the first flyleaf: "Sum Liber Roberto Dacres" and again on last folio: "Sum liber Roberti Dacres interioris Templi."
3. Thomas Bressey, Ar[migerus] (1603-25), with signature on the last leaf and penitential opening "Jacobus dei"; names repeated on verso of first flyleaf: "Thomas Brasyr" and "Brasir."
4. Jo. Wattson (seventeenth century), with Latin motto: "Omnia tempus habint et habit sua tempora tempus."
5. David Constable, 1817, given to "T.J."
6. H. Greer, Bangor, Northern Ireland (until 1990);
7. Martin Schøyen Collection, London, England, and Spikkestad, Norway, MS. 677, his bookplate pasted on upper pastedown (purchased, London, Sotheby's 19 June 1990, lot 88); exhibited University of Oslo, Library of Law Faculty, opening exhibition of Domus Bibliotheca, 5-27 May 1994.

TEXT

ff. 1-167v, The Register of Writs, opening with the *Breve de Recto Patens* on f. 1, incipit, "Edwardus dei gratia Rex Anglie ... Precipimus vobis quod sine dilatione ..." (Winfield, 1993, pp. 286-302), and ending with the latest reference apparently being to 20 August, 16 Edward III (i.e., 1342, fol. 161v).

ff. 168-216, The Statutes of England, opening with Magna Carta on f. 168, "Edwardus dei gratia Rex Anglie ... Inspeximus magnam cartam H. quondam regis Anglie ..." (Statutes of the Realm, I, 1810, pp. 38-41); followed by Edward I's Inspeximus of the Forest Charter (ibid, pp. 42-44); the Statutes of Merton (ibid, pp. 1-4); the Statute of Marlborough (ibid., pp. 1925); the First Statute of Westminster (ibid, pp. 26-39); the Statute of Gloucester (ibid, pp. 45-50); and so forth, to the Statute of Merchants (ibid, p. 53), ending on last leaf, explicit "... Done a Acton Burnel xii jour Doctobr la du Regne le Roi E. sptisme, Explicit Statutum de Mercatoribus."

The first part of the present manuscript is a Register of Writs. These were produced as formulary books. They provided a range of writs previously issued in chancery--the first step in the judicial process and the only means of implementing the law enacted in the Statutes--and served as exemplars in the pursuit of any action in the protection of rights or liberties. They were the "basis of the medieval common law, a guide to its leading principles, and a commentary upon their application" (Plunkett, p. 111). Such collections were already being compiled in the twelfth century; Sir Edward Coke described Registers of Writs as "a most ancient Book and of great Authority in Law." They were referred to as the "Register of the Chancery" in the Statute of Westminster II (1289).

The second part of the manuscript comprises the Magna Carta, the version regranted by Edward I in 1300, followed by a collection of royal statutes of the reigns of Edward I and Henry III. First issued in 1215 as a result of an angry encounter on the plains of Runnymede between an assembly of barons and King John over the right of the king to obtain funds from a few powerful families (as the "Articles of the Barons"), the document we know today as the Magna Carta took shape gradually over a period of time. John's original charter was reissued several times between 1215 and 1225, when the evolution of the document ended, although it continued to be reissued in a mostly unchanged version under the reigns of Henry III and Edward I (the present preserves Edward's version of 1300). In its final form it was interpreted as a weapon against oppressive tactics. As Sir Edward Coke (1552-1634), Attorney General to Elizabeth I and Chief Justice of James I, argued in the early seventeenth century, even kings must comply to common law: "Magna Carta is such a fellow that he will have no sovereign."

It was this understanding of the Magna Carta as a declaration of the rights of "We the people" that fostered the charters written by the American colonies. When the English Parliament levied a direct tax against the colonies, the Stamp Act of 1765, the colonists rebelled stating that the Stamp Act was "taxation without representation" and was against the Magna Carta and the natural rights of Englishman...." Symbolically expressing a readiness to fight for the inalienability of these rights, when Massachusetts adopted an official seal on the eve of the Revolution, it chose a militiaman with sword in one hand and Magna Carta in the other. The American Bar Association erected a monument at Runnymede in 1957 in acknowledgment of the Magna Carta's importance for American law and constitutionalism.

The important statutes mostly of the reigns of Henry III and Edward I follow the Magna Carta, organized by subject category as was common in copies of the *Statuta vetera* instead of the more strictly chronological order favored after the middle of the fourteenth century in manuscripts of the *Statuta nova*. The present manuscript presents an early example of the codex form of the *Statuta Angliae*. Skemer has shown that the earliest codices, c. 1290, of the *Statuta Angliae* were organized as a series of booklets often bound together in limp vellum binding and sometimes including blank leaves to

allow for easy updating. Our manuscript anticipates the more luxurious versions of the latter half of the fourteenth and especially the fifteenth centuries.

Approximately 350 manuscripts of the Statuta Angliae can be identified in British and American libraries. Evidently, 57 percent were produced before 1327 and the remaining 43 percent from Edward III to the early Tudors (See Skemer, 1997, p. 24). The largest collections in North America are in the libraries of Harvard University and the Philadelphia Free Library (see Baker, 1985). However, it has become rare to find copies of the Magna Carta, the Statutes and the Writs at auction. In the last five years, only two copies were sold: London, Phillips, 15 June 2001, lot 123; and New York, Christie's [Library of Abel Berland], 8 October 2001, lot 82 (for \$171,000.).

LITERATURE

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Statutes of England. The whole volume of statutes at large, which at anie time heeretofore have beene extant in print, since Magna Carta, untill the XXIX yeere of the reigne of our most gracious sovereigne ladie Elizabeth, by the grace of God, Queene of England, France and Ireland, defender of the Faith, London, Printed for Christopher Barker, 1587.

The Statutes of the Realm (from Henry I to queen Anne) printed by command of the King, [n.p., n. d.] vol. I (1810) to IX (1822).

Thompson, Faith. *Magna Carta, its role in the making of the English constitution, 1300-1629*, Minneapolis, University of Minnesota Press, 1948.

Van Caenegem, Raoul C. *Royal Writs in England from the Conquest to Glanvill : Studies in The Early History of the Common Law* (Publications of the Selden Society, vol. 77), London, Quaritch, 1959.

Winfield, P. H. *The Chief Sources of English Legal History*, (Historical reprints in jurisprudence and classical legal literature), Buffalo, W.S. Hein, 1983.

Online Resources

Internet Medieval Source Book: Magna Carta 1214 (in English)
<http://www.fordham.edu/halsall/source/mcarta.html>

NARA: Magna Carta and Its American Legacy
http://www.archives.gov/exhibit_hall/featured_documents/magna_carta/legacy.html

The British Library Magna Carta
<http://www.bl.uk/collections/treasures/magna.html>