

***Vetera Statuta Angliae* [*Old Statutes of England*], including the Magna Carta and other Statutes of the Realm
In Latin and Law French, decorated manuscript on parchment
England, after 1305 and probably before 1327**

iii (modern paper) + ii (parchment) + 204 + iv (contemporary parchment) + iii (modern paper) folios on parchment, modern foliation in pencil, upper outer rectos, 1-115, 116-207, with unfoliated leaf in between ff. 15 and 16, complete (collation i⁶ ii-xxv⁸ xxvi⁸ [-7 and 8; two leaves canceled between ff. 203 and 204, with no loss of text]), quire signatures written in Roman numerals, at the ends of qq. viii, x, xii-xvi, xviii-xix, outer lower versos on, horizontal catchwords visible, partially cropped, on qq. ii-iv, x, xiii-xxii, xxiv, ruled in brown crayon with full-length horizontal and vertical bounding lines (justification 55-57 x 33-35 mm.), written in a fourteenth-century Anglicana hand on sixteen to twenty long lines, rubrics written in larger display Anglicana script, running titles on recto and verso, chapters identified in the margins, partially cropped, guide letters for initials, three- to four-line spaces left for initials, four-line red initial with red pen decoration extending into upper and left margins (f. 7), loss of text on f. 49v repaired in a different hand, some soiling of ff. 82v-83, edge of f. 90 slightly torn, water staining on ff. 154-155, 163-164, worming in the margins of ff. 124-129, hole in f. 1 with slight loss of text, loss of text on f. 89 due torn lower outer corner, text faded on f. 90v, edge of f. 173 excised, with loss of text, otherwise in good condition. Modern binding of blind-tooled brown leather, spine with two raised bands, marbled endpapers and blank flyleaves from previous binding, along with loosely inserted carte de visite, now removed, all housed in a maroon fitted case. Dimensions 89 x 54-57 mm.

The Magna Carta is a truly iconic document. One of the best-known legal texts in the western world, it echoes down through the ages in foundational texts like the American Declaration of Independence and the UN's Universal Declaration of Human Rights. Here it is preserved in its entirety, alongside many subsequent English legal statutes of the thirteenth and fourteenth centuries, in a diminutive, pocket-sized volume. Copies of the Magna Carta and other statutes are now quite rare on the market.

PROVENANCE

1. Based on evidence of script and contents, this volume was produced in early fourteenth-century England, in or after 1306 and almost certainly before 1327. The latest statute included, "De conjunctim feoffatis" (*On Joint-tenants*) dates to the thirty-fourth year of the reign of Edward I (reigned 1272-1307), namely 1306. Relatively few statutes were passed during the reign of Edward II (reigned 1307-1327), so the absence in this volume of any statutes from his reign may not narrow this manuscript's date of production. But the book was almost certainly completed before the reign of the far more prolific Edward III (reigned 1327-1377).
2. Notes added to early flyleaves (ff. 205-206v) in a later fourteenth-century hand record the reigns of English kings from William Rufus (reigned 1087-1100) to the coronation of Edward III.
3. Nineteenth-century(?) visiting card for "Mr. Heywood Eliot" tucked into volume and inscribed on the other side, "Magna / Charta."
4. Belonged to Corlies Maynard, Winnetka, IL, died 2015.

TEXT

ff. 1-6v, Table of contents listing chapters for the first six items in the volume, followed by a list of the items in the volume;

ff. 7-20, Magna Carta, with the inspeximus for 28 March 1300 (28 Edw. 1);

ff. 20-26v, Provisions of Merton, 20 Hen. 3 (*Statutes of the Realm* [SR] 1:1-4 [Online Resources]);

ff. 26v-41v, Statute of Marlborough, 52 Hen. 3 (SR 1:19-25);

ff. 41v-75v, Statute of Westminster I, 3 Edw. 1 (in French; SR 1:26-39);

ff. 75v-86v, Statute of Gloucester, 6 Edw. 1 (in French; SR 1:45-50); f. 85, Explanations of the Statute of Gloucester (in Latin; SR 1:50);

ff. 86v-167, Statute of Westminster II, 13 Edw. 1 (SR 1:71-95);

ff. 167-198, Additional statutes, including the Statute of Merchants, 13 Edw. 1 (f. 167; in French; SR 1:99-100); Statute of *Quia Emptores*, 18 Edw. 1 (f. 171v; SR 1:106); Statute of Mortmain, 7 Edw. 1 (f. 173v; SR 1:51); Statute of Winchester, 13 Edw. 1 (f. 175v; in French; SR 1:96-98); Statute of *Circumspecte Agatis*, 13 Edw. 1 (f. 181v; SR 1:101); Statute of Fines, 27 Edw. 1 (f. 184; SR 1:126-130); Statute of Joint-tenants, 34 Edw. 1 (f. 189; SR 1:145-147); Statute of Bigamy, 4 Edw. 1 (f. 193v; SR 1:42-43); and Statute *de Wardis et Relevis*, 28 Edw. 1 (f. 196; in French; *Statutes at Large*, 1769, p. 138);

ff. 198-201, *Incipit de quo warranto*, incipit, "[E]dwardus dei gratia Rex Angliae Dominus Hyberniae et Dux aquitaniae vicecomiti Leycestris salutem. Cum in vltimo parlamento nostro apud Westmonasterium per nos et per consilium nostrum provisum fuerit et proclamatum quod prelati Comites Barones et alii de Regno nostro qui diuersas libertates habere clamant ... dampna adiudicari non solebant nisi <...> modo ipsis disseysitor et h. secund<...> leges s<...>. Explicit statutum de quo warranto";

A very similar version of this writ, found in the Register of Malmesbury Abbey, is printed in full in Brewer (2012, p. 238). Unlike that writ, however, which is addressed to an escheator in Yorkshire, this writ is addressed to an escheator in Leicestershire and concerns one "dilectum nobis in christo abbatem de O [abbot of O, beloved to us in Christ]" (f. 198v), perhaps the abbot of Owston Abbey, in Leicestershire.

f. 201rv, Statute on Conspirators, 18 Edw. 1 (SR 1:216);

ff. 201v-202, The Assise of Weights and Measures (SR 1:204, first paragraph), followed by a brief ordinance of length measurements (similar to SR 1:206, footnote);

ff. 202v-203v, View of Frankpledge (in French; SR 1:246).

The *Vetera Statuta Angliae* (*Old Statutes of England*) is a set of English royal statutes ranging from the early thirteenth-century Magna Carta through the end of the reign of Edward II (reigned 1307-

1327). As is the case in most copies of the *Old Statutes*, this volume contains (in chronological order) Magna Carta, Statute of Merton, Statute of Marlborough, Statute of Westminster I, Statute of Gloucester, and the Statute of Westminster II (the 1217 Charter of the Forests, also common to most copies of the *Old Statutes*, is notably absent here). A number of additional statutes from the same period round out this collection, and the particular selection may shed light on the interests or needs of this volume's earliest owner.

The document we know today as Magna Carta took shape gradually over a period of time. 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 original charter was reissued several times in evolving forms between 1215 and 1225. Thereafter, it continued to be reissued in a mostly unchanged version under the reigns of Henry III and Edward I; the present manuscript preserves Edward's version of 1300. In its final form it was interpreted as a weapon against oppressive tactics. Arguing in the early seventeenth century that even kings must comply with common law, Sir Edward Coke (1552-1634), Attorney General to Elizabeth I and Chief Justice of James I, asserted, "Magna Carta is such a fellow that he will have no sovereign." And it was this understanding of Magna Carta that fostered the charters written by the American colonies and that played a significant role in the American Revolution.

Magna Carta and other royal statutes circulated widely in England during the thirteenth through fifteenth centuries. The most common English statute collections were of two types, the *Old Statutes* (see above) and *Nova Statuta* (*New Statutes*), which contain legislation from the beginning of the reign of Edward III onwards. Approximately four hundred English books of statutes survive, about two hundred of which were copies of *Old Statutes* predating 1327 (see Skemer, 1997, p. 24); they continued to be produced well after this point, and the first print edition of *Old Statutes* was produced by William Pynson in 1508 (a combined edition of *Old Statutes* and *New Statutes* would eventually be printed in 1587, during the reign of Elizabeth I). Judging from these numbers, books of statutes like this one were "among the most common secular reading material in late medieval England" (Skemer, 1999, p. 113) and they continued to be read and used well after the Middle Ages.

Statute collections also furnished common vernacular reading material. Some statutes were set down not in Latin, but in Law French, a language of law courts and legal documents in medieval England that showed the combined influences of Anglo-Norman and Parisian French dialects and even Middle English. Over twenty-five percent of this volume is written in French rather than Latin.

The core texts within *Old Statutes* would have been essential reading in late medieval England for lawyers and others invested in the law. These statutes laid down the fundamental principles upon which English common law was based; they could not be revoked by any subsequent Act of Parliament. By the middle of the fifteenth century, in fact, a course of readings on *Old Statutes* was typical at the Inns of Court. Earlier, though, at the time this copy of *Old Statutes* was produced, there is evidence that readers of statutes varied in profession and class. People seeking literacy in legal matters at this time would have included landowners, members of the clergy, merchants, public officials, and, of course, lawyers and law students (see Skemer, 1999, p. 114). The future Edward III himself owned a copy of *Old Statutes*.

Pocket-format copies of *Old Statutes*, like the present manuscript, were not uncommon at this time. They have traditionally been supposed to have belonged to lawyers and to have been customized to the needs of a particular purchaser. The orderly division of important statutes into chapters and the presence of a table of contents listing these chapters, as well as the additional statutes included, are standard to English statute books, but the same cannot be said for all of this book's contents (particularly the statutes and other texts copied on ff. 196-202). Further study of this less common material may yield greater insights into the legal interests of this book's owner, as these additions were likely tailored to needs of a purchaser.

Hundreds of manuscripts containing English statute collections (the majority of which contain the *Old Statutes* and, thus, Magna Carta) can be found in British and North American libraries; 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 and other statutes at auction. According to the Schoenberg Database, in the last five years, only one copy was sold.

LITERATURE

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Breay, Claire. *Magna Carta: Manuscripts and Myths*, London, 2002.

Breay, Claire and Julian Harrison, eds. *Magna Carta: Law, Liberty, Legacy*, London, 2015.

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Statutes of England. The whole volume of statutes at large, which at anie time heeretofore have bene 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.

Vincent, Nicholas. *Magna Carta: Origins and Legacy*, Oxford, 2015.

ONLINE RESOURCES

"Magna Carta," *The Latin Library*,

<http://www.thelatinlibrary.com/magnacarta.html>

"The Magna Carta," National Archives, 2017

<https://www.archives.gov/exhibits/featured-documents/magna-carta>

The Statutes at Large, from Magna Charta to the End of the Reign of King Henry the Sixth, vol. 1, 1769

<https://books.google.com/books?id=kcalpnh0gtgC&printsec=frontcover#v=onepage&q&f=false>

The Statutes of the Realm, Printed by Command of His Majesty King George the Third in Pursuance of an Address of the House of Commons of Great Britain, 9 vols., London, Dawsons, 1810-1822

<http://catalog.hathitrust.org/Record/012297566>

"The Text of Magna Carta," *Internet Medieval Source Book*, Fordham University [in English]

<https://sourcebooks.fordham.edu/source/magnacarta.asp>

"Treasures in Full: Magna Carta," British Library,

<http://www.bl.uk/collections/treasures/magna.html>

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