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## *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 (London?), c. 1340-1360 (after 1331)

i (modern parchment) + 100 folios + i (medieval parchment) on parchment, paginated in pencil lower middle margin, 1-200, beginning with the second folio and including the last medieval flyleaf, ruled very lightly in lead, indiscernible on most pages, resewn, missing leaves at the beginning (table of contents is incomplete) and at least six text leaves [collation i<sup>2</sup> [1, blank and unnumbered, 1, 2, single, original structure uncertain] ii<sup>8</sup> [lacking two leaves, -1, before p. 3 and -8, following p. 14] ii-vi<sup>8</sup> vii<sup>6</sup> [beginning p. 79] viii-x<sup>8</sup> xi<sup>8</sup> [lacking two leaves, -1 before p. 139 and -8, following p. 150] xii<sup>4</sup> [original structure uncertain, perhaps a quire of 6, lacking two leaves after p. 154] xiii-xiv<sup>8</sup> xv<sup>6</sup> [lacking 5 and 6, following p. 198, possibly cancelled blanks], horizontal catchwords, decoratively boxed, no signatures, (justification 95 x 58-56 mm.), written in a neat upright Anglicana script probably by several scribes in twenty-four long lines, divisions within the text, chapter numbers, and running headlines begin with alternately red or blue paragraph marks, three-line blue initials with red pen decoration, in fair overall condition with many signs of use, pen trials in the margins of pp. 46, 62-67, 63 90-91, 106-7, 151, and 200, p. 105 with small tear, pp. 138-142 stains within text area which remains legible apart from a small passage on p. 141, small black stains within text on pp. 62-63, pp. 155-158, 190-1 and 197 are faded making passages difficult to read, p. 175 stain around initial, partially obscuring text, back flyleaf (pp. 199-200), torn, first unnumbered blank leaf now partial and tattered. Bound in modern vellum, yap edges, very good condition apart from a few scuffs and stains. Dimensions 130 x 80 mm.

Our manuscript begins with the Magna Carta (lacking its first folio, but otherwise complete), a truly iconic document, which echoes down through the ages in foundational texts like the American Declaration of Independence and the UN's Universal Declaration of Human Rights. Copies of the Magna Carta and other statutes are now uncommon on the market. Essential reference works for lawyers and students of law in medieval England, portable statutes books like this one laid down the fundamental principles upon which English common law was based.

### PROVENANCE

1. Copied in England, perhaps in London, in the middle of the fourteenth century, certainly after 1331, the date of the most recent statute included; the style of the script and the initials support a date in the middle of the fourteenth century. The fact that the last text ends imperfectly, and is followed by a blank verso, might allow us to argue that this was copied c. 1331, not long after this statute was available to copy.

Pocket statute books such as this one were often owned by lawyers, but not exclusively so. Since their contents were customized, further analysis of the specific statutes copied here may reveal more about the interests of the original owner of our manuscript.

2. Seventeenth-century ownership note, top margin p. 3, a note that begins "Rich" (i.e. Richard) Wy[nnes?] boke."

3. Belonged in the eighteenth century to Edward Lloyd of Varthoell, who signed his name numerous times in the margins of the volume (pp. 122, 124, 130, 134, 148), on p. 122, with the date, 1731.
4. Front flyleaf, f. i, in pencil, "Given to <erased> B<erased>, October 31, 1948, and "E...M," below; traces of glue and paper from something removed from this page (traces of a printed image remain);
5. Belonged in June 1983 to Meyer Boswell Books, San Francisco (Baker, 1984, p. 163, no. 89); described in Baker, 1985, page 52, no. 153.
6. Private USA Collection.

## TEXT

pp. 1-2 [preceded by a blank, unnumbered leaf], *Capitula magne carte*, incipit, "Primus, De liber < > ecclesie Angele, ....; *Capitula de fforesta*, ....; *Capitula Statuti de Merton*"//

Table of contents listing chapters for the first two items in the volume, ending imperfectly with the rubric for the third item, the Statutes of Merton.

pp. 3-11, Magna Carta, beginning imperfectly in chapter 4, "///-derimus vel vendiderimus custodiam ... Hiis testibus Stephano Cantuariensis archiepiscopo Willelmo episcopo Londoniensi"; as confirmed 25 Edward 1, 1297 [*Statutes of the Realm* [SR] 1:114-119, here beginning 115 [Online Resources];

pp. 11-15, Charter of the Forest, as confirmed 25 Edward 1, 1297 [SR 1:120-122]; beginning and ending complete, but missing one folio is missing after p. 14;

pp. 15-22, Statutes of Merton, 20 Hen. 3 [SR 1:1-4];

pp. 22-39, Statute of Marlborough, 52 Hen. 3 [SR 1:19-25];

pp. 39-74, Statute of Westminster I, 3 Edw. 1 [in French; SR 1:26-39];

pp. 74-83, Statute of Gloucester, 6 Edw. 1, 1278 [in French; SR 1:45-50];

pp. 83-145, Statute of Westminster II, 13 Edw. 1, 1285 [SR 1:71-95]; beginning and ending complete, but lacking one folio after p. 138;

pp. 145-147, Statute of Westminster III [often called *Quia emptores*], 18 Edw. 1, 1289-90 [SR 1:106];

pp. 147-149, Statute for Religious men (*Statutum de religiosis*), 7 Edw. 1, 1279 [SR 1:51];

pp. 150-154, Statute of Merchants, 11 Edw. 1, 1283 [in French; SR 1:53-54]; lacking one folio after p. 150, and ending imperfectly [lacking the last four lines of the printed edition] "...ordeynement et establissement wec le roi qe//";

pp. 155-174, Most of these statutes, generally quite short, were among the 48 printed in SR between the statutes of Edward II and those of Edward III and described as *tempore incerto* (of uncertain date). Many statute manuscripts include some of these, but the selection varies from manuscript to manuscript, likely to reflecting the personal interests of the owners (Donahue and Coleman, Online Resources). Modern scholars think most date before the death of Edward I in 1307:

p. 155, General days in Bank, fragmentary with the last few lines only [SR 1:208, uncertain date], incipit, "//Si in quindena trinitatis ...," *Expliciunt dies communes in banco*;

pp. 155-156, *Statutum sub qua forma* [printed as part of *Circumspecte agatis*, 13 Edw. 1, SR 1:101-102];

pp. 156-158, The Assise of Bread [cf. SR 1:199-200, but in our manuscript in French];

pp. 158-159, *Statutum assise cenusie* [cf. The Judgement of the Pillory, SR 1:201-202];

pp. 159-160, *Statutum de origine mesure* [cf. Assise of weights and measures, SR 1:204-5];

pp. 160-165, *Statutum de ffinibus* [SR 1:215];

pp. 165-167, *Districiones scaccarii* [SR 1:197-198];

pp. 167-168, Statute of *Circumspecte Agatis*, 13 Edw. 1, 1285 [SR 1:101-102];

pp. 168-171, Statute of Bigamy, 4 Edw. 1 [SR 1:42-43];

pp. 171-173, *Statutum de vocatione ad warr[antum]*, incipit, "Cum tenens impluritus in placitu ...";

pp. 173-174, *Statutum de Werewyk*; [in French];

pp. 174-175, Statute of conspirators [this does not appear to be temp. incert. SR 1:216 or 33 Edw. 1 33 Edw. 1, SR 1:145];

pp. 175-178, Statute of Lincoln [usually called *Statutum de escaetoribus*], 29 Edward 1, 1300-1301 [SR 1:142-143];

pp. 178-190, Statute of Northampton, 2 Edw. 3, 1328; [in French, SR 1:257-61];

pp. 190-197, [Westminster] 5 Edw. 3, 1331 [in French, SR 1:265-269], here ending imperfectly probably near the bottom of p. 267 of the edition (the last folio of the text is very faded); [p. 198, blank].

*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), here continuing with later statutes from the reign of Edward III; edited and translated in *The Statutes of the Realm*, 1810-1822 [abbreviated here SR]; see Online Resources. The first printed 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).

Manuscripts of the Statutes of England in codex form for personal reference can be found from the beginning of the fourteenth century. The present manuscript begins with the confirmation of *Magna Carta* (missing chapters 1-3 and a few lines of part of 4) and the Charter of the Forest that Edward I made following the constitutional crisis of 1297. It then continues with all the principal statutes enrolled by Edward I (r. 1272-1307) as part of his legislative reforms: the Statutes of Westminster I and II (1275 and 1285), dealing with property, criminal and constitutional law, the Statutes of Gloucester (1278), and the Statute of Winchester (1285), here followed by additional statutes from his reign, numerous shorter statutes (most of uncertain date), and concluding with two statutes from the reign of Edward III (r. 1327-1377). The most recent securely datable statute included in this manuscript is the final one from Edward III's reign, dated 1331 (5 Edw. 3). Relatively few statutes were passed during the reign of Edward II (reigned 1307-1327), and the absence of any statutes from his reign in our manuscript is not unique (for another example, see Harvard Law School MS 54, Online Resources). There are hundreds of surviving manuscripts with collections of these statutes, but no two of them are exactly alike (see the carefully described collection of statutes and registers of writs at the Harvard Law School; Online Resources).

The most famous document in this collection is the first, the iconic Magna Carta. This document took shape gradually. It was issued in 1215 as the 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 (then called the "Articles of the Barons") and was reissued several times in evolving forms between 1215 and 1225. Our manuscript preserves Edward I's version of 1297. 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.

Approximately four hundred manuscripts of the Old and New Statutes of England 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. 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). Many of the manuscripts of the Old Statutes are very small, pocket-format copies like the present manuscript, which have traditionally been supposed to have belonged to lawyers and to have been customized to the needs of a particular purchaser. But the audience for these manuscripts was very likely broader, including landowners, members of the clergy, merchants, and public officials (Skemer, 1999, p. 114). King Edward III himself owned a copy of *Old Statutes*. 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.

The largest collections in North America of Statutes of English law are in the libraries of Harvard University and the Philadelphia Free Library (Baker, 1985; Online resources). However, it has become uncommon 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

*Antiqua Statuta*, London, William Pynson, 1508.

Baker, J. H. *English Legal Manuscripts in the United States of America*, Part I: *Medieval and Renaissance*, London, 1985, p. 52.

Baker, J. H. "Migrations of Manuscripts," *Journal of Legal History* 5, 1984, p. 163, no. 89.

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

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

Holt, J. C. *Magna Carta*, 2nd edition, Cambridge, 1992.

Musson, Anthony. "Law and Text: Legal Authority and Judicial Accessibility in the Late Middle Ages," in *The Uses of Script and Print, 1300-1700*, ed. Julia Crick and Alexandra Walsham, Cambridge, 2004, pp. 95-115.

Parkes, M. B. *English Cursive Book Hands 1250-1500*, Oxford, 1969.

Skemer, D. C. "Sir William Breton's Book: Production of *Statuta Angliae* in the Late Thirteenth Century," *English Manuscript Studies, 1100-1700* 6 (1997), pp. 24-51.

Skemer, D. C. "Reading the Law: Statute Books and the Private Transmission of Legal Knowledge in Late Medieval England," in *Learning the Law: Teaching and the Transmission of English Law, 1150-1900*, ed. Jonathan A. Bush and Alain Wijffels, London, Hambledon Press, 1999, pp. 113-131.

*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.

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>

Charles Donahue, with Devon Coleman, "The Harvard Law School's Collection of Medieval English Statute Books and Registers of Writs: A Catalogue" (2011-2018)

[English Manuscript Statute Books and Registers of Writs \(harvard.edu\)](#)

Harvard Law School, no. 54, Statutes from Magna Carta to 2 Edw. 3, c. 1328

[HLS MS Description \(harvard.edu\)](#)

"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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