MAGNA CARTA
A
THESIS
BY
NELSON A. GRAY.
CLASS '83.
"Magna Carta."

The beginning of the thirteenth century is the beginning of a new era in the history of the development of civilization. Man is beginning to assert his individual rights; he is beginning to ask himself the question, "Is freedom for Kings and Popes only?" In Germany we find the Bishops questioning the right of the Pope to interfere in State affairs. France was ruled over by the firm and energetic Philip Augustus, who raised France from the weakness and degradation to which she had fallen. To be one of the principal and most influential nations of Europe, Philip was a man who recognized the authority of the Pope only
The recognition of such authority would work for the interests of his kingdom and the promotion of his kingly power. In southern France religious liberty was asserting its rights in a sect known as the Albigenses. Although this spark of freedom was put out, and its adherents massacred, through the instigation of the Pope, the principle, the idea still lives and like matter seemingly destroyed it only wanted an opportunity to spring up in some new and perhaps more vigorous form. This is but a fair illustration of the mind of the time upon the continent, while in England events were fitting the people for a more vigorous and permanent stand for the freedom of the mind and body.
For more than a century England had been ruled by foreign kings, but so firmly had the hereditary right to the throne become established that the right of the lawful heir to the throne was seldom disputed. The people, on account of the kings absence from the kingdom much of the time, had been somewhat relieved from the direct rule of the King, but the beginning of the thirteenth century brought about a great change in this direction. King John was upon the throne. A man of a more base and cruel character never wielded the regal sceptre of England. John's murder of Arthur cost to England nearly all of her foreign possessions. For the recovery of these he waged war upon France. On account of his cowardly spirit and the weak
support that he received from his barons, John met with defeat. On his return he punished his barons by devastating their possessions and by levy- ing unjust fines. In his endeavors to bring the Church of England more directly under his control he met the opposition of the primate Hubert Walter.

On the death of this primate in 1205, the monks of the cathedral secretly elected Reginald as Archbishop. The King ordered the monks of Canterbury to elect John de Grey. These two rivals hastened to Rome to receive the confirmation of the Pope. The Pope set aside the claims of both these men and commanded the monks to elect Stephen Langton. This election proved to be a blessing to England, "Personally a better choice could not have been made, for Stephen"
was a man who by sheer weight of learning and holiness of life had risen to the dignity of Cardinal and whose after career placed him in the front rank of English patriots. But we itself... the King refused to acknowledge Langton, but the Pope consecrated him as Primate of England in June 1205 and at the same time threatened England with an interdict if Langton were longer excluded from his See. The effect of this was only to make John more indignant. He threatened that if the interdict fell on the land, he would banish the clergy and mutilate every Italian he could find in the Kingdom. The interdict came in 1208 the Church bells were silent and worship ceased.
A superstitious people were left in gloom and
distress. The Church was long the chief sort of the
King against the barons was driven over to
their side. In 1209 John was excommunicated but
he met this sentence with the same defiance as
the first. The church and barons were both in
opposition to John, yet so permanently had the
King's rights been established that his power
remained unbroken. John continued to heap
exactions upon his subjects and fill the
treasury from the church property. "Only one
weapon was now left - Innocent's hand.
As spiritual head of Christendom, the Pope
had asserted their right to remove such a ruler
from his throne and to give it to a worthier
one than he, be after useless threats he issued
in 1212 a bull of deposition against John,
absolved his subjects from their allegiance, proclaimed a crusade against him as an enemy to Christianity and the church and committed the execution of the sentence to the King of France. John formed an alliance with King Otto who was to invade France from the East and the barons of Poitou were to attack Philip from the South, but John's greatest weakness was at home. He was threatened by the Scots, and he was afraid to trust his barons, intrigue was in his army. Many of the barons had promised aid to Philip on landing in England. Thus surrounded with enemies John suddenly gave way to the Pope and he sought his aid. He consented to receive the Archbishop, and promised to repay the money he had extorted from the Church.
He knelt before the Legate Pandulf and surrendered his kingdom to the Roman See, took it back as a tributary vassal, swore loyalty and did huge homage to the Pope. This sudden change from defiant scorn of the Papal power to the most humble submission and humiliation to his authority although it won the aid of the Pope and stopped the danger from France failed to reconcile the Church of England or the barons. It only showed to the people the degradation to which John would stoop in order to retain his power over his English Subjects. John now determined to wage war against France but his barons refused to follow him. He however went with what forces he could secure but he was unsuccessful and returned
home only to seek his vengeance upon the barons.
He continued his scheme to win the Church over to his side. He demanded reparation from
his nobles to raise money to repay what
he had extorted from the Church. Langton
had found a copy of the old charter of
Henry 7, which he showed to some of the
principal barons at a private meeting in
London, and urged them to insist upon the
confirmation and assurance of it. "The barons
swore that they would sooner lose their
lives than depart from so reasonable a demand.
"The confederacy spread rapidly, and at a meeting,
summoned by Langton at St. Edmondsbury,
"under color of devotion," Langton again produced
the charter of Henry and urged the barons
to free themselves from the tyranny of John.
The barons determined to follow the advice of the Archbishop, so according to arrangements they appeared in arms before the King early in January 1215 to lay their petition before him and prepared to enforce their demands if he did not grant them. John requested until the festival of Easter to consider their demands, his request was granted. During this interval John used every means in his power to break the confederacy which had formed against him. He granted a charter to the church which contained nearly all the rights that were afterwards included in the Great Charter, but Langton understood too well the character of John to be turned from his design of securing the rights of the whole people.
He understood that John's plan was to break the union that was formed against him. The Pope was on the side of the King, but the clergy were disgusted with the despotic unfaithfulness with which hislegate Nicholas had filled the vacancies which had fallen in England during the interdict. On the approach of the festival of Easter, the barons met at Stamford. Their force consisted of two thousand knights besides their retainers and inferior persons. They advanced to Brackley, where they met messengers from the King, who desired to know what those liberties were that they demanded. The barons sent the King a schedule of the chief articles of their demands. When they were laid before him, he fecr
into a rage and asked "why the Baron did not ask his Kingdom, swearing that he would never grant them such libertines must reduce him to slavery." Then the Barons were informed of his reply they elected Robert Fitz Walter "Marshal of the Army of God and Holy Church," and proceeded to levy war upon the King. The King deserted finally submitted and asked for a conference which was appointed at Runnymede, where they met on the 15th of July 1215. This council resulted in the granting of the Great Charter. Thus far I have attempted to notice some of the principal causes that led to this charter. We have seen the nobility of England oppressed, their homes destroyed and the sacred shrines of their families...
desecrated by a tyrant King. We have seen a superstitious people bowed down in humble awe before the despotice head of a Romish Pope. We have seen the King of England with haughty scorn defy the authority of the Pope, and we have seen that same King bow in humble submission before the Papal highness; we have seen a desire for freedom germinate in the minds of an oppressed people and slowly develop into a demand for their liberty. To destroy this germ Pope and King unite, but their oppression only make it take deeper root in the minds of a progressive people, and now we behold on the plains of Runnymede the first great decisive battle for English liberty. On the side of slavery and
Discussion are the Pope and the King, on the side of liberty are Langton and the barons. They are not a band of fanatics. They are not misfits or emptying unlimited freedom, but they are the representatives of the intelligence of England. They recognize the necessity of government. They demand that that government shall be for the interest of the people and not for the King alone. The people are victorious and hard is erected the first great fortress for the protection of the rights of mankind. The cardinal points of Magna Carta are in relation to the clergy, the nobles and the common people. As before stated, John gave a charter to the clergy in the preceding February. The first clause of the Great Charter
The charter provides "That the English Church shall be free and have her whole right and her liberties inviolable," and it further provides for the freedom of elections in the Church. The charter provides for the rights of inheritance, it prohibits the King from confiscating estate or imposing heavy fines. The 12th article inverts the right to levy taxes in the general council of the kingdom. The 13th grants free customs to the city of London, and all other cities and ports. The 17th article makes provisions for the summoning of the general council. It provides that the great barons shall be summoned by letter directly from the King while the lesser barons shall be summoned by
The sheriff, King John, had considered not only his right to rule England without the consent of the people, but he also claimed the right to seize upon the property of his subjects whenever he saw fit. For the prevention of these wrongs, this charter provided. One remarkable feature in it is that it not only guaranteed the rights of the clergy and nobility but it protected the rights of all freemen, thus showing that these noble barons acted from no selfish purpose, but for the good of the people of England. The 39th and 40th articles provide that, "No freeman shall be taken or imprisoned unless by the lawful judgment of his peers or by the law of the land," and we will sell to no man, nor will we deny to any man either justice or right." In order
To better secure and maintain the laws laid down in this charter the 6th article provides that it shall be entrusted to twenty-five barons chosen by the barons of the Kingdom "who shall take care with all their might to hold and observe and cause to be observed the peace and liberty we have granted them." The Great Charter "clearly recognizes the authority of an hereditary sovereign. The repeated expression of the King granting for himself and his heirs the various popular privileges which they secure are themselves sufficient to prove this." After the charter had been confirmed the barons seemed to think that their rights were secure. They returned to their homes feeling that peace and prosperity was to follow. They made
provisions for the maintaining of their army. No sooner had they dispersed than John began to seek some means by which he could relieve himself of the restraint which the charter placed upon him. He sought the aid of the Pope. The Pope issued a bull declaring the charter illegal and exonerating John from observing it. John collected an army of supporters and began to punish his barons. He met with success but at the moment when disaster seemed to have fallen upon the country and the last rights of the charter seemed to have been lost, death conquered the tyrant and liberty was once more set free. John's eldest son was a youth nine years old. The Earl of Pembroke was made Protector.
In order to win the barons over to the side of the young King, the charter was confirmed. Henry, however, looked upon the charter as an usurpation of the rights of Kings. He broke its provisions several times. Magna Carta has been confirmed thirty-nine times. The last confirmation was made by Henry VI. Although its provisions have been broken many times, its rights have so many times been reasserted. Whatever there has been added to the rights of humanity is but the natural outgrowth of the principles of Magna Charta implanted in the minds of an intelligent and progressive people. It is the root, and English government of today and American institutions of today are the fruit.