MAGNA CARTA 1215–2015

LONDON'S TEMPLE AND THE ROAD TO THE RULE OF LAW

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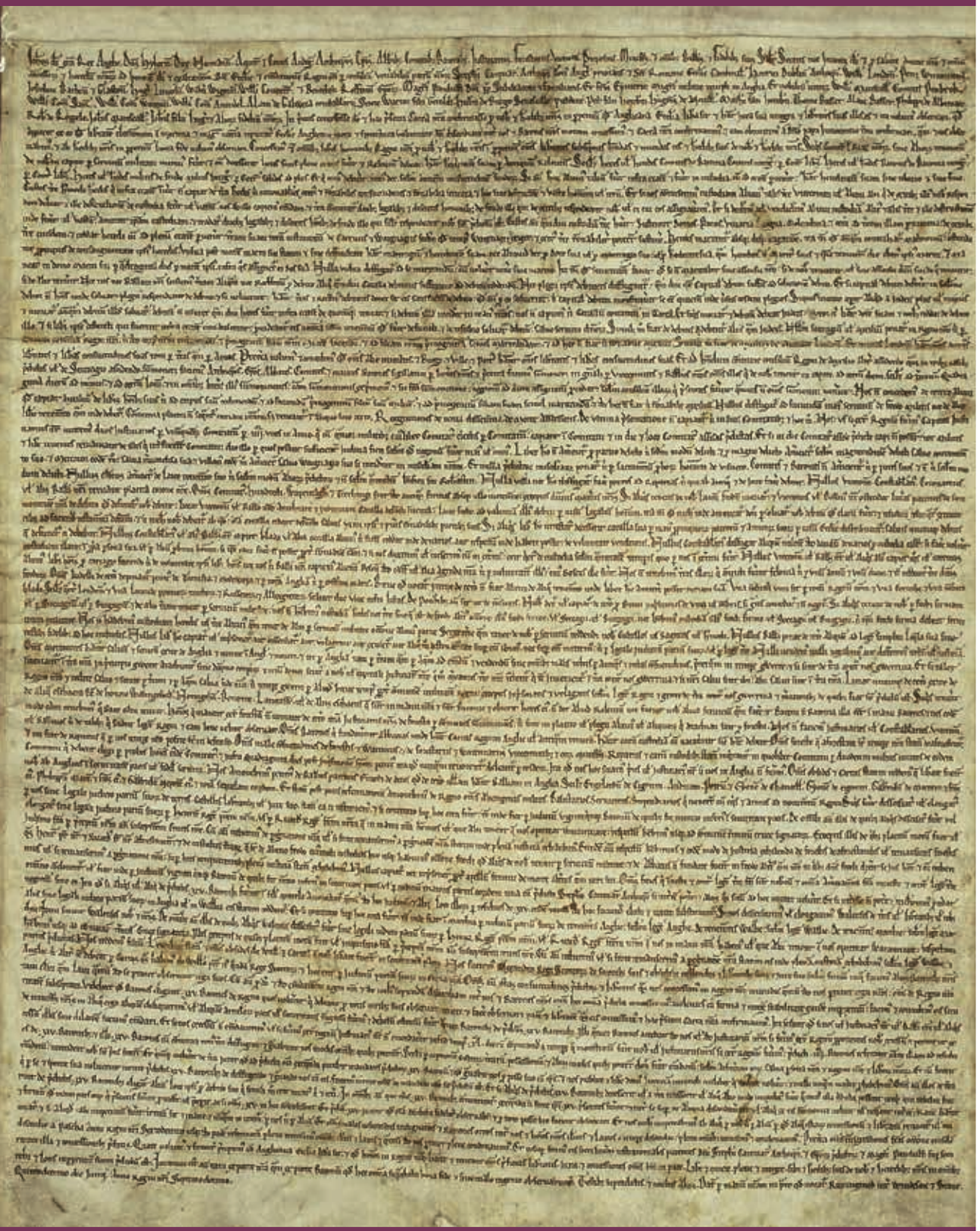
Magna Carta 1215.



The Great Charter of the Liberties of England

The photograph on the opposite page shows a charter whose text was hand-written in Latin eight hundred years ago. The original is not large: about 17 x 14¾ inches (440 x 373 mm). Line after line of text deals with the disputes between King John of England and the English barons that had brought the country to civil war.

In a forlorn attempt to restore peace, the King and the barons met in June 1215 on a small rise in the marshy meadows at Runnymede twenty miles west of London. The barons came fully armed. But the setting was well chosen; no cavalry, on either side, could attack across the surrounding soggy ground. An agreement was reached, its terms were written down in this Charter and the King's seal was added.

All these efforts would fail. Within months the country would again be split in civil war. So why read on? Because in the middle of the Charter two rights are granted that have never been forgotten, superseded or surpassed. And at its end these and all the rights granted in the Charter are guaranteed by dramatic restraints imposed on the King's power. These clauses have ever since made an irreducible claim upon governments all over the world. Wherever your home may be, the ideas behind these clauses declare the rights on which all your hopes of justice, freedom and civil peace depend. If you live in a country informed by Common Law – in England or Wales, the USA or almost any country in the Commonwealth – these clauses themselves are the foundation on which your country's laws are based.

Effigy of William Marshal (1146–1219), 1st Earl of Pembroke and greatest knight of his age, in the Round Church, Temple Church (before the damage of 1941). The unsheathed sword pierces a lion's head. The Marshal remained loyal to King John, and mediated between the King and the barons. As the guardian of the young King Henry III the Marshal re-issued Magna Carta under his own seal, 1216 and 1217, and so ensured the Charter's survival.

King John promised in 1215:

> No free man shall be taken or imprisoned or dispossessed or outlawed or exiled or in any way ruined, nor will we go or send against him except by the lawful judgement of his equals or by the law of the land. To no one will we sell, to no one will we deny or delay right or justice.

But who would determine, in the event of dispute, whether the King was conforming to the Charter? The Charter itself gave to the barons the right to choose twenty-five of their number to maintain the peace and liberties which the King had granted. If the King broke the Charter's terms, those Twenty-Five 'with the commune of all the land' would distrain the King in every way, 'namely by seizing castles, lands and possessions'; and if the Twenty-Five disagreed among themselves on the King's guilt, the view of the majority, as assembled at the time, would be binding. In the words of the greatest modern historian of the Charter:

> The men who were responsible for the Great Charter of 1215 asserted one great principle. In their view the realm was more than a geographic or administrative unit. It was a community. As such, it was capable of possessing rights and liberties … which could be asserted against any member of the community, even and especially against the King.

The Charter was reaching out here towards principles that were hundreds of years ahead of their time.

All of us who live in freedom and without fear of our government, our police or our courts have good reason to be grateful to the barons and churchmen who gathered to confront their King in the meadows outside London, eight hundred years ago.

King John (reigned 1199–1216) with tilted crown about to fall; and King Henry III (reigned 1216–72), on the throne when this drawing was made.

Runnymede

'Runnymede': the name is probably derived from the Anglo-Saxon 'runieg' (regular meeting) and 'mede' (meadow). The council of the Anglo-Saxon Kings was held from time to time at Runnymede.

At Runnymede, at Runnymede,
Your rights were won at Runnymede!
No freeman shall be fined or bound,
Or dispossessed of freehold ground,
Except by lawful judgment found
And passed upon him by his peers.
Forget not, after all these years,
The Charter signed at Runnymede.

Rudyard Kipling (1865–1936)

'The Charter became in the process of time an enduring witness that the power of the Crown was not absolute .… And when in subsequent ages the State, swollen with its own authority, has attempted to ride roughshod over the rights or liberties of the subject it is to this doctrine that appeal has again and again been made, and never, as yet, without success.'

Winston Churchill (1874–1965)

Below: **The Magna Carta Memorial at Runnymede, created by the American Bar Association, 1957. Under the dome is an inscribed pillar of English granite: 'To commemorate Magna Carta, symbol of freedom under law.'**

In Defence of Liberty

Magna Carta was soon being applied in the English courts. It was revised in 1216, and again in 1225; this last version was copied in 1297 onto England's first statute-roll. Thereafter the Charter might have seemed to rest for centuries beneath the laws built over and around it. But it was a giant; and once roused it would tower over all the laws passed ever since.

The Charter's restraints on the King's power were removed in 1216; the principle was too far ahead of its time. Four hundred years later, such restraints came into their own. The Charter's most powerful muscles were throughout the seventeenth century flexed by lawyers and Parliament against an apparent tyranny. It was only in 1689, after a whole century of strife, the execution of a king and a civil war, that England at last reached the haven of a democratic peace.

The lawyers of London were central to the foundation of the American colonies. No wonder the ideals laid out by Magna Carta went with the colonists to their new-found world. Nearly six centuries after the Great Charter was sealed, its most famous descendent was born 3,000 miles away.

> No person shall be deprived of life, liberty, or property, without due process of law… The accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.
>
> *The Constitution of the United States of America, from the Fifth and Sixth Amendments, 15 December 1791*

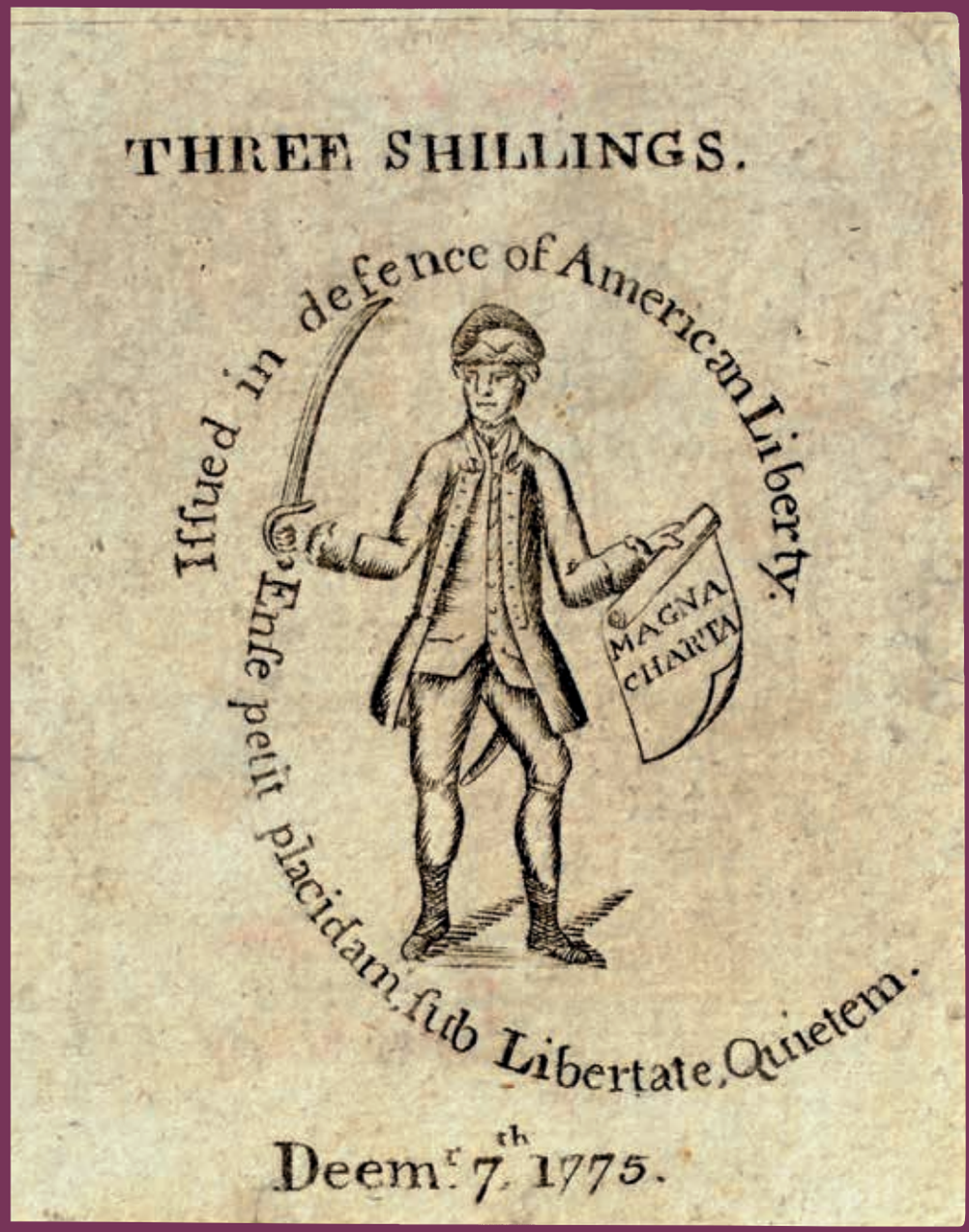
The Common Law

Under Common Law the law evolves, case by case. The decision in one case is binding on future comparable cases. The judges, then, have an immense responsibility for the law's gradual development to meet changing conditions. Over two billion people live under Common Law, in England and in the countries influenced by England over the centuries: Ireland; the United States and Canada; India, Bangladesh, Pakistan and Sri Lanka; Australia and New Zealand; Hong Kong, Malaysia and Singapore; Nigeria; and elsewhere.

We will hear more of the early constitutions that resound with the words of Magna Carta. These words continue to spread, through ever-more countries of the world. To quote from just two recently established constitutions: 'No person shall be deprived of his life or personal liberty save in accordance with law.' – The Constitution of Malaysia, 1957. 'No person may be arrested, detained or searched, neither may his freedom of residence and mobility be restricted save under the provisions of the law.' – The Constitution of Qatar, 2003.

Three-shilling note of Massachusetts, 1775

The artist was Paul Revere, the printer was Benjamin Franklin. The inscriptions: 'Issued in defence of American Liberty'; 'Ense petit placidam sub Libertate Quietem' (With the sword he seeks peaceful quiet under liberty). The militiaman holds a sword in one hand, 'Magna Charta' in the other. Magna Carta, clause 14, lays down the consultation that must take place, 'to obtain the common counsel of the realm', before the levying of tax. Bishops, barons and others were to be summoned by letters that specified the cause of the summons, forty days before the consultation. Centuries later, the American colonists would demand the same right: no taxation without representation.



The Temple, London

Cradle of the Common Law

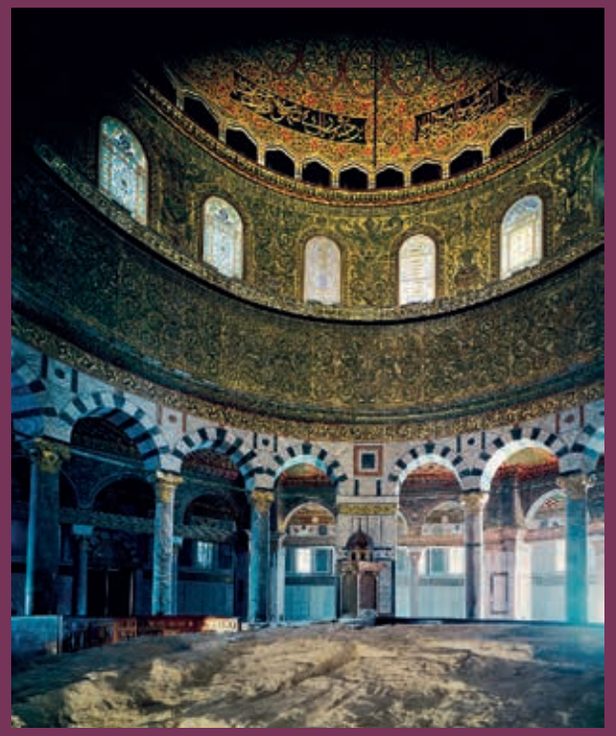
We at the Temple have good reason to remember the Great Charter. In the Temple the Knights Templar had their Church, two halls, cloisters and domestic buildings leading, in the twelfth century, straight down to the River Thames.

As his enemies grew in power, King John maintained two London headquarters: to the east, the fortified Tower of London; to the west, the Temple, safely under the control of the King's allies the Knights Templar.

From the Temple were issued two of the vital charters that preceded Magna Carta itself. In November 1214, the King guaranteed at the Temple the freedom of the English Church; he re-issued this grant, again from the Temple, in January 1215. That January visit lasted over a week; the King was assailed by the demands of his barons, in famously fraught negotiations that opened the road to Runnymede. The King was back in the Temple for a week at Easter, 16–22 April, and again 7–9 May. On 9 May the Charter was issued from the Temple that guaranteed to the City of London the right freely to elect its own Lord Mayor.

At the heart of the Temple stands the Temple Church. Here we celebrate some of the Charter's heroes. Chief among them is William the Marshal, buried in the Church;

Opposite: **The Round Church, Temple Church, the earliest Gothic building in England, in use by 1161 and consecrated by the Patriarch of Jerusalem at Candlemas, 1185.**



The shape and sanctity of these two buildings in Jerusalem were recreated in the crusaders' round churches. Here (above) the rotunda of the Church of the Holy Sepulchre, Jerusalem, built by the Emperor Constantine in AD 325–6 over the rediscovered grave of Christ; and (right) the Muslims' octagonal Dome of the Rock on the Temple Mount, Jerusalem, built in AD 691 to outshine the Christians' Holy Sepulchre. The crusaders believed the Dome to have been the Temple to which at Candlemas the Virgin Mary brought the infant Jesus in thanksgiving to God.

his effigy still lies here. He died in 1219, and was buried next to his close friend Brother Aymeric, Master of the Temple. Aymeric had, with William, been among the witnesses to Magna Carta and was among those entrusted with the King's Will. Next to the Marshal's effigy lies the effigy of his eldest son, William, who was among the Charter's twenty-five surety-barons. These three will loom large in our story.

By the fourteenth century the Temple and its Church were occupied by two of London's legal colleges, Inner and Middle Temple. In 1608 King James I gave the whole area of the Temple to these two 'Inns of Court'. He laid down two conditions: the Inns had to maintain the Temple Church and its Master, and to educate and accommodate lawyers. The Inns have done so with pride ever since.

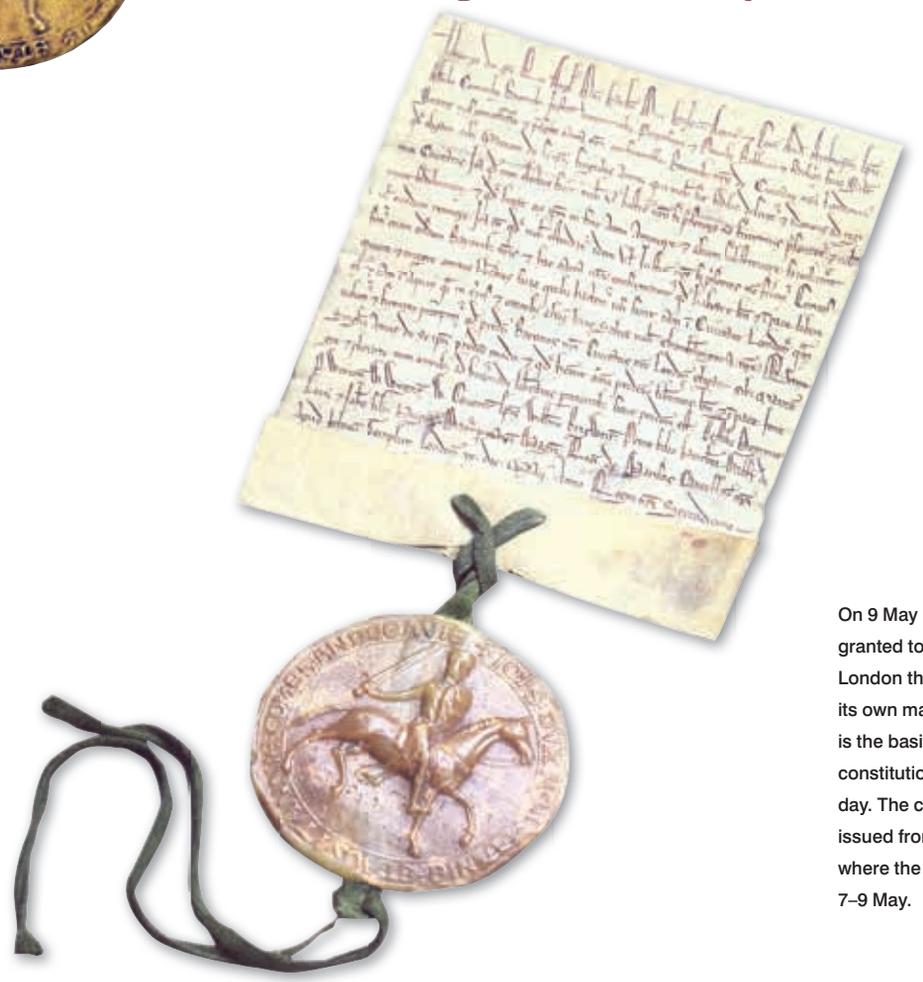
The Temple Church is now an active Anglican church. Its choir of twelve choirmen and eighteen boy-choristers is internationally renowned. The choirmen are in general young professional singers on the threshold of major careers; the choristers are immensely talented children. They are called in their music to match – and, as ambassadors, to represent – the excellence at which the Inns aim in all that they undertake.

Built in the time of the Crusades, the Church then symbolised the deep gulf that divided Christendom from Islam. We are now working to help bridge that divide. A series of discussions here – launched by the Archbishop of Canterbury's famous lecture on shari'a law in the UK – has given rise to an important book, *Islam and English Law*, edited by the Master of the Temple. We have been pleased to acknowledge as well, with a poignant exhibition on German-Jewish lawyers under the Third Reich, the part played by Jewish lawyers in European law. In the Temple Church, as nowhere else, religion and law belong together. In serving both, we are privileged to be part of our two Inns of Court and of their service to the rule of law in the United Kingdom and throughout the world.

For eight hundred years the Temple and its Church have been at the centre of England's constitutional and legal life. You may well be reading this booklet in the Church itself. It is a shrine to Magna Carta and the Common Law, to the heroes who secured the Charter in 1215 and to the judges and barristers who, ever since, have maintained its principles. We are glad to welcome you to the Temple and to its Church, mother-church of the Common Law.

In the fourteenth century a choir of choirmen and boy-choristers sang for the Templars in the Temple Church; just such a choir sings here to this day.

The London Charter
The Temple, 9 May 1215



On 9 May 1215 the King granted to the City of London the right to elect its own mayor. This right is the basis of the City's constitution to the present day. The charter was issued from the Temple, where the King had been, 7–9 May.

The Lord Mayor of London

From the London Charter, 9 May 1215: 'Know ye, that we have granted, and by this our present writing confirmed, to our barons of our city of London, that they may choose to themselves every year a mayor, who to us may be faithful, discreet, and fit for government of the city, so as, when he shall be chosen, to be presented unto us, or our justice if we shall not be present.'

The Lord Mayor still processes to the Royal Courts of Justice, on the day of his installation, to appear before the Lord Chief Justice.

King John and the Temple

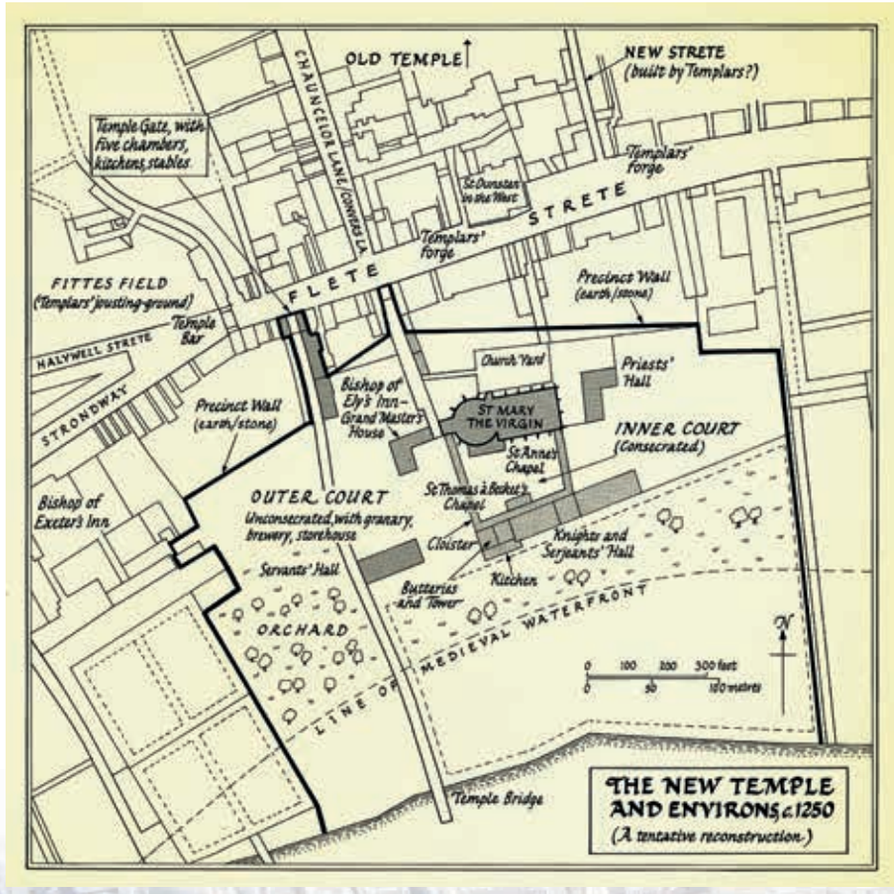
King John used the Temple's banking capacity for deposits, for transfers and – ever-more vital for his financial survival – for loans. In March 1213, for example, the King finalised a treaty with his Continental allies at the Temple, and then deposited 20,000 marks here for his ambassadors. In the crisis of 1215 the London Templars were lending the King money to bring troops over to England from France.

The Temple was a diplomatic and political centre too. Its former Preceptor reached Rome to negotiate with the Pope, on the King's behalf, in 1213. The King was here on 3 October 1213, to confirm at St Paul's Cathedral that the Pope was now the feudal lord of the King and his kingdom. On 22 November 1214 a royal grant to St Paul's itself was issued at the Temple.

Left: **Silver penny showing King John, minted in London, *c*. 1216.**

Above: **John doing homage to King Philip II of France. The Kings of England held their French lands as vassals of the Kings of France. In 1193 John, in rebellion against his elder brother King Richard the Lionheart, did homage to Philip for Richard's continental lands. In 1204 John, by then the King, lost most of these lands in a disastrous campaign. The wars he then waged in a vain attempt to recover them led to the extortionate taxation at home which helped drive the barons to revolt.**

Left: King John hunting.



The New Temple, London. By the 1140s the Templars were in their first London house, in Holborn, a mile to the north of the present Temple. They moved to the present 'New' Temple, *c*. 1160. It was well positioned: the mercantile wealth of the City of London was immediately to the east, the King's court upstream to the west at Westminster; the site was bounded by Fleet Street and the river, the arteries linking these two centres of power. By 1240 the central arrangement was laid out that survives round Church Court to this day: Church, Knights' Hall, cloisters and priests' house. The Church is upwards from the centre of the aerial photograph.

William Marshal 1st Earl of Pembroke

The greatest knight that ever lived

William Marshal was the son of a minor lord who held the hereditary title of 'Marshal', or head of the king's security. William rose, by his own skill, courage and loyalty in the service of four kings, to be one of the most powerful men in Europe.

As a young man he was famed for his own fighting and for his leadership in tournaments, or staged battles. Knights who were captured by their 'enemy' would, with their horse and armour, have to be ransomed. William, who claimed to have bested over five hundred knights in tournaments, became rich and royally favoured.

In 1183 William, aged thirty-six, was in the service of Prince Henry, heir to Henry II, when the Prince died. The Prince had vowed to go on Crusade, and William discharged his lord's vow by going on Crusade himself. He spent two years in the Holy Land. While there he entrusted his body, wherever he should die, to the Templars for burial among them.

In 1188–9 he campaigned with King Henry II against the King of France. Henry's son Prince Richard sided with the French. In a skirmish William unhorsed Richard and could have killed him, but instead killed Richard's horse. He won the Prince's gratitude and respect. When Richard became King Richard the Lionheart (reigned 1189–99), he confirmed William's marriage to Isabel de Clare, daughter of the late Earl of Pembroke and heiress to enormous estates in England, Wales, Ireland and Normandy.

William Marshal unhorses Baldwin de Guisnes in a tournament.

Above: **Pembroke Castle. The round keep on the left was probably commissioned by William Marshal to mark his acquisition of the fortress in 1201. In its vast scale the keep was probably influenced by the donjons being built in Northern France at the time.**

Left: **Effigy of William Marshal (1190–1230, eldest son of the 1st Earl), 2nd Earl of Pembroke, in the Round Church, Temple Church (before the damage of 1941). He sided with the barons at Runnymede, and was one of the Twenty-Five 'who with all their might are to observe, maintain and cause to be observed the peace and liberties which we have granted by this our present charter' (Magna Carta, clause 61). By February 1217 he had changed sides, in time to fight alongside his father at the Battle of Lincoln.**

Below: **William Marshal, 1st Earl of Pembroke (near side) and his eldest son William Marshal, 2nd Earl of Pembroke (far side).**

Seal of Aymeric de St Maur, Master of the Temple in England.

In the early years of King John's reign (reigned 1199–1216) William was twice in conflict with the King and spent much of his time in Ireland. In 1213 he was summoned back to John's court; and thereafter, loyal to the King, he mediated between the King and the barons. His alone were the power and the stature that could avert a civil war. He would live both to see the disastrous aftermath of the Charter and, through the Charter, to bring the country once more to peace.

Right: **English Kings: above, Henry II, Prince Henry (inset) and Richard I Lionheart; below, John and Henry III.**

Right: **Archbishop Stephen Langton, on the south-west porch of Canterbury Cathedral: a statue, 1862–9, by Theodore Pfyffers, replacing the original destroyed in 1642–3.**

King John and the Church

We have one more hero to introduce to our story. In 1205 John chose a new Archbishop of Canterbury, but Pope Innocent III consecrated his own candidate: Stephen Langton. The dispute deepened. In 1213, as John saw the danger from his barons increase, he finally submitted to the Pope and accepted Langton back into England as Archbishop. For Langton's reception, the King was staying at the Templars' house near Dover. William Marshal was witness and guarantor to the submission. The King's excommunication was lifted, and he offered in return a golden mark which he borrowed from the Master of the Temple.

Langton thereafter mediated steadily between King and barons. He urged the King to confirm earlier charters that were consistent both with the King's dignity and with the barons' demand for custom and law. It was acknowledged that justice would always involve court-costs to the litigants, but it was in church-law, in particular, that the sale of justice was as in the Charter roundly and consistently condemned. It is a tribute to Langton's role that the very first clause of the Charter confirmed the freedom of the English Church.

The Road to Runnymede

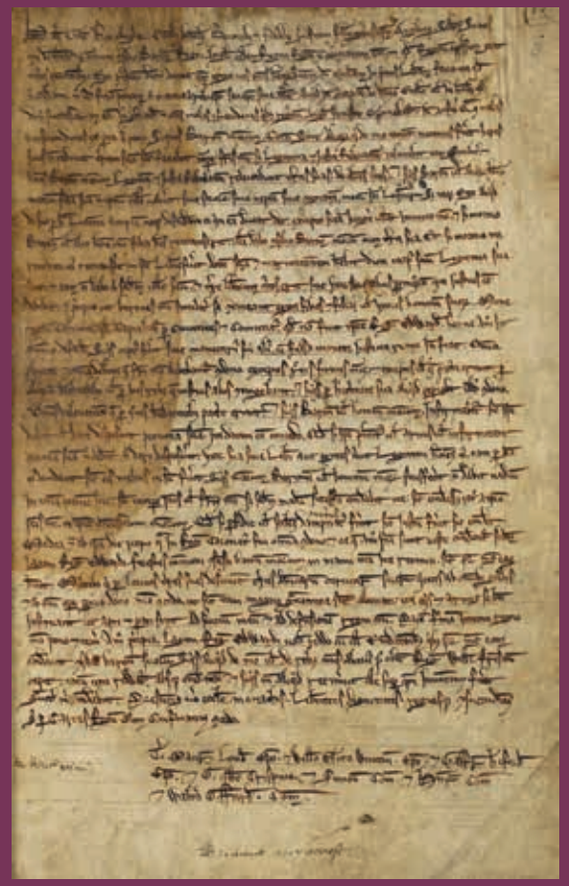
In 1204 John had lost his lands in Normandy, and he was determined, regardless of expense, to recapture them by war. Among his familiar sources of revenue were payments made to the King whenever estates were inherited, dynastic marriages arranged or disputed rights settled. In such cases John charged arbitrarily vast sums, and confiscated the land or imprisoned the families of the barons who could not or would not pay. Barons owed military service to the King, and in its place could pay a cash-substitute or scutage. John levied scutage eleven times (at ever higher rates) in his short reign. Barons and their dependents were indeed being imprisoned and ruined in spite of the law of the land; justice was being sold, denied and delayed.

In today's free world we distinguish between two centres of public power. First, the courts and their judges dispense justice in accordance with publicly known law and precedent, immune from personal influence, bribery and political pressure. Second, the government controls a vast patronage of jobs and contracts. Here, too, the interests of the state are in theory supreme, even if such patronage is in practice influenced by personal friendships and ambitions. This division of power is designed to prevent the dictatorship of any person or party who seeks to control both government and the courts.

In the England of King John's time, these roles were inextricably interwoven. There was a familiar distinction between a king and a tyrant. But a ruthless king could hardly be kept from tyranny. King John took a keen interest in law and its administration and, thanks to him, many ordinary subjects were better protected than ever before from the barons' power. But the barons themselves, owing their power directly to the king and his goodwill, were vulnerable to the king's own schemes and ambitions, his changing favour, and his never-ending need for more money.

The Battle of Bouvines, 27 July 1214

In the Normandy campaign of 1214 John's allies lost the Battle of Bouvines; and with it John lost all hope of regaining his continental kingdom. After Bouvines many barons refused to pay the scutage due to the King in September 1214; the King's financial difficulties were getting worse.



Above: **This Anglo-French translation of Henry I's coronation charter of 1100 was prepared in the early thirteenth century, probably for the barons opposed to John. The manuscript also includes the coronation charters of Stephen (reigned 1135–54) and Henry II (reigned 1154–89). With these vital precedents the barons were preparing well for their confrontation with the King.**

Above: **The sealing of Magna Carta, on the pulpit of the National Cathedral, Washington DC, honouring the role of Archbishop Langton and the Church in the Charter's creation. The pulpit, made in 1906–12, was designed by William Douglas Caroe of Canterbury Cathedral, and carved at the Nicholls' Studio in London. From this pulpit Martin Luther King, Jr delivered the final Sunday sermon of his life, just a few days before his assassination.**

Below: **The Presentation of Magna Carta, by Henry Charles Fehr (1867–1940), on the façade of the United Kingdom Supreme Court (formerly the Middlesex Guildhall), Parliament Square, London.**

Magna Carta Island, Runnymede.

There was already a plot against the King in 1212. The northern barons in particular had no stake in Normandy and were deeply – and resentfully – in debt to the King. The King submitted to the Pope in summer 1213 and Stephen Langton returned to England as Archbishop of Canterbury. The King promised to love and maintain the Church, recall the good laws of his ancestors and judge all men in accordance with the just decisions of his court. Next came a decree from the King that the laws of his revered great-grandfather Henry I should be observed. John was making himself, even in defeat, a statesman.

The practice did not match the promise. By the end of 1214 King John was faced with a co-ordinated demand for those laws of Henry I. After a hurried Christmas at Worcester, John resorted, 6–15 January 1215, to London's Temple. There a delegation of barons, armed and ready for war, required of the King that he make good his recent undertakings.

These barons were by now specifying particular, practical measures, and wanted the King to confirm them in an enforceable charter. They had one precedent: the Crusades, campaigns fought for a principle, not for a king. No wonder the rebels' leader would call himself (grandiloquently) the commander of the Army of God and of Holy Church.

Rebellion against a king was not unusual, but there was in 1212–5 no obvious rival to claim, or to place on, the English throne. At the Temple these barons were rallying round a charter, a set of written, practical demands raised to the level of principle. The King realised the threat to his own power; such a charter would be a rival centre of allegiance and of sovereignty. He demanded in response that the barons swear fealty to him and undertake in writing never to seek such liberties again. Neither side gave way.

John sought refuge in delay; such innovation, he said, would take time. The barons gave him warning: they were pledging themselves, one and all, as a wall of defence for the house of the Lord and would stand firm for the liberty of the Church and the realm. The barons distrusted the King. They were right to: during the negotiations

What's in a word?

The Laws of Edward the Confessor had been confirmed by Henry I in 1100 and were revered. An amplified version was available by 1214. This added: 'Nothing ought to be demanded or taken except of right and reason, by the law of the land, by justice and judgement of a court, without guile.' When the barons demanded John's confirmation of earlier laws, this was probably the version they had to hand.

In response to an instruction from the Pope, John promised in May 1215 that he would not go against the rebel barons except by the law of the land or by judgement of their equals in his court. John's wording was clever. He was promising to act either by the law of the land or by judgement of the barons' equals. He could opt to determine and administer the law of the land himself. His gambit failed; Magna Carta gave the Twenty-Five power over the King. But his tactic raised the most fundamental question in any system of justice: who in reality has the ultimate power to determine and administer the law?

themselves John sent emissaries (surely secretly) to the Pope. John gave the barons a safe conduct until after Easter; William Marshal and the Archbishop were among the King's guarantors, assuring the barons that the King would then give them satisfaction. The barons' emissaries were soon on their way to Rome as well; both sides knew they needed the Pope's support.

The King played a trump card: he vowed to undertake a Crusade, so winning for himself a crusader's privileges and the further support of the Pope. John was playing his hand with great skill.

The seal of King John, obverse and (below) reverse.

King John assents to the Magna Carta 1215, by Charles H. Sims (painted 1925–7), in St Stephen's Hall, Palace of Westminster (Houses of Parliament), London.

Magna Carta in a fourteenth-century compilation of legal texts. The beautiful decoration testifies to the Charter's acknowledged importance.

William and Langton were again the King's representatives at Oxford in March and at a stormy conference in Northamptonshire in April. On 5 May the rebel barons renounced their fealty to the King and the country was on the brink of civil war. The King had the Pope and all apparent right on his side; a fair part of the baronage was at worst neutral, at best loyal; and on 9 May, from the Temple, he sought the vital support of London by granting its free governance.

The King must have thought himself well prepared. But on 17 May the rebels captured the City and the balance of power moved suddenly and irrevocably against him; he would have to negotiate. He sent William Marshal to London to inform the barons.

On 28 May the King received the imperial regalia of his grandmother, the Empress Matilda, from the custody of the Master of the Temple. He was going to assert his full majesty at the coming conference. The barons came to Runnymede in arms. The King was there by 10 June, and the four known copies of the Charter all bear the date 15 June. The barons had secured enough to renew their homage, on 19 June, to the King.

So the great clauses, guaranteed by baronial power over the King himself, enter the history of England and of the world:

> No free man shall be taken or imprisoned or dispossessed or outlawed or exiled or in any way ruined, nor will we go or send against him except by the lawful judgment of his equals or by the law of the land. To no one will we sell, to no one will we deny or delay right or justice.

These clauses and the community that sustains them are as vital now to any system of justice and of freedom as they were when the King and barons met on that field beside the River Thames eight hundred years ago. The foundation stone was laid that week on which all the liberties of the Common Law world have been built in all the centuries since.

Two of the eighteen Magna Carta statues in the House of Lords, London. Made in 1850–2 and standing 6 ft (1.83 m.) tall, they oversee their successors' business from their niches high up round the Chamber's walls. Here are Geoffrey, Earl of Gloucester by J. S. Westmacott (copper) and Henry, Earl of Hereford by Thomas Thornycroft (zinc).

Building on freedom's foundation: eight hundred years of work, and more to be done

Magna Carta encapsulated the struggle for rights at one particular moment, and has strengthened its champions in all the centuries since. Much remained then to be done; much still remains to this day.

In 1215 a widow was entitled to a third of her husband's estate. But she could have difficulty securing her property; and she could be forced by the King to re-marry or to pay a large fine for permission either to remain single or to marry a new husband of her choice. Magna Carta (clauses 7 and 8) began to define and enforce the freedoms from such pressure that we now take for granted.

The following clauses (10 and 11) tell a sadder story. The Jews of England were the objects of local and sometimes of royal persecution. When a king protected them, it was only in order to maximise his own revenue. On the coronation of Richard I in 1189 there was a massacre of Jews in London, York and elsewhere. John ordered the prevention of such deaths at his own coronation, but in 1210 ordered the wholesale arrest of England's Jews and extorted from them a vast fine. The rebels who entered London in May 1215 robbed and murdered Jews and used the fabric of their houses to reinforce the city's walls. Under Henry III the Jews suffered from more active and systematic oppression; and in 1290 they were expelled from England. It was legal for Jews (as it was not, for Christians) to charge interest on loans. Magna Carta deprived Jewish lenders, on a borrower's death, of their interest and of the security on which they would have lent the principal. There were injustices which, as we now can see with regret, the Charter did nothing to correct.

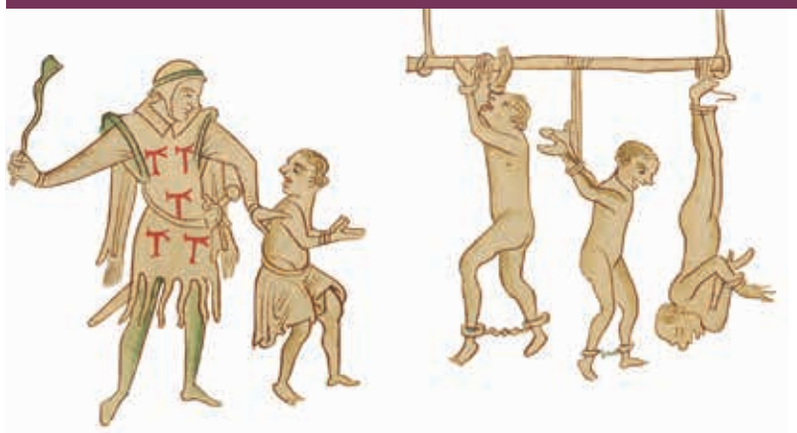
Magna Carta laid the foundations of equality; eight hundred years later we are still constructing – and must forever guard and strengthen – the building that rests on those foundations.

The Charter's Survival: in the Balance

The barons' success was unsustainable; under the guise of fealty they had all but dethroned a king. King John soon sought to repudiate the Charter that he said had been sealed under duress. In September 1215 Pope Innocent III annulled this 'shameful and demeaning agreement, forced upon the king by violence and fear'.

The thirteenth-century *Melrose Chronicle* laments both the King's tyranny and its consequences in a Latin poem:

England has sanctioned a topsy-turvy order.
It is astonishing, even in the telling; who has heard of such a thing?
For the body has aspired to be preeminent over the head;
The people have sought to rule their king!
But the cause was complex, that brought this about.
The King corrupted the best customs of the realm,
Its rights and laws which he subverted. He did not govern rightly.
Whatever gave him greatest pleasure he believed to be the greatest law.



The oppressions under King John in the civil war, 1216.

King Louis lands in England, 22 May 1216.

Above: **The shield of King John, reversed, with the crown falling; and the shield of King Henry III, topped with the crown. Symbols of John's (ignominious) end and of Henry's reign.**

John died in October 1216. The King's Council named William Marshal as guardian (Latin, rector) of King Henry III, who was only nine years old, and of the kingdom. Royal authority and the royal treasure were almost wholly exhausted. Louis of France had invaded, and controlled London and much of eastern England.

When William was nearing death in 1219, he described King John as a 'criminal ancestor' of Henry III. But William had remained loyal nonetheless, and so had saved England from anarchy. 'The Marshal at least, a man of loyal and noble heart, stayed with King John in hard and difficult circumstances; he never left him, he never changed that steadfast heart of his, serving him in good faith as his lord and king.' – The History of William Marshal, commissioned by the Marshal's eldest son.

The Second Battle of Lincoln, 1217. William Marshal, already around seventy years old, led a relief force against the invading army of Louis VIII of France. The commander of the French forces, a cousin of the Marshal, was killed in the battle when a splintered lance was jabbed through his visor. He is shown here at the base of the tower.

Below: **Effigy of King John, Worcester Cathedral. The unsheathed sword pierces a lion's head; compare the effigy of William Marshal. on page 1.The Bible promises to the righteous, 'You shall tread on lion and adder, trample on savage lions and dragons' (Psalm 91.13).**

King Henry III (born 1207, reigned 1216–72) was crowned twice: in Gloucester, 1216; and in Westminster Abbey, 1220, with new royal regalia to replace those lost or pawned by King John.

William must win back the barons' allegiance. Magna Carta was re-issued in 1216 and 1217, with emendations, under William's seal. It is in good measure thanks to William that the Charter survived.

In 1215 the Charter was known as the Charter of Liberties. In 1217 the clauses dealing with the law of the royal forest were removed and issued in a separate document, the Charter of the Forest. Thereafter the Charter of Liberties began to be known as Magna Carta or the Great Charter, to distinguish it from the shorter Charter of the Forest.

On his deathbed William summoned Aymeric, Master of the Temple, to prepare for William's own admission to the Templars. William's almoner Geoffrey, a Templar, brought him the Templar cloak which had secretly been made for him a year before. William had arranged to be buried in front of the rood-screen in the Temple Church; Aymeric predeceased the sick Marshal by just a few days, having asked to be buried next to him: 'For I greatly loved his company on earth; may God grant that we be companions in the life eternal.' It is a measure of William's achievement that his cortege was led to the Temple Church by former rebels, now pacified. The Archbishop of Canterbury and the Bishop of London presided when William was laid to rest here on 20 May 1219. Archbishop Langton described him as 'the greatest knight that ever lived'.

In 1225 Henry III put his seal to the version of the Charter which would in 1297 be copied into the first statute-roll. He confirmed that he granted its rights 'by our spontaneous and good will'. This version protected free men in their freehold, liberties and free customs. In 1354 Edward III redefined the extent of protection, to cover 'every man, of whatever estate or condition that he be'.

Edward III was respondig to a narrower meaning, current by then, of free as distinguished from gentle or noble birth. But that vital clause would over the centuries come to be read as having protected every subject – whether freeman or serf – of the King. The law was impartial and applied to all subjects of the monarch. And as the citizenry of modern societies has become ever more diverse, that principle has become ever more important: everyone is equal before the law, irrespective of their background, culture or religion.

King Henry III in later life.

The effigy of King Henry III in Westminster Abbey, London.

On the path to Parliament: the Temple, Westminster and the struggle for democracy

The reign of King Henry III (reigned 1216–72) was far longer than his father's, and as tumultuous. By 1258 the country was once more on the verge of civil war. Yet again the Temple was a valued meeting-place. By the Provisions of Oxford a Council was established for the realm's reform. The Temple was the Council's headquarters, and from July through the summer the Council met daily there or elsewhere, 'spending wakeful nights', the Pope was told, 'to prepare peace for others'. In March 1259 they proclaimed at the Temple their first set of proposals, the foundational Provisions of the English Barons, 'on account of the common good of the whole realm and of the King himself'. When the King summoned parliament to the Tower, demanding that the barons come unarmed, the barons refused, and insisted on Westminster. Parliament actually met at the Temple, a compromise safe for both sides. The struggle was under way that would in 1265 – fifty years after the Great Charter – lead to the Parliament at Westminster from which has grown all parliamentary government in England and throughout the world.

Edward I presiding over Parliament, *c*. 1278. An illustration made *c*. 1524. Edward is flanked by Alexander III of Scotland and Llywelyn the Last of Wales. The lords spiritual are seated to the King's right, the lords temporal to his left; and in the centre sit the justices and law officers.

Below and right: **Effigy of Gilbert Marshal in the Round, Temple Church (before the damage of 1941). The dragon beneath his feet is chewing at his stirrup.**

The Chancel of the Temple Church, built by the Templars to house the tomb of King Henry III and Queen Eleanor, and consecrated in the King's presence in 1240. William Marshal the Younger was a close friend of King Henry III, and had married the King's sister Eleanor. (The King was in fact buried in Westminster Abbey, the Queen in Amesbury.)

‘Magna Charta … will have no sovereign.’ – Sir Edward Coke, 1628

Throughout the seventeenth century the Common Law lawyers of England were resisting the absolutism of the Stuart kings. King James I told Parliament in 1609, ‘Kings are justly called Gods. As to dispute what God may do, is blasphemy; so is it sedition in subjects, to dispute what a king may do in the height of his power.’

Such claims were soon put to the test. In 1626 Charles I tried to levy a forced loan without parliamentary approval. Resistance grew. By summer 1627, one hundred and fifty gentlemen who refused to pay had been imprisoned in London ‘by special command of the King’. But such a command surely flouted the due process to which, under Magna Carta, the defendants were entitled. Prominent in this complaint was the Inner Templar John Selden, ‘the glory of the English nation’ and perhaps the most learned man of his age.

The judges rejected Selden’s arguments. But within a year the Commons were making irresistible demands for limits to the King’s prerogative. Over and again Selden, as a spokesman for the Commons, analysed, interpreted and invoked Magna Carta.

An officer of the Crown submitted to the House of Commons a draft of a Petition of Right, acceptable to the King, that would ‘leave entire that Sovereign Power, wherewith your Majesty is trusted for the protection, safety and happiness of the people’. The Inner Templar Edward Coke famously responded, ‘Magna Charta is such a fellow, that he will have no sovereign. If we grant this, by implication we give a sovereign power above all these laws.’

Selden, imprisoned by James I in 1621, was imprisoned again for two years. Selden died in 1654; his tomb and gravestone are in the Temple Church. It would take the whole century to bring royal power, in 1689, under parliamentary control. Through long and terrible pangs, England’s democracy, the system of parliamentary government that has since spread across the world, was finally born.

‘To no one will we sell, to no one will we deny or delay right or justice.’ – Magna Carta, 1215, clause 40. Sir Edward Coke insisted, ‘As the gold-refiner will not out of the dust, threads or shreds of gold let pass the least crumb, in respect of the excellency of the metal; so ought not the learned reader to pass any syllable of this law, in respect of the excellency of the matter.’

Far left: **Sir Edward Coke of Inner Temple (1552–1634).**

Left: **John Selden of Inner Temple (1584–1654).**

The Parliament of 1641

The House of Lords accepted the Petition of Right on 26 May 1628. ‘I am almost dead for joy,’ said Coke. But on 5 June the King forbade the House of Commons to proceed with any new business ‘which may lay any scandal or aspersion upon the state, its government or ministers’. Coke and Selden led the vehement – even tearful – protests in the Commons against this attack upon the liberties of the House. On 7 June Charles capitulated, and accepted the Petition. The Petition was reaffirmed as a bill by the Long Parliament in 1641.

Four copies of the 1215 Magna Carta are known to survive: one at Lincoln, one at Salisbury and two in the British Library. One of the British Library copies was given to the antiquary and Middle Templar Sir Robert Cotton in 1629 by Humphrey Wymes of Inner Temple. It is said to have been discovered in the shop of a London tailor. Cotton’s great library in London was eagerly frequented by the lawyers and politicians who invoked Magna Carta against the Stuart kings. In 1629 Charles I ordered its closure; Cotton himself was briefly imprisoned.

Left: **Parliament, 1641–3.**

William Penn and the jury’s freedom

William Penn, later to found Pennsylvania, was indicted in London in 1670 for being present at an unlawful and tumultuous assembly. The jury was threatened with punishment for acquitting him. Penn protested, ‘It is intolerable that my jury should be thus menaced. Are not they my proper judges by the Great Charter of England?’

John Selden’s friend, the judge Sir John Vaughan, famously formulated, in the turmoil that followed Penn’s acquittal, ‘Vaughan’s Law’: that a jury could not be punished for its verdict. Vaughan was also buried in the Temple Church, in 1674.

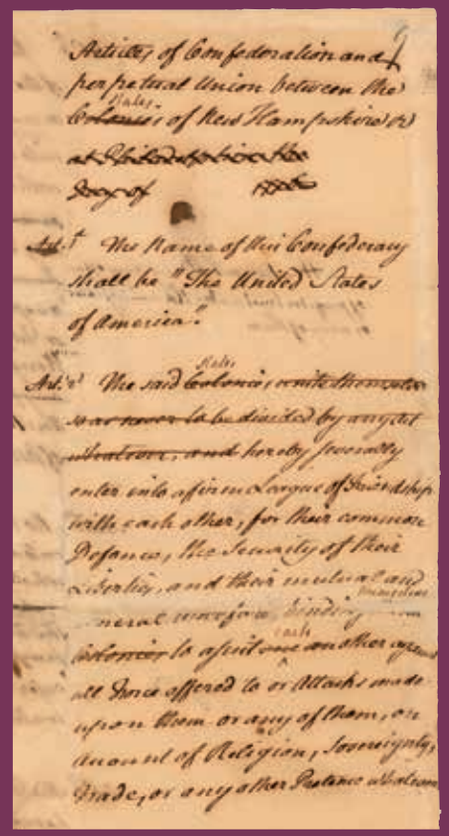
The great Penn’s fervour never dimmed. He took with him to Pennsylvania a manuscript replica of one of the Cotton Library’s Magna Cartas. In 1687, in Philadelphia, he published an edition of the Charter. He urged his readers, ‘Take up the good example of our ancestors, and understand that it is easy to part with or give away great privileges, but hard to be gained if once lost.’

Magna Carta: to America and Round the World

Inner Templars were conspicuously vehement in the defence of English liberties. Middle Templars had already sown the seeds of liberty much further afield. All of the five following men were among those fired by dreams of Virginia, 'Earth's only paradise', and were members of Middle Temple. In 1584 Walter Raleigh dispatched an expedition across the Atlantic; one of the ships was commanded by Philip Amadas. In 1602 Benjamin Gosnold explored New England and discovered Cape Cod and Martha's Vineyard, which he named after his first daughter. Gosnold would in 1606 work with Sir John Popham on the foundation of the two Virginia 'colonies and companies'. The companies' charter was drafted by Edwin Sandys and Inner Temple's Edward Coke. It guaranteed to the colonists and their children all rights and liberties 'to all Intents and Purposes, as if they had been abiding and born, within this our realm of England'.

The battle for rights in England shaped the men who then defended the rights of the American colonists. In Massachusetts, for fear 'that our magistrates for want of positive law in many cases might proceed according to their discretion, it was agreed that some men should be appointed to frame a body of grounds of law, in resemblance to a Magna Carta, which should be received for fundamental laws'. – John Winthrop, *History of New England* (1630–49).

Middle Temple Hall, built in the 1580s: King George VI and Queen Elizabeth dining with President Eisenhower, 1950; painting by Terence Cuneo (1907–96). Many of the explorers, adventurers, investors and lawyers who in the early seventeenth century planned and founded the first European settlements across the Atlantic were members of Middle Temple. Here in this majestic Hall the Middle Templar Sir Walter Raleigh and his successors will have discussed their great projects for the New World.



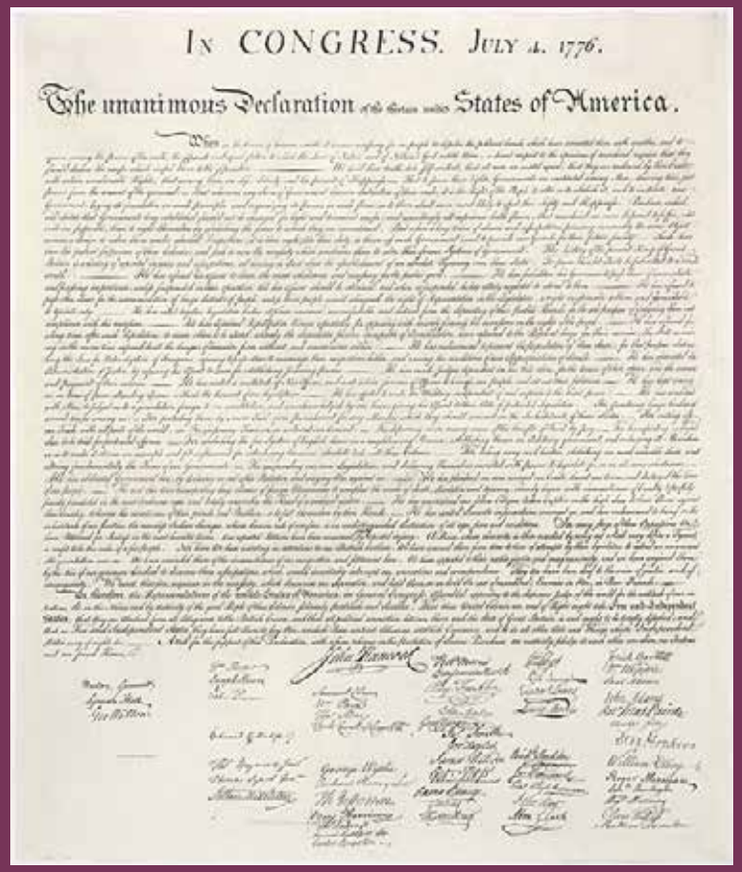
John Dickinson of Middle Temple, 'Penman of the Revolution' and from 1781 President of Delaware: Draft of the Articles of Federation, 12 July 1776.

Charles Thomson of Philadelphia marked up the draft with the changes made in the ensuing discussions. 'Colonies' became the more independent 'states'. 'The said Colonies unite themselves so as never to be divided by any Act whatever', starting Article 2, was deleted. Dickinson himself asked in a marginal note a vital question about religion: 'Q. Should not the first Article provide for a Toleration and against Establishments hereafter to be made?' Congress agreed to the Articles, 15 November 1777; they came into force on 1 March 1781.

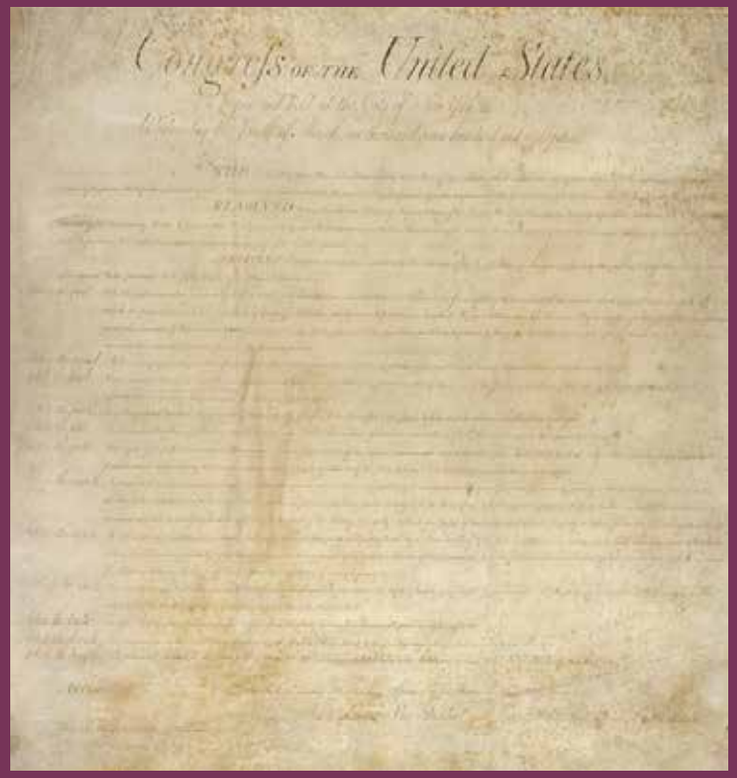
Five members of Inner or Middle Temple were among the signatories to the Declaration of Independence in 1776: Thomas Heyward, jun., from 1778 Judge of the High Court of South Carolina; Thomas Lynch; Thomas McKean, President of Delaware and Chief Justice of Pennsylvania in 1777; Arthur Middleton; William Paca, later Governor of Maryland; and Edward Rutledge, later Governor of South Carolina. John Dickinson famously refused to sign, since he was still seeking reconciliation with Britain as well as liberty.

Seven Middle Templars signed the American Constitution in 1787: John Blair, Chief Justice of Virginia; John Dickinson; Jared Ingersoll, first Attorney-General of Pennsylvania; William Livingstone, Governor of New Jersey; John Rutledge, chairman of the drafting committee and the second Chief Justice of the United States; Charles Pinckney; and Charles Cotesworth Pinckney.

John Trumbull, *The Declaration of Independence: The Drafting Committee presenting its Work* (painted 1817). From Inner or Middle Temple: 1. Thomas Lynch, at the right-hand end of the seated group. 2. William Paca, standing on the left. 3 Arthur Middleton, standing at the right-hand end of the group. 4. Thomas Heyward, sitting in front of and slightly to the left of Middleton. 5. John Dickinson (not a signatory), standing between two others. 6. Edward Rutledge, standing. 7. Thomas McKean, sitting to the right.


IN CONGRESS. JULY 4. 1776.

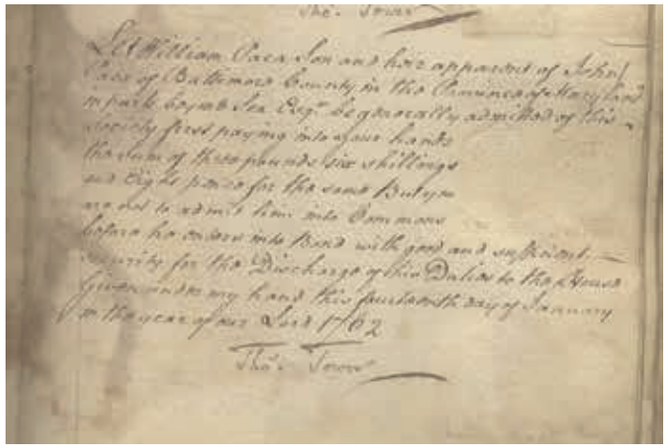
The unanimous Declaration of the thirteen United States of America.


Congress of the United States

Left: **The American Declaration of Independence, 4 July 1776.**
The Preamble declares:
'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.'
On 31 August 1858 at Carlinville, Illinois, Abraham Lincoln, arguing against slavery, described that first sentence as 'the gem of the magna charta of human liberty'. 'We must never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through Magna Carta, the Bill of Rights, the Habeas Corpus, trial by jury, and the English common law find their most famous expression in the American Declaration of Independence.'

Winston Churchill, in Fulton, Missouri with President Truman, March 1946

Left: **The American Bill of Rights. On 25 September 1789, the First Congress of the United States proposed to the state legislatures a series of amendments to the Constitution, to protect the rights and immunities of individual citizens from attack by central government. Ten of these proposals, duly accepted, constitute the Bill of Rights. In Articles 5 and 6 it is declared, 'No person shall be deprived of life, liberty, or property, without due process of law … The accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.'**



The record of William Paca's admission to Inner Temple, 1762; Paca was one of the signatories to the Declaration of Independence in 1776.

John Roberts, Chief Justice of the United States, is called to the Bench in Middle Temple Hall, 2007. He stands at the 'cupboard', whose top is said to have been made from the hatch-cover of Sir Francis Drake's ship *The Golden Hind*.

Such 'fundamental laws' became, in the war against London's imperial Parliament, a written constitution which would protect American citizens against oppression by law-makers and executives alike. Magna Carta became in America in the eighteenth century what it had been in England in the thirteenth.

> The democratic aspiration is no mere recent phase in human history. It is human history. It permeated the ancient life of early peoples. It blazed anew in the middle ages. It was written in Magna Charta. In the Americas its impact has been irresistible. America has been the New World in all tongues, to all peoples, not because this continent was a new-found land, but because all those who came here believed they could create upon this continent a new life – a life that should be new in freedom
>
> *President Franklin D. Roosevelt, from The Third Inaugural Address, 20 January 1941*

It is inspiring to watch the spread of these principles across the Atlantic …

The General Assembly of Maryland, 1639. The Inhabitants of this Province shall have all their rights and liberties according to the Great Charter of England.

The Body of Liberties, Massachusetts, 1641. No man's life shall be taken away, no man's honour or good name shall be stained, no man's person shall be arrested, restrained, banished, dismembered, nor any ways punished ... unless it be by virtue or equity of some express law of the Country warranting the same.

Acts and Orders for the Colony … of Providence, 1647. That no person, in this Colony, shall be taken or imprisoned, or be disseized of his lands or liberties, or be exiled, or any otherwise molested or destroyed, but by the lawful judgement of his peers, or by some known law, and according to the letter of it, ratified and confirmed by the major part of the General Assembly lawfully met and orderly managed.

Magna Carta in America

In 1939 Lincoln Cathedral's copy of Magna Carta was lent for display in New York's World Fair. By the time the Fair ended, World War Two had begun; rather than risk a return across the Atlantic, the Charter was lent to the Library of Congress, Washington DC. Entrusting it to the Library, the British Ambassador said, 'Inscribed on the musty parchment before us, we see the nucleus of most of our liberties…and of the whole constitution of modern democracy…The principles which underlay Magna Carta are the ultimate foundations of your liberties no less than ours.' After the attack on Pearl Harbour the Charter, with America's own national treasures, was deposited in Fort Knox for safe-keeping. The Charter returned to England in January 1946; over fifteen million Americans had seen it. To mark the bicentenary in 1976 of the Declaration of Independence, the better preserved of the British Library's two copies of the 1215 Charter was loaned to America for display in the Rotunda of the Capitol for a year.

Constitution of the United States of America, from the Fifth and Sixth Amendments, 15 December 1791. No person shall be deprived of life, liberty, or property, without due process of law … The accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

Constitution of the United States of America, from the Fourteenth Amendment, 9 July 1868. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

…and so round the world….

Mrs Eleanor Roosevelt, credited with the inspiration of the Universal Declaration of Human Rights, referred to it as the 'international Magna Carta for all mankind'. Universal Declaration of Human Rights, 10 December 1948, from Articles 3, 6, 7, 9: Everyone has the right to life, liberty and security of person. Everyone has the right to recognition everywhere as a person before the law. All are equal before the law and are entitled without any discrimination to equal protection of the law. No one shall be subjected to arbitrary arrest, detention or exile.

Constitution of the Union of Burma, 1947. Article 16: No citizen shall be deprived of his personal liberty, nor his dwelling entered, nor his property confiscated, save in accordance with law.

The Constitution of India, 1950. Article 21: No person shall be deprived of his life or personal liberty except according to procedure established by law.

The Constitution of Malaysia, 1957. Article 5 (1): No person shall be deprived of his life or personal liberty save in accordance with law.

The European Convention on Human Rights, 1953. Abbreviated from Articles 5–7: Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in accordance with a procedure prescribed by law. Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

The Canadian Bill of Rights, 1960. Article 1 (a) confirms: The right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law …

The bronze doors of the Supreme Court, Washington DC. The doors, 17 feet (5 metres) high and weighing 13 tons, were designed by Gilbert and John Donnelly, Sr (1867–1947), sculpted by the latter's son John Donnelly, Jr (1903–70), cast in Long Island NY and installed in 1935. The panels depict major events in the evolution of western law. Illustrated here: Magna Carta (far left); and Sir Edward Coke's refusal to admit King James I to court (left), thereby establishing the independence of the courts from the executive.

Magna Carta 1215–2015

Magna Carta was a document of its time and place. Annulled by the Pope within weeks of being sealed, it could have joined the hundreds of failed or forgotten charters that litter the history of medieval England. But thanks to William Marshal and King Henry III, it survived. Over and again – in 1224, 1226, 1237, 1244 and 1251 – it was invoked as the counterweight to the King's demand for taxes: the King could levy tax if and when he confirmed the Charter. The meeting of the Great Council in 1237 that demanded this confirmation was described as a 'Parliament', the first such usage in the language of England's constitution.

Most of the Charter's details became archaic over time. Only three undertakings from 1215 still stand on the English statute-book: the English Church shall be free (Clause 1); London and all other cities shall enjoy their ancient liberties (13); and to no one will right or justice be sold, denied or delayed (40). The Charter's principles, meanwhile, have evolved and spread to shape constitutions across the world: representation before taxation; due process and equality before the law; restraints upon the executive. On these foundations the whole building of modern liberties has been built. Magna Carta is now a document of all times and of all the world. May we – each of us in our own land – bequeath to our children and grandchildren a polity of freedoms so secure that the Charter on which they are built can be celebrated at its next centenary, in 2115, by a generation yet unborn.

The Magna Carta doors in the United Kingdom Supreme Court, Parliament Square, London.

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Picture Editor: Liz Clarke, Temple Church.
Designed by Katie Beard.
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Quote p. 2: J.C.Holt, *The Northerners* (1991), 2.

Printed in Great Britain.
ISBN: 978-1-84165-420-1 1/13

Pitkin Publishing, The History Press,
The Mill, Brimscombe Port, Stroud, Gloucestershire GL5 2QG
Tel: 01453 883300 Fax: 01453 883233
e-mail: sales@thehistorypress.co.uk
www.pitkin-guides.com

Her Majesty The Queen and His Royal Highness The Duke of Edinburgh in the Temple Church, the choir in the stalls beyond, 7 May 2013.

The Temple Church is the collegiate Church of Inner and Middle Temple, two of London's four ancient Inns of Court. Almost every barrister – that is, litigating attorney – in England and Wales must be a member of one of these four colleges. The Temple Church Choir, one of the most famous choirs in England, is called in its wonderful music to match – and, as ambassador, to represent – the talent, hard work and dedication with which Inner and Middle Temple seek to serve this nation and the world.

Wherever our own homeland may be, let us give thanks, in words from Magna Carta and from England's historic Book of Common Prayer, for all those who work for justice in that land which we love and throughout the world.

Most gracious God, we give you most hearty thanks for all such liberties and rights as are held well and peacefully, freely and quietly, fully and completely by ourselves and all in our land. We pray for all who serve in the maintenance of our laws: that they shall serve faithfully to your glory and to the present and future welfare of our nation, shall truly and indifferently minister justice, and so order all things brought to their care that peace and happiness, truth and justice shall be established among us for ourselves and for generations yet to come. Amen.

PITKIN
ISBN 978-1-84165-422-1
9 781841 654201