Modern History Sourcebook:
James VI and I*: True Law* of *Free Monarchies*, 1598

THE KINGS THEREAFTER in Scotland were before any estates or ranks of men within the same, before any Parliaments were holden or laws made; and by them was the land distributed (which at the first was wholly theirs), states erected and decerned *,* and forms of government devised and established. And it follows of necessity that the Kings were the authors and makers of the laws and not the laws of the Kings. . . . And according to these fundamental laws already alleged, we daily see that in the Parliament (which is nothing else but the head court of the King and his vassals) the laws are but craved by his subjects, and only made by him at their rogation and with their advice. For albeit the King made daily statutes and ordinances, enjoining such pains thereto as he thinks meet, without any advice of Parliament or Estates, yet it lies in the power of no Parliament to make any kind of law or statute without his sceptre be to it for giving it the force of a law. . . . And as ye see it manifest that the King is overlord of the whole land, so is he master over every person that inhabiteth the same, having power over the life and death of every one of them. For although a just prince will not take the life of any of his subjects without a clear law, yet the same laws whereby he taketh them are made by himself or his predecessors, and so the power flows always from himself; as by daily experience we see good and just princes will from time to time make new laws and statutes, adjoining the penalties to the breakers thereof, which before the law was made had been no crime to the Subject to have committed. Not that 1 deny the old definition of a King and of a law which makes the King to be a speaking law and the law a dumb King; for certainly a King that governs not by his law can neither be countable to God for his administration nor have a happy and established reign. For albeit it be true, that 1 have at length proved, that the King is above the law as both the author and giver of strength thereto, yet a good King will not only delight to rule his subjects by the law, but even will conform himself in his own actions thereunto; always keeping that ground, that the health of the commonwealth be his chief law.

True Law Questions

1. What came first, laws or kings?
2. Who does King James claim gives the law to the people?
3. What is the position of the king on earth according to James?
4. What is the reason that James gives for a king to rule by the law? Does he have to govern by laws?
5. Who does James think gave him his power? (not in the document, just think about it)

Magna Carta Questions

1. Who is agreeing to the terms of the Magna Carta? Who else is taking part in the negotiations?
2. Where is he the ruler?
3. In clause 1, what is the king not to disturb or interfere with? How long is this agreement in effect for?
4. In clause 12, what must happen before a tax can be levied on the people of England?
5. In clause 14, what promise is made regarding the advice given by the nobles and church?
6. What is the advantage of having a court that is always in one place? (clause 17)
7. Why is clause 38 important? What guarantee made?
8. According to clause 39 what is used to make decisions regarding justice?
9. Who is protected by clause 41?
10. Who is discriminated against in clause 54?
11. How long is this agreement in effect?
12. Who’s power is being limited by this charter?

Medieval Sourcebook: Magna Carta 1215

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and count of Anjou, to the archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his bailiffs and liege subjects, greeting. Know that, having regard to God and for the salvation of our soul, and those of all our ancestors and heirs, and un to the honor of God and the advancement of holy church, and for the reform of our realm, by advice of our venerable fathers, Stephen archbishop of Canterbury ,primate of all England and cardinal of the holy Roman Church…

1. In the first place we have granted to God, and by this our present charter confirmed for us and our heirs forever that the English church shall be free, and shall have her rights entire, and her liberties inviolate [safe from harm]…

9. Neither we nor our bailiffs shall seize any land or rent for any debt, so long as the [possessions] of the debtor are sufficient to repay the debt…

12. No [tax] nor aid shall be imposed on our kingdom, unless by common counsel of our kingdom, except for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter; and for these there shall not be levied more than a reasonable aid…

14. And for obtaining the common counsel of the kingdom … we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons… for a fixed date, … and at a fixed place; and in all letters of such summons we will specify the reason of the summons. And when the summons has thus been made, the business shall proceed on the day appointed, according to the counsel of such as are present, although not all who were summoned have come.

17. Common pleas shall not follow our court, but shall be held in some fixed place.

38. No bailiff for the future shall, upon his own unsupported complaint, put any one to his "law," without credible witnesses brought for this purpose.

39. No freeman shall be taken or imprisoned or disseized or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land.

40. To no one will we sell, to no one will we refuse or delay, right or justice.

41. All merchants shall have safe and secure exit from England, and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war, they shall be detained, without injury to their bodies or goods, until information be received by us, or by our chief justice, how the merchants of our land found in the land at war with us are treated; and if our men are safe there, the others shall be safe in our land.

42. It shall be lawful in future for any one (excepting always those imprisoned or outlawed in accordance with the law of the kingdom, and natives of any country at war with us, and merchants, who shall be treated as is above provided) to leave our kingdom and to return, safe and secure by land and water, except for a short period in time of war, on grounds of public policy--reserving always the allegiance due to us.

45. We will appoint as justices, constables, sheriffs, or bailiffs only such as know the law of the realm and mean to observe it well.

52. If anyone has been dispossessed or removed by us, without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him …

54. No one shall be arrested or imprisoned upon the appeal of a woman, for the death of any other than her husband.

63. Wherefore it is our will… that the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions… for themselves and their heirs, of us and our heirs, in all respects and in all places for ever, as is aforesaid... Given under our hand--the above-named and many others being witnesses--in the meadow which is called Runnymede, between Windsor and Staines, on the fifteenth day of June, in the seventeenth year of our reign.