《大宪章》



The Magna Carta (The Great Charter) 1215

(Clauses marked (+) are still valid under the charter of 1225, but with a few minor amendments. Clauses marked (\*) were omitted in all later reissues of the charter. In the charter itself the clauses are not numbered, and the text reads continuously. The translation sets out to convey the sense rather than the precise wording of the original Latin.)

JOHN, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects, Greeting.

KNOW THAT BEFORE GOD, for the health of our soul and those of our ancestors and heirs, to the honour of God, the exaltation of the holy Church, and the better ordering of our kingdom, at the advice of our reverend fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman Church, Henry archbishop of Dublin, William bishop of London, Peter bishop of Winchester, Jocelin bishop of Bath and Glastonbury, Hugh bishop of Lincoln, Walter Bishop of Worcester, William bishop of Coventry, Benedict bishop of Rochester, Master Pandulf subdeacon and member of the papal household, Brother Aymeric master of the knighthood of the Temple in England, William Marshal earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galloway constable of Scotland, Warin Fitz Gerald, Peter Fitz Herbert, Hubert de Burgh seneschal of Poitou, Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Basset, Philip Daubeny, Robert de Roppeley, John Marshal, John Fitz Hugh, and other loyal subjects:

+ (1) FIRST, THAT WE HAVE GRANTED TO GOD, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections - a right reckoned to be of the greatest necessity and importance to it - and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity.

TO ALL FREE MEN OF OUR KINGDOM we have also granted, for us and our heirs for ever, all the liberties written out below, to have and to keep for them and their heirs, of us and our heirs:

(2) If any earl, baron, or other person that holds lands directly of the Crown, for military service, shall die, and at his death his heir shall be of full age and owe a `relief', the heir shall have his inheritance on payment of the ancient scale of `relief'. That is to say, the heir or heirs of an earl shall pay £100 for the entire earl's barony, the heir or heirs of a knight l00s. at most for the entire knight's `fee', and any man that owes less shall pay less, in accordance with the ancient usage of `fees'

(3) But if the heir of such a person is under age and a ward, when he comes of age he shall have his inheritance without `relief' or fine.

(4) The guardian of the land of an heir who is under age shall take from it only reasonable revenues, customary dues, and feudal services. He shall do this without destruction or damage to men or property. If we have given the guardianship of the land to a sheriff, or to any person answerable to us for the revenues, and he commits destruction or damage, we will exact compensation from him, and the land shall be entrusted to two worthy and prudent men of the same `fee', who shall be answerable to us for the revenues, or to the person to whom we have assigned them. If we have given or sold to anyone the guardianship of such land, and he causes destruction or damage, he shall lose the guardianship of it, and it shall be handed over to two worthy and prudent men of the same `fee', who shall be similarly answerable to us.

(5) For so long as a guardian has guardianship of such land, he shall maintain the houses, parks, fish preserves, ponds, mills, and everything else pertaining to it, from the revenues of the land itself. When the heir comes of age, he shall restore the whole land to him, stocked with plough teams and such implements of husbandry as the season demands and the revenues from the land can reasonably bear.

(6) Heirs may be given in marriage, but not to someone of lower social standing. Before a marriage takes place, it shall be' made known to the heir's next-of-kin.

(7) At her husband's death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may remain in her husband's house for forty days after his death, and within this period her dower shall be assigned to her.

(8) No widow shall be compelled to marry, so long as she wishes to remain without a husband. But she must give security that she will not marry without royal consent, if she holds her lands of the Crown, or without the consent of whatever other lord she may hold them of.

(9) Neither we nor our officials will seize any land or rent in payment of a debt, so long as the debtor has movable goods sufficient to discharge the debt. A debtor's sureties shall not be distrained upon so long as the debtor himself can discharge his debt. If, for lack of means, the debtor is unable to discharge his debt, his sureties shall be answerable for it. If they so desire, they may have the debtor's lands and rents until they have received satisfaction for the debt that they paid for him, unless the debtor can show that he has settled his obligations to them.

\* (10) If anyone who has borrowed a sum of money from Jews dies before the debt has been repaid, his heir shall pay no interest on the debt for so long as he remains under age, irrespective of whom he holds his lands. If such a debt falls into the hands of the Crown, it will take nothing except the principal sum specified in the bond.

\* (11) If a man dies owing money to Jews, his wife may have her dower and pay nothing towards the debt from it. If he leaves children that are under age, their needs may also be provided for on a scale appropriate to the size of his holding of lands. The debt is to be paid out of the residue, reserving the service due to his feudal lords. Debts owed to persons other than Jews are to be dealt with similarly.

\* (12) No `scutage' or `aid' may be levied in our kingdom without its general consent, unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes ouly a reasonable `aid' may be levied. `Aids' from the city of London are to be treated similarly.

+ (13) The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

\* (14) To obtain the general consent of the realm for the assessment of an `aid' - except in the three cases specified above - or a `scutage', we will cause the archbishops, bishops, abbots, earls, and greater barons to be summoned individually by letter. To those who hold lands directly of us we will cause a general summons to be issued, through the sheriffs and other officials, to come together on a fixed day (of which at least forty days notice shall be given) and at a fixed place. In all letters of summons, the cause of the summons will be stated. When a summons has been issued, the business appointed for the day shall go forward in accordance with the resolution of those present, even if not all those who were summoned have appeared.

\* (15) In future we will allow no one to levy an `aid' from his free men, except to ransom his person, to make his eldest son a knight, and (once) to marry his eldest daughter. For these purposes only a reasonable `aid' may be levied.

(16) No man shall be forced to perform more service for a knight's `fee', or other free holding of land, than is due from it.

(17) Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.

(18) Inquests of *novel disseisin*, *mort d'ancestor*, and *darrein presentment* shall be taken only in their proper county court. We ourselves, or in our absence abroad our chief justice, will send two justices to each county four times a year, and these justices, with four knights of the county elected by the county itself, shall hold the assizes in the county court, on the day and in the place where the court meets.

(19) If any assizes cannot be taken on the day of the county court, as many knights and freeholders shall afterwards remain behind, of those who have attended the court, as will suffice for the administration of justice, having regard to the volume of business to be done.

(20) For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

(21) Earls and barons shall be fined only by their equals, and in proportion to the gravity of their offence.

(22) A fine imposed upon the lay property of a clerk in holy orders shall be assessed upon the same principles, without reference to the value of his ecclesiastical benefice.

(23) No town or person shall be forced to build bridges over rivers except those with an ancient obligation to do so.

(24) No sheriff, constable, coroners, or other royal officials are to hold lawsuits that should be held by the royal justices.

\* (25) Every county, hundred, wapentake, and tithing shall remain at its ancient rent, without increase, except the royal demesne manors.

(26) If at the death of a man who holds a lay `fee' of the Crown, a sheriff or royal official produces royal letters patent of summons for a debt due to the Crown, it shall be lawful for them to seize and list movable goods found in the lay `fee' of the dead man to the value of the debt, as assessed by worthy men. Nothing shall be removed until the whole debt is paid, when the residue shall be given over to the executors to carry out the dead man s will. If no debt is due to the Crown, all the movable goods shall be regarded as the property of the dead man, except the reasonable shares of his wife and children.

\* (27) If a free man dies intestate, his movable goods are to be distributed by his next-of-kin and friends, under the supervision of the Church. The rights of his debtors are to be preserved.

(28) No constable or other royal official shall take corn or other movable goods from any man without immediate payment, unless the seller voluntarily offers postponement of this.

(29) No constable may compel a knight to pay money for castle-guard if the knight is willing to undertake the guard in person, or with reasonable excuse to supply some other fit man to do it. A knight taken or sent on military service shall be excused from castle-guard for the period of this servlce.

(30) No sheriff, royal official, or other person shall take horses or carts for transport from any free man, without his consent.

(31) Neither we nor any royal official will take wood for our castle, or for any other purpose, without the consent of the owner.

(32) We will not keep the lands of people convicted of felony in our hand for longer than a year and a day, after which they shall be returned to the lords of the `fees' concerned.

(33) All fish-weirs shall be removed from the Thames, the Medway, and throughout the whole of England, except on the sea coast.

(34) The writ called *precipe* shall not in future be issued to anyone in respect of any holding of land, if a free man could thereby be deprived of the right of trial in his own lord's court.

(35) There shall be standard measures of wine, ale, and corn (the London quarter), throughout the kingdom. There shall also be a standard width of dyed cloth, russett, and haberject, namely two ells within the selvedges. Weights are to be standardised similarly.

(36) In future nothing shall be paid or accepted for the issue of a writ of inquisition of life or limbs. It shall be given gratis, and not refused.

(37) If a man holds land of the Crown by `fee-farm', `socage', or `burgage', and also holds land of someone else for knight's service, we will not have guardianship of his heir, nor of the land that belongs to the other person's `fee', by virtue of the `fee-farm', `socage', or `burgage', unless the `fee-farm' owes knight's service. We will not have the guardianship of a man's heir, or of land that he holds of someone else, by reason of any small property that he may hold of the Crown for a service of knives, arrows, or the like.

(38) In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.

+ (39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.

+ (40) To no one will we sell, to no one deny or delay right or justice.

(41) All merchants may enter or leave England unharmed and without fear, and may stay or travel within it, by land or water, for purposes of trade, free from all illegal exactions, in accordance with ancient and lawful customs. This, however, does not apply in time of war to merchants from a country that is at war with us. Any such merchants found in our country at the outbreak of war shall be detained without injury to their persons or property, until we or our chief justice have discovered how our own merchants are being treated in the country at war with us. If our own merchants are safe they shall be safe too.

\* (42) In future it shall be lawful for any man to leave and return to our kingdom unharmed and without fear, by land or water, preserving his allegiance to us, except in time of war, for some short period, for the common benefit of the realm. People that have been imprisoned or outlawed in accordance with the law of the land, people from a country that is at war with us, and merchants - who shall be dealt with as stated above - are excepted from this provision.

(43) If a man holds lands of any `escheat' such as the `honour' of Wallingford, Nottingham, Boulogne, Lancaster, or of other `escheats' in our hand that are baronies, at his death his heir shall give us only the `relief' and service that he would have made to the baron, had the barony been in the baron's hand. We will hold the `escheat' in the same manner as the baron held it.

(44) People who live outside the forest need not in future appear before the royal justices of the forest in answer to general summonses, unless they are actually involved in proceedings or are sureties for someone who has been seized for a forest offence.

\* (45) We will appoint as justices, constables, sheriffs, or other officials, only men that know the law of the realm and are minded to keep it well.

(46) All barons who have founded abbeys, and have charters of English kings or ancient tenure as evidence of this, may have guardianship of them when there is no abbot, as is their due.

(47) All forests that have been created in our reign shall at once be disafforested. River-banks that have been enclosed in our reign shall be treated similarly.

\* (48) All evil customs relating to forests and warrens, foresters, warreners, sheriffs and their servants, or river-banks and their wardens, are at once to be investigated in every county by twelve sworn knights of the county, and within forty days of their enquiry the evil customs are to be abolished completely and irrevocably. But we, or our chief justice if we are not in England, are first to be informed.

\* (49) We will at once return all hostages and charters delivered up to us by Englishmen as security for peace or for loyal service.

\* (50) We will remove completely from their offices the kinsmen of Gerard de Athée, and in future they shall hold no offices in England. The people in question are Engelard de Cigogné', Peter, Guy, and Andrew de Chanceaux, Guy de Cigogné, Geoffrey de Martigny and his brothers, Philip Marc and his brothers, with Geoffrey his nephew, and all their followers.

\* (51) As soon as peace is restored, we will remove from the kingdom all the foreign knights, bowmen, their attendants, and the mercenaries that have come to it, to its harm, with horses and arms.

\* (52) To any man whom we have deprived or dispossessed of lands, castles, liberties, or rights, without the lawful judgement of his equals, we will at once restore these. In cases of dispute the matter shall be resolved by the judgement of the twenty-five barons referred to below in the clause for securing the peace (§ 61). In cases, however, where a man was deprived or dispossessed of something without the lawful judgement of his equals by our father King Henry or our brother King Richard, and it remains in our hands or is held by others under our warranty, we shall have respite for the period commonly allowed to Crusaders, unless a lawsuit had been begun, or an enquiry had been made at our order, before we took the Cross as a Crusader. On our return from the Crusade, or if we abandon it, we will at once render justice in full.

\* (53) We shall have similar respite in rendering justice in connexion with forests that are to be disafforested, or to remain forests, when these were first a-orested by our father Henry or our brother Richard; with the guardianship of lands in another person's `fee', when we have hitherto had this by virtue of a `fee' held of us for knight's service by a third party; and with abbeys founded in another person's `fee', in which the lord of the `fee' claims to own a right. On our return from the Crusade, or if we abandon it, we will at once do full justice to complaints about these matters.

(54) No one shall be arrested or imprisoned on the appeal of a woman for the death of any person except her husband.

\* (55) All fines that have been given to us unjustiy and against the law of the land, and all fines that we have exacted unjustly, shall be entirely remitted or the matter decided by a majority judgement of the twenty-five barons referred to below in the clause for securing the peace (§ 61) together with Stephen, archbishop of Canterbury, if he can be present, and such others as he wishes to bring with him. If the archbishop cannot be present, proceedings shall continue without him, provided that if any of the twenty-five barons has been involved in a similar suit himself, his judgement shall be set aside, and someone else chosen and sworn in his place, as a substitute for the single occasion, by the rest of the twenty-five.

(56) If we have deprived or dispossessed any Welshmen of lands, liberties, or anything else in England or in Wales, without the lawful judgement of their equals, these are at once to be returned to them. A dispute on this point shall be determined in the Marches by the judgement of equals. English law shall apply to holdings of land in England, Welsh law to those in Wales, and the law of the Marches to those in the Marches. The Welsh shall treat us and ours in the same way.

\* (57) In cases where a Welshman was deprived or dispossessed of anything, without the lawful judgement of his equals, by our father King Henry or our brother King Richard, and it remains in our hands or is held by others under our warranty, we shall have respite for the period commonly allowed to Crusaders, unless a lawsuit had been begun, or an enquiry had been made at our order, before we took the Cross as a Crusader. But on our return from the Crusade, or if we abandon it, we will at once do full justice according to the laws of Wales and the said regions.

\* (58) We will at once return the son of Llywelyn, all Welsh hostages, and the charters delivered to us as security for the peace.

\* (59) With regard to the return of the sisters and hostages of Alexander, king of Scotland, his liberties and his rights, we will treat him in the same way as our other barons of England, unless it appears from the charters that we hold from his father William, formerly king of Scotland, that he should be treated otherwise. This matter shall be resolved by the judgement of his equals in our court.

(60) All these customs and liberties that we have granted shall be observed in our kingdom in so far as concerns our own relations with our subjects. Let all men of our kingdom, whether clergy or laymen, observe them similarly in their relations with their own men.

\* (61) SINCE WE HAVE GRANTED ALL THESE THINGS for God, for the better ordering of our kingdom, and to allay the discord that has arisen between us and our barons, and since we desire that they shall be enjoyed in their entirety, with lasting strength, for ever, we give and grant to the barons the following security:

The barons shall elect twenty-five of their number to keep, and cause to be observed with all their might, the peace and liberties granted and confirmed to them by this charter.

If we, our chief justice, our officials, or any of our servants offend in any respect against any man, or transgress any of the articles of the peace or of this security, and the offence is made known to four of the said twenty-five barons, they shall come to us - or in our absence from the kingdom to the chief justice - to declare it and claim immediate redress. If we, or in our absence abroad the chiefjustice, make no redress within forty days, reckoning from the day on which the offence was declared to us or to him, the four barons shall refer the matter to the rest of the twenty-five barons, who may distrain upon and assail us in every way possible, with the support of the whole community of the land, by seizing our castles, lands, possessions, or anything else saving only our own person and those of the queen and our children, until they have secured such redress as they have determined upon. Having secured the redress, they may then resume their normal obedience to us.

Any man who so desires may take an oath to obey the commands of the twenty-five barons for the achievement of these ends, and to join with them in assailing us to the utmost of his power. We give public and free permission to take this oath to any man who so desires, and at no time will we prohibit any man from taking it. Indeed, we will compel any of our subjects who are unwilling to take it to swear it at our command.

If-one of the twenty-five barons dies or leaves the country, or is prevented in any other way from discharging his duties, the rest of them shall choose another baron in his place, at their discretion, who shall be duly sworn in as they were.

In the event of disagreement among the twenty-five barons on any matter referred to them for decision, the verdict of the majority present shall have the same validity as a unanimous verdict of the whole twenty-five, whether these were all present or some of those summoned were unwilling or unable to appear.

The twenty-five barons shall swear to obey all the above articles faithfully, and shall cause them to be obeyed by others to the best of their power.

We will not seek to procure from anyone, either by our own efforts or those of a third party, anything by which any part of these concessions or liberties might be revoked or diminished. Should such a thing be procured, it shall be null and void and we will at no time make use of it, either ourselves or through a third party.

\* (62) We have remitted and pardoned fully to all men any ill-will, hurt, or grudges that have arisen between us and our subjects, whether clergy or laymen, since the beginning of the dispute. We have in addition remitted fully, and for our own part have also pardoned, to all clergy and laymen any offences committed as a result of the said dispute between Easter in the sixteenth year of our reign (i.e. 1215) and the restoration of peace.

In addition we have caused letters patent to be made for the barons, bearing witness to this security and to the concessions set out above, over the seals of Stephen archbishop of Canterbury, Henry archbishop of Dublin, the other bishops named above, and Master Pandulf.

\* (63) IT IS ACCORDINGLY OUR WISH AND COMMAND that the English Church shall be free, and that men in our kingdom shall have and keep all these liberties, rights, and concessions, well and peaceably in their fulness and entirety for them and their heirs, of us and our heirs, in all things and all places for ever.

Both we and the barons have sworn that all this shall be observed in good faith and without deceit. Witness the abovementioned people and many others.

Given by our hand in the meadow that is called Runnymede, between Windsor and Staines, on the fifteenth day of June in the seventeenth year of our reign (i.e. 1215: the new regnal year began on 28 May).

英国大宪章 1215年

受命于天的英格兰国王兼领[爱尔兰](http://baike.baidu.com/view/17773.htm)宗主，诺曼第与阿奎丹公爵、[安茹伯爵](http://baike.baidu.com/view/2123623.htm)约翰，谨向大主教，主教，住持，伯爵，男爵，法官，森林宫，执行吏，典狱官，差人，及其管家吏与忠颇的人民致候。由于可敬的神父们，[坎特伯里大主教](http://baike.baidu.com/view/207121.htm)，英格兰大主教兼圣[罗马教会](http://baike.baidu.com/view/593858.htm)红衣主教斯提芬；杜伯林大主教亨利 ……暨培姆布卢克大司仪伯爵[威廉](http://baike.baidu.com/view/411018.htm)；索斯伯利伯爵威廉……等贵族，及其他忠顺臣民谏议，使余等知道，为了余等自身以及余等之先人与后代灵魂的安全，同时也为了圣教会的昌盛和王国的[兴隆](http://baike.baidu.com/view/156426.htm)，上帝的意旨使余等承认下列诸端，并昭告全国：

(1) 首先，余等及余等之后嗣坚决应许上帝，根据本宪章，英国教会当享有自由，其权利将不受干扰，其自由将不受侵犯。关于英格兰教会所视为最重要与最必需之自由选举，在余等与诸男爵发生不睦之前曾自动地或按照己意用特许状所颁赐者，一一同时经余等请得教王英诺森三世所同意者一一余等及余等之世代子孙当永以善意遵守。此外，余等及余等之子孙后代，同时亦以下面附列之各项自由给予余等王国内一切[自由人](http://baike.baidu.com/view/58765.htm)民，并允许[严行](http://baike.baidu.com/view/1940712.htm)遵守，永矢勿渝。

(2) 任何伯爵或男爵，或因军役而自余等直接领有采地之人身故时，如有已达成年之继承者，于按照旧时数额缴纳承继税后，即可享有其遗产。计伯爵继承人于缴纳一百镑后，即可享受伯爵全部遗产；另爵继承人于缴纳一百镑后,即可事受男爵全部遗产；武士继承人于最多缴纳一百先令后，即可享受全部武士封地。其他均应按照采地旧有习惯，应少交者须少交。

(3)上述诸人之继承人如未达成年，须受监护者，应于成年后以其遗产交付之，不得收取任何继承税或产业转移税。

(4) 凡经管前款所述未达成年之继承人之土地者，除自该项土地上收取适当数量之产品，及按照习惯应行征取之赋税与力役外，不得多有需索以免耗费人力与物力。如余等以该项土地之监护权委托执行吏或其他人等，侮对其收益向余等负责，而其人使所保管之财产遭受浪费与损毁时，余等将处此人以罚金，并将该项土地转交该采地中合法与端正之人士二人，傅对该项收益能向余等或余等所指定之人负责。如余等将该项土地之监护权赐予或售予任何人，而其人使土地遭受浪费与损毁时，即须丧失监护权，并将此项土地交由该采地中之合法与端正人士二人，按照前述条件向余等负责。

(5)此外，监护人在经管土地期间，应自该项土地之收益中拨出专款为房屋、园地、鱼塘、沼、磨坊及其他附属物修缮费用，停能井井有继承人达成年时，即应按照耕耘时之需要，就该土地收益所许可之范围内置备犁、锄与其他农附于其全部土地内归还之。

(6) 继承人得在不贬抑其身份之条件下结婚，但在订婚前应向其本人之血属亲族通告。

(7) [寡妇](http://baike.baidu.com/view/617278.htm)于其夫身故后，应不受任何留难而即获得其嫁资与遗产。寡妇之嫁盔、嫁资、及其得之遗产与其逝世前为二人共同保有之物品，俱付任何代价。〔自愿改嫁〕之寡妇得于其夫身故居留夫宅四十日，在此期间其嫁查应交还之。

(8) 寡妇之自愿孀居者，不得强迫其改嫁，寡妇本人，如执有余等之土地时，应提供保证，得余等同意前不改嫁。执有其他领主之土地者，应获得其他领主同意。

(9) 凡债务人之动产足以抵偿其债务时，无论余等或余等之执行吏，均不得强取收入以抵偿债务。如负债人之财产足以抵偿其债务，即不得使该项债务之担保人受扣押动产之处分。但如债务人不能偿还债务，或无力偿还债务时，担保人应即负责清偿。担保人如愿意时，可扣押债务人之土地与收入，直至后者偿还其前所代偿之债务时为止。惟该债务人能证明其所清偿已超过保人担保之额者，不在此限。

(10) 任何向犹太人借债者，不论其数额多少，如在未清偿前身故，此项债款在负责清偿之继承人未达成年之前不得负有利息，如此项债务落入余等之手，则余等除契据上载明之动产以外，不得收取任何其他物品。

(11) 欠付犹太人债务者亡故时，其妻仍应获得其嫁资，不负偿债之责。亡故者如有未成年之子女时，应按亡者遗产之性质，留备彼等之教养费，剩余数额，除扣还领主应得之报效外始可作为清偿债务之用。关于犹太人以外之债务，同样依此规定处理。

(12) 除下列三项税金外，设无全国公意许可，将不征收任何免役税与贡金。即赎回余等身体时之赎金〔指被俘时〕。策封余等之长子为武士时之费用。余等之长女出嫁时之费用一一但以一次为限。且为此三项目的征收之贡金亦务求适当。关于伦敦城之贡金，按同样规定办理。

(13) 伦敦城，无论水上或陆上，俱应享有其旧有之自由与自由习惯。其他城市、州、市镇、港口，余等亦承认或赐予彼等以保有自由与自由习惯之权。

(14) 凡在上述征收范围之外，余等如欲征收贡金与免役税，应用加盖印信之诏书致送各大主教、住持、伯爵与男爵指明时间与地点召集会议，以期获得全国公意。此项诏书之送达，至少应在开会以前四十日。此外，余等仍应通过执行吏与管家吏普遍召集凡直接领有余等之土地者。召集之缘由应于诏书内载明。召集之后，前项事件应在指定日期依出席者之公意进行，不以缺席人数阻延之。

(15) 自此以往，除为赎还其本人之身体，策封其长子为武士，与一度出嫁其长子以外，余等不得准许任何人向其自由人征取贡金。而为上述目的所征收之贡金数额亦务求合乎情理。

(16)不得强迫执有武士采地，或其他自由保有地之人,服额外之役。

(17) 一般诉讼应在一定地方审间，无需追随国王法庭请求处理。

(18) 凡关于强占土地，收回遗产及最后控诉等案件，应不在该案件所发生之州以外之地区审理。其方法如下：由余等自己，或余等不在国内时，由余等之大法官，指定法官二人，每年四次分赴各州郡，会同该州郡所推选之武士四人，在指定之日期，于该州郡法庭所在地审理之。

(19)州郡法庭开庭之日，如上述案件未能审理，则应就当日出庭之武士与自由锢农中酌留适当人数，停能按照事件性质之轻重作出合宜裁决。

(20) 自由人犯轻罪者，应按犯罪之程度科以罚金；重罪者应按其犯罪之大小没收其土地，与居室以外之财产于商人适用同样规定，但不得没收其货物。凡余等所辖之农奴犯罪时，亦应同样科以罚金，但不得没收其农具。上述罚金，须凭邻居正直之：人宣誓证明，始得科罚。

(21)伯爵与男爵，非经其同级贵族陪审，并按照罪行程度外不得科以罚金。

(22)教士犯罪时，仅能按照处罚上述诸人之方法，就其在俗之财产科以罚金；得按照其教士采地之收益为标准科处罚金。

(23) 不得强迫任何市镇与个人修造渡河桥梁，惟向未负有修桥之责者不在此限。

(24) 余等之执行吏，巡察吏，检验吏与管家等，均不得受理向余等提出之诉讼。

(25) 一切州郡，百人村，小镇市，小区——余等自己之汤沐邑在外——均应按照旧章征收赋税，不得有任何增加。

(26) 凡领受余等之采地者亡故时，执有余等向该亡故者索欠之特许证状之执行吏或管家吏应即依公正人士数人之意见，按照债务数额，将该亡故者之动产加以登记与扣押，使在偿清余等债务之前不得移动。偿清后之剩余，应即交由死者之遗嘱执行人处理。如死者不欠余等之债，则除为其妻子酌留相当部分外，其余一切动产概依亡者所指定之用途处理。

(27) 任何未立遗嘱之自由人亡故时，其所遗动产应依教会之意见，经由其戚友之手分配之，但偿还死者债务之部分应予留出。

(28) 余等之巡察吏或管家吏，除立即支付价款外，不得自任何人之处擅取谷物或其他动产，但依出售者之意志允予延期付款者不在此限。

(29) 武士如愿亲自执行守卫勤务，或因正当理由不能亲自执行，而委托合适之人代为执行时，巡察吏即不得向之强索财物。武士被率领或被派遣出征时，应在军役期内免除其守卫勤务。

(30)任何执行吏或管家吏，不得擅取自由人之车与马作为运输之用，但依照该自由人之意志为之者，不在此限。

(31) 无论余等或余等之管家吏俱不得强取他人木材，以供建筑城堡或其他私用，但依木材所有人之意志为之者不在此限。

(32) 余等留用重罪既决犯之土地不得超过一年零一日，逾期后即应交还该项土地之原有领主。

(33) 自此以后，除海岸线以外，其他在[泰晤士河](http://baike.baidu.com/view/29703.htm)、美得威河及全英格兰各地一切河流上所设之堪坝与鱼梁概须拆除。

(34) 自此以后，不得再行颁布强制转移土地争执案件至国王法庭审讯之[敖令](http://baike.baidu.com/view/3706951.htm)，以免自由人丧失其司法权。

(35) 全国应有统一之度、量、衡。酒类，烈性麦酒与谷物之量器，以伦敦夸尔为标准；染色布，土布，锁子甲布之宽度应以织边下之两码为标准；其他衡器亦如量器之规定。

(36) 自此以后发给检验状( 验尸或验伤)时不得索取或给予任何陋规，请求发给时，亦不得拒绝。

(37) 任何人以货币租地法,劳役租地法，或特许享有法保有余等之土地，但同时亦保有其他领主之兵役采地者，余等即不得借口上述诸关系强迫取得其继承人〔未成年者〕及其所保有他人土地之监护权。除该项货币租地、劳役租地与特许享有租地负有军役义务外，余等皆不得主张其监护权。任何人以献纳刀、剑、弓、箭电等而得为余等之小军曹者，余等亦不得对其继承大及其所保有之他人土地主。

(38) 自此以后，凡不能提供忠实可靠之证人与证物时，管家吏不得单凭己意使任何人经受神判法〔水火法〕。

(39) 任何自由人，如未经其同级贵族之依法裁判，或经国法判，皆不得被逮捕，监禁，没收财产，剥夺法律保护权，流放，或加以任何其他损害。

(40) 余等不得向任何人出售，拒绝，或延搁其应享之权利与公正裁判。

(41) 除战时与余等敌对之国家之人民外，一切商人，倘能遵照旧时之公正习惯，皆可免除苛捐杂税，安全经由水道与旱道，出入英格兰，或在英格兰全境逗留或耽搁以经营商业。战时，敌国商人在我国者，在余等或余等之大法官获知我国商人在敌国所受之待遇前，应先行扣留，但不得损害彼等之身体与货物。如我国商人之在敌国者安全无恙。敌国商人在我国者亦将安全无恙。

(42) 自此以后，任何对余等效忠之人民，除在战时为国家与公共幸福得暂加限制外，皆可由水道或旱道安全出国或入国。但监犯与被损夺法律保护权之人为例外。关于敌国人民与商人，依前述方法处理。

(43) 领有归属土地——诸如自窝林福德，诺定昂，波罗因·兰开斯忒诸勋爵领有者，或其他归属于余等之男爵领地——之附庸亡故时，其继承人不另缴继承税。余等亦不得令其提供较男爵生前更多之役务，一切应依该采地在男爵手中时为标准。

(44)自此以后，不得以普通传票召唤森林区以外之居民赴森林区法庭审讯。但为森林区案件之被告人，或为森林区案件被告之保人者，不在此限。

(45) 除熟习本国法律而又志愿遵守者外，余等将不任命任何人为法官，巡察吏，执行吏或管家吏。

(46) 一切自英国历朝国王获得特许状创立寺院或握有寺产保管权之男爵〔贵族，应悉仍旧例，在该项寺院无人主持时，负保管之责。

(47) 凡在余等即位后所划出之森林区，及建为防御工事之河岸，皆应立即撤除。

(48) 有关每一州郡之森林，园固，森林官，园固守护人，管家吏及其仆役，河岸及其守护人等之一切陋规恶习，应由各该州郡推选武士十二人，于宣誓后立即驰赴各地详加调查，并于调查后四十日内予以全部彻底草除，务使永不再起，调查情形应先奏知余等，若余等不在国内时则先禀知大法官。

(49)凡英国臣民为表示和好和忠忱所交予余等之人质或其他担保品，概须立即退还。

(50)余等应解除执[拉尔](http://baike.baidu.com/view/1130488.htm)之戚及下列诸人( 名略 )及随从彼等来英任执行吏者之职务，并使彼等自此以后，不再在英国担任此项职务。

(51) 君臣复归于好后，余等应将携带马匹与武器来英格兰并危害英国之外国士兵，弩手，仆役及佣兵等立即遣送出境。

(52) 任何人凡未经其同级贵族之合法裁决而被余等夺去其土地，城堡，自由或合法权利者，余等应立即归还之。倘有关于此项事件之任何争执发生，应依后列负责保障和平之男爵二十五人之意见裁决之。其有在余等之父亨利王或余等之兄理查王时代，未经其同级贵族之合法判决而被夺去之上述各项，现为余等所有，或为他人所有而应由余等负责者，当按照参加十字军者获得展缓债务权利之一般规定办理。但当余等参渴圣地归来后，或因故中止余等之东征时，余等应即公平处理之。惟在余等誓师东征前正在进行诉讼，或由余等之敖令正在审理中者，不也比限。

(53) 关于下列事件亦应依照前条规定处理或展缓处理之：①余等之父亨利王，兄理查王时代所划出之森林，何者应撤除，何者应保留。②余等在他人采地中之监护权(此项监护权系因某人曾自余等领受军役采地，因而使余等享有者)③余等在他人采地中所建立之寺院(该采地之领主声称有管辖权者)。当余等参渴圣地归来后，或因故中止余等之东征时，余等应立即对上述诸项予以公正处理征时，余等应立即对上述诸项予以公正处理。

(54) 凡妇女指控之杀人案件，如死者并非其夫，即不得逮捕或监禁任何人。

(55) 凡余等所科之一切不正当与不合法之罚金与处罚，须一概免除或纠正之，或依照后列保障和平之男爵二十五人之意见，或大多数男爵连同前述之坎特伯里大主教斯提芬，及其所愿与共同商讨此事件者之意见处理之。遇大教主不能出席时，事件应照常进行。但如上述二十五个男爵中有一个或数人与同一事件有关(“大宪章重订译本”作“为同一事件之原告”)，则虚于处理此一事件时回避，而代之以其余男爵中所进选之人。

(56) 如余等曾在英格兰或[威尔斯](http://baike.baidu.com/view/478521.htm)，未依其同级贵族之合法裁判，而夺去任何威尔斯贵族之土地，自由或其他物品，应立即归还之。遇有关于此类事件之争执发生时，应交由“边区”贵族处理，凡属[英格兰人](http://baike.baidu.com/view/818280.htm)之产业，按照英格兰法律办理；威尔斯人产业，按照威尔斯法律办理；边区产业则依边区法律办理。威尔斯人对余等及余等之人民应同样行之。

(57) 至关于威尔斯人在余等之父亨利，或余等之兄理查时代未经其同级贵族之合法判决而被夺去之物，现在余等手中，或虽不在余等手中而应由余等负责者，余等将按照参加十字军者可展缓债务之一般规定处理。但当余等参渴圣地归来后，或因故中止余等之东征时，余等应即予以公平处理。惟在余等誓师东征前正在进行诉讼，或由余等之教令正在审理中者，不在此限。

(58)余等应立即归还刘埃霖之子及威尔斯人一切人质以及作为和平担保之一切信物与契据。

(59) 关于苏格兰王[亚历山大](http://baike.baidu.com/view/27308.htm)，余等将归还其姊妹，质物，自由与合法权利，一如余等对英格兰诸男爵之所为，但属于其父威廉王敬令中所载，而为余等所保有者，不在此限。此一切当依照在英国宫延中之苏格兰贵族之意见处理。

(60) 余等在上述敖令中所公布之一切习惯与自由，就属于余等之范围而言，应为全国臣民，无论僧俗，一律遵守；就属于诸男爵〔一切贵族〕之范围而言，应为彼等之附庸共同遵守。

(61) 余等之所以作前述诸让步，在欲归荣于上帝致国家于富强，但尤在泯除余等与诸男爵间之意见，使彼等永享太平之福，因此，余等愿再以下列保证赐予之诸男爵得任意从国中推选男爵二十五人，此二十五人应尽力遵守，维护，同时亦使其余人等共同遵守余等所颁赐彼等，并以本宪章所赐予之和平与特权。其方法如下：如余等或余等之法官，管家吏或任何其他臣仆，在任何方面干犯任何人之权利，或破坏任何和平条款而为上述二十五男爵中之四人发觉时，此四人可即至余等之前——如余等不在国内时，则至余等之法官前，一一指出余等之错误，要求余等立即设法改正。自错误指出之四十日内，如余等，或余等不在国内时，余等之法官不愿改正此项错误，则该四人应将此事取决于其余男爵，则此二十五男爵即可联合全国人民，共同使用其权力，以一切方法向余等施以抑制与压力，诸如夺取余等之城堡、土地与财产等等，务使此项错误终能依照彼等之意见改正而后已。但对余等及余等之王后与子女之人身不得加以侵犯，错误一经改正，彼等即应与余等复为群臣如初。国内任何人如欲按上述方法实行，应宣誓服从前述男爵二十五人之命令，并尽其全力与彼等共同向余等施以压力。余等兹特公开允许任何人皆可作上述宣誓，并允许永不阻止任何人宣誓。国内所有人民，纵其依自己之意志，不愿对该二十五男爵宣誓以共同向余等施用压力者，余等亦应以命令令之宣誓。如上述二十五男爵中有任何人死亡，离国或因故不能执行上述职务时，其余男爵应依己意自其他男爵中推选另外之人代之，其宣誓方法与上述诸人同。此外，上述二十五男爵于受托执行任务时，倘在出席讨论中关于某些事件发生争端，或有某些男爵被召请后，不愿或不能出席时，则出席男爵过半数之决定，或宣布之方案，应被视为合法且具有约束力，一如二十五人全体出席所议决者同。上述二十五男爵应宣誓对前列各项竭诚遵守，并尽力使其余之人遵守之，而余等亦不得由自己或通过他人自任何人取得任何物品致使上列诸权利与自由废止或削减。如有此项取得之物，应视同无效与非法，余等自己不得加以利用，亦不得通过任何别人加以利用。

(62) 自斗争开始以来，余等之僧俗臣民与余等之间所发生之一切敌意，愤怒与仇恨，余等已予宽恕并赦有之。

此外，自本朝第十六年复活节起，至和平重建之日止，一切僧俗人民所犯之一切罪过，余等亦已加以宽恕并赦肴之。关于上述各项让步与诺言，余等兹任命坎特伯里大主教斯提芬勋爵，杜柏林大主教亨利勋。

(63)余等即以此敕令欣然而坚决昭告全国：英国教会应享自由，英国臣民及其子孙后代，将如前述，自余等及余等之后嗣在任何事件与任何时期中，永远适当而和平，自由而安静，充分而全然享受上述各项自由，权剂与让与，余等与诺男爵惧已宣誓，将以忠信与善意遵守上述各条款。上列诸人及其他多人当可为证。

**参考：**

* [美国独立宣言(中英对照)](https://chegva.com/2872.html)
* [法国《人权宣言》中英译文](https://chegva.com/3256.html)
* [大宪章](https://baike.baidu.com/item/%E5%A4%A7%E5%AE%AA%E7%AB%A0/1384079?fr=aladdin)