



THE GREATEST CONSTITUTIONAL DOCUMENT OF ALL TIME

Did you know Australia has a copy of a 1297 Magna Carta?

Investigate the story of a king who was considered the most cruel and evil monarch in Britain's history [The Story of King John](#)

The original Magna Carta was sealed in 1215 by King John and his barons in a field between London and Windsor Castle, England. It is one of the most famous documents in the world, as it represents one of the first true attempts by the people of the time to hold the king to account in seeking freedom of liberties, equal rights and fair justice. The King was forced to become subject to the law of the land (the rule of law) and agree that no one will be considered above the law – including him!

At the time, the document was called the *Articles of the Barons* and included a collection of 63 clauses listing specific grievances the barons had been unhappy about, relating to fundamental values surrounding the rule of law.

Some of these articles included:

- *To no one will we sell, to no one will we deny or delay right or justice.*
- *No free man shall be seized or imprisoned or stripped of his rights or possessions except by the lawful judgement of his equals or by the law of the land.*
- *Establishing a qualified independent judiciary with the appointment of justices, constables, sheriffs, or bailiffs who know the law and mean to observe it well.*



Even though King John agreed to the terms and conditions on the day, he had no intention of keeping any of his promises. The barons chased the king all over England; however, he died before he could be held to account. The document was reissued by subsequent kings promising to follow the law, and through John's son, King Henry III, it was amended in 1216. By 1217 it was called *Magna Carta* (Latin for *The Great Charter*), to distinguish it from the smaller *Charter of the Forest*.

So, how did Australia get one?

Australia's Magna Carta is a copy of the document, which was approved without changes from the 1297 issue by the grandson of John, King Edward I. It was used as a public proclamation confirming the terms of the 1225 version. King Edward reissued this copy as a sign of good will to keep the current group of barons happy - and to collect more taxes!

The Australian Magna Carta has had an interesting journey spanning hundreds of years. It is beautifully scribed in Latin, with many abbreviations and grammatical signs used to help save space on parchment paper. After King Edward approved the contents, the document was checked for accuracy.

At this time, another smaller, but equally important document the Charter of the Forest was included. This was the one that sealed the deal between King Edward and his people, as it outlined conditions for the people to gain access to the royal forest. The forest had significantly increased in size over the years as various monarchs claimed more and more land for their own use, such as hunting, and general access was denied to everyday citizens. The royal forest had valuable resources which could support and sustain food production for the people, with its green forested areas, lush pastures and abundant waterways. Therefore, this was an important gesture and considered a special privilege granted by the King. This document enabled him to gain the people's favour in order to collect the taxes that he wanted.

From this time, the two documents were tied together as they moved through the approval process. Copies were sent throughout England to be read to all citizens as this would enable everyone to know of the agreement. The document was then stored in a church and minded by the nuns of Eastbourne Priory in Sussex for safe keeping. It remained there until the 1530's.



A few centuries passed and a family acquired possession of the documents sometime in the 1800's. They must have known the importance of their keep as they employed a solicitor in Somerset called John Louch, to store the charters in deedboxes in his strongroom for safe keeping.

In 1905 John Louch died, and Magna Carta somehow became separated from the Forest Charter and fell into the hands of the King's School, also located in Somerset. Meanwhile, the Forest Charter was donated to the British Museum, where it became lost – but rediscovered in 2007.

In 1951, the King's School headmaster took the 1297 copy of Magna Carta to the British Museum in London to be examined by experts. They recognise its historical value and importance immediately and offered the school a price of £2,500. The headmaster sensed their eagerness and decided to gain a second opinion on its true value. He took the document to an auction house called Sotheby's to be valued, and their price was also £12,500, including the sales commission. So, the decision was made for Sotheby's to find a buyer.

Why Did Australia Want to Buy It?

Due to its great historical significance, the British Museum still hoped that they could be the one to purchase the document, so the keeper of manuscripts Arthur Collins began looking for ways to prevent Magna Carta from leaving England.

Australia became an interested party in purchasing Magna Carta as it represented the ideas of freedom, justice and the rule of law – all important principles that are enshrined in its Constitution since 1901. During this time, the Library Committee of the Australian Parliament had agreed to the price and began a press campaign to gain public support and raise enough funds for the purchase. After many discussions between the British Museum and Australia about the legality of it being able to be sold in a commercial transaction, the British Export Committee finally allowed the King's School copy of the Magna Carta to be exported to Australia, but only if another copy of the same 1297 Magna Carta could be found for the British Museum. As it turned out, the City of London held a second copy.

By April 1952, the small King's School sold their 1297 copy of the Magna Carta to Australia for £12,500. Australia's National Librarian, Harold White was given the task to make sure the sale moved quickly, as the United States of America had shown great interest in historical documents during the same period. They had the funds to be able to pay a much higher price and the King's School would be able to sell it to them once the conditions of the private-treaty sale to Australia expired on 30 June 1952. Finally, with great luck and skills in negotiation, on 19 August the Australian Prime Minister Robert Menzies announced in Parliament the £12,500 would be advanced from the Prime Minister's Department rather than from the budget of the National Library. Australia had become the proud custodian of a 1297 copy of Magna Carta.



The historical document arrived in Australia by ship on 28 November in 1952. After work for conservation was completed in 1961, Magna Carta was placed on display in the King's Hall, Parliament House Canberra. It was briefly relocated to the National Library display during the late 1960's, then moved back to King's Hall. A new Parliament House was constructed on Capital Hill and once completed in 1988, the 1297 Magna Carta found its permanent home where it is on display for everyone to see when they visit the House.

The second copy of the 1297 Magna Carta to leave the shores of the United Kingdom was owned by a family in England for five hundred years before being sold to a private buyer in 1983 for US\$1.5 million. It was sold again in 2007 for US\$21.3 million and is now held on display at the National Archives, Washington DC.

There are only four copies of the 1215 Magna Carta that remain in the world today. They are currently held in the British Library, and the Cathedral Libraries of Lincoln and Salisbury.

The untold story of how a copy of the 1297 Magna Carta made its way from England to Canberra

[The Magna Carta; The Journey to Australia](#) 1:59mins

By Dr Bellad d'Abrera – Head of Foundations of Western Civilisation Program

(Sourced from the Institute of Public Affairs)

Why does the Magna Carta still matter today?

Since King John sealed the *Articles of the Barons* in 1215, Magna Carta has been revised many times, as ruling monarchs attempt to negotiate terms of agreement in order to keep the peace; each time moving closer in reaffirming the principles that surround the rule of law.



The 1297 copy of the Magna Carta is considered the ultimate version, as it was the final reissue of the document where all clauses remained unchanged from the 1225 issue.

The Australian Constitution

Magna Carta has inspired some parts of the Constitution with the preservation of the following principles enshrined into Australian law:

Rule of Law - no one is above the law. The rules apply to everyone, regardless of their status, race, religion, of beliefs.

Due Process of the Law – disputes between citizens and the State can only be determined by the Courts.

Trial by jury - no one can be sent to prison without a trial or finding of guilt. Lawful judgement will be delivered by one's peers, or the law of the land.

No taxation without representation – the government is not permitted to levy taxes without the consent of the people through Parliament.

The Judicature – the judicial power (the courts) of the Commonwealth are required to act as a system of checks and balances on government power.

Magna Carta is also the foundation of constitutional and parliamentary governments that exist in many other countries around the world, such as Canada, the United States, India, and the United Kingdom. It lays the cornerstone of democracy and represents freedom, justice and liberty for many people today.

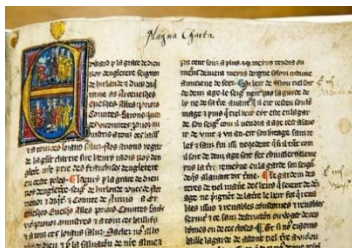
[Magna Carta - the story of our freedom](#) 4:10 mins
Australian Human Rights Commission 2015

Magna Carta is the founding document of individual liberty, the rule of law, and parliamentary democracy. It is the very document which planted the seeds of political freedom for all and the concept of individual rights which we enjoy in Australia today

[The Magna Carta in Australia - Volume 1](#) 3:48mins

By Dr Bella d'Abrera – Head of Foundations of Western Civilisation Program
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CLASS ACTIVITY Magna Carta was handwritten in a Gothic-style calligraphic font.



- ❖ Choose one example from the following pages to practise the gothic-style font that was written from an original Magna Carta script.
You can trace over these examples to get you started!
- ❖ Choose one of your class, or school rules and transcribe it in the same style of font as Magna Carta. If everyone transcribes a different rule, you can create a display in your classroom.

You will need a special calligraphy pen to create the required style. These websites also provide great ideas and will be able to help get you started:

<https://fontmeme.com/fonts/carta-magna-font/>

https://www.urbanfonts.com/fonts/Magna_Carta.font

Nulli vendem̄ nulli negabim̄ aut differem̄ rectū ut iusticiā

Nulli vendemus nulli negabimus aut differemus rectum vel iusticiam

To no one shall we sell, to no one shall we deny or delay right or justice

Salisbury Magna Carta 1215 Clause 40



Clause 40 - Due Process

Nulli vendemus, nulli negabimus aut differemus iudicium rectum iustitiam
impe gverre. 7 si sint de tra cont nos gverrua. Et si rales

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

Clause 17 - Access to Courts

his hoibz suis n̄ ad corpus suū redimendū. 7 ad faciendū p̄rogentū filiū su
debet. **Comunia placita n̄ sequit̄ curiam n̄tam. s̄ teneant̄ i aliquo loco certo.** Et
iusticiarios p̄ v̄nūqueq; Comitatu p̄. viij. vices in Anno q̄ cū quatuor milia

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

