

# History

## Magna Carta and the Evolution of Parliament

### Magna Carta Reissued

Shortly after King John's death in 1216, William Marshall, Earl of Pembroke and regent for the young King Henry III, issued a revised version of Magna Carta under his own seal, followed by a more substantial revision in 1217. This reassertion of Magna Carta's key principles was an attempt to appease the barons and build support for the new King.

However, a number of the barons felt that the principles of Magna Carta would not truly be secure until reissued by the adult King of his own free will and under his own seal. In 1225, King Henry III reconfirmed Magna Carta. In return, he was granted payment of a new tax by the kingdom. Notably, he was the first monarch required to regularly seek consent for taxation – a direct result of Magna Carta.

### The Provisions of Oxford



Simon de Montfort, 8th Earl of Leicester  
Eighteenth century line engraving by an unknown artist

In spite of his stated acceptance of Magna Carta, King Henry was unpopular with many barons. In 1258, he faced the threat of an uprising led by his brother-in-law, Simon de Montfort. He submitted to the formation of a new King's council that would direct much of England's administration, and ordered knights from different counties to report back to the council on the state of the kingdom.

He also agreed that 'parliament' – a word used since the 1230s to describe the infrequent gatherings of the King's council of trusted advisors – would meet three times a year. These and other stipulations were contained in the Provisions of Oxford.

### The First Parliament

King Henry III proved unwilling to accept lasting limits to his royal authority and soon rejected the Provisions of Oxford, leading to the eruption of the Second Barons War. After capturing the King and his heir at the Battle of Lewes in 1264, Simon de Montfort took the unprecedented step of calling parliament without the King's authorization.

Notably, he invited knights, burgesses and aldermen in each county to elect two people from among their ranks to attend the meeting in 1265. Owing to his insistence that the representatives be elected, not appointed, de Montfort is credited with the establishment of the first parliament – in the more modern sense of the term.

### The Emergence of the 'Commons'

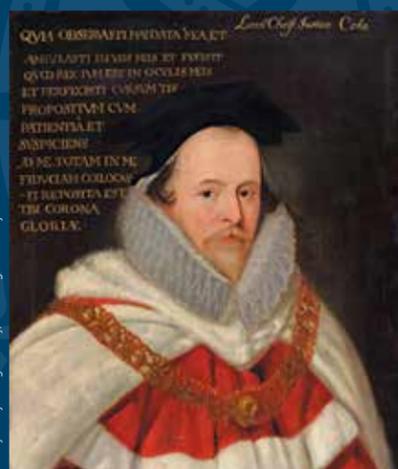
King Henry's heir, Edward I, continued the precedent set by de Montfort by summoning the 'Commons' to parliament after the conclusion of the Second Barons War. Owing largely to the King's need to raise taxes to fund military campaigns, regular meetings of parliament became a feature of political life during Edward's reign. His 'Model Parliament' of 1295 built upon the representative nature of de Montfort's parliament by expanding it to include more commoners.



Edward I and his court

### Magna Carta and English Common Law

As later medieval Kings reissued or affirmed the principles of Magna Carta, it slowly became accepted as the basis of English common law. By the seventeenth century, the writings of the jurist Sir Edward Coke revived interest in the document. In 1628, Coke drafted the *Petition of Right*, a statement of civil liberties that owed much to Magna Carta. Both would eventually form part of the uncodified British constitution.



Portrait of Sir Edward Coke by an unknown artist

# Legacy

## Impact and Legacy of Magna Carta



The American Bar Association's Memorial to Magna Carta at Runnymede

The principles of Magna Carta spread widely beyond England's borders and its legacy can be seen in the legal systems, constitutional documents and representative governments of many democracies around the world.

In 1776, Thomas Jefferson penned the American Declaration of Independence in order to free the thirteen colonies bound to England under the reign of King George III. The Declaration was ultimately an indictment of the King's violations of English common law, the roots of which were to be found in Magna Carta.

Today, the United States Constitution and Bill of Rights echo key provisions from 1215, protecting the rights of citizens and ensuring due process.

Article 7 of the Universal Declaration of Human Rights, issued by the United Nations after World War II, asserts that "all are equal before the law" – a key principle of Magna Carta that, while not entirely true in thirteenth century feudal England, has helped inspire gradual evolution towards global democracy and the rule of law.

### The Legacy of Magna Carta in Canada

As a constitutional monarchy and one of 15 Commonwealth Realms, the legacy of Magna Carta has permeated the history, laws and governance of Canada since before our country's confederation through to the modern era.

Its most enduring principles have informed key documents, including the Royal Proclamation of 1763 which shaped the then-British Colonies and their relations with First Nations, and the

1982 Canadian Charter of Rights and Freedoms, entrenched in the Canadian Constitution, which provides fundamental guarantees to all citizens under the law.

Canada's parliamentary system of government, both federally and provincially, is a testament to the impact and legacy of Magna Carta and its foundational role in the evolution of justice, law and democracy worldwide.

