

The Magna Carta



The *Magna Carta* (Latin for “Great Charter”) is the name given to a series of legal documents dating back to 1215 A.D.

The original document *Magna Carta* was signed by King John of England in 1215. The *Magna Carta* was re-issued by each king after King John (such as the 1225 document issued by King Henry III of England pictured here).

The *Magna Carta* was historically significant because it stood for the premise that nobody is above the law, not even the monarch. It further stood for the principle that nobody should be imprisoned without a trial. The document also contained other legal principles (such as actions for negligent acts of others and property, farming and fishing rights).

The *Magna Carta* was the predecessor to English common law, a legal system that we observe in Canada (except in Quebec, which is based on the civil code). Even today, English legislation contains three of the original clauses of the *Magna Carta*. Other constitutional documents around the world make reference to similar rights and freedoms of the people, as well as restrictions on government powers.

Today, the people of Canada can rely on the *Canadian Charter of Rights and Freedoms* (“Charter”). The Charter sets out fundamental rights to which original reference was made in the first *Magna Carta*. For example, the following *Magna Carta* clauses identify with our *Charter* right to a fair, speedy trial and protection against unlawful imprisonment:

- (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.

Even our Supreme Court of Canada has made reference to the importance of this historical series of documents in shaping modern rights and freedoms. Although the *Magna Carta* had its flaws and was, by today’s standards, politically incorrect, it can be recognized as having established a number of fundamental legal principles for everyday people.