



Leicester  
City Council

**WARDS AFFECTED  
ALL WARDS**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Cabinet  
Council**

**15 January 2001  
25 January 2001**

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**CHARTER OF SIMON DE MONTFORT, c1231 – RESPONSE TO PETITION**

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**Report of the Town Clerk and Director  
of Corporate Resources**

**1. Purpose of Report**

To determine the Council's response to a petition submitted to the meeting of the full Council on 30 November 2000, relating to a Charter of Simon de Montfort granted to the burgesses of Leicester c1231.

**2. Summary**

2.1. At the November 2000 Council Meeting, Councillor Garner, seconded by Councillor Metcalfe, formally presented the following petition, with 31 signatures:-

"We, the undersigned, being a group of concerned Christians from various churches and denominations, met at the Manor House Neighbourhood Centre on 13 October 2000. At this meeting a number of issues were addressed, one of which was the Charter circa 1231 given to the burgesses of Leicester by Simon De Montfort, Earl of Leicester, in which it was stated 'that no Jew or Jewess in my time, or in the time of any of my heirs to the end of the world, shall inhabit or remain, or obtain a residence in Leicester'.

Whereas it would seem ludicrous to believe at this time that this charter could be used against a group of today's Jewish citizens, it would have been ludicrous to have thought in 1938 at the time of Neville Chamberlain's 'Peace in our Time' speech, that within 7 years 6 million European Jews would have been slaughtered in the holocaust: but it happened.

We therefore humbly petition you, the Council, to formally and publicly revoke this Charter."

2.2. Staff in Legal Services have researched the issues surrounding this Charter and their findings are attached at Appendix A.

- 2.3. It will be noted that the Petitioners asked that the City Council formally and publicly revoke the Charter. However, such action would seem to be misplaced, as the Charter would not be the Council's to revoke.
- 2.4. The sentiments contained within the Charter are, however, clearly an abhorrence and totally at variance with the celebration of diversity which is one of the most prominent features for Leicester as it enters the twenty first century. It would, therefore, be totally appropriate for the Council to "renounce the sentiments and prejudices which led to the grant and any exercise of the Charter" and this, the Council is, therefore, recommended to approve.
- 2.5. Such sentiments also have direct links and relevance to the forthcoming First National Holocaust Memorial Day, on 27 January 2001, and for which there are to be specific events within the city, including an Art Exhibition of Harry Walton's Images of the Holocaust and an Observance of the Holocaust Day by way of a Lecture by Professor Aubrey Newman, Co-Director of the Stanley Burton Centre for Holocaust Studies at the University of Leicester, along with a recital of Bruch's Kol Nidrei.

### **3. Recommendations**

- 3.1. Cabinet is recommended to ask Council to renounce the sentiments and prejudices which led to the grant and any exercise of the Charter of Simon de Montfort, c1231.

### **4. Financial and legal Implications**

- 4.1. There are no financial implications.
- 4.2. The legal implications are appended to the Report.

### **5. Report Author/Officer to contact:**

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**CHARTER OF SIMON DE MONTFORT OF 1231**

1. It is correct that Simon de Montfort granted a charter to the burgesses of Leicester c1231. His power to make the grant derived from the fact that the borough of Leicester was a mesne borough i.e. it was entirely within land of which De Montfort was the immediate overlord. As such any person purporting to take land within the borough would need to swear fealty in his manorial court for that land to Simon as lord. The charter was originally in Latin and appears in translation in James Thompson's 'History of Leicester', which makes the point that the charter was a response to the burgesses and was being 'conceded to the religious prejudices of the townsmen by whom a feeling of hatred against the Jews ...was entertained'. The following extract is taken from Thompson's translation of the charter itself:-

'... I have granted, and by my present charter have confirmed, on behalf of me and my heirs for ever, to the burgesses of Leicester and their heirs, that no Jew or Jewess in my time or in the time of my heirs to the end of the world, shall inhabit or remain or obtain a residence in Leicester. I also will and command, that my heirs after me observe and warrant for ever that liberty entire and inviolate to the aforesaid burgesses'.

2. The charter was granted prior to Simon de Montfort becoming the leader of the baronial faction which opposed King Henry III and which led to the 'Baron's War' in the 1260s. Simon was killed at the Battle of Evesham. As a subject guilty of high treason all his lands within England were forfeit to the Crown and the earldom of Leicester was subsequently granted outside the Montfort family. Unless a subsequent earl expressly confirmed Simon's charter, then it is likely that it falls at that time. The reference to 'heirs' would then be of no effect because no-one had 'inherited' the land from Simon de Montfort. The new grant of the earldom and the lordship of Leicester derived directly from the sovereign's new creation.
3. Even if Simon's charter, for any reason, remained extant despite the forfeiture of his lands, it was overtaken both by a royal edict of 1291 which expelled all Jews from England, a law which has long ago been repealed. In regard to the change of ownership of feudal land, specifically its alienation, it was affected by the Statute of Quia Emptores 1290 which prohibited the creation of new tenures by anyone but the Crown and by the Tenures Abolition Act 1660 which effectively brought the system of feudal landholding to an end.
4. Any residual jurisdiction of a feudal lord's manorial court will now vest in the Leicester County Court. The Law of Property Act 1925 and modern anti-discrimination and property protection legislation would have to be addressed by the Court in the event that any application was purported to be made under the charter. All land in England is now held of the Crown so that any action would have to be brought in a modern court. The reigning sovereign cannot have legal suit brought personally against them. Therefore, any action would lie against the Crown as represented by a government department.

5. The changes in legal and social structures between the mid-thirteenth century and the present day make it difficult to see how any individual or group could find grounds to commence any proceedings, much less to maintain them with any hope of success. The Council could, nevertheless, renounce “the sentiments and prejudices which led to the grant an any exercise of the charter”. ‘Revocation’ by the Council would seem misplaced – it is not ours to revoke. This may require an Order in Privy Council to do this, but such a proposition would require research by other bodies.