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## **Judgment<sup>1</sup> delivered by Lord Neuberger Magna Carta Mock Trial, Westminster Hall, 31 July 2015**

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1. Treason has been famously described as a crime with a vague circumference, and more than one centre. As at 1215, one can identify three types of treason. There was *lèse-majesté*, unjustified threatening the King's life or the betrayal of the realm or the army. There was *proditio*, unjustified default of duty which injured the King or any unjustified plotting against the King. And there was *infidelitas*, unjustified violation of an oath of fidelity to the King.
2. In relation to each type of treason, it is necessary to show that the action complained of was "unjustified". For the reasons given so eloquently and clearly by my two colleagues, I would hold that, in all the circumstances, the prosecution has failed to show that the defendants' actions were unjustified. Accordingly, I, too, would acquit Baron Fitzwalter and the other 24 defendants of the charge of the treason.
3. Having said that, I have some concerns over the defendants' alleged actions in relation to inviting Prince Louis of France to replace King John on the throne of England. King John has an eight year old son, Henry, who is the heir apparent. I can see no good reason why the defendants did not seek to place him on the throne in place of his father. To that extent, and only to that extent, their actions appear to have been unjustified and I would have been prepared to consider convicting the defendants of treason, albeit to the young Prince Henry. However, that is not on the charge sheet, the evidence as to the defendants' actions in this connection is shadowy, and, at least as at this time, they seem to have got no further than preparing the ground for Prince Louis to come to England.
4. Accordingly, I formally declare that the defendants have been unanimously found not guilty and that they are free to leave this court.

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<sup>1</sup> These are notes prepared by Lord Neuberger for delivery at the end of the mock trial event, more details about which can be found at <https://www.supremecourt.uk/news/magna-carta-barons-found-not-guilty-of-treason-against-king-john.html>. It is not an official judgment of a court of law.