

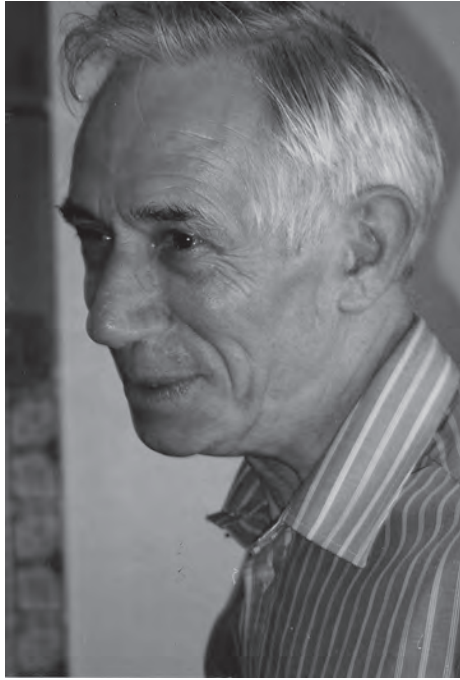
WALES AND THE WELSH IN THE MIDDLE AGES

Essays presented to J. Beverley Smith

Edited by
R. A. Griffiths and P. R. Schofield

University of Wales Press

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PREFACE

Beverley Smith retired from the Sir John Williams Chair of Welsh History at Aberystwyth in the early autumn of 1998. Since then he has continued to encourage the study of Wales's history – and on a yet broader front – as Chairman of the Royal Commission on the Ancient and Historical Monuments of Wales from 1991 to 1999, as general editor of the second volume of the *History of Merioneth* (with his wife Llinos – a notably productive scholarly partnership, this), and as editor since 1974 (and still in post!) of the History and Law section of the *Bulletin of the Board of Celtic Studies/Studia Celtica*. The present volume of essays by some of his friends and colleagues reflects the high regard in which he is held by historians of medieval Britain. It highlights a number of the themes with which his writings have been concerned, notably the political culture of medieval Wales and the interpretation of often exiguous evidence, the social complexities of rural and urban communities and the social implications of legal arrangements, always in a context wider than Wales itself.

As editors, we are grateful to the present contributors and their enthusiastic response to our invitation, in the knowledge that they represent many others who share, or have benefited from, Beverley's interests. We are particularly grateful to R. Geraint Gruffydd for his personal Foreword to the volume. Two of the essays originated in the series of Foundation Lectures which Beverley was instrumental in establishing at Aberystwyth in memory of his mentor, T. Jones Pierce: it is eminently satisfying to be able to include them here.

We are also grateful to Huw Walters of the National Library of Wales for compiling the List of Publications, and to Antony Smith, of Aberystwyth University, for the map of northern Spain. We acknowledge too the advice of Oliver Padel and the assistance of the Councils of Aberystwyth and Swansea Universities.

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ABBREVIATIONS

| | |
|----------------------|--|
| <i>ABT</i> | <i>Achau Brenhinoedd a Thywysogion Cymru</i> , in <i>Early Welsh Genealogical Tracts</i> , ed. P. C. Bartrum (Cardiff, 1966) |
| <i>AC</i> | <i>Archaeologia Cambrensis</i> |
| <i>AWR</i> | <i>The Acts of Welsh Rulers, 1120–1283</i> , ed. Huw Pryce with the assistance of Charles Insley (Cardiff, 2005) |
| <i>BBCS</i> | <i>Bulletin of the Board of Celtic Studies</i> |
| <i>BL</i> | British Library |
| <i>BU</i> | Bangor University Archives |
| <i>C</i> | <i>Colección documental del monasterio de San Pedro de Cardeña</i> , ed. G. Martínez Díez (Cardeña/Burgos, 1998); charters cited by number |
| <i>CBT</i> | <i>Cyfres Beirdd y Tywysogion</i> , ed. R. G. Gruffydd, 7 vols (Cardiff, 1991–6) |
| <i>CCR</i> | <i>Calendar of Close Rolls</i> |
| <i>Cel</i> | <i>O Tombo de Celanova: Estudio introductorio, edición e índices (ss. ix–xii)</i> , ed. J. M. Andrade Cernadas, with M. Díaz Tie and F. J. Pérez Rodríguez, 2 vols (Santiago de Compostela, 1995); charters cited by number |
| <i>CFR</i> | <i>Calendar of Fine Rolls</i> |
| <i>CIM</i> | <i>Calendar of Inquisitions Miscellaneous</i> |
| <i>CMCS</i> | <i>Cambrian Medieval Celtic Studies</i> (1981–92: <i>Cambridge Medieval Celtic Studies</i>) |
| <i>CPR</i> | <i>Calendar of Patent Rolls</i> |
| <i>CR</i> | <i>Cartulaire de l'Abbaye de Redon en Bretagne</i> , ed. A. de Courson (Paris, 1863); charters cited by number |
| <i>CU</i> | Cardiff University Archives |
| <i>EHR</i> | <i>English Historical Review</i> |
| <i>JMHRs</i> | <i>Journal of the Merioneth Historical and Record Society</i> |
| <i>JRL</i> | John Rylands University Library |
| <i>Li, Lii, Liii</i> | <i>Colección documental del archivo de la catedral de León (775–1230)</i> , vol. 1 (775–952), ed. E. Sáez; vol. 2 (953–985), ed. E. Sáez and C. Sáez; vol. 3 (986–1031), ed. J. M. Ruiz Asencio (León, 1987, 1990, 1987); charters cited by number |

ABBREVIATIONS

| | |
|------------------------|---|
| <i>LL</i> | <i>The Text of the Book of Llan Dâv</i> , ed. J. Gwenogvryn Evans with J. Rhys (Oxford, 1893; repr. Aberystwyth, 1979); charters in the chapter by W. Davies cited by page no. of this edition, differentiating those that begin on the same page by a, b, c. |
| <i>LW</i> | <i>Littere Wallie</i> , ed. J. G. Edwards (Cardiff, 1940) |
| <i>MC</i> | <i>Montgomeryshire Collections</i> |
| <i>NLW</i> | National Library of Wales |
| <i>NLWJ</i> | <i>National Library of Wales Journal</i> |
| <i>ODNB</i> | <i>Oxford Dictionary of National Biography</i> (Oxford, 2004) |
| <i>PMH</i> | <i>Portugaliae Monumenta Historica a saeculo octavo post Christum usque ad quintumdecimum, Diplomata et Chartae</i> , ed. A. Herculano de Carvalho e Araujo and J. J. da Silva Mendes Leal, vol. 1 (Lisbon, 1867–73); charters cited by number |
| <i>RCAHMW</i> | Royal Commission on the Ancient and Historical Monuments of Wales |
| <i>Record Caern.</i> | <i>Registrum Vulgariter Nuncupatum: The Record of Caernarvon</i> , ed. H. Ellis (London, 1838) |
| <i>SR</i> | <i>The Statutes of the Realm</i> , ed. A. Luders et al., 11 vols (Rec. Comm., 1810–28) |
| Smith, <i>Llywelyn</i> | J. B. Smith, <i>Llywelyn ap Gruffudd, Prince of Wales</i> (Cardiff, 1998) |
| <i>Sob</i> | <i>Tumbos del monasterio de Sobrado de los Monjes</i> , ed. P. Loscertales de García de Valdeavellano, 2 vols (Madrid, 1976); charters cited by number |
| <i>TAAS</i> | <i>Transactions of the Anglesey Antiquarian Society</i> |
| <i>TCHS</i> | <i>Transactions of the Caernarvonshire Historical Society</i> |
| <i>TDHS</i> | <i>Transactions of the Denbighshire Historical Society</i> |
| <i>THSC</i> | <i>Transactions of the Honourable Society of Cymmrodorion</i> |
| <i>TRHS</i> | <i>Transactions of the Royal Historical Society</i> |
| <i>TNA</i> | The National Archives |
| <i>WHR</i> | <i>Welsh History Review</i> |

MEMOIR

R. GERAINT GRUFFYDD

I am honoured to be asked to contribute a brief memoir to Professor Jenkin Beverley Smith's *Festschrift*, although I have an uneasy feeling that I am hardly qualified to do so.¹ Beverley is a distinguished Welsh medieval historian, a distinction which I certainly cannot claim; moreover, Wales is fortunate in having a number of such historians active in the field at this time, any one of whom could fulfil this task much more effectively than I can. On the other hand, I have known Beverley and cherished his friendship ever since our early days as graduate students, and my respect and affection for him as a person and as a scholar have grown rather than diminished over the long years. I am more than happy therefore to add my hatling to this treasury of salutations for him – a biblical allusion (Luke 21:2) which Beverley, with his enduring respect for the Protestant nonconformist tradition within which he was nurtured, would immediately recognize.

Beverley was born on 27 December 1931 at Gorseinon in the Swansea valley, the only child of Cecil Nelson Smith and Hannah Jane Smith (née Jenkins). His father, who worked in the steel industry, was a much respected figure locally and further afield, as his selection as a vice-president and as chairman of the executive committee of the Ebbw Vale National Eisteddfod of 1958 amply demonstrates: this was the eisteddfod visited by Paul Robeson, whom Beverley remembers as a guest in his home. Beverley's mother likewise came of princely nonconformist stock, being related to John Gwili Jenkins, a prominent preacher, poet, hymn-writer and historian of theology within the Baptist denomination, on whom Beverley later (1975) wrote an illuminating article. Incidentally, not far from Gorseinon was the village of Casllwchwr (Loughor), an early centre of the extraordinary Welsh religious revival of 1904–5, for which respect (not wholly unquestioning) persisted in the area.

Beverley was educated at Pontybrenin elementary school and Gowerton grammar school – of deservedly high reputation – before joining the University College of Wales, Aberystwyth (as it then was) in 1949. In his first year he read history, Latin, Welsh and Welsh history, followed by French, history and Welsh in his second year, and history alone in his third. Having graduated with high honours in 1952, he was awarded an E. A. Lewis

research and state scholarship for two years to enable him to pursue research in Welsh history. His researches were, however, interrupted by two years of obligatory national service in the army during 1954–6. He was nevertheless able successfully to submit his MA thesis on ‘The Lordship of Glamorgan: A Study in Marcher Government’ in 1957. A year earlier, he had been appointed for a period of two years as a research officer under the aegis of the History and Law Committee of the Board of Celtic Studies; this period he spent at the Public Record Office in London preparing a volume of documents relating to legal aspects of the medieval principality of Wales, under the direction of the redoubtable J. Goronwy Edwards. This was followed by two years, 1958–60, as an assistant keeper of manuscripts and records at the National Library of Wales in Aberystwyth. In 1960, however, he was appointed to an assistant lectureship in the department of Welsh history at the University College of Wales, where he remained for the rest of his career, advancing to a full lectureship in 1962, a senior lectureship in 1968, a readership in 1979, and the Sir John Williams professorship of Welsh history from 1989 until his retirement in 1995. During 1978–9, however, he was a Sir John Rhys visiting fellow of the University of Oxford, residing at Jesus College. Far more important in his eyes than this smooth career progression, however, was his exceptionally happy marriage in 1966 to Llinos Olwen Wyn Vaughan, a native of Llanelli whose background was very similar to his, but who had taken her first degree and doctorate at Bedford College in the University of London and whose researches were to shed much light on land tenure and acquisition in medieval Wales, as well as the fortunes of the Welsh language during that period. Two able sons, Robert and Huw, were born to Beverley and Llinos; in one of his forewords Beverley thanks them not only for their support but also for the ‘due irreverence’ they had shown him and his labours! This was truly a marriage of equals, which their dual election to the fellowship of the Royal Historical Society aptly symbolizes.

This bare recital of facts tends to conceal how well Beverley was prepared for the work which lay ahead of him: Latin and French, as well as Welsh and history, would stand him in good stead later. His professor of history was R. F. Treharne, a distinguished medievalist; his professor of Welsh Thomas Jones, whose major life-work was the editing of the Welsh and Latin chronicles which are primary historical sources for the period. It was neither Treharne nor Jones who directed Beverley’s research, however, but rather Thomas Jones Pierce, a Liverpool-trained medievalist who was attracted to Aberystwyth from Bangor by a unique joint offer by the University College of Wales and the National Library of Wales. Jones Pierce was a highly innovative Welsh social historian who was also a compelling teacher and one much concerned with the well-being of his students. The lessons which

Beverley learnt at Jones Pierce's feet while working on the lordship of Glamorgan, however, must have been massively reinforced during the three years spent at the Public Record Office working on documents emanating from the medieval principality of Wales (broadly comprising the counties of Anglesey, Caernarfon and Merioneth, together with Cardiganshire and Carmarthenshire). Moreover, during his period at the National Library of Wales he was able to familiarize himself with the estate records, some of them medieval, held in that great repository, as well as with a wide range of literary sources whose value for Welsh social history can hardly be overemphasized.

The invaluable bibliography compiled by Huw Walters includes more than 170 entries, many of them multiple.² This in itself is testimony to a lifetime of selfless and unremitting labour. It would be invidious of me to attempt to comment in any detail on this vast output, but a few general remarks may be apposite. The steady flow of reviews from Beverley's pen is a sure indication of his commitment to his field of study and to the community of scholars of which he is part: as a friend of mine once remarked, reviewing is a very expensive way of buying books, but Beverley has never shirked his duty in this respect. Even more revealing is the series of obituaries for departed friends and colleagues which he has published, including commemorations of Thomas Jones (1973), John Goronwy Edwards (1977), Gwyn Alfred Williams (1995), Glanville R. J. Jones (1997), Edmund Fryde (1999), Rees Davies (with Llinos, 2005) and the fine historical novelist Marion Eames (2008): I am glad to have known all of these and to have enjoyed the friendship of many of them.

Beverley's doctoral thesis on the lordship of Glamorgan was soon followed by a masterly article in the *Transactions* of the Glamorgan local history society, *Morgannwg* (1958), and by no less than four chapters or part-chapters in the third volume of the massive *Glamorgan County History*, edited by T. B. Pugh under the general editorship of Glanmor and Fay Williams (1971). The last of the part-chapters is a lucid discussion of the social structure of the lordship of Senghennydd during the medieval period, which is full of portents for the future. (It is frustrating that we know nothing of the eponymous *Sangan!) Beverley's contribution to the *Glamorgan County History* was followed by his faithful participation in many collaborative enterprises over the years, including Meic Stephens's *New Companion to the Literature of Wales* (1986–98), H. C. G. Matthew's and Brian Harrison's *Oxford Dictionary of National Biography* (2004), and John Koch's remarkable *Celtic Culture: A Historical Encyclopedia* (2006): the list could be lengthened. More important than any of these in Beverley's mind, however, was his joint editorship with Llinos of the outstanding second volume of the *History of Merioneth* (2001), to which he

contributed a chapter, three part-chapters and an appendix; one of the part-chapters was on Cymer abbey, which exemplifies Beverley's informed interest in medieval buildings, reinforced by his membership, and later chairmanship, of the Royal Commission on the Ancient and Historical Monuments of Wales; his recent *Gwasg Gregynog* book on the castles of the Welsh princes is much acclaimed. Notable acts of *pietas* have been Beverley's edition of Thomas Jones Pierce's essays on *Medieval Welsh Society* (1972), and of his friend Ieuan M. Williams's transcript, with introduction and notes, of Humphrey Llwyd's *Cronica Walliae* (2002), a work which stands at the fountainhead of the modern Welsh historiographical tradition. Another, not unrelated, act of *pietas* is his foreword to Lord Prys-Davies's translation of his father's history of Llanegryn parish (2002), which recalls a lifelong friendship as well as Beverley's commitment to that patriotic strand in Welsh Labour politics which, *inter alia*, has in recent years proved crucial in the movement towards greater constitutional autonomy for Wales. An early indication of that commitment was his 'Appreciation' of the contribution of James Griffiths, the first secretary of state for Wales, in a volume jointly edited by Beverley and Lord Callaghan (1977).

Beverley's early interests as an historian were naturally focused on south Wales: as well as his studies of the marcher lordships of south-east Wales, mention may be made of his penetrating analysis of the 'Cronica de Walliae' discovered by Thomas Jones in Exeter cathedral (1963). Gradually, however, his interests shifted northwards, and he became captivated by the epic struggle of the princes of Gwynedd to secure the allegiance of the other Welsh princes and to convey that allegiance, together with their own, to the English crown. For some years, Beverley's favoured mode of advancing his study of this period was by the publication and analysis of single significant documents, studies which were undergirded by his skills in palaeography and diplomatic as well as his profound knowledge of the historical context of these documents: an early example is 'Offra Principis Walliae domino regi' (1966). Soon, however, he felt the need – surely a mark of the true historian – to construct a synthesis of the evidence surviving from this period, to tell the whole story, as it were. The enterprise began with a fine lecture on Owain Gwynedd, delivered in the cathedral church of Bangor on the eighth centenary of the prince's death (1971): this is the church where the prince's bones lie, in defiance of his excommunication for marrying within the prohibited degrees of consanguinity. The pages relating to Llywelyn ap Iorwerth (Llywelyn Fawr) in the *History of Merioneth*, Volume II, carry the story forward compellingly, and it reaches its climax in the magisterial volumes, *Llywelyn ap Gruffudd, Tywysog Cymru* (in Welsh, 1986) and its somewhat amplified successor *Llywelyn ap Gruffudd, Prince of Wales* (in English,

1998); these are undoubtedly historiographical masterpieces of a high order, based on an exhaustive knowledge of the available sources, both primary and secondary, coupled with extraordinary perceptiveness in their interpretation. Both volumes are also notably well-written. Professor Anthony Carr of Bangor described the Welsh version as ‘a major work of scholarship’ (in the *Welsh History Review* for June 1987), whereas Professor Michael Prestwich of Durham regards the English version as ‘a remarkable book’ (in the same journal for June 2000). I would be very happy to receive those endorsements from these two foremost scholars in their fields!

Beverley has made a significant contribution to Welsh literary, as well as historical, studies. His papers on Einion Offeiriad and Sir Gruffudd Llwyd (1964, 1976, 2004) have transformed our understanding of the problematic texts known as the Welsh bardic grammars. He scrutinized with great care the ‘background notes’ prepared for each poem included in the Centre for Advanced Welsh and Celtic Studies’s seven-volume edition of the work of the poets of the princes, and his own use of this remarkable body of verse is characterized by both scrupulous accuracy and great sensitivity to context and nuance (for example, 1996[2], 2009). His discovery of a group of texts known as *cydfodau*, which outlines provision for negotiation between different polities, is a welcome addition to the corpus of early modern Welsh prose (1966, 1973). His meditations on his vocation as an historian (1975, 1991) would amply repay study by those who profess both disciplines.

In his great elegy (I use the adjective advisedly) for Sir John Edward Lloyd, Saunders Lewis refers to Lloyd as *Llusernwr y canrifoedd coll*, ‘The lantern-bearer through the lost centuries’. That is an epithet that could assuredly be applied to Beverley also.

NOTES

- ¹ In addition to Dr Llinos Beverley Smith and the editors, I have been much helped in what follows by Mrs Carys Briddon, Dr Ian Salmon and Dr Huw Walters.
- ² In referring to this bibliography in what follows, I merely note (in brackets) the year in which the relevant entry occurs.

1

ANGLO-WELSH AGREEMENTS, 1201–77

HUW PRYCE

On Thursday, 29 September 1267, very probably at the ford on the River Severn near Montgomery known as Rhyd Chwima, the Welsh prince Llywelyn ap Gruffudd (died 1282) did homage and swore fealty to King Henry III and ratified the peace treaty agreed four days earlier before the papal legate Cardinal Ottobuono.¹ The treaty of Montgomery is the best-known and most significant of the agreements concluded between native Welsh rulers and the English crown in the thirteenth century. By its terms, the king granted Llywelyn and his heirs both the principality of Wales and the title of prince of Wales, thereby giving constitutional recognition to the extensive hegemony achieved by the prince over the past two decades, a hegemony that resulted from his successful mastery of his patrimonial land of Gwynedd in the north-west and then of large swathes of the country beyond its borders. The treaty has thus been seen as a milestone in the efforts of princes of Gwynedd, from the time of Llywelyn's grandfather, Llywelyn ap Iorwerth or Llywelyn the Great (died 1240), in the early thirteenth century to gain recognition of their paramount status among the native rulers of Wales, including, crucially, the right to receive homage and fealty from all of the other Welsh princes and lords. This marked a major change in royal policy, which hitherto had insisted that those individual homages and fealties were owed directly to the crown; according to the terms agreed in 1267, by contrast, Llywelyn would give homage and fealty to the king on behalf of the other Welsh lords subject to his rule as prince of Wales.²

Like the treaty of Montgomery, the other agreements drawn up between princes of Gwynedd, the most powerful native dynasty in the thirteenth century, and the English crown have usually been viewed from the perspective of Anglo-Welsh relations and especially the changing fortunes of that dynasty's hegemonic aspirations in Wales.³ This is, of course, perfectly justified: the terms of these agreements do, indeed, throw valuable light on those relations and aspirations. Nevertheless, important though it is to set them in a wider political context, their textual context also merits attention. After all, the agreements cannot be separated from the texts that record them. Although, they were, admittedly, the result of oral discussions, guaranteed by the swearing of oaths (and sometimes also by the giving of pledges),⁴ and often

accompanied by the performance of other ceremonial acts such as the giving of fealty or homage, their terms were defined in documents – that is, in artefacts that were therefore themselves integral to the conduct of relations between the crown and the princes of Gwynedd. Accordingly, what follows will concentrate on the form and phraseology of the documents, while also drawing on recent work that has highlighted the symbolic and ritual dimensions of medieval politics, including diplomatic relations.⁵ The discussion seeks to reassess the significance of a key body of sources for the study of thirteenth-century Wales, and thus to offer a small contribution to a field which Beverley Smith has illuminated with great penetration and distinction over many years. It should be added – though the point cannot be developed in detail here – that the Welsh evidence under consideration also has a wider significance, as it provides an example of how one culture adapted to, and in turn adopted, written instruments drawn up and, in many cases, imposed by a more powerful and bureaucratically developed neighbour in medieval Europe. True, given their close ties over many centuries within the common framework of Latin Christendom, the English and Welsh did not confront as radical a challenge to establishing diplomatic relations as that faced, say, by the pagan Lithuanians in dealing with their literate Christian neighbours or by Muslims and Christians in negotiating with each other in Spain.⁶ Nevertheless, it remains the case that the prince of Gwynedd and the king of England were differentiated not only by a disparity in power but also by the distinctive ethnic and cultural complexion of their respective polities.

Though necessarily selective, this essay will try to assess, then, how an analysis of the form and wording of documents may enhance our understanding of the making of agreements and thus, more generally, throw light on the status of the princes of Gwynedd in relation to the English crown. In other words, to what extent can a focus on texts in turn offer additional insights into the broader political issues that have tended to provide the framework for interpreting these agreements? The discussion begins by summarizing the nature and textual transmission of the extant documents as well as the political contexts in which they were produced. This leads to a consideration of who drafted the texts, including the likely role of royal clerks in some instances, and their significance as tools in negotiating Anglo-Welsh relations.

The analysis is necessarily confined to texts that have survived. Anglo-Welsh agreements were not, of course, themselves something new when the earliest extant record of one was drawn up in 1201: Welsh rulers had come to terms with kings of England on various occasions from the Anglo-Saxon period onwards, including what Roger of Howden describes as a peace treaty (*foedus pacis*) with Richard I at Worcester in 1189.⁷ But were

Geoffrey fitz Peter and Hubert Walter innovating when they ensured that the terms agreed with Llywelyn ap Iorwerth in 1201 were given documentary form authenticated by their seals?⁸ Since the chances of any previous texts of agreements surviving were much slimmer in the period before chancery enrolments began in 1199, it would be rash to rule out the possibility that earlier agreements had been written down. Nevertheless, had this been the case in the time of Henry II or Richard I, it might be expected that court historians such as Roger of Howden and Gerald of Wales would have recorded the terms, just as Roger did with respect to the treaty of Falaise with William the Lion of Scotland in 1174 and the treaty of Windsor with Ruaidrí Ua Conchobair of Connacht in 1175.⁹ The novelty of the claim to overlordship set forth in both agreements may further indicate that the contrast is not simply due to differing patterns of textual survival; kings of England had long asserted their overlordship over Welsh rulers and, until the end of the twelfth century, it may have been deemed sufficient to maintain this principle by getting these rulers to swear oaths of fealty, without the need for any accompanying document.¹⁰ In addition, the form of the 1201 agreement – essentially, as we shall see, a memorandum for the royal chancery rather than a document authenticated by both parties – could support the view that royal agreements with Welsh rulers had previously not been the subject of written records.

The majority of documents recording agreements survive as charters or letters patent issued by the prince of Gwynedd, although a few – the agreements at Gloucester in 1240 and Woodstock in 1247, the truce between Henry III and Llywelyn ap Gruffudd in 1260 – are extant as bipartite chirographs sealed mutually by the parties to judge by the corroboration clauses, while the treaty of Montgomery is set out in a letter patent issued by a third party charged with making peace, namely, by Cardinal Ottobuono.¹¹ It is difficult to discern any consistent pattern that would explain why particular forms of document were chosen in particular cases. The greater number of letters patent fits a wider pattern in treaties between the king of England and other rulers from Richard I's reign onwards, but runs counter to the trend suggested by Pierre Chaplais for bipartite indentures to be mainly used for agreements with smaller countries whose rulers were not kings.¹² Arguably of greater significance with respect to how the crown conceived its relations with Welsh princes is the extent to which, irrespective of their form, identical or closely similar documents were exchanged by the parties. This was obviously the case with bipartite chirographs but, as in other diplomatic contexts in medieval Europe, letters patent also provided a means of allowing each party to keep a copy of the text of an agreement. While there are no examples of duplicate copies being made of the same text, issued in the names of both

parties,¹³ on at least some occasions the prince of Gwynedd and king of England exchanged letters patent issued in their respective names. This is clearest with respect to the articles agreed by the representatives of Llywelyn and Edward I at Aberconwy in November 1277, as copies survive of ratifications in letters patent issued by both the prince and the king.¹⁴ No other examples of formal ratifications survive, and it is by no means certain that all other letters patent extant in the name of only one party originally had a counterpart issued by the other party. However, there is a strong case for presuming that both Llywelyn ap Iorwerth and Henry III issued letters patent confirming the truces agreed between them in the 1230s: although five survive only as chancery enrolments of the king's letters, the sixth, recording a further extension of the truce in 1238, is extant as letters patent issued by both the prince and Henry, and the same may well have been true originally of the earlier examples as well as of the letters patent, one extant in the name of the king, two in that of Llywelyn ap Gruffudd, confirming truces in the late 1250s and early 1260s.¹⁵

As agreements which, by their very nature, reflected the inability of either party fully to achieve its goals, truces were particularly suitable candidates for the issue of documents in the names of both king and prince. The same cannot be said of agreements whereby one party submitted to the other. However, the surviving evidence reveals a variety of diplomatic practices in such cases, without any obvious correlation between the kinds of documents issued and the relative strength of the parties at the time. The agreements reached between Llywelyn ap Iorwerth and the regency government of Henry III at Worcester in March 1218, following the prince's major military successes in Wales, are recorded in three letters patent, all issued by the prince; neither the close roll on which they are copied nor any other sources indicate that the prince was given royal letters patent confirming the terms of the agreements in return.¹⁶ The same is true in 1241, when the balance of advantage was firmly in the crown's favour: whereas Dafydd ap Llywelyn issued a series of letters patent which set out the terms of his submission to Henry III in comprehensive detail, there is no evidence to indicate that the crown issued reciprocal documents on these occasions.¹⁷ On the other hand, as already mentioned, Edward I did issue a ratification of the treaty of Aberconwy in 1277. Nevertheless, in addition to his own ratification, Llywelyn was obliged to issue four other letters patent providing further details of his submission for which there were no royal equivalents.¹⁸

Nearly all of the texts survive only as copies made by departments of English royal government and now held in the National Archives. The two original documents from 1265 have the same provenance, and the same may originally have been true of that issued by Dafydd ap Llywelyn in 1241.¹⁹

This pattern of archival survival of course reflects the remarkable continuity in royal record-keeping in England, especially from the appearance of the earliest surviving charter, close and patent rolls in John's reign.²⁰ By contrast, Welsh princely archives survive largely only to the extent that the documents they issued were preserved by beneficiaries of charters or by English officials after the Edwardian conquest of 1282–3.²¹ The latter point is particularly relevant to the present discussion, for it is very likely that some texts regarding agreements copied among the *Littere Wallie* in Liber A of the exchequer – including versions of the treaties of Montgomery and Aberconwy – derived from the archives of the defeated prince of Gwynedd.²² More generally, since the overwhelming majority of texts are known only from copies, the question arises of how closely these correspond to the originals. The issue deserves further consideration than can be given to it here, especially in the handful of cases where multiple copies of the same text contain significant variant readings. This is true, for example, of the dating clauses in the two copies of the treaty of Montgomery.²³ While both copies date the agreement itself at Shrewsbury on 25 September, albeit in differently worded dating clauses, and the chancery copy repeats this date at the end of the document following its description of Llywelyn's ratification on 29 September, the second dating clause in the copy in exchequer Liber A dates it at Montgomery on the latter date of 29 September. As well as highlighting the problem of determining how accurately the surviving copies of texts under consideration preserve the wording of the original documents, this example raises the question of the extent to which variant readings between different copies of the same text may reflect deliberate attempts to alter their tenor in the interests of a particular party. Thus, it may have served Llywelyn's interests to emphasize that the treaty of Montgomery had only been completed after he had ratified it personally on 29 September on the border of his land at Montgomery.

As regards their content, a common thread connecting the various documents is a context of submission to the English crown. None of the texts under consideration was an agreement between two independent sovereign powers. Although Dafydd ap Llywelyn briefly made an abortive attempt to hold Gwynedd as a papal fief, and his father Llywelyn ap Iorwerth had formed a short-lived alliance with Philip Augustus against King John in 1212,²⁴ by and large all thirteenth-century princes of Gwynedd accepted that they owed fealty and homage to the king of England, and these obligations are central to all major agreements, including the treaty of Montgomery in 1267 whose terms were exceptionally favourable to the Welsh ruler. That treaty stands in instructive contrast with, say, the peace concerning attacks on merchants and other matters agreed almost two years later, in August

1269, between Henry III and Magnus Haakonsson of Norway: whereas, as we shall see, the treaty of Montgomery, for all its concessions to Llywelyn, nevertheless insists that his principality and associated title depended on royal grant and nowhere suggests that his status was comparable to that of the king, the text of the peace with Norway styles both Henry and Magnus as kings by the grace of God and makes clear that all the obligations incurred were mutual.²⁵ Royal superiority was even clearer in the majority of agreements – in 1211, 1241, 1247 and 1277 – when the princes had been forced to submit to the crown by military action, while in 1240 Dafydd was at a strong disadvantage owing to the threat of potential royal support for his half-brother Gruffudd. Of course, the degree of subordination varied according to political and military circumstances. Yet, even when a prince had achieved extensive hegemony, as was recognized in 1218 or 1267, the fundamental principle of homage and fealty to the crown was not in doubt. The unequal nature of the relationship is underlined by the frequent dating of documents in the first half of the thirteenth century by the regnal year of the king of England, although from 1258 onwards years are given in the AD form (together, in Ottobuono's notification of the treaty of Montgomery, with Pope Clement IV's pontifical year).²⁶ By contrast, none of the documents, in common with authentic *acta* of Welsh rulers in general, is dated by the prince's regnal year.²⁷ The arrangements for ratifying agreements likewise pointed up the inequality of the parties, as Dafydd ap Llywelyn swore in person, the king only by proxy, at Gloucester in 1240 and at Gwerneigrn, Rhuddlan and Westminster in 1241, and the same was true of Llywelyn ap Gruffudd's ratification of the treaties of Montgomery and Aberconwy.²⁸

Let us pause a little longer with the treaty of Montgomery, which is particularly significant in this respect precisely because it went further than any other Anglo-Welsh agreement of this period in accommodating the political aspirations of the prince of Gwynedd.²⁹ Throughout the document the legate was careful to uphold the king's superiority over Llywelyn and, in common with the other agreements discussed in this essay, there was no attempt to imply any equality of status by using the language of friendship in a way comparable to that used when twelfth-century kings of England gave homage to the kings of France for the duchy of Normandy.³⁰ True, the emphasis, particularly in the pious preamble, on restoring peace between the English and the Welsh peoples implied that Llywelyn represented the latter, rather than merely his patrimonial territory of Gwynedd – an implication also recognized in the location of the negotiations on the Anglo-Welsh frontier at the ford of Montgomery (Rhyd Chwima), which had become the main meeting-place for representatives of Llywelyn and the crown since 1258.³¹ However, he is first referred to simply as 'the noble man Llywelyn ap

Gruffudd' (*nobilis vir Lewelinus filius Griffini*), and thus by a title normally used by the crown in addressing dukes or counts and which was also applied in the treaty to the marcher lords Roger Mortimer and Robert of Mold.³² The first part of the text, therefore, seems to present Llywelyn's status as being initially no different from that of other great lords of the king; and it is striking that the early clauses of the agreement stipulate the procedures for resolving territorial disputes between Llywelyn and the king's men. Only after these issues of Anglo-Welsh conflict had been dealt with do we come to the crucial clause stating that the king, 'by his pure liberality and grace' (*ex mera liberalitate sua et gratia*), had granted Llywelyn the principality of Wales, 'so that the same Llywelyn and his heirs may be called and be princes of Wales' (*ut idem Lewelinus et heredes sui principes Wallie vocentur et sint*).³³ Thereafter, the treaty refers to Llywelyn as *princeps* quite frequently; but the structure as well as wording of the text make clear that this title and the authority it conveyed were royal creations. Furthermore, the treaty explicitly states that the prince owed 'fealty and homage and accustomed and due service' (*fidelitatem et homagium ac servitium consuetum ac debitum*) for the various royal concessions bestowed on him.³⁴ The care taken to hedge the prince's authority within a framework of royal authority was doubtless designed to try to undermine any attempt by Llywelyn to present his principality in similar terms to those expressed, over two years earlier, in his letter patent announcing his acceptance of an abortive agreement with the royal government controlled by Simon de Montfort – a document that tries to give the impression that the principality was an autonomous creation, albeit one held of the king, with Llywelyn even going so far as to refer to 'our predecessors the princes of Wales' (*principes Wallie predecessores nostri*).³⁵

The context of submission to the crown is very relevant when we turn to consider how the texts of agreements were drawn up. Unfortunately, we lack detailed accounts of the negotiations that resulted in the documents we have today, although other sources provide valuable evidence in some cases. Thus, the Welsh chronicles describe how, after John's devastating campaign against Gwynedd in 1211, 'Llywelyn, being unable to suffer the king's rage, sent his wife, the king's daughter [that is, Joan], to him by the counsel of his leading men to make peace with the king on whatever terms he could'; this resulted in a grant of safe conduct to the prince to meet the king and make peace.³⁶ The agreement appears, therefore, to have been negotiated in person between the principal parties, with Joan playing a vital mediating role. In 1267, too, the background and length of the talks that led to the treaty of Montgomery can be pieced together from other sources, mainly royal documents, including Henry III's decision on 24 September to entrust the completion of the negotiations to Cardinal Ottobuono.³⁷

On the whole, however, the context of negotiations and the agencies responsible for drafting the documents setting out the terms agreed have to be inferred from the texts of the documents themselves. In a significant number of cases drafting was very probably supervised, if not undertaken, by the royal chancery. This is true of the earliest-known written agreement between a king of England and a Welsh ruler, namely that between King John's representatives and Llywelyn ap Iorwerth in July 1201.³⁸ By then Llywelyn's success in defeating rival kinsmen and establishing his authority over Gwynedd made it politic for the royal government to afford him recognition – recognition which was equally important, if not more so, to the prince as a means of underwriting his newly achieved domination in north Wales; indeed, the agreement marked the beginning of a rapprochement between Llywelyn and John that culminated, just over three years later, in the prince's betrothal to the king's illegitimate daughter, Joan.³⁹ Nevertheless, while the document must embody the results of negotiations and compromise that took account both of Llywelyn's position of relative strength and his need to ensure that this was not jeopardized by royal support for one of his rivals, it does so very much from the perspective of John's government. The prince is cast in a subordinate role, the opening rubric baldly stating that 'these are the terms of the peace by which Llywelyn son of Iorwerth came to the service of the lord king' (*Hec est forma pacis qua Leulinus filius Ioruert venit ad servitium domini regis*).⁴⁰ The first clause then declares that Llywelyn and 'the great men of his land' (*maiores terre sue*) had sworn fealty to King John. However, the document was sealed only by the archbishop of Canterbury and the justiciar, who promised that the king would confirm the peace with his seal, and is dated by the king's regnal year. In short, the form and wording of the document suggest that it was a memorandum produced by and for the royal chancery.⁴¹

Identifying the role of royal scribes in the drafting of other documents is more difficult. Royal influence presumably increased in proportion to the degree of superiority enjoyed over the Welsh party. Thus, given his defeat by royal forces, Llywelyn ap Iorwerth can have had little room for manoeuvre in his negotiations with his father-in-law John in 1211, and at the very least the stiff terms of submission detailed in the charter he issued on that occasion must have been imposed on the prince and may even have been drafted by a royal clerk.⁴² Although the document is described by the long-established and flexible term *conventio*, its terms underlined Llywelyn's subordination, with numerous concessions being made in return for the grace and good will of the king and the remission of his *malevolentia* and *indignatio*. In addition, it was dated by the king's regnal year and sealed not only by Llywelyn but also by leading royal counsellors at the prince's request.

Thanks to a series of campaigns that extended his power over most of native Wales, Llywelyn's position had been transformed by the time he met the royal council at Worcester in March 1218. However, as Beverley Smith has rightly stressed, the terms of the agreements with Henry III's minority government 'fell far short of Llywelyn's expectations', as they did not recognize the prince's paramount position as the overlord of the other Welsh rulers and thus as an intermediary between those rulers and the crown.⁴³ This interpretation is supported by the form of the relevant documents, namely, three different letters patent issued by the prince, each dealing with specific matters, rather than a single document setting forth a comprehensive agreement. The lack of any reciprocal letters patent issued on behalf of the king (as noticed above) arguably further underlined the prince's inferiority. However, comparison of the two letters patent dealing with custody of the royal castles of Cardigan and Carmarthen highlights a complex process of negotiation that sought to uphold royal rights while offering recognition of the effective power achieved by the prince. In the first, Llywelyn makes two key promises: to try to ensure the return to the crown of the two castles, their appurtenant lands and also other lands seized from the king's allies; and to compel 'all the magnates of all Wales' (*omnes magnates totius Wallie*) – a phrase that strongly implied that the prince had authority over all of native Wales – to do fealty and liege homage to the king.⁴⁴ The second letter patent is concerned only with the two castles, and reflects the results of further negotiations. Here, it becomes clear that Llywelyn had won a major concession, for the document states that he has been granted custody of the castles until the king comes of age. However, the royal party took pains to emphasize that this was a grant by the legate Guala, on behalf of the king, rather than a right inherent in the prince's own authority, for Llywelyn is described as 'the bailiff of the lord king' (*baillivus domini regis*); moreover, unlike the two other, presumably earlier, agreements, the prince was required not only to swear on relics to keep the terms but also to give four named pledges to ensure his compliance.⁴⁵

The likely influence of the royal chancery on the drafting of princely documents setting out terms of agreements is particularly apparent in a series of texts from the 1240s. Following the death of Llywelyn ap Iorwerth in April 1240, his son and designated successor, Dafydd ap Llywelyn (died 1246), faced a serious challenge from his elder but illegitimate half-brother, Gruffudd (died 1244). Accordingly, Dafydd sought the support of his maternal uncle, Henry III, whom he met at Gloucester a month later. For the previous two decades and more, Dafydd's father Llywelyn had enjoyed a de facto supremacy over the other Welsh rulers, but had failed to secure a formal recognition of this paramount position from the English crown. A document