HANES A CHYFRAITH — HISTORY AND LAW

The Models for Organisation in *Llyfr Iorwerth* and *Llyfr Cyfnerth*

Along among the Welsh lawbooks, *Llyfr Iorwerth* presents, in its section dealing with royal rights and administration, a detailed model for organisation. This is much more elaborate than the outline model presented in *Llyfr Cyfnerth*. The Iorwerth model, as it may be called for convenience, not only casts a light on administration and territorial dispositions at the time of its adoption but also suggests how society and the economy were then envisaged. The Cyfnerth model, as it, too, may be called for convenience, is much less illuminating on all these topics. The contrasts between the two models and their elucidation, however, have never been fully explored. This paper will seek to account for these contrasts by considering the nature and function of the Iorwerth model as well as its probable age and origins.

The Nature of the Iorwerth and Cyfnerth Models

According to the Iorwerth model, the make-up of the *cantref* (hundred), with its hundred *trefi* (townships or vills), is as follows: 'four legal *erua* (‘acres’) in every *tyddyn* (homestead); sixteen in every *rhantrip* (shareland); sixty-four in every *gafael* (holding); two hundred and fifty-six in the *tref* (township); one thousand and twenty-four *erua* (‘acres’) in every *maned* (‘multiple estate’); twelve thousand two hundred and eighty-eight *erua* in the twelve *manoles* (multiple estates) and ‘five hundred and twelve *erua* in the two *trefi* (townships) which belong to the *ilys* (court).’ Thus, ‘when all the *erua* in the *commot* (commote) come together, twelve thousand eight hundred; and as much as all that in the other *commot*: that is, a total of *erua* in the *cantref* of twenty-five thousand six hundred, no more and no less’. Of the twelve *manoles*, four were assigned to the king’s *biletainiaid*, *eiltion* or *taugwnt* (villains or bondmen); two were for the support of two of the king’s officers, the *maer* (reeve) and the *sychhydr* (bailiff); and the remaining six were for *uchelwyd rhuddlun* (free nobles). From each of the last eight *manoles* the king was entitled to a *gweestfa* (food rendes) deemed to be worth a *pant* (pound). This pound appears to have been a regalian due owed to the king, as king, by his subjects, nobles and freemen, who also performed military service. The bondmen, too, were the king’s subjects but in addition they had become the king’s tenants. Instead of a *gweestfa* they contributed to the king a *dauhmwyd* (food-gift); and in keeping with their lowly status their only military duties were akin to those of recent army pioneers in providing support services. They also performed slightly heavier labour services than the freemen, notably in the working of the arable and
pastoral lands of the two trefi belonging to the liwy (court). These lands were worked in the main by the bondmen of the maenor (reeve’s township), that is, the trefi adjoining the court, under the supervision of the maer y biwael (dung reeve). The two townships belonging to the court were said also to be ‘for the king’s need’. As such they were attached to the office of kingship and would have become the property of the king when he succeeded to his throne. Similarly, the bondmen who worked the lands of these two townships would have become the king’s tenants.

The paent contributed by the nobles and freemen in lieu of the geystfa was ‘divided into three score pence for every tref of the four which are in the maenor; and so from quarter to quarter it is shared out until every erau of the ydyllyn takes its share. And that is called the paent drama (tame pound). ... And as much as all that from the other, and so the centref will be complete’. Given the pound due from each maenor there must have been an accommodation between the territorial subdivisions of the model and the assessments for each of the eight manosou of the uncalwch ryphlidion. This was achieved in practice by deducting, from the 64 farthings levied in theory on each gafael of 64 eraus in the eight manosou, the four farthings ascribed to each ydyllyn of four eraus. Such a method of accommodation carries with it the implication that, according to the Iorwerth model, the gafael was the standard holding of each household. That this accommodation should have been adopted at this particular level suggests also that the gafael was an important component of the model.

In a culture lacking in cartography, just as renaming verse served as a mnemonic permitting the preservation and transmission of knowledge about journeys and space relationships, so the kind of ideal territorial pattern presented in the Iorwerth model was a useful approximate guide to actual dispositions. The same was true, but to a lesser extent, of the model in Llŷr Cynfarch; for this lawbook, which relates to South Wales, presents the least developed Welsh law. Since it was therefore much simpler and less comprehensive it merely records that ‘there are to be thirteen trefi (townships) in every maenor (multiple estate)’, and the thirteenth of these is the geystfa (supernumerary township)’, and that ‘seven trefi are to be in the maenor of the bond trefi’. Other Southern Texts while recording thirteen trefi for an upland maenor also reveal that the maenor of seven trefi was in the lowlands. Llŷr Cynfarch also refers to the maenod (reeve’s township) but Llŷr Bisgwynr, another Southern Text, refers to the maenod y llys (reeve’s townships of the court). Latin A, the oldest extant Latin text, on the other hand, refers to the ‘villas (villa) adjacent to the court (vocitae)’, but a later Latin text makes it clear that these were the equivalent of maenod. The bond occupants of all these townships were apparently


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responsible, under the maer y biwael (dung reeve), for the cultivation of the lands and the grazing of the outlying pastures of the llys (court).

Territorially defined cynnwys (commotes) did exist in South Wales for, as Llŷr Cynfarch also records, ‘an impositional large river is not a boundary between two cynnwys save in its original channel’. These cynnwys were clearly units of royal administration, for Llŷr Bisgwynr reveals that the boundaries of the cynnwys belonged to the king and that, as such, they were to be preserved by the maer (reeve) and the cynnwysbol (baillie), aided by their subordinate the thynghyl (serjeant). From the Southern Texts we learn nothing of the organisation of the cynnwys of South Wales. Later evidence for South-west Wales reveals however that, at the macro-scale, there were four cynnwys in each cynnwys.

Accordingly, it may be hypothesised that a cynnwys of 50 trefi could well have been envisaged as being ideally made up as follows: three maenod of the nobles, each containing twelve trefi, since presumably the gafael (supernumerary township) was not included; and one maenor of twelve bond trefi belonging to the king plus two trefi belonging to the king’s court. In other words there would have been thirty-six free trefi plus fourteen royal trefi making in all fifty for the cynnwys. When the statements about maenod made in the Southern Texts are taken together it appears that, in theory, all fourteen royal trefi would have been worked by the king’s bondmen. The seven trefi in the lowland maenor, which included the maenod y llys adjacent to the court, would have been used in the main for cultivation, whereas the seven trefi in the uplands would have been used almost entirely for grazing activities.

Whereas each maenor was divided into trefi, each trefi was subdivided into rhanadeuol (shares). Thus, at the meso-scale, according to Llŷr Cynfarch, each trefi contained four rhanadeuol (shares) with the share of every four men of the ree (cynnwysbol) and in each of the rhanadeuol there were to be 32 eraus, ‘between clear and brake and wood and field, and wet and dry, except the gafael’. Thus, the gafael may well have been

S. J. Williams and J. E. Powell (eds.), Llŷr Bisgwynr (Cardiff, 1942), p. 27; H. D. Enzautz (ed.), The Latin Texts of the Welsh Laws (Cardiff, 1967), pp. 120, 349. The Welsh lawbooks were compilations bringing together material from different sources but in this paper the term Southern Texts is used of those with a South- Welsh viewpoint, namely Llŷr Cynfarch and Llŷr Bisgwynr, together with Latin A and Latin D, as distinct from Llŷr Iorwerth as well as Latin B, C, and E written from a Gwynedd viewpoint (Enzautz, Latin Texts, pp. 9-12, 404, 448, 483-84; P. T. M. Charles- Edwards, The Welsh Laws (Cardiff, 1989), pp. 19-20, 59, 44).

Even if there had been at one time an ideal society of kin-groups owing no obligation to anyone save a tribal ruler, this kind of society could not have existed for long. As a result of economic and other pressures, nobles and freemen would have become the clients of the king; for the landed property of the king, like that of other powerful men who had their own clients, is likely to have become enlarged with the passage of time. The king’s free or bond clients would have owed him the equivalent of a gaestfa or bywyd and various services. The bondmen, however, beginning with the men of the maenod or the maenod, in the course would have become the tenants of the king. On chivalry and also the means whereby such landed properties could have been enlarged see D. Howell, ‘The Four Exclusive Possessions of a Men’, Studia Celtica, viiii (1975-76), 67-77. For the significance of the contrast between redeemed and acquired property see P. Wornsold, State and the Conversion of England: The Charter Evidence (Livermore, 1984), pp. 19-24. On the portion of land attached to the office of kingship in the Irish petty-kingdom see D. A. Bloch, Celtic and Anglo-Saxon Kingdoms (Oxford, 1979), p. 20; and F. Kelly, A Guide to Early Irish Law, Early Irish Law Series, iii (Dublin, 1988), pp. 17-18, 101.

1 Welsh Medieval Law, pp. 55, 205; Llŷr Bisgwynr, p. 118.

two gaffaun in the gwey, so as to give a total from the whole progeny of one tanc pound plus 1¢d. From this sum, according to the Survey of Denbigh, were to be extracted smaller sums of tanc to be paid the tenant of the township, sums which were even proportionate parts not of the tanc of the whole progeny but of the tanc at which the tref where they paid was assessed. Thus, two kinds of gaffaun seem to be indicated for this progeny, one the actual portion of the tref for which the lineage paid its share of the total assessment of the tref; and the other, a subdivision of the total holding of the whole progeny, contributing to a total of one tanc pound plus 1¢d from the whole progeny. This sum of 256¢d. was exactly what would have been yielded by an assessment of one farthing per acre ('acre') before an accommodation was effected between the fiscal model and the territorial one. In this example, therefore, the neatness of the assessments on the whole lineage of Rhaawad and its subdivisions suggests that the territorial possessions of the lineage were all deliberately donated. Since, to judge from the number of generations in the progeny of Rhaawad as recorded in the Survey of Denbigh, his floruit must have been c. 1200, this was probably a royal donation made deliberately by Llywelyn ab Iorwerth for strategic purposes. For this reason, the lands involved were grouped around the former court tref of Llyssau.

Most of the lineages recorded in the Survey of Denbigh appear to have begun to emerge at an earlier date, usually a few centuries earlier, than the progeny of Rhaawad. Such was the case with the very widely ramifying lineage of Edryd ap Marchudd. From the Survey of Denbigh it appears that Edryd was the son of Marchudd, and that the latter would have lived in the late-eleventh century; but, according to the pedigrees, Edryd was the great-great-grandson of Marchudd. If so, Marchudd would have lived at the close of the tenth century. Whichever is the correct provenance, however, it is clear that the lineage of Edryd was much deeper than that of Rhaawad. The lineage of Edryd, as recorded in the Survey of Denbigh, began to emerge in the lowland tref of Llwyngwiddod in the caemad of Rhos Uchw Uchwal in the central tref of Abergwiddod in the caemad of Rhos Is Dulas. In Llwyngwiddod and its hamlets of Gwylpderd and Dinerth, the lineage of Edryd was one of the four major lineages represented, and in Abergwiddod it was one of the three such lineages. Significantly, in Llwyngwiddod and its hamlets, as in Abergwiddod, each lineage occupied a near fractional share of the land. At Llwyngwiddod and its hamlets the four lineages or gweyldau rendered a total of 10s. tanc for the parent tref, and 3s. for Gwylpderd; but nothing was paid for Dinerth probably because, as the former maerofdau (reeve's tref) of Rhos Uchwal Dulas, it was held by a grant of private privileges terms to the equivalent of the four major lineages represented there. Thus, according to the Survey of Denbigh, Edryd ap Marchudd had held in one lotus or gevegl ‘one third part of the eilla (tref) and the said hamlets’ for tanc of 3s. 4d. in Llwyngwiddod and 20¢d. in Gwylpderd’, that is a total of exactly 60¢d. Again, at Abergwiddod, Gwyla Edryd ap Marchudd paid tanc of exactly 60¢d. for the parent tref plus, in this instance, two outlying hamlets.

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\text{average generations was 37½ years rather than 27 years and that, therefore, the upper limit of date for Marchudd could have been c. 871 (M. Miller, The Saints of Gwynedd (Woodbridge, 1979), pp. 84-8.).}
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\text{Survey of Denbigh, pp. 245, 246-51, 259, 301-2. In Llwyngwiddod the term tanc for the payment collected from the men of half the maerofdau by the yrr llaist was being used in a more general sense than the same term used with reference to the caemad (Llwyngwiddod, pp. 41, 174).}
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process first of all, as is likely in the areas with the greatest diversity of resources. Among these were probably areas such as Rhos, particularly Is Dalus, and Arfon, particularly Is Gwyrfai, with their inland lakes, woods and mountains, as well as their maritime resources. Equally as precarious are likely to have been the well-populated arable lowlands of Anglesey and Llŷn, again with access to maritime resources.1 Already by the late tenth century there was probably a awareness of administrative subdivisions, as is indicated by a colophon in a manuscript of that period, *Oxoniensis Posterior, Bulletiae MS. 572*. This, although likely to have been written by a Cornishman, was probably Welsh in origin for there are Welsh words not only in glosses, such as *proposita(sia, id est mair* (rever, that is mar) but also in the text. *Oxoniensis Posterior* contains further references to the daf (leader) who was in charge of twelve villages (contax), to the comunes (sic) who were in charge of a *caerdel* and to the tribunals (tribune or throne?) who was the princeps (chief) in charge of two villas (tef).2

The oldest surviving redactions of Welsh law are at least partly of the thirteenth century but, nevertheless, there existed a body of customary law at a much earlier date. In the lawbooks there are references to Hywel Dda as a promulgator of laws for what is claimed, with some exaggeration, to be the whole of Wales. Although some of the laws in the extant texts were of more recent origin than Hywel’s day, others must be ascribed to his reign, which came to an end c. 995. Some parts of the extant texts were influenced by English practice, and the best explanation for these particular changes to already existing law is the influence of kings, like Hywel Dda, who spent time at English courts in the early tenth century.3 D. A. Bunchy claimed that, during the reign of the powerful Hywel, the Welsh practice of royal succession was ‘deliberately designed to assimilate the prerogatives and functions of the Welsh kings to those of the Anglo-Saxon overlords’. This was particularly the case at the time for English and Welsh kings had a common interest in repelling Viking attacks. Thus, according to Bunchy, the Welsh heir was no longer chosen from among the members of the four-generation group but, instead, the king nominated his successor, normally his son, and only in exceptional circumstances his brother or paternal nephew. The designated heir, who occupied a special place in the hierarchy of privilege, came to be called the *eddaing*, a borrowing of the Old-English *ætheling*. Nevertheless, as Professor Beverley Smith has more recently argued convincingly, ‘the evidence points rather to an early improbable tradition in which a change may have been

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2 T. M. Charles-Edwards, ‘The Seven Bishop- 


5 This assessment for Anglesey is first recorded in a *contax* of *Bede’s Historia Eclesiastica* c. 731, but it must date from the period of the supremacy of Edwin of Northumbria over Gwynedd c. 631 (H. P. R. Finberg, *Anglo-Saxon England* to 1066* in The Agrarian History of England and Wales*, 1, ed. H. P. R. Finberg (Cambridge, 1972), p. 412).
made from collateral to linear succession within a corporate dynasty. Thus ‘it might be preferable to postulate, not a single decision, but a process of change achieved by each dynasty over an extended period of time’. The adoption of the term díthi, therefore, may perhaps have marked but an acknowledgement of such a process after the sojourn of Hywel Dda, the grandson of Rhodri Mawr, at English courts.

Bînchý, moreover, suggested that the whole organisation and machinery of the Welsh court, as set out in The Laws of the Court, was taken over from the Anglo-Saxons. Accordingly, the stewards or earls (servant or follower) of the Latin texts of the Welsh laws, who ranked in formal dignity below the captain of the household and the priest of the household, was in actual power the most influential of all the officers of the Welsh royal household. It is significant, therefore, that the title of this most important of the royal officials was ðistain, a borrowing of the Old-English dysega, meaning a servant or minister. However, in this instance too, it might be preferable to suggest that some part of a pre-existing court organisation survived, and that the change in the name of the steward was adopted in order to demonstrate directly the effect of a process, albeit one that had accelerated during the tenth century. Under these circumstances, it would be surprising if, during the tenth century, there had been no other borrowings in the sphere of royal administration.

There appears to be a basis for the claim that Hywel Dda promulgated laws, or at least some laws, for the whole of Wales. But, since the Iorwerth model applied only to Gwynedd, and perhaps northern Powys, it can hardly be ascribed to his reign or, of course, to that of his grandfather Rhodri Mawr. Nevertheless, this model cannot have been introduced much later than Hywel’s reign, for some changes in it are attributed to Llyfr Iorwerth, to the powerful Bleddyn ap Cynfyn who, by 1075, had come to rule Wales from sea to sea. Thus, according to a section of Llyfr Iorwerth dealing with the sharing of land among brothers, there were to be ‘four erws’ (‘acres’) to each ðydain (homestead)’ but ‘after that’ (my italics), Bleddyn ap Cynfyn changed it to twelve acres for the usherer (noble), and eight for the anath and four for the go-deag (lesser bondman). This passage, which occurs consistently in the various texts of Llyfr Iorwerth, but not at all in the southern texts, probably means that Bleddyn attempted to modify, not the sizes of homesteads, but rather the assessments of holdings so that his richer subjects, alike in Gwynedd and in Powys, were taxed thrice as heavily, and some bondmen twice as heavily, as they had been before. The occasion was probably immediately after 1063, when

1 J. Beverley Smith, ante, xxxii, 109-206.
8 Idem, i, 165, 177.
11 Idem (ed.), Bleddyn ap Owain (Cardiff, 1971), pp. 60-1. (BTL, Pen. 20 T.)
15 Idem (ed.), Bleddyn ap Owain (Cardiff, 1971), pp. 60-1. (BTL, Pen. 20 T.)
19 Idem (ed.), Bleddyn ap Owain (Cardiff, 1971), pp. 60-1. (BTL, Pen. 20 T.)
23 Idem (ed.), Bleddyn ap Owain (Cardiff, 1971), pp. 60-1. (BTL, Pen. 20 T.)
27 Idem (ed.), Bleddyn ap Owain (Cardiff, 1971), pp. 60-1. (BTL, Pen. 20 T.)
applied to the actions of both Godfrey and Maredudd in relation to 'great treasure' and 'tribute' may well be significant. It may not be too fanciful, therefore, to suggest that Maredudd adopted, and adapted, the arrangements for the payment of tribute imposed on Anglesey in 972, but also extended them to the remainder of Gwynedd.

Soon after gaining Anglesey and Gwynedd, Maredudd suffered a major defeat during the course of the Viking expedition of 987. As a result, according to an Irish annalist, a thousand men from the Welsh were left dead on the battlefield. In addition, it was claimed that two thousand men from Anglesey were carried off into captivity by the Vikings; and if we may accept the wording of both versions of Brut y Tywysogion and Brenhinedd y Sosson, rather than that of the Annales Cambriæ, Maredudd took the remainder with him when he retreated to Dyfed and Ceredigion. There is no doubt a considerable element of inflation in these figures but, even if half those men who either perished or were taken captive by the Vikings were from other male parts of Gwynedd, the losses from Anglesey entailed some three-quarters of the island population, and even more if Maredudd had really taken the remaining Anglesey men with him. Clearly, therefore, positive remedial action would have been necessary; hence probably the steps taken by Maredudd in 989 to redeem the captives from the 'Black Annas' (a nummus (small coin)). Brenhinedd y Sosson records this as a payment of a 'heiname ann bap goch rath (a penny for each man of his); but the Brut, Peniarth MS. 20 Version, records it as a penny 'a bap dyn (from every person). A penny for each man makes the better sense but, in any case, a link with households is implied and, as is indicated in the Ioerwth model, the nominal case, a link with households is implied and, as is indicated in the Ioerwth model, the nominal assessment of 'tyme on each tyfyn (homestead), as of four erauo was four farthings or a penny. In his dealings with the Vikings, Maredudd showed, in the opinion of J. E. Lloyd, 'an alert and modest and successful spirit'. It is by these actions rather than his uneven military record that he is likely to have earned the title bestowed on him, alike in both versions of the Brut and in Brenhinedd y Sosson, of 'most famous king of the Britons'. A ruler deserving of such praise could well have been responsible for elaborating a system of assessment; and, in any case, the payment of the tribute to the Vikings indicates that there was enough coin available to make possible, by the late-tenth century, the commutation of the guetfia (food render) into tyme. For these reasons, it would be quite plausible to attribute the adoption of the Ioerwth model for Gwynedd to the period of Maredudd's reign there from 986 to 999.

The Ioerwth model could have been based on the Scandinavian erauo (ounce) of 16d. Even

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1 Lloyd, Hist. Wales, p. 349-6.
3 I estimate that the population of Anglesey c. 987 was some 7,300. I propose to discuss the basis for this estimate on a later occasion.
4 AC. p. 24.
5 BS. p. 47; BT. Pen, 20 Tr., p. 49. For the wider implications of a danaeal economy, in which the only tangible native coin in general use was the silver penny, see H. Layn, 'Progress in Anglo-Saxon Monetary History in History Essays in Memory of Michael Dolley, ed. M. A. S. Blackburn (Leicester, 1986), pp. 1-10.
6 BT. Pen, 20 Tr., p. 49.
7 Lloyd, Hist. Wales, p. 346.
8 BT. Pen, 20 Tr., p. 10; BS. p. 49.
Significantly, the number of carucates corresponding to this sum, that is 12,800, is again exactly the same as the number of erewans in the ideal Welsh census recorded in Llyfr Iorwerth.

So, too, the kind of accommodation whereby the gafal (holding) of the Iorwerth model was assessed at 60 rather than 64 farthings was foreshadowed in (West) Derby Hundred by the assessment of a few carucates at 30d. each rather than 32d. Whether or not the same was true in 1066 of the other hundreds between the Ribble and the Mersey cannot be determined from the testimony of Domesday Book, since these hundreds were surveyed in much less detail than (West) Derby. Just as the Iorwerth model, unlike the slightly differing models presented in the Southern Texts, provided a uniform schematic basis for the assessment of Gwynedd, and perhaps northern Powys, so the detailed survey of (West) Derby served as a model for the other hundreds of the whole district between the Ribble and the Mersey.

This was feasible because the territory described as inter Ripam et Marsham was terra regis before 1066, with the king holding the six chief manors to which the whole territory was tributary. It had probably been brought under the control of the English king in 920 when the rulers of Northumbria and Strathclyde submitted to Edward the Elder. The grant by Athelstan in 934 of Amounderness, the district immediately north of the Ribble, to the archbishop of York, indicates that this sensitive frontier region was granted out to great landowners in huge blocks. The land between the Ribble and the Mersey had probably been the subject of a similar grant in the tenth century. Thus, in the early tenth century, according to the will of Wulfric Spot minister, it was not under royal control, and it probably became royal demesne only after the death of his brother and heir, the ealdorman Aelfhelm, in 1006. Nevertheless, the whole district between the Ribble and the Mersey appears to have been administered as a single unit.

Both the fiscal hides and the fiscal carucates of (West) Derby appear to have been based on statute acres. Thus, in the first sight, the assessment here at 32d. for each carucate was, per unit area, only a quarter of that for hide in North-west Suffolk which, as we have seen, was 32d. for thirty statute acres. In 1086, however, according to the Domesday account of (West) Derby, 'in each hide there are six carucates of land', so that in all probability the geld-carucate for the district between the Ribble and the Mersey had been very markedly reduced.

Accordingly, each carucate paid only one-sixth of the original assessment, a reduction probably

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1 Domesday Book ii. pp. 262b, 263a, 263b, 264a, 264b, 265a, 265b, 266a, 266b, 267b, 268b. (DB). The Domesday accounts of (High) Escrith (Shropshire) and Eardisland (Herefordshire) provide examples of the use of Scandinavian oær for what appear to have been Welsh customary dues which had been commuted before 1066. In (High) Escrith, by custom, when the women's (Edward's wife) 'came to the manor, 18 acres of one peole were brought to her'. Similarly, in Eardisland, the reeve had the custom that when his lady (Paul Morrice's wife) 'came to the manor he presented to her 18 acres of one peole so that she might be happy' (DB ii. 179b, 253a). These entries for (High) Escrith and Eardisland recall one particular customary due recorded in the lawbooks. According to Llyfr Cyfren, when the king went once a year with his host to a border country, then the queen was entitled to 'a lady-program'. On such occasions, according to Laitin A and D as well as Llyfr Bywgarth, the queen was accompanied by the pages and maids. On the other hand, Llyfr Iorwerth records that the king's villains were bound to honour the lady or, according to one text, the queen, 'once a year with food and drink' (Welsh Medieval Law, pp. 37, 208, Latin Texts, pp. 136-7, 317; Llyfr Bywgarth, P. 3; Llyfr Iorwerth, p. 61).

2 DB ii. 372a; Davis, Calendar, pp. xxv-xxvi.

3 DB ii. pp. xxx-xxxiii. There is a parallel with Wales: so much as we have knowledge North-west Suffolk was inhabited party, so that in Dyffryn Glowyd the expression 'sokeage lands' was used to designate lands formerly held by cyfans or 'free tenure for pannage' (NLM Bachyd Mon M.S. 482-4: NLM MSS. 1733, 1798).

4 Davis, Calendar, pp. xxv-xxvi.

5 Ibid., pp. xxvii-xxviii.

6 Llyfr Iorwerth, p. 60.


8 DB ii. 269b.


10 There is evidence to suggest that the equivalent of six carucates for church endowments had been derived from an original 480 carucates (Farrer, VOLE Landsavai, i. 276).
effected before 963. There is evidence, even so, to suggest that the original hide and later the carucate in (West) Derby had contained 192 acres, as was the case with the carucate of Cheshire. Before reduction, therefore, the geld-carucage was probably 192d per carucate of 192 acres, that is six times the assessment of 1066. In this event, the burden of geld-carucage before 963, at 32d per 32 acres would be the only fractionally less than that of the hideage of North-west Suffolk.

Similarly, there are close parallels between both these districts and Kent, where gafiel was part of the old tribute on the land, usually paid at the rate of about a penny per acre. This was due from the gyvelloand, which was held by gawtelummen and inherited by gawtelkind, all compounds terms which were derived from gafiel. In Kent there were also gavelaces and gaveles or geveles of ploughing and reaping so that the association with arable land is evident.

The term gafiel and its compounds were widely used in England. This was the case, for example, with geveligild, the term for the tribute-payer recorded for Wessex in the seventh-century laws of Ine. About a century later, in 793-6, the church estate of Weastby-on-Trym (Gloucestershire) was released from all taxes except the gafiel, a due in kind which included Welsh ale, payable at the royal vic. In the mid-eleventh century tract entitled Rectitudines Singularum Personarum (Rights and Ranks of People), which draws on experience of a large estate in the West Midlands, the half-free gebir (boor) paid gafiel but the cottar (cottager) did not pay land-gafiel. Similarly in York, according to an inquisition of 1275, the payments made included gevel-geld, g vel-geld and gevels. Gafiel in Old-English also occurs in place-names or field-names in widely dispersed counties of England, including Cheshire, for it had come within the rent as well as tax. Originally, however, gafiel was a tribute or tax paid to the king as a regalian due rather than, as later, a rent paid to him and other lords as a seigneurial due. As a regalian tribute it formed part of the royal farm or the hundred farm. This is also recorded in Domesday Book, for various southern English counties plus the western border counties of Gloucestershire, Herefordshire and Shropshire, as the farm usually of one night or one day; in other words, this was the quantity of produce necessary for the king's household during the period specified.

As a feast it was thus equivalent to the Welsh gevestia, which the term derived from the genesta meant the place where a feast (gweot) was provided for the king.

1 W. Farrer, 'Introduction to the Yorkshire Domesday', in VCH, Yorks, ed. W. Farrer, ii, 139-41.
3 Above, p. 106.
7 J. D. Donald and G. W. Greenaway (eds.), English Historical Documents, ii (London), 815-6.

5 J. Williams, 'Rhan Geistiau y Pentre', an ii (1923-5), 41-4.

Clearly, therefore, some elements of the fiscal framework of the Iorwerth model could well have been borrowed from English exemplars. Moreover, it is possible that gafiel in the sense of a holding was a similar borrowing. In the lawbooks gafiel had a variety of meanings but in the context of the Iorwerth model it meant 'a measure of land' or 'a holding'; and, as T. H. Parry-Williams indicated tentatively nearly seven decades ago, gafiel in this sense was possibly borrowed from the Old-English gafiel meaning 'tribute'. The Old-English term gafiel, however, was used not only for 'tribute' but also in phrases like 'to act as gafiel' and thus, by extension, 'a holding' as in the gavolland of Kent. With its compounds, therefore, gafiel had a range of meanings, but among them were both 'tribute' and 'a holding'. It was presumably a similar extension of meaning that Parry-Williams had in mind when, in his essay on gafiel, he drew attention to the various meanings of the English 'farm'; for among these meanings are 'a feast', 'a fixed yearly rent', 'a tract of land held on lease for cultivation' or 'the act of taking and holding such land'. If, like 'farm', gafiel had a range of meanings akin to the range of the Old-English gafiel it is possible that one of these meanings was originally 'tribute'. This interpretation is supported by the fairly close equivalence, per statute acre, of tyme, geld-carucage, hideage, and gafiel. Like the carucate, the territorial subdivisions of the Iorwerth model, including the gafiel, must have consisted of arable land only, as indeed is suggested in one text of Llyfr Iorwerth. On the other hand, the idealised rhandir of South Wales, the area for building, contained 300 eauw of arable, pasture and fuel-wood. If the 300 eauw was shared equally between these three categories of land-use, the arable component of the rhandir of Llyfr Cyfforth, as measured in customary eauw each of 729 square yards, would have amounted by statute to nearly eleven acres when both free and bond holdings are taken into account. If the idealised gafiel of the Iorwerth model, less its homestead, were similarly divided into these three categories of land-use the arable component of the eauw gafiel of sixty customary eauw, each of 1,440 statute square yards, would have amounted to less than six statute acres, which is almost certainly too low for the late-tenth century or even the eleventh. Much more probable is an arable holding of nearly eighteen statute acres which would have been the case if the acreage of the gafiel of the Iorwerth model had consisted of arable land only. On this basis, the total arable area of the idealised eauw of Llyfr Iorwerth would have been 3,570 statute acres as compared with 2,048 statute acres for the hypothetical eauw implied in Llyfr Cyfforth. Accordingly, the landed component of the gafiel in the hypothetical model is best regarded as consisting of arable land only. Given a gafiel of this size, the rate of tyme per statute acre would have been slightly less than a penny as with an original geld-carucage in (West) Derby of a penny, and a hideage in North-west Suffolk of slightly more than a penny. In terms of scale per unit of statute measure, the assessment of the landed component of each Iorwerth gafiel, therefore, could well have been based on the Old-English gafiel or hideage with, as its immediate source, the geld-carucage of 32d. per carucate of (West) Derby.

1 Parry-Williams, English Elements, p. 39.
3 Parry-Williams, English Elements, p. 39.
The Significance of the Tir Buirdd and the Hafod Tir in the Isowrth Model

The adoption of the term *gofael*, meaning 'a holding', in the Isowrth model was probably based on the enlargement of the areas of arable land in Gwynedd; for the arable area of the idealised *cyndaig* of *Llyfr Isowrth*, as based on the erf of 1,440 statute square yards, was larger than that of the hypothetical *cyndaig* of South Wales, as based on the smaller local *erf* of 1,026 square yards of the Southern Texts. Moreover, the adoption of the Isowrth model in place of the Cynfhret model could have entailed, in theory, an increase of some four per cent in the population of the smallholding.

In *Llyfr Isowrth* the term *gofael* (board) is referred to as the ‘tyr buird y llwy (board)’ and is the term used to describe the board over which the tirl (tenant) had rights. It was one of the ‘two tręf’ (townships) of the king’s need’; the other being the hafodd tir (shieling land). In the Isowrth model itself the hafod tir is specified as the ‘dyfod y bryn’ (king’s waste and shieling land) and the second township for the king’s need is recorded as ‘tyr maerfed (reeve’s township)’. It is clear from a comparison of a subsequent section of *Llyfr Isowrth* with the corresponding section of *Llyfr Colon* that tyr maerfed and tyr buird y llwy refer to the same land. In *Llyfr Isowrth* this same section re-iterates in some detail the duties of the maer tir y bwsiol (duch-revee), who is ‘to swear for the buird y llwy (board)’ and its haotoryl (shieling land) if necessary’. In addition, it is stated that the maer tir y bwsiol is ‘to organise the llwy within and to organise what concerns it in ploughing and sowing and care of the king’s livestock and his haotenyl (shieling)’. Significantly, however, the terms tir buird and hafod tir are not used in the account of the duties of the maer tir y bwsiol (duch-revee) given earlier in *Llyfr Isowrth* in the section of the Laws of the Court dealing with additional ‘officers by use’ and those by custom who are in a court’. Here, among other duties, including supervision of the llwy ‘next after the greweard’, it is stated simply that he is to swear for the tir y llwy (land of the court). This suggests, therefore, that the adoption of buird in conjunction with tir y llwy occurred only at a much later date. It is probably for this same reason that there is no reference to tir buird and hafod tir in the extant manuscripts of *Llyfr Cyfnfret* and the other Southern Texts.

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demesne land called Tirbwyd, and therefore, literally, Bordland. In maerdrif similar to Penrhos and Cemais agricultural works for the king were performed in the main by tenants holding by tref gyfrif (reckoned township), the most precarious tenure recorded in the Welsh lawbooks, to whereby all the adult members of the reckoned township shared their tref gyfrif (reckoned land) equally, under official supervision, in return for equal obligations.1 Thus at lowland Aberffraw the demesne lands were cultivated mainly by bondmen holding in tref gyfrif, those alike in the maerdrif adjoining the llys (court) of Aberffraw and those in the adjacent hamlets.1 By contrast, in the uplands above the maerdrif of Nefyn, the tref gyfrif of Bleiddog contained in one quarter of its area no less than three royal summer pastures. These examples of tir buند and tir cyfrif occur mainly in the north-westernmost parts of Gwynedd; nevertheless, even there, in their various dispositions, they serve to reveal how the divergent interpretations of the origins of the English borstal may be reconciled.1

Henry de Bracton defined bordland as 'demesne land which a person has for his own table and as property'.1 This definition implies that the term bordland, which was widely used in England, was derived from the Old-English bord meaning 'board' or 'plank' and, by extension, 'table'.1 On the other hand, Professor Kenneth Cameron has suggested that bord, when used in compounds such as bordal or bordwood, might have had the sense of a boundary.1 In the Oxford English Dictionary, however, although Bracton's definition is cited, the preferred interpretation is that bordland meant 'land held by a bordar in bordage tenure'.1 Dr Sally Harvey, in dealing with this particular tenure, accepts the suggestion advanced by other scholars that it was derived from the French borde meaning 'hut' or 'cabin' and particularly 'wooden hut' but adds her own suggestion that it also means 'edge'. She notes that the Domesday bordarri, who were very numerous in the western and south-western counties of England, often paid small unmention amounts of rent 'which looks neither old nor customary'; thus these bordarri especially, and bordarii 'generally as a class, are associated with farming, with grazing rights, but not with ploughs'. Accordingly, Dr Harvey suggests that activehowards

1 JTH: 1477; ii. 163a, 173b.
1 Ibid. ii. 60a. In 1086 on the Bordfyrna there were '4 slaves, 12 villeins, 5 riders, 24 bondmen, 7 freedomers (freemen) with their two chattels'. In 1086 the whole estate was assessed to geld for 6½ hides; but there were at least 668 members of the Bordfyrna estate, and as many as 12 (F. Thorn and G. Thorn, Domesday Book: Shropshire (Chichester, 1982), 5, 1, and notes). Boraston alone, according to a later rental, was assessed for two hides. This suggests that Boraston was by far the most important owning member; and as much it is likely to have housed a large number of bordarii.1
1 K. Cameron, The Place-names of Devonshire, ii. 323.

The tenant of the settlements in North-west Gwynedd which contained bordur or tir cyfrif are considered in G. R. J. Jones, 'Ancient British Settlements in their Organisational Settings' in Paysans Romains Europeens, ed. P. Flaherty (Rennes, 1979), pp. 179-93. In South Wales, alike in the Lawes and in the extreas, there is abundant evidence of bordland, but there are only vestigial traces of tir gyfrif. See Rees, South Wales and the March, pp. 150-5, 219-21, 251; R. R. Davies, Landholders and Society in the March of Wales 1282-1460 (Oxford, 1978), pp. 108-10; and Ancient Laws and Institutes, i. 600-1. In the oldest of the Latin texts, however, it is stated of the obligations of villains: 'That the rest of the land which is called sanyri is due from the villarum whether there be one or whether there be two.' (Latin Text, p. 156). Nevertheless, the fact that it is necessary to make this statement suggests that earlier a more communal obligation had existed at least in parts of South Wales.1

1 K. Cameron, The Place-names of Devonshire, ii. 323.
bondmen. 1 It is possible, therefore, that such bondmen, often living in outlying hamlets near the outer boundaries or woodland edges of estates, were, before the English conquest of this land in the eleventh or twelfth centuries, the forebears of the bordarii occupying the appendant hamlets of large Domesday estates. In the western counties of England, if not elsewhere, some bordarii on large royal estates or those alienated by the crown, could have been the successors of Welsh bondmen. This is the more likely to have been the case where bordarii living near the central demense or near outlying herewicks were subject to a Reeve. 2 

Thus, it is not difficult to see how the terms bordland and bordarius came to be confused although, strictly speaking, board-land could not be held by bordarii or by Welsh bondmen, and it was only later that such land came to be held by tenants. Such was the case by 1193 at York, where the Parkerborough, the land of St. Peter's within some 250 yards of the Minster, had been used in 1086 for the sustenance of the archbishop's court. 3 Similarly, it was probably only later, with the growth of commutation during the latter half of the thirteenth century, that the term bordard of Cemais and Penrhos in Anglesey came to be leased out to tenants, known as gyfrir bording, (board-land men). 4 The primary meaning of bordarius, therefore, is more likely to groups of bond tenants in ref gyfrir who shared lands equally under official regulation. 5 

1 Migration Anglais, VI, vii, 1193 (144).
2 Jones Pierce, Medieval Welsh Society, pp. 278-9.
3 Besides the tenure of the gyfrir bording, the other tenures recorded in 1352 for Cemais and Penrhos in Anglesey were those of the gyllr naol and, as already noted, of the gyllr naol. The gyllr naol (literally cash-paying men) probably emerged in the same period as the gyfrir bording. The term gyllr naol was possibly an alternative for the men of the manor or 'tir', the other category having been adopted in Cemais and Penrhos in order to distinguish between those men of the manor who remained the custodians of tir bording in the name who became the tenants of part of the tir bording. Dr. D. Stephens on in his Government of Gwynedd (p. 50) claimed, on the other hand, that gyfrir bording, gyllr naol, and gyllr naol should not be read back to the period prior to the Edwardian conquest; but in a footnote he indicates that the occupants of the 'gwyddi di quiliu dimydd haenot reddius prynnuv ym franfynu' were the prototypes of gyllr naol in the counties of the kingdom. As Professor J. Beverley Smith has indicated in a personal communication if Stephenson is right . . . we must assume that after 1292 new changes were introduced. In the use of the term gyllr naol, cited by Flamstead the holding in Stepney with 'Dh 14 bordarii de 1/10 borth' (141) otherwise. Similarly, at the manor of St. Peter's of Westminister at Staines there were 36 bordarii with 3 hides, and a second group of 4 bordarii with 40 acres, but, by contrast, in the same manor there were also 10 bordarii specified as having 5 acres each (DB, l. 1285).

In Dr. Lenoard's view the fact that the more prosperous bordarii appear in Domesday Book as small groups with apparently equal holdings suggests that 'development sometimes came rather through concerted action and through planing on the part of major landlords than as a consequence of isolated enterprise on the part of individuals'. Such groups would have resembled the have been a worker on board-land than a pioneer on the edge of a wood or a boundary; but it must be emphasized that such board-land could have been outlying as well as central. 1 As Llyfr yr Henwaith suggests, although the manerwyr y llyw (trewe's thirskips of the court) occupied by bond tenants were usually in the lowlands, some of the tir y llyw lay in the uplands. The Royal demesnes of Wales to which the term bordard came to be applied were found to be both in the uplands and the lowlands so that the adoption of the term bordard for tenants living near the borders of estates, as well as for those in the lowland or upland components of royal or church estates, can be readily comprehended. Thus, despite the preference of the Oxford English Dictionary for the derivation of board-land from bordage tenure, the terms bordland and bordarius are better regarded as being coeval.

In the wooded district of Burford, and probably elsewhere in the western counties of England, the term bordarius cannot have displaced the Welsh terms for a bondman such as alitli or taenog until after the English occupation; and the Old-English names Boraston and Burford were probably not adopted here until after c. 750.2 The term bordland appears to have been adopted in England later still, seemingly in order to signal there the expansion and intensification of arable demense farming.3 It was probably borrowed into Welsh only very much later. In the same way that the adoption of the term gyfril, in the sense of a holding, appears to have been bound up with the enlargement of the arable area of each cemnu, so the adoption of the terms tir bording and hafafir Tir could perhaps have marked a more intensive agricultural exploitation of the trefi containing the royal courts of Gwynedd and Powys. If so, their adoption could have accompanied, or followed, that extension of royal authority in Gwynedd which is indicated by the increase in the number of royal trefi. In the hypothetical commote of Llwyd Cyfarthfa there appear to have been in all only fourteen royal trefi, two belonging to the kingdom in the twelfth in a royal manor occupied by the king's bondmen. By contrast, in the idealised commote presented in Llyfr Iarnewch, besides the two trefi of the court, there appear to have been two royal manaclos of twelve trefi each, made up of the sixteen trefi held by the king's bondmen plus the eight trefi of office land held by the maer and the cychhull, thus making up a total of twenty-six trefi.4 This extension of royal authority was probably a late development. At the very earliest the terms tir bording and hafafir Tir are unlikely to have been adopted until the Iarnewch model was introduced, probably during the late-tenth century.

2 Both Beaconstock and Burford are Old English names (M. Gelling, The Place-names of Shropshire, EP-NS, Llanelly, Part I (London, 1990), pp. 34-41, 52-3, 67). Burford means 'fort fort'; and Dr Gelling suggests that Boraston was originally part of one unit called Azant (Azant), later distinguished by having the burh (fort) in the name of Burford added as a suffix. In her view the interpretation of Boraston as the site of the ghillir by Professor Ewbank in the Dictionary of English Place-names (2nd edn. Oxford, 1961), p. 53, is not satisfactory.
4 Among the trefi which witnessed more intensive agricultural exploitation was probably the royal manor of Bigore and its herewicks in Ariacon. In relation to its large area, few ploughs were recorded in this largely upland unit in 1086; nevertheless, during the reign of Gruffydd ap Llywelyn, that is before 1063, there were fractionally more ploughs there. In 1086 there were 9 bordarii and 3 slaves in the manner and its herewicks as compared with 6 villan and 1 priest (DB, l. 209a). For the increase in the number of royal trefi, compare Llyfr Iarnewch, pp. 60 and 63 with Welsh Medieval Law, pp. 102 and 236. On the use made in the Irish petty-kingdoms of demense or manorial lands for the support of the king's principal officers see Kelly, Early Irish Law, p. 101. For more significant changes in tenures, and possibly in the burden of obligations, made in Gwynedd during a beer period of even greater extramal threat, see Llanelly B. Smith 'The Commune of the Community of Gwynedd against Llywelyn ap Gruffudd', ante, xxxi (1984), 157-86. --
Further support for this suggestion is provided by the reference in the coloquy already cited to the two townships in the charge of the tribunus, for these are perhaps to be equated with the tref (townships) belonging to the two courts of the cantref in the Iorwerth model. The title of tribunus is hardly likely to have been adopted for the marer y bysuiol (dung-receiver) in charge of the king's tir buidd and the hafed tir within the caemuned, but it could perhaps have been applied to the two courts of the cantref: the principal court in the caemuned designated Is (Below), and the lesser court in the same cantref, that in the caemuned designated Usach (Above).  

Conclusion

In view of the association of the Iorwerth model with commutation in the form of the tane pound, it is almost certain that it was of more recent origin than the much less specific model advanced, with slight variations, in Liwt Cyfurtherth and the other Southern Texts. Furthermore, there is some evidence to suggest that, at the macro-scale, the kinds of larger marenor portrayed in Liwt Cyfurtherth could have existed in Gwynedd before the adoption of the Iorwerth model. Thus, unlike the maenor of four trefi presented in the Iorwerth model, Maenol Bangor, as recorded in 1306, contained a caput at Bangor proper and twelve other dependent hamlets. These together formed a compact block on the eastern edge of the cantref of Arfon where it adjoined the cantref of Arlechwood. Its presence there lends credence to the claim, made in the text called 'the Privileges of Arfon', that there were nine maenoles in the cantref of Arfon. The encompassing unit cited, it should be noted, was the larger unit, the cantref rather than the caemuned; and, if from this cantref the church estate of Maenol Bangor were excluded as a border entity, there would have been eight maenoles in the remaining, principally secular, territory of Arfon. In other words, at the macro-scale, there would have been four maenoles in each of the two caemydus of Arfon, a figure which matches that of four maenoles per trefi recorded at a later date for South-west Wales. Although the reasons advanced for the award of the 'Priest's Thumb' to Arfon in the late sixth century, are the same as those in the earlier inclosure, this tractate and some versions of Liwt Ironarwth could have been motivated by a wish to convey legal truths as distinct from historical truths. Certainly, in Anglesey, too, at a later date, there were vestiges of a large maenor of perhaps thirteen trefi in the caemuned of Menai, and of another large maenor in the caemuned of Llifon. It is also probable that the traditional capital of Aberffraw with its numerous component hamlets in the caemuned of Maithraldaeth was during the early Middle Ages a maenor of seven royal trefi, and the same was possibly true of the large royal tref of Dindryfel in the interior of the same caemuned. In this event, these groups of seven trefi would have matched Maenol Meddlynych in Dyfed, as recorded in one of the late ninth-century marginalia of Liwt Teilo. Similarly, they may have matched at least some of the maenores portrayed more frequently for South Wales in Liber Landaneswth as dating from the late-sixth or early-seventh century onwards.

At the meso-scale, the tref of the Southern Texts appears to have been very well-established. Its constituent components of three shendrodol or moddi in the bold tref correspond to the numerous groups of three moddi portrayed in Liber Landaneswth as dating from the early-seventh century onwards. Similarly the four components of the free tref, as presented in the Southern Texts, correspond to the less frequent groups of four moddi portrayed in Liber Landaneswth.

Finally, at the micro-scale, the four erewa per ydwen of the Iorwerth model could have stemmed, at least notionally, from a tripartite subdivision of the twelve erewa for building associated with the landed component of the shandol or maenol of the Southern Texts.

Taken in isolation, the various strands of evidence presented here are not conclusive. When taken together, however, they provide a reasonable case for the conclusion that the model of organisation presented in Liwt Ironarwth was introduced in the late-tenth century. Accordingly, the Iorwerth model is likely to have replaced an older one which was almost certainly akin to the model of organisation presented in Liwt Cyfurtherth. The corollary to this argument is that this model later presented in Liwt Cyfurtherth was based on a model of an earlier, and probably much earlier, origin. If so, knowledge of its main features must have been transmitted orally long before the first lawbook, possibly the precursor of Liwt Cyfurtherth, was written. Accordingly, the model of Organisation exemplified by the Iorwerth Model may well have been in widespread circulation in the form of written mss. Indeed, in the limited number of contexts in which the Iorwerth model is represented in the late tenth century, it is difficult not to conclude that the model of organisation represented in the Iorwerth Model had been in general circulation for a century or more, if not longer. It is possible that the regional models presented in the Iorwerth Model were the result of the evolving habits of structuring land tenure. Indeed, one of the most striking developments in the ninth century was the establishment of the manorial service (literally 'rights') associated with the land tax that had been assessed since the Assizes of the Early Middle Ages. In both the Iorwerth and the Southern Texts, the trefi are divided into the shendrodol or, at a later date, into the maenour or 'men-rol'. The latter are, in turn, subdivided into the erewa or 'erewa', each attached to a small farm. The trefi are thus divided into a number of smaller units, each with its own local lord. This pattern is found throughout Wales, and it is likely to have been present in the early medieval period. It is also possible that the Iorwerth model was influenced by the Southern Texts, as both models present a similar structure of land tenure. However, the Iorwerth model is more detailed and specific than the Southern Texts, and it is likely that the Iorwerth model was developed independently of the Southern Texts. The Iorwerth model is also more detailed than the model presented in the Liwt Cymru, which is the earliest Welsh lawbook known to have been written in the late ninth century. The Liwt Cymru is a more general model of land tenure, and it is likely to have been used as a model for the Iorwerth model.
circumstances attending its adoption cannot be determined from the evidence at present available. Nevertheless, it is an older and less elaborate model of this kind, albeit envisaged with flexibility, which is likely to have provided the idealised outer organisational framework for early settlement.

Leeds

Glanville R. J. Jones

Slander in Early-Modern Wales

'Sticks and stones may break my bones, but words will never hurt me' runs the familiar rhyme. The saying is, in fact, quite late in date, probably no earlier than the nineteenth century, and its sentiments would have puzzled many of the peoples of early-modern Europe, including those of England and Wales, who were conscious of the power of words to hurt and the need to defend their reputations in the courts. Actions for slander and defamation therefore form a numerous, if poorly understood, class of action in the records of the civil and ecclesiastical courts. Slander can be considered by the historian from a number of complementary perspectives. There is first the legal situation: what words were considered actionable and in which courts. Secondly, the social situation which lay behind the legal action needs to be considered: what circumstances led to defamation, and what were the articulations between these conflicts and the courts. Linguistically, cases of slander and defamation are of great interest as they furnish numerous instances of reported speech in Wales, both in English and Welsh, from the mid-sixteenth century to the early nineteenth century. Research is not yet complete, but it is probable that some two thousand utterances have been preserved in the legal record, which consequently provides a rich field for the linguist and sociolinguist. The link between the spoken and preserved written forms is by no means unproblematic: the words of each utterance have been mediated through the legal record and a complex social and linguistic event has been pared down to its actionable core. Libel, slander and defamation are legal terms which redefined as actionable a variety of ways of speaking, which included, notably, sexual insult, but also oaths, cursing, nicknaming and other genres of verbal abuse. However, the actions for slander considered here, generally allegations of theft or some other crime, form a relatively self-contained field which was closely related in an interesting way to popular attitudes towards the law.

Actions for Slander in Wales, 1550-1830

Slander and defamation lay somewhere between a 'sin and a crime', as G. R. Elton puts it, and cases of verbal abuse fell within the jurisdiction of most courts which were linked in various ways (Table I). When verbal abuse threatened to cause a breach of the peace, slander became a crime and was indictable as a trespass at the Quarter Sessions and Great Sessions. As a 'sin', defamatory words which imputed a spiritual or moral offence were actionable in

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Reference to cases in the records of the Great Sessions are from the plea rolls (Wales 16-26; Chester 30) and prothonotaries' papers (pre-1660: Wales 13; post-1660: Wales F.) of the court deposited in the National Library of Wales; class Wales 13 is in process of rearrangement. I wish to thank the editor for his advice and interest in this article.