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THE
Ancient Laws of Cambria :

CONTAINING THE
INSTITUTIONAL TRIADS OF DYVNWAL MOELMUD,
THE LAWS OF HOWEL THE GOOD,
TRIADICAL COMMENTARIES,
CODE OF EDUCATION, AND THE HUNTING LAWS
OF WALES ;
TO WHICH ARE ADDED,
THE HISTORICAL TRIADS OF BRITAIN.

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Translated from the Welsh,

BY WILLIAM PROBERT.

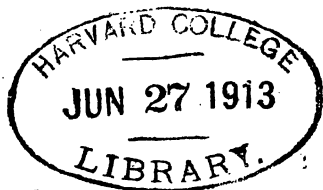
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To the Cymmrodorion Society, in London.

GENTLEMEN,

A descendant of the old Silurians presents himself before you with becoming deference, and very respectfully dedicates his translation of the Welsh Laws to your patronage.

You, Gentlemen, have set a noble example of patriotism and of true greatness. The efforts you are making to recover the precious, literary productions of our beloved country from decay and oblivion, demand the thanks of every Welshman. I hope that the praise-worthy example you have exhibited, will rouse the dormant spirit of the great and the affluent in the Principality, and induce them so to co-operate with you, that the Genius of Cambria may awake from the slumber of ages, shake off that darkness and false taste which Gothic barbarity and tyranny imposed upon her, and re-assume her ancient and splendid greatness.

I am,
Gentlemen,
With all due respect,
Your obedient, humble Servant,
WILLIAM PROBERT.

PREFACE

TO

DYVNWAL MOELMUD'S TRIADS.



THE following triads are translated from the copy which is printed in the third volume of the *Archæology of Wales*. The editors procured the copy from the library of Tre'r Bryn, near Cowbridge, Glamorganshire. It had been transcribed from the old MSS. of Sir Edward Mansel of Margam, by an excellent critic, Thomas ab Ivan, in the year 1685. For at the end of the second series of these triads, is the following notice by the transcriber: "I Thomas ab Ivan of Tre'r Bryn, in Glamorganshire, transcribed these triads from the ancient MSS. of Sir Edward Mansel of Margam, in the year of our Lord Christ, 1685." Respecting the antiquity of Sir Edward Mansel's MSS. I know nothing.

These triads are remarkably curious and interesting. They throw great light upon the manners and customs of the old Britons, and, in many cases, breathe a spirit of freedom that would not disgrace the polish of the nineteenth century. As such, I flatter myself, that they will be perused with considerable interest by all lovers of antiquarian research, as well as by those, who feel interested in the history and greatness of the ancient Britons.

These triads also merit attention on account of their *antiquity*. They were formed by Dyvnwal Moelmud, who flourished about 400 years before the Christian æra, and consequently are upwards of two thousand years old. This declaration may startle the reader and produce a

A

feeling of scepticism, but he should pause before he decide, and attentively weigh the following evidence.

1. There is nothing either impossible or improbable in this statement. Works of genius and of legislation have survived, among the Greeks, for a longer period than these triads have any pretensions to, and that amidst wars, revolutions and changes, such as were never known in Britain during the most troublesome times; and what one nation can effect, as it regards the preservation of its literature, may be accomplished by another. 2. These triads have ever been attributed to Dyvnwal Moelmud, not only by individuals capable of judging of their genuineness and antiquity, but by the whole nation generally. 3. The facts, customs and manners, alluded to in these triads prove their antiquity. They bear no allusions to modern manners, but refer solely to ages that have past away, and describe an incipient state of society, such as might have been expected at a period so remote. 4. The Christian religion was pretty generally diffused in Wales in the first century, but there is no allusion made to it in these triads, though the Bardic system of religion is frequently mentioned. This shows that they were in existence antecedent to the Christian æra. Nor is it to be wondered at that these singular relics of antiquity should have survived the wrecks of ages, because the old Bards were ever accustomed to commit the records of their country to memory, to teach them to others, to hold them sacred and inviolate, and to preserve them as the guardians of their liberty, honour and happiness. When the bardic system suffered by the barbaric cruelty of invaders, they were committed to writing, and are still to be found in the libraries of the curious in the

Principality, and in the Welsh School Library, in London.

To say that these triads are all as pure as when they came from the lips of the legislator, would be to assert more than could be proved. I have detected two glaring interpolations, and if I am not mistaken, I have discovered a few others, though of minor importance; but it would have swelled the volume too much to point them out, and to assign proper reasons for believing them to be spurious.

The most ancient of the Cambrian bards taught in verse, and preserved the records of transactions through the medium of rhyme* and measure. Their verses consisted of stanzas of three lines, called, *Englyn Milwr*, or the Warrior's Triplet, each containing seven syllables. The following stanza composed by a poet and a prince in the beginning of the sixth century, will serve as a specimen:—

Yr ystwfwl, a'r hwn draw,
Mwy gorddynasai amdanaw
Elwch llu, a llwybyr anaw!

LITERAL TRANSLATION.

This buttress here, and that one there,
More congenial round them would have been
The clamour of an army, and the paths of melody!

This shows the origin of triads; for when laws were to be enacted and historic facts preserved, they were thrown into the triadic form. This was done to aid the memory in recitation, because in those times writing

* The Hindoo arithmetic is in verse. I have also seen arithmetics in English in which both rules and examples were in verse. The rules for the gender of nouns in Latin are generally in verse; and who is there that has not learned the verse, "Thirty days hath September, April, June, &c.?" In short, verse was anciently the principal vehicle for conveying information.

was but little practised, and, as far as the peculiarities of the bardic system were concerned, it was absolutely forbidden.

These triads place the character of the bards in a new and pleasing light. They also dispel the calumny which Cæsar and his admirers heaped upon the inhabitants generally, and prove them to be enlightened, virtuous and humane. It was natural for Cæsar to libel a people who bravely bearded him in the field and whipped him from their shores.

They are, further, particularly valuable on account of the light they throw upon that often agitated question, the origin of trial by jury. They induce us to conclude that the Saxons did not bring this inestimable privilege with them from the extensive forests of Germany, but derived it from the eternal blue hills of Cambria. The facts are simply these: The Saxons can produce no proofs of the existence of a jury among them before the time of Alfred the Great; the bosom friend and counsellor of Alfred, was Aser Menevensis, a Welsh Bishop; and the Welsh had at that time a code of laws which distinctly specified a jury, mentioned their number, and stated their qualifications. The simple question then is, did Alfred frame the trial by jury purely from the energy of his own mind, or did he obtain the idea of it from Dyrnwal's triads, through the medium of his friend, the Welshman? Others may view the subject differently, but to my mind the evidence is decisive in favour of the Welsh.

The triads make frequent allusions to pedigrees, and to the various relations of consanguinity. These the Welsh are still fond of, and are laughed at by the English for, what the latter consider, their folly. The truth is, pedigrees were necessary under the conven-

tional system, as a man could neither be free nor enjoy his patrimony, unless he could trace his pedigree up to the ninth of his ancestors. It was, therefore, his title deed, and the bulwark of his liberty and privileges as a free born Cambrian. Besides, proof of collateral relationship was required in the ninth degree to determine the family of a person, because the whole family was liable to be fined for the crimes of its members, and each was rated according to approximation of kindred. Hence the Welsh still repeat their pedigrees with enthusiasm, though the cause has long since died away. Perhaps the following scale will not be deemed uninteresting.

SCALE OF LINEAL KINDRED.

Descending Kindred.

8. <i>Gorhengaw,</i>	<i>gorhengawes.</i>	Son, daughter in the 7th degree.
7. <i>Hengaw,</i>	<i>hengawes.</i>	Son, daughter in the 6th degree.
6. <i>Gorchaw,</i>	<i>gorchawes.</i>	Son, daughter in the 5th degree.
5. <i>Caw,</i>	<i>cawes.</i>	Son, daughter in the 4th degree.
4. <i>Gorwyr.</i>	<i>gorwyras.</i>	Son, daughter in the 3rd degree.
3. <i>Wyr,</i>	<i>wyres.</i>	Grandson, grand daughter.
2. <i>Mab,</i>	<i>merch.</i>	Son, daughter.
1. <i>Tad,</i>	<i>mam.</i>	Father, mother.

Ascending Kindred.

1. <i>Tad,</i>	<i>mam.</i>	Father, mother.
2. <i>Tad cu,</i>	<i>mam gu.</i>	Grandfather, grandmother.
3. <i>Hendad,</i>	<i>henvam.</i>	Father, mother in the third degree.
4. <i>Gorhendad,</i>	<i>gorhenvam.</i>	Father, mother in the 4th degree.
5. <i>Taid,</i>	<i>nain.</i>	Father, mother in the 5th degree.
6. <i>Hendaid,</i>	<i>hennain.</i>	Father, mother in the 6th degree.
7. <i>Gorhendaid,</i>	<i>gorhennain.</i>	Father, mother in the 7th degree.

Collateral Kindred Descending.

1. <i>Brawd, chwaer</i>	Brother, sister.
2. <i>Cevnder, cynwither.</i>	Male cousin, female cousin.
3. <i>Cyvyrder.</i>	Second cousin.
4. <i>Ysgwion.</i>	Third cousin.
5. <i>Gwrthysgwion</i>	Fourth cousin.
6. <i>Ceiwyn.</i>	Fifth cousin.
7. <i>Gorcheiwyn.</i>	Sixth cousin.
8. <i>Gerni.</i>	Seventh cousin.
9. <i>Gwrthemi.</i>	Eighth cousin.

Collateral Kindred.

1. <i>Eurythyr, modryb.</i>	Uncle, aunt.
2. <i>Nai, nith.</i>	Nephew, niece.
3. <i>Cymai, cymith</i>	Nephew, niece in the 2nd degree.
4. <i>Gorchymnai, gorchymith.</i>	Nephew, niece in the 3rd degree.
5. <i>Clud.</i>	Collateral relative in the 4th degree
6. <i>Car clud.</i>	Collateral relative in the 5th degree.
7. <i>Gwrth clud.</i>	Collateral relative in the 6th degree.
8. <i>Car o waed</i>	Collateral relative in the 7th degree.*

Most of the triads illustrate each other; hence I have added but few explanatory notes, and those that are given, are designed for the mere English reader.

After this part of my work was ready for the press, I was informed that the triads had been translated by the late Rev. Peter Roberts, and that his translation was just published by the Cymmrodorian Society in London. I have since compared that translation with mine, but it would not become me to make any

* Vide Owen's Dic. in voc. *Tras*.

observations upon the respective merits of each. It may, however, be proper to observe that Mr. Roberts only translated the second series of Dyvnwal Moelmud's triads, mine includes both; and as my work will also embrace the laws of Howel the Good, with various other topics of value, its publication cannot be decently construed as an act of opposition to the Cymmrodorian Society.

HERE ARE THE
TRIADS OF DYVNWAL MOELMUD,

Called Triads of progressions, and Triads of Drty progressions.



1. There are three skilful progressions: bardism, metallurgy, and the science of the harp. Or as thus, there are three social progressive persons, according to the privilege of the customs of the tribe of the Cambrians: the bard, the metallurgist, and the harper.

2. There are three things that make a progressive home: tribe, privilege, and war.

3. There are three causes of making a full home: sameness of language, land to be ploughed in concert, and a mutual arming for the combat.

4. There are three causes of welcome progression: co-proximation, alliance by marriage, and defence, both for protection and mutual protection.

5. There are three progressions for mutual support: fortifying a town, collecting acorns, and ploughing land in concert, because every one must assist in carrying them into effect.

6. There are three trumpet progressions: collecting the country by its parents and the chiefs of the tribes, the horn of harvest, and the horn of battle and of war, on account of the depredations of a bordering kingdom and of strangers.

7. There are three progressions for mutual arming: on account of strangers and the depredations of a

bordering kingdom, on account of those who violate both privilege and law, and on account of fierce wild beasts.

8. There are three progressions that require assistance: bards in their circuit of minstrelsy, a reversal from war, and foreigners under the protection of the tribe of the Cambrians.

9. There are three causes of recurring progressions: language, privilege, and tribe. Or, in another manner, affinity, land to be ploughed in concert, and sameness of language, because banishment cannot be effected free from injury, unless by one of these three.

10. There are three molesting progressions: the removal of a dray without privilege or permission; the inroad of an army of strangers without notice or contract; and a decision without country or judge, or without country and the chiefs of parents.

11. There are three progressions of distinction: a primitive tribe in the convention of the country and parents; a judge and his retinue going to administer justice and law; and a prince and his army marching to war in a bordering kingdom. The distinction rests with parents and the chiefs of the tribes, or with the most eminent men of the tribe and the advocates.

12. There are three progressions, that wherever they go, they are entitled to their support and maintenance: those who have the privilege of distinction; those who have the privilege of bards; and those who have the privilege of orphans.

13. There are three happy progressions: bards announcing peace, a meeting in harvest time, and a marriage.

14. There are three mutually friendly progressions : an assembly of the country and parents organising the laws, and administering justice to the neighbouring country ; bards teaching the sciences, where they meet in convention ; and the mutual greetings of a tribe, that meets for religious adoration upon the solemn festivals.

15. There are three causes of progression for fierce resistance : the inroad of an enemy from a bordering kingdom ; the cry, or horn of base deeds and secret murder ; and a town on fire ; and every person must assist in such cases.

16. There are three horns for mutual progression : the horn of harvest, the horn of contentions, and the horn for religious adoration.

17. There are three causes for tumultuous progression : the horn of the country ; ships from a strange country effecting a landing, and the non-return of an ambassador of the country and parents from a strange country.

18. There are three causes of progression for salutation : land brought into cultivation, festal games, and the burning of forests ; and no person must obstruct such salutation.

19. There are three causes for the good wishes of the country : the horn of march, a shout in the court, and the silence of religious adoration.

20. There are three unwelcome causes of progression : the chase, corn-inroad, and an iron mine ; for it is not necessary to welcome those who make an inroad for them. Or, in another manner, it is not necessary to welcome their inroad.

21. There are three causes of progression for pursuit: wolves, vagabonds, and a mad dog; and all who hear the public cry must join in the pursuit.

22. There are three causes for city progressions: the inroad of strangers uninvited, the depredations of a bordering kingdom, and a pack of wolves.

23. There are three privileged progressions: the circle of the king, or of parents in their districts; the meeting of the bards in the efficient convention; and the meeting of virtuous characters for religious adoration. Some copies read, the meeting of the judicature, the meeting of the bards and minstrels, and a meeting for religious adoration.

24. There are three privileged progressive visits, guaranteed by the honour of the tribe of the Cambrians; and no person must presume to hinder them: the visit of an ambassador from a bordering kingdom; the visit of bards from the bordering kingdom in the convention, according to the privilege and institute of the bards of the Isle of Britain; and the visit of foreigners in the peace and protection of God and his tranquility.

25. There are three common causes of progressive motion: love, emolument, and the fear of punishment and dishonour.

26. There are three causes of progression for banishment: a foul deed, and secret murder; treachery to the sovereignty, which is treachery to the country and the tribe; and the fierce depredations of thieves. Every person of whatever station or age that hears the public horn sounded, must hasten to pursue the exiles, and maintain the clamour by setting on the dogs, until they are driven upon the sea; and even then, they must renew the pursuit unto the sixtieth time, until the vagabonds are out of sight.

27. There are three compulsory progressions that require the mutual aid of every free born-landed proprietor: a meeting in the conventions of the country and the tribe; the inroad of war from a bordering kingdom; and the inroad of the man with his shattered car. The person with the shattered car is one who has the privilege of removing his car, or his booth whenever he desires.

28. There are three persons with the shattered car: he who has no relations; he who has no mutual share in land; and he who lives by the privilege of the chief of the tribe. That is, the person with the shattered car is one, who has the privilege of removing his car where he wishes, or of departing with it to another town without loss of privilege and citizenship in the place to which he removes, so long as he does not go into the country of an enemy or stranger; for a strange country differs from the primitive tribe, and a bordering kingdom has different regulations from a district belonging to the primitive tribe.

29. There are three progressions for mutual support; the chief of the tribe, a married person, and he that is employed by the country and district; and these are called the mutual supporters of the dray, for they cannot be dispensed with in the country and tribe.

30. There are three renowned progressions: the chief of the tribe and his retinue; bards and their proteges of disciples; and a judge with the retainers

* During the early ages of society in Britain, every free born Briton had his car or dray upon which he placed his little furniture when he removed from place to place. It was drawn by two oxen. The phrase *shattered car* (carllawedraw) seems to be an epithet given to a citizen who had been unfortunate. The liberty granted him shows the compassionate consideration of the legislator.

of his court. Wherever these are they are entitled to their liberty and free maintenance.

31. There are three progressions that claim a mutual share in rights: those who have the privilege of distinction; those who first cultivate fresh land; and the gentlemen of the chase. Such persons can claim a mutual share in citizenship, wherever they go, on account of these things.

32. There are three causes of necessary progression: famine in the country; earthquakes, or floods; and strangers victorious. These things break up both privilege and citizenship in a country, and deprive the tribe of its benefits; and thence, in consequence of the change, the tribe must begin to form a new social state.

33. There are three captive progressions: an enemy conquered, vagabonds from a neighbouring country, and a removal without permission; that is, he who removes his dray or his booth without privilege or permission. These three kinds of persons are placed in the captive progression, and are treated as foreigners until the ninth in descent.

34. There are three wandering progressions; the shepherds of a township taking care of their flocks; the chasing of fierce wild beasts by the public horn; and bards diffusing knowledge in consequence of the necessity of the country and the tribe.



These are called the Triads of Dray Progressions; and Dvynwal Moelmud king of the Cambrians established them, because he proved that they were right and just for the country and the tribe. Dvynwal Moelmud was

the best of Legislators, and gave the best privileges and protection both to citizens and foreigners, lest any one should act wickedly and unlawfully. At a subsequent period, Howel the Good, king of all Cambria, confirmed them, putting them in force against those who opposed them and violated their rights.*

* The above note is added in the Archaiology at the end of the first series of Dyvnwal Moelmud's Triads. I know not who was its author, but he is hardly correct in his statement. Howel the Good did not confirm Dyvnwal Moelmud's laws as they stood originally, but modified them to suit that of society in Cambria which the tenth century exhibited.

**HERE ARE OTHER
TRIADS OF DYVNWAL MOELMUD,**

Called the Triads of the social state. and community ; that is, they are the ancient triads of the privileges and institutes of the tribe of the Cambrians, before they lost their privilege and their crown by the oppression, cunning and treachery of the Saxons.



1. There are three foundations of the social state : privilege, possession, and law.

2. There are three foundations of the law : protection, correction, and honour, as far as each operate to the advantage of the country and the tribe.

3. There are three protections and securities of the social state : protection of life and person, protection of possession and place of residence, and protection of natural right.

4. There are three things which support the social state : affection, fear, and mutual profit.

5. There are three things which strengthen the social state : effectual security to every man and to his property, just correction where it is required, and mercy blended with justice where it is seen to be demanded from a just cause.

6. There are three things that destroy the social state : cruelty in lieu of punishment ; mercy from blind respect and partiality perverting justice ; and false judgment, where no man, whether a citizen or a foreigner, can obtain natural protection.

7. There are three pillars of the social state : sovereignty, the voice of the country, and judicature.

8. There are three things that ought to belong to each of these three pillars: equity to all, protection and defence to all, and well-ordered regulations for the instruction, knowledge and record of all the citizens.

9. There are three things which strengthen the social state: power, protection, and just correction according to the law of nature.

10. There are three elements of the law: knowledge, natural right, and conscientious rectitude.

11. There are three ornaments of the social state: a learned scholar, a scientific artist, and a just judge.

12. There are three qualifications of a judge: a knowledge of the law; a knowledge of the customs of the country, so that the law may not operate to their injury; and a knowledge of the tendencies of his times and of their consequences.

13. There are three things that a judge ought constantly to study: natural truth, conscientious mercy, and the energetic dictates of knowledge.

14. There are three things necessary to a judge, so that he may be able to know and accurately and conscientiously determine every claim and plea that may come before him: to be reflective that he may ascertain the truth within himself and discover it by the natural energies of his own mind; to be inquisitive, that he may discover the truth by another person and through another circumstance; and to be full of finesse, so that he may ascertain and detect any sophistry which may be practised towards the person who may have a cause in his court, lest, however conscientious, such sophistry might conceal or darken the truth, mislead his judgment, and induce him to pronounce a false sentence; for the judge ought thoroughly to understand the cause which may be

brought before him, before he can pronounce a just and conscientious sentence.

15. There are three primary obligations of sovereignty: to maintain a splendid independent establishment; to encourage the diffusion of the country sciences, so that they may be mutually supported by vote and law, and by the country and the sovereignty; and to maintain the protection of the patriots and of the tribe and of citizenship, with the protection due to foreigners who are under the protection of citizenship.

16. There are three oppressions of sovereignty: injustice, which denotes the want of protection to patriots and their property; violence, such as theft, murder, ambuscade, and powerful tyrannical exactions in opposition to the country and the law; and carelessness, such as a want of consideration respecting the fortunes of the times, their consequences and demands where they operate to the injury of the law; and these evils can only be guarded against by the voice of the country and the sovereignty, which must investigate, examine, correct, improve and modify them as existing circumstances may require.

17. There are three primary excellencies of sovereignty: protection of patriots; the correction and prevention of evil; and the guarding against ignorance in any cause, so that a just judgment may be given.

18. There are three energies of the law: a learned judge, a faithful witness, and a conscientious verdict.

19. There are three strong corrective punishments: the loss of life, the cutting off of a limb, and banishment by the cry and pursuit of men and dogs; and the king shall decide which of these shall be inflicted.

20. There are three ways in which correction by the loss of life may be inflicted: decapitation, hanging, and burning; and the king, or the lord of the territory, shall determine which of these shall be inflicted.

21. There are three punishments by distress: taking away the tenure of possession, imprisonment, and loss of privilege; and when privilege is forfeited, the offender with his descendants are degraded to the condition of foreigners unto the ninth in descent.

22. There are three modes of correction by amercement: taking away property where the fine is not paid; imposing service and hard labour upon the criminal, until he be released by paying the fine; and the correction of the country, which denotes publication, by the horn and cry of the country in every court, sacred* place, fair, market and organised assembly, of the crime for which the correction is inflicted; neither can the offender be saved from any of these three corrections, except by paying the lawful amercement.

23. There are three powerful reasons that prevent the judge and the court from inflicting capital punishment upon offenders: a mother accused of crime in protecting her children, a youth under age, and a stranger with a barbarous language who may transgress against the law and citizenship.

24. There are three excuses in law for remitting capital punishment: inability, ignorance, and extreme

* The original is *llàn*, which seems to have a reference to those places which the bards set apart for religious services. Upon the introduction of Christianity the name was still retained, with the addition of the name of some patron saint; as *Llanvair*, *Llanddewi*, &c. The word has been subsequently used with reference to any inclosure containing valuable things; as *gwinllan*, *perllan*.

want, and these three things prevent the infliction of capital punishment and deliver the offenders.

25. There are three persons who must not be punished: the person who is dumb and deaf born, a child before it obtains understanding, and the natural idiot; and on this account it is said, "Punishment must not be inflicted upon the idiot." But the warning of the country must be written upon the king's* posts or stones, strongly urging every person to avoid the idiot, and the person who is dumb and deaf born; such unfortunate beings must be accurately described by the horn and the cry of the country and the neighbouring country; and on this account it is said, "The idiot shall go upon the post."

26. There are three mutual ties of the country and the tribe: paternity, filial obedience, and fraternity. That is, paternity, on the part of sovereignty in caring, regulating and providing for the happy independence of fraternity; filial obedience, reverencing paternity on account of its order and just regulation; and fraternity, acting partly in conjunction with the two others in their respective places, so that they may mutually support and strengthen the friendly union of the country, the tribe and the judicious sovereignty.

27. There are three mutual ties of fraternity and tribe: guaranteed liberty, privileges of the same quality, and the justice of the laws.

28. There are three excellencies of citizenship: the sciences of wisdom, the useful arts, and the majesty of pleasing manners.

29. There are three supports of the sciences and arts: instruction given by masters according to

* *The king's posts or stones*, were such as were set up, in the absence of well-formed roads, to guide travellers on their way.

privilege and liberty; privileges granted to those who are skilled in the arts and sciences; and rewards guaranteed by law to men of science and artists for what they have skilfully performed according to requisition and contract.

30. There are three strong supports of a neighbouring social state: full and satisfactory argument that cannot be opposed by reason; powerful privileges which cannot be infringed by justice; and the energetic distribution of justice, which cannot be set aside by any person however high in privilege or office.

31. There are three things which disorganise a country* and a neighbouring country: very oppressive privileges; unjust decision in law; and reprehensible negligence, permitting the regulations of the country and the tribe to be destroyed.

32. There are three things that cannot stand firmly unless they rest upon the three firm foundations: law, property, and the tranquility of the tribe.

33. There are three things that ought to enter into the elements of every law of mutual obligation: power, equity, and conscientious justice.

34. There are three perfections of a just decision: sense profoundly considerate; an accurate decision according to the laws; and a conscientious verdict of the judge and the sovereignty.

35. There are three leading considerations of sovereignty: the necessities of the country and the neighbouring country; the wisdom of wise men; and the decision of the country and the citizens.

* The words *gwladoldeb*, *cywladoldeb*, and *gorwladoldeb* often occur in the triads. The first implies a state, or kingdom; the second, an adjoining kingdom inhabited by the same people, governed by the same laws, and living in peace with their neighbours; and the third, a bordering kingdom, whose inhabitants differ from the others in manners, customs, laws, &c.

36. There are three indispensables of the social state : a sovereign reigning, the voice of the country, and judicature.

37. There are three indispensables of the neighbouring country : the sovereignty of the chief, the voice of the citizens, and the collective judgment of the neighbouring country according to privilege, whether required by a citizen of the country, or of the bordering kingdom.

38. There are three indispensables of each of the three former : good sense, arising from a reciprocal acquaintance with circumstances ; justice, emanating from conscientiousness ; and brotherly affection between country and neighbouring country, between a man and his country, and between man and man ; and where these are wanting, it is hardly possible to guard against convulsions in the state occasioned by quarrels and injustice.

39. There are three leading objects of the neighbouring country : common and perfect defence ; equal protection of the arts and sciences ; and the cherishing of domestication and peaceable customs.

40. There are three things that cannot have energy and strength, except in a social state : the cultivation of the soil, the arts and other privileged sciences, and harmonious tranquility.

41. There are three things which strengthen the tranquility of the neighbouring country : equal privileges, a common form of government, and the sciences of wisdom under the mutual protection of the neighbouring country, emanating from union and natural right.

42. There are three mutual ties of a neighbouring

social state : sameness of language, equality of rights, and equality of privileges ; and without these no neighbouring social state can be powerful.

43. There are three excellencies of a neighbouring social state : useful sciences, amiable generosity, and organised equality of the citizens.

44. There are three things which constitute a country : relationship, language, and privileges ; and these are called the three bonds of union of a country.

45. There are three mutual bonds of a social state : equal protection, equality of tillage, and equal law ; and without these a country and citizenship cannot exist.

46. There are three things necessary to the existence of a social state : sameness of language, law, equality of tillage ; for without these a country cannot support itself in peace and social intercourse.

47. There are three primary domestic pursuits of a powerful social state : privileged arts, the sciences of wisdom, and agriculture ; for from these three spring every other domestic art of the social state ; and as the secondary domestic arts depend upon the primary ones ; it is, therefore, indispensibly necessary for the citizens to establish the three primary ones in a privileged and orderly manner.

48. There are three things necessary to form a good country : wood, stone, and springs of water.

49. There are three kinds of property common to the country and the tribe : acorn*-wood, the pleasures of the chase, and an iron mine ; for these are not the peculiarly private property of any person.

* Before the introduction of wheat into Britain, the inhabitants collected acorns, ground them into pulp, and, of that substance, made bread.

50. There are three kinds of private property arising to a man from the three kinds of common property of the country and the tribe: these are, game after the skin is stripped off, acorns when gathered, and iron ore when dug from the mine.

51. There are three kinds of private property of a country-man and a citizen; that is to say of a free-born Cambrian by priority of privilege: a house, a farm-yard, and a stack-yard.

52. There are three kinds of private property belonging to every other man, whether he be a foreigner, or a Cambrian: a wife, children, and moveable property.

53. There are three kinds of private property belonging to every other man, which must not be shared with another, nor be given in payment for a fine: a wife, children, and paraphernalia. The paraphernalia denotes clothes, arms, and the implements of the privileged arts; for without these a man is deprived of his just station in society; and it is not right for the law to unman a citizen, or to prevent him from practising the arts.

54. There are three ornaments of a tribe: a book, a harp, and a sword; and these must not be taken in distress by the decision of the court and the law.

55. There are three free privileged persons of the family, who are exempt from manual labour, work and office: the infant, the aged, and the family teacher; for these are not to bear arms, attend to the horn, nor cultivate the soil.

56. There are three privileged persons against whom naked arms must not be presented: the bard, the chief of the tribe, and an ambassador from a bordering kingdom.

57. There are three common persons against whom naked arms must not be presented: a man without arms, a youth before he arrives at manhood, and a female.

58. There are three privileged places in which no arms are to be presented in a hostile manner: a convention of the country and the lord; a convention assembled for independence, which is a collective convention; and a convention of the bards.

59. There are three privileged conventions of the Isle of Britain under the protection of the tribe of the Cambrians. First, a convention of the bards, which is the most ancient in dignity. Second, a convention of the country and the lord, which is a court of law and judicature, formed by a meeting of the judges and constitutional voters. And third, a convention assembled for independence, which is a collective convention of the country and the bordering country by the leading men of the sovereignty, the chiefs of the tribes, and the wise men of the country and the bordering country. These meet to establish harmony and law in the country and neighbouring country, and between the country and the bordering country, by the mutual reason, consent and agreement of country and country, prince and prince, and vote and vote, so that equity, tranquility and privilege, may be established in the country and the neighbouring country. Naked arms must not be presented against such conventions, nor within their limits, nor during the period of their continuance.

60. There are three privileged conventions that have a right to the homage of all who apply for protection, employment, honour, or emolument arising

from the arts and sciences, according to the privilege and equality of these conventions respectively; and this homage shall be paid on account of privilege, and must be tendered to the convention whilst in deliberation. First, the convention of the bards of the Isle of Britain, that requires the respectful homage of every person who seeks for the emoluments of song and the arts of hardihood; and all who attend this convention shall be under its protection until its office and privileges terminate. Second, the convention of the king, or the lord of the district, with his jurors, judges and barons; that is, every Cambrian who is a landed proprietor, for the purpose of forming a court and deciding on legal causes. And third, a convention assembled for independence, which is a collective convention of the country and the neighbouring country; and to this, the two others owe homage and the preservation of their privileges. For though the convention of the bards is the most ancient in dignity and the source of all the sciences, yet the convention of the collective power of the country and the neighbouring country is the most ancient according to necessary and superior privilege, as emanating from the reason and power of the tribe, for the regulation and establishment of the right, protection and defence of the country and the neighbouring country, the tribes of citizens, and their distinguished patriots of country and district. Without the convention assembled for independence, the other two conventions can possess neither privilege nor power; for the convention of the assembled power of the country possesses three glorious qualifications; that

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is to say, the knowledge, power and will of the country and the neighbouring country, the tribe and the mutual tribe, for to enact, improve and establish both law and equality; and to establish right and privilege to citizens of the country and the neighbouring country, together with their allies whether foreigners or Cambrians; and this is to be effected by mutual consent so that no opposition may arise in any part of the kingdom. For the collective convention of the neighbouring country, deprives every other, that is not in union with it, of privilege, power, law and authority; and in dependance upon the convention assembled for independence, the conventions of the lord of the district and his country, with the conventions of the bards, first obtained their privileges and their power. Indeed there neither is nor has been any privilege in the world, but what has been derived from the majesty of the country and the tribe.

61. There are three conventions according to the privilege of the country and the tribe of the Cambrians. First, the convention of the bards of the Isle of Britain, whose dignity, and privilege arise from reason, quality and superiority; or, according to other learned men, from reason, quality and circumstances. The privilege and office of the protegees of the convention of the bards, is to maintain, preserve and diffuse sound instruction upon the sciences of virtue, wisdom and hospitality. They are further to preserve a record of every heroic action whether of individuals or of the tribe; every event of the times; every natural phenomenon; wars; the regulations of the country and the tribe; retaliations; glorious victories. They must also preserve an authentic record of the pedigrees,

marriages, nobility, privileges and institutes of the tribe of the Cambrians; and, when the necessities of other conventions require it, to make known what is necessary and obligatory under silence and legal requisition. Further than this the convention of bards has neither office nor privilege. The bards are, therefore, regularly inducted teachers of the country and the tribe of the Cambrians, and have liberties guaranteed to them by their office besides those that belong to them as free born Cambrians; that is, each person has his five acres of free land, besides the rewards of science guaranteed to every individual. The second is the convention of the country and the district, which is a convention of the judicature and legal vote for the maintenance of the right and protection of the country and the tribe, their retainers and bondmen. The purposes of these several conventions are as follows:—the convention assembled for independence enacts laws where necessary, and establishes them in the country and the neighbouring country; the convention of law and judicature pronounces judgment upon what is done illegally and awards its punishment; and the convention of bards imparts instruction respecting the praise-worthy sciences, pronounces judgment respecting them, and keeps all correct and authentic records of the tribe, and it is not right for any one of these conventions to act in opposition to the other two, but on the contrary to confirm and co-operate with them harmoniously. The third, which is a convention assembled for independence, is to effect, by its unsophisticated and chastened reason, what may be necessary for modifying and improving the laws of

the country and the neighbouring country according to the decision of the neighbouring country by the chiefs of the tribes, the wise men, and the paramount sovereign. The paramount sovereign, or the sovereign of supreme power is he who is the most illustrious, by his bravery,* of the kings and princes of the neighbouring country; to him belongs the right of assembling the country in power; and his commands are binding upon all others in the general assembly of the country.

62. There are three extra judicial conventions. First, when an officer authorised by law makes preparation within the jurisdiction of his lord for to examine decisions, quarrels, or enmities, as the annulling or opposing the king's laws; that is, he must make such preparations for supporting an authorised convention, or collective assembly of the country and the tribe in power, where there shall be requisition and cause. The country must not oppose this officer in the performance of his duty, for the lord only has the privilege of making a law, neither can he possess this privilege but by the consent of his country and his tribe in a general meeting; and there can be no general meeting without a notification of the place, time, provisions, shelter, lodgings, fire and attendance. Second, a convention of the power of the country by the chief of the tribe in consequence

* The English reader should be informed that in ancient times Britain was divided into several independent states, each governed by its king, or chief;—that when danger threatened, these little states united to oppose the common enemy;—that to effect their glorious purpose, they elected as their commander in chief, the bravest amongst them, as the trial mentions; and that according to this conventional system, Cassivelaunus and Caractacus were elected to oppose the Romans, and Arthur to oppose the Saxons.

of a complaint of the cruelty and tyranny of the king and his judges; or when it is ascertained that the law does not impart full and permanent justice. In such a case every free-born Cambrian has a right to his vote, and the chief of his tribe has the power of assembling the sovereignty and arranging the matter by the aid and assistance of his tribe and wise men; neither must the country oppose him. For the chief of the tribe has a sovereign authority, and every free-born Cambrian has the same, being protected by the privilege of his chief; and three hundred legal men, being landed proprietors, shall swear to carry into effect what shall be decided upon by the power of the country as emanating from the free-born Cambrian under the protection and privilege of the chief of his tribe. For every Cambrian has a right to his vote, his complaint and his claim, according to his natural understanding under the protection and privilege of his chief. Every chief of the tribe has a right to his country and its vote, and, where it be demanded, has a right to every support of his sovereignty; and every sovereignty has a right to the support of its neighbouring country in power assembled, lest the law and privilege of the citizens be infringed or opposed; and under this protection every free-born Cambrian has the privilege of his country, his vote, his sovereignty, and his neighbouring country assembled in power. The third is formed for ascertaining the merits of two or more laws which are placed in opposition to each other, and where, in consequence of the circumstances of the times, the changes of the world, modes of existence and manners of living, the one is attended with more injustice than the other;

and that which is right cannot be effected until it be ascertained in what the evil consists. And justice cannot be established without information being given to the country and the lord; neither can the lord and his country rectify the evil but by the knowledge and consent of the neighbouring country in the customary manner: On account of these reasons, it is proper to call a convention of power under silence and legal requisition of a year and a day with the knowledge of the country and the tribe, for the purposes of examining what may be wrong, of amending it by just consent, and of continuing the meeting so long as there may be just and necessary cause; and if any part of the law be abrogated, it is necessary for the country and the tribe to have respectful information of it, that they may know what is enacted in lieu of that which is abrogated.

63. There are three things which must not be done but by the consent of the country, the neighbouring country, and particularly the tribe: abrogating the king's law, dethroning the sovereign, and teaching new sciences and new regulations in the convention of the bards. For these things must not be done until the country and the tribe understand their qualities, their domestic influence and their orders according to the judgment and legal illustration of learned and wise men, who are regularly inducted teachers in the efficient convention of the bards of the Isle of Britain both in the country and neighbouring country. If these should be condemned by reason and consideration, they are termed useless sciences; and neither privilege nor property can be obtained by professing them. For neither law, regulation, art,

nor any kind of knowledge of the sciences can acquire any privilege unless they are shown to be true by illustration and instruction; and this is to be done by the decision of masters and wise men who are duly authorised by instruction, sciences, and authority according to the privileged regulations of the country and the tribe. As to the dethroning of the sovereign, this can only be done by the decision of the country and the neighbouring country; that is, the neighbouring country is represented by the oath of three hundred men being voters in every district of the lord, who may have the privilege of a court under the sovereign paramount; and the strongest, that is the greatest number of states shall carry into effect what is decided upon by votes. The sovereign paramount, is the king or prince who is the most illustrious for his bravery of the kings of the neighbouring country.*

64. There are three powerful unions which ought to unite the country and the tribe of the Cambrians. First the union of the country and the tribe; that is, a Cambrian shall be a Cambrian in every country and district in Cambria, and shall enjoy equal respect and dignity, by his privilege of citizen, throughout every district of the whole country; and at the same time he shall preserve his discriminating privilege respecting land in the district of his lord of the court in which he was born. The second is a union of the sovereignty, for there ought to be but one king over

* The learned editors of the Arch. of Wales assert that this triad is defective; but they have not told us how, or where. With all due deference to their judgment, I think they are mistaken; for the triad bears every mark of being as pure as when it came from the lips of the Legialator.

all Cambria. He must be the most illustrious, by his bravery, of the princes of the neighbouring country, and his commands are binding upon all the other princes; that is, in the assembly of the neighbouring country, but not otherwise. For in every thing else the command of a prince and lord of the district of a court and of another convention in Cambria, is absolute in his country, jurisdiction and within his boundaries. And the most illustrious by his bravery is called king of all Cambria,* and king of the Cambrians particularly. The Cambrians particularly denote all the assemblage of the tribe of the Cambrians in all their jurisdictions and under their regulations, all of which possess equal rights and privileges through all the districts, with the exception of discriminating and immoveable property and privileges belonging to individuals, such as land and the offices of the country and the court. This is the cause of the adage, "Every country in Cambria is free to a Cambrian." And the king of supreme power has the right of assembling and organising the power of the neighbouring country, which is called a collective convention, a convention of the neighbouring country, a convention assembled for independence, a particular convention, and the particular power of the Cambrians. Neither can any one in particular, whether an individual or the country effect that which must be done by all the sovereignty and the sovereign paramount. The third is a union of the law, privilege and decision; that is, there ought to be but one law in every country in Cambria, and

* Cambria at that time was not confined to Wales, as at present, but was the general appellation for all that part of the Island which the *Cynwy* inhabited before the Roman invasion.

every free born Cambrian of the tribe of the Cambrians has equal privileges and rights in every country and district in Cambria without exception; for the country is free to every Cambrian of every country in Cambria; without any restriction, except what arises from particular private property. Therefore it is called, the country of Cambria particularly, the tribe of the Cambrians particularly, and the privilege of the Cambrians particularly.

65. There are three native rights belonging to every free born Cambrian, whether male or female. First the gift and free use of five acres of free land by privilege of his descent from a native Cambrian; and the descendants of the foreigner and stranger shall obtain the same upon the fourth in descent by honourable marriages, because such then enjoy a state of liberty. Second, the privilege of carrying defensive arms and armorial bearings, which are not allowed to any one except a free born Cambrian of unquestionable nobility. And third, the privilege of a vote under the protection of the chief of the tribe, which is granted to a Cambrian when he arrives at the age of puberty; and to a female when she marries.

66. There are three kinds of vassals who do not obtain the dignity and privilege of the free-born Cambrian until the ninth in descent. The first is an illegitimate child who is legally denied by his father; or, in another manner, according to law, because he was not born in honourable and organised wedlock; or in another manner still, because he was begotten in opposition to the law and the privilege of the country and the tribe. The second is the man who

loses his patrimony and his privilege as a punishment for crime, whether it be by the forfeiture of life or any other degrading chastisement, as may be demanded. The third is the foreigner, or the stranger who may come to reside in Cambria, and who cannot obtain the dignity of the free-born Cambrian until the ninth in descent. These regulations are enacted in the law for the three following reasons.

67. There are three reasons for vassalage as it respects disorderly persons, who are neither recognised by the law nor by the citizens. First, to prevent treachery by strangers and their confederates. Second, to prevent foreigners from obtaining the lands of free born Cambrians. And third, to prevent celibacy by getting children promiscuously and illegally through illicit commerce with abandoned females. On account of these reasons, strangers and their offspring; an illegitimate son, who is disowned, and his children; and the criminals of the neighbouring country and their progeny, are considered as bondmen until the ninth in descent; and every foreigner and vassal must be under the oath and pledge of the lord of the district and of his lord and master. That is, his master is one who takes him under his protection and gives him land in a vassal town; and by his will and permission the bondman shall continue there, until he obtain the dignity and privilege of a free born Cambrian; that is, until this dignity be obtained by the fourth of his descendants through honourable marriages with free born Cambrian females. The following is the manner in which such marriages are regulated.—The bondman who is sworn to the lord of the district and who may marry a free born Cambrian female with

the consent of her tribe, obtains, by that marriage, the privilege of the second degree in rank and dignity, whilst their children stand in the third degree. If any one of these marry a Cambrian female of honourable blood, he obtains the fourth degree; and a son of this marriage, who is the grand-son of the primitive bondman, stands in the privilege of the fifth degree. If this son marry a free born Cambrian female, he rises to the privilege of the sixth degree in descent; and the son of this marriage, who is the great grand-son of the primitive bondman, stands in the seventh degree. If this son marry a free born Cambrian female he obtains the eighth degree in right of his wife; for every free born Cambrian female has the privilege of raising the degree of the bondman whom she may marry. The son of the great grandson, arising from this marriage obtains the privilege of the ninth in descent, and is, therefore, called the **LIBERATOR**;* for he liberates the land he obtains; that is, he obtains the full liberty of five acres of free land, his gifts, his privilege from the chief of the tribe, and every other right that belongs to the free born Cambrian. He also becomes the head of a tribe; that is, he stands in the dignity of the chief of the tribe to his progeny, and also to his ancestors, if any of them be living, as father, grandfather, or great grandfather, but higher than these they do not obtain their privilege of free born Cambrians in their liberator. And in claims and disputes respecting land, he is not called after his father-in-law, but is addressed by his title of liberator,

* The original is *goresgynydd*, which has no equivalent in the English language. Some render it seizer, occupant, vanquisher, &c. but the connection in this triad seems to justify the translation given.

for he is the liberator of his grandfather, great grandfather, uncles, and of his first and second cousins, who may be honourably married. The liberator shall be chief of the tribe to them all, after he obtains the full age of manhood; all of them shall be his men and his friends; and his commands shall be binding upon them all. He shall not be liable to oath or pledge, for the tribe shall surround him and obtain their privileges freely under his protection and authority; but they do not obtain their lands, unless they properly approach the degree, or privilege of the ninth in descent, that is the liberator.

68. There are three privileged arts that have the privilege of complete liberty; that is to say, besides five acres of free land, there are land and emoluments appertaining to each of them. In other words, every man who thoroughly understands and professes them, has peculiar rights besides that of land which belongs to him by his privilege of a free born Cambrian: these are bardism; metallurgy; and learning, or literature; that is, every one who understands and professes any one of these arts, being regularly inducted by a professed teacher of the sciences, has a right to five* acres of free land by the privilege of the arts. No man must study two of these arts; and if he should do so, he only enjoys the emoluments arising from one of them; for no single individual can properly attend to two arts or offices at one time, in a just and orderly manner.

69. There are three arts which bondmen ought not to learn without the permission of their masters, and

* The Cambrian acre was nearly equivalent to two English acres, statute measure, being 160 square perches of 20 feet each.

the lord of the district: these are the three privileged arts; viz, bardism, metallurgy, and scholarship. And if the lord proprietor and the king permit bondmen to learn one of these three arts, and suffer them to acquire such a knowledge and practice of them that they become regularly inducted in them according to the respective privileges of the sciences, the law enacts that they must not be interrupted, except they desist from their profession, but be free men whilst they live according to the privileged arts, and also to be entitled to five acres of free land as a matter of right by privilege of their art; for the privilege of dignity has been granted in all ages on account of the arts and praise-worthy sciences, for the purpose of domesticating and settling the country and the tribe, and for cultivating good manners, the customs of hospitality and wisdom, judicious instruction, and the mutual protection of the country, the tribe and their patriots in tranquility and sociality. For there cannot be domestication and peaceful settlement without the arts and praise-worthy sciences; and these cannot be rendered energetic without conferring dignity on those who profess them. On this account it has been decided both by law and citizenship that neither the arts nor those who practise them, must be opposed, prohibited, or deprived of their privileges.

70. There are three sons of slaves, being bondmen, who become free: the bard, the metallurgist, and the scholar. For whilst the father may be a captive, a bondman, or a vassal, the son, who obtains the knowledge, practice and privilege of office arising from any one of these three privileged arts, shall be free whilst he lives, and shall enjoy his five acres of free land by privilege

of his art; for no one who understands and reduces to practice the arts which are guaranteed by the sciences, can be a slave, or deprived of privilege. Nevertheless, whilst such persons are free in right of their arts, their sons shall be slaves and bondmen, and are called the three captive sons of freedom. In this state they remain until they obtain a state of liberty, as it respects descent and dignity, and with these the privilege of free born Cambrians. Yet the learned affirm that an imperishable degree of liberty appertains to the privileged arts. The reason of this decision is, that the children of those who acquire the privilege of the arts obtain, by that acquisition, a degree nearer liberty; and though a degree of liberty can only be obtained by the fourth person in descent through marriages, yet the same is obtained by the third in descent according to the privilege of the arts. For every profession of the privileged arts brings a man a degree nearer to a state of free-born liberty, than if he were destitute of such an acquisition; for it is just that the privileged arts should raise such a character to a degree near the dignity of liberty. On this account it is said, if the lord proprietor and the king permit the son of a bondman to become free, by allowing him to make acquisitions in the arts, profess them, obtain the rights appertaining to any one of the privileged arts, and with these to form honourable connexions by marriage, not any of his descendants can become captives. In consequence of this, the family of the foreigner obtains the liberty and privilege of the free born Cambrian upon the third in descent according to the protection and privilege of the privileged arts; for he that professes any art has a right to his privilege and freedom of five

acres of free land, in common with the person who claims by privilege of descent and the dignity of honourable blood. And the degree obtained by the privileged art, shall not be lost to his offspring, nor be taken away from his family.

71. There are three distinguished characters of the art of bardism. First the chief-bard, or the free bard of privilege, who obtains his dignity and privilege through discipline under a master duly authorised, being a conventional bard. He must preserve every record of the arts and sciences whilst he shall continue in his office of bard regularly inducted in dignity and privilege. He must also keep every record and memorial of the country and tribe respecting marriages, pedigrees, arms, inheritances, and the privileges of the country and tribe of the Cambrians. The second is the Ovate, who obtains his dignity according to the privilege of poetic genius and praiseworthy sciences, by fully proving that he understands them, and giving correct answers respecting them before the customary and honourable convention of the bards; or where there is no such convention, before a legal Sessions guaranteed by the tribe of the lord of the district; or before twelve of the judges of his court; or before twelve jurors of the court in the customary manner. The Ovate is not to be interrogated respecting any regular discipline through which he may have passed, nor respecting any thing else, except that his views of the sciences be strictly accurate. And this is done for the purpose of protecting the sciences where the regular instructions are not found, and where the sciences and arts of record and wisdom are in danger of being totally lost by the failure of organised teachers

and skilful matters. Besides, they are privileged for the purpose of improving and enlarging the arts, by submitting every new experiment respecting them to the judgment of masters and wise men, so that they may establish them and annex the common privileges; and also lest the sciences of wisdom may be deprived of the knowledge that arises from the natural bursts of poetic* genius, and the energies of invention. The third is the Druid-bard, who must be a graduated conventional bard, and be inducted in wisdom and the sciences, and be able to communicate his judgment and views respecting them. He is raised to this office according to the privilege granted by reason and the tribe of the customary convention, and is elected by ballot, which election is guaranteed by the vote of the convention. His office is to impart instruction and to teach the sciences of wisdom and virtue in the convention of the bards, in the court, the sacred place, and in every family where he has his office in full privilege. Each of these three is entitled by equity and law to five acres of free land according to his privilege as a professor of the authorised arts, besides what belongs to him by his privilege of a free born Cambrian; for the privilege by the arts does not abrogate that by nature, nor that by nature, what the arts produce.

72. There are three distinguished literary characters. First, a counsellor in law, who is qualified to plead between a Cambrian and a foreigner with a barbarous tongue. Second, he that has skill in emblazoning arms, portraying heroic actions and

* All knowledge was communicated through the medium of Poetry, among the ancient Cambrians.

wonderful events, so that they may be understood as soon as the emblazonry is seen; and such a person is called the sign-showing bard. And third, he that has an acquaintance with literature and can write and read the Cambrian language correctly, impart instruction respecting them, and keep a written record of the three subjects of record of the bards of the Isle of Britain; and these are pedigrees of nobility by marriages, inheritances, and heroic actions. Each of these three persons has the privilege of five acres of free land in right and protection of his art, besides what he obtains by his privilege of a free born Cambrian; and each must attend the court of the country and lord, and be obedient to the court, the judges and the jurors, during the days of the court and the convention, according to the regulation of the law; and for the information which they impart, they are entitled to entertainment and rewards according to the privilege of a stipulated contract.

73. There are three distinguished artists emanating from the primary branches: the smith, stone mason, and the carpenter; or in another manner, the craft of a smith, the art of a carpenter, and masonry. These three are partly equal in privilege, and every person who professes any one of these three arts, has a right to his free gifts of five acres of free land, besides what he claims by his privilege of a free born Cambrian; and each must be obedient to the lord of the district, for the purpose of imparting instruction to the bondmen of the king, or of the lord, and also to his vassals when desired according to the regulations of the law; that is, under protection that no degree of the arts must be granted to any of them except by the permission of their masters and the king.

74. There are three kinds of natural arts belonging to the tribe of the Cambrians. First, the arts of wisdom; and the bards of the conventions shall preserve a record and memorial of them by masters regularly inducted in office according to the arts of bardism. Second, the arts of metallurgy; and to artists belong the right of preserving and diffusing them by teachers guaranteed by office. And third, family arts; and it is the duty of the chiefs of the tribes to regulate and diffuse them through the agency of the heads of families, according to the regulations of the tribe, to the ninth in descent and the degrees of affinity.

75. There are three family arts arising from the primary branches: agriculture, or the cultivation of the soil; the management of a dairy; and the art of weaving. And it is the duty of the chief of the tribe to insist that they are duly taught, and to avouch for their being so in the court, in the sacred place, and in every assembly for religious adoration.

76. There are three courtly arts: judicature; skilfulness in the organization and good order of the country and law, and preserving a record respecting them; and the art of embassy to a bordering kingdom.

77. There are three city arts: medicine, merchandise, and navigation. A peculiar city privilege belongs to each of these; and this city privilege is by the grant of the tribe of the lord of the district, and guaranteed by the judicature. It is distinct from the common privileges of the country and tribe, and is granted for the mutual protection of judicious merchandise according to the privilege of justice.

78. There are three common privileges of cities : that no office be imposed on the citizens besides those that are according to the privileges and within the boundaries of their city-liberties ; protection, so that foreigners with a barbarous tongue who visit the city on account of merchandise may not be oppressed or injured ; and that there be no privileged markets except in respectable cities.

79. There are three arts of gentlemen : arms, horsemanship, and the pleasures of the chase ; and no person must learn any one of these, unless he be a free born Cambrian.

80. There are three primary privileges of every free born Cambrian. First, liberty to five acres of free land in perfect right. Second, the privilege of collecting the vote of the country under the protection and privilege of the chief of his tribe. And third, the privilege of removing to the neighbouring country ; that is, of going to any place he pleases in the neighbouring country without loss of privilege or vote, unless he shall be in the service of the country and the court. Where this is the case, he is bound by law to attend to his duty, and the country must not dispense with his services.

81. There are three persons whom every Cambrian, being a landed proprietor, must keep and support : a married wife ; an armed man, if he do not bear arms himself ; and a family tutor.

82. There are three things that will not do well, unless they are found together ; a governor, a hero, and a country ; for these three combined will produce protection, strength, and organise and secure possession of property,

83. There are three emoluments of the free born Cambrian: five acres of free land, a participation of the land* that is cultivated for implements of husbandry, and the pleasures of the chase.

84. There are three common rights of the neighbouring country, and the bordering kingdom: a large river, a high road, and a place of meeting for religious adoration; and these are under the protection of God and his tranquility, so long as those who frequent them do not unsheath their arms against those whom they meet. He that offends in this respect, whether he may be a citizen or a stranger, shall be visited with the fine of murder upon application to the lord of the district.

85. There are three privileged persons of the bordering kingdom: the bard, the religious worshipper, and the chief of the tribe. The privilege of embassy from a bordering kingdom can be granted to one of these three only. Naked arms must not be presented against any of these three whether the countries and privileged tribes to whom they belong be at war or peace; for unless wisdom, virtue and the country sciences have privilege and protection, the tranquility of the tribes cannot be maintained in war. On this account it is indispensable for the country and the bordering kingdom to grant protection and privilege to the ambassadors of a bordering kingdom, who visit in peace and security, so long as they have the credentials of their office according to the customs of confederacy.

* Called here *cyne gwaith*. This was an acre set apart in every hamlet, the produce of which went to purchase implements of husbandry for all the citizens, and in the cultivation of which, all were obliged to assist.

86. There are three things common in the country: war, legal disputes, and religious adoration; for information of these shall be sent to every free born Cambrian; and, therefore, they are called the three common occasions for meeting.

87. There are three proofs of domestication in a country: little children, dogs and poultry. Wherever these three are found, the place has a right to the privilege of the court and the sacred place; and from these, all the domestic privileges of the country.

88. There are three persons indispensable to the tribe: the chief of the tribe, its vindicator, and its family representative. The chief of the tribe must be the oldest of the efficient men in the tribe and be able to trace his pedigree to the ninth in descent. His privilege and office are to collect the country and the court in aid of his men. He is the pleader of his tribe in the grand collective assembly of the country and the neighbouring country. Every man of his tribe is bound to attend to him, and he is equally bound to attend to his man. The vindicator of the tribe is he who leads it to battle and to war when there is cause; and he must also pursue criminals, drag them before the court, and inflict upon them the punishment which the court and the sentence of the country may award. The family representative, is he who is a middle man in the court, the sacred place, in the battle, and in every remote situation. He must be one of the wise men of the tribe, being acknowledged as such by the heads of the families of the tribe, and must co-operate with the chief of the tribe in every vote and assembly of the country. His

privilege is conferred upon him by the vote of his tribe unto the ninth in descent, and he is elected by ballot;* and, therefore, the vote is silent.

89. There are three crimes that cause the son of the offender to lose his patrimony, and to be degraded to the state and wretchedness of the foreigner unto the ninth in descent, or until he obtain a state of liberty through the fourth of his descendants by honourable marriages: murdering the chief of his tribe, murdering his lord, and murdering his family representative, because these crimes are so grievous.

90. By three things the Cambrian loses the privilege of his country and his tribe; removing entirely to a strange country; cordially and wholly joining with strangers who are at war with the tribe of the Cambrians; and wholly surrendering to a victorious army from the bordering kingdom that may attack the tribe of the Cambrians; because each of these is treachery to the country and the lord.

91. By three things the Cambrian recovers the privilege of his country and his tribe which he had forfeited: wholly removing from a strange country under pledge and hostages even to a state of liberty, and thereby forfeits the hostageship; suffering the loss of all for the Cambrians, or Cambrian who may be in a strange country; and bravely fighting against a hostile victorious army, when he might have obtained favour and privilege by resolutely fighting on its side.

92. There are three common claims for the possession of land: the claim of an heir, acknowledged by the

* This was done by cutting the name of the candidate on a stick squared for that purpose, and thence called *coelbren*, the omen-stick. The Athenians, even in the days of their glory, used *tiles* for the same purposes.

record and memorial of the court and the authentic evidence of the sacred place; the claim of a bondman upon the fourth of his lineal descendants; and the claim of a legal purchase by judgment of the court and the judge, when the purchaser is one who has sworn fealty to the king, or a free born Cambrian.

93. There are three claims for the particular possession of land. 1. The claim of a legal heir returning from a strange country or from banishment, who being considered lost by death, another person had obtained possession of his land, according to the award of the court and the sentence. 2. The claim of a counter party who, being the primitive heir, gives a counter-price, for the land of his family, to him who had purchased it under the record, memorial and hearing of the country, when he can show his descent to be unquestionable, and give the counter price into the hand of the judge of the court, in which the claim is discussed. In this case the law has enacted that he shall recover his land, and the judge must pay over the counter price to the original purchaser. 3. The claim of a bondman upon the fourth of his lineal descendants; that is, an occupier in law by honourable marriages; and he is to have his land in absolute freedom, and according to the privilege of the citizens; and it is given him by the lord who is king of the land, its court, and its judgment; and it shall be assigned to him under limitations.

94. There are three disputes respecting land which must be decided by the country consisting of the verdict of three hundred men, where opposition presents itself. 1. The dispute of a bondman upon the fourth of his descendants claiming five acres of

free land by honourable marriages. 2. The dispute of an exile from a strange country producing two authentic witnesses of his back-fire stone, his horseblock, or his boundary* stone; and these, supported by the record, memorial, oral tradition of the country and conscientious persons, are to be believed. 3. And the dispute of the counter party, who being the primitive heir, places in the hand of the judge, or in the presence of the court of judgment and law, the counter price to be paid to the person who purchased his family estate under an authentic record. In other words, the counter party shall stand by the person who purchased the land upon taking possession, and bringing forwards unquestionable evidences of heirship, shall repay a just counter price to the previous purchaser, and shall lay down the money upon the back-fire stone, horseblock, boundary stone, or upon the nearest white stone that is found in the place, or into the hand of the judge of the court of the Commot, or upon the area in the presence of the court. Where this is done the country enacts that he is to have his land, and the defendant the counter price.

95. There are three disputes that must be decided by the evidence and jury of the country, so that stubborn injustice may be prevented. 1. A dispute concerning hostageship, where mutual hostages are given with the king. 2. A dispute concerning land when the claim is defended or denied. 3. And a dispute arising from the opposition of the king against the law. In these cases the chief of the plaintiff's tribe must contest the point in the court and in the sacred place, after notice

* These were considered good evidence, in certain cases, of a legal claim to possession. See Triada. 97, 99.

under silence and legal requisition of a year and a day.

96. There are three defects in the law : an uncertain claim, an imperfect defence, and unattested records.

97. There are three ways of guarding against the three preceding defects. 1. Keeping and maintaining judicious records respecting pedigrees and nobility by honourable marriages ; and also respecting inheritances and the things connected with them. 2. Perfect evidence by correct witnesses and by authentic records, whether the recorder be living or dead. 3. The jury of the country summoned by the chief of the tribe of the person who brings his claim in court. For the purpose of preventing the uncertainty of a claim, it was ordered and established that the bards, who are inducted by the privilege and rank of the convention, should keep an orderly record of pedigrees, nobility, and inheritances. For the same purpose also is the memorial of the back-fire stones, the boundary stones and the horseblock, and he that removes them offers an insult to the court and the judges.

98. There are three tyrannical perversions of law : fully deciding upon a case before minutely enquiring into the truth : deciding contrary to the nature and the inevitable consequences of events and times : and forcing a man to his injury where there is neither law nor justice requiring the decision by which he is compelled.

99. There are three things that preserve a record respecting land and family, and stand as decisive evidence : a back-fire stone, a lime kiln, and a horseblock ; because the arms* of a family are cut upon them.

* The family arms are generally cut upon such stones.

Whoever shall remove them, without the permission of the lord of the district, shall be indicted as a thief, by the order of the court and the law; for these are strong evidence, and any person that destroys them, shall forfeit his life.

100. There are three other stones, which if any man remove, he shall be indicted as a thief: the boundary stone, the white stone of convention, and the guide stone; and he that destroys them shall forfeit his life.

101. There are three things which must not be done without the permission of the lord and his court: to build in expectancy, to plough in expectancy, and to clear wild land of wood in expectancy; and he who does any of these things shall be treated as a thief. For the country and the tribe possess in common all wild land in expectancy; and no person whether great or small, must presume to claim a particular right to such lands.

102. There are three things which are free to every man, whether a citizen or a stranger; and it is not right, according to law, for any man to hinder them: water from the well, brook, or river; firewood from the hollow tree; and stone which are not in use.

103. There are three things which ought not to be taken to a strange country without the permission of the country and the lord: gold,* books and wheat.

104. There are three things which a bondman must not sell without the permission of his lord and master, so that the latter may have an opportunity of purchasing

* Though Cæsar tells us that the Britons made use of brass money and iron rings only, yet Tacitus writes "Fert Britannia aurum, et argentum, et alia metalla." *Vita Agric.* c. 12.

them : wheat, honey, and steeds. But if his lord should not purchase them, he is at liberty to sell them where he pleases, so that he do not sell them to a strange country.

105. There are three persons that pay satisfaction for murder, and receive no share of the satisfaction fine : a woman, a scholar, and a man who does not pay the stock penny.

106. There are three persons who ought to be kept from arms : a captive, a child under fourteen years of age, and an idiot who is proclaimed upon the posts of the country and the king.

107. There are three persons who are not to be compelled to bear arms : a conventional bard, a scholar of the court and the sacred place, and a judge ; because arms are incompatible with their station and offices, and because they ought not to be in the hand of the person who, under the privilege of God and his tranquility, diffuses the arts and virtuous sciences and is publicly employed in consequence of the need of the country and the tribe.

108. There are three persons who confer the privilege of the court upon the house or any other place where they meet together with the king or the lord of the district : the judge of the court, the religious worshipper of the court, and the deputy ; for in whatever place or house these three meet together, it has the privilege of the court, even though the king be not present.

109. There are three persons who are not amenable to law : he who is drunk ; he who is under fourteen years of age ; and he who is compelled contrary to his inclination to act unlawfully..

110. There are three persons who cannot be indicted singly and alone upon a complaint: a wife without her husband; a youth under fourteen years of age, without his father; and a bondman without his lord and master.

111. There are three persons whose testimony is never to be credited: a religious worshipper who has broken his covenant; a witness who has been detected of perjury, of what he has asserted in the court or any other place, upon his oath; and an habitual notorious thief.

112. There are three persons who cannot be insulted: a leprous person; a natural idiot; and a foreigner who is not married to a free born Cambrian female. Still, the law has fixed a value upon each of them; and he that shall injure them in person and property shall be fined.

113. There are three names given to the public publisher of news: loud informer; public crier; and apparitor. He must have liberty, whether on the road or out of it, both by day and night, wherever he goes in the discharge of his duty, so long as he carries his horn in his hand under the mark of the lord of the district.

114. There are three reasons for deposing arms, so that they may not be held naked in the hand: The first is in a meeting for religious adoration according to the privilege of the bards of the Isle of Britain under the protection of God and his tranquility. The second is in the convention of the country, the court of the country and the lord. The third are the arms of the guest in his lodging, he being under the protection of God and the king.

115. There are three kinds of men : 1. The natural foreigner, who is a stranger by primary origin, as also his son and his grandson, if the mothers of each be strangers. 2. A bondman by maternity, whose mother is a free born Cambrian ; and such are called, bondmen under the privilege of maternity. 3. And citizens, who are free born Cambrians, free from slavery, bondage and meanness in the blood ; and a bondman shall obtain the privilege of a citizen, or of a free born Cambrian, upon the fourth male of his descendants by free born maternity.

116. There are three women whose sons inherit by maternity according to law : 1. The son of a female who is given to a foreigner with the consent of her tribe. 2. The son of a female who is given as a hostage to a country with a barbarous language, and becomes pregnant there in consequence of being given as a hostage by her tribe and her lord. 3. The son of a female who is forced by a foreigner. The sons of such females shall inherit in right of their mothers, and the possession of their maternal inheritance must not be delayed to the ninth in descent.

117. There are three guardianships of land : a lord shall keep the land that falls to him by the death of the owner, so long as his heirs are unknown, until the proper heir shall come to own it ; the land of a free born Cambrian, who has lost his land and his privilege unto the end of the ninth in descent ; and the land of a minor, until he arrive at age to take possession.

118. There are three denials of illegitimate children : the personal oath of the father, if he be living ; if the father be dead, the oath of the chief of the tribe and

of seven of the men of the tribe with him, are necessary to receive or disown such a child; and if there be no chief of the tribe, the oath of fifty men of the tribe are requisite to disown such a child; and the illegitimate child who is disowned, is considered as a bondman and a slave unto the fourth of his descendants, or until he obtain liberty by the ninth in descent.

119. By three things a youth cannot be disowned by his tribe: if he be born in a lawful bed, and nursed a year and a day without disowning; if a price be given for his nursing, though he should be the offspring of an abandoned female: and if he be accepted under silence. After any one of these three things is done, the father cannot disown him.

120. There are three ways of acknowledging a son: the first is the personal oath of the father, which is sufficient to disown or acknowledge him; if there be no father living, the chief of the tribe with seven of his men sworn by the tribe may disown or acknowledge him; if there be no chief of the tribe, twenty one men of the tribe can disown or acknowledge him, that is, seven men in lieu of the father, seven in lieu of the chief of the tribe, and seven with the chief of the tribe. It is not necessary to swear such persons through and through, but merely to require their sentiments according to the best of their judgment and conscience. Where a youth is acknowledged, it is done in this manner: The chief of the tribe takes the right hand of the child into his right hand, and gives it into the hand of the oldest of his men, and thus it passes from elder to elder even to the seventh. It is not necessary

for these to be men of note or otherwise, only that they be elders of the tribe, that they be under no obligation of sharing land with him, and that they be partly equal with the person acknowledged or rejected.

121. There are three ways of emancipating an exile : the personal oath of the father, if he be a citizen of Cambrian descent ; the chief of the tribe, upon the joint oaths of himself and seven of his men ; and the declaration of fifty men of the tribe upon oath, according to the best of their judgment and conscience, and after this he shall have citizenship.

122. There are three oaths of a denial : the oath of the chief of the tribe and his seven elders of the same tribe ; the oath of twenty one men, being elders of the same tribe ; and the oath of the country, consisting of fifty men. Where the first cannot be obtained, the second is necessary ; and where the second cannot be had, the third is requisite.

123. There are cases in which the individual oath of a person is valid : that of a woman for a rape ; that of a man in consequence of an assault and a fierce attack ; and that of a father in disowning or acknowledging his son who is illegitimate.

124. There are three kinds of heirs : a son begotten in lawful wedlock ; a natural son, who is acknowledged upon the personal oath of the father, for to become his heir (but the illegitimate child who is acknowledged upon the personal oath of the father cannot maintain a claim and dispute respecting dignity); and a youth of the tribe, when there is neither a legitimate nor an illegitimate heir.

125. There are three females who pay no commutation* fee: the daughter of the king, or of the lord of the district; the daughter of the heir apparent; and the daughter of the chief of the tribe.

126. There are three royal authorities: a prince the most illustrious by his bravery, being lord paramount; the lord of a conventional district, being king in his own court; and the chief of the tribe, governing and protecting his tribe and relations. Each of these sovereigns has the privilege of assembling the country; that is, of demanding its vote, when equity in law cannot be obtained in any other manner.

127. There are three plagues of a tribe: nursing the son of the lord; bringing a youth wrongfully into the tribe; and keeping the chief juror in custody.

128. There are three legal injuries of a man: to murder him; to have illicit commerce with his wife; and to violate the protection he may have given.

129. There are three legal injuries of a king: to violate his protection; to commit murder in his presence; and to have illicit commerce with his wife.

130. There are three duties of the scholar, or learned man of the court: to take down the pleading in writing until the suit is terminated; to destroy the record after the cause is finished; and to attend at all times to his duty, according to the pleasure of the lord of the court and his judges.

* The commutation, or marriage fee is very ancient. The lords, in most ancient nations in Europe, claimed it, from a supposed right to deflower a virgin upon marriage; but the Cambrian lords demanded it from an idea that they were the guardians of the virgin's honour.

131. There are three common proprietors of the tribe: the chief of the tribe; the family representative; and the son of a female who is given to a stranger with the consent of the tribe; that is to say, each of these three shall have the full privilege of the arable land of the tribe; the chief of the tribe according to the privilege of his rank; the family representative in right of his office and station; and the youth by privilege of maternity.

132. There are three heads of families who must maintain equity against an oppressive lord: a father, the eldest brother, and a father-in-law.

133. There are three peculiar privileges of the chief of the tribe: the privilege of imprisoning; the privilege of pleading for a defendant against oppression; and the privilege of protecting a bondman obtained by the tribe, so that he may not be injured nor oppressed, in a manner forbidden both by law and conscience.

134. There are three ancestors of a person: a father, grandfather, and great grandfather.

135. There are three co-heirs of a man: a brother, a first cousin, and a second cousin.

136. There are three persons who forfeit their lives, and who cannot be bought off: a traitor to the country and the tribe; he that kills another from real malice; and a convicted thief for the value of more than fourpence.

137. There are three thieves who do not forfeit their lives for the crime: a woman who steals in conjunction with her husband; a youth under age; and a necessitous person who steals to satisfy nature, after having visited three towns and applied at nine houses in each without obtaining any alms though he solicited it.

138. There are three thieves who are punished by amercement : he who steals a dog ; he who steals herbs from the garden ; and he who steals a wild animal from the land of a fortified inclosure.

139. There are three kinds of theft : taking by theft ; retaining what is stolen ; and killing a living animal that is stolen. Each of these three forfeits life for the crime, and cannot be bought off.

140. There are three thefts redeemable by fine : theft by deception ; theft by extortion ; and theft by concealing the consequences. These are redeemable by paying three times their legal value.

141. There are three kinds of peculiar rights which belong to every person : heirship, privilege, and kind. Heirship is according to privilege ; privilege according to kind ; and kind, as there are male and female, citizen and foreigner, young and old.

142. There are three things free to the tribe and its dependants according to the privilege of maternity : building-timber from a wild forest ; the pleasures of the chase in uninclosed lands ; and the gathering of acorns in uncultivated lands.*

143. There are three principal pleaders in the court ; a lord, a juror, and a surety.

144. There are three respondents of the court ; the pleader, the witness, and the public crier.

145. There are three silent persons of the court : the lord listening to the judges and the jurors ; the judges and jurors listening to the plaintiff and defendant ; and all of them listening to the witnesses until they have finished ; for the law enacts that the witness must not be silenced, lest the truth should be suppressed.

* Vide Triad 49 in this series.

146. There are three middle persons in the law : a lord to establish justice ; a surety, or hostage to maintain sincerity ; and a judge or a just juror to elucidate the truth.

147. There are three persons who bring the country and the tribe to ruin : a treacherous lord ; an unjust judge ; and a hired accuser.

148. There are three persons who suffer confiscation : he who will not abide by the decision of the law ; he who will not stand before the court ; and he who kills his countryman. That is to say, they shall suffer confiscation, inasmuch as all their moveable property that can be found, shall be taken away without any valuation or oath concerning them ; and if in this act, any be killed, the murderer forfeits his life.

149. There are three hateful objects of proclamation to the tribe : he who murders a man of his own tribe ; a robber ; and a treacherous person. They are so called, because it is proper for the revenger of the tribe to proclaim them by the public horn in the court, the sacred place, and in every organised assembly, and upon the king's posts with idiots.

150. There are three reasons for making laws : to teach men to avoid what is unlawful ; to prevent men from being guilty of unlawful measures ; and to punish men for unlawful acts according as the nature of the crime demands.

151. There are three bright excellencies of the law : to prevent oppressive exactions ; to punish evil actions ; and to establish equity against injustice, for the support of right and social tranquility in the country and tribe by means of these three things.

152. There are three honourable sources of the law : the customs of the country and tribe from time immemorial ; the regulations of the country, the tribe and the lord assembled in the power of the country and the particular tribe ; and justice according to reason, situation and necessity ; or, as it is expressed by other wise men, according to the energy of truth, the influence of circumstances, and the dictates of conscience. Such they should be according to their statement.

153. There are three sources of justice in the law : truth, knowledge, and conscience ; and unless these three entirely concur together, the law is not worthy of a name. Truth is the root of judgment ; conscience of discrimination ; and knowledge of guidance and conduct unto the termination, by plea and defence, pleadings and witnesses.

154. There are three pillars of advocacy in law : nine participations in murder ; nine participations in theft ; and nine participations in burning.

155. There are three pillars of the law ; custom before record and tradition ; the king through legal authority ; and the decision of the country by vote where there has been neither custom nor law.

156. There are three things that cannot be abrogated or removed except by the collective power of the country and particular tribe, assembled by the sovereign paramount : a law guaranteed by the sovereignty ; a custom in use before the record and tradition of the country and the tribe, which cannot be proved to be pregnant with injustice, or that it militates against justice ; and a mutually confessed contract.

157. There are three inevitable violations of law : a contract attested by witnesses ; a just custom in use

before the record and tradition of the country and tribe ; and inevitable necessity.*

158. There are three legal causes for the violation of a contract : the death of a lord, where the court can never come to a conclusion on his account ; sickness preventing the performance ; and inevitable necessity.

159. There are three causes in which the court and judges cannot pronounce judgment otherwise than by a full termination : a just purchase for land according to the law of the citizens ; a lord acting in defiance of truth between man and man ; and the long hardships of the country. In such cases, the country, and particular tribe in power assembled, shall determine the matter, and not otherwise.

160. There are three things that strengthen a domestic custom : its gentle tendency ; its energy for the benefit of the country and the tribe ; and its authority by dignity and claim which does not operate against the law. Where such a custom exists, it is paramount to the law.

161. There are three primary reasons for taking the vote of the country : to enact, or repeal a law ; to pronounce judgment where the law cannot effect it on account of defect, circumstance or necessity ; and the privilege of the country and the tribe to guard against illegal measures, by opposing the offender.

162. There are three leading jurors of a tribe : its chief of the tribe ; its seven elders having equal authority with the chief of the tribe ; and its family representative, who is a man of the tribe, chosen for his

* The meaning of this triad is, that whenever the three things specified occur, they dispense with the regular law.

wisdom and his knowledge of sacred sciences, and elected by ballot, or the silent vote of the elders of the tribe.

163. There are three things, which, if a man possess, they qualify him to become chief of the tribe: that if he speak to his friend, he be listened to; that if he fight with his friend, he be feared; and that if he offer security for his friend, it be accepted.

164. There are three primary indispensables of a voter: that he be a free born Cambrian without defect in pedigree, without meanness in dignity; that he be an efficient man; and that he be the head of a family, having a wife and children by marriage. Without these, a man will not be recognised in law as the head of a family; and with these, he will not decide against privilege and justice, but will vote conscientiously on their account.

165. There are three indispensables of the chief of the tribe: that he be an efficient man; that he be the oldest of the efficient men of his tribe, and be able to trace his pedigree to the ninth degree in descent; and that he be the head of a family, having a wife and children by honourable marriage. Every person in the tribe must be the friend of the chief, and his commands are binding upon every individual in the tribe.

166. There are three indispensables of the family representative: that he be an efficient man and a free born Cambrian; that he be a man approved by wisdom, strong poetic genius, and the honourable sciences of the country; and that he be the master of a family, having a wife and children by honourable marriage. He shall be raised to this privilege by the silent vote of the wise men of the tribe under the protection and privilege of the chief of the tribe, and shall act for, and in behalf

of the tribe, as its man in the court, and in the sacred place; as its chief voter on account of his wisdom and sciences; and as its man far and near in the labours and fortunes of the tribe. He claims the same full privilege of protection by the arms of the tribe as the chief of the tribe. In every meeting of the tribe he shall be a teacher and a counsellor, and shall guard its rights in conjunction with the chief of the tribe.

167. There are three reasons for electing a family representative: to do duty in a place where the chief of the tribe cannot act; to diffuse wisdom to the tribe; and to preserve the wisdom of the tribe, the country and the neighbouring country, by appointing the wisest men of the tribes of the Cambrians as men of the court and judgment in the collective convention of Cambria particularly; in the assembly of the lord of the district and his country; and in every discriminating vote of the country and tribe, which could not be effected in any other manner than by privileging the wise men. The wise men must not be subject to service nor land; still there ought to be no general meeting without them, for their judgment is the best, and the individual wisdom of the chief of the tribe cannot be depended upon. On this account both privilege and necessity require every tribe to have its family representative.

168. There are three things that constitute an efficient man: soundness and perfection of bodily senses, which are chiefly the hearing, the sight and the feeling, for the law asserts that the three efficient parts of the body are the hearing, the sight, and the feeling; great acuteness of thought and understanding in reasoning and discoursing; and fortitude. These three things

make a man fully efficient, and qualify him to be a teacher of the country sciences; and he is elected by a master and illustration, or by the silent vote of fifty men of his own tribe, being free born Cambrians.

169. There are three ways in which all legislation for the country and the tribe may be established and rendered effectual. 1. By a collective convention of Cambria particularly; that is, of all the countries, districts, sovereignties and circles of the tribe of the Cambrians, by the chiefs of the tribes, family representatives and voters, harmoniously assembling in a collective convention of the country and the neighbouring country, the tribe and the co-equal tribe. FOR THERE IS ONLY ONE COUNTRY AND ONE PARTICULAR TRIBE IN CAMBRIA. In this convention laws shall be enacted, abrogated or improved as circumstances may require; and that which they shall determine upon shall be made valid by the mutual consent, judgment and approval of the assembly. 2. The second way is by the privilege of an efficient convention of the country and the neighbouring country; that is to say, a sovereign court of the country and the neighbouring country; and this convention may enact any new law that may be required, or improve, or annul any old law and decision. It must publish under silence and requisition of the courts in all the districts of the country and the particular tribe of the Cambrians, what is done for improving, establishing or impugning and opposing in the law, as is judged right by reason and justice; and it must persevere in this manner until the judgment of the tribe is known, and the consent of all the courts is obtained without opposition or repugnancy.

When such consent is obtained, it must be published under silence and requisition of the conventions and courts, for the space of three years. The unanimity of the convention at the end of three years, is called the efficient convention, and it shall be published through all the districts; and that which it publishes, shall have equal force with that which is enacted by the privilege of the country in assembly, and the particular tribe of Cambria. 3. The third way is by enacting or abrogating a law, being authorised to do so, by the authority of the country and tribe, under silence and requisition, until it be deemed efficient; that is, to do what may be desired for effective legislation, upon silence and requisition of a year and a day, by the cry of the country and the neighbouring country, in every court, sacred place, fair, market, and in every other organised assembly of the country and the neighbouring country, until the judgment of the countries and the courts is known, and until the improvement and correction proposed, are sanctioned by the consent of the country and the neighbouring country, and it be ascertained that there is neither word nor resistance offered against it. When this is understood, it is again made known, by silence and requisition of a year and a day, even efficiently; that is, until it be widely promulgated, by being published for three years. Then, by the concurring judgment of Cambria particularly, it is established; and it shall be a law in every country, district, sovereignty, court, and in every sacred place in the country and the neighbouring country; and the law so made is of equal authority and weight with that which is enacted by the collective convention of the country and the neighbouring

country. It is not necessary for the neighbouring country to meet for the purpose of voting upon a law so enacted, for the general law has decided, that, *it has had the consent and concurring judgment of Cambria particularly without opposition, without an opposing word ; and, therefore, it is established.* For if there be no meeting to decide against what is done before the end of three years and three days, it is presumed, that what is enacted, has the consent of the country and the neighbouring country, the tribe and the co-equal tribe ; for it is not possible but that every one knows what is done by public proclamation legally made in time and place, under the crown or privilege of sovereignty, or the particular district of the chief, by giving place and liberty of resistance, opposing word, and repugnancy which may be aided by sound reason and proper cause.

170. There are three pillars of the jury of the country, of whatever kind they may be : the sovereign of the neighbouring country, or the lord of the district ; the chiefs of the tribes ; and the elders of the tribe with the wise men of the country ; namely, the family representatives, inducted into this privilege by the silent vote of the tribe, which is by the discriminating omen-stick from elder to elder.

171. There are three who have a right to call a meeting of the country : a king, or lord of the district ; a chief of the tribe ; and a family representative. For by the command of any one of these three, the country and the neighbouring country may be convened, by public proclamation judiciously made according to custom and law.

172. There are three conventions of the country : a collective convention of the country and the lord ; a

convention, or court of judgment and law by the judges; and a convention of the bards according to the privilege and institute of the bards of the isle of Britain.

173. There are three common protections: the protection of the convention, or the court of the country; the protection of a place of worship; and the protection of the ploughman and his team at work.

174. There are three indispensibles of a convention, or efficient court: that it be guaranteed by the privilege and authority of the person who forms and supports it; that it be legally proclaimed under the protection of silence and requisition of a year and a day, by the public crier, and be repeated unto the end of three years and three days; and that the time and place where it is to be supported, be fixed, so that both may be fully known according to custom. Where these things occur, nothing more is necessary than proclamation upon silence and requisition, and what is enacted shall be established by judgment so far as it is efficient in every court and convention of the country and the neighbouring country, so long as the convention that forms it continues its office and privilege of a convention and court.

175. There are three kinds of legal votes: the collective vote of the sovereignty and tribe of the country and the neighbouring country for legislation, by enacting, abrogating, or improving the law, and this is called the vote of the sovereignty and of the neighbouring country; the second is the vote of the country, which is called the vote of three hundred men; and the third is the vote of the court which is given by the jurors, or elders of the country or the tribe, under

the protection and privilege of the court which decides upon the number, being from seven to fifty men.

176. There are three courts of law : the court of the hundred* and commot ; the court of the chief, which is a court of the lord or king of the district ; and the collective court of the sovereignty and neighbouring country, which is superior to the two others.

177. There are three authorities for the customs of the court and the law : the chief court of the king ; the law of the country ; and the customs appertaining to them both.

178. Law emanates from three sources : the necessities of circumstances ; the mutually penetrating wisdom of wise men ; and the accordance of the tribe and sovereignty in their decision.

179. There are three indispensables of a convention and law : obligatory customs ; the record of experience ; and the pleadings.

180. There are three things which set the law aside : the injuries of the country and the tribe ; the changes of time and their consequences which render both the law and custom useless ; and a covenant guaranteed by legal witnesses.

181. There are three objections to custom : uncertain rank ; oppression by it ; and bad example. Where one

* The hundred contained 25600 Welsh, or 51200 English acres, nearly. The hundred or *Cantrev* had the following subdivisions.

4 Acres 1 farm.

4 Farms 1 inheritance.

4 Inheritances 1 tenure.

4 Tenures 1 township.

4 Townships 1 manor.

12 Manors and 2 townships equal 1 commot.

2 Commots 1 hundred.

Vide Owen's Dic. in voc. cantrev.

of these things occurs it becomes ambiguous, and where the three occur together, they destroy it.

182. There are three things that render the law uncertain: cunning, deception, and false judgment, when some time has elapsed before they are noticed; for then neither of the three can be sifted nor corrected, on account of the uncertainty of the claim.

183. There are three things which no person can be responsible for: an evil act not within the reach of the law; an action which cannot be shewn to be mischievous; and the finding of any thing lost, the loser of which not being known by any person in the country. For these three things, no person is responsible in law, except upon evidence; and where this cannot be obtained, the matter terminates.

184. There are three strong testimonies: an oath upon the entrails;* a mutual confession; and a chain of circumstantial evidence, which cannot be doubted.

185. There are three things which may supersede the law: that which is done by the king to enforce truth and justice, and to cherish conscience and mercy; privilege, where nothing can be done that operates against it; and a contract acknowledged by the parties, and confirmed by witnesses.

186. There are three things that must be listened to by the court and the judge: a complaint, a petition, and a reply; and the person who is denied this right has the privilege of appealing to the vote of the country, as called together by the chief of his tribe.

* To swear upon the entrails of any animal was used on certain occasions by the patriarchal Jews, and also by the Greeks. The form then is very ancient.

187. There are three things that are stated before the court and the judge : a claim, the defence, and the decision.

188. There are three things which the sovereignty and judicature ought especially to support, protect and establish in the country and the tribe : truth, justice, and tranquility ; or, according to others, truth, the sciences, and tranquility.

189. There are three elements of a plea : sight, word and act.

190. There are three who do not require the presence of the country : the king, a religious worshipper of the convention, and the law ; for where these three are, the presence of the country is not necessary.

191. There are three justifiable reasons for not attending to the citation of a convention, or of a court : floods in the rivers which have neither bridges nor ferries ; the cry of the country on account of an enemy's army from a bordering kingdom, when within hearing of the horns ; and unavoidable illness preventing.

192. There are three who are naturally mute : a youth before fourteen* years of age ; a sick and painful person keeping his bed ; and he who is naturally dumb or mute from accident, and does not know a letter.

193. There are three kinds of proprietors ; those that are naturally free born, retainers of the court, and men of learning. The first of the three are called commoners ; and have the privilege of tenure upon land and emoluments ; the second have the privilege of office, as declared by law ; and the third, who are men of learning,

* The youth and sick person were so called, because the first had no vote in public concerns on account of his youth, whilst the second could not because of illness.

have the privilege of teachers; that is, a rate from every plough within the district in which they are authorised teachers; the privilege of land in freedom; and free maintenance by privilege of their sciences.

194. There are three legal privileges: natural privileges, the privilege of land, and the privilege of office; and every privilege is placed under the protection of the country and tribe by vote, and the power of convening the country and tribe is given to the chiefs of the tribe.

195. There are three duties incumbent upon the teachers of the country and the tribe, being learned men: 1. To impart instruction to the commoners in their families, in places of religious worship, in the courts of the district, and in the conventions guaranteed of time and place. 2. Second, to keep an authentic record respecting privileges, customs, families, pedigrees of nobility by honourable marriages, heroic actions, and respecting the most excellent of every thing of the country and tribe that is performed in the court and in the sacred place, in peace and in war. 3. And third, they are to be ready at every appointed place and time, according to the necessity of the country and the tribe that they may serve for reward and free maintenance, by giving instruction, counsel and knowledge upon sacred subjects; by reciting the authentic records; by showing skilful things; by urging the improvement necessary, or that may be demanded, in consequence of the situation of the country and tribe, as there may be refusals from the country and the bordering kingdom, the court and the sacred place; by giving proper form to notices and proclamations; by making the public crier commit them to memory; and by writing down

what is given by judgment and custom, in a proper book of records. More than this is not required of the teachers of the country, who are men of reading and writing, of scientific reflection and wisdom, lest they should not be able to attend to their regular duties, and do what they are required in their office as regularly inducted teachers.

196. There are three mutual bonds of a social state : the sciences, justice, and agriculture.

197. There are three conventional persons who have free maintenance : the bard, the judge, and the family representative.

198. There are three who have free maintenance in consequence of an accident : a natural artist who makes a new discovery in the arts for the benefit of the citizens ; a foreigner who escapes from a ship wrecked at sea ; and a feeble person, who being in danger of losing his life, is saved by a Cambrian.

199. There are three persons who are supported by free maintenance : the aged ; the infant ; namely a child, whether male or female ; and a stranger with a barbarous language. The person who is so supported is one who has neither office nor labour, and who has full maintenance gratuitously, by common contribution.

200. The persons who have free maintenance obtain their emoluments by three things : 1. Five acres of free land, 2. Where this cannot be obtained on account of circumstances, then the plough penny. 3. Where this cannot be obtained, then the spear penny, or the spear contribution ; that is, a contribution proportioned to the case, by every family of the tribe.

201. There are three blows that are not to be resented : 1. A father striking his son, to oblige him to learn

or to correct him for a fault. 2. The chief of the tribe striking his kinsman, as a punishment for neglect, and to make him remember his counsel. 3. And a lord striking one of his men in the day of battle and of combat, to make him attend to his duty.

202. The lord may strike his men in three ways when marshalling them: with his truncheon, or rod of office; with the flat part of his sword; and with his open hand. No fine can be demanded for these blows; for they are given only to admonish, illustrate, and to guard against neglect of duty.

203. There are three customary standing forms respecting a convention: that the customary day for commencing the convention, the pleading, and decision, be known; that the place be well known, being within the sight and hearing of the country and the tribe, so that every one may know where the place is as well as the time and the day; and the privilege of meeting in peace and tranquility by the established custom of the country and the tribe, and that naked arms be not presented against any person who attends the convention. Without such privilege no honourable convention can be supported, for the regulation, judgment and instruction of the country and the tribe, according as the justice, tranquility, necessities and fortunes of the country and the neighbouring country may require, and as becomes a civilized country, when attending to becoming regulations and praise-worthy and honourable sciences.

204. There are three indispensable persons in a court: a lord organising it as its guarantee; a scholar, or man of learning to record the pleadings; and a judge or jurors to pronounce sentence. Without these, there can be no legal court.

205. There are three indispensibles of law: privilege, which is authority; a judge; and a witness. Without these, every law will remain inactive.

206. There are three things necessary to form a legal witness: that he be an efficient man; that he be a faithful man; and that he be a fellow citizen.

207. Judgment according to the privilege of law depends upon three things: evidence, circumstance, and conscience; for neither law nor justice can require more than a conscientious decision, as far as it can be effected by evidence, truth and justice.

208. There are three chief officers of the court: the chancellor, the attorney or advocate, and the apparitor, and these are called the three requisite officers of the court, because a court cannot be held without them.

209. There are three persons that are to be provided with advocates in the court, by the king or the lord of the court: a woman whether married or single; a person who is dumb by nature; and a foreigner with a barbarous language. The foreigner is also entitled to protection and support by spear allowance, which consists in the bounty of the country and the lord, lest he should die by famine and cold until he be restored to his station, as it respects country and tribe.

210. There are three who must be silent in the convention. 1. The lord, or the king; for he is not to open the business, but to listen; and after he has heard what has been advanced, he may say what he may deem necessary as to the sense of the law, and the verdict which the law requires. 2. The judge, for it is not right for him to speak until he declare his judgment as to that which has been proved in his court by attestation and evidence and that which the jurors have asserted. 3. And

a surety, who is not obligated to answer any one except the judge, or the jurors.

211. There are three disputes which can only be decided before the judges and competent jurors. 1. The adoption of a person into a tribe, or his rejection from it; and a claim to inheritance by a bondman through maternity upon the fourth of his lineal descendants, or by a Cambrian returning from exile. 2. Disputes respecting landed property. 3. And third, deciding on terms of peace between countries and tribes in times of war and murders. In such cases, no permanent termination of the disputes can be made, except in the presence of the lord, or one appointed in his place.

212. There are three things which the judge must do in the court: to send embassies according to the necessity of the king, the country and the tribe; to discuss and regulate disputes and contentions which may be brought in his court; and to confirm by his legal sentence that which the jurors may determine; and that under hostageship, if the law should require it.

213. There are three kinds of judges. 1. The judge of the supreme court, who is to be a chief counsellor and at the head of the co-equals of the sovereignty of the district. He ought to be constantly with the king, or the lord of the district, reciting the law to him, that every case that may come before him may be rightly determined; and his office is that of supreme judge over all the sovereignty, and to the utmost bounds of its limits. 2. The second is the judge of the commot, whose duty it is to hold a court, a legal record, and its pleadings; and the court of the commot shall be held where there is a complaint and a plea; there the judge shall prepare for it, and support the pleadings. For the

law has enacted that it is best to decide where the act has been committed. 3. The third is a judge who is a juror by privilege, being a landed proprietor; and he shall be a retainer of the court to give a verdict in conjunction with his peers of the court of the commot and hundred in Dyved,* Glamorganshire and Gwent.† For in those countries, every efficient man, being a landed proprietor, is a juror according to custom; and there must not be less than seven of such jurors to give a verdict, though there may be as many as forty two; and their judgment and decision are called the verdict of the court.

214. There are three persons incapable of holding the office of a judge: 1. The inefficient man, as being deaf, blind, maimed, leprous, insane, dumb, or as having a natural impediment in his speech. 2. The second is a foreigner, or bondman before he obtains liberty; that is, before he obtains the privilege of being free born, which is not acquired before the ninth in descent; for a bondman ought not to be preferred before free born citizens. 3. The third is one who is ignorant of the law and the country sciences. For a commoner who is ignorant of the law and the customs of the country and the tribe, cannot judge of rights to land, the privilege of office, plots for murders, and various other things in law, because he has not obtained judicious instructions. No person who is ignorant or unlearned, ought to decide upon any thing whatever in law; for neither sense nor reason is to be expected from such persons, but merely

* An ancient division of South Wales of which Pembrokeshire formed the principal part. In ancient times it was a principality.

† *Gwent*, a fair open region. It comprehended parts of the counties of Gloucestershire and Hereford, as well as all Monmouthshire. *Caer Went*, or the *Venta Silurum* of the Romans was the capital. The name is now confined to Monmouthshire.

blind impulses of anger, and consequently no conscientious justice can be obtained.

215. There are three ways in which a judgment and verdict may be unjust. 1. By deciding upon that which is not before the court, and which is not heard nor thoroughly sifted, as the defendant could prove it. 2. By deciding upon a cause before it, contrary to law, whether it be the king, the lord of the court, the juror, or another person in the court that perverts the decision. 3. And third, when the judge, being ignorant, acts without warrant of his office; and in that case he is called an unworthy judge or decider. When a free born Cambrian is injured by such a decision, he has a right to appeal to the vote of the country, convened by the protection and privilege of the chief of the tribe. In like manner the bondman shall be protected by his lord and master, who shall claim for him the privilege of a public vote as for a free-born Cambrian, so that his bondman may not suffer an injury. The bondman who has the privilege of maternity, claims the full protection of the chief of the tribe, because every free born Cambrian female has a right to his protection. Further, if a lord and master act injuriously and unlawfully to his bondman, the latter has a right to the protection of the lord of the district, or of the king; and if a man of the king, or of the lord of the district should do him an injury, the king or the lord of the neighbouring country must protect him, and do him justice according to law; and if the bondman should desert in consequence of ill treatment, no hue and cry must be raised after him.

216. By three losses there will be rapine: the loss of a man, the loss of land, and the loss of moveable

property. If the king or the lord of the district take more than the law authorises of any one of the three, the loser is entitled to the decision of the country, and he that takes them must repay, and indemnify the injured ; and if any other person take away his property, he can bring an action against the aggressor.

217. There are three losses in which there can be no identification : flour, bees, and coined money, because each species is so perfectly like and similar ; and there can be no claim respecting them, except by testimony, or by the confession of the thief who stole them.

218. There are three persons who ought to demand hostages from the king, or the lord of the district, lest they should be injured by them, and for the security of the country and the people. 1. He who is threatened with loss of life and limb by another, ought to require it by oath upon the sacred relic, or upon the conscience, in the protection of God and his truth. 2. He who opposes the equity of law because of the mischief he has suffered by it. 3. A member of the general convention, who has been no more than three days in the country, and who has not given legal submission to the lord of the district or to the baron. He ought to demand it, lest he be injured, though there be no complaint against him. A baron is a free born landed proprietor, being the head of a family, and having the privilege of giving a verdict in court.

219. There are three kinds of relics to swear by : the rod of office belonging to a religious worshipper, the name of God, and hand joined in hand ; and these are called hand relics. There are three other modes of swearing : a declaration upon conscience, a declaration in the face of the sun ; and a strong declaration in the

protection of God and his truth. *In subsequent times the form of oath was given by the Ten Commandments, the Gospel of St. John, and the blessed cross.**

220. There are three things necessary to effect the recognition of a person : a fixed home, the privilege of country and tribe, and gifts guaranteed by the citizens.

221. There are three men who are exempt by privilege from attending to the public horn, or from taking the sword in hand ; that is, they are not to march to battle : the bard, the artist, and an officer of the court ; because the services of these three cannot be dispensed with.

222. There are three legal weapons : a sword, a spear, and a bow and twelve arrows in the quiver ; and every man who is the head of a family, is bound to keep these in readiness on account of an army from the bordering kingdom, strangers, and other hordes of depredators. But none are allowed to have arms except the free born Cambrian, or the bondman upon the third of his lineal descendants, so that they may guard against treachery and concealed murder.

223. There are three possessionships of land : breaking it up with the plough without objection, and fully continuing it unto the third ploughing ; the first fire ; and priority of verdict ; that is to say, by giving the first verdict in a court according to the privilege of the person who possesses the land, he being a free born

* The words in Italics seem to have been added by some modern transcriber, more zealous for the forms in use among Christians than for the purity of the text. For, 1. Though the bardic worship is often alluded to in these triads, Christianity is never, this passage excepted. 2. The manner in which it is appended and the phraseology used prove that it formed no part of the original, and is, therefore, spurious.

Cambrian, and can bring proof of this through the full circle of ancestry. The ancestors of a man are his father, his grandfather, his great grandfather, and from these upwards to the ninth degree in descent and blood; and they are called elders.

224. There are three defences of the frontiers: pre-occupation, privilege, and title. But according to another book, it is as follows: There are three defences of the frontiers: the **KIND**, which denotes **DISTINCTION** by priority of claim, or by priority of tribe; **PRIVILEGE**, which is a grant from the tribe to a man as a recompense for what he has done for its benefit; and **WARRANTY**, which is a grant of the country and the lord in convention, because justice requires it as an **EQUIVALENT**, or as a reward to **FOREIGNERS** by privilege of maternity in the **FOURTH DEGREE**, or in any other case whatever that may be decided by the warrant of the court and the convention. *So the law of Dyvnwal Moelmud enacts; and he was the best legislator the Cambrians ever had.**

225. There are three records of a tribe: record of a court of law; record of the chief of the tribe in conjunction with his seven elders; and the bardic record. The record of a court of law stands with the judge; the record of the chief of the tribe abides with his seven elders with respect to the rights and circumstances of the tribe; and when one chief of the tribe dies, the seven elders are to impart it to his successor; and the bardic record remains with the bards who are inducted by masters and the privilege of a convention. These three records are called the three authentic records of

* The encomium passed on Dyvnwal Moelmud in this triad, is evidently the addition of some transcriber; as such, I have marked it in Italics.

the country and tribe; and all pedigrees of rank and privileges of arms are decided by their authority. The privilege of bearing arms arises from the right of land, and where the privilege of bearing arms is ascertained by the authentic records and armorial bearings, such becomes evidence in every dispute respecting property in land.

226. There are three things that lead to the record of the court: a recollection of the agreement of both parties; a recollection of the termination of a dispute, wherein the parties joined issue, the one denying and the other affirming it; and a recollection of the injustice which a lord did to his man in the court.

227. There are three testimonies of the dead in causes respecting land. 1. The testimony of heirs down to their great grand children, or lower, if the court think them credible, as to what they heard from their ancestors in former times; and such are called, "Informants of memory and conscience." 2. Second, the elders of the country and tribe, as to what they know respecting the pedigree and family. 3. And third, the back fire stone of the father, grandfather, great grandfather, or any other of the tribe of the plaintiff; or the place where his ancestors built upon the land, which must be proved by the mark and tradition of the tribe and country. These shall stand in lieu of witnesses, where no better can be obtained, against opposition and opposing word, by bringing the cause before a court of law, or before the verdict of the country.

228. There are three kinds of customs which are to be maintained. First, a custom that sets the law aside. Second, a custom that excels the law by its justice whence it

has authority by the decision of the king's court and by use and obligation before memory : but its authority is limited to the place where it obtained confirmation by usage. 3. And third, a custom which excels the law by natural events ; but this kind of custom is not binding either upon the plaintiff nor defendant. It merely stops a complaint and prosecution, and transfers it to the verdict of the country, which denotes the oath of fifty men, who are elders of the tribe. If it be established by these, it cannot be subsequently opposed : and, therefore, it is called law, and is recorded and observed by the court.

229. On account of three things a man loses his patrimony : giving notice to a bordering kingdom to the injury of his lord and his tribe ; betraying his lord, or a judge ; and killing a man from downright malice. Each of these three forfeits his life, and cannot be bought off ; and all their descendants shall become strangers, and be placed in the same situation as other bondmen, until they recover their right by maternity.

230. There are three indispensables of law : privilege guaranteed by the country and lord ; courtiers, who are judges and jurors ; and an authentic record.

231. There are three authentic records : vocal song ; the book of the court ; and a record of the chief of the tribe and his elders.*

232. There are three ends in view by instruction and record : to convince ; to exclude error ; and to impart satisfaction.

233. There are three indispensables of a bardic instructor : poetic genius from God ; instruction by a

* I follow the emendation proposed by the editors of the Myvyr. Archaiology

master ; and his office confirmed by the decision of a convention.

234. There are three ornaments of a township : a book, an instructor who recites poetry, and a smith who is a good workman.

235. There are three indispensables of a winter habitation : fire-wood, clear water, and a shepherd of the township.

236. There are three indispensables of a summer residence : a booth, a shepherd's dog, and a knife.

237. There are three indispensables of a booth used as a summer residence ; a roof-beam, forks to support the beam, and a pen for the flock ; and the person who erects it has liberty of cutting timber for that purpose in a wild wood.

238. There are three kinds of trees that are not to be cut down without the permission of the country and the lord : oak, birch, and buck-thorn.

239. There are three indispensables of a free born gentleman : his tunic, his harp, and his kettle ; and they are paid for by a general contribution.

240. There are three indispensables of a vassal : his hearth stone, his bill-hook, and his trough ; and they are paid for by general contribution.

241. There are three things that must not be shared with another : a sword, a knife, and a tunic ; that is, the owner must keep them by right of law.

242. There are three obstructions of land : a suit in court, the breaking of a plough, and the burning of a house upon the land.

243. There are three powerful ones in the world : a lord, an idiot, and nothing.

244. There are three who are not to be exiled from land and compelled to go ; that is, it is not proper to impress them into service : a woman, a bard, and he that has no landed property ; for it is not right to force upon them the service of the country, to make them take sword in hand, nor to compel them to attend to the horn and cry of the country. The bard has the privilege of God and his tranquility ; his office is to attend to poetry ; and he ought not to attend to two offices. A woman is subject to her husband, and her lord and master has a right to her ; and it is not proper for any man to take away another's property and goods. And he who has no landed property ought not to be compelled to draw the sword, because he has no land in the country to lose, and it is not proper that he should lose his life and limb for another. He is at liberty to follow his own inclinations ; and if he should bear the sword, he is called the feeble one, and has the privilege that belongs to the feeble.

245. By three things the free born Cambrian loses his patrimony and the privilege of his tribe : entirely removing to a strange country ; cordially uniting himself to a strange army at war with the tribe of the Cambrians ; and by wholly surrendering himself up to a strange, victorious army, and that willingly, when he might have effected his escape.*

246. By three things the Cambrian recovers the privilege of his tribe and his free land which he had forfeited : by fully returning from a strange country ; by losing all for the sake of Cambria and a Cambrian ; and by bravely opposing an army of strangers that is victo-

* The two triads 245 and 246, are merely repetitions of the triads 90, 91 in this series, with some slight variation of phraseology.

rious when he might have obtained both privilege and lands secured to him, if he had fought on its side.

247. There are three removals which have no return.

1. A woman by marriage, for she quits the privilege of her family and obtains that of her husband according to the authority and will of the law. She can no more assume the privilege of her family, neither will the law knowingly revoke what it has once determined. 2. A person who, possessing an hereditary estate, and after being long among foreigners in a strange country, returns to his country and obtains his land. If he go again among foreigners, it is not proper for him to return any more, and if he should do so, he cannot obtain his patrimony. The lord of the district shall become the guardian of it, until he ascertain to which of the family it belongs, and then he shall give it him. 3. An illegitimate child, whether he be acknowledged or disowned by the tribe, and whatever is decided upon respecting him, ought not to be revoked. An illegitimate son, is either the son of another man, or a son begotten by illicit commerce, who is legally adopted by another to be his son and heir.

248. There are three courts of the country, which are regulated by different usages with respect to jurisdiction and the station of the retainers of the court and the officers: one in Powys; one in Caerleon on Usk, which is that of Glamorgan and the Southern division of Cambria; and one in North Cambria. Nevertheless there is one original consociate court which is supreme over these three countries; that is to say, a collective convention of the country and the neighbouring country determining by vote. By its sovereign pleasure alone, laws are enacted in Cambria; for neither one nor the

other of these countries mentioned, has any privilege by right of law and equality to make a law, except by the consent of the others.

According to the custom of Powys, a mayor, chancellor, one assessor who is a judge of the district, a priest to write the pleas, and an apparitor, form a court. Beyond these, Powys has had no other retainers of the court and officers by custom from before the memory and tradition of the country and the tribe.

The court of the country and law in North Cambria is composed of the following officers: that is to say, the lord of the commot, unless the prince himself be there; a mayor, chancellor, one judge of the district, a priest from either Clynog, Bangor, or Penmon, to write the pleadings, and an apparitor.

The court of the Southern division of Cambria, which is called that of Caerleon on Usk, is composed of the prince or king; and in his place, when he is absent, of the lord of the hundred or commot; and with him the mayor, the chancellor, the scholar of the court to write the pleadings and records, the apparitor, and a number of jurors or judges. Every landed proprietor who is legally the head of a family in the Southern division of Cambria, Glamorgan and Gwent, is a juror or a judge. The number of jurors may be from seven to fourteen; and further, from twenty one to fifty men; and their decision is called *the verdict of the court*.

In Powys and North Cambria there is but one judge of the district, but in the countries of the Southern division of Cambria, which comprehends Cardigan, Pembroke, Glamorgan and Gwent, there are many jurors by privilege, in right of land and family, but there is no juror or judge of district there. The jurors

are appointed by the silent vote of the elders and the chief of the tribe. On this account it is said, that a court can be formed in the Southern Division of Cambria by these three; that is to say, by the king, or the lord of the commot in his place; the chancellor who is a learned man; and a number of jurors. One or other of the jurors may act as apparitor in the court, or the chancellor may perform the office.



‘So ends the triads of Dyrnwal Moelmuð, called triads of the social state of the country and the neighbouring country. Every poet and geneologist ought to know the privileges and customs of the country and the tribe of the Cambrians particularly; the privileges of rank and the kinds of justice; the privileges of armorial bearings with reference to nobility and inheritances; and the privilege and want of privilege which affect strangers. He ought also to know these triads before he can claim a right to honour, as confirmed by the convention, on account of vocal song, according to the privilege and institute of the bards of the ancient Cambrians.*

* The above is a translation of a note which occurs at the end of Dyrnwal Moelmuð's triads.

THE LAWS OF
HOWEL THE GOOD,

FROM AN ANCIENT MANUSCRIPT IN THE POSSESSION OF
 THE WELSH SCHOOL, IN LONDON.



THE FIRST BOOK,

Containing the Laws which relate to the Court.

PREFACE.

HOWEL the Good, the son of Cadell, and prince of all Cambria, saw the Cambrians injuring each other from the imperfections of the laws; and he summoned to him six men from every commot in the principality: four of them being laymen, and the other two clergymen. The clergymen were summoned before the meeting of the laymen, that nothing might be decided contrary to the sacred writings. At the time they came together, they fasted; and they did so, that all who came there should behave properly at that solemn time, and that they should do nothing wickedly at a period so splendid. And by the counsel and consent of the wise men who came there, they examined the ancient laws. Some of them they considered worthy to be preserved, some they improved, others they entirely abrogated, and some new ones they enacted.

And after they published the laws and decided to establish them, Howel gave them his authority, and commanded them to be scrupulously observed. And Howel and the wise men who were with him, placed

their malediction and that of all the Cambrians, upon every person who would not keep the laws; and they invoked their malediction upon the judge who should receive a bribe to bias a decision, and upon the lord who should give it him, and who should not respect the three pillars of the law, the price of wild and tame and every thing that appertains to them, or that might be necessary to the people from their use.

OFFICERS OF THE COURT.

And he began with the Court first; and appointed twenty four officers in the court.

The King's Officers

- | | | |
|----------------------------------|---|---------------------|
| 1. The Master of the Household. | } | 9. Crier. |
| 2. Domestic Chaplain. | } | 10. Chief Huntsman. |
| 3. The Steward of the Household. | } | 11. Mead Brewer. |
| 4. Master of the Hawks. | } | 12. Physician. |
| 5. Judge of the Palace. | } | 13. Butler. |
| 6. Master of the Horse. | } | 14. Door-Keeper. |
| 7. Page of the Chamber. | } | 15. Cook. |
| 8. Domestic Bard. | } | 16. Torch-bearer. |

The Queen's Officers.

- | | | |
|------------------------------|---|--------------------|
| 1. Steward of the Household. | } | 5. Maid of Honour. |
| 2. Priest. | } | 6. Door-Keeper. |
| 3. Master of the Horse. | } | 7. Cook. |
| 4. Page of the Chamber. | } | 8. Torch-Bearer. |

SUNDRY PRIVILEGES.

The officers mentioned above, mess together.

Three times in the year the twenty four officers are entitled to receive, according to law, their woollen garments from the king and their linen garments from the queen; viz, at Christmas, Easter, and Whitsuntide.

The king must grant the queen a third of his income from landed property; and the servants of the king also, must give a third of theirs to the queen's servants.

M

The price of the king is his three-fold fine of satisfaction for insult. The king may be insulted in three ways. First, by violating his protection, when the person to whom he gives protection is murdered. Second, when two kings meet together upon the frontiers of their respective kingdoms on account of confederation, and the retinue of the one murder a man belonging to the retinue of the other in the presence of the two monarchs. The third is by seducing his wife, the fine for which shall be doubled or even trebled.

The fine for insulting the king of Aberfraw* shall be paid as follows : a hundred cows from every hundred in his lordship, a rod of gold as long as himself and as thick as his little finger, and a dish of gold as broad as his face and as thick as a husbandman's nail, who has been a husbandman for seven years.

The gold shall be paid only to the king of Aberfraw.

The queen may be insulted in three ways : by violating the protection which she gives ; by striking her ; and by snatching any thing out of her hand. The fine of satisfaction for insulting her is a third of that which is paid for insulting the king ; and this without either gold or silver.

The king ought to have thirty six horsemen in his retinue. These are the twenty four officers and his twelve guests, besides his family, his honourable men, his servants, his minstrels, and his dependants ; and these are called the king's retinue.

* A village in Anglesea, which Rodri the Great honoured by appointing it as the seat of government for North Wales. It is now an obscure place exhibiting nothing of its former regal splendour, and proving the instability of all human establishments.

THE HEIR APPARENT.

The heir apparent is he who is entitled to reign after the king, and, next to king and queen, he is the most honourable person. He ought to be either the king's son, or nephew. His seat in the palace is between the guest and the master of the hawks, being the sixth man at mess with the king. His lodging is in the hall, and the king's sons with him. The collector of fuel must light his fire, and shut the doors. His service of meat and drink must be plentiful, and all his expence is defrayed from the king's coffers; and he also receives his bridles, his steeds, his dogs, his rings, his ornaments and his arms from the king. He must not part with any of these without the king's permission; and if he should die, he must leave his steeds and his dogs to the king, for he ought not to pay a heriot except to him. The reason why he ought not to do it is, he is one of the king's family; and the king's family are his sons, his nephews and his first cousins. Some say that the heir apparent is one of these, but others maintain that he is the person only to whom the king shall give hopes of succeeding him. He is the third man who must support a feast in the palace, and the servants must stand before him whilst waiting on him the same as before the king. He must not leave the king for a single night, even if he should desire it.

The price of the heir apparent is one third of the price of the king. The fine for insulting him is one third of that which is paid for insulting the king, but without the gold. His protection is to take the offender to a place of safety. His steed must have plenty of provender. His dogs are of the same value with those of the king. The heir apparent and those we have

mentioned above, shall possess these privileges until they obtain land; after that, they shall take the privilege which belongs to such land; but if they obtain a villeinage, the privilege of such land shall be raised and become free. No servant has any claim upon him in the three great festivals, for he has a right to be waited upon gratuitously.

SEATS OF HONOUR.

There are fourteen men in the palace; four of them have their seats below the partition,* and ten above it.

The first is the king, who must sit next the fire. Next to him the torch-bearer; then the guest; then the heir apparent; then the master of the hawks; then the footholder, to be about the dish with him; and then the physician, to be about the fire with him. Next the fire on the other side, sits the domestic chaplain to bless the food and chaunt the Lord's Prayer; and the crier must strike the pillar above his head. Next to him sits the judge of the court; then the bard of precedency; and the smith of the court sits on the end of the form before the priest. The master of the household must sit at the lower end of the hall, with his left hand opposite the front door. Those of the family whom he desires must sit with him, and the others on the opposite side towards the door. The domestic bard sits on either side of the master of the household. The master of the horse must be near the fire with the king, whilst the chief huntsman is to be on the other side of it, with the priest.

* Most of the halls in the old mansions in Wales were divided by partitions. The king, or the lord, with his select friends sat in the upper part, whilst the common guests and servants remained in the lower one.

MASTER OF THE HOUSEHOLD.

The master of the household ought to be the king's son, or nephew, or one of dignity sufficient for that important office. No freeholder's son can be master of the household, because he receives his privilege from the king, and not from the son of a freeholder. In consequence of this, the people of North Wales do not include him in the number of the twenty four officers, but merely place him below the steward of the household. His price is one third of the king's price; and the fine for insulting him is one third of the king's fine, the gold excepted. His protection* consists in bearing away the criminal to a place of safety. His seat is with his left hand towards the door. He must give the harp into the hands of the domestic bard in the three great festivals. His lodging is in the largest and most central house in the town; and those of the family whom he desires, shall be with him, whilst the rest must lodge round about him, so that they may be ready to supply his necessities. He is entitled to the second most honourable dish in the court, and to be first served after the king. His allowance are three dishes, and three hornfuls of the best liquor that is in the court. He claims a third of any fine imposed for an injury done below the entrance; and if any man be guilty of indecorum above the entrance, and he seize him, or any of the family for him, he is entitled to one third of the fine that may be imposed. He ought to have his clothes from the king in the three great festivals; as also his steeds, his dogs, his hawks, and his arms. His dogs are of the same value as the king's dogs, as also his hawks. The king must find him

* In almost all ancient countries, privileged individuals had a right of protecting criminals, who applied to them; and the Church is still a sanctuary in some countries.

two shares of provender for his horse. He receives his linen clothing from the queen. The smith of the court must give him four horse shoes once a year, with their complement of nails. He receives three pounds every year from the king, as his service money; and twenty pence from every pound the king receives for causes respecting landed property. He also claims twenty pence from every man of the family the first year he begins to ride on horseback. If the king receive any man of the family in anger, the master of the household must invite him into his presence and reconcile him to the king. When it is necessary for the family to go to pillage,* or upon any other business, he can select whom he pleases, and he must not be disobeyed. He must dwell in the hall in the absence of the king, and the officers must serve him in waiting in the same manner as the king. The family must not part with their clothing without his permission. He must be at their head in every place, and they can do nothing without his advice. He is entitled to the shares of two men of any booty that may be acquired, a country excepted; and he claims a third of the king's third. He is the third person who is entitled to a third of the king's third; the other two are the queen and the master of the hawks. He claims three hornfuls of liquor; one he receives from the king, the second from the queen, and the third from the

* Though the Welsh were driven from the fertile plains of Gloucester, Hereford, Salop and Chester, by the English, they ever considered them as their own. Under this impression, they often made inroads into these countries for the purposes of plunder and pillage. Owain Cyveiliog, prince of Powys, boasted that his court was entirely kept by the booty taken in these marauding excursions. Hence he triumphantly sings:—"Cup-bearer! fill up thy horn with joy. Bear it to Rhys in the court of the hero of treasure; the court of Owain, that is ever supported *by spoils taken from the foe*. It is known to support a thousand: its gates are ever open,"

steward of the household ; and these form his allowance. He has a right to a song from the domestic bard whenever he pleases. He claims medicine free when he pleases, except his bloody clothes ; and except also he receive one of the three dangerous wounds, which are, a blow upon the head that penetrates the brains, a thrust that penetrates into the bowels, and the breaking of one of his limbs. He and the family ought to perform the circle* after parting with the king at Christmas. The family must divide into three parties, the aged, the middle aged, and the young ; and he must be with each alternately ; and the party to whom he attaches himself has a right to make choice of a house. And whilst he shall be on this round he must have his officers with him, with his doorkeeper, his cook, and the officers who collect provisions. These are entitled to the skins of the animals which are slaughtered ; and the cooks must have the suet, the fragments and the entrails. After the circuit is finished, he must return to the king and remain with him during the remainder of the year ; neither must he leave him except to go upon his errands. The reason is, he is the third man whose presence is indispensable to the king ; the two others are the domestic chaplain and the judge of the court. When the master of the household dies, the king claims his steed, his arms, his dogs and his hawk, and these in lieu of his heriot ; †

* The circle alluded to, signified an annual custom of obtaining provision, which those that held lands of the king were obliged to pay his officers and servants. This tax was always paid at the same time of the year ; and as the king's family went round, in a body, to collect it, it was called a circle. Owain Cyveiliog, prince of Powys, composed a poem upon this custom.

† A heriot, in the Welsh laws, signifies a sum of money due to the lord from the goods of a vassal, tenant, or feudatory when he died.

for a member of the king's family ought not to pay any heriot, except his horse harness.

DOMESTIC CHAPLAIN.

The second is the domestic chaplain. He must have his land free, and also his clothes three times in the year. He receives his linen clothes of the queen, and his woollen garments of the king. His seat in the hall, is about the fire with the king, and next to the recess, that he may say grace and chaunt the Lord's prayer. His lodging is with the sexton, and the scholars with him. The fine for insulting him shall be according to the decision of the court. His allowance is one dish of meat and a hornful of liquor. He is entitled to an oblation from the king, and from every one who may present him with an oblation in the three great festivals. He claims a third of the king's tenths. He also receives a tenth from the family, and is entitled to their mortuary. He is entitled to fourpence for every open seal that is given respecting landed property, and other important transactions. He is entitled to a dayly offering from the king upon saying mass, and also to an offering from the officers without exception. He has a claim to a third of their service, and to two parts from the place where he resides; and in every thing that relates to all the persons of the court, he has a right to a third of their service. He claims the clothes which the king wears whilst fasting. He must be constantly with the king, for he is the third indispensable man. He has a right to the gift of his steed, as he employs it in the king's service. No bishop must present any person to the king's chapels without his permission.

STEWARD OF THE HOUSEHOLD.

The third is the steward of the household. He must

have his land free, his horse in readiness, and must receive his clothing three times in the year; that is, he receives his woollen clothing from the king and his linen clothing from the queen. The fine for insulting him is nine cows and one hundred and eighty silver pennies. His price is one hundred and eighty nine cows. He claims the clothes of the master of the household in the three great festivals. He claims a share of the lodgings; his own is next the court, and all the officers with him. He is the chief of all the officers. He claims twenty four pence from every officer, when he is presented with his office. The skins of the cattle that are slaughtered in the kitchen belong to the officers, and the steward of the household has a right to two parts of them, the cattle of the bailiff of the manor excepted. The cook and the steward of the household claim the skins of the smaller animals, such as sheep, lambs, kids, roebucks, fawns, and every small animal that is brought into the kitchen with its skin about it. He claims tenpence from every pound that the king receives for causes respecting landed property. He claims a third of the fine and amercement of the officers; and is entitled to a third of a fine imposed for indecorum above the pillars. If a man be guilty of indecorum below the pillars and fly from there above them, the steward of the household claims a third of the fine, provided he can seize him before he obtain protection. His protection is to take the offender to the master of the household, and from there to a place of safety. Others say that his protection is from the time he begins to stand in his office until the last person goes to sleep, taking away the offender. He must always prepare the food for the

kitchen, and the liquor for the mead cellar. He must wait upon six men at meat, and upon the seventh with liquor. These are the king, his elders, his guest, his heir apparent, his master of the hawks, his footholder, and his master of the horse, being the seventh whom he must serve with liquor; for though he is not to eat with him, yet they may drink together. He ought to regulate the protection and taste the liquors; and whoever violates the protection that he shall arrange, is not entitled to any protection. He is entitled to two shares of provender for his horse, and four shoes with their complement of nails, once a year, from the smith of the court. He is entitled to a male hawk from the master of the hawks every feast of St. Michael. He is entitled to receive of the huntsman, from the middle of February to the end of May, the skin of a hind when he desires it; and from then to the middle of October the skin of a stag; for during those times they are hunted. He must take care of the king's share of the booty that is brought from a bordering kingdom, until the king wishes to dispose of it; and when the king selects his third, the steward of the household is entitled to chuse his steer from the king's third. He must swear for the king. He must share the supper* money, which is done as follows: The supper money is twenty four silver pennies paid at every feast in which mead is drank; and of these, the king's officers receive sixteen pence, and the queen's officers eight. Of the sixteen pence which the king's officers receive, eight of them belong to the steward of the household and the cooks; the former claims two shares and the cooks one. Respecting the other eight

* Supposed to be money which the guests gave to the officers of the court at great banquets; but different opinions exist respecting its nature.

pennies, the servants of the chambers receive eight ; the door-keeper of the hall two ; the door-keeper of the chamber one ; and one belongs to the torch-bearer. Of the eight pennies which are awarded to the queen's officers, the steward of the household and the cooks receive four, and the steward has two shares ; the page of the chamber has one ; the maid of honour one ; the door-keeper one ; and one to the torch bearer.

MASTER OF THE HAWKS.

The fourth is the master of the hawks. He ought to have his horse in readiness, and his land free. His seat in the palace is that of the fourth man from the king, at mess with him. His lodging is the king's barn, lest his birds should be injured by the smoke. He must bring his vessel to the palace to get a drink in it, for he ought only to quench his thirst, lest his birds be injured by neglect. He is entitled to receive a hand-breadth of wax candle, from the steward of the household, to feed his birds and to make his bed. He ought not to pay a silver penny to the master of the horse, for the king himself serves him on three occasions : when he pursues his hawk, the king holds his horse ; as he holds his horse both when he alights and when he mounts, he must hold his stirrup ; and he holds his horse when he goes upon his necessary duty. He is entitled to the hearts and lungs of the animals killed in the kitchen, to feed his hawks. He is entitled to receive a dried sheep, or fourpence from the king's vassals ; and once a year he must make a circuit among the vassals. He claims a third of any fine imposed upon his falconers, and the commutation fee of their daughters. He is entitled to the skin of a stag in October, and the skin of a hind in May, to make gloves to train his hawks, and

also to make their gesses. He must be honoured with three presents the day his hawk kills one of these three birds: a bittern, a crane, or a heron. He claims the mantle in which the king rides on the three great festivals. His protection is to the queen; but others say that it is to the farthest place his hawk pursues a bird. He claims the male hawks, with their nests, and the sparrow hawks that may be found on the king's demesne. From the time he places his hawk in the mew, until he takes it out, he is not obliged to answer any claim that may be upon him, except to one of the officers. The fine for insulting him is six cows and one hundred and twenty silver pennies, which he receives in triple augmentation. His price is one hundred and twenty six cows, which he is entitled to receive in triple augmentation.

JUDGE OF THE PALACE.

The fifth is the judge of the palace. He is entitled to his land free; and receives his linen clothes from the queen, and his woollen clothes from the king. His seat is about the fire with the king, next to the domestic chaplain. His lodging is in the chamber that the king sleeps in; and he receives his pillow and bed-linen from the queen, whilst the cushion upon which the king sits during the day, shall be under him at night. Others say, that he ought to lodge in the hall. His steed must be between the king's steed and the wall, and is entitled to two shares of the provender. He is entitled to receive a chess-board, made of the bone of sea fish, from the queen, and another from the domestic bard; and these toy-ornaments he must neither sell nor give whilst he lives. He claims a man's share with the other officers. He ought to receive his steed, from the mas-

ter of the horse, complete in every respect, and ready saddled when he mounts for the purpose of riding. The porter must open the large gate for him when coming to the palace, and in going in and out ; for he must never go through the small gate either in going or coming. He claims a man's share of silver pennies belonging to the equerries. He has a right to chuse a steer from the booty which the family has obtained from a bordering kingdom, after the king has selected his third. He, and the judges with him, have a right to twenty four pence from all litigations respecting landed property, and two shares of it belong to him. He must administer justice for the palace, the family, and the things which appertain to them. He claims a trained sparrow hawk, or a male hawk from the master of the hawks. He is the third man whose presence is necessary to the king. He claims twenty four pence of every judge whom he proves ; and where he may administer justice in conjunction with other judges, he is entitled to two men's shares. His protection is to the queen. Whoever may apply to him for protection shall obtain it from the time he begins to arrange the first cause, until he finishes the last for that day. If a man enter into recognizance with the judge of the court, or with another, and be able to prove that the judge has pronounced a false sentence, let the judge lose his tongue, or let him pay the king the price of it, as fixed by the law ; but if the accuser should fail in his proof, let him pay the judge the fine for the insult given. The fine for insulting him is six cows and one hundred and twenty silver pennies, which he receives in triple augmentation. His price is one hundred and twenty six cows, which must be paid in triple augmentation.

MASTER OF THE HORSE.

The sixth is the mater of the horse. He ought to have his land free, to receive his linen clothes from the queen and his woollen clothes from the king, and to have his horse in readiness. His seat is about the recess with the king. His lodging is the next house to the barn that he may be at hand to divide the provender. He is entitled to two shares of provender for his horse. He claims four pence for every horse which the king gives, except to three men; these are, the bishop, the master of the hawks, and the buffoon. He receives nothing for a horse given to the bishop, because he is the king's confessor, rises up before him, sits behind him, and holds his sleeves whilst the king washes himself. He receives nothing of the master of the hawks on account of the three reasons mentioned, in which the king himself waits upon him; neither does he get any thing of the buffoon because he must tye the halter round the horses tail and ride the contrary way when he goes from the palace. On account of these reasons they pay no silver pennies to the equerries. He and the equerries with him have a right to the colts that are two years old and under, from the king's third of the booty. He is entitled to the king's rain caps, his old saddles of the colour of their wood, his old cast off bridles and his old spurs. He ought to carry the king's arms. He has a right to the hide of an ox in winter and the skin of a buck in summer. No one ought to have the lees but the master of the horse; and he claims a handbreadth between the liquor and the lees. He is entitled to skins to make halters, and to the legs of animals slaughtered in the kitchen. His protection is whilst he partly tires the first horse. He claims a third of the fine imposed

upon the equerries, with their amercement, and the commutation fee of their daughters. He has a right to receive a hornful of liquor from the king, another from the queen, and another from the steward of the household; and these, with meat, shall be his allowance. The fine for insulting him is six cows and one hundred and twenty silver pennies, which shall be paid in triple augmentation. His price is one hundred and twenty six cows, which must be paid by triple augmentation.

PAGE OF THE CHAMBER.

The seventh is the page of the chamber. He ought to have his land free and his horse in readiness. He receives his linen clothes from the queen, and his woollen clothes from the king. He must lodge in the king's chamber; and he must take care of the chamber, make the king's bed, and do all necessary business between it and the hall. He claims a share of the supper money; and is entitled to the king's old bed clothes. He must mess in the chamber. He must act as cup-bearer to the king, except in the three great festivals. His protection is from the time he goes to seek a burden of straw* for the king to lie on, makes his bed, and spreads the clothes upon it, until he takes them off on the morrow, taking away the offender without pursuit and without opposition. He must keep the king's treasures, his plates, his horns and his rings, and be punished if he lose them. The fine for insulting him is six cows and one hundred and twenty silver pennies. His price is one hundred and twenty six cows which must be paid in triple augmentation.

* When Edward I. was at Conway Castle, he issued out kingly orders that they must supply his chamber with clean straw once a week; and it is not long since the halls of the great in England were covered with rushes instead of carpets.—But the times are altered.

DOMESTIC BARD.

The eighth is the domestic bard. He ought to have his land free, and his horse in readiness. He receives his linen clothing from the queen, and his woollen clothing from the king. He must sit next the master of the household in the three great festivals, that he may give the harp into his hand. He claims the clothes of the steward of the household in the three great festivals. When a song is desired, the bard of precedency* begins. The first song is to God, and the second to the king who owns the court; but if there be none to sing to, let him sing in the praise of another king. After the bard of precedency, the domestic bard is entitled to sing three songs also. If the queen desire a song, let the domestic bard go and sing to her as many songs as she desires, but that lowly that he may not disturb the mirth in the hall. He is entitled to a buck or an ox from the booty which the family may obtain from a bordering kingdom, after the king has chosen his third. He must also sing the Monarchy of Britain† whilst

* The bard of precedency was not an officer of the court; but one who by his musical abilities obtained that honourable distinction, and, therefore, had to commence the musical performances on the three great festivals of Christmas, Easter, and Whitsuntide.

† Some copies say that he was to sing it before the army as they engaged in battle; perhaps both, as the objects in view were to inspire the Welsh with the idea that all Britain was in reality theirs, though in a measure possessed by others. The learned are not agreed respecting the meaning of the phrase *Unbeniaeth Prydain*, the monarchy of Britain. Some think it was a national song, and others, a national air, to which different words were adapted according to circumstances. The original is lost, and the dispute can never terminate. But whether it were a song, or a tune, the objects in view by it were similar to those which led to the composition of the "Tyrolese song of Liberty;" "The Marseilles Hymn;" "Scots wha ha' wi' Wallace bled;" "Rule Britannia;" and "God save the King."

they share the booty. He claims a chess board, made of the horn of a sea-fish, from the king, and a ring from the queen. His lodging is with the master of the household. His protection is to the master of the household. In singing with other bards, he is entitled to the shares of two men. The fine for insulting him is six cows and one hundred and twenty silver pennies. His price is one hundred and twenty six cows.

THE CRIER.

The ninth is the crier. He ought to have his land free and his horse in readiness. He receives his linen clothing from the queen and his woollen clothing from the king. He claims the share of a man with the officers. He claims fourpence for every buck which is brought as a fine for what relates to the palace. He ought to have his meat and drink with the steward of the household. He must do his duty, proclaim silence, and strike the pillar above the head of the priest. In waiting upon the king, he must stand behind him. He claims sixty pence of every bailiff of the manor when he becomes bailiff; and from the time one bailiff goes out of office until another takes it, he must take the charge of the palace. He must also take charge of the furniture and of the property of the king in the palace from the time one bailiff goes, until another comes in his place. He must collect the king's tax. His lodging is with the steward of the household. His protection is from the first proclamation of silence unto the last, taking away the offender. The fine for insulting him is six cows and one hundred and twenty silver pennies, which he receives in triple augmentation. His price is one hundred

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and twenty six cows, which must be paid at one time in triple augmentation.

CHIEF HUNTSMAN.

The tenth is the chief huntsman. He ought to have his land free, and his horse in readiness; and he receives his linen clothing from the queen and his woollen clothing from the king. His seat in the palace is about the recess with the domestic chaplain, and the huntsmen with him. His lodging is in the kiln-house. His allowance are three hornfuls of liquor and a dish of meat; one hornful of liquor he receives from the king, the second from the queen, and the third from the master of the household. He claims the fine imposed upon the huntsmen, and the commutation fee of their daughters; and he has a right to twenty-four pence from every huntsman when he comes into office. From Christmas unto February he must be with the king, when it is desired; and from the eighth night of February he must take his dogs, his horns and his greyhounds to go and hunt the young stags. His horn must be buffalo, and its value is one pound. From that time to the middle of summer, being the feast of St. John, he must hunt the young deer, and during that time he is not bound to do justice to any one who may have a claim upon him, unless it be one of his fellow officers. Some say that he ought only to swear by his horn and his leashes. He is entitled to the skin of an ox in winter to make leashes, and to a buck's skin in summer to make boots. On the morrow after the feast of St. John, being the middle of summer, he must go to hunt deer; and unless he can be taken before he has risen from his bed and put on his boots, he is not obliged to do justice to any one who may have a claim upon him. From that time

to the beginning of winter there are twelve* legal pieces in the stag, and during that time they ought to be hunted. On the ninth day of winter he ought to go and hunt badgers, and must continue to hunt them until the first of December;† and during that time he is not obliged to answer any one who may have a claim upon him except to one of his fellow officers. And on the first of December he ought to divide the skins, and pay all his fellow officers, and then he must answer to any complaint. After this the skins must be divided into two parts and a third; the two parts go to the huntsmen, and the third to the king. Of the two parts which belong to the huntsmen, the huntsman of the hounds shall have two shares, and he that attends the greyhounds one. Of the two shares that belong to those who hunt the hounds, the chief huntsman receives two shares, and two shares from those who superintend the grey hounds; and he is entitled to a third of the skins from the king's third. He is the third man who shares in the king's third. After this, the chief huntsman must show his dogs, his horns and his leashes to the king, and then he must take his circuit among the king's vassals. From that time unto Christmas he must be on his circuit; and at Christmas he must return to the king to enjoy his privilege and seat in the palace. His dogs are of the same value as the king's. Whoever shall have any thing to divide with the king, whether he be the chief huntsman or another, he is to divide it,

* These were the tongue, three pieces of the neck, the entrails, the heart, the loin, the shoulder, the haunch, the breast, the strait gut, and the liver. Vide Cambro Briton, vol. ii. p. 345.

† There is some obscurity in the text in this place; but I do not feel authorised to correct it.

and the king shall select. His protection is to take away the criminal as far as the sound of his horn can be heard. The fine for insulting him is six cows, and one hundred and twenty silver pennies, which he receives at one time in triple augmentation. His price is one hundred and twenty six cows, which must be paid at one time in triple augmentation.

MEAD BREWER.

The eleventh is the mead brewer. He ought to have his land free and his horse in readiness; and he receives his linen clothes from the queen and his woollen clothes from the king in the three great festivals. He has no established seat in the palace; but in the hall. His lodging is with the steward of the household. His protection is from the time he begins to make a vat of mead, until he secures the bung hole, taking away the offender. He claims the cloth that covers the vat, or four pence; and this shall be at the option of the person who is master of the feast. He is entitled to receive a third of the wax from the steward of the household, or fourpence in lieu of it, or a pair of shoes of that value. The wax of the feast is divided as follows: the head mead brewer has a third, and two parts of the three thirds; the chamber has a third; and two parts are appropriated to the hall. The fine for insulting him is six cows and one hundred and twenty silver pennies, which he shall receive at one time in triple augmentation. His value is one hundred and twenty six cows, which is paid in triple augmentation.

PHYSICIAN.

The twelfth is the physician. He ought to have his land free and his horse in readiness; and he receives his linen clothes from the queen and his woollen clothes

from the king. His seat in the hall is at the base of the pillar that he may be near where the king is, sitting in his border. His lodging is with the master of the household. His protection is from the time the king commands him to visit a wounded man, neither in the palace nor belonging to it, until he goes to him, taking away the offender. He must give medicine gratis to all the officers in the palace and to the master of the household, their bloody clothes excepted ; unless it be one of the three dangerous wounds. These are a blow on the head which penetrates the brain, a thrust in the body which penetrates the bowels, and the breaking of one of the limbs. For every one of these three dangerous wounds, the physician is entitled to one hundred and eighty pence and his meat, or to one pound without his meat, and also the bloody clothes. He claims twenty four pence for a tent for a wound. A plaster of red ointment is twelve pence ; and one of medicinal herbs is eight-pence. The physician's pan is worth one penny. He ought to take security of the family of the wounded man, lest he die of the medicine he administers to him ; and if he should not take it, he must answer for the consequence. He ought never to leave the palace except with the king's permission. The fine for insulting him is six cows and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.

BUTLER.

The thirteenth is the butler. He ought to have his land free, and his horse in readiness ; and he receives his linen clothes from the queen and his woollen clothes from the king. He is entitled to a share of the supper money. He must take care of the mead cellar, and of the bottles that are in it. He is entitled to the cover of

the mead vat, or to fourpence, which shall be determined by the lord of the feast. He has a right to liquor in every feast, where mead is used. The proportions of lawful liquor are, to fill the vessels in which they are poured with one part of ale, half of it of bragget,* and one third of mead†. He is to mess with the other officers; and to lodge with the steward of the household. His protection is from the time he begins to fill his first vessel with liquor until the feast ceases for that night, taking away the criminal. He ought to have a sufficiency of light from the steward of the household on account of his service. The fine for insulting him is six cows and one hundred and twenty silver pennies, which must be paid in triple augmentation. His value is one hundred and twenty six cows, to be paid in triple augmentation.

DOOR-KEEPER.

The fourteenth is the door-keeper. He ought to have his land free and his horse in readiness; and to receive his linen clothes from the queen and his woollen clothes from the king. He claims a share of the supper money; and is entitled to the legal liquor. He must deliver all messages that may be brought to him from the gate to the hall, or to any other place where the king may be. He has a right to the clothes of the domestic bard in the three great festivals. He is to lodge with the porter, and mess with the officers. He ought to know the officers of the palace, that he may not stop them at the gate; and if he should stop them, let him pay the fine of

* *Bragget* was made of the wort of ale and mead mixed together and spiced.

† *Mead* was made from honey and water boiled together and spiced. It was a remarkably strong and heady liquor. *Metheglin* was a kind of mead, and used originally for medicinal purposes.

amercement to the king. If he should stop one of the head officers, let him pay him his fine for satisfaction ; but if one of the inferior ones, fourpence. His protection is to take the criminal to the porter, to keep him there until the master of the household passes through the gate, and also to send him to a place of safety. He claims a hornful of liquor of the steward of the household, and a dish of meat ; and these form his allowance. He must clear the way before the king with his rod of office ; and whoever he may strike upon the road, at the length of his arm and his rod, can obtain no redress though he may desire it. He ought, after meal time, to force the refractory person to order by clearing him from the hall. He claims a share of the silver pennies and of the skins with the other officers. He must not sit in the hall, but present himself on his knees in doing the king's business. The fine for insulting him is six cows and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.

THE COOK.

The fifteenth is the cook. He ought to have his land free, and his horse in readiness ; and to receive his linen clothes from the queen and his woollen clothes from the king. He must dwell in the kitchen, and be supplied with his necessaries from the steward of the household and the bailiff of the manor. Of the smaller animals that come in the kitchen with their skins on, he claims one third of the skins and the steward of the household two parts. He must taste of every joint of meat that is prepared for him ; and he claims the fragments and suet. He ought to carry the last dish and place it before the king ; and then the king must present him with his meat and drink. His protection is from

the time he begins to cook the first dish until he places the last before the king, taking away the offender. The steward of the household must furnish him with all culinary vegetables, and also pepper for other vegetables. He ought to mess with the officers, and to lodge with the steward of the household. He claims a share of the supper money. The fine for insulting him is six cows and one hundred and twenty silver pennies which are paid in triple augmentation. His value is one hundred and twenty six cows.

TORCH BEARER.

The sixteenth is the torch-bearer. He ought to have his land free and his horse in readiness ; and to receive his linen clothes from the queen and his woollen clothes from the king. He claims a share of the supper money. He ought to hold the candle before the king, and to be about the dish with him whilst he is eating ; and the broken bread and fragments which fall over the dish are his. He claims a hand-breadth of the candle which he holds in his hand. He must light the candles in the court ; and all that he can pull off from the tops of the candles, with his teeth, in the court, belong to him. He claims the remainder of the lighted candles when the king goes to his bed-room. He is entitled to receive his full cost of candles from the steward of the household. His protection is to take away the offender without pursuit and without impediment, from the time the first candle is lighted until the last is finished. When the king goes to his chamber, he ought to go before him with his candle. He messes with the other officers, and lodges with the steward of the household. The fine for insulting him is six cows and one hundred and twenty silver pennies, which is paid in triple augmentation.

His value is one hundred and twenty six cows to be paid in triple augmentation.

THE QUEEN'S OFFICERS.

Having treated of the privileges and duties of the king's sixteen officers; we proceed to treat of what appertains to the queen's eight officers.

STEWARD OF THE HOUSEHOLD.

The first is the steward of the household. He claims his land and his horse free; and receives his linen clothes from the queen and his woollen clothes from the king. He must have the full command of the meat and drink that is in the chamber; and must wait upon the queen with meat and drink. He claims a third of the fine imposed on the queen's officers. He lodges with the king's household steward. He ought not to sit in the chamber, but wait from the chamber to the kitchen. His protection is to take an offender to the king's steward of the household, and from there to a place of safety. He and his assistants claim a third with the king's officers, and two shares of it are his. He and the cooks claim four pence from the supper money, and two shares of it belong to him. He is entitled to receive his full necessaries from the king's household steward. The fine for insulting him is six cows and one hundred and twenty silver pennies. His value is one hundred and twenty six cows, to be paid in triple augmentation.

PRIEST.

The second is the priest. He ought to have his land and his horse free; and to receive his linen and woollen clothes from the queen and the king. He claims a third of the queen's tenth, and that which appertains to the chamber. He is entitled to four pence for every open

seal which the queen gives. He is entitled to an offering from every one that belongs to her. He claims the clothes in which the queen does penance against Easter. He ought to say grace over the meat and drink that is brought into the chamber. He lodges with the king's priest in the sexton's house. His protection is to the next Church. The fine for insulting him shall be according to the decision of the court. His value shall be according to the privilege of his tribe; and so of every clergyman.

MASTER OF THE HORSE.

The third is the master of the horse. He ought to have his land and his horse free; and to receive his linen clothes from the queen and his woollen clothes from the king. He claims fourpence for every horse the queen gives, but he must give a halter with every one of them. His lodging is with the king's master of the horse. His protection is to the king's master of the horse; but others say that it is whilst he prepares to run the queen's first horse, taking away the offender. He claims a third of the colts which are two years old and under; taken in pillage; and two parts belong to the king's master of the horse. The fine for insulting him is six cows, and one hundred and twenty silver pennies. His value is one hundred and twenty six cows, to be paid in triple augmentation.

PAGE OF THE CHAMBER.

The fourth is the page of the chamber. He ought to have his land and his horse free; and to receive his linen clothes from the queen and his woollen clothes from the king. He claims a share of the supper money. He ought to convey messages between the chamber and the hall; and to wait upon the queen with meat and

drink, except upon the three great festivals. He must keep the keys of the queen's coffers, supply the chamber with what is wanting, and make the bed. His lodging is in the queen's chamber, and his bed is in the recess, that he may be ready to wait upon the queen. His protection, the fine for his insult, and his value, are the same as the king's page of the chamber.

MAID OF HONOUR.

The fifth is her maid of honour. She ought to have her horse in readiness, and is entitled to the queen's old clothes, her old shifts, sheets, bridles and old shoes. She claims a share of the supper money. Her protection is from the time she begins to spread the clothes on the bed, until she takes them off the following day. Her bed is in the chamber, that she may hear the least word which the queen may utter.

DOOR-KEEPER.

The sixth is her door-keeper. He ought to have his land free and his horse in readiness; and receives his linen clothes from the queen and his woollen clothes from the king. He must bring in the liquor when it is mead. He must not sit in the chamber, but do his duty standing. His lodging is with the king's door-keeper in the porter's house; and his protection is the same as the king's door-keeper. The fine for insulting him is six cows and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.

THE COOK.

The seventh is her cook. He ought to have his land free, and his horse in readiness; and to receive his linen clothes from the queen and his woollen clothes from the king. He ought to be supplied by the steward of the household with whatever is necessary for the

kitchen ; and he must taste every dish of meat that he cooks. His protection is the same as that of the king's cook. The fine for his insult is six cows and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.

TORCH BEARER.

The eighth is her torch bearer. He ought to have his land free and his horse in readiness ; and to receive his linen clothes from the queen, and his woollen clothes from the king. He claims a share of the supper money. He is entitled to a hand breadth of every candle he holds in his hand. He claims the tops of the candles which he bites off with his teeth, as well as the remains of all the candles. He is entitled to the broken bread and broken fragments which fall over the queen's plate. His protection, place of lodging, the fine for his insult, and his value, are all the same as the king's torch-bearer.

INFERIOR SERVANTS.

Hitherto we have treated of the twenty four officers that appertain to the court ; but now we treat of the officers who are in the palace by custom and usage.

The first of these is the groom of the rein ; the second the footholder ; the third is the bailiff of the manor ; the fourth is the apparitor ; the fifth is the porter ; the sixth is the watchman ; the seventh is the collector of fuel ; the eighth is the washer-woman ; the ninth is the smith of the court ; and the tenth is the chief of song.

GROOM OF THE REIN.

The first is the groom of the rein. He ought to have his land, his steed, and his clothes free. He claims the king's rain caps in which he rides, with his old bridles,

boots, spurs, his old gold harnessed saddles, and his old pack saddles. He must be in every place in the absence of the master of the horse. He must hold the king's stirrup when he mounts and when he alights, lead his horse to the stable, and bring him out the following day. He must walk pretty near the king, that he may do his duty when called for. He must also saddle the horse belonging to the judge of the court, and bring him out for the judge to mount ; and the judge must pronounce sentence for his privilege and right gratuitously. His protection is from the time the smith of the court begins to make four horse shoes with their complement of nails, until he shoes the king's horse with them, taking away the criminal. The fine for insulting him is six cows and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.

FOOT HOLDER.

The second is the foot holder. He ought to have his land, with his linen and woollen clothes free, and his horse in readiness. His office comes from the privilege of his land. He must hold the king's foot in his lap from the time he begins to sit at the banquet until he goes to sleep ; and he must rub the king, and during that space of time he must guard him lest he should suffer any misfortune. His protection is from the time he takes the king's foot in his lap until he goes to his chamber, taking the criminal away. He has the privilege of eating upon the same dish with the king, with his back towards the fire. The fine for insulting him is six cows, and one hundred and twenty silver pennies. His value is one hundred and twenty six cows, to be paid in triple augmentation.

BAILIFF OF THE MANOR.

The third is the bailiff of the manor. He must take care of the palace after the demise of the steward. He and the chancellor* with him must receive the taxes that are given, and hold them for the court. He must superintend agriculture, and supply all the necessaries for the palace. He claims the fines and amercement fees of the king's demesnes. He is entitled to an heriot from the men of the royal manor, and claims the commutation fee of their daughters. In all causes of dispute between two men of the manor respecting land, he claims twenty four pence; the same also, if two men fight with each other, or if there be a robbery. He must swear by the royal lands. He claims sixty pence of every prisoner that his brought to his jail. He is entitled to a feast from the men of the royal manor. He claims the skins of the cattle that are under his keeping for three nights before they are slaughtered. No person but himself is entitled to the skins of the cattle belonging to the royal manor, whether the king be in the palace or absent. His protection is to convey the offender over the boundary of the royal demesne lands. His lodging is in the provision-house. The fine for insulting him is six cows, and one hundred and twenty silver pennies. His value is one hundred and twenty six cows, to be paid in triple augmentation.

APPARITOR.

The fourth is the apparitor. He claims his land free and when the king is in court he is entitled to a dish of meat. He must stand between the two pillars, with his rod in his hand, lest the house should take fire

* An inferior magistrate who was empowered to decide petty causes which occurred at a distance from court, on the king's demesnes.

whilst the king is eating and drinking with his officers; but he must not sit in the hall. He must not strike the pillar with his rod, on the part where the king sits. He claims a vessel full of liquor, in which is poured a quantity of ale, with half of it bragget and one third of it mead. He is entitled to the legs which are of equal length, belonging to the oxen and cows which are obtained by his accusation, and to their ancles; and on the ninth of winter, he claims a coat, a shirt and a pair of small clothes without any linings. His coat must be as long as the knee-tye of his small clothes. On the first of winter he claims a cap, and on the first of February, or March, a mantle. The apparitor shares between the king, the bailiff and the chancellor. He claims, from an escheat, the cut meat, the fragments of butter, the lowest* stone of the handmill, the pale liquor, the lowest layer of corn in the stack, the poultry, the cats, the axe, and what grows upon the head ridges in the field; but if there be no head ridges, he must have what grows upon the side ridges. He claims a loaf of bread with its accompaniment of cheese and butter from every house which he visits on the king's business. His spear must be the length of a cubit;† two parts of it must extend behind him and one before, carrying it on his shoulder. From the booty that may be obtained, land excepted, he claims a bull, or an animal which has not been brought under the yoke, or a cow that has had but one calf. When the apparitor dies, the king claims all his property. If the apparitor be caught sitting and

* The Welsh had formerly hand mills of such curious mechanism, which, when once set a-going, would grind corn without wind, or water, or without the labour of any animal. W. Salisbury had one to be seen in the year 1574. *Vid. Richard's Dict. in voc. breuan.*

† That is two yards and a half.

be insulted for it, whilst causes are tried, he can only claim a sieve of oats and an egg shell, for the insult. The fine for insulting him, according to some, is equal to the fine which the person who possesses land claims for an insult offered to himself; but others say that it is three cows and sixty pence. His value is sixty three cows.

THE PORTER.

The fifth is the porter. He must have his land free, and his house over the gate-way. He claims constant food from the palace and a mess of meat when the king is there. He is entitled to a handful of every present that comes through the gate. He is entitled to a billet of wood from every burden of fuel which is brought through the gate, which he may be able to pull off without stopping the horse, having his hand on the gate. He claims four pence from every prisoner upon whom the gate shall be shut. He must spread out the skins of the animals which are slaughtered in the palace, and he is entitled to one penny for every one of them. From the swine taken in pillage that shall pass through the gate, he shall have the sow which he can, with his one hand, lift up by her bristles, so that her feet may be as high as his knees; and every pig that comes through the gate without a tail shall be his property. He must act as apparitor in the royal demesne; and he claims fourpence from every commutation fee that is paid in it. He must summons the vassals of the royal manor to work; and from every fine and commutation fee levied upon them, he shall have a reward. He must do errands in the palace gratis; but he claims the leavings of the cheese which he toasts. He must give orders in the court respecting supplying it with straw,

and fighting the fires. His protection is to keep the offender until the master of the household passes through the gate to his lodging, when the latter must convey him to a place of safety. The fine for insulting him is six cows, and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.

THE WATCHMAN.

The sixth is the watchman. He must have his land free and his food prepared for him; and he receives his clothes and a loaf, with its allowance of cheese and butter, for breakfast. He ought to watch only from the time of going to sleep, until the following morning; and he is not to do any thing else, without a reward. Some say that he is entitled to the eyes of the animals which are slaughtered in the palace; and also to his clothes, his caps and his stockings. If he be found sleeping during the time he ought to watch, he can obtain no redress if he should be beaten; and if he should not be beaten by the person who catches him asleep, let him pay a fine to the king. His protection is from the time he begins to blow his horn, when he goes to watch, until the gate is opened on the following morning. The fine for insulting him is six cows and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.

THE FUEL PROVIDER.

The seventh is the fuel provider. He is entitled to have his land free, his allowance of food, his dish of meat when the king is in the palace, and his clothes. He must have what is necessary from the palace for collecting fuel, and if he lose any of these things, he must pay their value. He must take care of the

horse that carries the fuel, fetch provender for him every night from the palace, and ride upon him in going to the wood ; and if he should lose him, when under his care, he must pay for him. He is not obliged to cut up the fuel after he has brought it home, but to leave it in the state that he delivers it from the horse. He claims the necks of the animals which are slaughtered in the palace, because they are chopped on the block with his hatchet. His protection is as far as he can throw his hatchet, or his hedge bill. The fine for insulting him is six cows and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.

THE BAKER.

The eighth is the baker. She is entitled to her maintenance and her clothes from the court ; and also to a dish of meat when the king is there, and to bake the last cake for herself from every kind of flour that she bakes with. Her bed is in the provision house. She is not obliged to rise to any one when she is baking. Her protection is as far as she can throw her baking scraper. The fine for insulting her is one third of the fine of her husband ; but if she have no husband, then half of the fine that may be due to her brother. Her value, whether she be a widow or otherwise, is half the value of her brother.

SMITH OF THE PALACE.

The ninth is the smith of the palace. He must have his land free, his allowance of food, and a dish of meat when the king is there. He must do what is necessary for the court gratis, except three things ; these are a stirrup, the rim of a kettle, and a broken plough-share ; or a hinge, an axe for cutting fire wood, and the head

of a spear. For each of these three things he must be paid down. He must do the jobs wanted by the officers of the court gratis, but they ought to make him a present in every instance for his labour. He claims the commutation fee of the daughters of all the other blacksmiths. He claims a right to the rarities, which are the first liquors brought into the court. His seat in the palace is on the end of the bench near the domestic chaplain. His protection is from the time he begins his work in the morning until he finishes at night. The fine for insulting him is six cows, and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.*

THE CHIEF OF SONG.

The tenth is the chief of song. He ought to have his land free; and his seat is next to the judge of the palace. He ought to commence singing in praise of God, and then in praise of the king who owns the court, or of another. No one ought to solicit a favour except the chief of song, and in dividing it with his companions, two shares belong to him. He claims twenty-four pence from every minstrel at the close of his instructions. He claims fourpence from every woman, who may have formerly slept with men. He is entitled to the commutation fee of the daughters of the other minstrels. He ought to sleep with the heir apparent. His protection is from the time he begins to sing in the palace,

* The son of Vulcan was, in ancient times, a far more important personage than at present. The reasons are, 1. Iron was not formerly brought into general use, and was of far greater value than at present. 2. The Welsh blacksmiths prepared the iron which they used from the ore. The last that did so, blew up his forge, by letting out too much metal for the purpose of making a report, in consequence of the rejoicings which took place on account of the revolution in 1688.

until he finishes the last song. The fine for insulting him is six cows and one hundred and twenty silver pennies. His value is one hundred and twenty six cows.

THE WASHER WOMAN.

The eleventh is the washer woman. She ought to have her food from the palace, a dish of meat when the king is present, and her clothes. On the day that she washes for the queen, she is entitled to a present from her. Her protection is as far as she can throw her washing beetle. The fine for insulting her, and her value are the same as those of the baker woman.

MISCELLANEOUS LAWS OF THE PALACE.

Hitherto we have treated of the officers which belong to the court, their lawful rights, their customs, their privileges and their duties; now we proceed to treat of other things.

There are three persons who are indispensable to the king: his chaplain to say grace and chaunt mass; his judge of the palace, to set every doubtful cause in a clear order; and his family to execute his commands.

There are three indispensables of a gentleman: his harp, his cloak, and his cauldron.

There are three indispensables of a vassal: his trough, his augur, and his back-fire-stone.

There are three things which the king must not part with: his treasure, his hawk, and his breeches.

There are three nets of the king: his steeds, his swine, and his cattle; for if a man lose an animal and it be found among the king's cattle, he must pay four-pence for every one of them.

There are three nets of a gentleman : his steeds, his cattle, and his swine ; for if a man find any one of his own beasts among them, let him pay fourpence.

There are three nets of a vassal : his swine, his cattle, and his winter house, from the first of May unto August, for if he find an animal astray in any of them, he claims fourpence.

There are three things which a vassal must not sell without the permission of his lord : a stallion, honey, and swine ; and if he should sell them, let him be finable, as formerly ; but if his lord should not purchase them, he may sell them in whatever manner he pleases.

There are three arts which the son of a vassal must not learn without the permission of his lord, and if he should learn them, he must resign them again ; unless he has taken holy orders : these are scholarship, the craft of a smith, and bardism.

There are eight carriers of the king : the sea ; uncultivated land ; an indigent person from another country ; a thief ; a person dying without a son ; death, by which he obtains an heriot ; a criminal from whom he obtains a fine ; and an amercement fee for an injury.

Whoever shall use harsh language to the king, let him pay a double commutation fee for the insult.

Wherever the domestic chaplain, the steward of the household, and the judge meet together, that place has the privilege of the court.

The king ought not to march with his army to a bordering kingdom, except once a year. His men are obliged to attend the king in his own dominions whenever he pleases ; and he can command, from every vassal town, a man, a horse, and an axe to form encampments but they must be at his own cost.

There are nine houses which the king's villains are obliged to build for him : a hall, a chamber, a provision house, a stable, a court house, a barn, a kiln, a privy, and a domitory.

All chattels without an owner, go as escheats to the king.

There are three things which the king must not part with to another : gold and silver, buffalo horns, and a dress which has gold fringe upon it.

Whoever shall do any wrong to the mother* church, let him pay fourteen pounds ; half of it to the Abbot if he be a professor of divinity, and the other half between the priest and the cloister. If an injury be committed in the church yard let seven pounds be paid, and divided into two halves as the other. Whoever shall do an injury to another church, let him pay seven pounds ; half of which goes to the priest and the other to the curate.

* Some render this Cathedral Church, but primeval, or the most ancient Church would probably be more expressive of the original.

THE SECOND BOOK,

Containing the Laws of the Country.

THE NINE SINGLE WITNESSES.

THE first are the nine single witnesses. The three first of these, are a lord between his two servants, an abbot* between his two monks, and a father between his two sons. If any one of these we have mentioned should refuse to submit his cause to the evidence of his lord, his abbot, or his father, and the other should be willing to abide by it, the law demands the acquiescence of the protester. The fourth is a judge respecting his decision. If two men bring a cause for trial, and the one should object to the decision, and the other should acknowledge its justness, the statement of the judge is decisive respecting his decision. The fifth is a surety respecting his suretyship: if it be received, and the one party should say that the suretyship is for a great matter, and the other that it is for a little matter, yet since it has been received, the surety is to be credited respecting the matter for which it was given, and his statement cannot be disowned. The sixth is a giver respecting his gift: if a man should give a thing, and two men being present the one should say "Give it me," and the other should reply "Not so, give it me," his word is decisive to whom he will give it. The seventh

* The text has *efeiriad*, but the context requires *abad*.

is a maid respecting her honour: if a man should take away a maid clandestinely, and after conducting her to a lonely place, she should ask him, before he obtained his purpose, "What wilt thou give for this liberty?" If he grant her what she demanded, and afterwards repent of it, yet though he may deny it, if she urge her claim, her evidence is to be credited. The eighth is the shepherd of a hamlet: if the labouring ox belonging to any man kill the young of any animal, the testimony of the shepherd is to be credited respecting the ox that gored the other. The ninth is a thief at the gallows respecting a participator in his crimes: if he should assert that another person was concerned with him in the robbery for which he is going to suffer, if he should persist in his statement with death staring him in the face, and continue to confess until he is turned off, his confession is to be received as evidence.

LAWS RELATING TO WOMEN.

If presents be made to a married woman, she must consider them as her dowry unto the end of the seventh year; and if her husband and she then separate, let them divide every thing between them in two halves. The wife claims the right of dividing and the husband of choosing. The swine belong to the husband and the sheep to the wife; but if there be only one of them, let them share them in two halves. If there be sheep and goats, the sheep belong to the husband and the goats to the wife; but if there be only one kind, they must share them. If there be children, two parts of them go with the father and one with the mother; the oldest and youngest belong to the father, and the rest to the mother. The household furniture shall be divided as follows: all the milking vessels, except one pail, be-

long to the wife; and all the dishes, except one dish, are claimed by her; the two others go to the husband. She is also entitled to a car and a yoke of oxen to convey her furniture from the house. The husband claims all the drinking vessels, and the great barn riddle; the small sieve belongs to the wife. The husband claims the upper stone of the hand corn mill, and the wife the lower one. The bed-clothes that are upon them go to the wife, and the husband shall have the bed-clothes that are under them until he marries again; and after he marries, he shall restore them unto the wife. If the second wife sleep upon these clothes, let her pay the former one satisfaction* for the affront. The husband claims the kettle, the bed-coverlit, the bolster for the bed head, coulter, the axe for collecting fuel, the auger, the family settle, and all the reaping hooks, except one which belongs to the wife. The wife claims the pan, the grid-iron, the broad axe, the hedge bill, the ploughshare, all the flax, the linseed, the wool, the house bag and all that it contains, except gold and silver, for these must be parted. The house bag is the hand bag. If there be webs they must divide them; and the balls go to the children, if there be any, if not, they must share them also. The husband is entitled to the barn, and to all the corn that may be either ready for use, or newly sown. The husband claims all the poultry, and one cat, the rest go to the wife. The provisions shall be divided as follows; the wife claims the meat and cheese that are newly salted, but after they are potted

*The original is *gwynbwerth* and defies translation. It is often written *gwynbwarth*, which may be rendered the blush of shame. It seems to refer to the blush of a modest woman upon marriage. Dr. Wotton translates it by the phrase "multa honoris violati."

down they belong to the husband. The wife claims the vessels of butter and also the cheese which are cut into; and she is also entitled to as much meal as she can carry between her arms and knees from the store-room into the house. Both of them claim their own clothes, except their mantles which shall be divided. If the husband be a privileged person, let him show his privilege before the division takes place; and after he has obtained his privilege, let the things be divided as we previously stated. Their debts must be paid equally between them. If they separate before the end of the seventh year, let her be paid her dowry, her paraphernalia, and her maiden fee. If she were betrothed when a maid, these things shall be in addition to these which she can claim as her right; but if she leave her husband before the seventh year, she loses all, except her maiden fee and her satisfaction for her partial abduction. But if her husband should be leprous, have bad breath, or be unable to perform his marital duties, she may leave him on account of any one of these three things and obtain all her property. If the separation be occasioned by death, the wife claims the half of every thing, except the corn; for no wife can have any of the corn unless she cohabit with her husband. If separation be occasioned through the approach of death on either, let the sick person and the priest divide the property, and the healthy person choose. The sick person ought not to bequeath any thing except a mortuary to the church and the lord, and also his debts; and if his son should be able to abrogate any such bequest which he may make, he is called a wicked son. Whoever shall annul a bequest, whether it be a mortuary or debts, let him be excommunicated. If they should

separate whilst both parties are living, let the wife and her property remain in the house for nine days and nine nights, so that it may be ascertained whether it be lawful to separate; and if it be right to separate, let her go at the end of the ninth day, her property before her, and she herself after the last penny.

The fine for insulting a married woman shall be according to the privilege of her husband, but if she be not betrothed to a man, the fine for her insult shall be according to the privilege of her brother; that is to say, half the fine for insulting her brother. The satisfaction for killing her, whether she be married or no, is half of what must be paid for murdering her brother.

If a man desire another wife after having parted from the first, his first wife shall be free. If a man divorce his wife and she marry another man; if the first repent that he has divorced her, and overtake her with one foot in the bed of her second husband, and the other outside, he shall have his wife again.

If a married woman shall be guilty of any shameful crime, such as giving a kiss to a man, allowing him to take improper liberties with her, or committing adultery with him, her husband shall receive a fine for the insult. If she be convicted of adultery, the fine for the insult shall be increased upwards of one half, for this is productive of enmity from the family. If she be detected in permitting improper liberties, the fine for the insult shall be paid to her husband, but without any augmentation. If she be detected in giving a kiss, two parts of the fine for the injury only is paid, because the act is only criminal in part. If her alleged paramour deny the charge of adultery, let him produce the oaths of fifty men to clear himself, and the woman the oaths of

fifty of her sex to vindicate her innocence. If he deny the charge of using improper liberties with her, the oaths of fourteen men will clear him, and the oaths of fourteen women will clear the woman; but these must be their relations. If he deny giving her a kiss, let him clear himself by the oaths of seven men, and the female by the oaths of seven of her sex; and these must be their relations, such as his father and brothers, and as her mother and sisters.

Whoever shall take away a maid clandestinely, and she ask him, before he obtain his purpose, "What wilt thou give for this liberty?" and he shall not refuse her request but grant her what she desires, and that upon his faith; if, after this he attempt to deny it and she urge her claim lawfully upon him, then shall her statement be considered good evidence; for he took her to a lonely place where there were no wedding guests.

If a maid be betrothed to a man and become his wife, and he sleep with her until the following morning, he cannot prevent her from enjoying her rights; but if he find that she has been previously violated, rises from the bed, informs his wedding guests that she is not a virgin, and will not sleep with her during the remainder of the night, she can claim nothing of him on the following morning. But if she exhibit the customary signs of puberty in females, then the law determines that her husband can know nothing respecting her, whether she be a virgin, or otherwise, on account of these signs. In this case the law gives her an opportunity of proving her innocence by the oaths of seven persons, namely, of her mother, her father, her brothers and sisters. If she cannot prove her innocence, let her shift be cut off as high as her buttocks, and let the tail

of a year old bullock, after being greased, be put into her hand; if she can hold him let her take him for her paraphernalia, but if she can not, she can claim nothing.*

Whoever may betroth a woman to a man, must pay the commutation fee for her, or he must take securities from her that she will pay it herself; but if she dispose of herself, let her pay her commutation fee, because she was her own betrother.

If a man take away a woman clandestinely and he bring her to the house of a freeholder's son to sleep, the host must either receive security for the payment of the commutation fee, or pay it himself.

If a man take away a woman clandestinely, she must have, at the end of the seventh year, three bullocks whose horns are as long as their ears; and since she then loses her privilege, let these be her privilege until the end of the seventh year. If she have brought any paraphernalia with her, let them remain entire unto

* Lest some readers might consider this law as particularly shameful and as proving peculiar barbarity on the part of my countrymen, it may be necessary to observe that the old Saxons had a similar ordinance which is thus related by Verstegan.—“If either wife or maid were found in dishonesty, her clothes were cut off round about her, beneath the girdle-stead, and she was whipped and turned out to be derided of the people.” In addition to this it may be added that the following curious custom was formerly observed in some *English* manors.—If the widow of a vassal were convicted of adultery, she was obliged to ride backwards on a black ram, holding the tail in her hand, and reciting some vulgar lines. Upon coming into the lord's court in this state and confessing her crimes, her lands, which had been forfeited, were restored to her.—Some copies of *Howel's* code assert that if the woman could hold the ox whilst two men goaded it, one on each side, she was to have him for her dowry; if not, she was only entitled to as much soap as adhered to her hands.—*Cambre Briton*, vol. III. p. 260.

the end of the seventh year; but if she permit them to be consumed, she cannot be recompensed for what is wasted in food and clothes. If three nights shall pass from the eighth, at the end of seven years, her husband must share the property with her in two halves as with a married wife who was betrothed to him; for a wife, whether led away clandestinely, or regularly betrothed, shall not be detained by privilege of her dowry, except unto the end of the seventh year; neither can she be portioned after the expiration of the seventh year, for after that time they must divide into two halves.

Whoever shall sleep three nights with a woman, from the time the fire is covered up until it be kindled the following morning, and then wishes to separate from her, let him give her three oxen, the value of the first being twenty pence, that of the second thirty pence, and that of the third sixty pence. If he take her to his house and estate, and live with her unto the end of the seventh year, he must divide with her as with a betrothed wife.

There are three lawful dowries: the dowry of the king's daughter is twenty four pound, and her maiden fee is eight pound; the dowry of a gentleman's daughter is three pound, and her maiden fee is one pound; and the dowry of a bondman's daughter is one pound, and her maiden fee is twenty four pence.

If an abandoned female become pregnant, he who is the cause of it must provide for the child; for the law enacts that she must not suffer loss on account of the connexion, though it has produced such results; therefore he must provide for the child.

If a man divorce his wife and she be pregnant at the time of separation, half a year is allowed her from that period unto the time of parturition for to nourish the fœtus. After the child is born, she must nurse it unto the end of the year from the goods which her husband must provide, whether he be willing or unwilling. The quantity of goods which he must allow her are, a milking cow, a cloak that is worth four pence, a pan that is worth a penny, and a dray load of the best corn that grew upon his estate. These must be continued unto the end of the year that she may nurse the child. She must also nurse him for the next half year; and after that, she cannot be compelled to nurse him unless she wishes it, but she must contribute her share. For from that time unto the end of the fourteenth year, the father must contribute two parts towards bringing him up and the mother one third. At the end of fourteen years, the father must take him to the lord, that he may swear fealty to him; and from that time forwards he must be provided for by his lord.

If a man commit a rape upon a woman and then deny it, let there be given the oaths of fifty men, who are all Welshmen and common freeholders, to clear him. If the woman also legally urge her complaint.....* and having her right hand upon the sacred relic, let her swear.....† and brought insult and disgrace upon her, upon her tribe, and upon her lord. Some of the judges will not admit of any denial against such an oath, but we have made provision for a denial, as we have previously mentioned.

* "Membro virili sinistra prehensio:" *Dr. Wotton, Leges Wallicæ.*

† "Quod is per vim se isto membro vitaverit." *Idem.*

If a man commit a rape upon a woman and acknowledge it, let him pay twelve cows as a fine to the lord, and also her commutation fee to the lord. If she were a maid, let him pay her the maiden fee and her dowry to the utmost amount that he ought, as well as her satisfaction and her security: and if she be a married woman, her satisfaction for the insult must be increased one half.

If a man take away a maid clandestinely, her lord and her family can bring her back, though it may be against his consent; but if she be a widow, they cannot rescue her unless she wishes it, though she may have been taken away clandestinely.

There are three primary indispensibles of a woman: her maiden fee, her satisfaction for injury, and her fine for insult. These are called the three primary necessities, because they are the three marriage indispensibles of a woman, and cannot be taken off her by any person on any account. Her maiden fee is what she receives for her coverture. The fine for insulting her is every thing that her husband shall do to her to insult her, except for three things: these are striking her for giving any thing which she ought not to give, for being detected with another man, and for wishing disgrace upon her husband's beard. If he detect her with another man and strike her for it, she ought not to suffer any forfeiture besides this, for there ought not to be both forfeiture and punishment for one offence. Her satisfaction for injury is as follows: if she detect her husband with another woman, let him pay her one hundred and twenty pence for the first offence; for the second, one pound; and if she detect him a third time, she can separate from him without loss of property;

and the property which she obtains for these three things shall be hers apart from her husband.

The king's wife may give, without the king's permission, the third that comes to the king from sheep.

The wife of a freeholder's son may give her mantle, her shift, her shoes, her head-cloth, her meat and drink, the contents of her store-room, and she may lend all her household furniture.

The vassal's wife can give nothing, except her bonnet of three* stays; and she may lend her sieve as far as her voice can be heard off the dunghill.

A woman who has been slept with for the first time, ought not to quit the house until the end of the ninth day; when she separates from her husband she ought not to leave the house until the end of the ninth day, and then after the last penny; and when her husband dies she ought not to begin her journey from the house until the end of the ninth day, and then after the last penny.

A woman is entitled to her commutation fee from three causes: from gift and investiture, if she have not been slept with; the second from open cohabitation, if she have not been betrothed; and third, from a state of pregnancy.

The commutation fee of the daughter of the house steward, is one pound; and that of the daughter of the bailiff is one hundred and twenty pence. The commutation fee of the daughter of the chief of the tribe, is one pound ten shillings; and that of the daughter of a freeholder, is one hundred and twenty pence. The commutation fee of a bondman's daughter, is eighty

* The original is *penguwoch tri gorsav*, and seems to refer to some peculiar shaped bonnet at that time worn by the vassal's wives, and probably daughters, in Wales.

pence; and that of a foreigner's daughter is twenty four pence. The commutation fee of the daughter of every head officer, is one pound according to some, but one hundred and twenty pence according to others; that of the other officers' daughters is one hundred and twenty pence according to some, and sixty pence according to others. The commutation fee of a captive's wife is twelve pence.

If a female servant and slave become pregnant, he who is the cause of it, must provide another to serve in her place until she be delivered. He must also make provision for the child after it is born, without putting the owner of the servant to inconvenience; and if she should die in delivery, let him pay her lawful price to her lord, and a chamber heriot to her lord's wife; namely, thirteen pence.

If a female alien be passing through the country and die in it, let sixteen pence be paid to the proprietor of the soil, for her death clod.

If a man wish to separate from his wife and marry another, the first is free; for no man must have two wives.

Every wife has a right to go the way she wishes freely, since she ought not to return to her family; and there is nothing due from her except her commutation fee, and that only once; for a woman pays no heriot, only her commutation fee. And as a man ought only to pay one heriot, so a woman ought only to pay one commutation fee; for no heriot belongs to her, but her commutation fee only.

A woman cannot be admitted as a bail, or a witness for a man.

. If a woman be seen coming from one side of a grove and a man from the other side, or from out of an empty house, or from under one mantle, and if they deny any criminality, the oaths of fifty women are required to clear the woman, and the oaths of the same number of men are necessary to clear the man.

. If a Cambrian female be betrothed to a foreigner, the fine for insulting her shall be according to her husband's privilege, as long as he lives, and also after his decease until she take another husband ; for she cannot return again to the privilege of her tribe.

. If a Cambrian female be betrothed to a foreigner, and they have male children, such children shall be entitled to their patrimony by maternity, but they cannot share the privileged* land until the third generation ; but the son of a foreigner by the daughter of the chief of a family is entitled to a share of the whole. To the sons of such women cattle shall be paid without pledges.† The cause of such cattle being called cattle without pledges, is, because there is no father's family to pay them, but the mother's family only.

. A woman ought not to make purchases and sales, unless she be married ; and from the time she is married she may buy and sell.

. There are three women whose sons claims their privileges by maternity : the son of a Cambrian female who is betrothed to a foreigner ; the son of a woman who has been given as a hostage into a country with a barbarous language, if she become pregnant there,

* Supposed to be land exempt from rent and service.

† The original is *gwartheg deuach*, which seems to be a mis-print for *gwartheg diuach*,

through being given as a hostage by her tribe and her lord ; and the son of a woman upon whom a foreigner shall have committed a rape.

If a maid be betrothed to a man, and her maiden fee be not demanded before he rises in the morning, he is not entitled to pay it from that time forwards.

If a maid declare not the use of her maiden fee before she rises from her bed, she is not entitled to it afterwards, but they are to divide it in common between them.

A girl is entitled to no more of her father's property than to the half of what her brother obtains ; and she ought only to pay, as a satisfaction for murder, the half which her brother pays ; and that on account of her children. If she have no children and swear on her part that there never will be any, she pays nothing ; but if she have any children, and they are arrived at a legal age, let them pay on their own account from that time forwards.

No woman, whether old or young, is bound to pay the stock penny.

If a woman wish to separate from a man.....
* nor can she go with any of her property.

* I dare not trust myself with an English translation of this clause, but I submit Dr. Wotton's version of it to the eye of the learned reader :—"Si fœmina virum impotentis accusaverit & divortiam ob eam causam requisiverit, lex requirit ejus impotentiam explorari. Hoc modo autem explorabitur. Linteamina recens lota sub illis sternentur, & vir & fœmina super illa ad concumbendum jacebunt, & si libidine urgente semen super linteamina vir projecerit, & notæ ejus apparuerint, satis erit factum, et illa nunquam ob istam causam virum derelinquet."—Let not the learned condemn the Welsh for introducing such language into their laws. Ideas of delicacy and chasteness of expression differ in different countries, and in the same countries in different ages. The Bible abounds with language equally as indelicate as any in Howel's code. Even in the time of Elizabeth, the Augustean age of

If a maid assert that a man has committed a rape upon her, and the man deny it, and say that she is still a virgin for any attempt that he made upon her, the law requires her to be proved, whether she be a virgin or otherwise. And as the alleged loss of her virginity is the cause of her complaint, the heir-apparent must ascertain the fact. If he find her a virgin, the man shall be free from the charge which she brought against him; neither shall she lose her privilege.

If a rape be committed on a married woman, no commutation fee is to be paid, because she paid it when she married.

If a woman take a child lawfully to a man, she ought not, as we have said already, take it to another after she carried it to him once, though he may disown it; for there can be no return of the child from him to whom it was first taken.

If a woman be betrothed to a man, and specify her property, and it be all obtained even unto one penny, and this be not obtained, we have decreed that the man may divorce her, and she cannot claim any of her property; and this is the single penny that takes a hundred.

Bail is not requisite for the security of property which a woman receives as her portion.

A wife claims, as a fine for insult, the third part of her husband's, whether she be insulted by homicide, or by any other thing.

A woman cannot claim a jury of women either for theft, murder, or for bail, but must be tried by a jury of men only.

literature, chivalry and politeness, expressions were often used in an innocent manner, which would now be condemned as coarse, indelicate and insufferable. For proof, examine Shakespear's plays, as acted before a virgin queen and her virtuous court.

The law enacts that a woman is not entitled to her maiden fee after she becomes marriageable, unless she can prove herself innocent by her near relations, such as her mother, her father, her brothers and sisters, as far as seven persons. She becomes marriageable from fourteen years of age and upwards; and from then unto her fortieth year she ought to have her maintenance; that is to say, she ought to be considered young until she be fifty four years of age; and after that she ceases to bear children.

If a maid be betrothed to a man and he will not consummate the marriage, she must be indemnified for the injury, according to the privilege of her husband, and not according to the privilege of her brother; and she is called a maiden wife. If any rape be committed upon her, the man who does so, must pay her the maiden fee.

If a man slander a woman the oaths of seven women are necessary to clear her of the first offence; the oaths of fourteen for the second offence; and for every additional slander, the oaths of fifty women are necessary to clear her.

If a woman kill a man, she ought to have the stock penny*, for she is the person who receives it, but does not pay it.

Every lady of a manor in her own right is entitled to the commutation fee of the women of her manor.

* The stock-penny was payable only by a man, as the woman carried nothing but a distaff. It was the usual penalty, in certain cases, for homicide. Some render the phrase *ceiniawg baladyr*, spear penny, and, indeed, with great propriety. There seems to be some omission in the text of this clause, for the legislator could never mean to say, that a female murderer was rewarded with the stock penny for her crime. I think that I am warranted in saying, that whatever fine was imposed upon her for murder, (and there doubtless was one,) she was not to pay the stock penny, because that was her particular right and could not be parted with.

Every bailiff of the manor claims the commutation fee of the women within his district.

A common prostitute has no privilege; and if a rape be committed upon her, she can obtain no redress.

If she be insulted in any other way, let a fine be paid for her insult according to the privilege of her brother; and if she be killed, his satisfaction for her murder.

For every crime that a woman shall commit, let her family pay for her, as for the husband; unless she be married; but if she be married, let her and her husband pay her amercement* and forfeiture.

A PLEDGER, SOJOURNER, AND AN ABSENTEE.

If a man be a pledger, he pays one hundred and twenty pence for his pledge; if a sojourner, he pays sixty pence; and if an absentee, he pays thirty pence. †

PRIVILEGES OF THE MEN OF ARVON. ‡

Elidyr§ the Courteous, a man from the North, was slain in Arvon, and the men of the North marched

* The amercement (*amercement*) was a fine of three kine, or one hundred and eighty pence.

† The text is here so defective that I am induced to supply the defect from another place:—

“If a pledged man depart from his pledge, he shall pay one hundred and twenty pence.

“If an inheritor should be a sojourner with another inheritor a year and a day, undisturbed, and in his service; and if he then wish to leave him, let him pay him thirty pence; and he is called a sojourner.

“If a proprietor should become dependant upon another, and should then want to go from him to his own patrimony, he ought to pay to such, sixty pence; and that person is called an absentee.”—This, as the reader will observe, explains the text, but with this difference, that in the text the sojourner paid sixty pence and the absentee thirty pence, but here the specific sums for payment are reversed.

‡ The name of the present Caernarvonshire. These privileges were granted about the close of the sixth century.

§ He was the son of Gwrwst Briodor, the son of Dywnwal the aged king of Gwent. Elidyr seems to have been a chieftain of Lancashire, or of its vicinity.

there to revenge his death. The chiefs of the men who marched to Arvon, were Clydno* Eiddyn, Nudd* the Generous, the son of Senyllt, Mordav* the Generous, the son of Servari, and Rhydderch* the Generous, the son of Tudwal Tutglyd. And because Elidyr was slain in Aber Meweddus, they burned Arvon in excess of revenge. And after that Rhun,† the son of Maelgwn, and the men of North Wales with him, raised an army, and marched as far as the banks of the Gweryd in the North; and there they were long disputing who ought to pass first through the river Gweryd.‡ Then Rhun sent a messenger to North Wales, to ascertain who ought to lead the van. Some said, Maeldav§ the Elder, lord of Penardd, and adjudged it to the men of Arvon; and Jorwerth the son of Madog, through the knowledge of history, gave the honour to Idno the Aged, with his men of the black headed posts.|| Then the men of

* Of these princes, Nudd, Mordav and Rhydderch were related to Elidyr, and are noticed in the triads as the three generous princes of Britain. Clydno is also celebrated for the same quality. He was also the father of Cynon, celebrated by Aneurin as one of the heroes who fought at Catteraeth, and mentioned in the triads as one of the three counselling warriors of Arthur, and as one of the three faithful lovers.

† Rhun became sovereign of the Britons in the year 560, and reigned till 586. He is ranked in the triads as one of the three immaculate princes of Britain, and as one of the golden-banded sovereigns.

‡ It is not known by this appellation what river is meant. The halting of the army at it affords a striking proof of military etiquette among the old Britons.

§ He was the son of Dylan Draws, but little is known about his actions.

|| The original is *gwyr y pyst penddu*, which appellation seems to intimate either that they carried black colours, or that the staff, to which the colours were appended, was black.—The head of the British standards was generally a copper axe, one of which I have now in my possession. It answered the same purpose as the eagle among the Romans and the French, when the latter, in the days of their greatness, were commanded by the immortal Napoleon.

Arvon marched in the van and displayed great valour on the occasion : and Taliesin* sung—

Behold by the heat of their blades,
With Rhun as a reddener of armies,
The men of Arvon, ruddy ones, becoming free.

And then, whilst the army remained in the war, their wives slept with their captive servants ; and on that account Rhun gave them fourteen privileges.

I. The first is precedence before a wife ; namely precedence in his tame horses, his swine, his geese, and a car with any two oxen he may desire from his cattle, and a car full of such furniture as he may wish for.

II. The second is, precedence of North Wales in armaments.

III. The third is, that he pay not for his beast.

IV. The fourth is, to settle the limits of the countries which border upon Arvon.

V. The fifth is, that if there be a dispute between any two manors of the pipe which are in Arvon, the remaining seven shall determine the dispute of the other two, without the interference of any person from another place.

VI. The sixth is, there shall be no apparitor in Arvon.

VII. The seventh is, there shall be free right of fishing in the three rivers which are there.

VIII. The eighth..... †

* Taliesin chief of the western bards, flourished from about A.D. 520 to 570. A great number of his compositions remain, possessing very considerable merit; and, if translated, would throw a flood of light upon the mythology of the Druids and the early history of the Britons.

† The eighth privilege is unfortunately lost.

IX. Ninth, that they shall not be restrained to the nearest mill.

X. Tenth, that they shall not drink half-brewed liquor.

XI. Eleventh, that there be no abatement of their suits until the third word.

XII. Twelfth, that there shall be no payment for guest horses, nor for men on circuit.

XIII. Thirteenth, that they shall not be obliged to go to another lodging from the hall.

XIV. Fourteenth, that whoever resides in Arvon a year and a day, if he be a man of property, he obtains the same privilege as a man of the country.

If there be any one who may question any one of these privileges, the colleges of Bangor* and Beuno† must defend them.

MUTILATING ANIMALS.

If a person break the leg or thigh of an animal belonging to another man, or so mutilate it that the animal pine away in consequence, and the animal be clean so that its flesh may be eaten, the man who has injured it must take it under his care until it be cured; because the owner of the animal ought not to be put to trouble on account of the act of another person, whereby the animal sustained such injury. If the animal, whose leg or thigh be broken give milk, or if it be a working ox, let there be given to the owner such another instead of it, that he may derive the same advantages from it as from his own beast. If the wounded animal die, let

* The college of Bangor was founded in the year 525 by Deiniol the son of Dunawd, son of Pabo, and still retains its ancient name.

† Beuno college was founded by St. Beuno in the year 616. It is now called Clynog Vawr.

full security be given in lieu of it ; but if it live and be seen to do well, let each person take his own again as before. If the animal die in the place where it was wounded, let an offer be made of it to the person who wounded it ; if he should not chuse to accept it, the owner may dispose of it. If he who wounded it should also say, " Do thou make use of it and I will pay for it as the law may enact ;" now the law has made provision, that from the feast of St. John unto the first of January, two parts must be paid for the flesh and the skin, and one third for the life, for all animals are fat during that time ; but that, from the first of January unto the feast of St. John, two parts must be paid for the life, and a third for the flesh and the skin, for every animal is lean during that time. If a man refuse to receive the animal which was killed by his excessive wounds, the owner of it may do what he pleases with it, and also obtain with it, its lawful price.

SURETY OR BAIL.

If a man give bail to another for any thing, it is proper for him to liberate the surety. By one of these three causes, the surety is liberated : either by paying for him, by giving hostageship, or by denying the bail. If he wish to deny his bail, the denial is made as follows : let him come to the judge ; and the judge must interrogate both parties whether he is a bail, or not a bail. " He is a bail," says the creditor ; " he is no bail" says the debtor. Then the judge must ask him, " Art thou a bail ?" " I am so" replies the surety. " It is wholly denied ;" says the debtor, " thou never wast bail with me, neither in this case nor in any other." " Most certainly," says the surety, " according as a surety ought to do his best to prove his being so, I also prove

that I am a surety." "Most certainly," replies the debtor, "as a surety may urge the best proofs possible for denying it, I also deny his being a surety." Then the judge must ascertain what will be the result of his denial. Now the law makes the following provision in this case :—Since there is only one evidence urging the matter upon him, there ought to be only the evidence of the debtor in denying it. "Yes," says the debtor, "I also deny it." Then the judge must take the sacred relic in his hand, and say to the debtor, "The protection of God be with thee, and the protection of the Pope of Rome, and the protection of thy lord; do not swear falsely." If the debtor take the oath, let him swear to God, as in his presence, and to the sacred relic that is in the judge's hand, that he is not surety with him, either in the matter discussed, or in any thing else. If the surety do not instantly present a counter oath, let the debtor be free from the claim, and let the surety pay the creditor his full demand. If the surety put in a counter oath against the debtor, let him do it whilst the debtor is putting the sacred relic to his lips, after he has sworn. The form of the counter oath is as follows :—"By this sacred relic then, I am surety with thee in the matter which we have mentioned, and I desire that it may be legally determined by the judge." Then the judge must go out to give judgment; and the law has made a provision in this case by enacting that the oaths of seven persons will substantiate the denial of the debtor respecting suretyship; four of these on the part of the debtor's father, two on the part of his mother, and the debtor himself forming the seventh. For these persons, whose oaths are required with his own, ought to be such of his near relations as

are bound to pay the satisfaction for murder. The verdict of these persons must be produced on the Sunday week following: and that verdict must be delivered by him in the church when he hears mass. The reason why it is to be received there is, that a blessing is upon the place where mass is celebrated. If he can obtain such a verdict, it is sufficient to clear him, but if he be unable to obtain it, let him pay the demand; and if the lord wish the law to prosecute him for perjury, let him be prosecuted.

Any surety who can present a counter oath against a debtor, shall be free from the claim and from the suretyship, because he has fulfilled the qualities of bail; but if he cannot produce a counter oath, let him pay the demand, because he has not made good the qualities of bail. Thus ought the surety to do when he declares to the judge that he is a surety; and it is proper for the creditor to witness this strong confession, lest he should deny it a second time.

If a man receive security for a thing from another, he must name the time when the debt is due; and when that time arrives, he must ask the debtor for it first. If the debtor deny it, let him go and demand it of the surety, saying that the debtor denies it. If the surety say, he is not surety; let him go to the judge, and demand his debt before the judge. If the surety wish to deny it, and the debtor will not produce a counter oath against him, the surety shall be free from the claim, because his denial is sufficient. If the debtor produce a counter oath against the surety, and call upon the judge for a sentence according to the counter oath which is judged sufficient, the judge must insist of the surety

producing the oaths of seven men in the same form which we have previously mentioned.

If a man receive security of another for any thing, and the parties come together, the creditor, debtor and surety, and the creditor question the security and say it is for a large debt, and the debtor deny it and affirm it is for a small sum, without denying the security; it is proper for the judge to pronounce sentence, by coming to a decision whether the security be for a great or little sum. This is done by the oath of the surety, since he is acknowledged to be a surety.

If a man receive large securities for a debt, and the debtor wish to deny them, he must deny every one of them separately in the same manner as that which we have previously enacted for denying the security. Some have said that the oaths of seven men are sufficient to deny them, though there may be twenty four securities; but we have enacted that it is not right.

If a man think to free a surety from his bail by paying the debt which he owes, but not paying it entirely; we have enacted that he shall not be free; for he must be bail for the last penny as well as for the first.

If the security be acknowledged, and there be a denial of payment, the surety must give a legal hostage for settling the matter; a jointure is better than payment.

If there be an opposition in giving a hostage, the surety must conduct the hostage, in conjunction with the creditor, to a place of safety; and if there be mutual fighting, he must receive the first blow with a stick; but if he should not do so, let him pay the debt.

If a surety endeavour to take away the hostage without the debtor, and without urging him to pay the demand, he ought not to take away the hostage.

No surety ought to take away the hostage of the debtor unless there be a denial face to face in his presence. If he also has seen a denial against the creditor sooner than this, he has the power of giving up to the creditor, the pledge of the debtor in his absence.

If a debtor permit a surety to give the pledge of a pound in lieu of one penny, and, before the time come, to lose the pledge, the law has enacted that he ought not to pay it in his absence, except a half-penny; for this is one third of a lawful penny.

If a man give the compensation of a pound in lieu of one penny, and the pledge be destroyed, the debtor must not be judged as entitled to pay nothing, for he himself corrupted the privilege of the pledge.

Whoever gives an acknowledged pledge, and think from that, that the pledge is insecure, because there is no security with him, we have enacted that he must not recede from it, and that it is secure.

If a surety give a large pledge for a little thing, it is lawful for the creditor to receive the thing which is given to him in pledge. And if he lose it before the day of payment he is not entitled to any redress, except a third which the surety must give him again. The surety is entitled to full redress from the debtor, because he took it unlawfully.

If surety be given for twelve pence, and the day for paying the twelve pence come, and the debtor have nothing in his possession except a horse worth ten pounds, and the creditor and surety come to demand payment, and the debtor assert "I have nothing to pay you except my horse, and I will neither sell him to you, nor give him as a pledge;" in this case, the creditor must not take the pledge of the surety, but both parties

must go to the lord, and tell him that the debtor has only one animal of great value, and that a pledge of great value must not be taken for a small debt. Then the lord must give permission to the surety to give that great pledge in lieu of that small sum, lest the creditor suffer injury.

If a man give security to another for a debt, and, after giving that security, flies to an asylum that he may avoid paying it ; we have enacted that he cannot have an asylum on that account, and that the surety must give the pledge to the creditor, or deny his security.

No person must receive security for one day ; for unless the demand be made in that day, or be applied for during that time, there can be no security for it.

No person must take security of the debtor, for their stipulations are different ; and he has only a right to chuse his voucher. If the voucher spring from the security, there is no debtor ; if from the debtor, there is no security. On this account, no man can sustain both conditions at once.

No surety ought to take away the debtor's pledge when detained by his own business, or by sickness, or by the business of his lord ; neither must the creditor take away the surety's pledge for the same length of time.

If a man receive security for property, and after that, the debtor be exiled, on account of murder, theft, or any cause which calls for his banishment from the country and the creditor wish to receive his property from the surety ; the law has enacted that it is right for the creditor and surety to divide the property of the banished person between them, half of which goes to pay the surety, and the other half the creditor. For it would

be shameful for the surety to pay all, and he being innocent, and it would be shameful for the creditor to lose all, for relying upon his security. This is one of the three instances in which the law legally shares property. If the debtor return to his country at a subsequent period, they can compel him to pay them the property; and then he has a right to receive of the surety the half of his property. In this instance he can compel the surety to restore him his property.

If security be given for debt, and the surety die before the day of payment comes, his son becomes responsible for the father's debts. Some have said that if the son wish to deny his security when he is at the head of his father's grave, the denial is to be acknowledged lawful; but we have enacted that it ought not to be so acknowledged; for the learned say that the law must not pursue any man, whether he be gone to heaven or to hell, only whilst he lives in this world. The reason is, that though the law may come between a man and his friend upon earth, there is no law between the devil and his friend, nor between an angel and his friend, except the will of God; and, therefore, if a person leave this world, the law cannot reach him, unless it be made to operate upon his successors. On this account, the son of the surety who is dead, must obey the law for his father, even as his father must have obeyed it if he had been living. If there be no son, the lord must act as a son to him; and if it be necessary to compel him, he must be compelled as the surety ought to be, if he were living.

If a man receive security of another for any debt, and the debtor die before the day of payment comes, the

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surety must compel the debtor's son to pay the debt. If the deceased debtor have no son, let the lord stand in his place, and let him pay for him. And if he wish to deny it, let him deny it in the same manner as the deceased debtor would himself if living, he having become son to him on account of his property; and since it is better for him to become a son to the deceased on account of his property, than to be his lord, let him also, in his privilege of the son of the deceased, deny the security upon his seventh man. These jurors must not be of the family of the surety, but of the king only; for the family of the surety ought not to be related to the king. Though the king* may deny the surety until he make full denial of the security of his father, no person of his mother's tribe must deny any thing of his father.

There are three useless securities. First, when a man purchases what he receives of another for silver and takes security for it, and security be not taken for the silver, and he afterwards repent of his bargain; since he does not wish to satisfy his surety for the purchase which he made, and the other have no security, he can compel him to retract the agreement. Therefore, the security is useless on the one side, since the possessor did not wish the bargain to stand. Second, if a man give security to another for an uncertain debt in the freedom of certainty, and the possessor obtain the property by his rejecting it as uncertain, he has a right to obtain his promise from the possessor; for as long as security is given for the debt, it cannot be disposed of; and it is not right for him to take it away from the hand

* The words *brenin* and *arglwydd*, king and lord, are here used synonymously, as well as in various other parts of the Cambrian Laws.

that is in it, until he obtain a pledge equal with him who receives the warrantry. If it should be said that the warrantry ought not to pay it, except as much as he obtains for his steed, we have enacted that he ought to pay him the lawful price of the horse, whatever may be the quality of the horse; and because the surety cannot support his claims that are gone with his suretyship, he is therefore called a useless surety. Whoever shall swear falsely concerning the removal of the insecure property we have mentioned, let all his goods be confiscated to the lord. The third is, the security of a woman is no security; that is to say, a woman ought not to be a surety, for women must not disown a security, nor is the verdict of men necessary upon such a disowning. We have also enacted that a surety shall be free upon security with a female, and that she must give security for the security she offers; for as a man may disown her, men ought to be with her to deny the security.

If a woman pledge her baptismal faith for any thing, and wish lawfully to deny it, we have enacted that the oaths of women are necessary to deny it with her. Some have said that the pledge must remain in the hand of the surety for a year and a day, but we have enacted that the pledge is returned by the hands of three persons at the time of payment; these three persons are the surety, the lord, and the owner of the property. The reason is, the lord must be the surety for all confessed property, *if there be no other surety*, and therefore the pledge must be delivered up from his hand, or from his servant. Bail is not necessary for the security of a pledge either from the lord, or from a surety, because they do not deny its being given, and they must ever be

sureties for the security of the pledge. The lord is the surety for all acknowledged property, if there be no other surety. The owner is entitled to the property which the surety receives for the security of the pledge, lest, through covetousness, or any other thing, he should deny having given it.

No person must say that he will not become surety for his friend, if he be equal in rank with the person for whom he ought to become surety. There are many such persons, however, who ought not either to enter into security or to give it; and the reason is, because they can neither deny nor give security. Such persons are, a monk, a hermit, a person with a barbarous tongue, a scholar of the school, and every man who cannot come to obey the law without the permission of another.

If a man give security for a debt, and the time of payment fall upon one of the three great festivals of Easter, Whitsuntide, or Christmas, though the creditor should claim it, the surety loses nothing, but obtains a delay of the time for payment. If he urge his claim upon Christmas day, he cannot obtain payment, nor is the surety bound to answer him until the second of January: If he urge it upon Easter Sunday, he can obtain nothing before the Monday week following: And if he apply for it on Whitsun Sunday, he cannot procure it until the Monday week following. And on account of the privilege of these three eight days respectively, they are called blank days.

It is not necessary to take a surety for the security of silver money, moveable jewels, a ring, a knife, a girdle, nor for arms.

If a surety and debtor meet upon a bridge formed by one tree, the debtor must not refuse to do one of

these three things, either to pay, to give a pledge, or to go to law; and he must not lift his foot into the stirrup until he does one of these three things. If he refuse to do any one of these three things, let the surety give his pledge to the creditor; but if it seem better to act otherwise, let him apply to the law without delay.

No time ought to be granted for evidence in a claim of the surety and debtor; for it must be decided without delay.

If a creditor oppose the law exactly opposite to the judge, let the surety be free, and let him also lose his claim; for he cannot support his claim, except by supporting the surety.

If a debtor oppose the law, let the surety be a confessed surety, and the unprosecuted claim compels the surety to pay the debt to the creditor.

If two men should happen to go to law and one of them should call for legal security, and the other should say that he ought not to give security unless he also give him time for his defence; if the creditor should say "Certainly I am entitled to security; he that is not entitled to security, is entitled to nothing." "Certainly," says the other, "he is no security who is security for nothing, and to me nothing is due; for it is acknowledged by thee that thou art entitled to nothing of me." We have enacted that he is not entitled to security in this action, because he has claimed a delay for his defence, and there can be no delay in a claim of bail and debtor.

BAPTISMAL VOWS.

If a person pledge his baptismal vow for a debt, let him either pay or deny it, as the law requires. The law enacts, that if no counter-oath be presented against him,

his own personal oath will be sufficient to clear him ; but if a counter oath be presented, let him call for a decision ; that is, the law will clear him by the oaths of seven persons, four of whom must be on the part of his father, two on the part of his mother, and he himself forming the seventh. The time given for him to produce this verdict, are eight days from the Sunday following. If he obtain the oaths of the seven persons mentioned, they will clear him, but if he fail in his attempt, let there be an amercement of his property to the king and the lord, and let him pay his debt in full.

If a person accept the baptismal vow of another for a debt and say that it is for twenty-four pence, and the other maintain that his baptismal vow was given for a penny ; the law enacts that he must restore him his vow whether for twenty-four pence, or for a penny, since the baptismal vow is not denied. We have also enacted that there can be no baptismal vow until the three parties confer together, and that there can be neither surety nor guarantee until the three parties meet and join hands together.

The church and the king ought to enforce the baptismal vow ; for God is accepted in lieu of a surety. The church claims the right of prohibition respecting the baptismal vow, and the king that of compulsion. For since every man has been baptised, the baptismal vow ought to be taken ; and either the husband or the wife receives it. Therefore a man and wife ought to pledge the baptismal vow, until their son, who goes under the hand of the parish priest, attain the age of seven years.

CONTRACTS.

If a man make a contract, and neither wishes to keep it nor deny it, the lord can compel him to keep it, so that the covenanters may restore it.

If a man wish to deny a contract and another urge him to complete it, and he also deny it, the law enacts that his own personal oath will be sufficient to deny it, unless there be a counter oath. If there be a counter oath, let him call upon the claimant for judgment; and judgment is obtained by the oaths of seven persons, which will be sufficient for the denial; and these must be the same as are required to deny a surety; and the same length of time is allowed for procuring this verdict, as is granted for denying a surety. If then, one of these jurors wishes to withdraw, he cannot be permitted to do it, unless his family assert, that he ought not to be a juror. And those must be jurors with him, who are such of his relations as must pay the fine for homicide with him, and they must accept it; and by the oaths of such jurors, being truly his relations, he shall be cleared.

If one man make a contract with his neighbour, and place his hand in his neighbour's hand without the covenanters, and one of them subsequently wish to deny it, his own personal oath will be sufficient to make the denial valid.

If a man part with one thing for another in the presence of witnesses, and subsequently wish to deny it; we have enacted, that he ought not to deny it, unless the witnesses' evidence be defective.

If a man part with one thing for another without witnesses, there can be no contract; and since there is no contract, let him deny it on his personal oath.

No person must make a contract for his neighbour; for he is not to fulfil the contract, except during the life of the person who made it.

No father can make a contract for the son without his permission; neither can the son enter into a contract upon the failure of the father, if the father be living.

A contract violates a law; but if it be made with a hostile design against the law, it must needs be denied.

RECOGNIZANCES.

Whoever shall take another upon his recognizance, let him fall into every punishment which belongs to the person to whom he attaches himself. If he wish to indemnify himself of the man to whom he attaches himself, let him also take securities of the person against all manner of injury. And unless it be taken before he must fulfil his recognizance, the person is not bound to do justice to him; because he did not enter into a mutual promise with him. If the assaulted have taken securities of the murderer against injury, there can be no protection for him against these securities.

If a man accept another upon his recognizance for a stated time, and the injured person be indemnified by the felon before the time elapses, let the injured person repay him in full.

If a man engage to warrant any thing to another with him, he must abide by the consequence respecting the thing which he vouches for, whether it be small or great, since his statement has been credited.

THE PROTECTION OF THE CHURCH.

There are three things that are not entitled to protection for themselves, because they are mutually acknowledged: recognizance, suretyship, and possession.

If the parsons of the church should say that they are able of themselves to grant protection in opposition to one of these three things, let the king make enquiry of the man who gave them the sanctuary, as to the form in which he gave it them; and if he have given it to them, even to his own injury, let them keep that which he has granted them.

Every possessor of church lands must present himself before every new king who comes to the throne, to show him his privilege and his obligation. The reason why such persons must show these things to him is, lest the king should be deceived. And after they have shewn, in the presence of the king, that they have a right to their privilege, let the king confirm to them both their sanctuary and their privilege.

If a man violate the law, and, on account of that violation, fly there for protection, and whilst he is seeking it, a prosecution be commenced against him, neither the abbots nor the priests ought to grant it him until he makes satisfaction for the original crime. If no prosecution be commenced against him, they may conduct him to the place to where they ought to take him.

If a man commit an injury of the value of one penny upon the bounds of his sanctuary, and a prosecution be commenced against him for the crime which has polluted the precincts of his sanctuary, he is not entitled to defence by protection for the injury he has done, unless he can renew it through obtaining another asylum, by his removal to another church.

Whoever shall receive protection ought to live in the church yard and the burying ground, without carrying the sacred relics; and his cattle shall feed with the cattle of the green and of the abbacy to the farthest limits

to which they are entitled to go, and then return to the milking fold in safety.

Whoever shall carry the relics and be guilty of crime with the relics about him, is not entitled to his protection by these relics, because he has not merited it.

The measure of the burying ground is a lawful acre in length terminating upon the church yard, and this encircling the church yard, forms its compass.

If any church should say that it has a right to keep a man in its sanctuary for seven years, or for any time that he may be there, and the lord of the country oppose this assertion, and maintain that the church in question has no such privilege ; it is necessary for the church to maintain its privilege by legal witnesses. If it can do so, let its privilege be preserved unenvied ; but if it fail in its proofs, let it protect the criminal in the best manner it is able, or let him make compensation for the crime which he committed.

OPENING OF THE COURTS FOR DETERMINING LANDED PROPERTY.

Twice each year the court shall be open for determining causes respecting landed property, and twice in the year it shall be shut. From the ninth day of January unto the ninth of February, the court shall be open ; and from the ninth of February unto the ninth of May it shall be shut. From the ninth of May unto the ninth of August the courts shall be open, and from the ninth of August unto the ninth of January following they shall be shut. The reason why the courts are shut in autumn and spring, is, because the land is worked upon during those times ; and if they were then open, they would retard ploughing in the spring, and reaping in autumn. That is, they have the privilege of closing

the court after February and August, lest it should be daily open, and of opening it after the ninth of January and May precisely in the same forms, lest it should be daily shut.

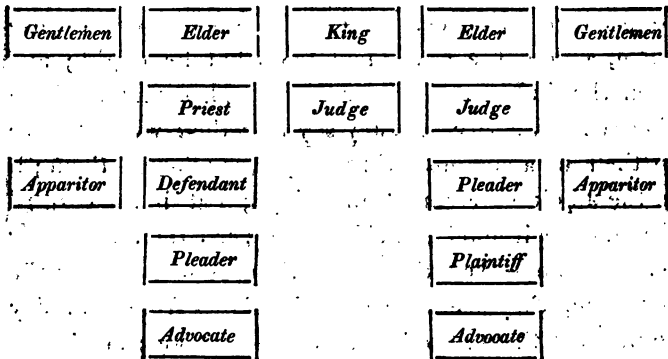
Whoever wishes to prosecute a claim for landed property, let him do it when he wishes, from the ninth day of January forwards, or from the ninth of May, for these are the times that the courts are open for determining cases respecting landed property.

If a plaintiff wish to claim land in these times, let him come to the judge to demand a day for him to hear his claim concerning the land; and on that day let him prove his claim. He is not entitled to an answer on that day, because the claim is sudden upon the guardians of the land; and therefore the guardians must have time to produce evidence. The plaintiff must not oppose them, unless the court maintain that he ought; and then the judge must hear them, and demand where their witnesses are. If they say that their witnesses are in their own commot, three days are allowed them; if in the adjoining commot, nine days; but if in a third commot, or if flood and ebb be between them and their witnesses, and the fixing of the time be discussed in the forenoon, they are allowed eight nights from that day to produce them; but if the discussion take place in the afternoon, eight nights are allowed from the morrow following. The reason is, the day is not entirely closed, and it is not right to pay for a broken day, in lieu of a whole day. And at the time appointed, they must come upon the land with their witnesses with them; and then it is right for both parties to present themselves and sit in a legal manner.

The legal form of sitting is as follows: first the king,

or his representative, with his back towards the sun, or towards the weather, lest the weather incommode his face ; then the judge of the court, or of the commot, who is the oldest, shall sit before him ; upon his left hand any judge that may be in the field, and upon his right hand, the priest or priests ; and next to the king, on either side, his elders shall sit, and then his gentlemen on each side of him. Close by the judges, opposite where they approach to the tribunal, sits the pleader of the plaintiff, then the plaintiff himself, with his advocate at his other hand, and an apparitor standing behind the pleader. On the other side sits the defendant, next to him his pleader, and then his advocate, with an apparitor standing behind him.

*Plan of sitting in an old British court.**



After the mode of sitting is arranged, let bail be taken for the proceedings ; namely, the securities which must be for the landed property, with the hostages consisting of two or more men for each party ; and these hostages must go into the lord's possession.

* The English reader must observe that the court was held out of doors, and on the land demanded by the plaintiff as his right.

Then, silence must be proclaimed; that is, silence upon the field. Whoever shall break the silence given, shall pay three cows, or one hundred and eighty pence as an amercement. And the person that speaks a word after proclamation of silence, shall be deprived of liberty in the assembly, as well as the pleader, who may defend him.

After the sittings are legally arranged in the manner which we have previously mentioned, then it is proper to say to both parties, "Now, do you mutually speak of law."

Then the judge must ask the plaintiff, "Who is thy pleader, and who is thy advocate?" Then the plaintiff must name them. Then the judge must ask, "Wilt thou submit to lose or gain the cause by their exertions?" to which the plaintiff must answer, "I will submit." Then the judge must ask his pleader and advocate whether they will stand to him in the cause which he has confided to them; to which they have a right to say, "We will stand."

After this the judge must ask the defendant, "Who is thy pleader and advocate?" and then the defendant must name them. Then, the judge must ask him whether he is willing to lose or gain the cause by the exertion of their skill; to which he has a right to say, "I will abide by it." Then the judge has a right to say to the plaintiff, "Thou art now at liberty to state thy claim;" and then the plaintiff ought to begin.

Here the plaintiff ought to declare that he is the hereditary proprietor of the land, that if there is any one who should doubt his being so, he can prove his right to the estate by pedigree and tribe, as the law requires; and that he was illegally ejected from his estate;

and if any one should doubt it, he has evidence to prove that he was unlawfully ejected ; and that he now commits himself to the law, to restore him to his just rights, from which he has been unlawfully ejected.

If any one should say that guardians and direct evidences should be given by the plaintiff, we have enacted that they may be given when the defendant's reply is heard.

Then the defendant must say, "I am the hereditary proprietor by pedigree and tribe, and I will defend my estate in the best manner that I am able to do it. If there be any one here who may doubt what I say, I have evidence sufficient to prove its accuracy. And thou also, if thou wert here, thou wert lawfully expelled ; and if there be any one here who may doubt it, I have evidence sufficient to prove it."

We have also enacted that if the defendant put in his defence before the plaintiff have stated his claim, his defence will be useless until the claim be heard. After the claim is stated, let him make his defence.

After both parties have stated the cause at issue, as we have just mentioned, let the judge ask them, whether that which they have asserted be sufficient ? And let him ask them whether they wish to correct any part of their statements ? If either of them should wish it, let liberty be granted him ; but if he should not desire it, let the judge take their two statements, which they have made ; and after summing them up, let both judges leave the court, and the priests with them, and let the apparitor accompany them to prevent any persons from listening to their discussion. If any person come to listen to them, he must pay three cows as an amercement to the king ; and if the king himself be in the

field, he must pay a double amercement. Then, after they are seated, it is proper for the priest to pray to God, that God may teach them to do justice. He must also chaunt to them their pater noster; and after the pater noster, it is proper for the judge to sum up the statements of both parties a second time.

And if it be necessary to interrogate them, let them both be taken aside to be interrogated: they are said to be interrogated when the judge asks where is their voucher or evidence.

And if the party of whom the word greeting is asked, should need counsel, let them go with the permission of the judge to receive counsel. And the number of those concerned in the law pleadings only, shall go, and no more, except a servant of the lord, who shall go with them to guard them, lest any one come to hear their counsels. And if any one come to learn their counsels let him pay an amercement to the king, and the counsel shall be useless. Then these two parties shall return, and shall state their opinions to the judge.

If no counsel be needed, it is proper to suffer their claim, and to force the two parties to enquire who are their direct evidences, and their guardians, and where they are. If they say that they are in the field, let them be brought forwards; if they say that they are in the same commot with them, let three days be given them; if they assert that they are in another commot, let nine days be granted them; but if they affirm that they are in another country, or beyond the seas, let that day fortnight be the time for producing them, if the business be discussed in the forenoon, but if in the afternoon, they must be produced on the morrow fortnight. And from the time the business is discussed until the

period agreed upon for producing the evidence, the hostages shall be incarcerated in the king's prison; and all who come to ask them what evidence they can produce respecting the land; since there can be no agreement, nor flying off between the two parties in the day fixed upon by the law.

On the third day, after they are brought face to face, every person must take his seat in the same manner as he sat before. And if any of the persons be dead who attended the law proceedings at their commencement, others must be chosen in their places. And after they are seated, the plaintiff must tender his witnesses, his guardians and their evidence, and say that he is prepared with his evidence as he promised. Then the defendant must put in his counter plea; that is, the answer he can adduce, and say that he is ready with his defence as he promised. Then the king must ask for the appearance of the hostages in the field, for they are the sureties. And then, after the hostages are presented, the apparitor must proclaim silence in the field; and after that the judge must say, "let him who refuses to keep silence be punished;" and this is carried into effect by amercing the offender in three cows, or in one hundred and eighty silver pennies, and by causing any statement, which he may make, null and void.

And then the plaintiff must inform the judge why he promised his witnesses and his guardians at the first, and why it was incumbent upon him to produce them at the commencement. Then the judge must ask him to bring them in his presence and to produce them; that is, those whom he brought forward on a former day. The defendant must not object to one of them before he knows what evidence they give, because he knows not

whether the evidence to be produced may be to his advantage or otherwise; but if he should object to any witness before he give in his evidence, let such a witness be deemed a good one. But the defendant may demand whether they are free persons, as witnesses ought to be; and if they are so, let them be brought forwards. The reason why he may make this demand is, because no stranger can become a direct evidence against a Cambrian having a patrimony, nor can a woman give evidence against a man; and with these also, there are many persons who cannot become direct evidences on account of privilege; and, therefore, it can be no detriment to the defendant to make the demand.

If the defendant strongly assert that his witnesses are better than those that the plaintiff has engaged to produce, or that their privileges are better, or that they are more numerous; and wish, in consequence, to prove his assertion, let him do it; and after he has produced his witnesses, the plaintiff cannot then object to them. Then the judge must ask the plaintiff, "What are the privileges of thy witnesses." Then the plaintiff must state their privileges, whether they are mayors, chancellors, monks, doctors, priests, scholars, or privileged laymen. After the judge has demanded of the plaintiff the privileges of his witnesses, he must make a similar demand of the defendant, and then the defendant must state the highest privileges appertaining to his witnesses. Then the judge must repeat the statements given, respecting the privileges of both parties which had been previously declared by them respectively, with regard to their witnesses.

Then the judge must ask the direct evidence whether they will abide by the statements which they have made;

upon which, they ought to say, that they will abide by the evidence which they have given.

Here, all persons of both parties, who may contradict the direct evidence of the others, must not conduct themselves in an opposing manner, until they have delivered in their verbal evidence. Then the judges must put them to their oath; and after they have done so, they must withdraw to ascertain whether the cause of the one be more correct than the other, according to what they have heard; and if they perceive that the one has more respectable witnesses than the other, judgment goes against him who has inferior witnesses. If their witnesses be equally respectable, the court decides against the defendant; for he promised to produce better evidence than the other, and has failed in his attempt. And then the judges must decide to put the plaintiff in possession of the land with the privileges which were enjoyed by him when he was unlawfully ejected.

After this, the judges must examine the guardians to ascertain whether all of them are proprietors for the party whom they have defended. And if the guardians affirm that they are all proprietors, and they be disbelieved, it is necessary to put them to their oaths; and if any one of the guardians refuse to swear, let him lose his land.

If the guardians of both parties persist in their respective statements, it is an equation; and where there is an equation, the land is divided into two halves.

Though the land may be adjudged to the plaintiff, still the defendant is not to quit all, if he have obtained part and paid for it in one place, and it being equally valuable with the land from which he is ejected. Neither

is it proper to pay for unprivileged land the same as for land that has privileges annexed; such as a chanceryship, mayoralty, or exemption land. Then the judges return again to their seats, and must take security for carrying their decision into effect, as well as bail for their pay. Then they must recapitulate the evidence advanced by both parties, and then give judgment. When this is done, the king must liberate the hostages.

The money due to the judges for determining causes relating to landed property, is twenty four pence. Two shares of this, belong to the judge of the court; and he cannot claim more, whether he be present or absent.

If a non-proprietor be the guardian of land, whether he keep it for the son or the grandson, and the hereditary proprietor claim it of him by his title, he must give way to him. If he also himself claim it being the son or the grandson, and the hereditary proprietor have possession of it, the latter is not to quit the land for the former. The hereditary proprietor ejects the grandson; the grandson ejects he that has merely got possession; that is, a son who obtains possession of his father's estate after he relinquished it. The person who obtains possession a second time, ejects the adventitious occupier, who has merely got possession, without any one of his family possessing it before him. And so their privilege proceeds according to their pre-occupation.

The legal fee of the king for land over which he has no jurisdiction, is one hundred and twenty pence. If he have jurisdiction over the property, as the office of the master of the hawks, stewardship, chancellorship, the right of raising its standard, or mayoralty, it shall be a pound. If he have a claim of two offices from the

land, he is entitled to one pound ten shillings, that is, for deciding upon inheritances.

The master of the household is entitled to twenty pence from every pound that comes to the king from causes respecting landed property, and this from the king's share; and ten pence goes to the steward of the household from every pound in like manner, from causes respecting landed property.

After landed property is adjudged to any person, no one can prevent him from enjoying his share whenever he wishes; nor can he be limited to any fixed times, for it is legal for him to enjoy his share at any time. But he ought not to receive an acquisition of land in lieu of title; and if he should receive it and legally lose it, there cannot be any advantage to him from it, because he accepted of insecurity for security.

No one having joint land ought to pay for the land of his neighbour which has no office annexed, in lieu of land which has office attached to it, unless he himself wish it; and if it be accepted, let him lose his privilege.

If any plaintiff shall produce witnesses in the day for determining a suit, and the defendant shall produce others against him; the law has enacted in this case that it is not incumbent on him to prove his claim to any one of them, unless his argument fail. Then, both of them must be asked who their witnesses are, and where they are; and if they are not in the field, let time be given to produce them according to the distance they are from the place, as the law has enacted. If they are in the field, let those of the plaintiff's be examined; but if the plaintiff's witnesses are not present, let the defendant's be examined, for it is not right that the person who is ready should be put to inconvenience

through the unpreparedness of the other. If the plaintiff's witnesses be in the field, it is proper to show them to the judges and to put them apart; and then the judges must take the first witness that is presented to them for examination, and ask him, "Is it true, or is it false which the plaintiff affirms? And may the protection of God be granted thee, so thou dost not give false evidence!" After this, he has a right to say, "It is true which the plaintiff affirms." Let the defendant then think, if he wish it, how to destroy the plaintiff's evidence, either by proving it to be false, or by showing that his witnesses are more honourable and more worthy of credence. If he chuse to prove the witnesses to be false and banish them from the court, he is not to be allowed afterwards to examine his own witnesses, those excepted, which are not to be rejected. If he prefer to prove that his own witnesses are more honourable than those of the plaintiff's, let the most honourable of these be examined, and let judgment be given to the best. If the witnesses on both sides be equally honourable, let judgment be given for the plaintiff; because the defendant promised to produce more honourable witnesses than the other. If their promises be equal and equally fulfilled within the same time, let the property be divided between them in two equal shares.

If the defendant wish to prove the plaintiff's witnesses to be guilty of falsehood, let him do so as follows: When a witness gives in his evidence after being questioned by the judge, let the defendant say to him, "Before thou deliverest in thy verbal evidence, take the oath." Then, if the witness take the oath, let him oppose it, if he can, by proving that he is guilty of perjury, and by showing that not one word of his evidence is to be

credited. In this case he must legally prove the witness to be actuated by one of these three things;—great oppression, a murdering disposition, or a nearer affinity to the plaintiff than to him. If the witness cannot disprove these things which are urged against him, let his evidence be null and void; but if he can disprove them, let his evidence stand, unless the defendant can bring these accusations home to him by other witnesses who are in the field; but if these witnesses are not in the field, let the evidence adduced by the plaintiff's witnesses stand, because no time can be granted to bring one witness against another. And if the plaintiff can produce two, or three, or more witnesses, let their evidence stand, and as we stated above, let judgment be given in his favour. Some have asserted that fondness for women is the fourth proof which will justify the rejecting of a witness; the law, however, has enacted that the disqualification is enmity against the family, and that it shall be the third cause of rejection.

If the two parties urge their respective claims for land by the evidence of witnesses, and neither of them attempt to set aside the witnesses of his opponent, judgment must be given in favour of that party that can produce the best privileges and the most honourable witnesses. If their witnesses are equally honourable on both sides, let the land be shared in two equal halves by the contending parties; and this is the law of equation.

The guardians must take the same kind of oath as the defendant took before them, in all points; and they must swear that they have kept the property neither out of hatred, animosity, reward, emolument, nor any thing else, but out of a regard for justice only.

The evidence of a guardian of land must not be rejected; for no fault can be urged against him, except, having possession, he kept it for the owner.

The witness who must take the oath, ought to swear that what he affirms is true, and that in taking the oath he is not actuated either by hatred or enmity. Therefore, if a person suffer injury from a witness, the sufferer can set aside his evidence.

A grand-juror ought to swear that the oath of the person that takes the oath with him is pure; and if any one of the grand-jurors refuse to swear so, the verdict of all shall be null and void.

A juror ought to swear that to the best of his belief the oath taken is true; and though the common verdict may be deficient, yet it is incumbent to decide according to the two parts.

If a person promise a great number of witnesses, let him fulfil or fail in it. If he also promise to produce as many as the law requires, two, or three will suffice, though a greater number would be better.

The evidence of one person is no evidence.

If a person, on the day for determining a cause, seek delay, on account of his voucher or his witnesses being sick, or in other necessities, the law has enacted that this will not avail him; because he has not fulfilled the thing which he promised.

If the day for determining a cause be suffered to pass away, being the time when the court is closed for determining causes respecting landed property, or blank days, some have asserted that liberty ought to be granted to renew it a second time. The law, however, has enacted that there can be no delay granted of the day for determining a cause, except for one thing; that is, when the

judge does not recollect the judgment he should pronounce according to the evidence adduced. If he be doubted, let him be sworn; and then, let a period of nine days be granted to him to recollect himself, and to converse mutually with men who are wiser than he is; and on the ninth day named, let their decision be stated to both the parties, and this without any reward.

If the time be suffered to pass by, by the death of the judge, any other destiny, or by the contempt of the plaintiff, who refuses to come to hear his sentence, let the defendant keep the property from that time forward.

If a person, when causes respecting landed property are investigated, should say that he has not done what is right, and if it should be testified by the plaintiff to the lord, his judges and his honourable men that he does not deny the claim, that he is an oppressor, and calls for judgment; then it is proper, from suffering judgment to be given against him, to deprive him for ever from keeping possession.

If he who has acted unlawfully, quit the field, he shall be put out of the pale of the law during the life of the lord who presides over the assembly; for he who will not give way to truth, must be exiled from our country.

If any defendant whatever produce a pleader and advocate, he himself forming the third, and should wish for time for more support, he cannot obtain it; for these persons are his legal supporters.

No counsellor nor advocate is to be employed by any one in any cause that is less than sixty pence in value; but they are to be employed in causes respecting landed property, a steed, or personal property.

TIMES FOR DETERMINING CAUSES RESPECTING LAND.

It is free to determine disputes respecting property at any time.

The law never extends to the land of the church at any time; for these have not emanated from our law. If the clergy should encroach upon the laity, or the laity upon the clergy, justice must be observed.

CONCERNING THE SHARING OF LAND.

Landed property may be divided at any time, though the court of law may be closed, unless it be denied that it ought to be shared.

Landed property is to be shared between brothers as follows:—four acres must belong to every tenement. [After this, Bleddyn,* the son of Cynvyn altered it to twelve acres to every freeholder's son; eight to the son of the foreigner; and four to the vassal. Nevertheless, the fixing of four acres to the tenement has the strongest claim.]

This is the measure of the lawful acre:—four feet must be in the short yoke; † eight in the second; twelve

* “Bleddyn reigned jointly with his brother Rhiwallon in North Wales from 1062 to the death of his brother in 1068: from that time he ruled alone till 1072, when he was slain in battle, by Rhys ab Owain.” He is represented as a vigorous and patriotic character. He is the head of one of the five royal tribes, being that of Powys. *Vide, Cambro Biog. p. 23.*—It is hardly necessary to inform the reader that the words which I have enclosed in brackets do not belong to the original text, but were subsequently added by some lawyer, in consequence of Bleddyn's emendation.

† In ancient times the Welsh ploughed with oxen from two to eight a-breast. A yoke for two oxen was four feet in breadth; for four, eight feet; for six, twelve feet; and for eight, sixteen feet. I have been assured that the French still place several horses a-breast upon particular occasions.—The method of measuring land, as stated in the text, is very curious and even interesting, though it is doubted whether it were always correct.

in the third ; and sixteen feet in the long yoke ; a goad in the hand of the driver as long as himself, with his other hand upon the middle spike of the long yoke, and as far as that reaches on each side of him is the measure of an acre in breadth ; and thirty times that, is its length. Others say that a rod as long as the tallest man in the village, with his hand raised straight above his head, will produce the same measurement as the other.

If there be no houses, the youngest son must divide all the patrimony and the eldest son must chuse ; and thus from the eldest to the second son, even to the youngest. If there be houses, the youngest brother but one must divide all the tenements ; for in that case he is the measurer, and the youngest must chuse them ; and after these, all the patrimony, which must be chosen from elder to elder, even to the youngest brother. This is the division which is made during the brothers' lives ; and after their deaths, their first cousins obtain it in equal shares, if they wish it. In this case the youngest brother of the cousins must divide it in equal shares, and the oldest must chuse ; and so from elder to elder, even to the youngest ; and the property must be enjoyed in equal shares between them during life. And unless the second cousins receive an equal share of the property which was divided between their fathers, they have a right to divide it into equal shares a third time, in the same manner as the first cousins ; and after this division, it must not be shared, nor divided into equal parts by any other person.

Nevertheless, land which is subject to taxation must not be divided by the brothers, but by the land steward and chancellor, who must share it equally between the brothers. On this account it is called numbered land.

Not an acre of this land shall go to the king; but if there be an acre of waste land in it, the land steward and the chancellor must divide it equally between the others. No person must relinquish his legal tenement, even if he be able to obtain as much land for it in another place.

And as we enacted above respecting the other, so the land steward must divide the lands of the royal domain when any one relinquishes his tenement, because he is the best qualified for the business.

No land ought to be without a king. If it be an Abbey land and tenanted by the laity, he claims of them fines, amercements, the commutation fee of their daughters, their heriots, their suit and service in his army, and the penalties paid for stealing. If it be episcopal land, its incumbents must serve in the army and pay him the fine imposed for stealing. If it be hospital land, its incumbents must pay him the fine imposed for theft. And, therefore, there is no land without the king.

EPISCOPAL PROPERTY AND PRIVILEGES.

When a bishop dies, the king is entitled to all his property; for every thing without an owner is the king's waif. The dress and riches of the church, with every thing that appertains to them, are excepted.

There are three conventional persons that can form a consistory by themselves in the place where they do not oppose the king's law: these are, an abbot, a bishop, and a hospital-master.

MODE OF INVESTIGATION BY HAY STACK, DRAY, AND BURDEN.

There are three kinds of investigation; investigation by arable land; investigation by a dray; and investigation by truss and burden. And these investigations of

property ought not to be made except by a son, whose father, or whose ancestors formerly resided there; for this method of proof is not effected by pedigree and tribe.

If an investigation of right be granted to any one by arable land, he ought to live there until he can turn himself over with his back upon the hay-stack,* without answering any one, and then let him answer; and the ninth day of the first month in winter is the time fixed for deciding the business.

If an investigation of right be granted to any one by his dray, who came before hand with his dray, his household goods, and with the members of his family, or those of his father before him, upon the land in question, he ought to live there until the ninth day of September without answering any one, and then let him answer; and on the ninth day of February following, his cause must be determined.

If an investigation of right be granted to any one by truss and burden, he ought to come beforehand with his truss and burden, his fire, and himself, or his father before him, and making a domestic fire-place upon the land, he must live there three days and nights without answering any one, and then let him answer; and at the end of the ninth day his cause will be determined.

But these investigations of right are not to give a legal claim to any one, unless he had formerly received a gift and grant of the land in question, from his lord.

CLAIMING LAND BY PEDIGREE AND TRIBE.

Whoever wishes to claim land by pedigree and tribe, let him show his pedigree to the stock from whence he

* The meaning is, that he was to stay there until his cattle had eaten the rick so low that he could turn himself over upon it.

sprung, and if he be the fourth in lineal descent, he is the hereditary proprietor ; for the fourth in lineal descent ejects the person who has possession. But a person shall not be deprived of his title unless he be a vassal ; for the law has enacted, if a man reside in another country on account of punishment, murder, or other necessities, so that he be not able to return to his country in a reasonable time, he can retain his title to the ninth in descent, whatever time he may come to claim his property ; and if there be no other persons occupying the land, when he regains his hereditary rights, he is entitled to all that he left. If there be other proprietors opposing him, the law requires the property to be divided into equal shares between them ; because one proprietor ought not to be ejected by another.

If the ninth of his lineal descendants should come to claim the estate, his title is lost ; and he must issue a proclamation, that from being the hereditary proprietor he is deprived of heirship. In this case, the law regards his proclamation and grants him assistance ; that is, by granting him an equal share of the estate with each of those who possessed it and who oppose him. And this proclamation is called *a cry above the abyss*.* No person beyond the ninth in descent is permitted to make such a proclamation, nor can it ever be listened to.

None of these three claims respecting landed property ought to be heard in the season of law vacation : these are, a claim by title ; a claim by investigation ; and a claim by resistance.

* The original is *diaspad uwch annwyn*.

NO WOMAN OF NORTH WALES TO ENJOY THE PATERNAL ESTATE.

According to the North Wallians no woman ought to have the paternal estate, because she ought not to have two privileges with one hand; that is to say, the paternal estate is the man's own individual property. And since the paternal estate is not to be granted to her, it must not be given to her husband, unless where her sons can enjoy such property.

Some assert that the sons of such a woman cannot enjoy the paternal estate by maternity, unless they are the sons of a woman who was married to a stranger by her father and brothers; others affirm that though she was thus married by her family, yet if she were married against her consent, her sons are not entitled to the personal estate; but the law has enacted that the sons of three women have a right to the estate by maternity. The first is, a woman lawfully married to a stranger by her family. The second is, a woman publicly ravished by a stranger, and who has a son by that rape; for the law has enacted that as she does not lose her right, her son also, must not lose his rights by maternity. The third is, a woman given as a hostage to strangers by her family; if she become pregnant by a stranger in a state of hostageship, the son, so begotten, claims the paternal estate by maternity.

The sons of any woman, who may marry a stranger of her own accord, cannot enjoy the estate by maternity.

Some have said, concerning the sons of such women, that though they are heirs by maternity, they are not proprietors; but the law has enacted that a proprietor

must not quit for a non-proprietor, but a proprietor quits on account of the children of such women either in whole or in part ; and therefore the law ejects such proprietors. The law, however, enacts that if that land have either office or privilege attached to it, he that inherits by maternity cannot obtain possession but by the third of his lineal descendants ; for the privilege of a proprietor who has had pre-occupation is better than that of a new comer.

No Powysian youth heirs property by maternity in North Wales, nor has any North Wallian this privilege in Powys ; and the same law prevails in South Wales.

SUNDRY LAWS RESPECTING LANDED

• PROPERTY AND OTHER THINGS.

A father must not dispose of the rights of his son to landed property, except during his own personal life, neither must the son injure his father during his life time, for the land. Also, the father must not injure the property of the son ; and if he should do so, the son can recover it again, unless for one thing :—that is, if the father, brothers, first and second cousins, and the lord, consent to sell the land for the price of blood, the son cannot recover it again ; for peace was purchased by it to the son, as well as to the father. Such land cannot be disposed of for these purposes without the permission of these persons. Though such a person may lose his land, it must not be sold to a foreigner, but to a free born gentleman.

A free born gentleman is a man who enjoys pure nobility in Cambria, being of pure descent both by father and mother.

The ecclesiastical* law says that no son can succeed to his father's estate, except the oldest, who is born in lawful wedlock. The law of Howel assigns it to the youngest son as well as to the oldest, and enacts that neither crime nor law can operate to the injury of the son respecting the paternal estate.

No person can have sure possession of land, unless it be confirmed by law, or granted by the lord.

Some have said, if a man be murdered on an estate, that land must be sold from the heir as the price of blood for ever after. The law has enacted that no land shall be forfeited as the price of blood, except the land of the murderer, which shall be lawfully paid for, after the murderer has nothing in his possession, neither from the spear penny, nor from any thing else. It also enacts that no person is to suffer for the murder, unless the murderer cannot pay the full price of blood. And this land ought to be shared between the heirs of the murdered person, as land ought to be shared in cases of satisfaction for murder.

Whoever shall suffer another to occupy his land for a year and a day without disturbance and harm, and living in the same country with him and residing near him, the law enacts that he is not bound to answer for the use of that land, unless he be hemmed up in the land and it be claimed within the year. Disturbance and harm are burning houses and breaking the ploughs.

* The original is "*Y gyvraith a dywed eithwaith,*" but I have preferred Wotton's copy which reads "*Cyvrraith Eglwys a ddywaid,*" which seems more congenial with the context.—We see here a struggle between the feudal system of the Normans and the *gavel* kind of the Britons and Saxons, which still prevails in the county of Kent, as granted by William the Bastard to the men of that county.

Whoever possesses land upon the margin of the sea-shore, has a right to possess as much in breadth as the land upon the beach ; he may make a wear, or other things, upon it, if he wishes ; but if the sea throw any things upon that land, or upon the beach, they belong to the king, for the sea is the king's collector.

The three riches of a family are called a mill, a wear and an orchard ; and these three things ought not to be divided, nor removed, but their produce must be shared between those who have a right to them.

There are three enclosures which must not be shared as tenements, but as gardens ; and if there be houses upon them the youngest son is not entitled to more than the eldest, but they are to be shared according to the chamber.

No one ought to deprive gardens, in their possession, of the right of manure, except for one year ; for they ought to be manured every year.

A fallow ought to be in tillage two years ; and verdant ley land for the same time. Land manured by turning cattle in it, must be in tillage three years. Manured land ought to be in tillage four years ; verdant wood lands for the same time ; and fallow land that is manured, for four years also.

No brother ought to clear woods belonging to another brother, without paying him as much wood as he cleared ; and if he cannot obtain as much, let him pay him as much from land previously cultivated ; and if he cannot obtain it from land previously cultivated, let him cultivate the land which he cleared, for four years, and then let him divide its produce equally with his brother.

No one ought to sell or mortgage his land without the

permission of his lord ; but he may let it out to hire annually, if he think proper.

The vassals of abbots and of bishops may mortgage their lands with the permission of their lords, if they wish it.

CONCERNING FREEHOLDERS' VASSALS.

The law has enacted that the sons of freeholders must exercise dominion over their vassals, in the same manner as the king ought to govern his vassals. And as the king's vassals who are placed upon the king's waste lands, become proprietors in the fourth of their lineal descendants ; so the vassals of freeholders become hereditary proprietors in the fourth generation, provided they have occupied their lands during all that time. From that time forwards, they are not in subjection to the freeholders, for they are become hereditary proprietors ; but they cannot obtain a double title, as one from the place of their birth and another from another place. After they are proprietors, their tenements are left to them according to their rights ; and their cultivated fields are to be divided between them.

If vassals wish to leave their lord before they become proprietors, they ought to leave half their property with him. If they are natives of the Island, they must not dwell in any place this side Offa's* Dyke. If they come from beyond sea, they must not remain here, except until they can obtain a favourable wind to take them to

* So called from Offa king of Mercia, by whose order this famous ditch was thrown up in the eighth century, as a boundary between the kingdoms of Mercia and Wales. Some assert that this line of demarkation began at Basingwerk in Flintshire, and ended at Chepstow, forming a line of more than 150 miles. Others differ in opinion from this statement, and some confound it with Watt's Dyke. It is still very visible near Knighton ; and within a little distance from Montgomery, by a footpath leading to the town from Bishop's Castle, it exhibits a perfect specimen of its pristine greatness.

their country. If they should continue here after, they can be taken back to their former bondage. Others say that they are only to remain here until the third fair wind offers to convey them away. If the son of a freeholder expel them from their residence before they become hereditary proprietors, he is not entitled to any of their property.

CONCERNING MEASURING LANDS.

Before the crown and sceptre of London were wrested by the Saxons, Dyvnwal Moelmud reigned over the Island; and he was the son of the Earl of Cornwall by the daughter of the king of Lloegria. And after the pater-nity of the kingdom was destroyed, he obtained it by the distaff, because he was grandson to the king. And he was a very honourable and wise man, and framed excellent laws in this Island. These laws continued in force until the time of Howel the Good. Then Howel enacted some new laws, and abrogated some of Dyvnwal's. But Howel did not alter the admeasurement of the lands of this Island, but continued them in the same state as Dyvnwal left them; for he was a most excellent land surveyor.

He measured this Island from Cathness in Scotland unto Land's End in Cornwall, and found this Island to be nine hundred miles in length; and from Crigyll in Anglesea unto Shoreham on the sea shore in Kent, is five hundred miles; and this is the breadth of the Island.

And he measured the Island that he might know the amount of its contributions, the number of its miles, and the extent of its journies.

And Dyvnwal measured by the length of a barley*

* The barley corn is still used in long measure, three of which make one inch in English measurement.

corn. Three barley corns in length form a thumb breadth ; three thumb breadths, a palm ; three palm breadths, a foot ; three feet in a pace ; three paces in a leap ; three leaps in a land, which in modern Welsh is called a ridge ; and a thousand lands form a mile.

And it is still customary to measure in this manner, and to ascertain the measurement of a legal acre from a barley corn. Three barley corns make a thumb breadth ; three thumb breadths a palm ; three palms a foot ; four feet in a yoke ; eight feet in a yoke for four oxen abreast ; twelve feet in a yoke for six oxen abreast ; sixteen feet in a yoke for eight oxen abreast ; a goad in the hand of the driver as long as himself, with his other hand upon the middle spike of this yoke, form the breadth of an acre ; and thirty times this, is its length. Four acres ought to be in every tenement ; four tenements in every inheritance ; four inheritances in every tenure ; four tenures in every township ; four townships in every manor ; and twelve manors and two townships must be in every commot. The two townships are for supplying the king's necessities ; one of them must be a demesne, and the other the king's waif, with dairy land attached to it. And every other commot must be as large as that which we have prescribed ; that is, each must have one hundred townships in number, for this is a just hundred. Ten times ten ought to be in every hundred ; and this ought not to be made with a number higher than ten.

This is the number of acres which must be in every hundred. Four legal acres must be in every tenement ; sixteen in every inheritance ; four in every tenure ; two hundred and fifty six in the township ; one thousand and twenty four in every manor ; twelve thousand two hun-

dred and eighty three in twelve manors ; and in the two townships which belong to the court, there must be five hundred and twelve acres. That is, in short, there are twelve thousand and eight hundred acres in one commot, and there must be the same number in every other. The number of acres in the hundred, are twenty five thousand six hundred, neither more nor less.

SOURCES OF THE KING'S REVENUE.

Of the twelve manors which ought to be in every commot, four of them are assigned to vassals to rear dogs and horses, to provide provisions for the king's officers, and lodgings ; one manor is assigned to the chancellorship, and one to the dairy farmer ; and the other six belong to the sons of freeholders. And from these eight, the king is entitled to a contribution every year ; that is, a pound from each of them ; and this is levied by collecting sixty pence from every township in the four manors ; and so from the four manors, the contribution is equally levied upon every acre of each tenement respectively. This contribution is called the pledge of homage pound. The public crier must compel the payment of it annually. It must be collected in every commot without partiality ; and also throughout every hundred.

CONCERNING THE MAYOR, CHANCELLOR, THEIR HERIOTS, &c.

Mayors and chancellors must preserve order in the country and administer its laws ; and every thing which the king receives they are entitled to half of it, three things excepted : the price of land, the price of theft, and the price of the dead.

The chancellor ought to divide with the king, and the king to chuse ; the mayor must divide with the chancellor.

The mayor and chancellor ought to have two servants with them to perform their commands, and two others belonging to the king. And twice in the year they must make a circuit through the four manors inhabited by the king's vassals; and they have a right to half of the vassals' heriots, and half of the commutation fee from their daughters.

The mayor and chancellor must divide among the vassals any land which is become vacant by the death of any one of them. They must also keep the king's forest, and swear for him when it is necessary; and if the king should dispose of his desert, they are entitled to the emoluments of their office.

The mayor and chancellor are not to be elected from the commonality, but from the gentry of the country.

MASTER OF THE FAMILY.

No one can obtain the office of master of a family by maternity. The master of a family is entitled to twenty four pence of every man who marries a wife belonging to his family; for she herself must pay him her commutation fee. He is also entitled to twenty four pence of every youth that his family may adopt; and he must act with him as his friend in every difficulty which may visit him.

There is no emolument granted to a freeholder's son for determining disputes, except that which the lord may think proper to give him.

SUPPER MONEY.

The manor which is bound to pay its pound of homage money, is not to supply the lord either with honey or fish; but it must furnish him with mead, and along with the mead, every manor shall pay twenty four pence; and this is called the supper money. And this shall be

divided among the servants, as the pound of homage money is divided.

No free manor is to be burdened with a mayor, chancellor, circuit, tribute, or any thing, except what we have previously mentioned; but it must support the king's family in the winter, during their circuit.

THE KING'S ARMY.

The king must not march with his army out of his kingdom, except once every year; neither must he remain in another country with the army more than six weeks. But he may form an army in his own kingdom whenever he pleases.

All must work at the king's castles whenever the king wishes, except the men of the royal domain.

THE KING'S VASSALS.

The king's vassals are not to supply the king or his family; and since they are not to do so, they are not permitted to enjoy either honey or fish, except in the king's hall. The king can, if he wish it, make fish weirs upon their rivers and destroy their swarms of bees.

One of the sons of the vassals ought to be the king's land steward.

They must furnish pack-horses for the king, to carry the baggage of the armies; and they must honour the queen once every year by a supply of meat and drink. They must also make provision once in every year, for all the dogs, huntsmen, hawkers and youths connected with them.

If strangers from another country come to the king, either as his auxiliaries, or being obliged to remain with him on account of contrary winds, or any other things, he has a right, if he please, to quarter them upon his vassals, according to their abilities. And these

strangers must shew their property to the vassal when they come to his house, that they may have all when they leave; and if the vassal lose it, he must make good the loss. There are three things, however, which strangers must keep in their own custody both night and day; these are, their small clothes, their swords, and their gloves. And if they obtain bread and meat there the first night, they ought not to stay there any longer.

The king's vassals are bound to build seven houses for their lord; these are, the hall, the eating house, the kitchen, the dormitory, the stable, a kennel for the hounds, and the little-house.

The king is entitled to a hatchet-man from every vassal town, to form tents for the army.

THE LAND STEWARD.

The land steward must not determine causes, unless among the men of the dairy hamlet, but merely receive the king's property of the mayors and chancellors. He must give the public crier twenty four pence when he is invested in his office.

The servants of the mayor and of the chancellor, must bring the king's property to the land steward.

The land steward must regulate the king's court and the things which appertain to it; as ploughing, sowing, managing the king's cattle, dairy, and other things which may be necessary. He ought to punish the men of the dairy hamlet for neglecting their duties; and he is entitled to their fines, amercements, and heriots. His wife claims the commutation fee of their daughters. The porter must compel the payment of the commutation fee, and of the heriot of these persons; and is entitled to four pence from each of them.

The land steward claims twenty four pence of the porter, when the latter is invested with his office. He must swear by the land for the table of the court, and its dairy land, if it be necessary to defend them, and the things which appertain to them.

The men of the dairy hamlet must make a lime kiln and a barn for the king, and also supply their necessities, when it may be necessary. They must pay their fee homage into the hands of the land steward, and they must provide for him twice in the year. They must thresh the corn; dry it, reap it, harrow the ground, mow the hay, and collect as much straw and fuel as are requisite for the king's court. And when the king comes to the court they ought to honour him, according to their ability, with presents of sheep, lambs, kids, cheese, butter, or with milk.

If the son of a freeholder be taken for nursing to the lord's vassal, having received the lord's permission or sufferance for a year and a day, the freeholder's son has a right to a share of the vassal's land, and subsequently of his property.

From every free manor, the king is entitled to a tubful of mead that is nine hand breadths every way; if no mead can be obtained, two barrells of bragget must be given him; but if there be no bragget, he must have four barrells of ale.

There must not be an acre of alienated land upon copy hold land.

PENALTIES FOR DESTROYING BOUNDARIES.

Whoever destroys a boundary line between two villages by ploughing it, forfeits to the king, the oxen that he ploughed it up with, the plough and the iron. He must also pay him the value of the ploughman's right

foot, and of the driver's left hand. He must further pay fourpence to the owner of the land, and replace the boundary line in its former place and condition.

Whoever ploughs land unlawfully, let him pay fourpence to the owner of the land, and a penny for every furrow that is turned up, as contempt, to the king.

If two men possessing equal rank respecting land, should mutually fix the boundaries betwixt their estates, and those on the one side should fix them one way, and those on the other side should fix them in another way, and both parties should swear to what they have done, then it is proper for the law to place the boundary line equally between both these extremes.

Whoever may remove the boundary stone between two villages, let him pay forty pence to the owner of the land, and an amercement to the king; and the same sum shall be paid for destroying a road which forms a boundary line betwixt two townships.

THE KING'S ENTERTAINMENT FROM THE MANORS.

The king's entertainment from a free manor, in winter, is as follows: A horse load of the finest flour which the land can produce; a cow or an ox; a proper barrel of mead, being nine hand breadths in depth, and eighteen in breadth; seven thrave of oats, bound together for provender; a three year old swine; a flitch of bacon salted, being three fingers in thickness; and a vessel full of butter three hand breadths in depth, without the top, and three in breadth; but if these cannot be obtained, then a pound in money in lieu of them, which is the pound of pledge-homage. Twenty four pence must also be given to the king's servants; but if this cannot be raised, they must have two barrels of bragget; and

if bragget cannot be found, then four barrels of ale. The pound of money shall be divided as follows: one hundred and twenty pence go for bread, sixty pence for liquor, and sixty pence for meat.

Vassal manors must grant the king two separate rents in provisions every year:—a three year old swine in winter; a vessel-full of butter, three hand-breadths in depth and three in breadth; a proper barrel of bragget, containing nine hand-breadths every way; a thrave of corn, bound together for provender; twenty six loaves of bread made of the finest flour which the land can produce; if it be wheat land, six of them must be of bolted flour; if it be not wheat land, six of them must be of oats cleared of the husks. Of these six loaves, four of them go to the hall and two to the chamber. They must be as broad as from the elbow to the clenched fist, and as thick that they will not break when held by the two borders. A man must light a fire in the hall that night, or pay one penny to the person who kindles it for him.

The quantity of rent provisions for the summer are, a three old wether; fine fresh butter as broad as the broadest dish in the village, and two hand-breadths in thickness; twenty six loaves of such bread as we mentioned before; curds formed from the milk of the youngest cow in the village, which gives milk once in the day, and which is only milked once on that day; and a cheese made of that milk; and these without malt, without provender for the horses, and without any person to kindle the fire.

The mayor and chancellor ought to make two circuits in the year. Each of them must be attended with two

servants, and the chancellor must chuse the house; but they must not make these circuits in summer.

FILIATION OF CHILDREN, &c.

Some are dubious with respect to the pregnancy of a woman who has been debased, as to what should be paid for it, whether a compensation for shame of face, or a fine for villainy. The law has enacted that it is a compensation for villainy that is to be paid; and on account of the following reasons:—During the first three months the fœtus presents a white appearance, and then a third of the compensation fine for villainy shall be paid for it; during the second three months, the fœtus becomes ruddy in appearance, and then two parts of the compensation fine for villainy shall be paid for it; and during the three last months, the fœtus becomes perfect in its limbs and in life, and, therefore, the compensation fine for the villainy shall be paid in full.

Some have asserted that it is not fully just to pay the compensation fine of a man rather than a woman, since no one knows whether the fœtus in the womb be male or female. The law, however, has enacted that it is quite correct to impose the compensation fine of a man until the infant be baptized. The reason is, every person against whom an action is brought for murder, is required to answer to his name whether he be a man or a woman, but he cannot do this until he be baptized; and, therefore, the infant stands in the right of the man until he be baptized. From that time until he be seven years of age, his father must be responsible for him, but he has no right to pay any fine or amercement for him to the king; because the king cannot claim any fine or amercement in dubious cases, nor for the acts of a fool, who is destitute of rationality. He must, however, in-

dennify the owner of that which he has lost on his account. At the end of seven years and after, he himself becomes responsible for his actions, then his father must pay for him; for then he goes under the directions of his parish priest, and receives his commands.

From the time a boy is born until he be fourteen years of age, he must eat at his father's table, and his father is his lord. No one must correct him but his father, neither can he claim one penny of money during that time, for his father must keep it. If he should die in minority, no escheat must be paid for him, because his father possesses his property, and has it in keeping, and because his father is responsible for him during that time.

If the father should die the first year the boy is born in, the boy enters upon his father's rights.

No heriot must be paid for a boy under fourteen years of age, and his father living; after that, as he enters upon the privilege of his father, he must pay it.

At the end of fourteen years, the father must bring his son to the lord that he may command him. Then the youth must act like a man, and live according to the privilege of his lord. He has then a right to answer to every demand that may be made of him, and to possess his own property. His father has no more right to possess it than a stranger; and if he should do so, upon the youth making complaint of the matter, he can fine him, and make him do justice by fining him for the insult.

If the youth die after fourteen years of age and upwards, and leave no heir, his lord takes all his property; and he must act as a son in his place. His house be-

comes an escheat. From fourteen years of age and upwards there is but one privilege to a free born gentleman; and he possesses this privilege only by his nobility. No one can obtain this dignity until his father's death, nor can he be a knight until he obtain it.

The value of a free born gentleman is sixty three kine of cattle; and the fine for insulting him is three cows and sixty silver pennes. If he be the head of a family, his value is eighty four cows; and the fine for insulting him is four cows and eighty silver pennies.

From the time a girl is baptized until she is seven years of age, she ought not to be put to her oath; and from the time of her birth until she be twelve years of age, she ought to live at her father's table. From twelve years of age and upwards, the usual signs of puberty appear; and then is the time to betroth her to a husband. But if she obtain no husband from that time forward, she has a right to possess her property, neither ought she to leave her father's table unless he wishes it. The father ought not to pay the commutation-fee for his daughter, unless she be betrothed by him. For he who betroths a woman in marriage must pay her commutation-fee; or, let him take the pertness of the woman that was betrothed to the man.

If a woman be carried away clandestinely from the house of her father to another house, and there be slept with, the owner of the house must pay her commutation fee, unless he take security of the man, who brought her there clandestinely, to pay it.

A girl ought to exhibit signs of puberty in her twelfth year, as we mentioned above, and from her twelfth unto the fourteenth year of her age, she ought to continue a virgin. From the fourteenth year of her age until she

be forty, she ought to bear children; and from that time forwards she is not to be fined for murder, nor is she to swear that she will never have any more children, for it is certain that she never will.

Whoever wishes lawfully to deny a son, is not required to do so, unless he be first brought to him lawfully; since it is not necessary to answer to a thing ineffectively, and every thing is ineffective that is not legal.

If any woman wish to filiate a son lawfully, let her do so as follows: let her and the boy with her come to the Church in which the reputed father has a burying place, and let her come to the altar and place her right hand upon the altar and the sacred relics, and her left hand upon the head of the youth, and so let her swear in the presence of God, and this altar, and the sacred relics upon it, and by the baptism of the boy, that no person has had any connections with her, but the man whom she names as the father. In this manner a boy ought to be filiated to a Cambrian. The following is the manner in which a boy should be filiated upon a stranger: Let the mother come to the Church and take the holy water and sacramental bread, and then let her filiate him as we have previously enacted. Then the father must do one or two things, either lawfully to receive the boy, or lawfully to deny him. If he wish to deny him, he must attend the Church we have already mentioned, and place his right hand upon the altar and the sacred relics which are upon it, and his left hand upon the head of the boy, and so he must swear in the presence of God, and by that altar, and by the sacred relics upon it, and by the Being who created him, that he is not

the father of the boy, and that he has not one drop of his blood in his veins, except what he derived from Adam. If he seek for delay of time to give his oath, it is not to be allowed him except until the morrow. If the woman, also, seek a delay of time to fetch the sacred relics, she can only be allowed three days ; for she must not seek for the sacred relics out of the commot in which she resides.

If a father deny a son from the family after he has been brought to him, the boy can never after obtain a father. The reason is, his mother brought him lawfully to the father who disowned him, and, therefore, she can never take him a second time to another father. The father who vehemently and legally disowned the boy, can never after legitimately receive him ; for the law will not undo what has once been decided upon.

This boy shall then immediately enter upon his privilege according to the family of his mother. And if he kill a man, his mother's family must pay the fine ; two parts of it, however, the murderer must pay himself. And if he be killed, his mother's family are entitled to two parts of the compensation fine imposed on account of his death. This is called one of the three severe losses of a family.

The second is, when a man completely kills another, and the family of the murderer give sureties for the payment of the compensation fine, and the murderer be taken to another father before the fine be paid : in this case the law has enacted that as the family has given security for the payment of the fine, they are bound to pay it, for the two following reasons ;—because he committed the crime whilst he enjoyed their privilege, and because they are bound to pay when they have given

hostageship. The third is, when a Cambrian female is married to a foreigner, and she has a son by that marriage, and that son murder a person :—in this case two parts of the compensation fine must be paid by his mother's tribe, and one third by the murderer himself ; and this, because he has no family of his father's to pay it. These are called insecure cattle, because there is no real security given for them ; for all payments were anciently made by cattle.

The two sons we have mentioned above have the same privilege, fine for insult, and value, as the free born gentleman. The one is a declared son, the other a permitted son. A declared son is he whose mother gives verbal evidence of his being the son of such a man without producing legal proofs. Such a son may be disowned when it is desired.

A permitted son is one, whose mother has lawfully brought him to the reputed father, and whose father has permitted him to be there a year and a day without denying him. From that time forward, he can never disown him. And if this son commit murder, he cannot deny him in the difficulty, since he has not denied the misfortune caused by him, that he was his permitted son.

Though the son of a foreign female begotten by a Cambrian has the privilege of his father, yet if he deny him, the son shall be a stranger.

Though a foreigner may wish to deny the son of a Cambrian female, still, the son shall be a free born gentleman ; for from that time forward, he shall take the privilege of his mother.

A father may disown his son on the morrow after he has made amends for the murder he committed, if he desire it.

If a father give property for nursing a son, he cannot disown him afterwards.

If the father die, the head of the family may disown a son, with six men of his family, in the same manner as the father might deny him if living, and in the same Church. These six persons must be the most honourable men of the family, since their oath is equally sacred with the father's oath. If there be no head of the family, twenty one of the most honourable men of the family may deny him. The law of the Powysians require fifty men to disown a son from the family.*

The nearest heir to a son cannot deny him. A brother cannot deny a brother; and if there be no brother, a first cousin cannot disown him. If there be no first cousin, neither can a second cousin disown him, lest they should do so, for the sake of the property. And after he is disowned, no one can obtain his patrimony, who had no right to deny him.

If some persons of a family be for denying a son and the rest for receiving him, it is the most proper to believe those who are for receiving him, if they swear that they do so, without any reward or emolument; because it is the most usual to disown a son, on account of his patrimony.

Any brother has power to disown his sister, except in one case; that is, if the property of her mother, or of her father, be to be divided between them, he cannot disown her, though he may attempt to do it, on account of her share of the property.

* By family, the reader must understand all the relations to the ninth degree of consanguinity, as descended from one head, or chief. These had a chief or head over them, as the tribes had in ancient times.

In like manner, every foreigner* has power to deny his brother, or his sister, unless there be a mutual sharing of their father and mother's property between them, or unless they have to pay a compensation fine for any murder which may be committed.

This is the manner in which a son ought to be received in the family:—The father himself may receive him after he is brought to him by his mother. If his father be dead, the chief of the family, with six of the most honourable men of the family, have power to receive him. The chief of the family ought to take the child's two hands between his two hands, and give him a kiss, for a kiss is a sign of affinity; and then to place the child's right hand in the hand of the oldest of the other men, who must kiss him also; and so from hand to hand, even to the last man. If there be no chief of the family, twenty-one of the most honourable men of the family must receive the boy from the man who is the representative of the lord, and who shall take the child's right hand, and give it into the hand of the oldest of the men. This man shall give the child's right hand to the next in seniority; and so from hand to hand, even to the last man. According to the Powysians, fifty men are necessary either to receive or disown a son.

* The term foreigner here, means one who has come to settle in Wales.

THE THIRD BOOK,

Containing the three Pillars of the Law, the Prices of wild and tame Animals, and the things appertaining to them.



THE NINE PARTICIPATIONS IN MURDER.

THESE are nine participations in murder. The first of these, is to mention the person who is murdered, to the person who murders him; and this is called a bloody tongue. The second, is to give counsel to murder him. The third, is to confederate to murder him. For each of these three participations, the oaths of one hundred men are necessary to clear the accused; and if he be convicted, let him pay one hundred and eighty pence. The fourth participation, is to be a looker on. The fifth, is mutually to assist the murderer. The sixth, is to go with the murderer to the village in which the person is killed. The oaths of two hundred men are necessary to clear a person accused of any of these participations; and if he be convicted, he must pay one hundred and sixty pence. The seventh abetment, is to aid the murderer by violence. The eighth, is to detain a person until the murderer come to kill him. The ninth, is to see him murdered in his presence without defending him. The oaths of three hundred men are necessary to clear the accused of any of these three abetments; and if he be convicted he must pay five hundred and forty silver pennies.

Some say that it is the duty of the family who have to receive property from the criminal, to disown the fact with him. The reason assigned is, because they are aiding the abettors to murder their relation, because, by his murder, they receive property; and therefore, they ought to prove themselves innocent of his blood, wounds and death, by the verdict already mentioned. The law, however, says, that no one is bound to vindicate himself on account of property, and that they are not obliged to prove themselves innocent on that account. The family is entitled to nothing except for the insulting and murdering of their friend; and they are not guilty either of the attack, onset, blood, wounds, or the loss of his life. Where no such guilt exists, there can be no fine for insult or murder; and, therefore, his family are not entitled to pay any thing. It is criminal to become such participators; and, therefore, the lord is entitled to an amercement from such abettors, according to the degree of their abetting: that is, one fold of one, two fold of two, three fold of three, if there have been no mutual fighting in the business; but if there have been mutual fighting, a fine is due to the lord. The amount of the fine is three pounds, or twelve cows; and the amount of the amercement, is three cows, or one hundred and eighty silver pennies.

Whoever may be the murderer, the compensation fine for the crime falls entirely upon him. The following are the proportions in which the fine for murder is imposed upon the family. One third falls upon the murderer, and upon his father and mother with him, if they be living. Of this, two parts of it must be paid by the murderer, and the third upon his father and mother. Of the third which must be paid by the parents, the

father must pay two pence and the mother one penny. If the murderer have children, and they are at age, they ought to pay. The son must pay two pence and the daughter one penny; and he must pay as much as them both. Of the two parts which are imposed upon his families, one third of it is imposed upon his mother's family, and two parts upon that of his father's. In like manner the murder fine is imposed from maternity to maternity, even to the seventh degree. The children of the mother are brothers; the children of the grandmother, are first cousins; the children of the great-grandmother, are second cousins; the children of a mother in the fourth degree, are in the fourth degree of affinity; the children of a mother in the fifth degree, are in the fifth degree; the children of a mother in the sixth degree, are in the sixth degree; and the children of a mother in the seventh degree, are in the seventh degree of relationship. The murder fine cannot be imposed farther than this, because it cannot be ascertained who of the family are subject to it, two or three of them excepted; and that which shall be imposed upon them, shall be levied upon the family from whom their father is descended; and two shares of it shall be paid by the body.

If there be a nephew of a descendant in the fifth degree, he must pay the spear penny; and this he must do to support the murderer. The following is the manner in which it is imposed. The murderer shall take a servant of the lord, and the sacred relic with him; and if he meet with a person in the seventh degree of consanguinity and outwards, let him take oath that he is not descended from any of the four* families to which

* These were, I conceive, the families from whom his father and mother had descended.

the murderer belongs. If he should refuse to take such an oath, let him pay the spear penny, but if he take the oath, let him be free.

A woman does not pay the spear penny, because she has no spear, but a distaff only; neither do clergymen* pay it. Neither does a woman pay any compensation fine for murder, if her oath will free her, that she shall have no children. In like manner, clergymen are exempted; and so also, is a boy under fourteen years of age.

This is the manner in which the murder fine shall be collected. One third of it goes to the lord for enforcing the payment of it. The father and mother and their children shall pay the second third; and of this, two shares must be paid by the father, and one by the mother. If the murderer have children, they must pay two shares. The eldest son must point out his father's heir and his family, and attend the lord's servants in collecting the murder fine.

The time fixed for collecting the murder fine, is a fortnight in every lordship in which the families live; so that they may have time to be summoned to discuss the payment, and as much to compel them, and to bring them together to pay it. In a triad, the surety is mentioned as having a right to enforce the payment of the murder fine, and that in three thirds. Two thirds are to be paid by the father's family, and one third by the family of the mother; because two thirds are imposed upon the father's family. The first time the father's family shall pay their third, they are entitled to the

* The original is YSGOLEIGION, *scholars*; and as the clergy of those times were the only scholars in the kingdom, they were honoured with the appellation.

oaths of one hundred of the most honourable men of the family belonging to the person that was killed, who must swear that they have forgiven them for the murder; the second time they pay the third, they are entitled to the oaths of the same number, signifying that they are forgiven; and on the third time, when the mother's family pay their third, they are entitled to the oaths of the same number of the most honourable men belonging to the family of the murdered person, signifying that they have forgiven them the murder; that there shall be eternal peace established between them that day; and that they will act in perpetual harmony in future.

As the oaths of three hundred men are necessary to clear a family from a charge of bloody homicide, wounds, and the murder of a person, so, the oaths of three hundred men are necessary to assure the offending family of forgiveness, and to establish amity between the families, as we have previously enacted. To clear a party from a charge of murder by outrageous violence, the oaths of six hundred men are necessary; for as its murder fine and atoning value are double, so, there must be double the number of persons to clear the accused.

When a person is killed, a fine is imposed for insult, and this fine is not to be augmented; and therefore it is proper to pay the fine for the insult before the murder fine. If the man have a wife, let a third of the insult fine be given to her, and two parts to the brothers, and to the first and second cousins. If his father be living, he must have as much as two of the brothers; and if his mother be living, she must have as much as two sisters. And this is the best form; for if one person insult

another, he ought to pay as much to these persons as if the insult had been given to himself. Others say, that after one third is given to the wife, two parts must be mixed with the murder fine, and shared between the family.

The lord claims one third of the insult fines which he compels the offender to pay, as he has a right to one third of the murder fines.

Neither clergymen nor women must pay a share of the murder fine, for they are not avengers; but women must pay for their children, unless they take oath that they shall never have any.

Some of the judges permit the mother, father, brothers, sisters and their heir, to pay with the murderer. For, as these persons obtain one third of his murder fine, so, they ought to pay one third of the murder fine with him. Twice as much more of the murder fine must be paid by the murderer as by the father; the father must pay twice as much as his other son; the mother must pay as much as her son; the brother as much as his two sisters; and the murderer himself as much as his two sons. This is the law of Howel.

A barren woman pays no murder fine; nor does a female pay after she has ceased to bear children.

CONCERNING MURDER AND INSULT FINES.

The murder fine of the king of Aberfraw, is his three-fold insult fine. The murder fine of the king's wife, his son, his heir apparent, his nephew, and his master of the household, is one third of the king's murder fine; and their insult fine, is one third of the king's insult fine. The murder fine for the king's daughter, is half the murder fine of her brother; and her insult fine the same, before she marries.

The murder fine of the steward of the household, and the chief of the tribe, and the chancellor, is one hundred and eighty nine cows, which they receive at once in triple augmentation, and their insult fine, is nine cows and one hundred and eighty silver pennies.

The murder fine of every one of the officers of the court, is one hundred and twenty six cows, which is paid at once in triple augmentation; and their insult fine, is six cows and one hundred and twenty silver pennies.

The murder fine of the mayor, and of the freeholder's son, is as much as the murder fine of two of the officers; and their insult fine the same.

The murder fine of the head of a family, is eighty four cows; and his insult fine, is four cows and eighty silver pennies.

The murder fine of a free born gentleman, and of the king's stranger, is sixty six cows; and their insult fine is three cows and sixty silver pennies.

The value of a captive, if of this island, is one pound; if from beyond sea, one pound five shillings.

The insult fine for a captive is twelve pence; sixpence of this goes for a coat, threepence for a pair of breeches, one penny for a pair of boots, one penny for a reaping hook, and one penny for a rope; but if the captive be a woodman, let one penny be given for an axe in lieu of a reaping hook.

If a captive insult a free man, let his right hand be cut off, unless his lord redeem it. A captive's hand, is of the same value as the king's hand.

THE NINE PARTICIPATIONS OF THEFT.

There are nine participations in theft. The first is to shew a place where goods may be stolen from. The second, is to consent to the theft. The third, is to give

provision to the thief. The fourth, is to go in his society and to carry him the provision. The fifth, is to go with him and to break into the place where there is property to be stolen. The sixth, is to be a counsellor, and a receiver of the thief. The seventh, is to accompany the thief either by day or night. The eighth, is to receive a share of the stolen goods. The ninth, is to receive a reward from the thief for concealing him.

For each of these participations, a fine is to be paid, if the abettor be convicted. The fine is twelve cows, or three pound, which must be paid to the lord. The proprietors of the lost property are not to pay any thing, for they are not to pay any thing, for they are not stained with plunder. If they cannot obtain the fine, the lord can exile them ; but if they receive three pence in lieu of three pounds, that will satisfy the law. If they be able to obtain the payment of the fine, they ought not either to be exiled or outlawed.

If there be a denial of these participations for theft, the accused must clear themselves in the same manner as those accused of murder.

The following is the manner in which those accused of theft are to clear themselves in the law of Howel. The oaths of twelve men are necessary to clear the accused for stealing a horse, or sixty silver pennies ; for this is the lowest value of a horse, in law. Half of these jurors must be men of note, and the other half common men ; two parts of them must belong to the father's family and one third to the mother's ; and they must be so nearly related to the accused, that they have a right either to pay, or receive his murder fine. To deny stealing a steer, the oaths of six men, and himself forming the seventh, are necessary ; and half of these must be men

of note. To deny stealing a swine, a sheep, or a back burden of any thing, the oaths of five men are necessary to clear him ; half of them must be men of note, the other half common men, himself forming the fifth. In this case, the verdict results equally from the two families, since there cannot be a third in four persons.

These jurors cannot proceed but according to a legal process. A legal process is formed by the oath of the owner that he really enters a prosecution against a person on account of stolen goods; for there can be no prosecution except by the proprietor.

Though the owner of stolen goods may give verbal evidence respecting the thief, yet if he refuse to swear to the allegation, verdict must be given in favour of the defendant.

Though a person, who is not the owner of the stolen property, should commence an action against the accused, the oath of the defendant alone will be sufficient to clear himself, because no one but the owner ought to prosecute for robbery.

If any juror, who form the jury we have previously mentioned, fail in evidence, he shall be punished only by a fine ; unless any one wish to prosecute him for perjury.

Though the witnesses for the accused may be unable to clear him of the charge brought against him for stealing, still, he shall not lose his life, if he pay seven pounds ; and if he cannot pay that sum he must be banished. Others say, he must lose his life, unless he obtain his value.

Whoever is banished by the sentence of the law, must begin his journey into exile on the morrow ; and from that time forward, a day is allowed to pass through

every hundred belonging to the lord who banished him. This is the time fixed upon for an exile to quit the country.

No one must be put to death, if nothing be found in his hand.

Whoever shall pay a thief for the stolen goods he has in his possession, and let him go either on account of relationship or of money, let him pay seven pounds, if he be convicted; for though the thief forfeits his life for the crime, he that connives at his escape, does not stand in the same predicament. If he be unable to pay, let him be banished as a thief.

Whoever is exiled by the sentence of the law, and remain in his country beyond the time granted to him, let him lose his life, unless he be able to redeem it; for no one must remain in the country during the life of the lord who banished him, unless he obtain liberty by specific agreement.

Whatever shall be found in another man's house to which a thief has come, and he be unable to account for it, let him suffer confiscation of property; and if his property be not confiscated, let him be banished.

If stolen goods be found in any house which is inhabited, and though the owner be clear of the theft, yet he has a right, nevertheless, to guard his house; and, therefore, we have enacted; that that house and all that is in it, a pledge excepted, shall be forfeited. But as the owner of the pledge is not bound to guard another house from receiving stolen goods, he shall lose nothing of his property.

There is no law where plunder is due by foraging, except where a man is murdered in the act.

Whoever wishes to make a certitude of discovery, let him go to the lord and say, that he saw a person commit a theft, but that he durst not speak to him, either on account of his rank, or of his property. Then the lord must send for the priest, and state to him what the other has asserted; and the priest must go with the informant to the church door, and let him make the mark of the cross as a sign that he is not guilty of perjury. Then, if he wish to swear, let him swear to it first at the church door, secondly in the chancel, and thirdly at the altar. Then, let the priest state to the lord and say, that the informant performed every thing that was required. After this, the lord must swear that he has obtained a certitude of discovery, when the criminal may claim judgment in his favour; and against this oath nothing can be effected. Still, he shall not lose his life for the theft, but he must pay the price of a thief. If he be unable to pay his value, let him be banished, as a thief. Others wish permission for him to disown the charge, though it is enforced by the lord in like manner as it is enforced by a proprietor; and this is the most which the North Wallians believe about it.

If a person find the flesh of an animal that is not his own, whether by dogs, or in a secret place, and take it away without permission, it shall be fineable until it goes to the hundredth hand, either by gift, dower, or purchase. After this it is called a piece of a hundred recurrences; and it doth not go further than the hundredth hand.

Whoever wishes to seize stolen property from the hands of another, let him go before the head of the animal which he would detain, and let him ask, "Who is the keeper of this beast?" If no one replies that he is

the keeper of it, let him receive permission to take possession of it. After he has received permission, let him go to the judge, and as the judge shall counsel him, let him take it, and let him be sworn. If, whilst he be detaining the property, the keeper come and oppose him, and ask also, "Who keeps this animal?" Then it is right for the keeper to say that he is the person who takes care of it. Then it is proper for the plaintiff to say, "Evil be to thee for keeping my property;" and then it is right for the defendant to reply, "It is altogether denied; nothing belonging to thee is in my possession; and since there is nothing, discriminate the animal thou hast lost, and state the time when; for it is proper for these things to be known."

There are six ways in which a man may be able to distinguish his own property; in three of these cases it is effected by appraisement, but in the other three it cannot be effected in this manner. That is to say, the three cases wherein property cannot be ascertained by appraisement, are those of a deposit, a loan, and interest or kindness; for it is not right for any one to demand a knowledge of the place where they are, or to enquire how they came to the possessor. The three others may be known by appraisement, the first of which is stolen property, the second property lost by negligence, and the third a thing unaccounted for. The reason why such things are to be sworn to is, because the possessor did not receive them properly from another man's hand, therefore such property should be sworn to where they are seen.

Whoever wishes to swear to property, let him do it in the following manner. If the property be inanimate, let him swear to it with his left hand upon that which

he wishes to be his own. If it be a living animal, let him swear to it with his left hand upon the right ear of the animal, and his right hand upon the sacred relics; let the defendant place his right hand upon the left ear of the animal; then let the plaintiff swear that there is no owner besides himself, who has any right to purchase, or sell the animal in question; that he did not part with it either by gift, or loan, or deposit, or sell it for its price; that it was taken from him either by theft, surreptitious removal, or by loss; and then he must name the day or night, the month, the time and the year in which it was lost.

Of an animal which may be found, there are three sources of claim: birth and rearing, keeping it before it was lost, and warranty.

If he wish to recover his property by avouchment of its birth and rearing, it is done as follows. Let the keepers give evidence respecting the mother of the animal, its birth and bringing up under their care, and that it never went from them from the time of its birth until the day mentioned. One of these keepers ought to be a man above his rank, and the other below it; and if he can obtain these, it will be sufficient.

If he choose to make an avouchment on account of keeping the property before it was lost, let him swear to it according to the form we have previously mentioned. After he has sworn to it, let him also say that the animal was also with him either eight days, a month, or a season before the other received it, and that it was taken care of for him, as his property, by lawful keepers, either eight days, a month, or a season, before he lost it. If he can do this, it will be sufficient.

If he seek to recover it by warranty of avouchment, let him ask, "Who will avouch to it, or who will prove it by warranty?" If there be a defendant in the field; let him accept his avouchment concerning the theft, and let him also be free. And if it be accepted by warranty, let him swear to its value on the spot, and also possess it. If he desire it, let him seek for another warranty, or let it fall from his possession.

In like manner, the stolen property may proceed from hand to hand, until no one may be found in the field to take it.

If there be a defendant in the field, who will claim it with him, and his avouchment upon warranty be in another place, let time be given him to obtain his warranty, that is to say, three days if it be in the same count, a fortnight if it be in another country, and so it proceeds to the third hand, from whence the law will admit of no delay. And if he demand it of him from the third hand, he must give it up, if there be no stop in the proceedings.

If any defendant wish to produce a warranty to the plaintiff, and fail in his attempt, let him be a confessed thief; and therefore, let him pay the plaintiff according to the value of the stolen goods.

In the law of Howel, if the stolen goods amount to four pence in value, the thief must pay it; but if it amount to any more, the thief loses his life. Others contend that for every four-footed animal that is taken in theft, the thief forfeits his life; nevertheless it is the most safe to limit it to four pence.

The price of a thief who is valued, is seven pounds. He who forfeits his life does not lose any of his property, for there must be no havoc and revenge besides what

he must pay for stealing away the property. The reason is, because he ought not to have any demand upon him.

In the law of Howel there was a double condemnation for theft; but Bleddyn, the son of Cynvan, abrogated this law, because it appeared sufficient to indemnify a man for the loss of his property according to his appraisal. His property should go in the way he has bequeathed it, unless he have children. If he have children, he can bequeath nothing except his debts, and a mortuary to the church.*

A lord can claim no heriot of a person put to death; but if he be put to death in another country, he is entitled to his heriot.

There can be no compensation fine demanded for the death of a robber, nor can there be any law allowed between the two families for putting him to death.

Violent men from another country who have wandered from their lord, ought to be sold as thieves; but if they are killed, a compensation fine must be paid for their deaths.

Traitors to their lord, outrageous persons, and every person who forfeits his life by the sentence of the law, are not entitled to any compensation fine on account of their deaths.

If outrageous persons make a denial of their outrageousness, they ought to do so in a double fold.

Outrageousness is to render property useless either to the criminal or to the owner.

Theft is every thing that is denied having been taken away.

* This paragraph is evidently the addition of some later hand.

Surreptitiousness is every thing which is taken away in the absence of the owner, and not denied.

Oppression is every thing that is taken away in the owner's presence and against his consent.

Deception is every thing that is taken in another form. A person guilty of deception is not to pay any thing, but merely to indemnify the owner for his property.

A captive is not to lose his life, if his lord wish to redeem him; and if the stolen goods be not found upon him, his lord may apologize for him. On these accounts, it is become customary for lords to apologize for their vassals.

Foreigners from beyond sea, or from another country with a barbarous language, are not to lose their lives for stealing food, or any thing else for the first three days and nights; but whatever they take after that period, they must indemnify the owner.

Respecting a dog, or a bird, there is to be no fine imposed, or loss of life required of the thief, but he must pay an amercement, and restore the property to the owner.

THE NINE PARTICIPATIONS OF FIRE.

There are nine participations of fire. The first is, to give counsel to burn a house. The second is, to enter into a confederacy with an incendiary to burn it. The third is, to go away on account of its burning. The fourth is, to carry the fuel. The fifth is, to strike fire. The sixth is, to procure combustibles. The seventh is, to kindle the fire, if it should not readily take. The eighth is, to give the fire to the incendiary who should burn it. The ninth is, to see it burning.

Whoever wishes to deny any one of these participa-

tions, he must produce the oaths of fifty men to clear himself. And if he be charged with clandestine intentions, the one-half of his jurors must be men of note, and the other half common men, or let him pay the entire damages.

Whoever burns a house, and by so doing sets fire to another, let him pay for the house that took fire from the other, and so for every house as far as the fire may extend.

Whoever gives fire to another to burn a house for him, let him pay one third of the damages, if he be convicted.

Whoever shall kindle a fire in a house that is not his own, and it be burnt down within three nights and days from that time, he shall make satisfaction for his action.

Whoever shall kindle a fire under a lime kiln, and does not receive an acknowledgment of the person who last used it, and it be burnt down through the carelessness of the former occupier, let him pay one third for his action.

Whoever shall convey fire surreptitiously, let him pay for his act, and for his clandestine behaviour.

Whoever shall demand fire and it be given him, must pay for the consequence.

Whoever wishes to borrow fire, let him go without being questioned, or interrogated.

There are three fires, for which no redress can be obtained: the burning of furze in March; the fire of a smithy in a hamlet, that is seven fathoms distant from the houses, and having a tile or proper covering; and the burning of ointment in a hamlet that shall be seven fathoms from the other houses.

Whoever shall accept a thing as a deposit, let him pay for its being burnt, as before.

If any person shall set fire to a house in a town, let him pay for the two nearest houses that may take the fire; and so on, from the nearest to the next.

A compensation fine for villainy is not to be paid according to the fire, but according to the hand that kindles the fire.

If any person whatever set fire to furze, except in the month of March, he shall pay for it.*

Weavers, who take yarn or balls belonging to other people to weave, must pay for them if they burn them; because they must take particular care of them that they are not lost.

There is no fine which can be imposed for the burning of any person, unless it can be proved that some person, being with him, was the cause of his death.

If swine enter a house and scatter about the fire so as to set the house on fire, and the swine escape, let the owner of the swine pay for their act. If the swine be burnt, then both house and swine are equal, for both are stupid. Therefore, as both have equally suffered according to law, there is nothing to be redressed, but the injury of the one must be set against the injury of the other.

Let no one take away fire without permission; and if he should do so, let him pay an amercement, since nothing else can be done to him.

Let no one give fire without knowing what is to be done with it; and if he should do so, let him pay one third of any mischief that may arise from it.

* This law is still enforced in Wales by the sporting gentlemen, on account of moor game.

If a person, carrying fire from another house, throw it about him, let him pay any damages that may arise from it, unless he be able to prove that the sparks escaped him by the force of the wind.

If a person go to dry corn upon another kiln, he must abide by any consequences that may arise from it for three days and nights, from the time he begins.

No person shall lose his life for violence. The reason is, that a fine is imposed upon him who is guilty of rapine; for his property is taken, and according to his state, he shall make amends, by having a fine imposed upon his property, and also a fine to the lord.

THE VALUE OF ANIMALS.*

The value of a young foal of a mare, is four pence until fourteen days after its birth; from fifteen days old and upwards, it is worth twenty-four pence. If it be found in corn, its damage is equal to its mother. In this state it shall remain unto the end of the year; and if it attain the age of one year and a day, it is worth forty-eight pence. If it attain three years of age, it is worth sixty pence; and then it will be time to tame it with a bridle and to teach it its duty, whether as a stallion, a palfrey, or a serving horse.

A stallion loses nothing either in value, or privilege for three seasons, for grazing out; namely, from the middle of April unto the middle of May. If he be then put into a stable for three days and three nights, his value is one pound.

The value of a palfrey is one hundred and twenty pence.

* This section cannot fail of being interesting to those readers who dislike law and its dry technicalities, because it shows the value of animals in the tenth century of the christian era.

The value of a pack horse, is one hundred and twenty pence.

The value of a serving horse is sixty pence.

The value of a wild horse is sixty pence.

The value of a stallion is the price of his two stones, with two mares, and he himself forming the third ; that is, one hundred and eighty pence.

In purchasing a horse the buyer should prove his qualities by demanding time to ascertain whether he be free from the three following disorders : on account of the staggers, he must have three nights to prove him ; on account of black pulmonaria, three months ; and on account of the glanders, one year. It should also be ascertained, whether it become restive when it is backed among a multitude of men and horses ; and if it should not be restive, the seller is free from the buyer ; but if it should prove restive, one third of the price must be returned.

The price of a foot-horse is its entire price. The value of its eye is one third of its whole price, and the value of the other eye is another third.

For every blemish in a horse, one third of its price must be returned, its ears and tail excepted.

Whoever shall cut off the hair from a horse's tail, must give another horse in lieu of it to the owner, and he must also keep the injured horse until his tail grows as long as formerly.

The mane of a steed is of the same value with its bridle ; and its halter is of the same price with its fetterlock.

Whoever shall borrow a steed of another, and rub the hair so as to gall its back, he shall pay four pence ; if he force the skin into the flesh, he shall pay eight pence ;

and if the flesh be forced to the bone, he shall pay sixteen pence.

Whoever takes away a horse clandestinely, let four pence be paid for mounting it, and eight pence from every estate in which it shall be ridden. Nothing can be claimed for dismounting, for it is proper to dismount after the animal has been mounted. What is imposed, goes to the owner of the horse, and an amercement to the lord. If the animal should die with him, his own personal oath will not place him upon a level with the owner. If the animal made its wages, let him pay the owner for his wages.

If a person hire a horse to a certain place, and go beyond that place with it, let him pay one third of the profit to the owner of the horse. The same law extends to other property; and a fine for the clandestine proceeding, goes to the lord.

If a borrowed horse become ill, or obtain any other bruise, let another be given in its place until it recover; and until it do recover, let it remain with the borrower.

Four horse shoes and their complement of nails, are worth two pence.

If a horse be sold which has a fault in it, and nothing strange appear in the skin, no damages can be recovered, unless it prove to be one of the three defects, provided the seller swear that he knew not of the fault.

The value of a filly, is four pence for the first fourteen days after her birth; sixteen pence when a year old; thirty-two pence when two years old; sixty pence when three years old; and then she must be set to work. The value of her mane is one penny, being the same as her halter. Her qualities are to draw a car up steep ground and down it, and to breed colts; and if

she do not possess these qualities, one third of her price must be returned.

The value of a calf from the time of its birth until the first day of winter, is four pence; from the first of winter until August, when it takes the bull, its value increases two pence every season. From the ninth of August, four pence more shall be set upon it, on account of its calf. From that time forward, two pence shall be added to it every season, until the ninth of May; and from that day it ought to have a calf, and then its value is forty pence; and the calf ought to be able to walk nine paces, and to draw milk from the four teats. The price of her calf is four pence until the first day of winter, and from that time forward, it shall be of the same price as every other calf. Her milk is valued at sixteen pence, and her calf at four pence. From the middle of summer and forward, she ought to take the bull, and from the day she is bulled, four pence is laid on to her value. From that time forward, her value encreases by two pence every season, until the middle of March, or April. At that time she ought to have a calf, and the price of the calf should be added to the price of the cow, until the value of the latter be sixty pence. So she shall proceed unto her fifth calf, for during this time she is in her beauty; and after that time her value shall be fixed by appraisement. The quantity of her milk is such, as will fill a vessel which is three inches in diameter at the bottom, six in the middle, and nine inches in depth. The inch is measured by the breadth of the judge's thumb. The value of her ear, her horn and her eye, is four pence. The value of her teat is four pence every year, or that of a ewe and her lamb, that may be able to protect her lamb from a May shower with her

fleece; and this at one time. If she be barren, thirty pence shall be her value every year for life. If there be contention for her milk, she must be taken to such a pasture on the ninth of May, where no beast has been feeding before her. There, the owner must milk her without leaving any thing for the calf, and produce a can-full of milk. If she fill the can twice a day, it will be sufficient; but if she fail to do so, the deficiency must be supplied by giving her oatmeal unto the feast of St. Curic; from thence unto the feast of St. Michael, with barley flour; and from thence unto the first day of winter, she must have rye flour.

If a person buy a cow, big with calf, and she suffer an abortion, the seller must produce the oaths of the herdsman and of the woman who milked her, to prove that she has not lost her qualities.

The value of a young steer, or of a splayed heifer, is the same. When their necks are submitted to the yoke, their value increases; from the ninth of February, their value increases by four pence; and from that time to the end of the year, their value increases by two pence every season. In this state they continue until the sixth year, and after that, they are valued by appraisement. If they plough from morning until evening, on the ninth of February, the first time they are brought to the yoke, the person who sold them shall be free; but if they cannot continue at work for such a length of time, thirty pence ought to be paid for each, according to its qualities. If one of them only continue to plough, let fifteen pence be paid every year.

The tail of a calf is worth one penny the first year, two pence the second, three pence the third, four pence

the fourth year; and this last sum shall be its highest value.

Whoever sells a steer, ought to warrant him clear of the three disorders incident to cattle, and more particularly against diseases unto the feast of St. Padric. The person also, who purchases the animal, must keep it in a healthy place, and in a building in which no disorders have entered for seven years before.

The price of a little pig, from the time it is born until it begins to burrow, is one penny. When it ceases sucking, which is at the end of three months, it is worth two pence. From that time it goes to the wood with the swine, and it is considered as a swine, and its value is four pence. From the feast of St. John unto the first day of January, its value is fifteen pence; from the first of January unto the feast of St. John, its value is twenty-four pence; and from that time forward its value shall be thirty pence, the same as its mother.

The qualities of a sow are, that she breed pigs and do not devour her young ones. The seller must also warrant her sound against the quinsy, for three days and nights after she is sold. If she should not possess these qualities, one third of her price must be returned. The value of a boar is equal to the value of three sows.

The value of a lamb, from the time it is yeaned unto the first day of winter, is one penny; from the first of winter until it is a year old, two pence; and from that time forward four pence.

The qualities of a ewe are to give milk, and to bear lambs. The seller must also warrant her sound from any liver complaint, from the first day of May until she satiates herself three times with new herbage. Her

qualities are worth three pence, or a dried* sheep; two for her lamb, and one for her milk. Her eye, her ear, her horn, her tail, and her udder, are each of them worth one penny.

A ram is worth three ewes; one for each of his testicles, and one for his own body.

The price of goats is the same. . . . The qualities of a young year old goat are to give milk, and her price is one penny half-penny.

The price of a cat is four pence. Her qualities are to see, to hear, to kill mice, to have her claws whole, and to nurse and not devour her kittens. If she be deficient in any one of these qualities, one third of her price must be returned.

Every clean animal is of half the value of its qualities; and every unclean animal one third.

The value of a goose is one penny, and the value of a gander is that of two geese. The value of a hatching goose is as much as her nest; and there ought to be twenty-four goslings in her nest. The price of each of these goslings is one half-penny, or a sheaf of barley; and this until they lay. After they lay, the price of each is one penny; and, therefore, the value of a hatching goose is twelve pence.

The value of a hen is one penny, and a cock is worth two hens. Every chicken is worth a sheaf of oats, or one farthing, until it can fly. After it can fly, it is worth one half-penny until it lays; and after it lays, its value is one penny.

The value of the king's buck-hound is one pound, when trained; one hundred and twenty pence un-

* That is, hung mutton, which tastes not unlike venison, when properly prepared.

trained; sixty pence when a year old; thirty pence when a young cub in the kennel; and fifteen pence from the time of its birth until it opens its eyes.

The king's greyhound, if trained, is worth one hundred and twenty pence; if untrained, sixty pence; if a year old, thirty pence; if a cub in the kennel, fifteen pence; and from the time of its birth until it opens its eyes, seven pence-half-penny.

The king's lap dog is worth a pound; the lap dog of a freeman, one hundred and twenty pence; that of a foreigner, four pence; and a common house dog is of the same value as the latter.

A freeholder's buck-hound is of the same value as the king's greyhound.

Whatever dog a stranger may possess, its value shall be the same as that of a dunghill dog. Whoever possesses a dunghill dog, its value is four pence.

A shepherd's dog shall go in the morning before the flock, and fetch them home at night. Its value is the same as a steer, which is perfect in all its parts.

A hawk's nest is worth one pound. The young unfledged hawks are worth one hundred and twenty pence; and after they are fledged and become fair, they are worth one pound; if they belong to the king. If they belong to a freeholder, they are worth one hundred and twenty pence, if fledged; if unfledged, sixty pence; and a growing one, if it be a hawk, is worth twenty-four pence.

The nest of a sparrow-hawk is worth twenty-four pence; before the young ones are fledged, they are worth twelve pence; and after they are fledged, their value is twenty-four pence.

Any bird whatever that belongs to a vassal, is of the same value as a hen.*

The value of an old swarm of bees, is twenty-four pence; that of a virgin swarm is sixteen pence; and that of a second swarm is twelve pence. A swarm, from the virgin swarm, is worth twelve pence, and that from the second swarm is eight pence. If a hive swarm after August, its value is four pence, and it is called a winged swarm. The value of a hive of bees is twenty-four pence, and so to the first day of winter. From the first of winter and subsequently, it shall be considered as an old hive, and its value is twenty-four pence. A winged swarm is not to be considered old until the first day of May following, and then its value is twenty-four pence.

A swarm of bees knitted upon a branch, is one of the three hunts.

The value of a stag, from the first of winter unto the feast of St. John, is sixty pence; and he that kills him clandestinely, must pay an amercement for the act. From the feast of St. John unto the first day of November following, there are twelve legal pieces in the stag, and the value of each of them, is sixty pence. These twelve pieces are the two haunches and the horns, the tongue, the breast, the heart, the strait gut, the liver, the two loins, the saddle, the stomach, and the neck. Such is the number, and he that steals them must pay an amercement of thirty six cows.

If the king's dogs chase a stag and kill it, let the owner of the land, whoever he may be, take both the dogs and the stag, and let him keep them until the

* It is singular that animals and birds should be prized not according to their intrinsic value, but according to the rank of those who kept them.

middle of the day, without flaying the stag, if it be morning; then, if the huntsmen do not come up, let him flay the stag, keep the flesh and the skin, feed the dogs, and then take them home. If it be nearly the middle of the day, let him keep the stag until noon; if in the afternoon, let him keep it until vespers; and if it be after vespers, let him keep it until the morning and spread his mantle about it. If they come on the morrow, let him keep the substance of the flesh and the skin, and let the huntsmen have the stomach. If they come before the flesh be cut up, let one quarter be given to the owner of the land. The hinder quarter goes to every superior lord, and the fore quarter to every lord of the soil.

If a stag be chased and killed, the owner of the soil has a right to the hinder quarter, whoever may own the dogs.

Whoever may find a clean animal dead upon land, claims one quarter of it; and the owner of the land has the rest of it.

Whoever finds an unclean animal upon another person's estate, is entitled to one penny, and the animal goes to the owner of the soil; and nothing but this shall be taken from the small wild animals.

Whoever finds a swarm of wild bees, is entitled to one penny, or the wax; and the swarm goes to the owner of the soil.

Whoever shall lay a snare on another's land without his permission, must pay four pence for breaking up his land, four pence for closing it up and for what is in the snare, and an amercement to the king.

The value of a roe-buck and a buck, a goat and a young roe, a fawn and a kid, is the same.

THE VALUE OF SKINS.

The skin of an ox is worth eight pence; the skin of a stag, eight pence; a buck's skin, seven pence; a deer's skin, seven pence; a sheep's skin, one penny; a goat's skin, one penny; a roe-buck's skin, one penny; a fox's skin, eight pence; an otter's skin, eight pence; a wolf's skin, eight pence; a martin's skin, twenty-four pence; and the value of a beaver's skin, is one hundred and twenty pence.

THE VALUE OF TIMBER.

The price of an oak tree, is one hundred and twenty pence. If it have two branches both of an equal thickness, each of them is worth sixty pence. If they be not of equal thickness, but both of the same growth, the value of the cross branch, which grows from the heart of the tree, is thirty pence. For the top of the tree there is no price fixed, except an amercement to the king. Whoever shall make a perforation in the tree, shall forfeit twenty-four pence to the owner of the wood, and an amercement to the king. The value of a knotty oak, which does not produce acorns, is four pence. The price of a hazel grove, is twenty-four pence; and if one hazel be taken from the grove, its value is four pence. Every tree that bears fruit, is of the same value as a hazel grove, oak and apple trees excepted. A young graft is worth four pence unto the first day of winter, if it grow after it is grafted; from that time forwards, it increases two pence in value every season, until it bear fruit; when it bears fruit, it is worth sixty pence; and then it becomes of the same value with a young calf. A wild apple tree is worth four pence, until it bear fruit; and when it produces fruit, its value is thirty pence. Every tree which is produced in the shade of trees, is

worth twenty-four pence. Every tree that does not bear fruit, the yew tree excepted, is worth four pence; and every branch of brushwood is worth a penny. The money given for timber, goes to the owner.

THE VALUE OF HOUSES.

Here Jorwerth, the son of Madog, being engaged in collecting materials, wrote down the value of houses, furniture, domestic ploughs, and of damaged corn.

The first is, that whoever may destroy the king's hall must pay forty pence for every pillar which supports the roof. There are six pillars in the hall; therefore, eighty pence must be paid for the roof, and one hundred and twenty pence for the outbuildings.

For the hall of a freeholder, twenty pence are required for every prop that supports the roof, and there are six of them; and thirty pence is the value of each of the out-houses.

The value of a bondman's house is ten pence for every prop that supports the roof; and thirty pence for each of the out-houses. His summer house is worth four pence, and his winter house, eight pence.

Whoever breaks down houses unlawfully, let him pay four pence for every large tree that is in them; four pence for the doors and door posts; four pence for the front ornament; four pence for the door sill; four pence for the back fire stone; one penny for every pole, rod and shingle; one penny for the spreading poles and the rafters; one penny for the binding rod; one penny for the thatch fastener; one third of the value of the house shall be for the covering and the shelter of the house; and one third of the covering shall belong to the shelter.

THE PRICE OF HOUSEHOLD FURNITURE.

Here is the price of furniture. The king's cloak is worth one hundred and twenty pence; his cushion, twenty-four pence; his cauldron, one hundred and twenty pence; his flesh fork, thirty pence; his harp, one hundred and twenty pence; and his tuning key, thirty pence. The harp of the chief of song is worth one hundred and twenty pence; his tuning key, thirty pence; and his draught board, one hundred and twenty pence. The horn* that the king drinks out of, is worth one pound; his rallying horn is worth a pound; the horn of the chief huntsman is a pound; and each of these three ought to be made of buffalo. Each of the king's rarities, as his phials, his rings, and his horns, is considered as worth one pound, for they must not be valued by appraisement.

The cloak of a freeholder's son, is worth sixty pence; his cushion, twenty-four pence; his cauldron, sixty pence; his flesh fork, twelve pence; his harp, sixty pence; his tuning key, twelve pence; his draught board, if it be made of the horn of a sea fish, sixty pence; if it be made of new horn, twenty-four pence; if of a beast's horn, twelve pence; and if of wood, four pence.

* The horn was anciently one of the most costly pieces of furniture in the Welsh halls. It was made of buffalo; the rim was tipt with gold or silver; and the small end had a valve neatly fitted in it. When the guests assembled to carouse, each was obliged to quaff off a hornful of liquor at one draught, and then, pulling the valve out, to blow in it, that the company might be satisfied there was no finching. With allusion to the drinking horn of my countrymen, Owain Cyveiliog, prince of Powys, sweetly sings:—
 "Cupbearer! produce the horn for mutual carousing; we are full of longing for the influence of the hue of the ninth wave;—the long blue horn of glory, covered with gold. . . . Fill up thy horn, cupbearer, that is tipt with gold, and honourably drunk with mead highly foaming."

A brewing tub, made of boards, if it be the king's, is worth twenty-four pence; if it be a freeholder's, twelve pence; and if a bondman's, six pence. Every mashing tub made of one single tree, is worth four pence.

The value of a bag and of a winnowing sheet, is four pence for each of them; a churn, one penny; a pail, one penny; a foot trough, one penny; a wooden bottle in which liquor is poured, four pence; an iron pan, one penny; a water pot, four pence; a sieve, two pence; a willow water pot, two pence; a willow sieve, one penny; a white water pot, one penny; a broad axe, four pence; a fuel axe, two pence; a little axe, one penny; and a large auger, is two pence. The value of a middle auger is one penny; and that of a gimlet, one half-penny. The sickle, the shears, the shovel, the mattock, the hedging bill, and the trimming hedge bill, are each of them worth one penny. A rasper, graving tool, a borer, and a small bill hook, are each worth one half-penny. The value of a plane is one penny. A water bottle, a grubbing hoe, an arrow, a turner's wheel, a spindle, a reel, a reel for winding yarn upon, a flail, a barrel hoop, a washing beetle, a spattle, a wooden shovel, a fork, a hay rake, a besom, the instrument for dressing flax, a young chicken, a fetter for cows' legs when they are milked, the tail of the plough, a calf skin, a mirror, a bark dish, a wooden nippers, and a bason, are each of them worth one farthing. A chest, a copper pot, a brand-iron, a bakestone, a boat and the things which belong to it, a cask, a hammer, a hound, a neat after it is become old, and every thing, the value of which is not fixed by law, is to be valued by appraisement. The value of a flesh dish is two pence, and of a small dish, one penny. A sieve, barn riddle, and a wool

card; are each worth one penny. A polishing stone is worth one half-penny; and a dish and a kneading trough, are each of them worth one penny. A hair rope, twelve cubits in length, is one penny; and a rope made of the bark of elm, and being twelve cubits in length, is of the value of a penny. The collar of the king's greyhound is worth eight pence; and that of the gentleman's greyhound is valued at four pence. The leash of the king's greyhound is valued at four pence, and that of the gentleman's greyhound at two pence; and the leash of a beagle is worth eight pence. The value of a house dunghill is four pence. A dung basket and a barrow, are each worth one penny. An earthen pitcher and a drinking bottle, are each valued by appraisement. A doublet, fetters, and a salmon net, are each worth twenty-four pence. The value of a grayling net is eight pence; a wear net, two pence; a draught of fishes, two pence; a dray, two pence; a pack saddle, one penny; a stool, one penny; a wort vat, two pence; a warping trough, twenty-four pence; the elucidator and the scales, eight pence; the small baskets of net work, eight pence; the beams, wheels, and treadles, eight pence each; an iron trace, one hundred and twenty pence; the great anvil, sixty pence; the small anvil, eight pence; the bellows, eight pence; the pincers, four pence; and the mallet, the felly of a wheel, the pike, the file, the vice, and the lever of the vice, are each of them worth four pence.

The value of a mill house is one pound; sixty pence for each of the millstones; sixty pence for the iron; sixty pence for the beam; and thirty pence for the mill house. The value of a hand mill is four pence; two pence for the upper stone, and two pence for the lower

one. The value of a place in which it stands, is four pence.

The value of a spear is four pence; a bow and twelve arrows, four pence; a battle-axe, two pence; a sword, if it be brittle edged, twelve pence; if it be a strong blade, sixteen pence; and if it be a blade curiously enamelled, twenty-four pence. A shield is eight pence; if it be of blue, or gold enamel, twenty-four pence. A coat of mail, a helmet, and the plume of a helmet, are valued by appraisement.

The price of a saddle is eight pence; a bridle gilt with gold, is eight pence; gilt with silver, six pence; and stained, darkened, and done with copper, four pence. The price of a pair of spurs, gilt with gold, is four pence; gilt with silver, two pence; and darkened, stained, and done with copper, one penny. Some pay for these according to the rank of the saddle, the two stirrups and the three girths; but others pay for them according to the price fixed by law; that is, if the stirrups be gilt with gold, their price is eight pence; if with silver, four pence; and if done with copper, or darkened, or stained, four pence. The surcingle is of the same value as one of the stirrups; the two girths are two pence; the horse cloth, four pence; a saddle cushion of plaited work, one penny; one of linen, one penny; and a covering, is one penny.

The price of a pair of large stockings is eight pence; a pair of small stockings, six pence; spatter-dashes, four pence; shoes made with thongs, two pence; and buskins, one penny. A girdle, if it be fringed with gold or silver, is valued by appraisement; if it be not, its price is one penny. A ring, and an ornamental wreath, are valued by appraisement. The price of a

pocket knife, and of a closet one, is one penny; a chopping knife, one penny; a buckle, is one penny; and the waist-band of pantaloons, is one penny. A bracelet and a draught-board table, are each of them valued by appraisement.

The price of a thrave of oats is four pence; and of a thrave of mixed corn, eight pence. An iron fetter is worth one penny, and a wooden one, one farthing. The measure of two bushels, is a farthing; a distaff, is a farthing; and a horn to blow in, whoever is the owner, is worth two pence.

Respecting wearing apparel, some say they are valued by appraisement; but others affirm that their prices are fixed according to each respectively. Thus, the price of every strong cloak, is twenty four pence; every city cloak, twenty four pence; every city cap, twenty four pence; every home-spun garment, eight pence; a shirt and trowsers, twenty four pence; a plaited work garment, to be valued by appraisement; a quilt, eight pence; a sheet, eight pence; bolster linen, eight pence; a head band, four pence; a bonnet, one penny; a pelisse, if it be the king's, one pound; if it be the queen's, one pound; if it belong to a freeholder, or his wife, one hundred and twenty pence; the rug, or outward covering of a bondman, sixty pence; the rug of a vassal, thirty pence; and a cushion, is four pence.

The price for ploughing an acre of land in winter, is two pence, and in spring, one penny; the plough handle, one penny; the plough wheels, two pence; the cross bars and fore handle, one penny; every yoke and its bows, one penny; a bow for the yoke, one farthing; the paddle staff, one penny; the goad, a penny; the harrow, a penny; and a thorn hurdle, one penny.

THE NINE EQUAL MEMBERS IN THE BODY.

Here is the value of the nine equal members of the human body. The value of each of the two feet, is six cows and one hundred and twenty silver pennies; for each of the hands, six cows and one hundred and twenty silver pennies; for each of the eyes, six cows and one hundred and twenty silver pennies; for each of the two lips, one hundred and twenty silver pennies; and thus, the value of each of these is the same. The value of the ear, if it be cut off, is two cows and sixty silver pennies; and if it be injured so as to cause deafness, six cows and one hundred and twenty silver pennies. The value of the two testicles are the same as the price of the nine co-equal parts. The value of the tongue is as much as all the other members, because the tongue is their defender. The value of one of the toes, is a cow and twenty silver pennies; and the price of the great toe is two cows and sixty silver pennies. The value of a little finger is a cow and twenty silver pennies; that of its nail, thirty pence. The value of the upper knuckle of the finger, is thirty-six pence one half-penny and a third; the value of the middle knuckle, is thirty-three pence and two parts of a half-penny; the lowest knuckle, is eighty pence; and this is the price of the finger. The value of every one of the teeth, is a cow and twenty pence; that of every one of the grinders, two cows and forty silver pennies; for these are the shepherds of the teeth. The value of the trunk is as much as all these taken together. The trunk is, the head, the body, and the penis, for the soul exists in these; therefore there is but one price for them all.

There are three dangerous wounds: a blow on the head, which lays the brains open; a thrust in the body,

which penetrates the bowels ; and the breaking of one of the limbs. The person, who is thus wounded, is entitled to three pounds from the person who has wounded him. The price, which a person thus wounded, must pay the surgeon, is one pound without his food, or one hundred and eighty pence with his food and his bloody clothes. The price of the best medicine, is twenty-four pence ; a plaster of red salve, twelve pence ; and one of herbs, four pence. The surgeon's food must be paid him every day, and his light, every night. There are three conspicuous scars : one upon the face, another upon the foot, and a third upon the hand ; for that upon the foot, thirty pence shall be paid ; for that upon the hand, sixty pence ; and for that upon the face, one hundred and twenty pence. The price of every concealed scar, is four pence. For every broken bone in the cranium, twenty pence must be paid ; but if the bone be fractured by some little quarrel, let the surgeon take a bason and place his elbow upon the ground, and his hand above the top of the bason, and if a noise be heard, let four pence be paid ; but if nothing be heard, he is entitled to nothing.

The value of white rooted hair, is one penny for every finger that shall enter into it to tear it out, and two pence for the thumb.

The price of the blood of a freeman, is twenty-four pence ; and that of a captive, sixteen pence. The fine for insult to every man shall be paid according to his rank. There are three cases in which nothing shall be paid for blood : blood from the teeth, blood from scabs, and blood from the nose. An amercement shall be paid to the lord for shedding it, but nothing is to be given to

the sufferer, except the fine for the insult he has received in these cases.

JOINT PLOUGHING OF LAND.

Whoever forms a joint ploughing with his neighbour, must join him in friendship, and take him by the hand; and after he has given this proof of good-will, he must preserve it until the knot of land is finished, which consists of twelve acres. A knot of land is measured as follows:—three barley corns, from the middle of the ear, make one inch; three inches, one palm; three palms, one foot; four feet, one short yoke; eight feet, the second yoke; twelve feet, the third yoke; sixteen feet, the long yoke; a goad in the hand of the driver as long as himself; and the driver before the oxen with his hand upon the spike of the long yoke, and as far as he can extend his arm and his goad, so far extends the two cross ridges of the field. [This is the breadth of the acre, and thirty times this, is its length.]

The first acre belongs to the ploughman; the second is appropriated for iron; the third for the sward ox; the fourth for the furrow ox, lest the yoke should be broken; and the fifth for the driver. In like manner, the acres are appropriated from the best to the best of the oxen, even to the last, if there be no yoke broken. Then comes the cultivation of the woody acre, which is called the disagreeable improvement; and this, once in the year.

If they wish to divide the knot after they have finished ploughing it, they are able to do so, unless there be a contract binding them to the contrary.

If the oxen be put to the yoke and one of them die, by any distemper whatever, it is right for that ox to

have his acre. If it be thought that the owner of the ox designedly caused its death, let him be sworn that he was not the cause of the accident, either by its food, or servitude. This is called the acre of the black ox.

Though an agreement may be made for mutual ploughing with an ox, yet if the animal does not come to its labour, is not yoked, and does not finish its quantity, or balk of land, its owner is entitled to nothing.

If an ox become ill, or be wounded, or meet with any other accident, the owner of him must substitute another in his place.

If a person wish to sell his ox which is occupied in ploughing the land that the parties had fully met to cultivate, he must not sell him, until he finish the land in question, nor must he make arrangements to that effect; and if he take him away one day before the animal has finished his allotted share, let him lose his acre. But if he should subsequently obtain his acre, let him place another ox in the yoke in lieu of the former.

Every one must bring his share for the ploughing, whether it be an ox, or iron, or other things that may be necessary. After every thing is brought by them, the ploughman and the driver ought to keep these things in safety, and use them as they would use their own. The driver must yoke the oxen in such a manner that the bows of the yoke may not be too tight nor too loose; and he must drive them so, as not to break their hearts. If the oxen should be injured by excessive driving, let him pay for them; or let him swear that he did not do any more evil to them than to his own.

The ploughman ought not to pay for the oxen, unless they be wounded; but if they be wounded, let him pay,

or exonerate himself from the blame. The ploughman ought to assist the driver to yoke the oxen, but he is not bound to loosen them, unless it be the two in the short yoke.

After the land agreed upon is ploughed, every one has a right to take his own property with him home.

The law does not allow a person to clean such ground, nor a horse to harrow it.

No person ought to place a yoke upon the ox of another, without his consent, unless there be a contract for so doing.

If any quarrel arise about bad ploughing, let the ploughman's acre be examined, together with the depth and the breadth of his furrow; and according to this, let it be done to every one without distinction.

If there be any dispute about ploughing, one wishing to plough far and the other near, we have enacted that no one ought to plough further than the oxen are able to stretch their yokes* without fatigue, so that they may be strong in their commot.

We have enacted that whilst an ox is engaged in ploughing land in concert, he cannot be bequeathed without the permission of the joint cultivators of such land; for no one ought to bequeath a thing which is not in his possession, and the ox alluded to, is not so at that time.

We have also enacted, that oxen engaged in ploughing land in concert, are not to be taken as hostages, nor to be distrained during that time; for nothing ought to

* This evidently alludes to the distance they should draw out upon the headlands, and consequently whether the head ridges should be broad or narrow. On the borders of South Wales, good ploughmen still take a pride in narrow head lands.

be given as a hostage but what is in a person's possession, and these are not so.

Whoever may enter into an agreement for ploughing in concert, and after that make a similar agreement with another, we have enacted that his oxen must fulfil the conditions of the first contract; and if he make a hundred such agreements after this, he must find oxen for the yoke in every place where he entered into these engagements.

Whoever makes an agreement for ploughing land in concert, and does not come to the ploughing for a day or two, we have enacted that whether he comes willingly or by compulsion, he is not entitled to any profit that may arise from the land which is ploughed without him.

Neither horses, mares, nor cows ought to be yoked to the plough; and if they should be so, and the mares and cattle suffer an abortion from it, there can be no redress; but besides this, the law does not say, that they are entitled to an acre, unless there be a contract made,

If a person agree to bring an ox to plough land in concert, and bring a stolen ox, we have enacted that such an ox must not be put under the yoke, and the person loses his acre.

If a person bring an ox to plough land in concert, and afterwards wish to put another in his place, we have enacted that he ought not to change him, without the permission of the party concerned in the ploughing.

No person must change an ox, that is ploughing in concert, from the furrow to the land side, without the permission of the parties concerned in the ploughing.

No one ought to accept the office of a ploughman,

unless he know how to make his plough and set it in order; for he ought to do these things with accuracy.

Whoever owes the iron, let him keep it in order, so that the ploughman and driver suffer no delay; for they ought not to be detained.

The driver ought to furnish the pins, the rings, and the wythes; and if it be the long yoke, the small collars and the wythes of the bows.

COMPENSATION FOR SPOILED CORN.

Whoever possesses corn, ought to take care of it; for as every owner of a beast, ought to take care of his beast, therefore it is proper for every one to guard his corn. That is, if he seize a beast in his corn from winter unto the feast of St. Fraid,* he is entitled to silver for damages; but from that time forwards, nothing. Spring ploughing, from the feast of St. Fraid unto the first of May, demands payment of money for damages; but from the first of May forwards, the spoiled corn is worthless.

No animal impounded for trespass, is to be liberated unless by the payment of silver. The following are the sums that must be paid for different animals: one penny for a horse; one half-penny for a beast; a young foal, if it be fourteen days old, one penny; a calf, from the time of its birth until the first of winter, may be impounded at any time with its mother; for it ought to suck until the first of May, and then it takes the same privilege with its mother. Swine, sheep, goats, geese and hens, require a series of selections for damages.

* St. Fraid was the daughter of Cadwrthai, of Ireland, and lived about the middle of the seventh century. She is known in the English Calendar by the name of St. Bride. There are some churches dedicated to her in Wales.

Vide. Cambro Biog. p. 124.

Little pigs, from the time they turn up the cow dung with their noses, are subject to the same law as their mothers.

The law formerly required a sow from the swine and one of the little pigs, as a compensation for damages, because no damage was committed, except by one of these three animals. The reason was this, the swine went to the person who owned them, but the sow remained with the owner of the corn. But one sow cannot be demanded from two sows only, for damages; because the swine cannot return to their owner, if they have to remain with the owner of the corn. After this, it was decided that out of a litter of fifteen pigs, one should be taken for damages; from thirty sheep, one; and from goats, poultry, and geese, one out of every thirty. If a greater even number than these be not found among the swine, fourpence must be paid for damages for every fifth swine, according to some. Others say that the injured person is entitled to one penny for every one of the swine; for every fifth of the sheep and the goats, one penny; and for the geese and the poultry, if as many be not found trespassing as requires one, the owner of the corn is entitled to an egg from every one of them. Poultry must not go upon corn, except during the first fortnight after it is sown. From that time until it is ripe and gathered in, they must not be allowed to enter the field; after that they are at liberty to go in the stubble.

All the provender which a man may make from corn he should take care of, and his cattle shall be free. By provender is understood corn after it is reaped upon the land on which it grew, the produce of an orchard, cabbage, flax after it is cut, or whilst growing in the

garden, dry hay, the thatch of houses, and their shelter, the leeks, and every thing that appertains to the garden with them. The owner must make his garden so strong, that beasts cannot break into it; and if it should be broken into, there can be no redress, except for the trespass of poultry and geese. The reason is, nothing can be fenced in so as to exclude these, because they can fly. The barns ought to be kept open from the time the first sheaf of corn is brought into them, until the first day of winter, so that the air may freely circulate; and if the corn be spoiled in that time the owner is entitled to redress. From the first of winter the barns ought to be closed. This is the manner in which they must be closed: three plaitings of rods must be placed in the fence which keeps the corn from the barn floor, and a partition upon the door, bound three times upon it; two upon the back part of it, and one before it; and if it be broken, the owner must be indemnified both for the corn and the barn. That is, he must be indemnified by having the broken barn repaired.

If a person find an animal in his corn, and a dispute arise whether he found it there or no, let the matter be determined by the oath of the tenant.

If corn be damaged by trespass, and the animals be not taken in the corn, let the oath of the owner exonerate them; for in that case there can be no evidence against them; and if any one assert that he saw them, it will not avail. Nor can the oath of an absolver be taken; for it will not avail though administered, if the owner exonerate them.

If a horse be found in an inclosure destroying the corn, it is not right to impound him, but to obtain

compensation for damages, unless the owner exonerate the horse.

If a horse or any other animal be found with his two fore feet in the corn, he ought not to be impounded, because he was not entirely in the corn; and greater damages must not be exacted than those which were committed. But if the owner of the animal cannot clear him, let the owner of the corn be indemnified for the trespass.

If a person tether his mare by the side of corn, and the colt trespass upon the corn, and it cannot be seized, let the mare be taken from that place and brought to the stable; then, let the colt be seized in the stable, and after that, let the mare be taken back to her former place. In this manner the wild is caught by the tame; and there is no overturning it in law.

It is not necessary for a tenant who has apprehended calves, lambs, and kids, to let them go from under his power from time to time; since no one of these young animals ought to be suffered to die on account of impounding from time to time.

Bulls ought not to be impounded from the middle of summer unto August, though they may trespass in corn or grass; for during that time cows go a bulling. Nor is it right to impound bulls from August unto the approaching feast of the Blessed Virgin, for then is the season of forthcoming milk. Neither is it proper to impound a bull at any time, that is after a tufty cow.

It is not proper to impound a boar for trespass at any time when it follows a brimming sow.

Rams and he-goats must not be impounded from the feast of St. Michael unto the first day of winter.

Stallions must not be impounded from the middle of April unto the middle of June.

It is not proper to lay hold of a colt after its dam ; and that is called a cast off foal.

It is not proper to impound swine for trespassing in corn, from the feast of St. John unto the first of January, unless it be taken in the barn or in the hay inclosure.

Whoever wishes for a hay inclosure, let him keep it from the feast of St. Patrick unto the first of winter. A hay inclosure is land appropriated for hay only, and surrounded by a ditch ; and therefore it must be preserved unto the first of winter, because it is mowed twice in the year. Whoever shall find an animal trespassing upon such meadow land, let him take it, the same as if it were upon corn. If the owner find an animal trespassing upon it, and cannot overtake it before it be owned, he is not entitled to damages for the grass.

Whoever makes a fence about corn, let him pay for the grass that is on it, as for corn, because he is not entitled to the green sward upon it.

No one ought to keep grass by a fence and enclosure but for twice mowing. And if he wish to keep it otherwise, let him obtain permission of his lord to do so, and then let him keep it.

The following is the manner in which animals taken in corn are to be impounded : if they are wild animals, they are to be impounded in an outward yard ; if they are tame ones, they may be impounded either in an outward or inner pinfold ; if the animals belong to two different persons, they must not be mixed together ; if they be of different kinds, they must be kept separate ;

and if they be placed all together, let every one of them be tied. It is not right to tie swine, except as far as may be necessary to keep them safe; but it is right to tie poultry and geese.

If a person demand a hostage for damaged corn upon the credit of the hostage, the other ought not to grant it but upon the hostageship of the corn; and the hostage for the corn ought not to settle the business until the first of winter.

Whoever pays for corn by a surety, whether it be damaged by cattle in the spring, or be obtained by purchase, if the plaintiff do not demand the payment before the first day of winter, he is entitled to nothing. The reason is, it is not right for him to demand it at an improper time, and it is not proper for him to demand it after the year is expired.

Whoever impounds an animal, and in doing so kills it, the tenant ought to retain it, whoever kills it; for the animal must be set free from the pinfold without claim, without an action at law, upon paying the tenant for his keep.

If any person whatever impound an animal, and afterwards send it to graze in his pasture, he shall not lose his privilege for doing better than right.

Whoever impounds an animal is entitled to nothing, if the animal break loose and get home without interruption; for there must not be two impoundings for one trespass.

Whoever impounds an animal and refuses a lawful hostage, through wishing for money for damages, if the animal die whilst in the pinfold, he shall pay for it.

Whoever catches many animals trespassing, detains

one of them under an idea that it alone did all the mischief, and liberates all the rest, he is only entitled to compensation for the trespass which that one animal committed.

Whoever catches small animals trespassing, such as goats, sheep, or swine, let the tenant determine whether he will have the animal that comes from the number as previously mentioned, or a penny from a sheep, or a goat, after it has been impounded the fifth time; and let him have a penny for the swine when it is impounded, or let him detain the flock until he obtains his allotted animal.

Whoever goes to liberate an animal from the pinfold for others, the tenant has a right to ask him, whether he will be responsible for the others in this matter; and if he will not be responsible, he ought not to liberate the impounded animal. And though the animal may die with him in this situation, nothing is to be paid for it. If the other engage to be responsible for the consequences, let him take a hostage and surety with him, for his security. And if the owner come to liberate the hostage, he must bring another in his place equally as good, before he sets the other free.

The hostage who shall pledge the wife, is not entitled to her husband for his security; neither can the wife become a hostage for the husband in the matter.

Whoever has had his corn seriously injured by trespass, and find an animal upon it, and wish the owner of the animal to pay full compensation for all the damages, the owner in this case has only a right to pay according to his own oath, whether the animal committed great or little trespass; and this ought to be upon one of two

kinds of land, and which are both cultivated at the same time. This is called unprofitable damage; and the application for compensation, must be made before the first of winter.

Whoever removes corn upon the white surface of stubble land, and makes a rick there, can obtain no redress, if it be damaged.

The same law operates for the flax which grows without gardens, as for corn.

There is no person, whatever may be his rank, that can exempt himself from paying full damages for trespassing in corn.

No person must milk animals which are impounded without the permission of the person who has put them in the pinfold, though such cattle may be his own.

No tenant ought to seek the owner of the cattle which have trespassed upon his corn, neither ought he to conceal such cattle; and if he should conceal them, and they die, or perish through his negligence, let him pay for them.

SUNDRY RIGHTS.

If an idiot stab another person with arms, and from that wound he lie ill a long time, and finally die, the family of the idiot have not to make any compensation for the dead person; because he lost his life from the continuance of long affliction.

If a person spread a net upon his river, or upon the sea, and geese, or other animals get entangled in the net, become wounded, and die from it, the owner of the net is not to pay any compensation for any one of them. If a beast or any other animal get entangled in the net, break it, and make its escape, the owner of

the net must be indemnified for the injury ; because he had a right to spread his net.

If a person owe a debt to another, and time be granted him to pay it, and the debtor bring the debt before the time has expired, and offer it to the creditor, saying, that there ought to be no delay, for time was not necessary for him, except merely to collect the debt ; whoever may have given him time, or his property of the time, may do as he pleases, either by delaying payment until the fixed time expire, or by paying it before its expiration.

Whatever animal may kill a gentleman, if the family that owe the beast seek to pay a compensation fine for the death of the gentleman, they must not do it before the matter be confessed. The reason of this is, there is no person to whom the fine can be paid ; and they ought not to pay the act of an animal to the family of their friend. And, therefore, this is a case in which the murderer shall be paid in lieu of the deed.

Whoever owes a debt to another, may seek to pay it by immoveable goods, or the other may accept immoveable goods, either in payment, or in hostageship, if there be no other in his possession, except these. Immoveable goods are such as cannot be paid a person, so that he can remove them to the place where he wishes to go to.

If a person desire to hunt, begin accordingly, and start game of any kind, if idle dogs come up and kill it, the dogs which started the game have a right to it, unless the idle dogs belong to the king. The first huntsman is entitled to the game that is pursued until he turn his face towards home, and leave the chase ;

then, though his dogs continue to hunt, yet if he part with them, he can claim nothing; for whilst idle dogs kill the game with his own, they have a right to it.

If a traveller perceive game upon the road, and strike at it upon the road, either with a stone, or with an arrow, and pursue it until he take it, he can do so, if he be expert; but he must neither shoot, nor pursue it upon the road, unless he be skilful.

Whoever wishes to go a fishing, and start a fish, and pursue him, and, in the pursuit, the fish enter another person's net; the law has enacted that the first is entitled to him.

If persons who are fishing enter into an agreement, the one saying that the first fish that is killed shall be his entirely, and the other agreeing that the second shall be his, and if there be only one killed; the law enacts that it shall be fairly divided between them into two equal halves.

If persons be fishing, and, whilst engaged in it, others come to catch fish with them, and desire a share of the fish, they have a right to a share, unless the fish be upon the rod, or the hooks; if they be thus fixed, they can demand nothing.

SUMMARY OF VARIOUS LAWS.

There are three privileged conventions: the convention of a lord, the convention of a bishop; and the convention of an abbot. Each of these ought to support his own convention, independently of the others.

If a man of one of them do evil to a man of the other, no individual can redress the evil, except the convention of the lord himself.

If a man of the lord do evil to the bishop's conven-

tion, let him not depart from it without redressing the injury; and so, one of the bishop's men in the lord's convention.

When the bishop dies, the lord claims his property, except the dress of the church, his books, and his land. The reason of this is, all property without a possessor is the king's waif. The abbot also, is entitled to no more than his heriot; for when he dies, the cloister and the canonists claim his property. Any dispute that may arise between them, the judge must decide the matter from the cloister. Every dispute that may take place between the abbot and the lord, the judge of the lord, must decide between them.

If there be two lords in the country with each of them an army, and a person come to them to solicit for himself a grant of some immoveable property upon the land, it is enacted that such a gift is no gift, and such a grant is no grant, until it is known whether of them be lord of the country.

If a freeholder receive his son as a bondman from the lord, and suffer him to be there a year and a day, or longer, his foster son shall possess his laud after his decease, unless he have children; and if there be children, he shall have a brother's share.

If a Cambrian female be betrothed to a foreigner, the son arising from that marriage, is entitled to a share of the patrimony; but he claims no share of the privileged tenement until the third of his lineal descendants, unless his father be descended from the Saxons, or the Irish. This person shall obtain it immediately; and on account of this circumstance, they are called cattle without pledges. They are called cattle without pledges, because

of the father's share which is granted to the family, for there is no family of the father to pay them.*

If any thing be given in requittal, and it be not demanded on the morrow, it cannot be obtained until the expiration of a year and a day; and then by procuring a hostage, as for other property.

The heriot of the land chancellor, is one pound; that of the mayor, one hundred and twenty pence; that of the chancellor, one hundred and twenty pence; and the heriot of a freeholder, is sixty pence. The heriot of a bondman, if there be a church upon the land, is sixty pence; if not, twenty four pence. The heriot of a foreigner, and of a man having a cell, is each twenty four pence; and the heriot of a woman having a cell, is sixteen pence. No heriot is paid upon copyhold land.

If a person make a division of his land in his life time, and subsequently die, no heriot is paid according to his estate, but according to his personal property. If there be no personal property, there can be no heriot, because it is extinguished; but if he have a son, let him pay it for him.

Neither brothers nor first cousins are to pay a heriot upon alienated land; for they did not obtain it but by purchase.

The heriot of every officer in the palace, is eighty pence. Heriots are due from the free-born gentleman, the freeholder's son, and the man who is endowed, though they have no land in possession. That is, they ought to pay according to the privilege of the land upon which they were born; and the father shall not pay for such a son.

* There is, I think, some obscurity in the text here, but see p. 139.

If a man be tenant to two lords, and hold land under each of them, he must also pay a heriot to each of them.

If a man hold two farms under one lord, he ought to pay his heriot according to the largest farm which he holds.

If a traveller, who is a stranger, fall ill upon the road and die, he must pay twenty-four pence for his heriot, whatever may be the privilege of the land upon which he died. His property, with the exception of this, goes to the king. If it be a female traveller, her heriot is sixteen pence.

The heriots of the daughters of such persons as we have previously mentioned, is the same as that of their fathers.

A married woman pays nothing but her commutation fee according to law; and this she pays according to the rank of the land upon which she was born. No person has any right to pay it for her; but if her father, brothers, or family, betroth her, and do not take security for the commutation fee, they must pay it for her.

Whoever commits a rape upon a woman, let him pay her commutation fee; for as the woman ought only to pay one commutation fee according to the rank of the lord of that land, let him pay it, not according to the rank of the family, but according to the rank of the person that went with him.

The commutation fee is paid on three accounts: one of them is, by gift and investiture, if there be no concubinage. But if concubinage be made public, there can be no gift and investiture.

The daughters of three persons are not required to

pay the commutation fee: the daughter of the heir apparent, the king's daughter, and the daughter of the master of the household; for their fathers are not required to pay a heriot, except their rarities, their favourite dogs, their hawks, and their arms. A girl ought not to pay it, for there is no one to demand it; neither ought the daughter of such a person to pay it for herself.

A heriot is not required of one descended from a foreign family, according to his superior obligation; he is also free from his little obligation, unless this be received by him. If he accept land by it, and enter into the rank of a freeholder's son, though the land he obtained be so restricted, he shall become as free as the freeholder; and from that time forwards he shall pay the commutation fee and heriot, as a freeholder must pay them. Prior to this, he is not to pay any more than the heir apparent pays.

The daughters of the chief of the tribe, the household steward, and the land chancellor, pay each of them one pound for their heriots.

The commutation fee of the daughter of every chief of song, and her heriot, from the time the lord invests him with the office of chief of song, is one hundred and twenty pence. Every other minstrel, until he shall obtain his appropriate rank, whether he be a stranger, or have a patrimony, shall in like manner pay the commutation fee for their daughters and their own heriots.

Every chief of song, from the time the lord invests him in his office, has a right to expect a musical instrument from the king. That is to say, the king must

give a harp* to one, a crwth the second, and pipes to the third. And when they die, they must leave them to the king.

Every chief of song of the harp is entitled to twenty-four pence, as his reward, of the minstrels, who have mutually forsaken the harp strung with hair,† and who wish to join the minstrel society, and who petition for it. He has also a right to the share of two men, of every person who becomes a minstrel, whether he obtain it by petition, or by perfect rewards, though he may not be present, if he demand it. The perfect reward is twenty-four pence, as proved by the bards. He is also entitled to the service of a minstrel, as a man having authority over them.

Some have said that a person universally execrated is a greeter of the gloomy shade; but others have maintained that if an oak tree be fallen without leave, the possessor ought to give him his mantle to conceal him from becoming an object of disgrace to the owner of the land if he should see him. However,

* The harp is our national instrument, and too well known to need any description. Its tones are so sweet, that one of our poets sweetly sung:—

“Nid oes nag angel, na dyn,
Nad wyl pan gano delyn.” *i. e.*

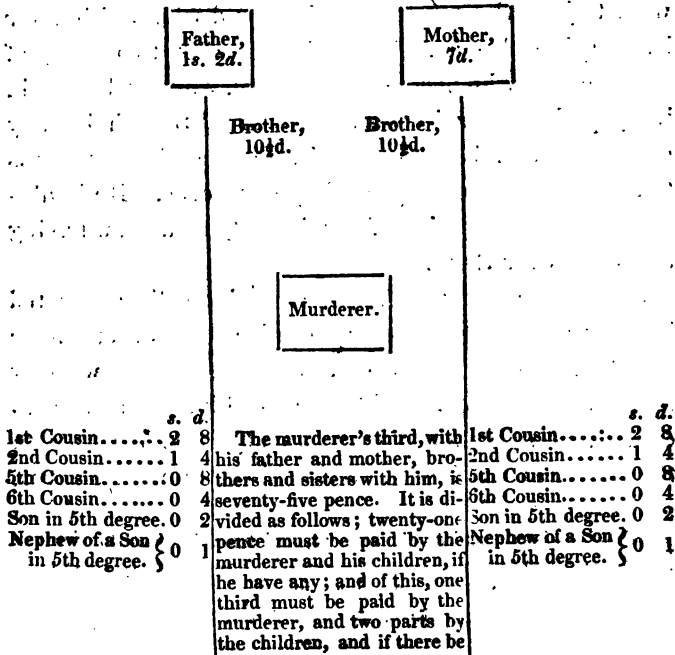
There is neither man, nor angel,

Who is not affected by the sweet tones of the harp.

† The *crwth* is “a musical instrument with six strings, the two lowest of which are strones struck by the thumb, whilst the others are touched with a bow. It is much on the same principle as the violin, of which, perhaps, it is the prototype.”—*Vide Owen's Dic. in voc. crwth.*

.. † Harps were anciently strung with hair instead of the present kind of strings; and sometimes the strings were formed from the long hair of females. Some of the bards deprecated the introduction of the modern strings as inferior to those of hair.

Jorwerth,* the son of Madog, has said, that he is more justly a greeter of the gloomy shades; that is, when there is a dray conveying away the body of the murderer, so that he may not pay his share of the compensation fine, and demanding a surety. The following is the manner the scattered compensation fine shall be levied:—



no children, let him pay it himself. One third, namely, twenty-one pence, must be paid by his father and mother; and of this, two parts must be paid by the father, and one-third by the mother.

* I am ignorant respecting the history and character of this Jorwerth.— It is clear from the preceding scale, that a murderer was not put to death, if he could ransom his life, by the compensation fine. The value of a man has been already stated; and in paying this value, all the relations of the murderer were fined up to the ninth degree of consanguinity. This fact, which is so curious, shews the necessity of correct pedigrees, under the old national laws,

The third third, namely, another twenty-one pence, must be paid by the brothers and sisters; and of this, two parts must be paid by the brother, and one by the sister. We have distinguished the stock from the murderer's family; and it will be necessary for the murderer to declare what family he sprung from, and who are his relations, as we have previously mentioned; and if there be relations to him on both sides, that shall be sufficient to guarantee the accuracy of the murderer's statement. The reason why the property of relatives on both sides is levied upon is, that strangers may not bring a person into relationship, nor divide the compensation fine with him and his relations.

If a person murder another by poison, he must pay a double compensation fine, or, he must lose his life for this murder, because it is outrageous. He may be put to death either by hanging, or burning, according to the pleasure of the lord. If the accused make a denial of the fact, let him make a double denial of murdering the deceased; that is, the oaths of six hundred men are necessary to acquit him.

If persons make poison to murder another person, their lord shall decide whether he will banish, or put them to death. If they deny it, let them produce the oaths of six hundred men to clear themselves.

Whoever claims a thing, and comes to the field, and there shrinks from a trial, believing it better to be silent than to put in his claim, the law gives him permission to be silent; for he has it in his power either to make his claim, or not to make it, before he requires the defendant to call for a decision. If he, after shrinking from the trial, wish sentence to be pronounced respecting the property, the law does not deem it right to de-

side either upon his property, or his claim, because he refused to appear at the time fixed upon for the decision. If he give a surety to abide by what the law may determine, and the court sit, and the pleadings on both sides commence, and then seek delay for aid, saying that he is entitled to it, for he had chosen it for himself; then the defendant must say, "thou canst not have chosen any thing before the trial terminate, for there is no meeting for barter that thou mayest choose: thou hast chosen to put in thy claim; and, therefore, as I submit my cause to the decision of the law, thou oughtest not to shrink from trial." In this case, the law has enacted that he can have no delay, but he must perform the requisition of the law. And if the defendant cause him to quit the court, let him be sworn on the cross that he will not go. If he should go, let sentence be given for the defendant; and in this case, the law has enacted, that there can be no more claim upon him for the property during the life of the lord. The plaintiff, who thus shrunk from trial, must pay an amercement of three cows to the king; but according to others, the number must be doubled.

Concerning a maiden-wife, who has been betrothed to a husband, and she continue a maid, through her husband not sleeping with her, if a rape be committed upon her, some have said that she is not entitled to her maiden-fee, but others assert that she is. We, however, have enacted, that whoever shall violate the virginity of such a wife, is bound to give her the maiden-fee.

Whoever shall get an abandoned female with child, must continue to nurse it unto death, its swaddling clothes excepted. The reason is, that as she has not

obtained the support of a husband, the law will not permit her to be in want on his account.

Some have said that the surety which a woman gives, is no surety, but we have enacted, that the surety which she produces is a surety, though no woman can be a surety herself. When a woman denies a surety, her husband must deny with her ; for it is the man that denies, whoever the person may be that has a claim upon him, and he can oppose him coming to obtain justice for the claim in all litigations, which can be opposed without paying an amercement. If he also enter into litigations, and then shrink from the trial, and the plaintiff call for the decision of the law ; the law has made provision in this case respecting the condition of the claim, by deciding for the defendant, by amercing the plaintiff for quitting the court unlawfully, and by deciding that the defendant shall enjoy the property unmolested during the life of the lord. If the plaintiff come to the court, and state his claim, the defendant reply, and the law decide against him, he can never recover it afterwards.

Whoever wishes to go to law with his neighbour, must, in the first place, give security for proceeding with the trial, and after that the court must sit in a legal manner. The following is the legal form of sitting :— the king must sit with his back upon the sun, or upon the storm, that his face may not be incommoded ; his two elders, one on each side of him ; his honourable men, on the extremity of his right and left ; before him, the judge of the court ; on his other side, the judge of the commot ; the priests on his right hand ; and a street in his front, to afford room to go and come to the seat of judgment. The two parties must stand

on each side of the way; the two counsellors on each side of the way and next to it; the defendant and plaintiff next to them, on the right and left respectively; the two advocates on each extremity, namely, the defendant's advocate on his left hand, and the plaintiff's advocate on his right hand; and the two apparitors shall stand before the two counsellors.*

PLAN.

Gentleman	Elder.	King.	Elder	Gentleman.
Priests		Judge	Judge	
Advocate, Defendant, Counsellor.			Counsellor, Plaintiff, Advocate.	
Apparitor			Apparitor.	

Then the judge must ask the defendant, "Who is thy counsellor? Who is thy advocate?" Then the defendant must name them; after which he must be asked whether he will agree to lose or gain by their skill; and then he ought to say, "I will agree to it." Then the plaintiff must be interrogated in the same manner, whether he will agree to submit his cause to the skill of his counsellor and advocate; upon which he ought to say, "I submit to lose or gain by their exertions." After this, they must abide by the decision of the court whether for, or against, as we have previously mentioned; and this is called, rounding order. Then let the counsellors plead; and when they have

* This form of sitting rather differs from that given in p. 164. Perhaps each court in the principality differed in its form.

done; let the judge take the priests, the apparitor, and the two counsellors who have pleaded, and let them go out and give judgment according to the two legal statements delivered before the court. If it be necessary to have a friendly word of advice, let them send a messenger to inquire within; and after that, let them also return to the court, and receive the evidence, and take security for the fees of court. Then let the judge recapitulate the evidence, and pronounce sentence; and from that time forwards the claim shall be secure for ever.

If silence be proclaimed in the field, and after that, any one present, violate the proclamation on the field, he shall be amerced in three cows, and his evidence shall be useless both to himself and to his counsellor.

If a person give silver, or an animal for another thing, and the receiver trade with that property, and gain wealth of the person who brought it him, and the person who owns the silver wish for the gains which the other may have made; we have enacted, that he is not entitled to it, unless there be an agreement between them to that effect, because he is not disappointed in a single shilling; and, therefore, he is not entitled to any thing except what he gave the other.

If a person come through the permission of another, and cattle, or other property with him; when he departs, he must not take with him either the young of animals, dung, a collection of things, or any thing else, except as much as came with him; unless there be an agreement that he should take them.

If a person bring a sow to another in theft, and he rear a litter of pigs from her for the person who brought her, and the owner know where she is, and

seek for her and her young pigs; he is only entitled to the sow herself; and if she be not there, he can claim nothing, for he is not disappointed in a single shilling.

Whoever shall oppose justice from an idea of his being likely to become lord of the claim, and that he has a right to put in his claim when he pleases, let him be prevented from desisting; and if he should desist for a year and a day, let his claim be a claim beyond the year; and this being known, he is never entitled to justice in that matter.

If a person bring a distraining illegally upon himself, and his claim be unprosecuted; the law will not act with any vigour for him, because, through excessive indolence, he permitted the distraining to be illegally effected; and his claim remains unprosecuted as before.

If a person become a surety, and fall ill, or become a monk, or become blind, before the expiration of the claim, and think, on those accounts, that he is no longer responsible; we have enacted, that he must fulfil his promise whilst he lives. This is one of those cases where a son ought not be in lieu of his father. The reason is, he can promise nothing of his property to the other, but his will only; therefore he ought not to become responsible to him for any thing, except his will.

If a person urge his claim before the proper time of finally deciding the case, he cannot, on this account, obtain it before the proper time.

If a person should wish to try a cause in days in which no legal proceedings are held, he must not give security to try it in such days; and if he should do so, let him entirely lose his cause. The same law is appli-

cable to causes for landed property during the times that the hostages are in confinement.

If a maid declare that a certain man has committed a rape upon her, and the man deny it, and she reply to him, saying, "If thou hast not committed a rape upon me, I am yet a virgin;" the decision of the law is, that she must be tried, and that she must be tried by the heir apparent. If he find that she has been polluted, the accused cannot deny it; then let him pay her for the rape committed, her paraphernalia, her shame of face, her maiden fee to her lord, and her security. If the heir apparent find her to be a virgin, let her have the privilege of a virgin, and let her not lose her privilege on that account; that is to say, on account of proving her.

If a rape be committed upon a maid, and she become pregnant in consequence, and know not who the father is, and the lord wish the commutation-fee, and she say that she is not obligated to pay it, for a rape was committed upon her, and no woman, upon whom a rape is committed, ought to pay the commutation-fee; the law has enacted, that the lord must lose the commutation-fee, because he has not preserved her honour, though he ought to have preserved it inviolate. If her statement be doubted in this matter, there can be no further proof besides putting her to her oath for the truth of her assertion. The son of such a woman shall take the rank of his mother's family, until it be known who is his father.

If a man assert that a woman is pregnant, and the woman deny it, and the man maintain the affirmative, and the lord claim the commutation-fee; let the man,

who accuses her, pay it; for there is no denial against such a deposition.

If there be an appraisement of a thing, the price of which is fixed by law, and the appraisement be more than the legal price; the judges ought to ascertain whether it be falsely appraised; and if it be false, let him be convicted in perjury; that is, an amercement of one hundred and eighty pence, and the power of the church upon him besides.

If a person urge another to swear upon the sacred relics respecting a thing, and subsequently force him to apologize for the oath which he took, that is called perjury in law; because perjury cannot be committed, except by the oath of one of them.

If a person bring terror upon another, and the person lose his life from the effects of terror; it must be ascertained upon what account the terror was brought, and whether he lost his life through that terror, or through some other circumstance. If his death were occasioned through some other circumstance, the accused shall not make any redress; but if the deceased lost his life through the terror which the other brought upon him, the accused must pay the compensation fine for murder.

Whoever shall urge the introduction of the sacred relics in the midst of litigations, and seek them from the opposite party who are against their introduction; we have enacted that he ought not to urge their being introduced until the disputes in question be finished. The relics shall be common to every one in the court.

The sacred relics are not necessary in disputes, which are caused in the church-yard; because that is within the area of the sacred relics.

If there be a court of law settling disputes, and there be no sacred relics in the field; we have enacted, that no time can be granted to seek them, except whilst the judge keeps the seat of judgment, and that is at the option of the judge.

If a judge pronounce a false sentence, and there be doubts about it, and hostages be not presented against him before he rise up from the seat of judgment; he is not obliged to accept them ever after, unless he wish it.

There are three who will be powerful: a lord, a courageous one, and nothing. The reason is, a lord is like a stone* over ice; a courageous one is a madman, and against a madman, nothing can be effected contrary to his will; nothing, is a person without any property, and, therefore, there can be no compulsion of property, where none exists.

There are three ways of obtaining proofs respecting an animal. The first is, whoever shall murder his dog, if it be said that it is a shepherd's dog, he must prove it. The second is, if a man kill a dog on account of its being mad, and the owner of the dog oppose him and say, that he was not mad; the person who killed him ought to prove it, by showing that he saw him fighting with dogs and men, or that he saw him with his tongue greatly inflamed. The third is, an established house dog; if he be killed, it must be proved that he was in the habit of lacerating men, or of committing other murders.

* A proverbial expression, denoting that his power was too great for effectual resistance from the poor and defenceless.

BIOGRAPHICAL SKETCH

OF HOWEL THE GOOD.



HOWEL the Good, whom the Welsh call *Hywel Dda*, was the son of Cadell, and the grandson of Rodri the Great. Upon the death of his father, in the year 907, he became prince of South Wales ; and upon the death of Anarod, prince of North Wales, in the year 913, he became lord paramount of Wales. The gallant Idwal Voel being slain in battle in the year 940, Howel became king of all Wales, and reigned to the year 948, when he died.*

Perceiving that the old laws had become in a measure useless, in consequence of changing times and the progress of the feudal system, Howel exerted his energies to remove the inconveniences existing, and to form a Code of Laws adapted to the exigencies of the times. And believing that Rome was the centre of all goodness and legislative wisdom, he paid a visit to the former mistress of the world, that he might consult with learned men upon the subject, and obtain such information as was deemed necessary. The history of the Welsh princes, by Caradog of Llancarvon, details the conduct of Howel with so much appropriate accurateness, that I cannot do better than present the English reader with a translation of it.

* Camb. Biog. p. 188.

“The year of Christ 926, Howel the Good, son of Cadell, and king of all Cambria, went to Rome, and with him three bishops, who were Martin bishop of Mynyw, Mordav bishop of Bangor, and Marchlwyys bishop of Teilo; and the latter took with him Blegwryd the son of Owain, chancellor of Llandav, the brother of Morgan king of Glamorgan. The object of their visit was to consult with wise men respecting the means of improving the laws of the realm of Cambria; to obtain a knowledge of the laws of other countries and cities; and to know the laws which the emperors of Rome put in force in the Isle of Britain, during their sovereignty. After they had obtained information respecting these things, and had heard the sentiments of wise men, they returned to Cambria. Then Howel summoned to him all the chiefs of the tribes, the family representatives, and all the wise and learned men both of the clergy and laity in a collective convention at the white house, on the river Tav in Dyved.* After a careful research, respecting every country and city, the laws of Dyvnwal Moelmud were found superior to the whole; therefore through the learning and instructive exertion of Blegwryd, those were systemized, and were presented for the judgment of the convention, so that they might obtain every possible illustration, improvement and amplification. After they had passed the judgment and national vote of the convention, they were put in force, and constitutionally established over all the territories of Cambria. After this Howel went to Rome a second time, in the year 930, to procure the sentiments

* This sacred spot is still recognised at the ruins of Whitland Abbey, above Tenby, on the small river Tav, in Carmarthenshire. It is said that the White House (*Ty Gwyn*) was so called, because it was made by a wattling of white rods, for the convenience of hunting.

of wise men there, and to be certified that these laws were in concurrence with the laws of God, and the laws of the various countries and states of Christendom.

Then he returned to Cambria, and he laid the laws before the judgment of the hundreds, the commots, and the voice of the nation. Upon this they were established in all the lordships of Cambria and in the court of every lord of the tribe; and no opposition presented itself against them, neither were there any other institutes in the court of the country, or of the sovereign in Cambria. And because his laws were so excellent, he was called Howel the good.*

Copies of Howel's code were deposited in the royal palaces of North Wales, Powys, and South Wales. Another copy was transcribed for the use of the judges.

In the year 1730, Dr. Wotton, with the assistance of the Rev. Moses Williams, published a folio edition of these laws, accompanied with a Latin translation, and many valuable remarks. The MSS. however, which the doctor consulted are not of the first authority, and though valuable, are not to be fully depended upon in all cases.

Besides the MSS. consulted by the Doctor, the following are worthy of notice. 1. An imperfect copy much burnt, but of considerable antiquity, among the Harleian MSS. in the British Museum. 2. A MS. among the Cotton Collection in the British Museum, which is considered, as far as it goes, to be very fair and complete. The Cotton MS. is entitled "Cleopatra, B. V. Plut. xix A," and the copy of the Laws occurs from p. 165 to 221. The third MS. of value, and

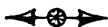
* Arch. of Wales. vol. ii. p. 485.—Camb. Biog. p. 169.

in my opinion the most valuable of all, is one that is in the Welsh School, in London. It is allowed by good judges to be as old as the 12th century. It was printed in the third volume of the Archaiology of Wales, and occupies from p. 361 to 437. The preceding translation is made from the printed copy.

In perusing Howel's laws, the reader will meet with many curious things, which shew the state of society in Wales in the tenth century pretty fully. The English reader will, doubtless be ready to conclude that, at the period in question, the Welsh were barbarians, but he should remember that the greatest part of civilized Europe was equally as unpolished in the same century. Indeed I am disposed to think that the Welsh had retrograded instead of improved. The triads of Dyvnwal Moelmud breathe a spirit of liberty and dignity truly honourable, but in Howel's code we perceive a falling off of that noble spirit, occasioned no doubt by the introduction of foreign manners and the spreading influence of Gothic barbarity and fanaticism.

As so many valuable MS. copies of Howel's code are in existence, it would be a most useful employment to collate them together; to separate what is spurious from what is genuine; and to form a correct and standard text. This, however, should not be done precipitately but coolly; not by the unskilful, but by the most learned; and not by one, but by many acting in unison, so that the chaff may be divided from the wheat, and that Howel the Good may exhibit the same dress in the nineteenth century, as he did in the tenth. The Cymmrodorion Society in London, possesses both talent and influence sufficient to crown such an undertaking with success; and, it is to be hoped that it will attend to the subject.

TRIADICAL COMMENTARIES.



I HAVE named the following triads, triadical commentaries, because they were written by some learned man subsequently to the publication of Howel's Code, and designed as illustrative of its obscure parts. The author is unknown, at least to me, but his work displays great judgment and depth of research.

These law triads are printed in the third volume of the Myvyrian Archaology of Wales, and occupy from page 318, to 360. At the commencement, the following note appears, written by the learned Editors of the Archaology:—"The following triads were transcribed from an old decayed MS. written upon parchment, which also contained the Laws of Howel the Good; and the MS. was purchased by Mr. O. Jones,* of London, the 12th of April, 1807, when that part of the MSS. of Edward Llwyd† were sold, which were in the possession of Sir John Sebright."—*Trans.*

* Mr. O. Jones was the greatest patron of Welsh literature that appeared during the last century. His worth and patriotism will ever be dear to Welshmen. May peace be with his ashes.

† Mr. Edward Llwyd, a bright luminary in the Cambrian hemisphere. He published the first volume of the Archæologia Britannica, being part of a noble plan which he did not live to accomplish. He was an indefatigable collector of ancient MSS. and was well versed in natural history and British antiquities.

TRIADS RELATING TO THE RANK OF INHERITANCE.

There are three lawful inheritances, in which heirs may dwell securely: the first is, inheritance through claim, on account of ancestry; the second is, inheritance which is obtained by a legal contract with the owner for a sum of money; and the third is, inheritance which is obtained by a legal contract with the will of the owner, and without purchase.

Three times a patrimony may be shared between three different degrees of relations in a family: first, between brothers; the second time, between first cousins; and the third time, between second cousins. Further than this, there can be no appropriate division respecting it.

There are three kinds of purchase of land: the first is, what is paid for keeping it; the second is, what is given to improve the soil, or raise its privilege; and the third is, what is lawfully effected to cultivate the soil, so that it may be improved by it.

By three ways land may be claimed: by false seisin; by investigation of a right, through possession by father and mother; and by pedigree and stock. If there be no chance of prospering, by making a claim to land through the first and second methods, those who seek it by the third method, are sure of success.

There are three false seisins: seisin against the will of the owner, and without a legal award; seisin through the owner, but against the will of the heir, and without a legal award; and seisin through the guardian, in opposition to the just rights and inclination of the heir at law, and without a legal award. The owner is he who possesses the land in right and security; and a guardian

is one who keeps, or guards the property of another person.

A dispute respecting investigation of right between heirs, shall be decided in three ways; that is to say, by natural privilege: the first is, the privilege of age, between the oldest and the youngest; the second is, the appropriate privilege between a legal and an illegal heir, (for the legal heir shall obtain all;) and the third is, the privilege of claim between the person who is entitled to the property and him who is not entitled to it. If the fathers of these keep possession of the land from time to time, even to death, and if their sons come to demand an investigation of right, the son who has the privilege of claim, can obtain an entire investigation of right, whatever may be the time in which he may make the demand. If the heirs be equal in rank and come together at the same time, to demand an investigation of right, as brothers of their father's patrimony, or first cousins, or second cousins on account of the land of their fathers, he who may defend his father's having no share, from time to time, even to death, cannot impugn any one of his competitors, nor delay his claim, because every one of them has a right to the same investigation.

There are three kinds of privilege: natural privilege, the privilege of land, and the privilege of office.

There are three properties of every person: kind, rank, and inheritance. Inheritance takes place on account of rank; rank on account of kind; and kind on account of the distinction which exists between persons with respect to law; as, the distinction between a king and a baron, a baron and a villain, a man and a woman, the oldest and the youngest.

TRIADS RELATING TO THE JUDGE.

There are three things which appertain to the judge: the first is that he speak with modest propriety according to the king's necessity; the second is, that he examine and decide quarrels in the court; and the third is, that he decide causes by the strength of his judgment with a pledge and the law-book, if recognizances be entered into with him, or, if the king desire it, without entering into recognizances with him.

There are three doubtful decisions: the first is, when there is a dispute between the plaintiff and defendant respecting the judgment that has been given, and, in this case, the judge who has pronounced the sentence must decide the matter; the second is, when there is a dispute between the plaintiff, the judge, and the mutual recognizance; and the third is, when there is a mutual recognizance between the defendant and the judge, both on account of his decision, and the two hostages. This shall be decided by written authority; and Universal* Justice is that authority, because it is the law book of St. David's.

There are three kinds of judges in Wales, according to the law of Howel the Good: the daily judge of the palace, according to office, being continually with the king of Dinevor,† or of Aberfraw; the judge of the commot, or hundred, according to office, in every law court in North Wales and Powys; and the judge,

* Whether the universal justice be still in existence or no, I cannot say. It seems, however, to have been a compilation, containing a compendium of the laws, for the benefit of the profession.

† Dinevor was an ancient seat of the South Wallian princes in ancient times. The situation is very fine, and the position strong.

for deciding causes respecting the rank of land, in every court of the commot, or hundred in South Wales.

When a judge commits a fault in the office of the court, the commot, or the hundred, being the price of his tongue, he then loses three things: first, he loses his office; then he loses the privilege of a judge, for want of office; and lastly, he forfeits the price of his tongue.

By three modes the sentence pronounced respecting a cause is decided: first, through sufferance, for sufferance terminates every issue at law. For if the judge quietly suffer a person to give a hostage against his decision, without producing a counter hostage to maintain his sentence, his decision shall be corrected. The second is, the law-book between two hostages; that is, when a hostage is given against a decision, and another hostage is produced to support it. The third is, when the judge has to decide between two persons in a cause respecting the sentence he delivered for them, without their entering into recognizances with him.

There are three persons who cannot enter into recognizances against a decision, by law. The first is the king, for he cannot, by law, as standing in the debate before the presence of the judge, put in a plea, or make a reply through natural privilege, or the privilege of land, as a baron, or another. The second is, a person bound to the church and in holy orders. The third is, a person belonging to the church bound by religion; for no such person can, according to law, give a hostage against a decision, except under peril of the price of his tongue; and there is no price fixed in Howel's Law upon the members, the blood, and the fine for insulting a person belonging to the church; therefore, not one

of them can give a hostage either against, or for a legal decision. All wanton injury which may be done against a person belonging to the church, must be atoned for by the criminal, in the senate, according to the law of the church.

There are three things which every judge ought to hear of the parties who litigate, before he pronounces sentence either for, or against either of them ; that is to say, the plaint, the subject matter, and the defence.

There are three kinds of contemptuous decisions : the first is a decision which is given against a person who does not hear it when it is first recited in the court, whether he be far from the place, or whether he be near. If he be near, the apparitor ought to call him, that he may hear the sentence which is pronounced upon him ; and if he be far off, he ought to have delay, until he can show himself in court, if he can obtain it in time, according to law. The second is a decision given against a person ruined through tyranny on the part of the king, or the judge, or the courtiers. The third is the decision of an unworthy judge.

There are three persons who cannot be worthy judges according to law. The first is, a person that is imperfect, as being blind, dumb, leprous, or a madman, (who has once been put in confinement on account of his insanity,) or a person who cannot speak rightly, as having a natural hoarseness. The second is, a person belonging to the church, and bound to holy orders, or to religious services. The third is a layman, who cannot, by law, judge of the privilege of land, or the rank of office.

By three ways a rejection may be effected against a judge deemed honourable. The first is, by his being partial between the parties in the court, before judgment

is pronounced. The second is, by his participating with a person who may have a cause before him, provided he can obtain the advantage through the judge's sentence. And the third is, by accepting a bribe on account of a cause in hand, that there will be no opposition in the law presented by the judge.*

VARIOUS TRIADS OF LAW PLEADINGS.

There are three things that ought to have an infallible warrant to do them: the first is, an objection immediately presented against the person himself, the disputed property, and against the defendant's property. Secondly, to stand according to law and judgment, against the whole of the dispute, through the verdict of the country. And thirdly, to present an entire opposition against every case in law, as it may be awarded to him.

There are three times fixed in law to revenge a corpse between two families, who have not originated in one country. The first is, to commence a claim on the first day at the close of the first week after the person is murdered; and unless a defence be put in against it at the end of a fortnight, the law gives liberty of revenge. The second is, if the two families live in the same hundred, the family of the murdered person should enter an action on the third day after their friend is murdered; and if no defence be set in against it, at the end of the ninth day, the law gives liberty of revenge.

The third is, if both families live in the same commot, the family of the murdered person should enter an action on the third day after their friend is murdered; and unless a defence be put in against it, at the end of the

* These triads, respecting the duties of a judge, contain some sound and wholesome truths, worthy the serious attention of many modern judges.

sixth day, the law gives liberty of revenge, because the accused did not come to reply.

There are three fines to the king : the fine for a confessed murder, the fine for a rape, and the fine for theft. To invalidate a fine for murder, is twelve muids ;* to invalidate a fine for committing a rape upon a virgin, is a rod of silver, a golden phial, and a dish of gold, the same in their measures as those which are stated in invalidating a fine for insulting the king ; and to invalidate a fine of theft is, to charge a theft upon a person, and he verbally denying it well, and bring evidence against him, and that failing.

There are three things that are fours. The first are, the four causes by which a sentence is reversed : the demand of a powerful man, enmity of heart, the kindness of friends, and the love of property. The second four are, the four defences which go between persons and the verdict of the country, on account of a charge of theft. The first is to keep a guest lawfully ; that is to say, to keep him from the time of twilight in the evening until the morning, to give his hand to his bed-fellow three times during the night ; and thus to swear for him by the persons of the house, The second is birth and rearing, by which the owner, and three men of equal rank with himself, can swear, that the animal claimed, is his by birth and rearing, and that it never was three nights from him either by price or gift. The third is a warrant, which is not a warrant except upon the third hand, and the third defence through law. The fourth is, to have kept it before it was lost ; and this is ascertained by the evidence of three persons with himself, who are of equal rank with him, who must

* Muid, a measure of capacity.

swear that the property claimed was his before he lost it. The third fourth, are four persons, who have no protection, neither in the court, nor the church, from the king. The first is a person who violates the king's protection in the palace, during one of the three great festivals; the second is, a person who is given as a hostage during the king's life; the third is the person who ought to prepare the king's supper for that night, and who does not provide for him; and the fourth is his captive.

There are three silent ones in a convention; a noble lord listening to his honourable men administering justice; a judge listening to the plaintiff, and to the defendant in reply; and a surety listening to the plaintiff, and to the payer in reply.

There are three thrusts of a spear which are lawful in quarrels: the first is to thrust its point into the earth with one hand, so that a person can hardly draw it out with both; the second is, to thrust the head into a hillock, until a great part of the shaft is concealed; and the third is to place it upon a bush that shall be equal in height with a man; and unless the spear be in one of these three thrusts, and a person coming upon it, be killed, one third of his murder fine is brought upon the owner of the spear.

There are three useless discourses delivered in court, and which cannot avail: a denial before evidence; a court before the time; and law-pleading after sentence is pronounced.

There are three fines for insult that cannot be imposed if they are sought through intoxication: a fine for insulting the domestic chaplain, the judge of the court, and the family physician; for since they cannot tell

when the king may need their services, they ought never to become intoxicated.

There are three women whose sons are entitled to their patrimony through their mothers: a woman who is given as a hostage by her father, and becomes pregnant of a son whilst as a hostage; a woman who is betrothed, by the gift of her family, to a foreigner; and a woman whose husband is killed by her family; and the revenge of whose son cannot admit of procrastination on account of maternity, nor the delay of the ninth day to be brought against him.

There are three sons who cannot claim an equal share of land with their brothers, who are sprung from the same father and mother. The first is, a son who has been begotten in illicit commerce and immorality; for if after that, his mother have a son, through her family betrothing her, born in lawful wedlock, the illegitimate child cannot share the land with the latter son. The second is, if a clergyman take a woman by the gift of her family, and have a son by her, and then be married to her by the priesthood, and afterwards have a son by her, the former son is not to share the land with the latter. The third is the dumb person, for the country cannot be given to the dumb, because land cannot be granted to him who cannot answer for it.

There are three things that the law will not permit their being sworn to: flour, bees, and silver, because they are found to be similar.

There are three occasions wherein the trees in the king's forest may be taken gratis: timber for the roof of the church, spear shafts which are employed in the king's necessities; and timber for a bier.

There are three pieces of flesh of a hundred recur-

rences: the first is, a dead animal upon the road which has been stolen, if a traveller take a share of it, for there are nine participations of theft connected with it; the second is the king's stag to the person that stabs it with a knife; and the third is, a wolf's carcase to the person who does any injury to it.

There are three birds which are not to be killed upon another person's land, without his permission: an eagle, a heron, and a raven. Whoever kills one of them, let him pay fifty pence to the owner of the soil.

There are three things, which if found upon the road, may be kept without responsibility to any person: a horse shoe, a needle, and a penny.

There are three persons that the king must not purchase: a thief after he is condemned to be hung, an assassin, and a traitor to the lord.

There are three pursuits for which there can be no redress: a stag in corn, a dog in corn, and a wild colt in corn.

There are three lawful needles: the serving needle of the queen, the needle of the physician of the court to stitch up wounds, and the needle of the chief huntsman to stitch up the lacerated dogs. Four lawful pennies shall be paid for each of them.

There are three fines for insulting a corpse: when the person is murdered, when the body is exposed, and when it is laid in the grave.

There are three contumelies of a corpse: to ask, who has murdered this person? who possesses this bier? who owns this new grave?

There are three things that are not to be paid for, since they are worn out in the necessities of a house: a knife, a sword, and a pair of trowsers.

There are three seizures that are not to be restored : one on account of theft ; one on account of a surety, who will not compel ; and the third on account of the compensation fine for murder.

There are three kinds of payment to a complainant : a false pledge, a cheap bargain, or a verdict.

There are three mutual releases from a binding claim : a true pledge, a deposition, or foolishness.

There are three goings into exile without any return : a wife, after having legally separated from her husband ; an illegitimate child after having been legally denied by a family ; and a person enjoying a patrimony securely, if he should go to reside in another lordship, it is not right for him to return again.

Law is established on three accounts : to diffuse instruction lest injustice be practised ; to guard against injustice, if a person should come to practise it ; and to punish the person who is guilty of injustice, by fines, amercements, and such like penalties.

There are three kinds of property that do not require a surety : the property which a lord gives to a man, a bequest that comes to the priest by death, and the property that comes to a physician by sickness.

There are three dead evidences respecting landed property, which stand in law and judgment. The first is, if a dispute be raised in the court respecting land, and it must be determined in the presence of the men of the court after the death of all the former heirs, the evidence of their heirs, who are great grandsons, or further, shall be credited concerning what was formerly, as far as they have heard of their ancestors respecting the litigated property ; and these are called direct evidences respecting land. The second are the elders

of the country, who know the pedigree and stock between the family and relations of the person who demands the property by pedigree and stock, from the ninth day of May, or December. The third is, when the back-fire-stone of the father of the person who claims the land, or of his grand-father, his great grand-father, or others of his family, or the situation of the building, or the land of his ancestors, is seen; these shall stand in lieu of witnesses respecting the plaintiff's rights.

There are three litters which are of the same value with their dams, whether they be one or many, if any one of them be taken in theft: the litter of a buck-hound bitch, the litter of a sow upon her couch, and a hawk's nest.

There are three animals which have the same price in the herd, at any time: a boar set apart for breed, the chief of the swine, and a sow which is kept opposite the lodging of the lord.

There are three kinds of direct evidences respecting land: the first are the elders of the country who know the pedigree and stock, and who bring a person to his rights with regard to landed property, with his relations; the second are the borderers; that is to say, a man of every inheritance of the patrimony that knows the shares and boundaries between the tribe; and the third are, the mayors, chancellors, and apparitors, who guard the boundaries of the commots; for the king claims these boundaries.

There are three things which preserve a record, and stand in lieu of witnesses to a person respecting his rights to landed property: the place of the old kiln, the back-fire stone, or the horse-block.

There are three persons to whom a fine for slander shall be paid: to the king, when a person shall speak roughly to him; to the judge, when a recognizance is entered into with him respecting the equity of his decision; and to the priest in his church, in the three great festivals, or in reading a letter before the king, or in writing one.

There are three things under cover at court: the mead tub, the bragget, and a poem before it is shown to the king.

There are three free hunts in every country upon the land of another person: the chasing of the roe-back, the fox, and the otter.

There are three elements of a claim: sight, word, and action.

There are three sights that must be brought in law: the sight which testifies to a testimony, the sight of declaration by the person's own will, and the sight of concealed felony on account of murder, burning, or theft.

There are three concealed words: a word that has scandal in it; false pleading in the court; and felonious information respecting murder, burning, or theft.

There are three kinds of false pleading: false pleading in making a claim, by excess, or deficiency; false pleading in making the defence, by excess, or deficiency; and false pleading in making a denial. By the first, the plaintiff loses his claim, on account of what relates to the statement, if evidence be brought against it; but he does not lose an amercement, for there is no false, concealed desire in the law, three things excepted. On account of the second; or the third, the defendant forfeits

the amercement, and invalidates the claim, because of the false defence which had been delivered.

There are three ways of terminating a claim : to deny it, or to prove it, or to reject the witnesses.

There are three things that do not accord in law : proof against an act, except in three things ; a denial against warranty ; and a record after a decision.

There are three acts which require proof of legal, or illegal labour upon land : the first, such as destroying, or making a boundary, or performing other labour ; the act of an animal in killing another, within the view of the shepherd of the hamlet, whose testimony shall be valid in that matter ; and the act of an accomplice of a thief who is hanged for robbery, and whose evidence shall stand respecting his accomplice. The testimony of direct evidences, also, shall stand respecting landed property.

There are three pleas : an asserting, or a warranting, or a defending without a warrant.

There are three records after a decision : the first is, for the judge to suffer a hostage to be given against his decision, without his giving a hostage to support it ; if after that he offer his hostage, it cannot be received according to law, unless there should be a contempt of judgment. The second is, to give a hostage against a decision, after it has been suffered. The third is, to promise a discourse falsely respecting the law and judgment, and after the decision, to seek for a false exemption which must not exist.

There are three reasons for faithfully preserving the records of the court : for the union of the parties ; for determining a dispute, if one of the counsellors should come and say, that it is terminated, and the other

should maintain that it is not terminated; and on account of the injustice which a lord, with his man, may do in his court.

There are three certain testimonies: the testimony of the court producing the records; the testimony of direct evidences, every one of whom is believed in the law respecting the division of land, as a father between his two sons, or more of them respecting land; and the testimony of counter-witnesses.

There are three dead testimonies: to give evidence for a person, before he has made his claim, respecting the matter upon which the evidence is given; to give evidence for a person who is not denied, or defended against the other who hath finished his denial, or defence; and to give evidence for a person, saying that he did not address the court; and the judges who hear him, ought to produce him bodily, at the request of the defendant, if he desire it. And these three are more powerful direct evidence, than witnesses.

There are three distinctions between direct evidences, and witnesses. The first is, the testimony of direct evidences shall be admitted in court respecting property that was formerly mutually claimed, when that of common witnesses cannot. The second is, direct evidences claim a verdict by their knowledge of the law of witnesses, though it may not be strongly witnessed by them, which cannot be granted to common witnesses. And the third is, direct evidences can bring their testimony against a denial and a defence; that is to say, direct evidences can prove the truth after the business is closed, which is not granted to common witnesses.

Direct evidences are stronger than witnesses in three ways: the first is, to be able to bring many direct

evidences, or even only one, as a surety, for any thing in law, whilst neither more nor less than two witnesses will avail; the second is, to be able to fine, or sell a person through direct evidence, which cannot be effected by witnesses, according to law; and the third is, to be able to prove a matter, by direct evidences, against a denial and a defence, which cannot be effected by witnesses. When a witness gives evidence in his testimony of a matter lawfully of others, against the defendant, or when the defendant gives evidence of a thing lawfully against the witnesses, these are called counter-witnesses in law, and their testimony cannot be rejected.

There are three testimonies respecting a declaration, which are not sworn upon the sacred relics: the testimony of a robber at the gallows respecting his accomplice; the testimony which is not urged against it, when it is delivered, respecting a statement; and the testimony of counter witnesses. Direct evidences support the force of witnesses in every litigated matter, and they are of the same value in every cause of litigation, where that of witnesses will not avail.

A fine for a rape shall be paid on three accounts: the first is, when the defendant fails in his defence against a person; the second is, when the oath of a person fails in denying the rape; and the third is, when the warrant of a person fails, who is called upon, in consequence of a litigation for rape.

By three ways, litigation for trespass loses its greatest privilege; if its conditions be not performed; if there be a living testimony in the litigation for trespass; and if the plaintiff, who makes the complaint, bring from his property that which has been taken away by the violence of another, and it be not with him. In these

three instances, there can be no other verdict than the oath of three men, nor any more revenge than an amercement of three oxen, unless he be able to deny the matter, or to defend his conduct.

The person whose rights are infringed, loses one of these things by it: his person, his land, or his other moveable property, or his rank.

There are three kinds of defence: the first is, that there be no answer given in an improper time for what is demanded; the second is, a defence such as never can be answered on account of what is demanded; and the third is, a defence by reply, so that nothing that is claimed can be lost.

There are three things that it is not necessary to give an answer respecting any one of them: the first is, a thing that is not guilty of opposing the law; the second is an act, the mischief of which may be shown, if it were done, but of which nothing of the kind is shown; and the third is a loss, respecting which no one in the country can know the nature of the information, which the plaintiff gives concerning it.

There are three kinds of obstructions: the first is to take a thing, and not to return it again; the second is, to threaten mischief to a person or to his property, without acting justly, or peaceably towards him; and the third is, obstructing a person from receiving his rights after the fixed time for receiving them.

The law closes between the plaintiff and defendant on account of three reasons: the first is, by loss of time, and this happens from many reasons; the second is, on account of a claim without an owner; and the third is, by terminating the litigation before the proper time.

There are three terminations of a legal claim: the

first is, to terminate it by the consent of the parties ; the second is, a termination agreed upon between the parties by arbitrators ; and the third is, to terminate it by the law.

There are three litigations which must be supported and decided by the verdict of the country against impudence: the first is, a litigation respecting a loan, a hostage, or a distraining in law ; the second is, a litigation in which there shall be a defendant, that is, a denial respecting landed property ; and the third is, a litigation, occasioned by the opposition of the king to the law.

There are three customs: a custom which follows after law, and this is to be supported ; a custom which precedes the law, and if it have the authority of the kingdom, it is to be supported ; and a custom which corrupts the law, and then it ought to be abrogated.

There are three things which strengthen an institute: authority, power, and graciousness.

There are three things which injure a custom : opposition, doubtful origin, and bad example.

By three ways the judge forfeits an amercement for judging, though he does not forfeit the price of his tongue: the first is, when he refuses to judge that which he had decided upon before, through similar reasons ; the second is, when he deviates from the subject in summing up the evidence, if he make more, or less of the matter than the evidence adduced require ; and the third is, when he does not give a hostage to support his decision, though the other may give a hostage against him. If the judge be guilty of the first, his most false judgment shall be abrogated ; if of the second, the summing up shall be rectified ; and if of the

third, it must be abrogated, because that which is right must be done, for the judge ought to strengthen his decision in time by a hostage. If the litigator shall neglect to give a hostage with the judge; that is to say, when the evidence shall be first summed up, he can never after, present an hostage for that decision, though the sentence may be false. In like manner also, if he present his hostage in time, and the judge neglect to do so, his judgment shall be annulled.

There are three statements, and for every one of them the verdict of the country must be brought upon a person respecting theft: the first is, to bring the lost thing and the witness along with him, who will swear against another, that he heard and saw the stolen goods upon him; the second is, to swear by the witness, that he saw and knew the stolen property upon him, by its colour; and thirdly, that he was prevented by the person accused, from seeking his property in the place that he thought it likely to be in. The verdict of the country is not to be taken for stolen goods, without one of these declarations against the accused, unless he refuse the oath which the person who has lost the property tender to him. If he refuse the oath, it is not necessary to be severe to him, except by insisting that he abide by the verdict of the country.

There are three kinds of pledges: to support the truth, by swearing to it fully; to deny deception, by swearing against it fully; and the third is, to swear to a doubtful matter, according to conscience. A thing is doubtful, which cannot be fully known, whether it be true, or false.

There are three maxims according to law, to make both the law and customs perfect, so that they may

suffer no detraction by deficiency, superfluity, or by unworthy things: the first is, that judgment should be administered according to the nature of things; the second is, that of two written and opposing laws, treating of the same subject, that should be adopted which is more worthy than the other; and the third is, that every kind of written law which has no other to oppose it in writing, ought to be supported, until the chief and his country, demand its being annulled, by placing another in lieu of it that may be more worthy.

There are three kinds of evil distinctions, from which deliverance may be obtained according to law, without the necessity of giving mutual hostages with the judge, or of losing time in law to doubt the distinction, because of sufferance, until a year and a day shall have glided away from the day of the evil distinction; nor can the heir oppose it, if the dispute arise concerning land. And if the law should chance to imprison the injured person through the influence of the lord, still the act will be unjust, nor shall he lose the benefit of legal time by gainsaying it, unless he neglect to proceed with it, after permission is granted him by the law, and he suffer a year and a day to flow away. Neither shall he, who has begun mutually to carry on the litigation, lose the legal time; if war should take place before the termination of the dispute, unless he suffer a year and a day to pass away after peace is restored, with the knowledge of the lord who governs. The first is, to pass sentence upon a person to the injury of a party, without being able to prove his sentence by privilege of land, or of office, or of having entered into holy orders, or of being an imperfect, or vicious person, or of being a person, subject to a natural disorder; and these particulars

shall deprive him of being considered worthy of being a judge according to law:—Or, for the judge to pass sentence against a legal rejection, or a legal protestation, without determining the matter with the party who have the cause, or, after he has come to a conclusion with regard to the cause, to pass sentence:—Or, for a judge to pass sentence before the openings of the litigation and an examination of every part, or after an examination of every part, to be partial in his sentence on account of the lord:—Or, for the judge to pass sentence suddenly before harmoniously consulting with his brother judges:—Or, for the judge to pass sentence upon a person contrary to law, through compulsion on the part of the lord, or to seek the profit of distinction in the forming of the sentence, or conciliation, respecting the ownership of the land, that has been awarded by the act of a legal convention, unless the lord should have placed one of his own men in the possession of such land, being his own, either as an acknowledgment, or as a boon for other services. Such a place becomes a strong possession to a person respecting landed property, unless the act of the legal convention interpose. The second distinction is to be able to decide it against the judge, or, with his brother judges, to produce one of the four causes that reverses a decision; that is to say, hatred because of enmity. In other words, to be able to prove that the judge, or his brother judges, have pronounced a false sentence, or established a false one, by record or verdict against a person, and this from hatred on account of enmity:—Or, to prove that the judge by privilege of land, or his brother judges with him, have received a bribe, or a reward, or the promise of one:—Or, being a judge of office, besides being

placed in the law, he has overturned his decision, and on that account has decided falsely, or supported hypocrisy, by record and verdict, against a party, and this from love of property:—Or, to be able to bring home against the judge, or those of his brother judges, a charge of partial confederacy through force and promise; that is to say, to give courage to the party, through the plaintiff, or defendant, showing, however strong the litigation may be, the sufferance of the judge to support his own inclinations, or to decide upon that point which the law calls the partiality of friends:—Or, to be able to prove against the judge, or those of his brother judges, that they have used threatnings against them, as harm to the body of a person, or to his property, until he dare not attempt to bring the litigation to a termination upon that point, which the law calls the fear of powerful men. This charge ought to be proved by the verdict of the country, unless the circumstance should chance to be clearly proved by the record of the court. Whoever may bring a legal convention against the judge, who may have injured him in any one of these points which we have just mentioned, he ought instantly to obtain a record, or verdict between him and the judge, or those of his brother judges, against whom the cause is brought; and if the record or verdict fully confirm the accuracy of the charges brought against the judge, or those of his brother judges, let the person who is detected pursuing illegal measures be punished, in the manner which the law has enacted it should be done, and let a complete termination be put to the quarrel throughout, by law and justice. The third is, where a person shall be forced to bring the matter in dispute before the canonists to

decide; that is to say, when there are two written laws opposing each other in deciding the same thing, and the judge does not know whether of the two is the more worthy; or if the plaintiff and defendant question the discrimination which the judge has made between these two laws; or if the plaintiff, or defendant, have decided to question the discriminating power which cited those that have been called on the part of the king, to discriminate the cause in dispute, between the hostage and the counter-hostage opposing each other, who are given into the king's hand; or an appeal of judgment which is given upon a person, who is not able, according to law, to give a hostage against a decision. Then the king ought to take up the quarrel, and take it properly, at the time of day fixed upon in the law, before the canonists, to effect that which is just, and to put a complete termination to it, through the understanding of the canonists. If after this, either of the parties should raise any doubt, and call for a new arrangement of what the canonists have decided, it cannot be received, nor listened to, according to law. For Howel the Good, king of Cambria, with the counsel of his wise and noble men, made a provision in his law, that the understanding of his canonists should be unhesitatingly appealed to, for the purpose of determining dangerous and ambiguous disputes, according to the judgment of the sincere canon; and thus, where a doubtful matter cannot be understood by his men of authority, so as to terminate it honourably, it is proper, according to his law, to submit it to persons engaged in eternal concerns.

There are three collective conventions placed in the law of Howel the Good, so that there might not be any kind of defect in the law, nor any kind of deficiency by

merit, or justice. First, the rank of judges shall not be given to any persons of that collective convention according to the privilege of land, or of office; but when the men of that court shall have properly considered the record, and supported the form through the oath of the elders, respecting the matter which is brought before them, then the judge, who is appointed on the part of the king, ought to pass sentence between the litigating parties according to the form prescribed by the men of the court, who are impartial persons on every part, without any rejection, or opposition against them. That is, when there shall happen to be quarrels about land, between various lordships, as commots, or hundreds, those who own them are not to be the judges, nor other lords, whether laymen or churchmen; but those who supported their late lords under the king's lordship, shall maintain and support the convention, because of the king. For according to the king's rank, such a court as this is established by him, through law. The reason is, the king is lord over all his kingdom, but any other lord has no jurisdiction over his peers; and, therefore, it is understood, according to law, that no other lord, besides the king, has power to establish this court. It is, therefore, incumbent on the part of the king, by citation and summons, to compel the attendance of the ancient authorities and wise men from the chancellorships, in every part, of those who are the most eloquent, to the place of contention; and this in legal days and times, as is explained in cases of any quarrels between the court and the church, the commots and the hundreds. Again, if a person lay claim to land through the act of the king, either to himself, or to one of his ancestors, and another person enter a prosecution

against him, saying, that it was neither awarded to him, nor to one of his ancestors justly, but through opposition and illegality; or if a person come to demand land, because of an act which he obtained from the lord of that land, or if a person commence a prosecution on account of one of his ancestors, who obtained the land, and, therefore, that the right descends to him also, and there be a person in possession of the land in question, through seisin of some kind or another; it is the duty of the collective court in these cases, to support the parties and properly to terminate the disputes. For the person who keeps possession of land, through an act on the part of the lord, however he may obtain it, whether by price, or homage, or as another reward for services, cannot urge a defence against this court in the litigations of a commot, or a hundred, through record or verdict, as a baron, or another; because it is not appointed in law, to determine the right of a lord, in this court. If the collective court show a disposition to use opposition, as we have mentioned above, the king ought instantly to guard against the illegality; for no one ought, according to law, to support an act which is done illegally. If the seizer be unable to annul the deed, and question the right of the lord who obtained the land from him, the judge ought to award the land to the owner of the deed, that he may say his act is accomplished, and come upon the land from the disturbed property of him who possessed it securely. The second is, that a complaint for murder cannot be prosecuted, but before the king, or before his deputy; for no one is able to compel all the parties to pay the compensation fine for murder, but he who is lord over all, and that is the king. It is not proper, in law, to com-

plain from convention to convention, to enter a prosecution for one offence; therefore, this quarrel should be brought before the collective court. And the king is entitled to one third of the compensation fine for murder, for compelling its payment in lieu of corporeal punishment, and for compelling the payment of the other share to the family, as the lawful share between them. The third is, a collective convention formed in consequence of a dispute between persons in authority about the understanding of two laws, which are in opposition to each other in deciding upon the same cause, without a possibility of ascertaining whether is the more credible, or without knowing whether of the two is the more honourable. In this case, the king, by proper notice, must compel a meeting of the canonists, whether they are religious men, or other churchmen, to decide this contention through the judgment of the impartial canonist, and to support it by an oath, if there be any suspicion; and then the judge must, on the king's part, pronounce sentence according to the decision of the canonists.

There are three cuttings off for contempt. The first is, to decide a cause for a person, to whom appertains the space of a year and a day to doubt the decision; that is, for the men of the court, or the judges, or others, to prevent a person from giving an instant hostage, or to fail, on the part of the king, or of the lord who owns the court, to receive a hostage. On this account the injured person shall not lose his time, until a year and a day shall have passed away, from the time that the law first gave him permission; and he shall have just judgment administered to him fairly and appropriately in his cause, according to the pleading of

his suit. The second cutting off for contempt is, to pronounce an irrelvant bond upon the defendant of a neighbouring country, to hear the record and decision after the litigation is brought into court, according to the request of both parties. The contempt consists in showing partiality to the plaintiff; for, by law, the time for the judge to pronounce sentence is after it is requested by both parties. The third cutting off for contempt is, to give judgment against a person, who has committed his cause to the decision of the court, before the facts are properly stated to the court. There are two kinds of contempt of absence: the first is, to deprive a person of the possession of his land before the fixed time has arrived according to law, for until that time, he is entitled to delay; and the second contempt of absence is, to pronounce sentence against a person, depriving him for ever of the property, before the facts are fully stated in the court. The first of these contempts is understood by its unseasonableness; and the second is understood, because seasonableness is compounded with the matter, for there cannot be a doubt of the entire decision, on the part of the subject, if there be a coincidence of time. If the facts of the litigation be fully stated, there shall be no decision of absence, for the party recollects the cutting off in question for despising the decision. Every kind of false pleading, which does not coincide with the nature of the litigation, shall entirely cause the loss of the subject of litigation without losing it for ever; and, therefore, permission is granted to bring the matter before a court the second time. Every kind of false pleading that accords with the nature of the litigation and its entire elements, until there be no longer any bearing upon the dispute, shall

be entirely frustrated by the custom of pleading, unless the arguments advanced, have placed clear bounds to them according to law; as in a claim made after a year is expired, and such like; and this close of the advantage shall continue until the appointed termination of the business. St. David!* pray, pray.

There are three kinds of conclusions of litigation. The first is, if a person should happen to demand land of another through desire and claim, by producing a plausible reason of its descending to himself, or to one of his ancestors, or relations, as co-heirs, but that the land did not descend by the equity of his ancestors; and if the defendant be able to produce, against the plaintiff, a defence of his right to it through legal security, and that it came to one of his ancestors also through legal security, he shall be able to bear the extinct right to himself, or to his co-heir with him, though it may be a person brought up with himself, or a stranger who has obtained the land with him, as he is able to prove their rights, or the time to give hostages with the decision. The second is, a conclusion which the respondent can effect against the plaintiff, who claims a right on account of ancestors, or from his own condition, or from any other that has extinguished the right through the pleadings of a natural quarrel, and a decision delivered in the presence of the person who claims the right on his own account, or of his co-heir, through some one of his ancestors ejecting the person who had seized it unlawfully. It is also effected, if the respondent be able to

* St. David was highly celebrated as a divine and as a holy man. He flourished about the middle of the fifth century, and became the founder of many churches. He is the patron Saint of Wales, as St. George is of England, and St. Patrick is of Ireland.

support the ownership better than the situation of the person who has sought to do it by seizing it unlawfully; or to produce a legal claim against the plaintiff, that he was the person who got possession of the land by accident; that is, through the investiture of the lord; and after that another person attended the convention in his absence, and received a feeble investiture of the land in question, from the convention, and through that circumstance, continued to keep possession. In this case, the first can enter an action when he pleases within a year and a day; and though the other may commence a suit with him about the unjust seizure, he cannot obtain a verdict in his favour, because every seisin compounded with justice is more powerful than that seisin which was made dishonourably, and because the law understands the condition of the most ancient claim, and gives possession to him whose cause is most just, until the matter becomes extinct through law and justice. Thus, an eternal conclusion is established, as that above, respecting possession, that may happen, by the plaintiff and defendant pleading face to face through law and judgment. Once more, or if the defendant be able to bring against the plaintiff an eternal conclusion of ancestry, in a convention of a commot, or of a hundred; for whoever shall be supporting it, whether a concealed person sprung from pure blood, because of sufferance, or a stranger who may have received it, he shall have the advantage that may emanate from justice for the space of three years. For to that person there is a concealment of law, as of the person who is legitimately descended, unless he be able to prove his being an unjust occupier through the person who brings forward the right to him from himself.

This conclusion does not operate against the false occupier, unless where one of the ancient rights runs upon his occupancy, asserting in his defence, that the heirship did not fall to him by the person who puts in his claim, and in this manner to doubt his ownership altogether, where he fails to produce equity upon similar occasions. *May St. David assist us!*

The third conclusion of a litigation is, for the plaintiff to suffer his claim to lie dormant until the year has expired; or to demand his unquestionable rights on blank days; or to demand landed property by pedigree and stock at a time when the law is closed respecting such causes; or to begin the trial after half the day has evidently passed away, and such like things. This last conclusion, and such like, shall be supported only for a time, but the two others, and similar ones, shall be for ever; and this, because they establish justice. *St. Gwenoc! help us.*

The force of a conclusion is to produce a person of energy and strength, who will give the whole force of truth to a discourse; the same as the record of the court, the verdict of the country, in a litigation about landed property, a suretyship in commerce, direct evidences, or contractors about a contract which is claimed, where the parties are not in harmony; that is, about moveable property violating the pleading, the element, or the knowledge of impartial law. In every situation, a person has a right to demand natural equity on account of his ancestors, as well as the emoluments of it, where an extinction of right cannot be produced against it by a legal act; but time must be observed. There are four ties of a litigation: he who claims; what is the thing that is claimed; what is the worth of

the thing claimed; and at what time the claim is made. The manner is, in the first place, to declare the proper names of the plaintiff and defendant, and also what is the nature of the claim, so that it may be known whether it can be settled by the chancellor, or by the officers of this convention. The second is, what is the property claimed; that is, the manner in which it has been injured, whether by trespass, theft, surreptitious removal, hire, pawning, borrowing, or by any injury whatever that may be done to the person, or to his property; and also what kind of property it is, whether cattle, gold, silver, or claims upon landed property, through one of the investigations of right, or by one of the three, or through pedigree and descent; if by service, pawning, or by borrowing, name what degree of strength remains to obtain them again; or if through commerce, contract, or any other form, name what kinds of claim are upon them. The third is, to declare what is the magnitude of the claim; that is, to state the number of animals, or of gold, or silver, and what their qualities are. If injured, to what extent, and what is the rank of the plaintiff. If for land, name what number of acres it contains, and what is claimed by the possessor; if for wood, state what number of trees there are, and of what kind, and what is the sum that is demanded for the mischief, according to law, whether lawful silver, or short silver. The fourth is, the time in which the claim is made; that is, to declare the day and the year the claimed thing was taken from the property, or the injury that was done, or the contract which was made, or the regulation, and at what place. If by commerce, what day was it; if by hire, pawning, or borrowing, state what day, and what year it ought to be returned

again, or payment to be made for the commerce. If the claim be respecting land, state what day it was taken possession of, where the land is situated, what rank it possesses, by which of the three obstructions he was deprived of the enjoyment of his property, or how he was injured, and also what was the condition of the plaintiff or defendant, at the time they were guilty of this injustice to him. Whoever shall avoid one of these four ties already mentioned without speaking, has a questionable claim, and it is not incumbent to reply to it, unless as it regards the time on the part of the responding party. And if one of these four things be not fully stated (for more or less is not required for the property than what ought to be according to law,) it is false pleading, and the plaintiff must lose his claim in consequence; and he is not entitled to an answer, because he loses it in the manner already stated. Then, a distinction must be made between false pleading and uncertainty; and unless he be able to support one of the four ties, previously mentioned, by the truth, he is never entitled to an answer, respecting the claim.

St. David the waterman! pray for us!

There are three persons who can keep land and receive it in the court of the commot, or the hundred, and who ought not to be parties to answer any one, to commence a prosecution, or to be jurors with the judges by rank of land, as barons: that is to say, the first of these is a churchman, to whom the king gives land by his own act, and who possesses his land in security; the second is a layman, to whom the king gives land, either as a present, or as a reward for other services; and such like; and the third is a person, who keeps the possession of vassal land under the king. The

first and the second of these ought to answer before the chief judge, if it be required of them, but not before a baronial court; and the third must answer in the court of a vassal town, but not in the higher court.

There are three incontinent litigations in law: the first is, a litigation in which the plaintiff is guilty of false pleading, or uncertainty, or suffers the time to pass away; the second is, a litigation in which the defendant is guilty of the same faults; and the third is, where a person makes a claim in a litigation that shall be rendered incontinent in law, on account of questioning the pleadings of a litigation.

There are three kinds of guardians of land according to law: the first is a lord, who shall be the guardian of land that falls into his hand by the death of the owner, until the right claimant come to demand it; the second is, a co-heir, who shall guard the property of his co-heirs, until they come to receive their rights and dues, as brothers, first cousins, and second cousins, for these are co-heirs; and the third is, a person to whom the owner shall give the guardianship of his land, upon condition of repossessing his land and his rank, when he desires.

There are three false claimants, who ought to be punished for their own personal claims: the first is, a person who gives a hostage against a decision which has been effected by the support of a counter-hostage, through written authority, by law, and this offender shall forfeit the price of his tongue; the second is, a person who gives a hostage against another that has been given for another person otherwise than for himself, and this offender must be punished by an amercement; and the third is, a person who may present a

hostage against a decision, who has no right to do so, as a priest, or another person of a religious order. Permission, however, is granted to such a person, personally to oppose the decision, through the authority of law; but if that authority fail him, he forfeits an amercement. No person shall forfeit more than an amercement, where there shall be a mutual recognizance, through giving a hostage and a counter-hostage.

If sureties be given in three places, they cannot be denied: the first is, in the public parish; the second is, in a legal convention; and the third is, in the presence of the lord. If this be publicly done, nothing can be effected to deny it in law; and since the defendant must not deny the sureties, there is no law to support him in this case, nor ought the surety to deny his having become a surety against the distraining of the apparitor. For the law has enacted, that when a surety denies his suretyship against the distraining of the apparitor, let him produce the oaths of six men, equal in rank with himself; against this there can be no counter-oath, except against the surety for the original debt. If the surety comes before the public, let him deny it through the verdict of the country, unless the place appertains to the record of the court.

There are three high courts in Cambria; that is to say, the court of Aberfraw, the court of Dinevor, and the court of Mathravael.* Every lord of every lordship in North and South Wales, must answer in the court which is most contiguous to his estates, in every claim and demand that may come upon him. Though a lord

* Mathravael was the place where justice was administered for the principality of Powys; but before the inroads of the Saxons, *Pengwern*, now Shrewsbury, was the metropolis of Powys, and the seat of its princes.

may be a plaintiff in his own court against any person, if he be so minded, he cannot, according to law, be a defendant in his own court, against any person who may enter an action against him; because he ought not to stand before the judge of his own court, nor ought he to be interrogated in his own court respecting any claim that may be upon him. Nor ought the judge also, according to law, to pronounce sentence, without the three parties being present, as has been previously mentioned; that is to say, the plaintiff standing, claiming and entering the action; the defendant standing, and defending; and the rightful and common lord, listening.

There are three sureties, not one of whom can bring bail upon his own personal oath, whilst any one of them may deny a share, and acknowledge another share of the bail. The first is a person who comes as a surety in the presence of the court; a surety of obstruction; and a surety of debt. Whoever shall bring the first into court, ought to swear with him, or against him. The second, or the third is, a person who shall bring any thing whatever upon the oaths of seven of his relatives; for every one of them is a payer, according to law, at the time of settling the debt. The following is the distinction between a surety of obstruction, and a surety for debt. A surety of obstruction is one that the law calls a surety, whose suretyship ceases with the plaintiff by notification in the days of a convention. A surety for debt is called, by law, the person who becomes surety for another who cannot stand to law because of poverty; and in lieu of whom, the party compels the surety for the debt. There are two kinds of failures that require the surety to stand by law. One of them

is poverty by the want of three garments, so that the debtor may be able to pay two of them at once, and keep the third for himself. The time such a person shall pay it, is from the eighth day to the other, if the property is become advantageous; but in the day that the debtor shall fail, let the surety pay all that was left unpaid: and this is the surety who continues beyond the time fixed for payment. The second is, when the debtor leaves the country before the day of payment, then let the surety pay half the debt, and continue his suretyship upon the other half, until the expiration of a year and a day; and then let the surety pay up all arrears, unless the debtor will stand according to law; and let the surety have a claim upon the debtor whenever he pleases. After the time fixed for payment, it will be seen whether the plaintiff will neglect to attend to the time of meeting, or not. The time fixed by law is, to make a stir within the limits of nine days, including the day fixed upon for payment, because it is not proper to fix a shorter time than this, lest the plaintiff should happen to have dues in various other places; but if he neglect to prosecute for it, through the law of a convention, let the time of the obligation of the suretyship entirely pass away, in the same manner as if the creditor had given time to the debtor in the absence of the surety, after the day of payment had been fixed.

There are three things which a surety cannot effect his obtaining of them against a strange party: the first is, a defensive bond; the second is, the time fixed by record; and the third is, to argue in the law for a party that he ought not.

There are three sons who are not entitled to a share

of their father's estates, according to law : that is to say, the son of a priest who has been profitted after having bound himself in holy orders ; the second is, the son of a leper who has been profitted after having been distinguished by his people on account of the leprosy ; and the third is, a son who shall have paid his father his land for a corpse that has been murdered, both for the peace of the son and the father.

There are three kinds of homage : that of the refugee's defence ; that of the petitioner ; and that of the sojourner.

There are three things that do not require pleaders to argue for them against another : the first is, to give a hostage against a decision ; the second is, to argue against another warrant ; and the third is, to argue against a person who is in danger of life and limb.

There are three most grievous complaints : the first is, to enter a complaint about land by pedigree and stock ; the second is, to enter a complaint about mutual hostages in a decision ; and the third is, to enter a complaint about murder.

There are three kinds of possessionship about land, according to law : the first is, investiture without possession ; the second is, possession without investiture ; and the third is, possession and investiture.

By three ways the distaff* rises to the rank of the spear : the first is, by sufferance, for sufferance will cause all co-proximation ; the second is, by the failure of legal male heirs ; and the third is, by purchase, for this is the third legal heirship.

* The *distaff* is a poetical expression for heirs on the female line of descent, and *spear* is a term used to denote heirs lineally descended in the male line of ancestry.

There are three kinds of boundary restrictions : sex, rank, and pre-occupation.

There are three members of a family, who ought to do what is right for a person, and receive him, though there be no lord to suffer it : a father, the eldest brother, and a father-in-law.

There are three litigations which the judge has not time to decide upon : the first is, a litigation where mutual witnesses are given ; the second is, to liberate the prisoners through the king's necessity ; and the third is, to adjudge a disclosure of right to a person, that ought to be done by law.

There are three persons who may keep land in the king's court, and receive it of the king, if such land descend to them by right of inheritance ; and they are not to do to the lord any one of the three kinds of services, except to pay him his rent, and his place of entertainment : a widow woman, a youth under age, and a scholar who has taken holy orders. Such privileges are granted to a widow and a boy, because of the want of sense and personality ; and such are granted to the scholar, because there is no price fixed upon his tongue in law, and because no person can obtain a decision against him, but under danger of losing the price of his tongue.

There are three persons that the king, or his officers, ought to desire bail of, for security to all his people, lest they may do evil, because no one can enter a complaint, or commence a prosecution against them : the first is, one of the members of the convention who wishes to live in the country without giving homage to the king, or to one of the freeholders ; the second is, a person who shall threaten another, who is absent, in

the presence of the lord, or of his officers; and the third is, a person who shall abjure the law in the court, or in one of the three public meetings, saying, that he desires his own will, except the law prosecutes, or prefers a complaint. Any kind of person that complains upon the sacred relics of being furiously threatened with the loss of life, body, limbs, or property, by another, ought to have sureties for his security.*

There are three persons who ought not to stand in judgment: the first is, a person deprived of reason by madness, and who is mastered by being bound, or once confined; the second is, a person who has once made a purchase from a confessed thief, or that is detected living in peace with a public thief; and the third is, a person who once forfeited the price of his tongue for a false sentence, which he previously pronounced.

There are three common things of a country: a meeting, debates, and a church.

There are three umpires in law: the first is, an umpire to maintain justice; the second is, an umpire to keep sincerity; and the third is, an umpire to illustrate the truth. These three are, the lord, the surety, and an honourable judge between litigating parties.

There are three things higher than law, and that operate above the law, when they come in contact with it: a lord doing better in a place than law, by showing a pleasing regard for truth, or by exercising mercy; privilege, against which nothing can be proved; and an acknowledged contract.

There are three points which may be denied in a charge of insult: that the accused did not do any thing

* The English law of *swearing the peace* against a person, most probably originated from this.

to insult, or scandalize either him, or his lord, or his family. The reason why it should be denied with reference to the lord is, lest the accused be fined; and the reason why it should be denied with regard to the family is, lest they should seek for revenge. For it is a disgrace to a family to have their relation insulted; and unless the insult be paid or denied, it is lawful to revenge it. If the insult be paid for, or denied by the accused, there can be no disgrace to the family; and where there is no disgrace, there can be no claim.

There are three sufferances that accompany the law for a certain time, but they are not of equal authority with the law, neither can any emolument be obtained by them according to law; that is, they cannot be shown to be the causes. The first is, for a person to suffer oppression by the office of the lord acting illegally towards him instead of lawfully; and this the law calls, very oppressive sufferance. The second is, the sufferance of a miserly, or inhuman person, that may have the pre-occupation of office, or of one without learning, without property; and this the law calls, dishonourable sufferance, its barrenness excepted. The third is, the sufferance of a person compelled by his lord to his disadvantage in the presence of his court; and this the law calls, deceptive sufferance in the presence of the judges. It is incumbent upon the offender to indemnify the person injured in this case, according as the law has enacted, in the same manner as trespasses must be made good; for the king's court is punishable to give counsel to a person at a time when it is not demanded; and on account of the injustice done, he must guard himself respecting what the law may do to him when it demands his service.

There are three complaints that supersede every other complaint, when they meet in court: one is, the first whose attendance is called for in the court; the second is, a complaint of debt; and the third is, a complaint of oppression.

There are three things which a secure law will not answer for: the first is, to judge with too much leniency; the second is, to clear a person before his defence be delivered; and the third is, to hang a person for four legal pence, which ought not to be done, unless to hang for one hundred pounds.

There are three unconscionable laws: one is, to terminate a dispute entirely, without enquiring into the truth; the second is, to judge contrary to necessity; and the third is, to compel a person to his disadvantage.

There are three deviations of law: an indistinct claim, an imperfect answer, and a discordant record.

There are three kinds of injustice: the first is, to show great partiality to another in lieu of law; the second is, to support an animal in one of the three free gavels more than two parts and a third; and the third is, to grant more satisfaction to a person than his claim required.

There are three things which are greater than law: these three are, a full price for land where it can be proved, and where nothing can be effected against it; a lord urging truth between two men; and the long suffering of a country, in which there is no law. In these three cases, no judge ought to pass a sentence, for nothing in these cases, has emanated from the law, and there can be no legal decision but by law. The

country and the lord, however, have a right to judge in these cases.

According to law, the testimony of a man respecting a woman ought not to be credited, nor that of one woman respecting a man; for every woman is only a third of a man, and her evidence is not to be credited respecting him, because a third is not to be believed respecting two parts. Testimony shall be carried into effect respecting words and deeds, but it cannot extend to the thoughts of the mind; and this forms the boundary of the two laws, the law of the church and the law of Howel, by their rank. Unless the three places are here, the unappropriate shall be as good as the appropriate: the first consists in the rank in which he was born; the second in his oath; and the third is the place that cannot show the body of a person more honourable than himself; for the law has said, that the heir shall not be unappropriated, if one of these persons be restricted, because he ought to possess all his father's demands and all his defences. The law has said, that the king may give land in the kingdom to a person who has done him service; and it also enacts, that of one place, the decision shall appertain to the misery of the necessitous. An apology does not comport with a person who is able to adhere to the truth; and the law has enacted, that the person who violates its commands, shall be visited with punishments.

There are three persons who shall obtain disturbed property and dues by the death of the owner according to the law of heirs; and not one of these three can be legally compelled to pay the debts of other heirs: that is to say, the king's adopted son, or baron, whom the law calls an appropriate adopted son, and who lives im-

moveably with the lord until the fourth person of his lineal descendants on every side ; the second is the king ; when heirship shall descend to him by the property of his adopted son, who may have died without heirs from his own body ; and the third is, when the baron shall legally become the heir of the king's adopted son, who may have died without an heir from his own body. Not one of these can be compelled to pay a debt for another in the law of heirs, or co-heirs, unless there be a descending, or a turning of the heir, or co-heir, in natural justice, because of his ancestors, or co-heirs. Therefore, the son of a foreigner, who is called an adopted son, does not pay the debts of his ancestors, or co-heirs, because he does not obtain his natural right from their party through right of descent, or of revolving. Nor can any one be compelled to pay another person's debts, who may die before paying them, three persons excepted : that is to say, an heir who has obtained his natural rights by his father ; the second is the surety ; and the third is the co-heir, who obtains his natural rights from another co-heir.

There are three persons whom a pleader must stand for, in their absence : the first is, a person who shall be on a pilgrimage at Rome, or at the grave of Christ ; the second is, a person who shall be ill in bed by wound, or stab, or other natural illness, so that he cannot come either on horseback, or on foot ; and the third is, a person confined in prison ; and also a person in the lord's army, for the chief service of the country is in the army by necessity, or obsequiousness ; hence, this forms a fourth cause.

There are three legal heirs in law, who are not equally worthy in the king's service, and who ought not to hold

land under the king, after their fathers : that is to say, the blind, the dumb, and the defective person ; because they are not able entirely to perform the service appertaining to the king from his land, and because they are deficient in bodily strength, in quarrels, in the army, and in many other places. Those who are perfect in their ears, their feet, and their eyes, though the land of their fathers, after their fathers, shall come to them illegally, still they shall obtain emoluments, according to law, altogether by the king, and they shall support him in what appertains to him, unless they be those heirs who are defective in body. If the owner of land lose his eyes, so that he cannot see, or his ears, that he cannot hear, or his feet, so that he become lame, he ought not to keep land under the king after that, unless he have an heir, or co-heirs of the land, as brothers, or others, lest the service due to the king fail from that land. Whoever shall accept a debt of an imperfect man, from land, must provide both food and clothing for him whilst he lives.

There are three persons who can be rejected from one kind of these causes ; that is to say, a massacre, land detention, and adultery : a witness, direct evidence, and a legal evidence.

There are three things which are sufficient for a man to lose his cause by them, though it may be so just as to accord with truth and law : these three are, a court before the time, a witness upon a surety, and a detaining after a rejection.

There are three brothers, one of whom is entitled to the paternal estate, whilst the other two are not, though they are all the offspring of the same father and mother,

who were lawfully married. The son who shall obtain it, is he who is perfect in body, and the other two are to be distinguished into the dumb and the sick. The sick person cannot enjoy any part of the estate, because he cannot be long in the world; and the dumb, being imperfect in tongue, cannot be elected as a judge; for he cannot be both complete and incomplete, and therefore he is no man; and because he is no man, he cannot be a judge.

There are three natural roots in one word of law: truth, conscience, and learning. Unless these coincide, the law is not worthy of a name. Truth is the root of judgment; conscience is the root of participation: and learning is the root of carrying on a litigation. Every counsellor who cannot terminate a litigation by these three roots, is unworthy of reception.

There are three ownerships of land until a certain time, and they shall be wandering about, and have their fixed times: the time of a year and a day for the erection of an edifice upon the land of another person, and three days of protection; the time of investing with seisin until he shall give his rank and his quality in his power; and the time of the counter party, until the lord compels him to improve his rank and his condition. And if there be opposition, the law shall be closed against him in one of the ways, by which a proprietor shall lose his land. The counter party is the principal heir for obtaining an investigation of right.

There are three seisins that cannot be productive of enjoyment: the first is seisin contrary to the will; the second is seisin without knowledge; and the third is seisin where there shall be a mutual tie and punishment

upon him, so long as he shall be in possession, as obligation, or another writing. No proprietor shall lose his land for going to ascertain the degrees of consanguinity unto the ninth in descent, if he can state the truth in a forcible manner during the times fixed by law; for a claim is not finally determined against a proprietor, until the above causes are settled.

A standing claim is not convenient except in three instances: these are as follows. First, if a plaintiff present a matter of complaint to the officers of the convention, and he be called upon in the first day, and do not attend to the call; and if the defendant then wish for judgment to be pronounced in his favour; and if upon this, the plaintiff come to the convention and complain to the lord and the officers, that equity and right are set aside by law, before the day has passed away, which the king has appointed to decide legal cases; (for every thing is uninterrupted, inasmuch as the plaintiff has not subjected himself to an amercement,) therefore, the plaintiff has power to testify to the lord, that the defendant does not deny the claim; and then the claim remains stationary. The second mode by which a claim remains stationary is:—if a plaintiff prefer a claim in a collective court, over which the king's deputy presides, and there be no delay to him to answer it; on that day the defective laws, wrong customs, and the feeble commots shall cease to have influence; and there shall be nothing for the defendant, because the evidence was greater than the delay. The third cause why it is proper for a complaint to remain stationary is,—when an officer departs with his rod of office from that place, no delay can be granted in that

court, for the king ought to show his rod* of office undistortedly to every one.

There are three murders for which there shall be no fines paid: the first is, the blow of a youth who has not obtained the legal age of fourteen years; the second is, a blow given from lawful solicitude; and the third is, a blow given contrary to inclination. The blood upon the wound, and a broken bone, if there be any, must be paid for.

There are three loud cries of a foreigner. The first is, that of a proprietor concerning land, who has been in another country until the ninth of his lineal descendants, and who shall come to the lord and give a cry in his presence for his right and due, and demand it of the lord and the elderly noblemen who are to swear to his pedigree; for the claimant ought to bring his pedigree before them with the elderly noblemen, after he has sworn to it. And if they cannot be certain respecting the defendant, who is demanding it of the lord

* 1. The rod was anciently used as a symbol of hastening, or speed. Hence we read, "What hast thou seen?" "I see a rod of an almond tree." "Thou hast seen well, for I will hasten my word to perform it." Jer. i. 11, 12. 2. Rods also constituted the general badges of authority, and generally implied sacredness of character. Hence the sceptres of kings—the rods of priests, ambassadors, and magistrates,—and the rod of Moses, of Aaron, of the Egyptian magicians, &c. 3. Rods, staves, or wands, were anciently used to denote a commission. Thus in the cx. Psalm, we read, "The Lord shall send the rod of thy power out of Sion;—be thou ruler even in the midst among thy enemies;" and the *wands* carried by our officers, &c. at this very time, in courts of justice, &c. seem to have been adopted originally from the same principle. 4. Compacts were anciently dissolved by breaking the rod, or staff. "And I took my staff, even beauty, and cut it asunder, that I might break my covenant, which I made with all the people." Zech. xi. 7, 10, 11. As a remarkable coincidence, I may observe, that upon trials in the House of Lords, the Lord High Steward notifies the dissolving of his commission, by taking the wand into his hand and breaking it.—*Vide Davies' Celtic Researches, from p. 289 to 296.*

after the elderly noblemen have failed to swear to his pedigree, and he producing his pedigree to the estate and to the village from which he originally sprung, the lord ought to give him his land, since the elderly noblemen cannot swear to his pedigree after such a person has been absent from his country unto the ninth of his lineal descendants, whether on account of exile, murder, the anger of the lord, or hostageship. This person, being the ninth in lineal descent, is going from a proprietor to a non-proprietor, and the law will support him in his claim; that is, it will grant him as much land as fell to the lord to guard, when his ancestor left it. This is called the loud cry of the stranger; but it cannot be listened to by any person after the ninth of the lineal descendants. The second is, the son of a freeholder respecting his bondmen, who have left him, without doing what is right. The third is, a wife about her husband; for her family ought not to receive security, without his permission, after she is married.

There are three things that cannot be permitted: hypocrisy in an oath, an apology in confession, and a dependance upon old age.

There are three persons who shall escape from losing their lives for a confessed theft: the first is, a crowned scholar, who is exempt for the first robbery, unless he be degraded and reduced to the state of a layman; the second is, a boy under fourteen years of age; and the third is, a person with a barbarous language, who shall be exempt for three days and three nights, if he be ignorant of the law of the country and of its customs.

There are three severe losses of a family. The first is, if a son be brought to his father by avouchment, being a son of sufferance, and he murder a person, and

his father's family give sureties for the payment of the compensation fine; if after that, his mother take him to another father, and the family of the murdered person come to demand the compensation fine of the family that gave hostages for its payment, and the family assert that it had excommunicated the murderer, and that it ought not to pay a compensation fine except for their relation, and the murderer was no relation of their's, because he had been taken from their family; and if the family go from there to demand the compensation fine of the family to where the murderer had been removed, and they reply that he has done no evil since he became their relation, and that they are not entitled to pay any such demand, except for an injury which their relation might do. Because of these two reasons, the law has enacted that that family must pay it, who gave security; that is, the persons who gave full security must pay it entirely, since they were sincere in the securities given for its payment. The second is, if sureties should be given for the payment of the compensation fine of the murderer, and one penny of it should be left unpaid, and the murderer be killed in consequence; the law has enacted, that the avenging family are not entitled to return any thing again, because he did not pay it entirely, and that which is complete cannot be demanded for that which is incomplete. The third is, if a person confess to another murder, and the accused do not oppose it by denial upon the oaths which he ought, and his family neglect it and boast of the murder; the law has enacted, that from that time forward his denial cannot be accepted, because he did not begin to take an avouchment by denial; that is, to send to his family and to the lord.

And because of the loss of property, it is called the severe loss of a family.

There are three disgraces of a corpse : the first is, to stab a corpse ; the second is, to expose a corpse ; and the third is, to demand whose corpse it is, and who thrust a spear into it. A fine of satisfaction must be paid for these three things. For the first, the fine shall be without augmentation ; and for the other two, a third shall fall to the ground. The reason why there shall be no augmentation of the first fine is, because it is not apparent for what purpose the corpse was insulted the first time ; and the reason of the abatement of the two other fines is, because it is a less disgrace to the dead than to the living.

There are three stoppages of blood : blood to the cheek, blood to the stomach, and blood to the ground ; that is, blood to the face, blood to the clothes, and blood that runs to the ground. Though nothing can be claimed for this last blood, yet the lord can prosecute for it, because his land was stained by it. The fines imposed for it are, thirty pence for the blood, and a pound for staining the land.

There are three kinds of blood for which no compensation can be granted : blood from scabs, blood from the nose, and blood from a scar whilst it shall be open. The reason why there can be no compensation for such blood is, because it is natural for them to bleed at any time.

There are three conspicuous scars : a scar upon the face, a scar upon the hand, and a scar upon the foot. For the first, a three-fold price is demanded for the blood, the wound, and the scar ; for the second, twice the value of the blood, the wound, and the scar, must

be paid; and for the third, the value of the blood, the wound and the scar, must be paid once. The reason why a heavier fine is demanded for the first than for the second, and for the second more than for the third is, because a scar upon the face is more exposed and dishonourable than a scar upon the hand, and a scar upon the hand than one upon the foot; and therefore the one is augmented rather than the other.

By three ways every man may be insulted: by murdering him; by having illicit commerce with his wife; and by violating his protection after he has given it. The reason why a man is to have a greater redress than another for an insult offered him, by having illicit commerce with his wife is, because it springs from a murderous disposition.

There are three sons who are not entitled to the patrimony of their fathers: the son of a priest, the son of a leper, and the son of a person who has paid his land, which has been alienated, to make a compensation for murder. The reason why the son of a leper is not entitled to it is, because his selection goes to God, and he must divide his rank for saving knowledge.* Such is the condition of a person who becomes leprous, after he is ordered to the hospital; and also a person who becomes a priest after he is invested with holy orders.

There are three boundary fences: rank, priority of guardianship, and title. That is, privileged rank closes its bounds against that which is unprivileged, since that which is unprivileged must not attempt to limit the bounds of a man of rank. Neither can he determine for a proprietor; and also, an ancient guardian must

* In plain English, he must give his estate to the church for the benefit of his soul; therefore, his son can not claim the paternal estate.

limit the boundary, lest one should do so who is his junior. If there be two proprietors for accepting it, and both, having the same claims, have guarded it for the same length of time, and the elders of the country know not how to determine the matter rightly between them, it is necessary to divide it into two equal halves, according to the law of equation.

There are three privileged conventions: the convention of a lord, the convention of a bishop, and the convention of an abbot. These three must be composed of manly persons; and a man of one of them ought not to execute justice, except in his own convention; unless a man of the bishop's happen to do an injury to the lord, or a man of the lord's in the bishop's convention, or a man of the abbot's, in one of the two others. Each of these must make redress where he has done the injury.

There are three ties of hostageship: the hand, the arm, and the shoulder. They are so called, because it is not incumbent to bring a thing that cannot be effected to one of these three places, unless the plaintiff wish it, one thing excepted, *viz.* a debt of such a magnitude that he will not release the hostage respecting it, except for a large equivalent. The reason is, because immoveable property ought not to be taken for that which is moveable.

There are three hostages of equal authority: the hand of the surety, the hand of the debtor, and the hand of the lord, or deputy, for a confessed debt without any surety upon it; for though there is no surety, the debt is recoverable, because it is confessed.

There are three hostages that do not require sureties for their security: a hostage from the surety; a hostage that the plaintiff brings upon the surety, if he do not

wish to abide by his suretyship ; and a hostage from the lord, or his deputy. The reason why a surety is not necessary for the security of a hostage from the surety, or from the lord is, because no persons can refuse hostages from their hands, either from a desire of property, or any other thing. If they deny this hostage, they ought to give another hostage. The reason why a surety is not necessary for the security of a hostage, that is brought to a surety is, because he is brought contrary to his inclination ; but if he come voluntarily, let the plaintiff take a surety with him for his security, lest he deny that he gave it.

There are three things that do not require bail for their security: the marriage portion of a wife ; the emolument of a physician from his patient ; and a gift which a person receives from his lord.

There are three kinds of an investigation of right, and judgment ought not to be pronounced upon these three, except for a son in the place of his father: an investigation of right by ploughing and cultivation ; an investigation by truss and burden ; and an investigation by trade. Whatever disclosure of right is awarded to a person, by ploughing and cultivation, he must remain there quietly and harmlessly, until he can throw himself* backwards over the rick, and then let him reply. Whatever disclosure of right is awarded to a person by his father residing there with a horse and dray with him, he ought to remain there without harm unto the end of the ninth day, without giving an answer ; and at the end of the ninth day, he may defend himself by law.

* The meaning seems to be, that if a person could stay upon a place, without let or molestation, until he had cultivated the soil, and his cattle had eaten the produce, he was entitled to it.

Whatever disclosure of right is awarded to a person by his father lawfully residing there with truss and burden, he ought to remain there undisturbed and uninjured, until the end of the third harvest, without giving an answer; after that time, he may defend himself by law.

There are three moveable dray progressions that must not return again: the first is, a son either denied, or accepted by his father, for whoever shall do this once, cannot undo it; the second is, a person who shall once go away lawfully from his estate, for he can never more return to it; and the third is, a wife who shall once depart from the rank of her family, for she can never recover it again. The reason is, the law cannot undo what is once determined, and not one of these three things can be done except lawfully.

There are three stationed women: the first is, when a woman is first slept with, she must remain there until the end of the ninth day; the second is, when a man divorces his wife, she ought to remain there until the end of the ninth day, to ascertain whether the divorce be legal, and if it be, she must depart after the last penny; and the third is, if a man die, his wife ought to remain there, as mistress of what is claimed, until the end of the ninth day, and then she must leave after the last penny.

There are three nets of the king: his family, his pasture for his steeds, and his cattle. The reason is, his family shall hold, as prisoner, what the king possesses; four pence must be paid for every strange animal that is caught in the pasture for his steeds, according to law; and also, four legal pence are required for every steed that is caught among his cattle.

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There are three nets of a freeholder: the pasture for his steeds, his herd of swine, and his cattle. If an animal, not his own, be taken in his pasture, or among his cattle, or his swine, the same fines must be paid to him as to the king.

There are three nets of a bondman: his herd of cattle, his swine, and his winter house. If he find a strange animal among his herd of cattle, he obtains four pence* for it; and if he find an animal in his winter house, or among his swine, he claims four pence.

There are three perplexities of law: the participation of the murder fine, the price of houses and furniture, and a litigation between the bail and debtor. These are called the three perplexities of law, because it is difficult to bear them upon the memory and mind.

There are three mute persons in a convention: a bail, a judge, and a lord. They are called mute persons in a convention, because every one of them ought to be silent. From the time the surety enters into court respecting his suretyship, he ought not to reply, except after the judge asks him whether he is a bail, or not a bail. It is not necessary for the judge to make any reply, until it becomes proper for him to sum up the evidence at the close. Neither is it necessary for the lord to make any speech; and, therefore, he is called one of the three mutes of a convention.

There are three legal arms: a sword, a spear, and a bow with twelve arrows. The price of a sword with a bright hilt, is twenty-four pence; if it be brittle edged, sixteen pence; and if it be round hilted, twelve pence. The price of each of the two others is four pence.

* *Cemlawg gota*, being two-thirds of the legal penny, and nearly the same as the English penny.

There are three free hunts; a fox, an otter, and a swarm of bees. They are so called, for these three strolling animals will not stand in one place for each other.

There are three preys of a greyhound: a hare, a roe-buck, and a fox. The reason why they are called the three preys of a greyhound is, because the first that takes any one of them claims the tail; but if the king's dogs, or the dogs of the lord with young, come up with the game, they shall mutually share the tail with the freeholder's dogs. Still, whoever shall start one of these three animals, if his greyhounds take it, he has a right to it.

There are three animals whose feet are of the same value as their lives: a horse, a hawk, and a greyhound. The reason is, each of them is swift on foot, but each would become an useless animal if deprived of its powers. The principal excellence of each of these three is in its feet, and, therefore, the price of a foot, belonging to any one them, is equal to the value of the life.

There are three insults which are not to be redressed: that which a son receives from his father; that which a wife receives from her husband, for one of the three legal causes; and the insult which a man receives from his lord.

There are three reasons for which a man ought to chastise his wife: for wishing disgrace to his beard; for attempting to murder him; and for adulterous intercourse with another man. Since he has undertaken to redress his own wrongs, he must not beat her for more than this.

There are three cases in which a legal division must be made into two halves. First, if there happen to be

a debt, and bail be given for it, and the debtor leave his country; the bail must pay half the debt, though he may be innocent, because he caused the plaintiff to place confidence in him. The second is, if there happen to be a dispute about a boundary, between persons, who are equal as proprietors and as guardians, and the elders of the country know not the right boundary between them, it must be shared in two halves between them. The third is, if there happen to be an island between two rivers, and both proprietors be at an equal distance from it, they must share it in two equal halves between them. Such is the law of equation; that is, an equation is every litigation that is brought into court, and where the claims of each are equal.

There are three fines: a fine for fighting, a fine for trespass, and a fine for theft. For every other evil act that a person does, he must pay an amercement for it. In other words, the fine for each of the preceding mentioned crimes, are three pounds, and the amount of an amercement is one hundred and eighty pence.

There are three frivolous crucifixes: a crucifix made of the bark* of a tree, a crucifix that stops up a path, and a crucifix that cannot be conducted in the hand. No advantage can be derived from any one of these three, nor must there be any revenge for breaking them.

On three accounts the commutation fee of a woman is demanded: by public co-habitation, which is not by gift and investiture; by becoming pregnant from gift

* To make a crucifix of the bark of a tree argues great childishness, and reminds me of the story of a certain bishop, who having lost his crucifix, would not commence divine service, and kept the congregation waiting, until he made another, by tying two laths together cross-wise.

and investiture; if there may be no co-habitation; by violation also, it ought to be paid. Nevertheless, this last does not originate from one of the three causes, because it emanates either from gift or from co-habitation; for when a woman permits a man to have connection with her, then she gives herself to him. From this springs deflowering by gift and investiture; and by co-habitation when it is made known. For the law has enacted, that a man ought not to sleep with a woman whom he takes away clandestinely, unless the person to whose house he brings her, take bail for her commutation fee; if he should not do so, let him pay it himself.

There are three persons who ought to pay the commutation fee; the person who betroths a woman; the woman herself; and the person we have mentioned above.

There are three conveyings of a son: the first is, his mother upon her oath; the second is, the father, or the family in the cathedral; and the third is, the son himself, unless his mother being living, conduct him herself. If his mother should conduct him, and he be doubted, the law has enacted; that he ought not to be taken again, nor are the family to receive him. For the law consented to ascertain by her, that he was not that person's son that she asserted; because his mother brought him, and she saw that he was disowned.

There are three acceptances of a son: the first is, by the acknowledgment of his father, who has a right to disown, or receive him; the second is, by the head of the family, with six persons of the family with him, in lieu of the father, if there be none; and the third is, if there be no father nor head of the tribe, twenty-one men of the family can disown, or accept him; seven in

lieu of the father, seven in lieu of the head of the family, and seven with the family chief. When he is accepted, the family chief takes him by the hand, and gives him into the hand of the eldest of his men; and so from elder to elder, even to the last of these men. It is not necessary that these are to be men of note, but merely that they be of the family, if they ought not to share land with him. He that is accepted, is of the same quality with these; and the judge ought to confirm what they do, whether it be disowning, or receiving him. In this manner a boy ought to be received, or disowned. If a son be claiming a father by sufferance, and his mother do not bring him to the father whilst living; the law has enacted, that the family ought not hither to receive, or disown him, because she suffered the time to pass away in which she should have brought him, if she wished it. Therefore the law says, that she must not bring her son to the dead; but she may take him to another father, if she wish it, because she had not taken him there before. If she take him to another father, whether he be good or bad, the law says that she can never after, take him to another; and, therefore, she cannot take him to the dead.

There are three arts which the son of a vassal ought not to learn, without the permission of his lord: scholarship, the art of a smith, and bardism. If a vassal's son should happen to learn one of these without the permission of his lord, the law says, that he shall not be more free than formerly, for it is illegal that he should learn them; and that which is illegal, cannot be made legal. Neither can such persons claim the right of a freeholder's son to become free, except by legal avouch-

ment; and whoever cannot obtain a legal avouchment to become free, let him be a captive as formerly.

There are three things which a vassal cannot sell, if they be upon his claim, without the permission of his lord: honey, swine, and a stallion. Some say, that if he sell, he ought to redeem them by barter, for it is not lawful to sell them, and there is nothing that must be done unlawfully; nevertheless, the greatest part maintain that he ought not to redeem them, but if he do a tenant an injury, his lord has a claim upon him, if he wish it.

There are three primary sharings of land: a share between brothers; a sub-division between first cousins; and an equatour between second cousins. No nephew, nor uncle, ought to share, subdivide, or equate the lands, and the reason is, because such persons must not come in for the second, or the third participation. In other words, the nephew of a brother's son, who has an uncle, must not come in for the first share, which is the share of brothers; nor must he come in for the other share, which is subdivided by first cousins; and so, it cannot be awarded to the nephew either of the first, or the second cousins. No one can obtain an avouchment (except for the common land of the family) for that which we have mentioned above, which shall be incumbent upon him by the land, if he have had his share formerly of it; nevertheless he can share his free land with his nephew and uncle, and with his uncle and nephew. If a person wish a subdivision with another, and demand it, he ought to bring the tenure that was in his father's possession; if he happen to lose his claim by truth and law, and if it be the cause of his coming insecurely

to it, and if he know not of his being insecure when he came to it.

There are three dead testimonies. The first of them is, if a person claim land by pedigree and stock, through another way, and submit it to witnesses to judge of the laws of the father, the grandfather, or the great grandfather, and there be no person who will refuse his swearing upon the relics that shall be in the hand of the judge, that he is really descended from the fathers mentioned: they must award the law of ancestry to the person who is claiming the land by them, or who urges his claim by pedigree and stock, and submits it to witnesses; who will swear the same kind of oath with those that are previously mentioned. The second is the kln. The third is by trench, or foss. If a person wonder to accept a verdict by an evidence that is seen, the law has said, in these places, that it ought to be so, for such a thing is of long duration; and, therefore, it will support a legal decision for a longer term of years than the person who pronounces it. On this account, witnesses by the stock of the person, who foresaw it, shall be credited, and nothing which they see against it shall they defend, unless the men who were chosen with them have died; therefore they are called dead witnesses.

These are three causes of exception to witnesses: land-detention, a massacre, and near relations. The court is void; and because a massacre originates from a family, it will not be counted, except in three things. Whoever may wish to reject a witness on account of near relations, must produce witnesses from the same family; for a stranger ought not to give evidence against

a friend for any one, nor ought he to give evidence against his relations.

There are three things that shall go between a person and he that has to pay for a thing by appraisement: a keeping of the animal before it was lost, the birth and rearing of it, and warranty. To keep a thing before it was lost, is to recollect the precise time when he lost it, and to make the defendant prove how long the animal was in his possession prior to that time. This is going as far as possible to produce a clear understanding; and if this be effected, it will be sufficient; if not, let the animal be restored to its proper owner.

There are three things that are not to be sworn to: a carcase without a skin, silver without a purse, and corn after it is housed. That is, if a person lose a living animal, and does not overtake it, but comes to a place where there is a carcase without a skin, which he thinks to be his; the law says that he ought not to make oath to the carcase he has seen. Secondly, if a person lose silver without a purse, he ought not to swear to it, for all kinds of silver are alike; but if he lose the purse, he may swear to it, according to its value. Thirdly, if a person lose corn from the stack, the law says that he ought not to swear to that which he may see, except its being like that which he lost.

There are three incessant prosecutions: to prosecute a claim until it be entered; to prosecute it from that time, until judgment be pronounced; and to follow up the sentence into its consequences. There are two kinds of prosecution which will fail: the first is when nothing is prosecuted; and the second is to desist from the prosecution and engage in other things.

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There are three persons, who cannot stand to what they do, according to law: the first is a person in a state of intoxication; the second is a boy under fourteen years of age; and the third is a person, who is compelled contrary to his inclination.

There are three ranks of a chancellor: the rank of a castle, the rank of a defendant, and the rank of a man above law. He has the rank of a castle that he may imprison whom he may wish to bring there; he has the rank of a defendant, because he is obliged to answer an opponent, and he has the rank of a person above law, that no one may dictate to him.

There are three persons who are not to be credited in any thing which they may say in court: the blind, the drunkard, and the deaf person. The reason is, because nothing is done by persons, unless they do it lawfully.

There are three persons who may be fined for insult, and who are not entitled to the compensation fine for murder: the first is, if it be thought that a person have murdered another, and he, though innocent, neglect to deny it, and application be made for the fine, he must pay it, and if he be killed there can be no compensation fine; the second is, if a man pay all the murder fine, except one penny, and application be made to him for it, he must pay it, and if he be killed, no murder fine can be demanded; and the third is a captive, for there is to be no murder fine for him, except his value, which must be paid to his lord, and is the same as the value of a young animal.

A DIVISION OF THE LAW,

Taken from one book of the Laws of Howel the Good,



WHOEVER shall do an injury to himself, or to his heir respecting claimed, or unclaimed property, as landed property, if he be under fourteen years of age, or in a state of intoxication, or a leper, no kind of defence shall be set against such persons, when they come, in their perfect senses, to reclaim the litigation in the presence of the judge; nor against their heirs, if the contention be about land. For there are two kinds of time upon such a son.

When he shall be seven years of age, he shall not be a respondent party to any one, except in three litigations. If he shall do an injury to another, he shall only pay a fine. He can acquire emoluments to himself by land in another place; and land may be claimed by him through an investigation of right, and by pedigree and stock; and this by having a faithful guardian, whom his lord shall appoint over him, on the death of his father. Then he shall first be able to take an oath. The other time is, when he is fourteen years of age, and then he shall be first able to sell, or buy moveable or immoveable property, and shall be reckoned a complete man, responsible to the law and the decision of the court, according to the common law of Cambria.

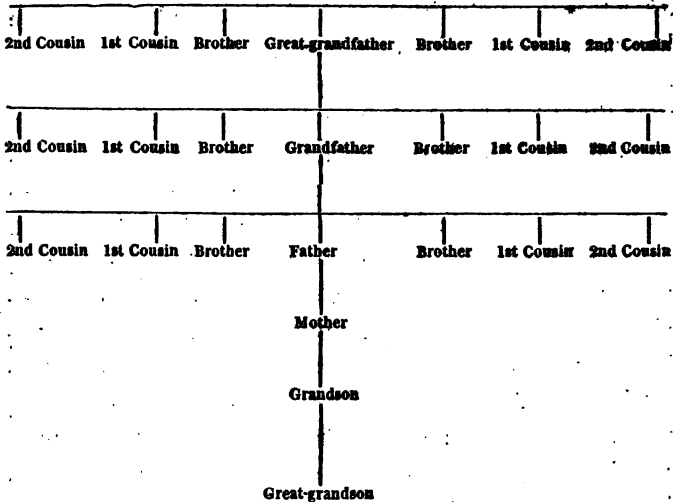
There are four qualifications in the office of a judge: the first is, frequently to interrogate himself about his learning; the second is, to keep the learning he acquires

with himself; the third is to love and revere his teacher; and the fourth is, to love truth and to hate evil. This he should do for the love of God and his fear, and he should also despise the time, if any thing occur to day, which he knows not will occur to morrow. The law also says, "when the tongue shall be judging, the soul shall be bending;" and, therefore, two things are combined together in the wisdom of the law. These are learning and natural wisdom; and therefore, it is said, "no person can be a judge on account of learning, and no person can be a judge without it." That is to say, though a person may learn, he cannot be a judge, unless there be wisdom in his mind; and though he may have strong natural sense, he cannot be a judge without learning.

In the law of Howel there is a claim and a counter-claim, an action at law and a trifling action. This is to be understood, as if a person sold a horse to another through bail, to obtain payment against a certain day, and bring an action for his money, and the defendant oppose the plaintiff respecting the horse he purchased, upon one of these grounds, either that the animal has the staggers, the glanders, or black pulmonaria, and is also subject to fainting fits, and assert that the law ought to decide in his favour, on account of the defects which he pointed out; the law has enacted, that it is not incumbent on the plaintiff to give an answer to him; and the reason is, because of its being a counter-claim; and the law says, it is not incumbent to present a counter-plea against a claim. An action at law may be understood thus: if a person should happen to borrow a horse, or another thing of a person, and before he restore the horse to the owner, another person make a claim to

him of the borrower, and he give some kind of satisfaction to the person that claims him, or give sureties to him if he do not obtain him by a certain day, and after this, come to the person of whom he borrowed the horse, and desire him to return the horse to the claimant, or repay him the money which he, the borrower, paid the other for the horse; he is not entitled, in this case, to give the horse to the borrower to go to prove him, nor to repay him the money, because the borrower made the agreement and settled the business in the absence of the lender of the horse; for this was an action at law against the borrower, and the law says, whoever shall borrow an animal of any other person, must bring it home again, without any claim, or action at law against it. A trifling action at law may be understood thus:—if a person should demand and claim a thing which was decided upon before by a legal decision, he is not entitled to it; for the law calls any further prosecution, for such a kind of claim, a great and ridiculous joke, which never can be listened to.

THE OUTLINES OF A PEDIGREE.



The above outline will enable a person to know the distinction and signification of his ancestors, his heirs, and his children; for a person's ancestors are his father, grandfather, and great grandfather; his co-heirs are his brothers, first cousins, and second cousins; and his heirs are those that proceed from his own body, as his son, grandson, and great grandson. And if such a person study the preceding scale of his pedigree, and a person die who is included in the scale, he knows who ought to possess his land, according to law; for unto the third degree of the pedigree, a person can claim a share of the land in the court of the commot, or of the hundred, and he can put in his claim for it in such a court. But he cannot prosecute a claim by pedigree and stock in the collective court, where the supreme

judge, on the part of the king, shall be sitting and administering justice through the rank of supremacy of the high court, without some failure in the law, or some deficiency of worth, or justice; for it falls to the lot of the high court to determine those cases which are more clearly seen in writing hereafter, and which cannot be determined upon in the court of the commot, or the hundred, on account of various causes, as will be seen hereafter, because it is not entitled to terminate nor decide by one part of the authority of law against another, but merely to leave it as it stood from the first. On this account it is necessary for a man to learn and accurately to discriminate every part of authority, as will be testified hereafter.

Whoever wishes to know what law is, to enter into it, to understand the elements of a claim, and what should be the mode of defence against it, by the knowledge and force of the three testimonies, must study the law-book; that is to say, the three parts of the authority of law, the three elements of a claim, and the three kinds of defence which are in the law, are to be met with in the book, which is called "A Guide to the Law of Howel the Good."—Whoever wishes to learn law, it is necessary for him to know what law is. The law is an exposition of justice, made by the consent of the king and his kingdom, and with the understanding of wise men, to settle disputes and quarrels between the plaintiff and defendant, through the participating concurrence of four persons: the lord for the time being, the presiding judge, and the two contending parties; and he that is nearest the truth shall gain the day.

After a person understands what law is, and why it

has such powerful authority, he may be able to comprehend the other parts, and the circumstances which appertain to every part; for there are three parts of authority: that is to say, the law of the king's supreme court, the law of the country, and the customs which appertain to each of them.

The first part begins by stating the rank of the king and the queen, their heirs, and that of all the officers of the supreme court, and further makes provision for determining those causes which cannot be decided upon in the court of the common, or the hundred; except by placing them in the collective court; that is to say, sixteen points, which may be found in another place, written in Latin, as being more easy to see and credit in writing.

It is evident that in the sovereign court, any contention between the hostage and the counter-hostage, or the decision of justice, is terminated, until it be brought before the canonists; and then the collective court decides upon land granted for service, land given as a boon, land granted as a reward; and all land that shall be under the rank of the sovereign court, shall be decided by it. Many things are decided in the court of the common, or the hundred; if there be an accordence in the sovereign court respecting them, there is no law for keeping them, until they cannot be decided in the sovereign court, if any complaint be urged respecting them, except a pure cause shall be brought according to the understanding of the law to bear it to the court that it sprang from. Also, land that is claimed by pedigree and stock from an appropriate share in future, ought to be decided in the sovereign court. Even to the third degree of the pedigree it is incumbent to claim

land in the convention to which such land appertains, as between brothers, first cousins, and second cousins; for each of these knows his appropriate share, which he ought to obtain, according to law. Higher than this, there can be no appropriate share of land, whilst there are heirs; therefore any litigation between these, must be submitted, according to law, to the sovereign court; for this is called, the highest source of appeal, because of the understanding of the wise.

Here is the reason why a claim by pedigree and stock, from the third degree of the pedigree outwards, cannot be terminated in the court of the commot, or the hundred; because a claim by pedigree and stock can not be waged, except by a race of correlatives of the person who claims the land, and who shall be holding that land through the same kind of stock as the person who is claiming a share with them on his own account, and who is able to produce his pedigree uninterruptedly by the oath of the elders of the country with him, and that shall not go three times upon the distaff. And if it should happen that such land, as has been shared between the family, be in different chancellorships, so that the shares of some of the family be in one chancellorship, and the shares of the others in another, and they cannot, in consequence, obtain their rights in the court of the commot, or of the hundred, the matter must be brought before the sovereign court, so that it may be able to compel all the family, by the force of one united claim, to make a mutual defence against any person who may put in a claim; for it is not right to prosecute a claim from convention to convention for one thing; nor to put in a claim against one, two, or

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three men, being a claim by pedigree and stock from the third degree outwards, by having more of the family holding the land against them. The reason is this, if there happen to be an inheritance of land divided into small shares between forty or sixty co-heirs, and if one of the family with his father, his grandfather, and his great grandfather, leave the country without obtaining a share, if he come and claim his share from the family upon one side, he cannot obtain any thing, unless he obtain it equally of all, on account of what may be in his power; for where there is no appropriate share of land, one proprietor is not entitled to precedence over another. So, if he come for half of all the inheritance, he is not entitled to it according to law, except to the same quantity as the person who is holding the land against him; and therefore, this claim must be brought before the sovereign court, where all the parties can be compelled to answer together. And if he gain the advantage, then the court will grant him permission with the rest; that is, he shall have the same quantity as the person who holds it against him. But if he choose to erect a building, or perform any other lawful labour, he shall not move from there on that account, if he be able to show the part selected for him in another place to be equal with his own, without having performed any lawful labour upon it. If he cannot do this, it is necessary to suffer him to continue, but he must do justice to the building and the work which were made on the land before; for the third value of land is the lawful labour which is done upon it, and by which it is improved; and this he ought to pay for, if he obtain the land without a trial, as well as a reward for keeping it.

If a brother, first cousin, second cousin, or other co-heirs, think it likely to claim an equal share of land from their co-heirs by false seizin, they cannot effect it, according to law. The reason is, because it cannot be effected through false seizin unless with entire gain, or entire loss. To this there is one exception; when a non-proprietor becomes a proprietor of land, and brings an unextinguishable proof of his right to demand it, he cannot be prevented from obtaining his rights, because his claim is not extinguished, nor can he be ejected by another, because he is become a legal proprietor; and thus, this person has obtained an equal share through a plea of false seizin. If a proprietor suffer a non-proprietor to hold land against him, through three ages of his ancestors, in one convention of the commot, or hundred with him, such proprietor can never be listened to after, because the matter is for ever settled. If the proprietor be in another country, from lawful causes, and do not return until the ninth of his lineal descendants, his claim must be listened to, and his property restored to him, as previously mentioned.

The above forms an outline of what appertains to the first part of the authority of law.

The second part of authority will be explained in the fixed law that is placed between the king and his people, and between man and man. In this, there are three pillars of law, the price of wild and tame, the customs existing among men from them, the law of landed property, the qualities of bail and debtor, and various other things, as the Judge Book will show; and all these must be known and fully and accurately understood, before a person can be worthy to become a judge in the law.

In the third part of authority there is a share of each of the two laws, the law of the court and the law of the country; and this is called the custom of law. In this part, there is a time fixed to begin various claims, as the ninth day of May, or December, for landed property by pedigree and stock, or to demand a neglected litigation; a time to produce a witness, to call direct evidence, to reject, or oppose them; and a time to give mutual recognizance with a decision. This part shows how to act in every litigation against false pleading, ambiguity, or the passing away of time; and this through mutual claim, as the men of the court and the judges may determine, by speech against speech, and time against time.

After a person examines every part of law in all its bearings, and every subject in every part, and every speech in every subject, it will be easy for him to understand law; but no one can know law unless he knows how to understand it. After he understands all this, it will be proper for him to know how to put in a claim and make a defence.

Whoever wishes to put in a claim, must know what are the elements of his claim. There are three elements of a claim: sight, word, and act. But though sight, word, and act, are the elements of a claim, it is not law to say that every sight, word, and act form its elements; therefore, it is necessary to know what are these elements and what are not.

And in the first place, sight is to be explained. In the Judge Book it is said, there are three sights introduced in law: the sight of a witness by his testimony; the sight of a reporter by his report; and the sight of a concealed gazer respecting murder, burning, or theft.

The manner may be understood as follows: when a person claims a thing of another through direct evidence, the law calls these direct evidences to give testimony in the matter; for whoever can produce testimony, must call his witness to produce it; and the law says that direct evidences can produce a testimony against a denial and a defence. They can also produce testimony respecting what took place prior to the mutual claim, and with that, they can give evidence in many places; and therefore, they are called witnesses. When such a witness takes an oath, he must swear to knowledge and sight in the matter, as the law enacts; for the oath of a direct evidence is to swear to knowledge and sight. Then the witness shall be free from his testimony, because through his testimony in the matter, he saw that the claim was due to him, as the law says; his testimony of sight forming the element of his claim. The oath of another witness, as a witness in a case of false pleading, is to testify of him respecting former transactions, according as he has been sworn.

The second is the sight of a reporter respecting his report, which may be understood as follows: If stolen goods be taken from a person, and be denied by the robber and the person who has lost them come forwards and the reporter with him, and describe the stolen goods upon the thief; the oath of the reporter is to swear to knowledge and sight respecting the stolen goods which were taken off the robber, which is the sight of a reporter by his report. By the power of this sight, the accusation is urged home against the robber, and he is brought under the verdict of the country. This is, therefore, called an element of a claim, and is the second sight which is admitted in law.

The third is the sight of a concealed gazer respecting murder, burning, or theft, of which the following is the mode: If a person be an abettor through gaming, as seeing a man murdered, and he calmly looking on, this shall form an element of claim to the ancestors and co-heirs of the murdered person, upon the abettor. For if they and the family desire it, they must be paid for the abetments, and have a denial for the murder also. In this case also, an amercement must be paid to the lord, because there can be no abetting without an act of the hand, or the foot; but the lord claims nothing besides an amercement.

The second element of a claim, is the word, for there are three concealed words: a word that conveys slander, false pleading in the court, and felonious information respecting murder, burning, or theft.

The first of these is explained as follows: If a person utter a threatening word against the king, his majesty has the element of a claim upon him, for he must pay him a double amercement. The same amercement is required if he utter a threatening word against the king's priest in one of the three great festivals, or when reading, or writing a letter for, and in the presence of the king. Again, if, when he enter into recognizance with the judge respecting the equity of his decision, he defend it with indecent language, the judge has the element of a claim against him, for he ought to pay him for the insult. Also, it is said, that the king must punish a person for any indecent language that he may use to another in the church, the church-yard, and in a lawful convention; for the king has the element of a claim upon him by an amercement, though the person insulted, in this case, can obtain no justice.

The second concealed word is false pleading in the court; and of this there are three kinds: false pleading in claiming through presumption, or defect; false pleading in defending through presumption, or defect; and false pleading in denying. For the first, the plaintiff loses his claim, on account of what appertains to the pleading, if witnesses be brought against him; but he does not forfeit an amercement, for there are only three deceptive complaints. On account of the second, or the third, the defendant forfeits an amercement, and his defence is useless, if that which appertain to it be testified to be false; and the king has a claim upon him for an additional amercement. By a presumptuous word must be understood to say more than the law requires; and a defective word is to say less than the law demands.

The third deceptive word is felonious information respecting murder, burning, and theft. The mode is this: If a man, through combination, sell a murderer where a person may be killed, and such like things; the ancestors and co-heirs of the murdered person, have a claim upon the abettor; for they, and the family also, if they wish it, shall be paid for the abetments, besides calling for a denial respecting the murderer. Some have said; that the family cannot claim payment for the abetments, because they are only to demand the payment of the murder fine, and that for insult; and, therefore, no such a fine can be included in these. The law says, that the ancestors and co-heirs of the murdered person are to be paid for the abetments that may be confessed; and also, that all abetments of action, murder, burning; or theft, shall be fineable. Every person who shall give felonious information, and look

calmly on a deed of villainy, though he may not assist either with hand or foot, is liable to an amercement. Payment for abettments of confessed murder, must, by law, be made to the ancestors and co-heirs of the murdered person; if they enter an action for it. And they themselves, and the family also, are bound to pay for a verdict of denial of murder, or to pay the murder fine for them.

The third element of a claim is the act; but though it is lawful to say that an act is an element of claim, it is not lawful to be able to show, nor to declare, that every act is so; but every act that is done against law, is an element of claim against the person who is guilty of it, as trespass; theft, goods surreptitiously taken, and such like things. The acts of a mad dog, and such like, are exceptions. Also, there are three acts that a person can demand proof of, as the law enacts in the Judge Book, respecting lawful or unlawful labours, which may be done upon land, and such like.

After a person knows what the element of a claim is, it will be necessary for him to know how anything is claimed, and how it should be defended; for there are four speeches that relate to the thing claimed, and three speeches that have a reference to the answer. The substance of the four speeches that relate to the thing claimed, are: Who makes the claim? What is the thing claimed? What quantity is claimed? And at what time is the claim made? When a person understands this, it will be proper for him to know what belongs to each of these speeches. With respect to the first question, the answer is made by giving the proper names both of the plaintiff and defendant. Also, "to whom dost thou prefer thy complaint, whether to the

officers of this court, or to the chancellor?" The following is an illustration:—"Ithel, the son of Cynnerth, being present, prosecutes a claim before the officers of this convention, (and if he, being a chief officer, wish to speak to the chancellor, or to the household steward, he may, if it be in the collective court; but if he do not wish it, there is no evil, nor defect on that account:) against Tuder, the son of Gronwy, prepared as defendant." This is what appertains to the first part of the claim. To the second part, which relates to the question, "What dost thou claim?" Thou must state the manner in which thy property was taken away, whether by trespass, theft, surreptitious removal, hire, deposit, borrowing; or by any mischief done to thyself, or to thy property. Thou must also state what kind of property it was, whether animals, gold, silver, rights to landed property through one of the investigations of right; or of false seizin by one of the three, or through pedigree and stock; if by hire, deposit, or borrowing, state what degree of probability there is of obtaining them again; or if through barter, contract; or any other form, state what kind of claims are upon them. The form is thus: "The evil subject and cause of suit is, for it is not otherwise, that Tuder has taken away a red horse of mine surreptitiously." To the third part which appertains to the question, "What quantity is claimed?" the form is thus: if animals are claimed, state what number there were, and what were their qualities; if a horse, or a steer before it had obtained its perfect qualities, state its age; if gold, or silver, state how many pieces; if mischief, state the extent of it; and the rank of the plaintiff; if about wood, state what number of trees there were, and what kinds, whether oak, hazles,

thorns, or every one of them, or any other timber; if landed property, state the number of acres it contains, and what is due to the plaintiff for taking possession, or for the mischief done, whether lawful silver, or short silver. This must be done in the following form: "The horse was perfect in its qualities, which the law calls a drudge horse, and would be worth sixty pence of short money." This is what belongs to the third speech. With regard to the fourth speech, which relates to the question, "What time is the claim made?" thou must state the day and the year that thy property was taken, or the mischief done, or the contract, or agreement made; or if by barter, state the day and the place; or if by hire, deposit, or borrowing, name what day and year the property ought to be restored again, or paid for by commerce; if land, mention what day the seizure was made upon it, where the land is situated, and what is its rank; and state by which of the three obstructions thou wert deprived of the enjoyment of thy property, or that thou wert injured; as well as mention what kind of personality belonged to the plaintiff and defendant, at the time the injustice was done. This appertains to the fourth speech of the claim, to name the day and the year he performed the surreptitious act:—"On Tuesday, next to the last feast of St. Luke, which passed in this year, the horse was in a place called Glan Marlais, when he was taken under the authority of the rod of this chancellorship, where Ethel is in person lawfully demanding him, and Tuder is in person lawfully opposing the demand; and he addressed him upon Tuesday, following the first of winter in this year, and there was a denial, and because of the denial, he had been drawn into one of the three obstructions; that is to say, to

bring a thing upon a person without a return, and in treaty of opposition." And if a person wonder that a day of greeting is included in the claim, without having a relation to one of the four binding words, it is necessary to name it; for there would be no obstruction if there were no denial, nor can judgment be pronounced upon a denial, until there be a greeting. Further, there can be no cause of claim without an obstruction; and therefore, it is necessary to name the day of greeting.

When a person knows the manner in which a thing is claimed, it will be proper for him to understand the manner in which it is defended. There are three modes of answering: by denial, by confessing, and by defence.

We shall first treat of denial. There are three kinds of denial: a denial of all the litigation that is commenced against a person; and this must be denied through a settled verdict without more or less. The second is, a confession of a part of the litigation for an evil act, and a total denial of the act itself; and this is done by increasing the number of fixed jurors, as in the pillars of law for murder, where the oaths of fifty persons are requisite to deny the murder and all its abetments; also, the oaths of one, two, or three hundred, are necessary to deny a murder, and a confession of abetment. So, in the present case, this must be done, because it is difficult to credit a person who confesses a share of the litigation for the evil act, and who totally denies the act itself; and, therefore, the number of jurors must be increased, according to the rank of the person who makes the confession. The third is, to confess a part, and to deny the other part, which has

no act in it. This denial is made by lessening the settled number of jurors, as in suretyship, where the surety with six persons nearest to him in price, can deny all the suretyship; and then his own oath, denying a part, and confessing another part of his suretyship. The reason given for this is, because he confesses part of the suretyship, it is more easy to credit him, than if he denied it altogether; for as he has only denied part of the payment, therefore a lesser number of jurors is necessary, because there is no evil act in it. This is just upon the same principle as if a person claimed one pound from another, who confessed to a debt of one hundred and twenty pence, but denied the rest. In this case, the settled number of jurors must be lessened; for though the oaths of forty-eight men are necessary to deny a pound, the half of that number will be sufficient, because half the sum is admitted, for there is no issue at law in a case of confession. In like manner, every denial shall be a complete answer to the person who makes his claim, under the entire payment of a verdict, and shall be modified according to the rank of that which is claimed, whether the oath of one person, or of many be required. Where one person may be prosecuting a claim, and another denying it, the oath of one person will be sufficient in that denial, upon the time of the controverting oath, to which it relates; and the fixed number of jurors shall confirm that denial. If a claim be called a defence, by strengthening it to make its truth manifest, as warranty, suretyship, direct evidences, covenants, and such like; all these are to be denied through the verdict of a fixed number of jurors. This is done, because of the dignity of a defence, which is

appointed to manifest the truth of a claim, and not because of the magnitude of the debt claimed in this case.

The second answer is that of defence. There are three kinds of defence. The first is, that the answer be in time to the demand; that is, in other words, to keep time, so that he may be able to manifest the truth to the verdict of the country, except where it relates to the record of the court:—that he observed time in his defence, denial, or opposition to the claim, because the litigated matter was not opposed before it was claimed; or that he did not discharge his denial in time of law; or that he did not defend himself, before the answer was put in to the claim; or that he did not reject, oppose, or enter into mutual recognizance in time, and such like things, as the law mentions in its customs; for the law enacts, that it is necessary to keep time in all things. The second is a defence, such as for ever quashes the claim. This is to be understood, as if he opposed the claim by being able to prove, through one of the above conclusions, that there is false pleading, which accords entirely with the strength and element of the litigation; and proceed so far, as to show, that it has nothing of the manner of pleading in it, so that it may receive the determination of the neighbouring country; or that it is a claim for a thing tried before; or a claim without a possessor; or that it has suffered the time to pass away, and such like things, so that it is for ever quashed. The third is, a defence by answer, so that nothing is lost from the claim. This is to be understood when the defendant opposes the plaintiff by the testimony of false pleading, or sophistry;

except a severe loss occur; or that he put in his claim after the year has expired; or there be a counter-claim against the claim; or he demand moveable rights in blank days; or that he demand landed property at a time when the courts are closed. In these cases, permission must be granted for a new trial.

The law does not close between a man and his claim to land, for a less space than three ages of ancestors on each side, and then tranquilly. In the three ages of ancestors, there are one hundred and eighty years, allowing sixty years for each age, or life.

NOTICES OF HOWEL THE GOOD.

Various things worthy of record, taken from the same MS. as the preceding.



THERE are seven bishopricks in Dyved: the first is St. David's; the archbishoprick of Cambria; the second is Llan Ismael; the third is Llan Degeman; the fourth is Llan Ussyllt; the fifth is Llan Teilaw; the sixth is Llan Teulydawg; and the seventh is Llan Ceneu. The abbots of Teilaw and Teulydawg, Ismael and Degeman, ought to be holy men well versed in literature. The heriot of each of them is twelve pounds; which must be paid to the lord of Dyved, by their successors. St. David's must be free from all kinds of dues; and Llan Ceneu, and Llan Ussyllt, are free from paying heriots, because these have no land. Whoever shall shed the blood of one of the abbots of these high and dignified seats, let him pay seven pounds, and a washerwoman from the family, because of the disgrace of the family, and for keeping a record concerning the revenge.

When Howel the Good changed the common law of Cambria from the form of Dyvnwal, he transcribed three books: the first he kept in his daily court, that he might have it present with him; the second was placed at Dinevor, from the rank of South Wales; and the third was kept at Aberfraw, in consequence of the rank of North Wales and Powys. Various privileges were placed in the different books. In North Wales and

Powys there was one judge of office, a law for the head of the family, a law and foreigners, short disclosures of right, the proof of the plaintiff, a litigation of a mutually opposing power; and time granted to support it; but in the books of South Wales he did not insert any of these subjects. He also annexed various privileges to different towns, commots, and previously mentioned hundreds.

When Howel the Good, king of Cambria, new modified all the laws of Cambria, he gave various privileges to different persons in his kingdom. And in the first place, to every lord of the church, as the archbishop of St. David's, or a bishop, or an abbot, he granted the royal privilege, to decide disputes between their laymen, through the common law of Cambria. After that, he permitted every chieftain of a commot, or more, to hold a privileged, daily court, with privileged officers of any number he wished, as if he were there himself; and also the privilege of holding a dignified court to terminate disputes in his district, with respect to the freeholder. He further granted to every freeholder, who was holding his own appropriate land, the rank of his land, and authority over his villains, according to the accordant covenant in South Wales, and perpetual bondage in North Wales. The king's vassals are entitled to their support according to the rank and law of the vassal town in which they reside; and this according to the service of the vassal town. And lastly, he granted to every man who had no rank of office, or rank of land appertaining to him, the natural rank in which he was born.

Here is the book of Law, which Howel the Good made in the White House upon the river Taw in Dywed.

In consequence of the citation of Howel, there came to that place, six of the wisest laymen from every commot in Cambria, and one hundred and forty crosiers of archbishops, bishops, abbots, and priors. From these wise men of all Cambria, twelve of the wisest were selected to make the law, and one scholar, the most noted in all Cambria, to write it down, and to see that nothing was done against the law of the church nor the law of the emperor. Here are the names of these laymen.

Morgeneu the judge.

Cyvnerth, his son.

Gweiri the son of Cyviawn.

Gronwy the son of Moriddig.

Rhewydd the judge.

Gwiberi the aged from Iscenain.

Gwrnerth Llwyd, his son.

Meddwon the adopted son of Cerisg.

Gwgawn of Dyved.

Bledrws the son of Bleiddy.

Gwyn Vaer, being proprietor of Llan Davwin, was the owner of the house in which the law was made.

Blegewryd, arch-deacon of Llandav, was the scholar; and he was a doctor in civil laws and in the laws of the church.

After the law was made and entirely written, Howel the Good, and the princes of Cambria, and Lambert bishop of St. David's, Mordav bishop of Bangor, Cebur bishop of St. Assaph, and Blegewryd arch-deacon of Llandav, all went together to Anastacius to Rome, to read the law and to ascertain that there was nothing in

it contrary to the law of God; and because there was nothing in it contrary to the Divine Law, it was pronounced honourable, and was called the law of Howel the Good from that time forwards.

This journey was made in the year of our Lord Jesus Christ, nine hundred and fourteen;* and here are the lines which Blegewryd wrote in commemoration of that event.

Explicit editus legib : liber bene fenit ;
 Qu'e regi scripcit Blaugoridus et quog ; fuit
 Hweli turbe doctor' tunc legis in urbe
 Cornando tunc iudicę cotidiano
 Rex dabat at p'tem dexteram
 Nam sum'at artem.†

Howel the Good, the praise of all Cambria, died in the year nine hundred and forty eight.

* There is some error here in the date, for Caradog the historian asserts that he went to Rome, the first time, in the year 926; and after returning and finishing the law, he went there again in 930.—*Vide Myvyrian Arch. vol. ii. p. 485; Cambro Blog. p. 188.*

† That is:—

This book he finished well, and being published, it explains the laws which Blegewryd wrote by order of the king. The writer was also a doctor both of Howel's law and of the law divine. Being then constantly in power, by command, the king assigned to him a skilful office, for it is the greatest art.



BRITISH CODE OF EDUCATION.



SUCH is the name I have given to the following subjects, because they were studied by the British youth, and comprised all which they had to learn, in order to fit them for manly exertion, innocent pastimes, and the sweet delights of domesticity. The Britons themselves called them *the twenty four feats*, and this was the name by which they were anciently known.

The celebrated Dr. John Davies, author of the Latin-Welsh Grammar and Dictionary, translated this code into Latin, and considered the subjects mentioned, as similar to the Gymnastic sports of the Greeks.

This translation is made from a copy printed in the Arch. of Wales, vol. iii, p. 126. The original MS. is in the Macclesfield collection. *Trans.*

Preface to the Code of Education.

WHEN the Cambrians, in former times, spoke the pure British language with elegance, were born in the country uncontaminated by foreigners, possessed kingly power, and had the sovereignty of kingdoms, they had various sports among themselves. These showed their three principal excellencies of manners; that is to say, vivacity, energy, and rationality. The nomination being desirable, these twenty four qualifications had a rank conferred upon them in the time of the emperor Arthur; and they were practised for a long time, until the princes of Cambria lost possession of England. Since that period, as a tribe without pleasure, these excellent

qualifications have been but little observed, and have been so nearly obliterated from the memory, that there is hardly a person in Cambria who knows their names, much less how to perform them; and when they hear their names, they are still ignorant* of their number. These circumstances have induced me to write them in a book here, because I do not know a place so suitable faithfully to preserve the records of the ancient Britons, as in your† possession; and I have thought, through reading various things, that you will preserve them better in your memory, because you were born in the country. May the Most High God bring these things home to your heart. Amen.

Names of the twenty four excellencies.

Feats of Strength.

Wrestling.

Running.

Jumping.

Swimming.

Horsemanship.

Archery.

Fencing with sword and buckler.

Fencing with the two handed sword.

Fencing with the double pointed stick.

Coursing with greyhounds.

Fishing.

Chasing birds.

* Ignorant as my countrymen were at the time the above was written, (and they had most certainly lost much of their ancient simplicity of manners, rectitude of conduct and nobleness of mind, through the introduction of foreign customs, &c. &c.) still, one would hope that the writer's colouring is too high, and that he is guilty of exaggeration.

† This preface seems to be addressed to some person, now unknown.

Bardism.

Playing on the harp.

Reading Welsh.

Singing an ode with an accompaniment.

Singing an ode with four parts and modulations.

Emblazoning arms.

Delineating pedigrees.

Playing at chess.

Playing at draughts.

Playing at dice.

Tuning the harp.

Division of the above excellencies.

Of the above twenty four excellencies, ten are manly ones; and six of these require strength of body :

Feats of strength.

Running.

Jumping.

Swimming.

Wrestling.

Horsemanship.

The other four require strength of arms :—

Archery.

Fencing with the two handed sword.

Fencing with the sword and buckler.

Fencing with the double pointed stick.

There are ten youthful excellencies, and three of these are connected with the chase :—

Coursing with greyhounds.

Chasing fish.

Hunting birds.

Seven of the youthful excellencies, are domestic ones :—

Bardism.

Playing on the harp.

Reading Welsh.

Singing an ode with an accompaniment.

Singing an ode with four parts and with modulations.

Emblazoning arms.

Delineating pedigrees.

Four of these excellencies are trivial ones:—

Playing at chess.

Playing at draughts.

Playing at dice.

Tuning the harp.

Of the twenty four excellencies, there are four of them superior to the rest, and are called fatherly exercises. The reason why they are called superior and denominated fatherly exercises is, because there is no necessity of any instruction to do one of them, except such as a person may perform by the four elements that are in man. These are:—

Running.

Leaping.

Wrestling.

Swimming.



THE
HUNTING* LAWS OF CAMBRIA.



Of the nine venations, three are common hunts: a stag, a swarm of bees, and salmon. There are three barking hunts: a bear, a squirrel, and a pheasant. And there are three clamorous hunts: a fox, a hare, and a roebuck.

The stag is said to be one of three common hunts: First, because he is the most gallant and noble animal that is chased with hounds and greyhounds. Secondly, because every person that comes up after he is killed, and before the skin is stripped off, is entitled to a share of him; hence if a person upon his journey come up at that time, he is entitled, by law, to a share as great as the person that killed him.

A swarm of bees is a common hunt, because whoever shall find one, whether upon his own land, or the land of another, must share it with any person that may come up to him before he gives a pledge with it; that is, to place a mark by it to show that he found it first. But if he neglect to do so, every person that comes up shall obtain a share of it, except four pence which goes to the owner of the soil.

* There are frequent allusions to game and the regulations of the chase, in the preceding laws; but some old sportsman collected them together, with some things not mentioned in the preceding part of the volume. It is hoped they will please those gentlemen who are partial to the chase.

Salmon is called a common hunt, because when they are taken in a net, or with a fish spear, or in any other manner, if any person whatever come up before they are divided, he is entitled to an equal share of them, with the person who caught them, if it be in common water.

The bear is a barking hunt, because her flesh is the best of the chase, and because the pursuit of her will be but short, as she can only go slowly; therefore, there is nothing to do but to bait, bark, and kill her.

By the term squirrel is to be understood every animal that climbs a tree in its own defence. Therefore the huntsman ought not say, marten, wild-cat, squirrel, or fitchet, but to call them the grey climber, the black climber, the red climber. And because a climber is not able to run far, but ascends a tree, it is hunted by baiting and barking.

A pheasant is called a barking hunt, because when the pointers come upon it, and chase it, it takes to a tree, where it is hunted by baiting.

A fox is a clamorous hunt, because however much the dogs pursue it in full cry, and it be chased with blowing of horns, it will continue its course until it be weary.

The hare is a clamorous hunt, because it will continue in its circle, whatever may be the pursuit.

The roe buck is called a clamorous hunt for the very same reason.

The best flesh of the chase, is that of the stag, the hare, the wild boar, and the bear.

If greyhounds be loosed after a stag, or any other animal, and the dogs pursue it over a hill, and out of sight, and kill it, the owner of the foremost dog, when

in view, shall have the skin. But the owner of a greyhound bitch shall not have the skin for his advantage, unless his bitch be in young by the dog to which it is awarded; in this case, the owner of the bitch shall have it.

Respecting a hare, whatever may kill her, the owner of the dog, or other thing, that started her from her form, is entitled to her, if he were seeking her to have a chase.

No person must loose either a greyhound dog, or bitch after an animal that is chased by hounds, unless he also have hounds in the chase; and if he should do so, the person who follows the hounds can hamstring his dog, if he loose him.

No person must shoot an animal, which is considered game, whilst it is reposing in its resting place, under pain of forfeiting his bow and arrows to the lord of the soil; but he may shoot, and kill it if he can, when it is chased, though he must take care not to shoot among the dogs.

If a person go to hunt, and chase an animal, and idle dogs come up with the game and kill it, he that owns the dogs which started it, shall have it, unless the idle dogs belong to the king.

The animal which is hunted, belongs, by right, to the first huntsman, until he turn his face towards his own house, with his back upon the chase. If he leave his dogs chasing, he can claim nothing though idle dogs may kill it, for the owner of the idle dogs is entitled to it.

These nine venations ought to be known by every person who carries a hunting horn; and if any one be not able to give proper answers respecting them, he

forfeits his horn. Further, if a person go to hunt with his leashes about him, he forfeits them, unless he can give correct answers respecting the nine venations; but, if he understand them properly, his leashes shall remain secure on his arm.

Such were the hunting laws in ancient times.



APPENDIX.



It was originally my intention to close this volume with the statute of Rhuddlan—the application of the Welsh in the reign of Henry VIII. for a perfect union with England—and the answer of that monarch ; but as these documents are in the libraries of most literary characters, I have altered my plan.

I further thought of prefixing to this volume an outline of ancient British history, from the earliest period of the Britons as a people, down to the period, when a Norman Banditti, commanded by a bastard, landed in England and conquered the Saxons. My plan was to point out the country which they first inhabited as a nation—the causes of their leaving it—their route through the continent of Europe—the period of their landing in Britain—their leaders—and the principal tribes into which they were divided, with such other notices as seemed to be of importance.

In prosecuting this plan the Historical Triads of Britain would have been my principal authorities ; but as the limits of this work would not permit of an extended and full account, I have desisted from my intention, thinking that a translation of these curious and ancient triads would be more acceptable to my readers than a mere epitome upon a subject of so much importance.

These triads were not all composed by one man, or set of men, in one age. They were formed at various times to record important facts as they arose in the history of the Britons, and they occasionally refer to circumstances and events beyond the reach of history. Unfortunately, they are deficient in dates; and consequently, their value is considerably lessened by that omission. There are, occasionally, interpolations in the text, but these interpolations are allowed by good judges to be as old as the twelfth century of the christian æra; therefore, I have left them in the text. Those which I have detected, I have included in brackets, that the reader may distinguish between what is spurious and what is genuine.

At the end of the triads is the following note :—“These triads were transcribed from the MS. of Caradog of Nant Garvan, and from the MS. of Jeuan Brechva, by me Thomas Jones of Tregaron.—1601.” From a note, in page 57 of the *Archaology of Wales*, volume the third, we are informed that the MS. so transcribed, was in the possession of the Rev. T. Walters, of Llandocho, Glamorganshire, in the year 1801. Indeed there are various copies of these triads in the Principality, differing from each other in age, orthography, and some other things.—*Trans.*

TRIADS

OF THE ISLE OF BRITAIN,

Which are triads of memorial, record and knowledge, respecting renowned men and things that were in the Isle of Britain, and respecting the circumstances and misfortunes which happened to the nation of the Cambrians for many ages.



1. There were three names given to the Isle of Britain from the first : before it was inhabited, it was called the Sea-girt Green Space ; after it was inhabited, it was called the Honey Island ; and after the people were formed into a common-wealth, by Prydain the son of Aedd the Great, it was denominated the Isle of Britain.* And no one has any right to it but the tribe of the Cambrians, for they first took possession ; and before that time there were no persons living in it, but it was full of bears, wolves, crocodiles, and bissons.

2. There were three primary divisions of the Isle of Britain : Cambria, Lloegria,† and Alban, and the rank of sovereignty belongs to each of the three. And under a monarchy and voice of the country they are governed,

* In the original *Ynys Prydain*, the Isle of Prydain, which overturns the idle dreams of English antiquarians, and proves that the term Britain is derived from the name of that celebrated patriot and legislator. Indeed the Welsh call Britain the Isle of Prydain to this day.

† *Lloegria*, or *Lloegyr*, is the Welsh name for England, and the Highlands of Scotland, they call *Alban*.

according to the regulation of Prydain, the son of Aedd the Great; and to the nation of the Cambrians belongs the right of establishing the monarchy by the voice of the country and the people, according to rank and primeval right. And under the protection of such regulation, royalty ought to exist in every country in the Isle of Britain, and every royalty ought to be under the protection of the voice of the country. Therefore it is said as a proverb:—"A country is more powerful than a lord."

3. There are three pillars of the social state in the Isle of Britain: the voice of the country, royalty, and judicature, according to the regulation of Prydain the son of Aedd the Great.

4. There are three pillars of the nation of the Isle of Britain. The first was Hu the Mighty, who brought the nation of the Cambrians first to the Isle of Britain; and they came from the Summer Country, which is called Defrobani; [that is, where Constantinople now stands,] and they came over the Hazy* Sea to the Isle of Britain, and to Armorica,† where they settled. The second was Prydain the son of Aedd the Great, who first organised a social state and sovereignty in Britain; for before that time there was no justice but what was done by favour, nor any law, except that of superior force. The third was Dyvnwal Moelmuð, for he first made arrangements respecting the laws, maxims, customs and privileges of the country and tribe. And on account of these reasons, they were called the three pillars of the nation of the Cambrians.

5. There were three social tribes of the Isle of Britain. The first was the tribe of the Cambrians, who came to

* The German Ocean.

† Bretagne in France.

the Isle of Britain with Hu the Mighty, because he would not possess a country and lands by fighting and pursuit, but by justice and tranquility. The second was the tribe of the Lloegrians* who came from Gascony; and they were descended from the primitive tribe of the Cambrians. The third were the Brython†, who came from Armorica, and who were descended from the primitive tribe of the Cambrians. These were called the three peaceful tribes, because they came by mutual consent and tranquility; and these tribes were descended from the primitive tribe of the Cambrians, and they had all three the same language and speech.

6. There were three refuge-seeking tribes that came to the Isle of Britain; and they came under the peace and permission of the tribe of the Cambrians, without arms and without opposition. The first was the tribe of Caledonians in the north. The second was the Irish tribe, who dwell in the Highlands of Scotland. The third were the people of Galedin,‡ who came in naked vessels to the Isle of Wight, when their country was drowned, and where they had land granted them by the tribe of the Cambrians. They had no privilege of claim in the Isle of Britain, but they had land and protection assigned to them under certain limitations; and it was stipulated that they should not possess the rank of native Cambrians until the ninth of their lineal descendants.

* The ancient name of the Loire was Liger. Did the Lloegrwys give their name to that river, or did they take their name from the river?

† A term implying persons of warlike habits.

‡ Supposed to be Holland; and indeed Holland presents every appearance of having been overflowed by the ocean,

7. There were three invading tribes that came to the Isle of Britain and who never departed from it. The first were the Coranians* that came from the country of Pwyl.† The second were Irish Picts who came to Alban by the North Sea. And the third were the Saxons. The Coranians are settled about the river Humber, and the shore of the German ocean; and the Irish Picts are in Alban about the shore of the sea of Denmark. The Coranians and Saxons united, and, by violence and conquest, brought the Lloegrians into confederacy with them; and subsequently took the crown of the monarchy from the tribe of the Cambrians. And there remained none of the Lloegrians that did not become Saxons, except those that are found in Cornwall, and in the commot of Carnoban in Deira and Bernicia. In this manner the primitive tribe of the Cambrians, who preserved both their country and their language, lost the sovereignty of the Isle of Britain on account of the treachery of the Refuge-seeking tribes, and the pillage of the three invading tribes.

8. There were three invading tribes that came to the Isle of Britain, and who subsequently left it. The first were the Scandinavians, who came here after Urb, with the Mighty Host, had taken away from the Island, the flower of the tribe of the Cambrians. He took away with him 63000 effective men, and steeds for war. And at the end of the third age, the Cambrians drove the Scandinavians over the sea into Germany. The second were the troops of Ganval the Irishman, that came into North Wales and settled there for twenty nine years, until they were driven into the sea by Caswallon‡ the

* Probably the *Coritani*.

† Supposed to be Poland.

‡ The Cassivellaunus of the Romans.

son of Beli and grandson of Mynogan. The third were the Cæsarians who continued by violence in this Island more than four hundred years, when they returned to Italy to oppose the fierce contention of the black invasion; and they did not return again to the Isle of Britain. And because the Cambrians marched with them, none were left in the Island but women, and little children under nine years of age.

9. There were three treacherous invasions of the Isle of Britain: the first were the red Irishmen from Ireland, who came to Alban; the second were the Scandinavians; and the third were the Saxons. These last came to this Island in peace and by the permission of the tribe of the Cambrians, and in the protection of God and his truth, as well as in the protection of the country and the tribe; and by treachery and mischief they opposed the tribe of the Cambrians, and were able to wrest from them the sovereign power of the Isle of Britain, and they mutually confederated themselves in Lloegria and Alban, where they still reside. This happened in the age of Vortigern.

10. There were three disappearances by loss in the Isle of Britain. The first were Gavran* and his men, who went in search of the Green Islands of the floods, and were never heard of after. The second were Merddin

* Gavran flourished in the latter part of the fifth century. The Islands alluded to are supposed to be the Cape Verd Islands. With reference to this expedition, Mrs. Hemans of St. Asaph has written a sweet song, beginning with:—

“Where are they, those Green Fairy Islands, reposing
In sun light and beauty on ocean’s calm breast?” &c.

Parry’s Welsh Melodies, vol. ii.

the bard of Emrys,* and his nine attendant bards, who went to sea in a house of glass, and the place where they went to is unknown. The third was Madog the son of Owain king of North Wales, who went to sea with three hundred persons in ten ships, but the place to which they went is unknown.

11. There were three oppressions that came upon the Isle of Britain, but which were brought to a termination: first, the oppression of the horse of Malaen,† which is called the oppression of the first of May; second, the oppression of the dragon of Britain; and the oppression of the half-apparent man. That is, the first was from beyond sea; the second was from the madness of the country and nation under the pressure of the violence and lawlessness of princes; but Dyrnwal Moelmu destroyed it, by forming just regulations between society and society, prince and neighbouring prince, and country and neighbouring country; and the third was in the time of Beli the son of Manogan, which was a treacherous conspiracy, but he extinguished it.

12. There were three frightful plagues in the Isle of Britain. First, the plague that arose from the corpses of the Irishmen‡ who were slaughtered in Manaba, after they had oppressed North Wales for the space of twenty nine years. Second, the infection of the yellow plague of Rhoss, on account of the corpses which were slain there, and if any one went within reach of the effluvia he died immediately. The third was the sickness of the Bloody Sweat, on account of the corn

* Ambrosius, the successor of Vortigern, and the 84th sovereign of Britain.

† This is an allusion to something now unknown; though it was probably an invasion by some foreign power.

‡ See the 8th. Triad.

having been destroyed by wet weather in the time of the Norman invasion by William the Bastard.

13. There were three awful events in the Isle of Britain. The first was the bursting of the Lake of Floods, and the rushing of an inundation over all the lands, until all persons were destroyed, except Dwyvau and Dwyvach who escaped in an open vessel; and from them the Isle of Britain was re-peopled.* The second was the trembling of the fiery† torrent, until the earth was rent to the abyss, and the greatest part of all life was destroyed. The third was the Hot Summer, when the trees and plants took fire by the burning heat of the sun, and many people and animals, various kinds of birds, vermin, trees and plants, were entirely lost.‡

14. There were three combined expeditions that went from the Isle of Britain. The first was that which went with Ur, the son of Erin, the Bellipotent of Scandinavia; and he came to this Island in the time of Gadiol the son of Erin, to solicit aid, under a condition that he should not obtain from every principal fortress, a greater number than he should bring into it. To the first fortress he only came himself with his servant Mathata Vawr, and from there he obtained two, from the second four, from the third eight, from the next sixteen, and thus in like proportion from every other fortress, until that in the last, the number could not be procured throughout the whole Island. And he took with him 63000, and he could not obtain a greater number of effective men in all the Island; and none but children and old men

* This has an evident allusion to the deluge, though mixed with inaccuracy.

† Probably some volcanic eruption. ‡ Vide Hesiod's Theogonia.

§ The Britons were evidently outwitted in this matter.

were left behind. And Ur the son of Erin the Bellipotent was the most complete levier that ever existed. It was through inadvertency that the tribe of the Cambrians gave him this permission under an irrevocable stipulation ; and in consequence of this, the Coranians found an opportunity to make an easy invasion of this island. Of the men who went, none ever returned, nor any of their progeny, nor descendants. They went on a warlike expedition as far as the sea of Greece, and remaining there, in the land of Galas* and Avena unto this day, they have become Greeks.

The second combined expedition was conducted by Caswallawn the son of Beli, and grandson of Manogan, and Gwenwynwyn and Gwanar the sons of Lliaws, the son of Nwyvre and Arianrod the daughter of Beli their mother. Their origin was from the border declivity of Galedin and Siluria, and from the combined tribes of the Boulognese ; and their numbers were threescore and one thousand. They marched, with their uncle Caswallawn, after the Cæsarians, unto the land of the Gauls of Armorica, who were descended from the primitive stock of the Cambrians. And none of them, nor of their progeny, returned to this island, for they settled in Gascony among the Cæsarians, where they are at present ; and it was in revenge† of this expedition that the Cæsarians came first into this island.

The third combined expedition‡ was marched out of this Island by Elen Bellipotent and Cynan her brother,

* Supposed to mean Galatia, or Gallo-græcia.

† This partly agrees with Cæsar's testimony ; vide Bell. Gal. L. 4. c. 20,

‡ This expedition took place about the end of the fourth century.

lord of Meiriadog,* to Armorica, where they obtained lands, power and sovereignty by the emperor Maximus for supporting him against the Romans. These men were from the land of Meiriadog, Siluria, and from the land of Gwyr† and Gorwennydd; and none of them returned again, but settled there and in Ystre Gyvaelwg,‡ where they formed a common-wealth. On account of this armed expedition, the tribe of the Cambrians became so deficient in armed men, that the Irish Picts invaded them; and, therefore, Vortigern was forced to invite the Saxons to expel that invasion. And the Saxons observing the weakness of the Cambrians, treacherously turned their arms against them, and by combining with the Irish Picts and other traitors, they took possession of the lands of the Cambrians, and also their privileges and their crown. These three combined expeditions are called the three Mighty Presumptions of the tribe of the Cambrians, and also the three Silver Armies, because they took away from the Island all the gold and silver they could obtain by deceit, artifice and injustice, besides what they acquired by right and consent. They are also called the three Unwise Armaments, because they weakened the Island so much, that an opportunity was given for the three Mighty Invasions; namely, the Coranians, the Cæsarians, and the Saxons.

15. There were three mighty invasions of the Isle of Britain that united in one, and by this means the invaders took from the Cambrians their rank, their crown and their lands. The first was that of the Coranians

* Meiriadog was an ancient north-east division of Powys.

† Gower and the adjacent parts of Glamorgan.

‡ Supposed to be some part of Normandy.

who united with the Cæsarians until they became one. The second of the three, were the Cæsarians. And the third were the Saxons, who united with the two others against the Cambrians. And God permitted this for the purpose of chastising the Cambrians for their three Mighty Presumptions, because they were carried into effect by injustice.

16. There were three primary tribes of the Cambrians: the Gwentians, or the Silurians; the Ordovices, including both the North Walians and Powysians; and the tribe of Pendaran* of Dyved, including the people of Pembrokeshire, Gower, and Cardiganshire. To each of these belongs a classical dialect of the Welsh language.

17. There were three monarchs by the verdict of the Isle of Britain: the first was Caswallawnt† the son of Lludd, son of Beli, son of Mynogan; the second was Caradog,‡ son of Bran, son of Llyr Llediaith; and the third was Owain the son of Maximus. That is, sovereignty was conferred upon them by the verdict of the country and the nation, when they were not elders.

18. There were three holy families in the Isle of Britain. First, the family of Bran the blessed, the son of Llyr Llediaith;§ for Bran was the first who brought the faith of Christ to this island from Rome, where he was in prison through the treachery of Boadicea, the daughter of Mandubratius the son of Lludd. The second was the family of Cynedda Wledig, who first gave

* Pendaran was a title of the prince of Dyved.

† Vide Bell. Gall. L. 5. c. q.

‡ The Caractacus of the Romans.

§ *Llediaith* means half formed speech. Probably Llyr had some impediment in the vocal powers.

land and privilege to God and the saints in the Isle of Britain. The third was Brychan of Brecknockshire, who educated his children and grand-children in learning and generosity, that they might be able to show the faith in Christ to the Cambrians, where they were without faith.

19. There were three benignant guests of the Isle of Britain: St. David, Padarn, and Teilaw.* They were so called because they went as guests into the houses of the nobles, the yeomen, the native and the bondman, without accepting either gift or reward, food or drink; but they taught the faith in Christ to every one without pay, or thanks, and to the poor and the destitute, they gave of their gold and their silver, their clothes, and their provisions.

20. There were three treacherous meetings in the Isle of Britain: First the meeting of Mandubratius the son of Lludd, and the traitors with him, who gave a place for the landing of the Romans on the narrow Green Point, and not more; and the consequence of which was, the gaining of the Island by the Romans. The second was the meeting of the Cambrian nobles and the Saxon Claimants upon Salisbury plain, where the plot of the Long Knives took place through the treachery of Vortigern; for by his counsel, in league with the Saxons, nearly all the Cambrian nobility were slain. Third, the meeting of Medrawd† and Iddawg Corn Prydain with their men in Nanhwynain, where they entered into conspiracy against Arthur, and by this means strengthened the Saxon cause in the Isle of Britain.

* For an account of these men, *vid. Cambro Biog. pp. 85, 277, 324.*

† King Arthur's nephew, who basely seduced his uncle's wife, and raised his arms against him. This produced the dreadful battle of Camlan.

21. The three arrant traitors of the Isle of Britain: First Mandubratius, son of Llud, son of Beli the great, who invited Julius Cæsar and the Romans into this Island, and caused the invasion of the Romans. That is, he and his men gave themselves as guides to the Romans, and received a treasure of gold and silver from them every year. In consequence of this, the men of this Island were compelled to pay three thousand pieces of silver every year as a tribute to the Romans until the time of Owain the son of Maximus, who refused to pay the tribute. And under pretence of being content, the Romans drew from the Isle of Britain the most effective men, who were capable of becoming soldiers, and marched them to Aravia* and other far countries, from whence they never returned. And the Romans who were in Britain went into Italy, and left only women and little children behind them; and, therefore the Britons were so weakened, that they were not able to oppose invasion and conquest for want of men and strength. The second was Vortigern, who murdered Constantine the Blessed, seized the crown of the Island by violence and lawlessness, first invited the Saxons to the Island as his defenders, married Alis Ronwent the daughter of Hengist, and gave the crown of Britain to the son he had by her, whose name was Gotta; and on this account, the kings of London are called children of Alis. Thus, on account of Vortigern, the Cambrians lost their lands, their rank and their crown in Lloegria. The third was Medrawd the son of Llew, the son of

* Query, *Arabia*?

† The Rowena of the English.

‡ Used in a reproachful sense, intimating that they are the children of the devil.

Cynvarell: for when Arthur left the government of the Isle of Britain in his custody, whilst he marched against the Roman emperor, Medrawd took the crown from Arthur by usurpation and seduction; and in order to keep it, he confederated with the Saxons; and, on this account, the Cambrians lost the crown of Lloegria and the sovereignty of the Isle of Britain.

22. The three secret treasons of the Isle of Britain: First, the betraying of Caradog son of Bran by Boadicea, daughter of Mandubratius, the son of Lludd, and delivering him up a captive to the Romans. Second, the betraying of Arthur by Iddawg Corn Prydain, who divulged his designs. And third, the betraying of Prince Llywelyn, son of Grufudd, by Madog* Min. By these three treacheries the Cambrians were completely subdued; and nothing but treachery could have overcome them.

23. The three heroic sovereigns of the Isle of Britain: Conobelinus, Caradog the son of Bran, and Arthur; because they conquered their enemies, and could not be overcome but by treachery and plotting.

24. The three primary battle princes of the Isle of Britain: Caswallawn the son of Beli, Gweirydd the son of Conobelinus, and Caradog, son of Bran, son of Llyr Llediaith.

25. The three accomplished princes of the Isle of Britain: Rhun the son of Maelgwn, Owain, son of Urien, and Rhuvon† the Fair son of Dewrath Wledig.

* This rascal was bishop of Bangor in the beginning of the eleventh century. He also caused the death of Llywelyn the father of Gruffydd.

† "He was killed in battle, and his weight in gold was given for the body.
A white wave bright foaming sprays over a grave,
The tumulus of Rhuvon the Fair, chief of princes."

26. There were three plebeian Princes in the Isle of Britain: Gwrgai, son of Gwriemin the North; Cadvael son of Cynredwin North Wales; and Hyvaidh the Tall son of St. Bleiddan in Glamorgan. (That is to say, sovereignty was granted them on account of their heroic actions; and virtuous qualities.)

27. The three banded families of the Isle of Britain: the family of Cadwallawr with the Long Hair; the family of Rhwallon son of Urien; and the family of Belyd of Llyso. They were so called, because they were not subject to either head or sovereignty, as it is expected the frank of their families and power; but owed submission only to the voice of the country and the nation.

28. The three golden-bandedness of the Isle of Britain: Rhwallon with the Broad Hair; Rhun the son of Maelgwn; and Cadwaladr the Blessed. (That is they were permitted to wear golden bands about their arms; their necks and their knives, and with these was granted the privilege of royalty in every country and dominion in the Isles of Brittain.)

29. The three battle-knights of the sovereignty of the Isle of Britain: Caradog with the brown arm; Iaff the Bellpotent; and Mael the son of Maelward of Arllechwedd. And with reference to these, Arthur composed the following lines:

These are my three battle-knights
Mael the Tall and Iaff the Bellpotent,
And Caradog the pillar of the Cambrians.

• These three princes lived in the sixth century, an age of heroes and of poets among the Britons.

† They acquired this privilege by their bravery.

That is to say, they were the bravest heroes of all
 battle-brights, and therefore royalty was granted them,
 and what they wished of power; and their courtesy was
 such, that they would do nothing but what was judicious
 and right, in whatever country they came.

30. The three generous princes of the Isle of Britain;
 Rhysdach the Generous, son of Tudwal Tudclud; Mor-
 dav the Generous, son of Servan; and Nudd the Gene-
 rous, son of Sengil. Their courteous dispositions were
 such, that they did not fail to grant any thing whatever
 to any person who solicited it of them, if they had it in
 possession, or could obtain it by gift, loan, or present,
 whether the applicants were friends or foes, relatives or
 strangers.

31. The three blood-stained ones of the Isle of Britain;
 Arthur, Morgan the Greatly Courteous, and Rhun, the
 son of Beli. When they marched to war, no one could
 stay at home, so greatly were they beloved; and in every
 war and battle, they were victorious, where there was
 neither treachery, nor ambush. Hence arose the pro-
 verb:—"There were three heroes who obtained men
 wherever they marched; Arthur, Morgan the Greatly
 Courteous, and Rhun the son of Beli; and there were
 three armies who obtained soldiers wherever they
 marched; the soldiers of Arthur, the soldiers of Mor-
 gan the Greatly Courteous, and the troops of Rhun, the
 son of Beli.

32. The three resolute* minded Ovates of the Isle of
 Britain: Greidiawl the resolute minded Ovate, Enyael
 the son of Adran, and Trystan,† the son of Tallwch.

* I adopt the various reading of another copy which is *glewryll*. *Galwydd*
 seems inexplicable.

† Trystan is the Sir Tristram of Romance, written by Thomas of Ercildun.

for they had the privilege of going wherever they wished in the Isle of Britain without opposition, unless they went unlawfully.

33. The three obstructors of slaughter of the Isle of Britain: Grudnew, Henben, and Eidnew.* Their principle was, not to retreat from battle and conflict but upon their biers, after they were unable to move either hand or foot.

34. The three conventional monarchs of the Isle of Britain: first, Prydain, son of Aedd the Great, when there was established a discriminating sovereignty over the Isle of Britain, and its adjacent islands; second, Caradog, the son of Bran, when he was elected Generalissimo of all the Island of Britain to oppose the incursions of the Romans; and Owain, the son of Ambrosius, when the Cambrians resumed the sovereignty from the Roman emperor, according to the rights of the nation. These were called the three conventional sovereigns, because they were raised to this dignity by the convention of the country and the bordering country, within all the limits of the nation of the Cambrians, by holding a convention in every district, commot, and hundred in the Isle of Britain and its adjacent islands.

35. The three blessed princes of the Isle of Britain. First, Bran the Blessed, son of Llyr Llediaith, who first brought the faith of Christ to the Cambrians from Rome, where he had been seven years as a hostage for his son Caradog, whom the Romans put in prison, after being betrayed through the enticement, deceit and plotting of Boadicea. Second, Lleirwg, son of Coel, son of St. Cyllin, and called Lleuver the Great, who built the first

* These were three brothers, who lived about the close of the fifth century.

church in Llandav, which was the first in the Isle of Britain, and who gave the privilege of the country and tribe, with civil and ecclesiastical rights to those who professed faith in Christ. The third was Cadwaladyr, the Blessed; who gave protection, within his lands and within all his possessions, to the christians who fled from the infidel and lawless Saxons who wished to murder them.

36. The three system formers of royalty of the Isle of Britain: Prydain the son of Aedd the Great, Dyvnwal Moelmud, and Bran the son of Llyr Llediaith. That is, their systems were the best systems of royalty of the Isle of Britain, and they were judged superior to all other systems which were formed in the Isle of Britain.

37. The three disgraceful drunkards of the Isle of Britain. First, Ceraint, the drunken king of Siluria; who in drunkenness burnt all the corn far and near over all the country, so that a famine for bread arose. Second, Vortigern, who in his drink, gave the Isle of Thanet to Horsa that he might commit adultery with Rowena his daughter, and who also gave a claim to the son that he had by her to the crown of Lloegria; and added to these, treachery and plotting against the Cambrians. Third the drunken Seithinyn, son of Seithyn Saida king of Dimetia, who in his drunkenness let the sea over the hundred of Gwaelod so* that all the houses and land which were there, were lost, where before that event sixteen fortified towns were reckoned there, superior to all the towns and fortified stations in Cambria, with the exception of Caerllion upon Usk.

* Now, Cardigan Bay. This event happened in the latter part of the fifth century of the christian era.

The hundred of Gmaelod was the dominion of Gwgonas, Garaphir, king of Cardigan. This event happened in the time of Ambrosius. The people who escaped from that inundation, landed in Arduwy, and the country of Arvon, and the mountains of Snowdon, and other places which had not been inhabited before that period.

38. The three humble princes of the Isle of Britain; Manawyda son of Llyr Llediaith, after Bran the son of Llyr his brother was carried into captivity; Llywarch the Aged, son of Elidir, Llydanwyn; and Gwgon the Herp, the son of Eleuyer with the Mighty Retinue. These three were bards; and after they had attached themselves to song, they sought not for dominion and royalty, though no one could debar them from it. On this account, they were called the three humble princes of the Isle of Britain.

39. The three chiefs of Deira and Bernicia: Gall the son of Dysgyvedog; Difedel the son of Dysgyvedog; and Ygarnell the son of Dysgyvedog. These three were the sons of bards, and after they had attached themselves to song, the sovereignty of Deira and Bernicia was bestowed upon them.

40. The three bards of the Isle of Britain who tinged spears with blood: Tristvardd, son of Urien Rheged; Dygyanely the bard of Owain son of Urien; and Aran Yrddig, bard of Cadwallon son of Cadvan. These three were sons of bards, and they could not be separated.

41. The three supreme servants of the Isle of Britain: Caradog, the son of Bran, the son of Llyr Llediaith; Cawrdav, the son of Caradog with the Brawny Arm; and Owain, the son of Ambrosius. They were so called because all the men of the Island of Britain, from the

prince, to the peasant, became their followers; at the need of the country, on account of the invasion and tyranny of the foe. And wherever these three marched to war, there was not a man in the Isle of Britain but who would join their armies, and would not stay at home. And these three were the sons of bards.

42. The three fetter-wearing kings of the Isle of Britain: Morgan the greatly Courteous, of Glamorgan; Elystan Glodrydd, between the Wye and the Severn; and Gwaithoed, king of Cardigan. They were so called, because they wore fetters, in all their primary functions of royalty in the Isle of Britain instead of frontlets or crowns.

43. The three frontlet-wearing kings of the Isle of Britain: Cadell, king of Dinorw; Anarawd, king of Aberfraw; and Merwin, king of Mawrerael. They were also called the three frontlet-wearing princes.

44. The three foreign kings of the Isle of Britain: Gwrdyled, of the conflict; Mowen with the Beard; and Constantine the Blessed.

45. The three disgraceful traitors who enabled the Saxons to take the crown of the Isle of Britain from the Cambrians. The first was Gwrgi Garwlwyd, who, after tasting human flesh in the court of Edelfed, the Saxon king, became so fond of it that he would eat no other but human flesh ever after. In consequence of this, he and his kind united with Edelfed king of the Saxons; and he made secret incursions upon the Cambrians; and

* This and the following trial are the only instances upon record of cannibalism in the island; and it is worthy of notice that these savages first tasted human flesh in the Saxon court. What shall we say to this fact?

brought a young male and female whom he daily ate. And all the lawless men of the Cambrians flocked to him and the Saxons, where they obtained their full of prey and spoil taken from the natives of this Isle. The second was Medrod, who with his men united with the Saxons, that he might secure the kingdom to himself, against Arthur; and in consequence of that treachery many of the Lloegrians became as Saxons. The third was Aeddán, the traitor of the north, who with his men made submission to the power of the Saxons, so that they might be able to support themselves by confusion and pillage under the protection of the Saxons. On account of these three traitors the Cambrians lost their land and their crown in Lloegria; and if it had not been for such treasons, the Saxons could not have gained the Island from the Cambrians.

46. The three bards who committed the three beneficial assassinations of the Isle of Britain. The first was Gall, the son of Dysgyvedawg, who killed the two brown* birds of Gwenddoleu, the son of Ceidiaw, that had a yoke of gold about them, and that daily devoured two bodies of the Cambrians for their dinner and two for their supper. The second was Ysgavnell, the son of Dysgyvedawg, who killed Edelfled king of Lloegria, who required every night two noble maids of the Cambrian nation, and violated them, and every morning he killed and devoured them. The third was Difedel the son of Dysgyvedawg, who killed Gwrgi Garlwyd, that had married Edelfled's sister, and committed treachery and murder in conjunction with Edelfled upon the Cambrians. And this Gwrgi killed a Cambrian male and

* A poetic phrase for the sons of Gwenddoleu.

female every day and devoured them, and on the Saturday he killed two males and two females, that he might not kill on the Sunday. And these three persons, who performed these beneficial assassinations, were bards.

47. The three infamous assassinations of the Isle of Britain: the assassination of Aneurin of flowing muse and monarch of the bards, by Eiddin the son of Einnygan; the assassination of Avaon, the son of Taljesin, by Llawgad Trwm Bargawd; and the assassination of Urien, the son of Cynvarch, by Llovan Llaw Dino. They were three bards who were assassinated by these three men.

48. The three infamous blows with the axe of the Isle of Britain: the axe-blow of Eiddin, son of Einnygan, on the head of Aneurin of flowing muse; the axe-blow of Cadavael the Wild, on the head of Jago, the son of Beli; and the axe-blow upon the head of Golyddan the bard, because of the stroke which he gave Cadwaladyr the blessed, with the palm of his hand.

49. The three fatal slaps of the Isle of Britain: the slap of Matholwch the Irishman, on Bronwen the daughter of Llyr; the slap which Gwenhwyvach gave Gwenhwyvar, and which caused the battle of Camlan; and the slap which Golyddan the bard gave Cadwaladyr the blessed.

50. The three frivolous causes of battle in the Isle of Britain. The first was the battle of Goddeu, which was caused about a bitch, a roe-buck and a lapwing; and in that battle 71,000 men were slain. The second was the action of Arderydd, caused by a bird's nest, in which 80,000 Cambrians were slain. The third was the battle of Camlan, between Arthur and Medrod, where Arthur

was slain with 100,000 of the choice men of the Cambrians. On account of these three foolish battles, the Saxons took the country of Lloegria from the Cambrians, because there was not a sufficient number of warriors left to oppose the Saxons, the treachery of Gwrgi Garwlwyd, and the deception of Eiddic the dwarf.

51. The three fatal counsels of the Isle of Britain. First, to give permission to Julius Caesar and the Romans with him, to have a place for the fore-hoofs of their horses in the cave of the verdant edge in the Isle of Thanet, because by this the Caesarians obtained a landing place to take possession of the Isle of Britain, and to form a junction with the traitor Mandubratius the son of Lludd. Such permission was granted to the Caesarians because the Cambrians thought it contemptible to defend their country otherwise than through strength of arms, heroism, and the bravery of the people, where they had no suspicion of the treachery of Mandubratius, the son of Lludd, with the Romans. The second fatal counsel was that of permitting Horsa, Hengist and Rowena to return to the Isle of Britain, after they were driven over sea to the country from whence they originated. And the third was to suffer Arthur to divide his men with Medrawd three times in the battle of Camlan, and through which Arthur lost the victory and his life, where Medrawd was united with the Saxons.

52. The three tremendous slaughters of the Isle of Britain. The first, when Medrawd went to Gallowig, he did not leave in the court meat and drink to support a fly, but consumed and wasted it all, and he pulled Gwenhwyvar from her throne, and committed adultery

with her. The second was, when Arthur went to the court of Medrawd, he left neither meat nor drink that he did not destroy; and killed every living thing in the hundred, both man and beast. The third was, when the traitorous Aeddan went to the court of Rhydderch the Generous, he destroyed all the meat and drink in the court, without leaving as much as would feed a fly; and he did not leave either a man or beast alive, but destroyed the whole. These were called the three dreadful slaughters, because the Cambrians were compelled, according to law and custom, to answer and grant redress for what was done in that irregular, unusual, and lawless manner.

53. The three concealments and disclosures of the Isle of Britain. The first was the head of Bran the Blessed the son of Llyr, that Owain the son of Ambrosius had concealed in the white hill in London; and whilst it remained in that state, no injury could happen to this Island. The second were the bones of Gwrtheyyr the Blessed, which were buried in the principal ports of the Island, and while they remained there no molestation could happen to this Island. The third were the dragons which were concealed by Lludd the son of Beli in the fortress of Pharon among the rocks of Snowdon. And these three concealments were placed under the protection of God and his attributes, so that misery should fall upon the hour and the person who should disclose them. Vortigern revealed the dragons out of revenge for the opposition of the Cambrians towards him, and he invited the Saxons under the semblance of auxiliaries to fight with the Irish Picts; and after that, he revealed the bones of Gwrtheyyr the Blessed out of love to Rowena the daughter of Hengist the Saxon.

And Arthur revealed the head of Bran the Blessed, the son of Llyr, because he scorned to keep the Island but by his own might; and after these three disclosures, the invaders obtained the superiority over the Cambrian nation.

54. The three over-ruling counter energies of the Isle of Britain; Hu the Mighty, who brought the Cambrian nation from the Summer Country, called Defrobani, unto the Isle of Britain; Prydain, the son of Aedd the Great, who organised the nation and established a jury over the Isle of Britain; and Rbitta Gawr, who made a robe for himself of the beards of those kings whom he made captives, on account of their oppression and lawlessness.

55. The three beneficial harrassers of the Isle of Britain: Prydain, the son of Aedd the Great, barrassing the dragon of oppression, which was the oppression of pillage and lawlessness, engendered in the Isle of Britain; Caradog the son of Bran, the son of Llyr, harrassing the Roman invaders; and Rhitta Gawr, harrassing the oppression and pillaging of dissolute kings.

56. The three benefactors of the Cambrian nation. First, Hu the Mighty, who first taught the Cambrians the way to plough when they were in the Summer Country, [that is, where Constantinople stands at present,] before they came to the Isle of Britain. Second, Coll, the son of Colltrewi, who first brought wheat and barley to the Isle of Britain, for before that time there was nothing but oats and rye. Third, Elldud, the holy knight of Theodosius, who improved the mode of ploughing land and taught the Cambrians better than was known before, and he gave them the system and art of cultivating lands as is used at present; for before

that time land was cultivated only with the mattock and over-tread plough, after the manner of the Irish.

57. The three primary inventors of the Cambrians : Hu the Mighty, who formed the first mote and retinue over the nation of Cambria ; Dyvnwal Moelmud, who made the first regulations of the laws, privileges and customs of the country and tribe ; and Tydain, the father of poetic genius who made the first order and regulation for the record and memorial of vocal song, and that which appertains to it. From this system, the privileges and organised customs, respecting the bards and bardism in the Isle of Britain, were first formed.

58. The three primary bards of the Isle of Britain : Plennydd, Alawn, and Gwron. That is, these formed the privileges and customs that appertain to bards and bardism, and therefore they are called the three primary bards. Nevertheless, there were bards and bardism prior to them, but they had not a licensed system, and they had neither privileges nor customs otherwise than what they obtained through kindness and civility, under the protection of the nation and the people, before the time of these three. [Some say that these lived in the time of Prydain the son of Aedd the Great, but others affirm that they flourished in the time of Dyvnwal Moelmud's son ; and this information they derive from ancient manuscripts which are entitled, Dyvnwarth the son of Prydain.]

59. The three beneficial sovereigns of the Isle of Britain, First, Prydain, the son of Aedd the Great, who first formed a system of citizenship of the country and tribe, and the organization of the country and the bordering country in the Isle of Britain. Second, Dyvnwal Moelmud, who improved and extended the institutes,

laws, privileges and customs of the Cambrian nation; so that equity and justice might be obtained by all in the Isle of Britain, under the protection of God and his tranquility, and under the protection of the country and the tribe. Third, Howel the Good, son of Cadell, and grandson of Rhodri the Great, king of all Cambria, who improved the laws of the Isle of Britain, as the changes and circumstances which occurred among the Cambrians demanded, lest what was good might be effaced, and lest what was excellent might not succeed it, according to the condition and effect of the organization of the Cambrians. And these three men were the best of legislators.

60. The three vigorous ones of the Isle of Britain: Gwernerth the sharp shot, who killed the greatest bear that was ever seen with a straw arrow; Gwgarn, with the mighty hand, who rolled the stone of Maesgarth from the valley to the summit of the mountain, and which required 60 oxen to draw it there; and Eidiel the Mighty, who, in the plot of Stonehenge, killed 660 Saxons with a billet of the service tree, between sun-set and dark.*

61. The three royal families that were conducted to prison from the great great grandfather to the great grandchild, without permitting one of them to escape. First, the family of Llyr Elediaith, who were put in prison in Rome, by the Cæsarians. Second, the family of Madawg son of Medron, who were imprisoned in Alban, by the Irish Picts. Third, the family of Gair son of Geirion, who were imprisoned in Oeth and Ahoeth,

* I fear that there is some exaggeration here; but be it as it may, Eidiel escaped the general slaughter by seeing and evading the blow of his neighbour, and by the amazing prowess he displayed.

by the verdict of the country and tribe. Not one, nor another of these escaped; and it was the most complete incarceration that was ever known; with respect to these families.

62. The three archbishopricks of the Isle of Britain: First, Mander, through the favour of Lleurwg son of Coel and grandson of Cytin, who first gave lands and the privilege of the country to those who first dedicated themselves to the faith in Christ. Second, York, through the favour of the emperor Constantine; for he was the first of the Roman emperors who embraced the christian religion. The third was London, through the favour of the emperor Maximus. Afterwards there were Caerllion upon Usk; Cellwig in Cornwall, and Edinburg in the north; and now there are St. David's, York, and Canterbury.

63. The three supreme thrones of the Isle of Britain: first, London; second, Caerllion upon Usk; and third, York.

64. The three tribes of the throne of the Isle of Britain: The first is Caerllion upon Usk; and there, Arthur has supreme authority, St. David son of Cunedda Wledig being chief bishop, and Maelgwn of north Wales being chief elder. Second, Cellwig in Cornwall, and there Arthur has supreme authority, Bedwin being chief bishop, and Caradwg with the Brawny Arm chief elder. Third, Edinburgh in the north; and there Arthur had supreme authority, Cyndeyrn Garthwys being chief bishop, and Gwrthimwl Wledig chief elder.

65. The three privileged ports of the Isle of Britain: Newport in Monmouthshire; Beaumaris in Anglesea; and Gwyddisaw* in Cardiganshire.

* This last was lost by the over-flowing of the sea, which forms the present Cardigan Bay.

66. The three most noted rivers of the Isle of Britain: the Severn in Cambria, the Thames in Lloegria, and the Humber in Deira and Bernicia.

67. The three primary Islands attached to the Isle of Britain: Orkney, Man, and Wight. At a subsequent period the sea broke through the land, and Anglesea became an Island; and in a similar manner, the Orkney Isle was broken, and many Islands were formed in consequence, and other parts of Scotland and Cambria became Islands.

68. The three fleet-owners of the Isle of Britain: Geraint the son of Erbin; Gwenwynwyn the son of Nav; and March the son of Meirchion. Each of these admirals had one hundred and twenty ships, and one hundred and twenty sailors in each ship.

69. The three frontlet ones of battle of the Isle of Britain: Trystan, the son of Tallwch; Huail, son of Caw of Prydyn, lord of the vale of Cawlywd; and Cai, son of Cynyr with the shining Beard. And there was one frontlet wearer above the other three, who was Redwyr, the son of Pedrawg.

70. The three naturalists of the Isle of Britain: Gwalchmai the son of Gwyar; Llecheu son of Arthur; and Rhiwallawn of the Broom-bush-hair; and there was nothing of which they did not know its material essence, and its property, whether of kind, part, quality, compound, coincidence, tendency, nature, or of essence, whatever it might be.

71. The three pillars of battle of the Isle of Britain: Dunawd Fur son of Pabo the Pillar of Britain; Gwallawg son of Lleenawg; and Cynvelyn the Stumbler; That is, they understood the order and necessary arrangements for battle better than any others that ever existed.

72. The three bulls of battle of the Isle of Britain: Cynvar Cadgadawg son of Cynwyd Cynwydion; Gwenddoleu son of Ceidiaw; and Urien son of Cynvarch; because they rushed upon their foes like bulls, and it was not possible to avoid them.

73. The three bull princes of the Isle of Britain: Elmur the adopted son of Cibddar; Cynhaval son of Argad; and Avaon son of Taliesin, chief of the bards. These three were bards; and they dreaded nothing in battle and conflict, but rushed forward, regardless of death.

74. The three arrogant ones of the Isle of Britain: Sawyl the lofty headed; Pasgen the son of Urien; and Rhun the son of Einiawn. Their arrogance was most arrogant above every other arrogant thing, by means of which they brought anarchy in the Isle of Britain; and those who were influenced by this anarchy, united with the Saxons, and finally became Saxons.

75. The three strong crutched ones of the Isle of Britain: Rhineri son of Tangwn; Tinwaed the crutched; and Pryderi son of Doler of Deira and Bernicia.

76. The three grave slaughterers of the Isle of Britain: Selyv son of Cynan Garwyn; Avaon son of Taliesin; and Gwallawg son of Lleenawg. They were called grave-slaughterers, because they were able to avenge their wrongs from their graves.

77. The three golden-corpses of the Isle of Britain: Madawg the son of Brwyn; Ceugant Beilllawg; and Rhuvon the Fair, son of Gwyddnaw Garanbir. They are so called, because their weight in gold was given to deliver them from those who slew them.

78. The three froward ones of the Isle of Britain: Eiddilic the dwarf; Trystan the son of Tallwch; and

Gwelwerydd the Great; because there was nothing could divert them from their designs.

79. The three generous hosts of the Isle of Britain: the host of Belyn son of Cynvelyn, in the warfare of Caradawg son of Bran; the host of Mynyddawg Eiddin in the battle of Cattræth; and the host of Drywon son of Nudd the Generous, in the desle of Arderydd in the north. That is, every one marched at his own expence, without waiting for being summoned, and without demanding either pay or reward of the country, or the prince; and because of this, they are called the three generous hosts.

80. The three loyal tribes of the Isle of Britain: the tribe of Cadwallawn the adopted son of Cadvan, who were with him seven years in Ireland, and during that time they demanded neither pay, nor reward, lest they should be obliged to leave him, and he should not be able to make the compensation to which they were entitled. Second, the tribe of Gavran son of Aeddân, when the loss by disappearance took place, who went to sea in search of their lord. Third, the family of Gwenddoleu son of Ceidlaw, who maintained the battle forty six days after their lord was slain. The number of each of these three tribes was twenty one hundred heroic men, and so great was their courage, that they could not be vanquished.

81. The three disloyal tribes of the Isle of Britain: The tribe of Goronwy the Fair from Penallyn, who refused to stand instead of their lord to receive the poisoned javelin from Llew Llaw Gyves by the Stone of Goronwy before Cynvel, in Ardudwy. The tribe of Gwrgi and Peredur who deserted their lords in the fortress of Crau, where there was an appointment for

battle the next morning with Ida the Great King, and they were both slain. The third were the tribe of Alan Morgan, who returned back from their lord by stealth, leaving him and his servants to march to Camlan, where he was slain.

82. Three things that caused the reduction of Lloegria and wrested it from the Cambrians: the harbouring of strangers, the liberating of prisoners, and the present of the Bald Man.*

83. The three men who escaped from the battle of Camlan: Mofyran son of Tegid, who being so ugly, every one thought he was the devil from hell, and fled before him; Sandde Angel-aspect, who having so fine a shape, so beautiful, and so lovely, that no one raised an arm against him, thinking that he was an angel from heaven; and Glewlwyd with the Mighty Grasp, for so large was his size and mighty his strength, that no one could stand before him, and every one fled at his approach. These are the three men who escaped from the battle of Camlan.

84. The three chief perpetual choirs of the Isle of Britain: the choir of Llan Illtyd Vawr Glamorganshire; the choir of Ambrosius in Ambresbury; and the choir of Glastonbury. In each of these three choirs there were 2400 saints; that is, there were a hundred for every hour of the day and the night in rotation, perpetuating the praise and service of God without rest, or intermission.

85. The three shepherd retinues of the Isle of Britain: Beuren the herdsman in Gorwennydd, who kept the herd of Caradawg son of Bran and his retinue, and in

* Supposed to be St. Austin, who instigated the Saxons to massacre the monks, and to carry the war into Wales.

which herd there were 21,000 milch cows. Second, Gwydion son of Don, who kept the cattle of the tribe of North Wales above the Conway, and in that herd were 21,000. Third, Llawvrodedd the knight, who tended the cattle of Nudd the Generous, son of Senyllt, and in that herd were 21,000 milch cows.

86. The three roving fleets of the Isle of Britain : the fleet of Llawr son of Eidriv ; the fleet of Divwg son of Alban ; and the fleet of Dolor son of Mwrchath, king of Manaw.

87. The three chief cities of the Isle of Britain : Caerllion upon Usk in Cambria ; London in Lloegria ; and York in Deira and Bernicia.

88. The three mighty achievements of the Isle of Britain ; raising the stone of Ceti ; erecting Stonehenge ; and heaping the pile of Cyvrangon.

89. The three renowned astronomers of the Isle of Britain : Idris the giant ; Gwydion son of Don ; and Gwyn son of Nudd. Such was their knowledge of the stars, their natures and qualities, that they could prognosticate whatever was wished to be known unto the day of doom.

90. The three illusive and half-apparent men of the Isle of Britain : Math son of Mathonwy, who showed his illusion to Gwydion son of Don ; Menw the son of Teirgwaedd, who revealed his secret to Uthyr Pendragon ; and Rhuddlwm the giant, who revealed his secret to Eiddic the dwarf, and Coll son of Collvrewi.

91. The three beneficial artizans of the Isle of Britain : Corvinwr the bard of Ceri of the long white lake, who first made a ship, with sail and rudder for the Cambrian nation ; Morddal the man of the white torrent, the artist of Ceraint son of Greidiawl, who first taught

the Cambrians to work with stone and lime, [at the time the emperor Alexander was subduing the world ;] and Coel son of Cyllin, grandson of Caradog, and great grandson of Bran, who first made a mill of round and wheel for the Cambrians ; and these three were bards.

92. The three inventors of song and record of the Cambrian nation : Gwyddon Ganhebon, who was the first in the world that composed vocal song ; Hu the Mighty, who first applied vocal song to strengthen memory and record ; and Tydain the father of poetic genius, who first conferred art on poetic song and made it the medium of record. From what was done by these three men, originated bards and bardism, and the privilege and institutes of these things were organised by the three primary bards, Plennydd, Alawn, and Gwron.

93. The three primary youth-trainers of the Isle of Britain : Tydain the father of poetic genius ; Menw the Aged ; and Gwrhir bard of Teilaw in Llandav ; and these three were bards.

94. The three monster bulls of the Isle of Britain : the monster of Gwidawl ; the monster of Llyr Merini ; and the monster of Gwrthmwl Wledig.

95. The three wild monsters of the Isle of Britain : the monster of Bannawg ; the monster of Melan ; and the monster of Ednyvedawg Drythyll.

96. The three viragoes of the Isle of Britain : Llewëi daughter of Seithwedd Saidi ; Mederai daughter of Paddellvawr ; and Rhorei the Great, daughter of Usber Galed.

97. The three primary and extraordinary works of the Isle of Britain : the ship of Nwydd Nav Neivion, which brought in it a male and female of all living things

when the lake of floods burst forth; the large horned oxen of Ha the Mighty, that drew the crocodile from the lake to the land, so that the lake did not burst forth any more; and the stone of Gwyddon Ganhebon, upon which all the arts and sciences in the world are engraven.

98. The three happy youth-trainers of the Isle of Britain: Catwg son of Gwynlliw in Llangaryn; Madawg Morvryn in the choir of Illtyd; and Deiniol Wyn in North Wales. These three were bards.

99. The three shepherds of the tribes of the Isle of Britain: Colwyn the shepherd of the tribe of Bran, son of Llyr Lladjaith, in Glamorgan; Pybydd the Bald, shepherd of the tribe of Tegerin of the family of Llwydiarth in Anglesea; and Gwessin the shepherd of the tribe of Goronwy son of Ednywain king of Tegeingl in Bhyvonjog, and his name was called Gwesyn, because he tended sheep. The number tended by each of these three men was 120,000, and each had under him 300 slaves in the protection of the Cambrian nation.

100. The three men who exposed themselves and their progeny to disgrace and loss of privilege, so that they could never recover any rank but that of bondmen. The first was Mandubratius son of Ludd, who first invited the Romans to this Island with the army of Julius Cæsar their commander, and who gave them land in the Isle of Thanet. The second was Vortigern, who first invited the Saxons to this Island that they might support him in his tyranny, and he gave them land in the Isle of Thanet, and misery came upon him for giving landed property in this Island to strangers. He married Rowena the daughter of Horsa, and the son he obtained by that marriage, he called Gotta; and he gave him the

usurped rank of the monarchy of the Isle of Britain. On this account the Cambrians lost the monarchy of the Isle of Britain. The third was Medrawd son of Llew, son of Cynvarech, who obtained the sovereignty of the Isle of Britain in trust, while Arthur fought the Romans beyond the Alps, because they wished to invade this island again; and there Arthur lost the flower of his troops. When Medrawd heard of the circumstance, he united with the Saxons, and caused the battle of Camlann, where Arthur and all his men were slain, three excepted. Upon this, the Saxons violently usurped the sovereignty of the Isle of Britain, and murdered and cruelly used every person of the Cambrian nation who would not join them; and all those of the nation who desired to oppose the Saxon invasions, obtained only the country of Cambria. The Romans also confirmed the privilege and the lands to the Saxons, as if the invading nation were forming a close alliance with the other, until the Romans were visited in such a manner, that envy burnt their possessions, and the black intrusion came upon themselves.

101. The three powerful swineherds of the Isle of Britain. The first was Pryderi son of Pwyll Pendaran of Dyved, who kept his father's swine whilst he was yet in Awanw; and he kept them in the vale of Cwch in Emlyn. The second was Coll son of Collvrewi, who kept the sow* of Dallwran Dalben that came burrowing as far as Penrhyn Penwedig in Cornwall; and then, going on the sea, she came to land at Aber Tarogi in Gwent isced. And Coll son of Collvrewi kept his hand in her bristles wherever she went, whether by land, or sea. And

* Supposed to be a foreign vessel which coasted round Wales, and left the things mentioned among the natives.

in Maes Gwenith, in Gwent, she deposited three grains of wheat and three bees; and on that account the best wheat and honey are in Gwent. From Gwent she proceeded to Dyved and deposited a grain of barley and a little pig at Llonio Llonwen; and on this account the best barley and swine are reared in Dyved. After this she proceeded to Arvon, and deposited a grain of rye in Lleyu; and therefore the best rye is raised in Lleyu and Eivionydd. Upon the skirt of Rhiwgyverthwch she deposited a wolf's cub and a young eaglet, and Coll gave the eagle to Brynach the Irishman, and he gave the wolf to Menwaed lord of Arllechwedd; and there was much talk about the wolf of Brynach and the eagle of Menwaed. From there she went to Maen Du in Arvon where she deposited a kitten, and Coll son of Collvrewi threw it into the Menai; and this was the glossy smooth* cat that became a molestation to the Isle of Anglesea. The third was Trystan son of Tallwch who kept the swine of March son of Meirchion, whilst the swineherd went on a message to Essyllt to desire an interview with her. And Arthur, Marchell, Cai, and Bedwyr were the four who looked for an opportunity, but they could not obtain as much as one pig either by gift, purchase, deceit, violence, or theft. They were, therefore, called the three powerful swine-herds, because it was not possible to gain, or prevail over them for one swine which they kept; for they restored them with their full increase to their owners.

102. The three Amorous ones of the Isle of Britain: The first was Caswallawn son of Beli, for Flur daughter of Mygnach the Dwarf, and he went for her as far as

* Supposed to be a tiger. The triad, however, is full of allusions to traditional and mystical tales which are now inexplicable.

the land of Gascony against the Romans, and he brought her away, and killed 6000 Cæsarians; and in revenge the Romans invaded this Island. The second was Trystan son of Tallwch, for Essyllt daughter of March son of Meirchion his uncle. The third was Cynon, for Moryydd daughter of Urien Rheged.

103. The three chaste maids of the Isle of Britain: Trywyl daughter of Llynghesawl with the generous hand; Gwenvron daughter of Tudwal Tudclud; and Tegau Eurvron, who was one of the three beauteous dames in the court of Arthur.

104. The three chaste wives of the Isle of Britain; Arddun wife of Catgor and son of Collwyn; Evilliau wife of Gwydyr Trwm; and Emerchred wife of Mabon and son of Dewain the aged.

105. The three unchaste wives of the Isle of Britain, were the three daughters of Culvynawyd Prydain: the first was Essyllt Vyingwen the mistress of Trystan son of Tallwch; the second was Penarwen, wife of Owain, son of Urien; and the third was Bun wife of Ida the flame-bearer.

106. The three sprightly maids of the Isle of Britain; Anghared Tonvelen, daughter of Rhydderch the Generous; Anan daughter of Maig Mygedwas; and Perwyr daughter of Rhun Ryseddvawr.

107. The three beautiful maids of the Isle of Britain: Gwen, daughter of Cywryd son of Crydon; Creirwy daughter of Ceridwen; and Arianrod daughter of Don.

108. The three beautiful ladies of the court of Arthur: Dyvir with the golden coloured hair; Enid daughter of Yniwl, the earl; and Tegau Eurvron. These were the three excellent ladies of Arthur's court.

109. The three wives of Arthur, who were his three chief ladies: that is to say, Gwenhwyvar daughter of Gwythyr and son of Greiddiawl; Gwenhwyvar daughter of Gawrwyd Ceint; and Gwenhwyvar daughter of Ogyrwan Gawr.

110. The three chief mistresses of Arthur: the first was Garwen daughter of Henyn of Tegyrn Gwyr and Ystrad Tywy; Gwyl daughter of Eutaw of Caerworgorn; and Indeg daughter of Avarwy the Tall of Radnorshire.

111. The three chief courts of Arthur: Caerleon upon Usk in Cambria; Celltwig in Cornwall; and Edinburgh in the north. These are the three at which he kept up the three chief festivals; that is to say, Christmas, Easter, and Whitsuntide.

112. The three free guests having origin in the court of Arthur: Llywarch Hen son of Efidir Lydanwyn, Lemnening, and Heiddyn the Tall; and these three were wards.

113. The three compeers of the court of Arthur: Dalldav, son of Cynin Cov; Trystan son of March, son of Meirchion; and Rhytawd son of Morgant, son of Adras.

114. The three princes of the court of Arthur: Goronwy son of Echel of Vorddwydtwl; Cadraith son of Porthor Godo; Vleidir Vlam son of Godo. That is to say, they were princes possessing territory and dominion, but notwithstanding this, they preferred remaining as knights in Arthur's court, judging that to be superior to all honour and dignity; and they went by the name of the three just knights.

115. The three golden-tongued knights of Arthur's court: Gwalchmai son of Gwyar; Drudwas son of

Tryphlin; and Elfwled son of Madog, son of Uthur. They were the wisest of all the wise of their time; and so fair and gentlemanly was their deportment, and so mellifluous and eloquent in all their addresses, that no one could refuse to grant them what they desired.

116. The three wise counselling knights of Arthur's court: Cynon son of Clydno Eiddin; Arawn son of Cynvareh; and Llywarch Hen, son of Elidir Lydanwyn. Prosperity always followed their counsels, if they were attended to, and misfortune happened wherever their counsels were neglected.

117. The three just dispensing knights of Arthur's court: Blas son of the prince of Llychlyn; Cadawg son of Gwnlliw the warrior; and Padrogyl the spear-splinterer, son of the king of India. The dispositions of these were to defend all feeble ones, orphans, widows, virgins, and all who had placed themselves under the protection of God and his tranquility, and all the poor and weak, without exception, and to save them from violence, injury and oppression:—Blas, by the common law; Padrogyl, by the law of arms; and Cadawg, by the law of the church and the ordinances of God. And they acted neither from respect, nor fear, nor from love, nor hatred, nor from passion, nor from complaisance, nor from anger, nor from mercy of any kind, but only because it was just and right, according to the law of God, the nature of goodness, and the demands of justice.

118. The three kingly knights of Arthur's court: Morgan the greatly-courteous son of Adras; Medrawd son of Llew, son of Cynvareh; and Howel son of Emyr of Armorica. It was their disposition to be so placid, and mild, and pure in their discourse, that it was difficult for any person to refuse what they wanted.

119. The three lovely knights of Arthur's court; the best towards every guest and stranger, and the most liberal of their gifts and kindness: Gwalchmai son of Gwyar; Garwy son of Geraint, son of Erbin; and Cadeir the adopted son of Seithin Saidai. And no one could be denied what he sought from their courtesy, and so great was their generosity towards every person, that what they gained was the same as if a friend had obtained it on account of real friendship.

120. The three privileged knights of Arthur's court: Eithew son of Gwrgawn; Coleddawg son of Gwyn; and Geraint the Tall, son of Cymmanon the aged. They were plebeians, and the sons of vassals; but their word and their disposition for honesty, urbanity, gentleness, wisdom, bravery, justice, mercy, and every praiseworthy quality and science, either in peace, or in war, were so good, that the court of Arthur and its privileges were free for them.

121. The three knights of Arthur's court who guarded the Great*: Gadawg son of Gwynlliw; Illtud the sainted knight; and Peredur son of Eyrwg.

122. The three continual knights of Arthur's court: Gadawg son of Gwynlliw; Illtud the knight; and Bwrt son of Bwrt king of Llychlyn. That is, not one of them would commit a carnal sin, nor would they form any matrimonial connection, nor have any connections with women, but chose to live as bachelors and to conduct themselves by the law of God and the Christian faith.

123. The three vain bards of the Isle of Britain: the first was Arthur; the second was Cadwallawn son of Cadvan; and the third was Rhyhawd the adopted son of Morgant of Glamorgan.

* A celebrated book of stories, supposed to be long since lost.

124. The three golden shoe-wearers of the Isle of Britain: Caswallawn son of Beli, when he went into Gascony to obtain Flur the daughter of Mygnach the dwarf, who had been taken there clandestinely to the emperor Cæsar, by a person called Mwrchan the Thief, king of that country, and the friend of Julius Cæsar; and Caswallawn brought her back to the Isle of Britain. Second, Manawydan son of Llyr Llediaith, when he went as far as Dyved imposing restrictions. Third, Llew Llaw Gyfes, when he went with Gwydion son of Don, seeking a name and purpose of Riannon his mother.

125. The three chief Christian bards of the Isle of Britain: Merddin, bard of Ambrosius; Taliesin, chief of the bards; and Merddin, son of Madawg Morvryn.

126. The three royal domains which were established by Rhodri the Great in Cambria: the first is Dinevor; the second Aberfraw; and the third Mathravel. In each of these three domains there is a prince wearing a diadem; and the oldest of these three princes, whichever of them it might be, is to be sovereign; that is, king of all Cambria. The other two must be obedient to his commands, and his command is imperative upon each of them. He is also chief of law and of eldership in every collective convention and in every movement of the country and the tribe.



CONCLUDING REMARK.

Besides the text, from which the preceding historical triads are translated, there are two other copies printed in the *Archæology*, differing from each other in some

things of minor importance. Each of the copies also abounds with various readings, which mark their antiquity, and prove that they are not the production of any modern forger. To the English reader, several of them will appear mysterious and inexplicable. Some of them are really inexplicable, because they refer to traditions and customs no longer known, but the rest are capable of a most satisfactory illustration; but the prescribed limits of this publication, preclude the possibility of doing justice to the subject.

FINIS.

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