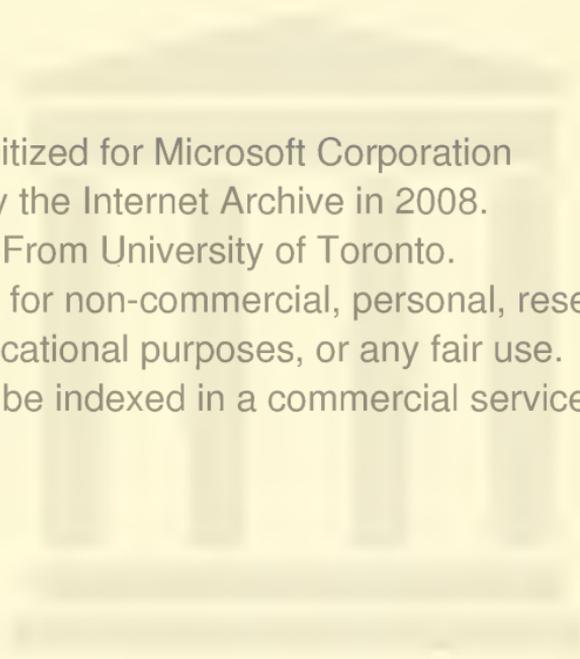






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VOL. XIV.

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# Y Cymmrodor.

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VOL. XIV. "CARED DOETH YR ENCILION." 1900.

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## English Law in Wales and the Marches.

BY HENRY OWEN, D.C.L. OXON., F.S.A.

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### I.

THE history of the administration of English law in Wales and the Marches may be divided into three periods:—(1) during the gradual conquest of the country by the Anglo-Norman kings and their barons; (2) after the completion of that conquest, when "Wales" was governed by the Crown through the English Prince of Wales and the Marches were self governed and merely owned feudal subjection to the king; and (3) from the time of the union of Wales and the Marches to England until the abolition of judicial "Wales."

It has been the custom of writers on English history, so far as they think it worth while to refer to the Principality of Wales, to state that Wales was conquered by Edward I. But what Edward conquered was the dominion which was left to the last prince of the Welsh blood royal: the greater part of Wales had been conquered long before,

and remained for centuries under its peculiar jurisdiction quite apart from the realm of England and from the new created Principality of Wales. The effect of the Norman Conquest of England was soon felt in Wales. Norman adventurers, especially after the encouragement of the winning of Glamorgan in the early years of William Rufus, obtained grants from the English king of such lands as they could acquire in Wales; the Welsh historian took occasion to remark "the king was very liberal of that which was not his own."

It has been alleged that these grants were made on the ground of some claim of forfeiture of the Principality to the English crown; but although Edward could show some reason for his claim of feudal superiority over the dominions of Llewelyn, the earlier charters to the invaders granted to them in plain terms such land as they had acquired or should thereafter acquire "from our enemies the Welsh."<sup>1</sup>

These lands came, early in the thirteenth century, to be called the Marches, and the holders of them Lords Marcher. The words "March" and "Marcher" appear in various forms in several European languages. The March was the boundary, and many writers have been led astray by the supposition that the Welsh Marches meant the lands on the borders of England and Wales (that is to say as at present constituted); but as the limits of the old Principality shrunk, the Marches followed them, so that we find Lordships Marcher in the farthest parts of Wales. After the prerogatives of the Lords Marcher were vested in the crown by Henry VIII, it was often difficult to decide which were or had been Marches; none could have arisen after Edward had annexed the remnant of the

<sup>1</sup> See *Rot. Chart.*, 63 and 66b.

Principality. Some (called Lordships Royal) had been acquired by the king at his own charges, and many were from time to time forfeited to the Crown, especially after the Wars of the Roses; in these he exercised jurisdiction, not as king, but as *dominus Marchiæ*. Although the laws of Henry IV, which deprived Welshmen of their rights and liberties, were directed against the inhabitants of the Principality and not those of the Marches, it was the latter which, after the union with England, continued to be more disorderly.

Some few lordships had been granted to Welshmen who were content to hold their lands of the King of England; for example, the Lordship of Powys, which became subject to the crown "by submission and not by conquest," retained the Welsh divisions of land and had courts baron and courts leet for each commote, in the same manner as the district afterwards included in the Statute of Rhuddlan. It is worth noting that the only Lordship Marcher in Wales in which some of the old prerogatives survive is that of Kemes in North Pembrokeshire, which was conquered by Martin de Tours in the reign of William Rufus; and it is to a Lord of Kemes in the time of Queen Elizabeth, one George Owen, to whose writings we are indebted for the greater part of our knowledge of the rights and privileges of these sovereigns of the land of Wales, for owing to the wholesale destruction of the local records, and the scanty reference to the subject in those of the Crown, the material for the historian is small.

The extent of the territory of the Marchers may be estimated by that of the dominions of Llewelyn annexed by Edward I, for the government of which were framed, in 12 Edward I, a set of regulations called the Statute of Rhuddlan, or the Statute of Wales. By it were ap-

pointed sheriffs for Anglesey, Carnarvon and Merioneth, the old inheritance of the Princes of Gwynedd, for Flint, parcel of the Palatinate of Chester which was finally annexed to the Principality of Wales *temp.* Edward II, and for Carmarthen and for Cardigan and Lampeter, *i.e.* Llanbadarn, by Aberystwyth. To Carnarvon, Merioneth and Flint, certain cantreds and commotes were assigned, of the others it was merely stated that they should have their present metes and bounds. The three South Wales districts included a part of West Carmarthenshire which had been obtained by the princes of North Wales after the extinction of the Welsh princes of the South, and nearly the whole of the present county of Cardigan, the only Welsh county which represents an ancient territorial division, and the only part of Wales in which the Welsh had succeeded in driving back the Lords Marcher. The territory comprised in this Statute remained for centuries what was known to English law as "Wales", ruled by English law as modified by the Statute, and was, until the death of Arthur Tudor, the son of Henry VII, granted by Charter (as was the Earldom of Chester) to each heir apparent "and to his heirs Kings of England"; nevertheless, the charters to towns were granted by the king and not by the Prince of Wales. The Prince was solemnly invested with the chaplet ring and sceptre; to this day the eldest son of the sovereign is born Duke of Cornwall, but he is created Prince of Wales and Earl of Chester. All the rest of Modern Wales not subject to the Statute was the "Marches", over which the King was, by 3 Edward I, cap. 17, proclaimed Sovereign Lord, and which, by 28 Edward III, cap. 2, was declared to be attendant on the Crown of England as heretofore, and not on the Principality of Wales, and under the same term were included the forty-four Lordships which were

added to English counties by the Act of Union (27 Henry VIII, cap. 26), besides the Lordships east of Chepstow Bridge, which were added to Gloucestershire. The Lordships mentioned in the Act amount to over one hundred.

## II.

The way for the Statute of Wales had been prepared by the Commission which Edward had issued four years previously<sup>1</sup> (that is to say, after the submission of Llewelyn and before his final revolt), to enquire into the laws and customs of the Welsh districts then held by the King. His father had granted to him in 1254 the palatinate of Chester, *una cum conquestu nostro Wallie in finibus illis, ita tamen quod nunquam separentur a Corona*, and Edward had shown a characteristic desire to set in order his possessions, which were practically the later Principality, with the exception of Anglesey and the land of Snowdon, which remained with Llewelyn. The Commissioners were the Bishop of St. David's and two Norman barons. They sat at five places and summoned one hundred and seventy-two witnesses; it appears from the evidence that even then Welsh law and custom had been affected by those of England. It was the object of the ambition of the Welsh princes to emulate the position of the English kings, and some of their chief nobles had assumed the state of English barons.

The Statute of Wales recites that the Principality, as then remodelled, "the land of Snowdon and other our lands in Wales," which had hitherto been subject to the Crown *in jure feudali*, had then fallen *in proprietatis dominium*; it was thenceforth to be a distinct portion of the realm of England, over which the Courts of West-

<sup>1</sup> *Rot. Wall.*, 9 Edw. I, M. 5.

minster had no jurisdiction, but justice was to be administered in accordance with the King's original writs and the provisions of the Statute. It is stated that the laws and customs of Wales had been examined by the King, of which, some he had abolished, some allowed, and some corrected, others he had added. The editor of Reeves' *History of English Law*, points out in a note that although the object of the Statute was to assimilate the Welsh laws and institutions to the English, there was not found much in the former which required alteration, and draws the inference that the laws of the conquerors and the conquered were alike derived from the Roman law; he gives instances where the laws of the "Romanized Britons of Wales" could show a marked superiority over those of the Anglo-Normans. In civil actions the Welsh procedure was made by the Statute substantially the same as the English; the Welsh equivalent for gavelkind was allowed to remain, but bastards were debarred from a share in the inheritance; women were to be entitled to dower, in the sense of the endowment of the wife by the husband; and the coheiresses were to share equally.

The itinerant judiciary of Snowdon appointed by the Statute afterwards gave place to the Justices of North Wales and West Wales, who held their courts of Chancery and Exchequer at Carnarvon and Carmarthen respectively, in which all pleas of the Crown and the most important causes were heard and determined, and from which there was no appeal to the courts of Westminster. At these superior courts were granted the *mises*, being payments to every new prince on his creation for the allowance of their laws and ancient customs and for the pardon of offences. No shires were appointed by the Statute, but the several groups of commotes were in North Wales, in time, welded into a county, and the Sheriff held his County Courts

after the English manner. In West Wales courts baron were held in each commote by the "stewards of the Welsh Courts". The county, properly the district governed by an Earl, became the shire, the division of a kingdom, and Anglesey, Carnarvon and Merioneth were afterwards called the three ancient shires of North Wales, and together with Flint were soon divided into hundreds, which usually took their form and name from the Welsh commote—the Norman lawyers, here, as elsewhere, applying their own rules to the old Welsh divisions of land. The provisions of the Act of Union for dividing Wales into hundreds is limited to "South Wales" and the Marches.

The Sheriff, who was appointed during pleasure by the Crown, had in each commote a bailiff who later held his Hundred Court. In the monthly County Court the Sheriff heard questions of contract, trespass against the peace, and detainer of cattle, and there was an appeal "at the coming of the justice". In his biennial turn in each commote he tried, with a jury of twelve, usurpations of franchises and certain classes of crime, he could admit prisoners to bail or keep them for the assize, lesser offences he could dispose of. One Coroner at least for every commote was to be chosen in full County Court; his principal duties were to enquire as to death by misadventure and as to the chattels of felons to be answered at the coming of "the justice of our lord the king". There are elaborate provisions in the Statute as to the form of writs according to the English law and as to civil business which could be determined by the Sheriff and jury or referred to the Justice. Questions as to realty were to be tried by a jury, and as to personalty by the Welsh custom, that is to say, "in some cases things may be proved by those who have seen and heard, but where this is not possible the defendant is to be put to his

purgation with a greater or less number of purgators, according to the gravity of the matter in hand." In criminal matters the law of England was to prevail. The object of Edward was to adapt the then form of English local government to the Principality, and it is to be noticed that the administration soon fell for the most part into the hands of Welshmen. From the *Record of Carnarvon*, which has been called the Domesday of Wales, and which contains the extents of Carnarvon and Anglesey in the reign of Edward III, and of part of Merioneth in that of Henry V, it is evident that many Welsh customs had survived the Statute; but the work of assimilation went on. There were no mesne lords among the Welsh, the chieftains' rights were transferred after the conquest to the Prince of Wales. Manors grew up, and the *maenol*, a division of a commote, became in Law Latin the *manerium* and in English the manor, the free tribesmen the manorial freeholders, and the *tæogs* or *villani* the copyholders; the food rents were commuted in time for each class into the tunc pound of silver, which was paid to the Prince of Wales and is still paid in the form of crown rents. The quasi-feudal services of the free Welshmen were continued, but in many cases Welsh landowners had adopted the rule of primogeniture instead of the entail of family land, which, however, like the joint holdings of the *tæogs*, lingered on in many places. The tenure by the *gwely*, or family group (associated originally for jurisdiction and tribute), of land partible among heirs male, was adapted to the tenure by knights' service, and although it was formally abolished by the Ordinances for Wales, both gavelkind and borough-English are still to be found in some Welsh manors. The revenue of the Principality in the time of the Black Prince was over £4,000 a year, but this had greatly decreased in Tudor times.

III.

The law of the Marches, except in such as were in the King's hands, was not so well ordered. It is obvious that in these petty principalities, in a disturbed state of the country, justice and good government were not the first consideration, and in 1472 the Commons, in view of the grievances of the King's subjects in the lands adjoining "Wales", sent a petition to the King, which resulted in the formation by Edward IV of the Court of the Marches, which sat by royal commission with an extensive jurisdiction of no clearly defined limits, and became a powerful instrument in the hands of the Crown, which resisted its abolition until long after the prerogatives of the Marches had been absorbed and Wales had been annexed to England, and when the word "Marches" had become of doubtful meaning.

The members of this court, the head-quarters of which were at Ludlow Castle, and which was the Star-Chamber of Wales, were nominated by the Crown. They consisted of a Lord President (until the Reformation always a bishop) and of divers personages, spiritual and lay, the "Justices of Wales", who, after the institution of the Court of the Great Sessions, were the Chief Justice of Chester and the Justices of the three circuits of Wales, "and such others as are learned in the Lawes and are to be called to Councell when the Lord President shall think requisite." They were empowered to deal with all causes and matters comprised in the letters of instruction from the Crown to the Lord President of the Council. It was in its origin a Court of Equity, but it encroached upon the province of the Courts of Common Law, probably in a great measure owing to the inability of these courts to enforce their decrees. In the time of Elizabeth it had grown

to be an ordinary Court of Justice, and besides mitigating the rigour and supplying the deficiencies of the Common Law, it dealt with all manner of misdemeanours, examined the title to lands, and gave possession thereof, held pleas of debt and detinue, called to account evil-dealing "Tutors", examined witnesses "to remain of record", and punished the vices of incest, adultery, and fornication. It also took upon itself to deal with such questions as the apprehension of Jesuits and Seminarists, the assize of bread, ale and beer, unreasonable excess of apparel and the preservation of game. There were four terms during the year, each of which lasted a month. The Court brought law and order into the Marches; in a report as to the state of Wales immediately before the Act of Union, to be found among the *Miscellanea* of the Exchequer, it is stated that no inquest in Wales would find a gentleman guilty of the murder of a poor man, and that if it were not for the Council of the Marches the crime would go unpunished; also that the council was daily besieged by those whose cattle had been stolen and driven off from one petty Lordship to another. "All the thieves in Wales quake for fear", said Bishop Rowland Lee, the strongest of the rulers of the Marches. The process was speedy, and the fees (at first) were light, but to a litigious people the delight of summoning their adversary to Ludlow, which for many parts of Wales was nearly as inaccessible as Westminster, led to many frivolous suits and much oppression. The easy method which the Council had provided for poor suitors, of bringing cases before the Court by bill and answer without witnesses, encouraged this spirit of litigation, and had attracted a swarm of lawyers who defeated the original object of the Court. But the Court was too useful to the Crown to permit of its abolition, although the creation of the

itinerant Justices of the Great Sessions had rendered it no longer useful to the people.

The "Act for re-continuing the liberties in the Crown (27 Henry VIII, cap. 24), a general act for this realm, Wales and the Marches of the same," had discredited the Marchers by enacting that no one could pardon treason and felony or appoint justices but the King, and that all "original and judicial writs" were to be in the King's name ("the Justice of the County Palatine of Chester and Flint" was excepted from the Act). The Act of Union of the same year had annexed their Lordships to the different Shires, yet by the Act for the "Ordinances for Wales" (34 and 35 Henry VIII, cap. 26), the President and Council of the Marches were retained, with power "to hear and determine such causes and matters as shall be assigned to them by the King's Majesty as heretofore hath been accustomed."

In the troubles after the Reformation, Wales, from the nature of the country and the multitude of its jurisdictions, had become the refuge for the disaffected. Various criminal acts were passed, but shortly afterwards the whole country was incorporated with England, "it being thought a better policy to adopt that people into the same form of government as the English, than by keeping them under more severe and strict laws to hazard the alienating of their affections." The same troubles had caused the establishment of the President and Council of the North and the President and Council of the West, both of which were even in those times objected to as illegal. A subsidy act of 32 Henry VIII, cap. 50, provides for the "raising a President and Council in the Western Parts having like authority with the Council of Wales and the North".

By the like stretch of the royal prerogative which had

created these unconstitutional councils, it was provided in the "Ordinances for Wales" that the King's most royal majesty might alter anything contained in that statute, and make new laws and ordinances for Wales "as to his most excellent wisdom and discretion should be thought convenient," and that these alterations and new enactments, if made in writing under his Highness' great seal, should have the same force and effect as if they had been made by authority of Parliament. It was afterwards argued that this power was limited to Henry VIII, and that the most excellent wisdom and discretion did not descend with the Crown; but the Tudors wore that crown pretty firmly on their heads, and the clause was not repealed until 21 Jac., cap. 10, which recites that the laws ordained for Wales are for the most part agreeable to those of England, and are obeyed with "great alacrity", and that after so great a quiet any further change or innovation might be dangerous.

James I yielded to the petition of the Commons on this point; but another grave constitutional question was not so easily settled. So far as Wales was concerned the Court of the Marches claimed, and was allowed, a concurrent jurisdiction with the newly appointed Court of Great Sessions, but it also claimed jurisdiction over the four bordering counties of Worcester, Gloucester, Hereford and Shropshire, as parcel of the ancient Marches of Wales, and this brought them into collision with the Courts of Westminster. These counties had been subjected to the Court before the Act of Union and were afterwards included in the letters of instruction from which certain places were from time to time omitted on petition to the Crown, but by 26 Henry VIII, cap. 11, the three last counties, as then constituted, were clearly distinguished from the Marches. These letters were

addressed, as before, to the Council of Wales and the Marches. "Wales" had been defined, and it was contended by the Crown that the "Marches" were now represented by the English shires, to which some of them had been added, that it was expedient that the inhabitants of both sides of the border should be subject to the same civil law, and that the powers of the Council rested not on statute but on the royal prerogative. It was alleged on the other side that the extraordinary powers vested in the Council were intended to supplement and not to supersede the Common Law, that they had no definite rules of procedure, that they put prisoners to torture in cases of treason and felony, and that they were in great measure dependent on fines imposed for offence and contempt of court and upon fees ascertained by custom, of which custom the lower officials were the interpreters. In Trin. Term, 2 Jac., one Farley sued for a habeas corpus in the King's Bench; Lord Zouch (then President of Wales and the Marches) submitted the case to the King in council, who referred it to the judges, who decided that the four counties were not within the jurisdiction. Lord Zouch resigned, "and yet" says Coke (who was one of the judges) "the commission was not reformed at all points as it ought to have been."

In the instructions to Lord Eure, the President in 1607, the extraordinary criminal powers were confined to Wales, but the Council was empowered to hear and determine matters of debt and trespass on the English and Welsh side under £10, for such of the poorer sort as were not fit to be compelled to go to Westminster. In 1608 the question again came before the Privy Council; the decision was not published, but was apparently not in favour of the Crown. In the instructions to Lord Compton, the President in 1617, the civil jurisdiction on

the English and Welsh side in purely personal actions was limited to £50, concurrently with the Common Law courts, but extended to any amount when the poverty of the plaintiff was certified. Full equitable jurisdiction was also granted, and the salaries remained charged on the fines and fees. The agitation to release the "four shires in the Marches of Wales" continued during the next year, and a bill was brought in upon a report of a committee of the Commons in 16 Car., and passed both houses, but never received the royal assent. The matter dropped during the Commonwealth and was not revived at the Restoration, but immediately after the Revolution the movement against the Court was renewed, and a petition for its abolition from ten thousand inhabitants of the towns and parishes in Wales was presented to Parliament. In it was given a new suffrage to the litany, "From plague, pestilence, and the name of Ludlow Court, good Lord deliver us." In the evidence taken by the Lords' Committee in 1689, it was stated that the Court cost the Crown £3000 a year, that the judges were judges of the law as well as of the fact, that the trial was not by jury but by "English bill", that there was no appeal from its decisions, that the costs in the abundant small actions were excessive, that actions of trespass, damage and small debt were usually brought there, and that several counties had got released by Charles II from "pertaining to the Court". Sir John Wynne gave it in evidence that land in Wales was two or three years' purchase the worse because of the Court. Evidence was also given in favour of the continuance of the Court. But the result was that 1 Will. and Mary, cap. 27, abolished altogether "the Court before the President and Council of the Marches in Wales", as contrary to the Great Charter, the known laws of the land, and the birthright of the subject, and declared that the

matters determinable in that Court could have sufficient redress in the ordinary courts of justice.<sup>1</sup>

#### IV.

Yet it was not in the Court of the Marches but in the courts of the Lords Marchers themselves that justice was for many centuries administered for the greater part of Wales. Of the power of the Lords Marcher, many of whom sat in Parliament, no better evidence can be given than the ostentatious way in which their liberties were reserved in various Statutes, even in some in which those liberties were practically taken away. Some of the greatest of the English nobles held Lordships in the Marches; in the reigns of Edward II and III, twenty-one Lords Marcher sat among the Barons in Parliament.

Even under Mary they were still strong enough to obtain the passing of the "Act to confirm the liberties of the Lords Marcher of Wales" (1 and 2 Philip and Mary, cap. 15), which provided that the moiety of the forfeiture by their tenants "for every common mainprise, recognisance of the peace or appearance", which had been by the Act of Union reserved to the lay lords then in existence (the other moiety going to the Crown) should be payable also to "bishops and other ecclesiastical persons being Lords Marchers", and to the heirs and successors of the lay lords, and also that they should have such "mises or profits of their tenants, keep their courts baron, courts leet and law-days, and should have waifs, strays, infangthef and outfangthef, treasure trove, deodands, chattels of

<sup>1</sup> The original documents appended to Mr. Lleufer Thomas' *Further Notes on the Court of the Marches* (*Y Cymmrodor*, xiii, pp. 125-163), contain a store of valuable information on the subject of this chapter.

felons, wrecks, wharfage and customs of strangers as before the making of the said Statute."

The Statute-book throws much light on their powers. The "Bill concerning Councils in Wales" (26 Henry VIII, cap. 6), after reciting that the people of Wales and the Marches had been guilty of "scelerous deeds and abominable malefacts", commands the inhabitants thereof upon due summons to appear before the justice, steward, lieutenant or other officer of the court in any castle, fortress, or other place, and gives the right of appeal to the Council of the Marches from the unlawful exactions and false imprisonment of these same officers, to which the Statute explains they are somewhat prone. It also empowers the justices in the English shire, "where the king's writ runneth", next adjoining any Lordship Marcher, to try certain felonies committed in such lordship, and this was especially confirmed in the "Ordinances for Wales."

The Act "for the abuses in the Forests of Wales" (27 Henry VIII, cap. 7) declares that the customs and exactions in the forests of Wales and the Marches are "contrary both to the law of God and man", and instances that if any one is found on a path in a forest without the forester's token, and not being a "yearly tributer or chenser",<sup>1</sup> he has to pay a grievous fine, and if twenty-four feet out of the path, he may lose all the money he has about him and a joint of one of his hands; also that "all beasts and quick cattle" found straying in the forest are confiscated to the Lord. All these customs are to be held for naught after the Feast of the Nativity of St. John the Baptist, 1536.

The powers of the Earls Palatine were so great that the Crown, when it was sufficiently strong, annexed their

<sup>1</sup> L.L. *censarius*, a farmer at a fixed rent.

earldoms, but the powers of the Lords Marcher were greater. The Counties Palatine were parcel of the realm of England and derived therefrom. Wales was not. *Brevis domini regis non currit in Wallia*, i.e. Wales and the Marches, save only in the county palatine of Pembroke. A writ of error lay from a county palatine to the King's Bench; if any "foreign plea or voucher" arising in a county palatine was pleaded, the record was sent to that county to be tried and returned to the King's Bench for judgment. The Lord of Kemes tells us that the Lords Marcher were sworn to perform covenants as full and absolute princes are, whereas Earls Palatine tied themselves by covenants and bonds as subjects do.

The Palatinates were governed by the laws and customs of England, the Marches by the "*Lex et consuetudo Marchiae*". The invader, we are told, when he won his Lordship, was "forced to devise and execute laws of himself to keep his people in quiet and peace, for there was no higher court which could minister justice unto them". These laws were a mixture of English law and will of the Lord, and in earlier times the latter predominated. The law and custom of the Marches may be summarised as follows:—1. The Lordships were held of the crown of England *in capite*, and the lords appointed sheriffs, coroners, constables of the castle, chamberlains, chancellors, escheators, and other officers. The writs ran in the name of the Lord and not of the King, even in those held by the Crown; it was the Lord's peace, and not the King's, which the people of the Marches were bound to keep. 2. The Lords granted charters of incorporation to boroughs, founded abbeys and churches, and gave lands in mortmain. 3. They had *bona intestatorum* and forfeiture of goods of felons (including everything found in their possession), stolen goods wherever found, goods of

outlaws, deodands, and wrecks. They had the rights of wardship and marriage in respect of their tenants-in-chief, levied scutages and reliefs, all the lands of the lordship were held immediately or mediately of them. By 24 Henry VIII, cap. 9, they were given the forfeiture from butchers who killed "wainlings" under two years old. 4. They had judgment of life and limb, pardoned felons and murderers, "set them to fine or hanged them at their pleasure". 5. They held in their own names pleas of the crown, of land, of fresh force, and pleas personal and mixed to any amount. 6. Such of them as were maritime were admirals of the coast, with the prerogatives of the old *custodes maris*. 7. They could grant out any of their privileges to subordinate lords. 8. They made war and peace with their neighbours at their pleasure. In 1291 Humphrey de Bohun, Earl of Hereford, complained to the King that Gilbert de Clare, Earl of Gloucester, who was also lord of Glamorgan and Morganwg, had with the men of his Welsh lordship invaded the complainant's lordship of Brecon. The proceedings are given at length in Ryley; the defendants set up the law and custom of the Marches, under which they claimed rights which were not to be found *extra Marchiam*, and were told that for the public good, the King was *per prerogativam suam in multis casibus supra leges et consuetudines in regno suo usitatas*. The result shows that even Edward I thought it prudent to deal leniently with the invaders. 9. They had rights of forest as above mentioned. 10. The more important of the lords were summoned to parliament as barons by tenure, and it is to be noted that the King's writs for men and munition of war were sent only to the Marchers; those to the new formed principality were sent by the Prince of Wales. 11. The form of conveyance of land was in general as was used in England; in some lordships there

were copyholds after the English manner, and in others, especially in those adjacent to the mountainous district, there was, besides the English court, a Welsh court, in which lands were partible among brothers and were surrendered in court in accordance with the old Welsh custom, and in which the rents and services differed from those in the Englishry. These Welsh courts appear to have become more frequent after the English plantations of the first settlers had died out; many of these had married Welsh women, and their children became Welsh, and more Welshmen came in. The Lords, following the example of Edward I, permitted "certaine pointes of the old Welsh lawes which were nothing noysome to the lords nor repugnant to the lawe of Englande"; these "pointes" were afterwards held to be particular customs of the manors. 12. The division of land was into knights' fees, ploughlands and oxlands, although the forms of the old Welsh cantred and commote were sometimes maintained. The dimensions of the acre in the Englishry and Welshry were not the same.

The high court of the Lord was usually held in the castle, a necessary adjunct to a March, and the seneschal or other presiding officer was the judge and not the suitors as in the old county courts and courts baron. It was a court of record, and transacted all the criminal and civil business of the Lordship; in it were collected all the fines and dues to the Lord, and from it there was no appeal.

The tenure of the Lords Marcher was to guard their castles (this was enforced by 2 Henry IV, cap. 18), and also in some cases the sea coast, and to supply the King with "men and munition" against his enemies.

After the death of a Lord Marcher the King's writ was sometimes sent to the escheator of the shires of Glou-

cester, Hereford, Salop, and Worcester, who was also escheator of the Marches, who held an *inquisitio post mortem* locally as to the tenure and value of the lordship. We do not find any enquiry, as in England, as to the dues to the Crown; the object usually was to ascertain whether the King might take the lordship. That the King had no right of wardship in the Marches, *ubi brevia Regis non currunt*, was recognised in the Statute *Prerogativa Regis* (17 Edward II, Stat. 1). The King's court also tried any question as to the title of the lordship itself, which was for this purpose supposed to be within the English county next adjoining (much as in a famous case Minorca was presumed to be in the ward of Cheap), also "for want of a superior" it tried any dispute between two Lords Marcher and sometimes enquired by *quo warranto* as to the claims of the Marchers. In ecclesiastical matters, as the court of the Lord could not make process to the bishop, the King's Bench issued a writ to send the record up, and the matter was then dealt with.

The Welsh bishops, so far as their dioceses lay in the Marches, were also Lords Marcher, as were also other ecclesiastical personages, especially the Knights Hospitalers, who held much property in Wales. These spiritual Marchers did not obtain their rights by conquest but from the necessity of the case, "for otherwise their tenants and people must have lived lawless and without government"; but they were in many cases confirmed by grants from the Crown, and the invaders respected the lands of spiritual men, even if they were Welshmen. The bishops of St. David's led their "subjects" to war with the shrine and relics of the patron Saint at their head; they had the power of life and death; their stewards, constables, and recorders, were noblemen and men of high position; they had garrisons in their city and castle; and as their statutes

show, regulated the price of labour and victuals upon pain of fine and imprisonment.

We have accounts written in the reign of Elizabeth of two Lordships Marcher at either end of South Wales, the Lordship of Kemes and the Lordship of Glamorgan, which give us some idea of their state and position.

The Lordship of Kemes, which was conquered by Martin of Tours in the reign of William Rufus, consisted of the Domain and the Service. The Domain included the Lord's castle at Newport with four manors annexed, divers farms and houses, rents and suit of tenants, mills, fishings, woods and forests, perquisites of court and casualties and patronage of churches. The Service was divided into the High Fee, eight knights' fees and seventeen ploughlands held immediately of the Lord, and the Mean Tenure of the same number of fees and ploughlands held as sub-ordinate manors; there were also annexed to the Lordship four other manors as "ornaments and for the more dignity thereof," and four corporate towns; the whole was under the jurisdiction of the High Court of Kemes.<sup>1</sup>

The great lordship of Glamorgan, the lowland portion of which was conquered by Robert Fitzhamon in the reign of William Rufus, consisted of—1, the *Corpus Comitatus*, some thirty-six knights' fees which did suit to the castle of Cardiff, where the Sheriff held his monthly court and the Chancellor his court on the day following for "matters of conscience." 2, The Members, the twelve chief lordships, which had like regal jurisdiction, except that a writ of error lay to the Chancery of Glamorgan, and that the suitors, and not the presiding officer, were judges. In the hill districts the Welsh laws remained until the end, and

<sup>1</sup> *Owen's Pembrokeshire*, i, 495.

the customs varied as they did in most Lordships Marcher. 3, The Boroughs, both in the Corpus and the Members, which held their liberties by Charter from the Lord of Glamorgan and were governed by mayors and bailiffs or by stewards; and 4, the possessions of the Cathedral of Llandaff and the religious houses. The bishops had *jura regalia*, but *sede vacante* the Lord of Glamorgan claimed the temporalities of the see and the right to appoint to preferments. The chronicler rejoices that after the Act of Union life and death, land and goods, were no longer at the pleasure of the Lords or dependant upon uncertain laws, customs, and usages, of which some part "rested in memory" and were not written.<sup>1</sup>

After that Act the Lords Marcher were practically reduced to the position of lords of manors; many customs and usages lingered on, but the law was to be found in the English Statute Book. It will be seen that the Lords Marcher were in theory and in practice sovereign princes. Their powers rested on no grant from the crown but gradually grew up from force of circumstances, and for practical purposes they might have boasted, like the Udalers of Shetland, that they held of God Almighty. Living in a warlike state they were of the greatest service to the English kings in their wars against the Welsh princes, while their castles (of which there were in Glamorganshire forty-six and in Pembrokeshire nineteen) made their position almost impregnable. There is only one instance of their endeavouring to act in a corporate capacity, they (*Marchiones de Marchia Wallie*) claimed in 1236, against the Barons of the Cinque Ports, to bear the canopies over Henry III and his Queen at their marriage, but their claim *quodam modo frivolum putabatur*.

<sup>1</sup> Rice Merrick's *Morganic Archaeographia*.

Stephen, in his *History of the Criminal Law*, says, in reference to a *quo warranto* brought against Thomas Cornwall in Term Mich., 44 and 45 Elizabeth, as to his claim to *jura regalia* in two lordships, notwithstanding that they had been annexed to Herefordshire by the Act of Union: "The pleadings come to this, that so much of Wales as had not been brought under the Statute of Wales, continued until 1535 to be governed by a number of petty chiefs called Lords Marcher, who may be compared to the small rajahs to whom much of the territory of the Punjab and North West Provinces still belong."

## V.

The Statute Book already contained divers Acts intended to bring the Welsh into more complete subjection, and after the insurrection of Owen Glyndwr in the reign of Henry IV a series of enactments deprived the inhabitants of the Principality of all rights of citizenship.

The Act of Union (27 Hen. VIII, cap. 26) 1, united Wales to England; 2, created the new shires of Monmouth, Brecon, Radnor, Montgomery and Denbigh, and made the Marches shire ground; 3, abolished the civil and criminal jurisdiction of the Lords Marcher, saving to them courts baron and courts leet, certain seignorial rights and a moiety of forfeiture and fees; 4, extended the benefit of English laws to Wales and directed that justice should be administered in the English tongue (by 4 Geo. II, cap. 26, it was enacted that all proceedings in the courts of England and Wales should be in English); and 5, gave the Welsh people representation in Parliament. Wales and the Marches had, like the Counties Palatine, been hitherto unrepresented, although in 1322 and 1327 certain representatives had been summoned from Wales.

The Act for the Ordinances for Wales (34 and 35 Hen. VIII, cap. 26) 1, divided Wales into twelve shires, *i.e.* the four recently created and the eight “of long and ancient time”; 2, abolished the Welsh tenure of land; 3, appointed yearly sheriffs (they had previously been appointed for life), who held courts as in England and who by 1 Edward VI, cap. 10, were directed to have deputies in the Courts of King’s Bench and Common Pleas at Westminster, coroners, escheators (to hold inquisitions on the death of crown tenants and to take charge of forfeited lands and goods for the crown), and other shire officers and a limited number of justices of the peace; 4, confirmed the hundreds made by royal commission; 5, continued the Court of the Marches; and 6, established a new court of itinerant justices.

This was “the King’s Great Sessions in Wales”, of which the judges were the Chief Justice of Chester and three other justices, each of whom had three shires in his circuit. They had the powers of the judges of the King’s Bench and Common Pleas and of assize, had a Chancery jurisdiction and held sessions in each shire twice in the year, each of which was to last six days. There are various regulations for their “original seals” for original writs, “judicial seals” for judicial process, and for the officers and proceedings of the Courts. A writ of error lay from the Great Sessions in pleas real and mixed to the King’s Bench, and in personal pleas to the Court of the Marches, and after the abolition of that Court, also to the King’s Bench. (A *custos rotulorum* and justices of the peace were also appointed as in England for each shire, the number of the latter, beyond those who were *ex officio*, was limited to eight, and this was not altered until after the Revolution. The Act of 27 Henry VIII, cap. 5, had already appointed justices of the peace for the County

Palatine of Chester and the then existing Welsh counties.) The business of the Court of Great Sessions having much increased, and many important cases having to be decided there, an additional justice was, by 18 Elizabeth, cap. 8, appointed for each circuit. The two justices sat together, and when the court was not unanimous the inconvenience was obvious. There was at first much doubt whether the Courts of Great Sessions had any equitable jurisdiction, but the point was decided in their favour by the King's Bench in 19 Car. II. The courts at Westminster claimed concurrent jurisdiction, and in time obtained it. In the case of *Lampley v. Thomas* (21 George II) it was decided that *brevis Domini Regis de latitat* (and *semble* other mesne process between subjects) *non currit in Wallia*, notwithstanding that it was admitted that all judicial process could go, and that it was contended that the High Court had a general jurisdiction, although there was a sufficient court to try the case in Glamorgan, where the cause of action arose. This case forms the text of "A discourse against the jurisdiction of the King's Bench over Wales by process of latitat," in which the author enters at length into the history of the courts of Wales and the Marches and inveighs against the "*custodia marescalli*", the great engine of the encroachments of the King's Bench, which had usurped civil business from other courts by the fiction that the defendant had committed a breach of the peace in the County where the court sat and was in the custody of the Marshall of the court. The editor of the report suggests that it was the interest of the officials of the King's Bench to bring Welsh litigants into their net, and their efforts were attended with success, for the case was over-ruled by *Lloyd v. Jones* (9 George III), where it is stated that actions are every day brought in the King's Bench against a defendant in Wales; and in the same

year, in *Rex v. Lewis et al.*, it was decided that a *certiorari* lies to move an indictment from the Glamorgan Quarter Sessions *per saltum* to the King's Bench, without going through the Great Sessions. Lord Mansfield, in his judgment in *Mostyn v. Fabrigas*, a case before alluded to, said: "If an action is brought here for a matter arising in Wales, you must show the jurisdiction of the Court in Wales. If there is no other mode of trial, that will give the King's Court jurisdiction." The Courts of Westminster were much sought after by Welsh litigants, who preferred them in important matters to the local tribunal, but they were also largely used in small matters where the plaintiff entered his action to be tried in the nearest English county. In 1773, by the 13 George III, cap. 51, entitled "An Act to discourage the practice of commencing frivolous and vexatious suits in his Majesty's Courts at Westminster in causes of action arising within the Dominion of Wales, and for further regulating the proceedings in the Courts of Great Session in Wales," the defendant in such an action tried at the assizes in the next English county was entitled to judgment if the plaintiff did not recover £10 debt or damages. This Act, which has been called "the Welsh Judicature Act", contained various regulations as to the deputies of the Welsh judges, the striking of juries, the return of original writs, and other matters. It also empowered the judges of Great Sessions to appoint commissioners to take affidavits to be used in their courts, and to nominate persons (other than common attorneys or solicitors) to take recognizance of bail; it also provided that certain penalties, given by statute and directed to be recovered in the courts of Westminster, should be recoverable at the Great Sessions.

But notwithstanding this Act, efforts were still made to reform or abolish the Welsh Judicature, the reason of

whose existence had in the opinion of many passed away. Among the five bills in Burke's projected plan of economical reform in 1780 was one "for the more perfectly uniting to the Crown the Principality of Wales and the County Palatine of Chester, and for the more commodious administration of justice within the same"; and in 1798 a select committee of the House of Commons on finance in courts of justice recommended the amalgamation of the four Welsh courts of Great Session.

Another Select Committee was appointed by that House on the administration of justice in Wales, who made an interim report in 1817. Owing to the death of the chairman of the Committee their proceedings had been checked, but they stated that some of the points which called for amendment were—1, the long period of the year during which no recovery could be suffered or fine levied, and the magnitude and uncertainty of the expense thereof; 2, the inability of each Court of Great Session to compel the attendance of witnesses outside its own particular jurisdiction; 3, the necessity of moving for a new trial before the same judges immediately at the close of the first trial; 4, the security of funds directed to be paid into Court depending on the personal solvency of the officers of the Court; 5, the diversity of practice in the different circuits with regard to writs of *certiorari* (by which the proceedings were removed to the court above); and 6, the necessity of judges and counsel remaining the same time at each place on the circuit whether there was business for them or not.

In 1820 the Committee submitted further evidence, but offered no opinion, and in 1821 issued their third and final report. In this, some of the points mentioned in the report of 1817 are repeated, and the Committee bring forward further defects. Each Court being supreme had

in the course of years established its peculiar standard of justice, so that there were in Wales four independent jurisdictions, each containing three counties (one circuit including Chester). The Court could not enforce its own decrees, and defendants frequently and easily withdrew from the jurisdiction. When the two judges differed there was no decision, and there was no appeal except to the House of Lords, and by writ of error to the King's Bench. Writs of *certiorari* were used for purposes of delay, and the trial in the next English county was a denial of justice to the poorer suitor. As the Court was only open for three weeks twice in the year it was not possible to conduct the necessary proceedings in a suit of equity, which was stated to have been "more dilatory and prolix" than in the High Court of Chancery itself. The encouragement to the attorneys, who were easily admitted and were attached to each circuit, the Committee consider to be "highly disadvantageous". The Committee state that the judges, who hold office during the pleasure of the Crown, received no pension, but a salary of £1,150 each (with the exception of the Chief Justice of Chester and his *puisne*, who were more highly paid), and they gave it as their opinion that "minor difficulties might be removed by new regulations, but no right administration of justice could be obtained without such fundamental changes as would amount to a new jurisdiction."

How the Court employed the six days which they were obliged by the Act of Ordinances to spend in each assize town may be gathered from the evidence of Sir William Garrow, a Baron of the Exchequer and formerly Chief Justice of Chester (this last office was always considered a stepping-stone to preferment in England). On Monday the Court was opened, but no business was done; Tuesday,

the Grand Jury Day, the judges went to Church and the Grand Jury was charged: Wednesday, the trial of adjourned issues, the amount of business may be judged from the fact that this was known as "nothing at all day"; Thursday, crown business; Friday, new issues; and on Saturday the court left for the next town.

How far the proceedings in equity had become a farce may be estimated from the fact recorded that with a view to an increase of costs the ancient ballad of *Chery Chase* was copied into a Chancery Bill and escaped detection.

The Welsh Judicature was the subject of a long and heated controversy and of many debates in both Houses of Parliament. Lord John Russell, in a debate in 1820, said that as the Welsh judges were eligible for seats in that House their posts were looked upon as retainers or rewards for the support of ministerial measures. It was also objected to them that they used their abundant leisure to practice at the bar of the English Courts, and that as twelve judges were then deemed sufficient for England, eight were a superfluity for Wales. We also hear many complaints of the County Courts in Wales, where small debts were then recovered, and which were presided over by the under-sheriff, who was a judge one year and an advocate the next, in the same Court.

The time was not yet ripe for the fundamental changes which the Committee of 1821 had suggested, but a last effort was made in 1824 to continue the Courts and to establish one uniform course of procedure, in which, as may be seen from the books of practice for various circuits, many discrepancies had arisen. This was the 5 George IV, cap. 106, "An Act to enlarge and extend the powers of the judges of the several Courts of Great Sessions in Wales, and to amend the laws relating to the same." By this the business of the Great Sessions was

increased by a provision non-suiting a plaintiff who obtained less than £50 debt or damages in a Court outside the Principality. The Courts were given various powers to extend their jurisdiction and were empowered to hear motions and petitions in law and equity in London when the Courts were not sitting in Wales.

After the Act of Union several statutes were passed as to the administration of law in Wales, others were especially extended to Wales, until, by 20 George II, cap. 42, it was declared that the word "England" in any future Act of Parliament shall be deemed to comprehend the Dominion of Wales. At length the opponents of the local judicature gained their cause; by the 11 George IV, and William IV, cap. 70, the Court of Great Sessions was swept away, two new circuits of the English judges for Chester and Wales were established, Wales became entirely subject to the courts of Westminster, and the Act of Union was completed.

It was reserved for another generation to undo the work of Edward Plantagenet and Henry Tudor, and to inaugurate an era of separate legislation by the Welsh Sunday Closing Act, 1881.

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APPENDIX.<sup>1</sup>

The state of the Cause concerning the Lo: President and Counsell in ye Marches of Wales.<sup>2</sup>

p. 1.

The differences<sup>3</sup> are fower.

1. Whither a prohibicion lie out of the Kinges benche into the Marches.
2. Whither a habeas Corpus lie into the Marches as to question their jurisdiction.
3. Whither the foure counties of Gloucester, Worcester, Hereford, Salop, ought to be exempted.
4. Whither the counsell in the Marches may proceed in any case after Judgment.

The twoe first questions are one in profe, for the assertion for them of the Marches is that they are not subordinat to the Kinges benche but onlie and immediatlie accountable to the Kinge and his privie counsell.

To proue this wee produce	{	matter of Lawe. matter of vsage and president. matter of policie and convenience.
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For matter of Lawe wee alledge

1. That it is a counsell of the Kinges and participant of his prerogatiue and therefore exempt from the controule of any cort of Lawe. Britton,<sup>4</sup> lib. 1. "Wee will

<sup>1</sup> The Editorial Committee are indebted for the interesting document contained in this Appendix, and the Notes thereon, to Dr. Henry Owen, the writer of the foregoing Essay.—[E. V. E.]

<sup>2</sup> This Tract gives the case for the Crown in the proceedings before the Privy Council referred to at p. 13 *ante*. It is taken from *Hart. MS.*, 141, in the British Museum. There is a later copy in *Lansdowne MS.*, 216 (see Owen's *Pembrokeshire* II, pp. 1 and 131). It seems to be the original argument of Bacon, as the King's Solicitor-General, which he has summarised in the Tract on "The Jurisdiction of the Marches", published in Spedding's edition of his works, vol. vii, p. 587.

<sup>3</sup> Points in dispute.

<sup>4</sup> Britton, *Pleas of the Crown*. Introduction, sect. v.

that *our* Jurisdiction be aboue all Jurisdictiones in *our* Realme so as wee haue power to geeue or cause Judgements to be geeuen as shall seeme to vs good without other forme of *proces* where wee may knowe the true right as Judge": which Jurisdiction the Kinge exerciseth by his counsell, for a counsell is no delegacion of power from the Kinge but an assistance of the Jurisdiction inherent in the Kinge.

To proue the counsell in the marches to be a counsell of Estate<sup>1</sup> and not onlie a counsell or cort of Lawe yt appeerith by these badges

The oath of a counsellor in the marches is the oathe of a priuy Counsellor.

p.2.

They make *proclamacion* for matter of gouernment.

They haue a Seriant at Armes and twoe Pursiuautes.

2. It is subordinate to the Priuy counsell and vpon suggestion that they exceed their Jurisdiction the Kinge by his owne signature hath directed the examinacion of *complaintes* which sheweth they were not to be releued by any ordinary court of Lawe.

15 H. 8. Hereford and Dolman fol. 12 et 13.<sup>2</sup>

23 H. 8. Joñ wyn Gruff et Dominus Powys, fol. 14.

3. It is a Cort of equitie. Wee grant that *prohibitions* and writtes of *corpus cum causa*<sup>3</sup> may be awarded out of the Kinges bench to Cortes of *commen* lawe, or cortes of *civill* Lawe, but not to Cortes of equitie.

4. The intencion of the Statute 34 H. 8<sup>4</sup> which is proued by twoe clauses.

1. In that it geeueth Jurisdiction in Writtes of error to the counsell in the Marches as to *personall* accions and to the Kinges Bench in *England* as to *Reall* and *mixt*.

2. In that it geeueth authoritie to award writtes into the Cortes in *Wales* so it be with the *speciall* direccion of the

There have byn no *Presidentes* shewen of an *prohibition* or writt of *corpus cum causa* into ye chancery, ye Exchequer Chamber, ye Cort of Wardes, the Dutche, ye Chamberlen of Chester or Chan-

<sup>1</sup> Estate=State.

<sup>2</sup> The folio numbers in the text refer to the earlier portion of the MS. from which this tract was taken.

<sup>3</sup> A writ issuing out of Chancery to remove the body and the record in the case of a man in prison.

<sup>4</sup> Cap. 26, sec. 113 and 115.

Lord Chauncellor or a priuy counsellor.

These proue a fortiori that no writtes of ordinary course from the Cortes at Westminster shold be sent to the Counsell in the Marches which is the superior Cort in Wales.

celor of Durisme, wee meane writtes of corpus cum causa of ye nature aforesaid.

For Matter of President	In the negative	No corpus cum causa was euer awarded to the Porter <sup>1</sup> but one in the late Erle of Pembroke's time, which was not obeyed, and this of farleies. <sup>2</sup>
		Neuer any prohibition to the Counsell and fewe to the parties till of late time.
ffor Matter of Polycie	In the affirmative	A certiorarij out of the Chancery answered only by letters. E. 6.
		An Inhibicion out of the exchequer answered only by letters. Eliz.
ffor Matter of Polycie	The Cort was erected to retaine those counties in obedience and if their doinges be subiecte to reexaminacions and controllmentes by such writtes the cort wilbe made contemptible.	p. 3.

Third question

Concerninge the exemption of the fower Countyes the course of profe on the behalf of the Marches resteth vppon these partes.

1. The King's Intencion in erectinge the Cort.
2. The words of the Statute of 34 H. 8<sup>3</sup> which leaue the Jurisdiction at large to the Kinges Instruccion accordinge to former vsage without determininge either matter or place.

Vis termini,<sup>4</sup> the propriete & significacion of the word Marches.

Vsage and Authoritie.

Mischeif that wold insue if they shold be exempted.

<sup>1</sup> The Porter of the Council had the custody of the prisoners.

<sup>2</sup> Farleus or farlies, were money payments in lieu of heriots.

<sup>3</sup> Sec. 4; the words are given below.

<sup>4</sup> See Bacon's Works (as above), p. 587.

The Intent of the Kinge and parliament in erecting & Authorisinge that Cort consisteth vppon three Branches, euery of them prouinge plainelie that the shires shold be coupled in gouernment with Wales.

The first is the quiett of the Contries for because Wales was newlie reclaimed & subiect to disobedience & disorders yt was necessarie to bridle them with the Englishe shires, & so to compound them vnder one gouernment.

It is confessed on the other side that for forces<sup>1</sup> and misdemeanours & installacion of possession the fower shires ought to be included. Whereto wee say that they cannot seuer the Jurisdiction but the lawe must be alike for both. If the word Marches extend not to those shires at all, the counsell can haue noe authoritie there for either.

p. 4.

The second intent is the ease of the Meaner and poore sort of subiectes that they shold not fetch Justice to farre of. Herevppon wee inforce that it was for noe falt or punishment of those shires that they were made subiect to the Jurisdiction of the counsell as is pretended, but a favour.

The like president of a Cort of Equitye erected in the North wher the shires without all question were euer England. Wee alledge alsoe the Example of forren Contries which haue diuers provinciale Cortes of highe Justice, least the subiect shold resort to farre of to the seate of ye Kingdome.

Instruct. 17 H. 8. Art. 1  
fol. 22.  
Instruct. 1 Regis Jacobi  
Art. 20.

The third intent was the erectinge of a proporcionable & fitt honour for the Kinges eldest son which if it had consisted of Wales onlie it had bin but labor et Angustia, as Wales then was, which wee alledge not as though the principality of Wales went otherwise then by the Kinges creacion or that it is not in the Kinges power to Amplifie or lymitt that lieftenancie, but to shewe that the shires were euer intended to be coupled to the gouernment of Wales & not seuered.

11 H. 4. Prince Henrie (after King H. 5) made Lieftenant in Wales & the marches of the Realme of England adioyninge, fol. 8.

<sup>1</sup> *i.e.*, acts of violence.

The wordes of 34 H. 8 are these

There shalbe and remaine a President & Counsell in the said dominion and principality of Wales & the Marches of the same with all officers clerkes & yncidentes to the same, in Maner & forme as hath bin heretofore vsed and accustomed, whiche President & Counsell shall haue power & authority to heare and determine by their wisdomes & discrecions such causes & Matters as be or hereafter shalbe assigned to them by the Kinges maiestie as heretofore hath bin accustomed & vsed.

p. 5.

Before this statute the Kinge vsed to assigne causes in these fower shires as is proued by the Instruccion of 17 H. 8 & the presidentes of that tyme.

And the wordes (of Wales and the Marches) are specified in the statute onlie as places for the president & Counsels residence & not for limitacion of their Jurisdiction.

The Acception of the word Marches

It may be taken

Either in a naturall or vulgar construccion

Or in a legall construccion

ffor the first. Marches signifies Borders, limites or confines & because it must haue a latitude yt is vnderstood of the shires adiacent in any part vppon Wales, all one with the familiar taking it in the example of Scotland where the Marches of Scotland are vnderstood of the three counties which in any part of them ioyne vppon Scotland.

ffor the legall construccion } 1. In recordes.  
wee shewe it } 2. In statutes.

In Recordes

- 5 E. 4. Rex concedit *Willehmo* Harbert manerium de Kilpeck in comitatu Hereford in marchijs Wallie, fol. 11°
- 46 E. 3. Inquisitio. Elizabeth Talbott tenet castrum de Goderidge in Marchijs Wallie, fol. 7, & this castle was anchientlie & still is in Herefordshire.
- 6 E. 1. A commission to some to heare & determine causes in Wales & the Marches & amongst others the sheriffes of Hereford & Salop are to attend for Juries, fol. 5.

## In Statutes

p. 6.

17 E. 2. Statutum de prerogativa Regis wherein to the wordes Marchie Wallie is added by way of restraint to the generalty of the worde, vbi breve regis non currit.

26 H. 8. Cap. 6. Rastall,<sup>1</sup> Wales 25. There is one place which mencioneth of Lordshipps Marchers & Marches of Wales.

18 Eliz. Cap. 18. Rastall, Bridges 3, Justices of peace in ye Counties of Gloucester & Monmouth not following the direccion of the Statute are to be sued for penalties before the counsell in the Marches.

ffor the equivocacion that the other side would euade by, that it shold signifie sometimes lordships Marchers which were as the batable ground. It is true, sometimes it is so taken but vmproperlie for that they all laie in the Dominion and principalitie of Wales which extendeth to Seaverne & Dee. But there is an Impossibilitye that in the Statute of 34 H. 8 it shold be so taken, bycause that these Lordshipps Marchers were by 27 H. 8 extineted & made shire ground, part thereof beinge allotted to England and part to Wales, so that in 34 H. 8 there were no Marches but the Counties Marchers.

Besides the word Marches was individuum Vagum, varieing as the boundes of the principalitye of Wales varied in reputacion or as the enemye wonne or lost, for whatsoever bordered vppon the Enemy was the Marches.

Hereford Cittye was reputed in Wales.

1 Richard 1	} vide fol. 1
17 Johannis Regis	
11 H. 3	

p. 7.

cf<sup>2</sup> E. 1 Pleas of the Crowne held in Vrchinfeild in the countie of Hereford before the sheriff as not within the statute of Magna Charta cap. 17, fol. 6.

Diners citties & townes in those partes commanded to be walled for defence of them selves & those partes from the enemye.

<sup>1</sup> William Rastell's Collection in English of the Statutes from 9 Henry III to 23 Elizabeth, arranged under alphabetical headings (1581). The references in the text are to fols. 496 and 46.

<sup>2</sup> Confer.

2 H. 3	}	for Shrewesbury	{	fol. 2.
8 H. 3				fol. 3.
8 H. 3		for Hereford		fol. 3.
11 H. 3		for Bridgnorth		fol. 4.
13 H. 3		for Worcester		fol. 3.

**Vsage and Authoritye.**

Wee haue a possession of aboue one hundred yeres.  
Optima legum interpres consuetudo.

Hereof wee haue infinite *presidentes* & whereof diuers are breuiated fol. 17, 18, 19, 20.

This vsage was not a popular vsage but confirmed by the Kinge & the State.

Instruccio 1 Regis Jacobi artic. {

9.	ffor misdeme- nours
20.	ffor matters betwixt partie & partie.

This vsage is referred to *pattentes*<sup>1</sup> to Knight, for Clerke of the signett & Counsell, fol. 15, by the wordes of the statute of 34 H. 8.

This vsage is proued by the residence of the *president* & Counsell which was neuer in *lordshipps* marchers but at Bewdely, Ludlowe, Gloucester, Salopp, Hereford & Worcester.

This vsage & construccion of the statute both are proued by the decree of the late queenes priue counsell vppon the certificat of Gerrard & Bromley,<sup>2</sup> fol. 16.

The exemptinge of Cheshire maketh for vs.

*Exceptio firmat legem in casibus non exceptis*,<sup>3</sup> espetially beinge vppon a *particular* reason, bycause yt was a countie palantine & fetched not Justice from Westminster.

p. 8.

The Mischeife is the infinite *perturbacion* which will follow by the ouerthrowe of so manye decrees and orders for these threescore yeres, for these shires beinge taken to be out of the statute yt must needes looke backe aswell as forwards.

<sup>1</sup> The letters patent granting the office to Knight.

<sup>2</sup> Bacon, p. 610, calls them two great learned men, Gerrard and Bromley. For Gerrard, see the articles on the Marches in the two last numbers of this Journal. Sir George Bromley, C.J. of Chester, died in 1589.

<sup>3</sup> The quotation and argument are given by Bacon, pp. 598-9.

By these decrees many hold their possessions of lands & goods which nowe shold be avoyded, yea, & the meane profittes recouered in many places.

A multitude of fines to his Maiesties vse haue bin imposed which nowe shold be restored.

Many haue endured corporall punishmentes which cannot be restored.

And infinite other inconveniences. Quod a consuetudine recedit, licet vtilitate Juuet tamen novitate ipsa perturbat.

The fourth question

Whither the Court in the Marches may in some cases proceed to order or decree after & notwithstanding a judgment at the *Commen Lawe*.

first in case where the cause hath bin decreed by the Counsell in the Marches they may ratifie their owne former decree notwithstandinge any Judgment obtained after at the *Commen Lawe*, for else their whole authoritie were subuerted.

Secondlie Judgmentes that may be avoyded in pays are not of that estimacion in Lawe but the cause may be examined in Cort of equitye.

p. 9.

Thirdly where the *partie* hath not notice of the matter of equitye, at the time when the sute is adiudged at the *commen lawe*, he ought not to be excluded of the benefitt of equitye.

ffourthlie where the Lawe is doubtfull, it were hard that the *partie* shold be restrained to pitche vppon equitye first & not trie the lawe which if it passe against him then to resort to Equitye.

ffiftlie where matter of equitye ariseth be puisne<sup>1</sup> temps after Judgment there is no culler to restraine a sute in equitye.

Sixtlie where the conscience of the *partie* appeereth to be corrupt, the Cort may deale with the person after Judgment though it stirr not the possession.

Seaventhlie St. Germin in the Doctor and Student<sup>2</sup>

<sup>1</sup> Later.

<sup>2</sup> *Doctor and Student*, a dialogue on the English Law, written by Christopher St. German, who died in 1540, remained for centuries the text-book for law-students. The reference in the text should be to cap. 18, and the statute referred to is 4 Hen. IV, cap. 23, mentioned in the next answer, which prohibited appeals from the King's court to the King himself, the Privy Council, or to parliament, and enacted that cases should be tried in the regular course of law.

cap. 8, fol. 31, saith, this statute doth not prohibite equitye but examinacion of the Judgment. And therefore 9 E. 4 In the case of one Younge who had Judgment geeven against him vpon a triall in a forren countie whither he cold not bringe his witnesses, the Chauncellour thought fitt to releuee him.

Answeres to Obiections.

The statute of 4 H. 4 ordaineth that Judgementes geeven in the Kinges Cortes shall not be adnihilated but by Error or attainit.

Answeres.

The Inconuenience which the statute ment to remedie was that the Kinges counsell pretended to adnihilate & reuerse Judgmentes as appeereth by 39 E. 3<sup>1</sup> which intent of the said statute is manifest by the preamble which maketh mencion that men were putt to answer de nouo.

2. Obiection.

It appeereth by the case of 5 E. 4 (thoughe there were fraude in the partie that recouered) yet bycause there was Judgment he was putt to sue in parlement. And Sr Moyle ffynches<sup>2</sup> [*sic*] that all the Judges tooke the lawe to be that in such a case the chauncellor ought not to proceed.

Answeres.

Circumstances of the cases may be suche as the Chauncellour may think fitt to putt them of to parlement or referre them to the Judges, which neuertheles resteth in his discretion.

Maneria Ducatus Lancastrie infra Marchias Wallie vt in Recordo de Anno in Annum tempore H. 7 et H. 8 ad hunc diem patet

Manerium de Rideley <sup>3</sup>	} In comitatu Gloucestrie.
Manerium de Tibberton	
Manerium de Rye <sup>4</sup>	
Manerium de Minsterworth	
Manerium de Ellowe	

Maneria de {	Ashperton	} in comitatu Herefordie.
	Stratton <sup>5</sup>	
	Yarkhill	

Some further profe that ye counties of Gloucester and Hereford are in the marches of Wales

<sup>1</sup> See 25 Edw. III, stat. V, cap. 4.

<sup>2</sup> Sir Moyle Finch died in 1614.

<sup>3</sup> Rodley.

<sup>4</sup> Ryelass.

<sup>5</sup> Stretton.

# The Broughtons of Marchwiel.

CONTRIBUTION TO THE HISTORY OF THE  
PARISH OF MARCHWIEL.

By ALFRED NEOBARD PALMER.

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MORE than ten years ago I became so interested in the history of the Broughtons of Marchwiel that I set down in order all that I knew, or could learn, of them, with the intention of writing a paper dealing with this family, its genealogy, and its doings. But although Mr. W. M. Myddelton, and Mrs. Pearce of Leamington, were kind enough to place at my disposal certain important particulars relating to the Broughtons which Colonel Chester had gathered, there still remained so many gaps, which could be bridged by conjecture only, that I put all my notes relating to this matter on one side. Since that time, however, much information has gradually accumulated, many conjectures have been verified, and although much that puzzled me formerly puzzles me still, it occurred to me recently to disinter my old notes, and review them in the light of knowledge which has been acquired during the last few years. And it seemed to me then that it might be worth while to attempt again the task which I had once abandoned, if only to afford some one else the opportunity of completing what is now lacking, and of

making a first contribution to the history of the parish of Marchwiel.

2. The account given of the Broughtons on page 385, Vol. II, of *Powys Fadog* is not merely incomplete but inaccurate. That account is headed "Plas Isaf in Marchwial", and identifies Plâs Issa with Marchwiel Hall. Now, in fact, the house called "Plâs Issa" (*Lower Hall*) was not in Marchwiel at all, but on the western bank of the Dee, in a small detached portion of Dutton Diffaeth. Civilly, of course, it was in the county of Denbigh, but I have seen it described as "*if not extra-parochial, in the parish of Church Shocklach, Cheshire*". The Broughtons now under consideration were of Marchwiel Hall and of Plâs Issa, Isycoed. *Powys Fadog*, moreover, identifies Sir Edward Broughton who was living in 1648, not only with his son who was slain in 1665, but even with his grandson, who was sheriff of Denbighshire in 1698. Surely one who will lend a helping hand out of this imbroglio of misrepresentation and error will do some useful service.

3. I do not propose, spite of strong temptation to a contrary course, to go back any further in my account of the Broughton family than is necessary to illustrate the points which in this paper will be presented and discussed. And some, even of these, will be relegated to the pedigree herewith given, and to the notes and appendix annexed.

4. And I shall begin in the text with Edward Broughton of Plâs Issa, who with his brothers, Lancelot Broughton, of Eyton, county Denbigh, Francis Broughton, and Valentine Broughton [of Chester], are mentioned on Nov. 12th, 1576. We thus start with a definite date, for which we so often seek, and seek in vain, in Welsh genealogies.

5. The Edward Broughton, of Plâs Issa, just named, was succeeded by his eldest son, Morgan Broughton, sheriff of Denbighshire in 1608, described as of the age of 62 on 3rd Sept. 1606, and as deceased in April 1614. He married before 12 Sept. 1589, Margaret, daughter of Henry Parry, esq.,<sup>1</sup> of Marchwiel, and step-daughter of Richard Leighton, esq.,<sup>2</sup> of Marchwiel (still living in 1621). It was by virtue of this marriage, that the first Sir Edward Broughton, Mr. Morgan Broughton's eldest son, came ultimately, after Mr. Leighton's death, into the ownership of Marchwiel Hall. When, therefore, Pennant, dating back from 1660, says that Marchwiel Hall was "long possessed" by the Broughtons, we are to understand by "long" less than forty years.

6. Under what circumstances the first Sir Edward Broughton (son of Morgan Broughton) was knighted at

<sup>1</sup> Henry Parry, *alias* Harry Parry *alias* Henry ap Thomas ap Harry, of Basingwerk, co. Flint, and Marchwiel Hall (see the pedigree), directs by his will (12 Sept. 1589) that his body should be buried in the parish church of "Marchwiell", and speaks therein of his son, Thomas Parry (who must have died young), of his daughter Margaret, wife of Morgan Broughton, esq., and of his wife Katherine. He does not mention his elder daughter, Anne Parry (by his first wife Margaret, daughter of Jenkyn Hanmer, of Fenns, co. Flint), who married William Mostyn, esq., of Talaere, on whom was settled Basingwerk. This will is so interesting that I give a pretty full summary of it in Appendix III. Mr. Henry Parry was sheriff of Flintshire in 1563 and 1580, and on both occasions is described as "of Greenfield." Greenfield or "Maesglas" is a Township in the parish of Holywell.

<sup>2</sup> Richard Leighton, esq., is said to have been second son of Sir Edward Leighton, of Wattlesborough, and in 1620 held not merely Marchwiel Hall, but more land in the parish than any other person. He was not, however, absolute owner, for in 1620 he is described as holding a messuage and lands in Marchwiel *during the life of the wife of Sir Edward Broughton*. Mr. Richard Leighton is said to have been also of Gwern y go, in the parish of Kerry, Montgomeryshire. His monument was formerly in the old church of Marchwiel.

Hampton Court (18 March 161 $\frac{1}{2}$ ), I do not precisely know, unless it were that he received this distinction on account of his wife, who, according to one of Miss Angharad Llwyd's notes (kindly furnished me by H. R. Hughes, Esq., of Kimmel), had been maid of honour to Queen Elizabeth of Bohemia. The Queen, we are told, used to correspond with Miss Tyrrell, and sent her full-length portraits of herself and of the king, as well as leaden busts of the Princes Rupert and Maurice, whom she describes in one of her letters as "fine Boyes". Of these portraits and busts, long kept at Marchwiél Hall, something will be said hereafter. Perhaps, moreover, Sir Edward was himself a courtier. In any case I have not much that is new to tell of him, spite of the fact that a large number of deeds, to which the knight of Marchwiél set his hand, has come under my inspection. But one of these deeds, or rather a declaration made by Sir Edward, is distinctly interesting from its reference to Charles Diodati, the friend of John Milton's early life, and not merely to Charles but to John Diodati, his brother. Charles is immortalized by Milton's elegy—the "Epitaphium Damonis", almost the last product of his pen in serious Latin verse. It is known from one of his letters<sup>1</sup> that, in 1626, Charles Diodati was spending his time in the country, happy enough, and wanting only a fit companion, "initiated in the mysteries"; known again from Milton's "First Latin Elegy" (*Ad Carolum Diodatum*) that Diodati was then dwelling "on the western shore of the Cestrian Dee"<sup>2</sup>; known, thirdly,

<sup>1</sup> *Milton's Poetical Works*, Masson's edition (1890), Vol. i. p. 256.

<sup>2</sup> Tandem, chare, tuæ mihi pervenire tabellæ,  
Pertulit et voces nuncia charta tuas;  
Pertulit occiduâ Devæ Castrensis ab orâ  
Vergivium prono quâ petit anne salum", etc.

from the "Sixth Latin Elegy", that he was, in December 1629, staying in the country (*Ad Carolum Diodatum, rure commorantem*); known, lastly, from one of Milton's letters,<sup>1</sup> that his friend was, in September 1637, still staying "among those hyperboreans". Dr. Masson has also recorded the "tradition"<sup>2</sup> that Charles Diodati had settled as a physician somewhere near Chester, or at any rate in the North. But it is not known precisely where he lived, and indeed this period of Diodati's life is so obscure that even Dr. Masson, with all his marvellous industry, has been unable to throw much light upon it. Under these circumstances, any additional information, or even hint of information, is not without value. It appears then that the notorious Collins and Fenn (who, 8th Dec., 7th year Charles I, obtained an enormous grant of Crown rights in Wales), sold on 4 April 1633, to Robert Evans, esq., of the parish of St. Martin's in the Fields, Middlesex, five parcels of meadow called "the Receiuo<sup>rs</sup> Meadow" . . . . and those 3 acres of Meadow . . . . "in Coyd euan, adjoyninge to a certayne Meadow called the Constables Meadow", in which Sir Edward Broughton had a leasehold interest. These meadows are declared to be "in the charge of the baylifs of Cobham Almor and Cobham Iscoyd", two manors between Holt and Wrexham, but nearer the first than the second named town. "The Constable's Meadow" is still so called, and lies in the township of Dutton Diffaeth, a little to the south of Holt, county Denbigh.

<sup>1</sup> Masson's *Life of Milton*, Vol. i (1859 edition), p. 598.

<sup>2</sup> The same, Vol. ii (1871 edition), p. 81. I see in Vol. i, p. 316, of *Milton's Poetical Works*, that Dr. Masson qualifies this statement thus:—"Near Chester, it has been supposed, but that is only a guess from the fact that he [C. D.] had been in that neighbourhood in 1626, the date of the *Elegia Prima*."

7. It was usual, when Collins and Fenn had disposed of a parcel of lands comprised in their grant to one of their acquaintances, for this latter to resell the parcel to some one living near the place where the lands were situate, or to some landowner who had interests in the neighbourhood. Now we find that, on the 2nd December, ninth year of Charles I [1633], the aforesaid Robert Evans bargained and sold the meadows above described to "Charles Deodate [so the name is spelled in the declaration], and John Deodate," expressly named as "sons of Theodore Deodate, of London, Docto<sup>r</sup> of Phisick." Then on the 20th June, eleventh year of Charles I [1635], Sir Edward Broughton and Charles and John Diodati, mortgage the same meadows to certain persons in trust for Sir Thomas Trevor, knight,<sup>1</sup> of Dorset Court, *alias* Salisbury Court, London. Finally, on the 15th July, in the twenty-third year of Charles I [1647],<sup>2</sup> Sir Edward Broughton, by himself, conveys the premises absolutely to the said trustees to the use of Sir Thomas Trevor, knight.

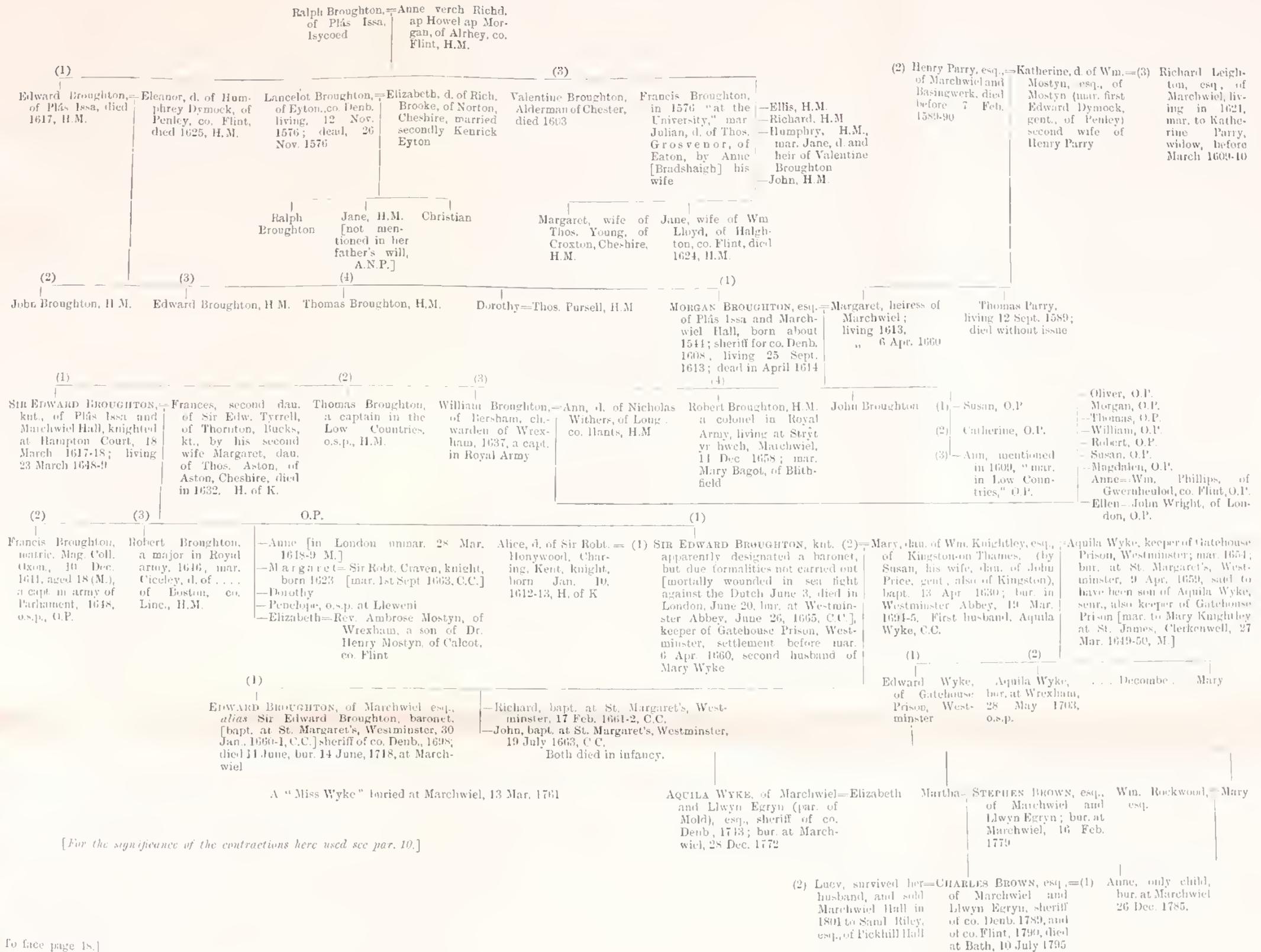
<sup>1</sup> Sir Thomas Trevor, knight, was the fifth son of John Trevor, esq., of Trevalyn Hall, county Denbigh, one of the Barons of the Court of Exchequer. His son, Sir Thomas Trevor, baronet, was one of the trustees for his father in this transaction, and the others were Richard Prydderch, and Richard Davies, vintner of London. [See Appendix, notes 5 and 6.]

<sup>2</sup> Charles Diodati, as is now known, died in August 1638, his brother John surviving him. But does it not appear as though John himself were dead before 15 July 1647, he not being a party to the release of that date? In that case, Colonel Chester's identification of him with the John Diodati of London, "factor," who was living shortly before Feb. 1683, must have been mistaken (see *Poetical Works of Milton*, Masson's edition, vol. i, p. 328). But I should be sorry to pit any notion of mine against the opinion of such a genealogist as Colonel Chester, and the omission of John Diodati's name from the release of 1647 may, perhaps, be explained on some other supposition than that of his being then dead.

8. Now does it not look likely that, in 1633, and perhaps in 1635, Charles and John Diodati were living in or near Holt? This town is actually "on the western shore of the Cestrian Dee." So also, I may add, was Plâs Issa, one of Sir Edward Broughton's two mansions. Nor was Trevalyn Hall, the seat of the Trevors, very far distant from that stream, on the western side of it. Chester, on the other hand, and all but a small part of Cheshire, are on the east of Dee. In any case, the association of the two brothers, first with the purchase and then with the mortgage of the lands named is of especial interest. They appear to have acted as the "go-betweens" of the first Sir Edward Broughton and of Sir Thomas Trevor, and were evidently well-known to both, and I please myself with speculating whether when, on 13th Dec. 1629, Charles Diodati was spending his time so merrily at some country mansion that he had little leisure for the Muses, he was not staying at Plâs Issa, at Marchwiell Hall, or at the beautiful Elizabethan house of the Trevors of Trevalyn.

9. It is most unfortunate that in "the declaration" which I have seen, the terms and effects of earlier deeds relating to the meadow-lands in point are recited with such tantalizing brevity. If we could get hold of those earlier deeds, we may be pretty certain that we should find given therein, not merely the place of residence, but the "occupation" of Charles and John Diodati, and conjecture would be at an end. Those deeds ought now to be in the possession of one or other of the heirs of the Trevors, and may yet be discovered. I must not omit to add that the declaration, a summary of which has been given above, was found by me at Erddig Hall, near Wrexham, the seat of Philip Yorke, esq., and is now carefully preserved by him in one of his cabinets. I give an exact copy of the deed in Appendix IV.

# Broughtons of Marchwiell.



[For the significance of the contractions here used see par. 10.]

To face page 18.]



10. Coming back from this excursion, I should like to make a few observations on the annexed pedigree. Some years ago I had lent me an old genealogy of the Broughtons of Plâs Issa and Marchwiell, the edges of which were frayed away, and the words and names, in many places, quite illegible. This genealogy, wherever I was able to test it, was found correct. Therefore, in the first draft of the pedigree constructed by me, all the gaps were filled in, with due acknowledgment, from this old genealogy. But on submitting the pedigree, so composed, to H. R. Hughes, esq., of Kinnel, he largely extended it, firstly, from a Hengwrt MS., written between 1632 and 1662, and secondly, "from two apparently contemporary MSS." To every entry, therefore, in the pedigree herewith presented, taken from the Hengwrt MS. (of which the "old genealogy" above mentioned seems to be a copy), I have annexed the letters H.S. Those entries marked O.P. are taken from the "two contemporary copies." The contributions of the late Colonel Chester are indicated by the letters C.C., while "M." stands for W. M. Myddelton, esq., and "H. of K." for H. R. Hughes, esq., of Kinnel. For all, or nearly all, the rest I stand responsible.

11. Captain William Broughton, of Bersham, the third son of Morgan Broughton, esq., of Marchwiell, compounded for his estate by the payment of £90 to the Parliamentary Commissioners. I owe the following note to Mr. W. M. Myddelton:—"The Dep. Lieuts. of Denbighshire, by Indenture 5 April, 15 Charles I, 1639, handed over to the charge of William Broughton, esq. 150 men that had been raised in the county of D. and to be by him conducted to the towne of Selby upon Ouse neere York." Captain Broughton was, I believe, the William Broughton who, in 1637, was one of the church-

wardens of the parish of Wrexham. Perhaps, also, he was the same that is mentioned in the *first two* of the following extracts from the Wrexham Registers:—

Morgan, the sonne of William Broughton, was baptized the 4th of June 1635.

Elnor fil. Gulielmi Broughton Annæque ux eius 23 die februarii, 1636. [Baptizata fuit].

Robertus filius Gulielmi Broughton Christianæque ux eius 22 die Octobris 1644. [Baptizatus fuit].

If we dare imagine a transcriber's mistake in the name of the wife in the third extract given above, we should probably have a record of the baptism of another child of Captain William Broughton. After the Restoration, the Captain seems to have lived for a time at Marchwiell Hall.

12. I have ascertained that Colonel Robert Broughton (fourth son of Morgan Broughton, esq., and another brother of the first Sir Edward) was living on the 14th Dec. 1658, at Strÿt yr hwch in the parish of Marchwiell. An extract from a letter, written in 1651 by Mrs. Ursula Sontley,<sup>1</sup> may perhaps here be given:—"Owld Mr<sup>is</sup> Broughton was praid for in our church [Marchwiell] this day, and the Collonell did weepe very much."

13. Then, as to the "Mr. Morgan Broughton",<sup>2</sup> buried at Marchwiell, 19 Aug. 1699, his burial is also noted in the registers of Wrexham as having taken place at Marchwiell, and herein he is described as "of Esclusham". He was, perhaps, Morgan, son of the

<sup>1</sup> Ursula was, according to *Powys Fadog*, the wife of Colonel Robert Sontley, of Sontley Hall, in the parish of Marchwiell. In the will of William Edisbury, of Marchwiell, gent. (9 Feb. 1659-60) the testator speaks of his "sister-in-law Mrs. Ursula Sontley of Sontley, wid."

<sup>2</sup> One "Morgan, the sone of Captayne Broughton, of Gwersyllt", was baptized at Gresford "November first 1694". Another Morgan, and another Captain Broughton, are here, of course, indicated.

Captain William Broughton mentioned in par. 11. "The Edward Broughton, of Hatton Garden, in the county of Middlesex, esq.," who was buried at Marchwiell, 18th of May 1713, and the "Edward Broughton, esq.," also buried there, 28th April 1720, were probably sons of one or other of the first Sir Edward's brothers, but I have not ventured to insert any of these names in the pedigree. I have also sheaves of notes concerning various Broughtons of Broughton and Bersham, in the parish of Wrexham, and of Gwersyllt, Burton and Llai in the parish of Gresford. Some of these seem to have been connected with the Broughtons of Marchwiell, but the disentangling of the threads of this tangled skein has proved an impossible task.

14. There is an inscribed slab of shaly stone in Marchwiell churchyard marking the site of the Broughton burial-place, on the exposed portion of which so much of the inscription has flaked off that nothing consecutive, or nothing of any value, can now be read. If only some copy had been taken, and had survived, of this inscription, many doubtful points relating to this family would have been at once resolved.

15. The first Sir Edward Broughton, during the great civil conflict of the seventeenth century, took the Royal side, and was doubtless the "Sir *Edmund* Broughton" who, according to Burghall's *Providence Improved*, was fetched, in October 1643, with two of his sons from his house at Broughton [Marchwiell] and taken prisoner to Nantwich. Besides his brother, Captain William Broughton, his other brother, Colonel Robert Broughton, and his sons, Lieutenant Edward and Major Robert Broughton, were on the same side. But his second son, Captain Francis Broughton, espoused, it is said (O.P.), the Parliamentary cause.

16. Lieutenant Edward Broughton (afterwards the second Sir Edward, and eldest son of the first) was taken prisoner by General Lambert, in 1659, at the capture of Chirk Castle,<sup>1</sup> and immured in the Gatehouse Prison, Westminster, close to the Abbey. The keeper, Aquila Wyke, gent., who held for lives the keepership (which was no mean office), appears to have just died, and left a blooming young widow, of under thirty years of age, and three children. Lieutenant Broughton, himself a widower, was evidently of an exceedingly ardent and susceptible disposition, and fell desperately in love with the young widow. Mistress Wyke seems to have kept him at bay for a time, but at last gave her consent to be his wife, not without conditions.

17. Accordingly, on the sixth and seventh of April 1660, he being then no longer under arrest, by indentures of lease and release, Mr. Broughton, describing himself as Edward Broughton, esq., of Marchwiel, son and heir of Sir Edward Broughton, knight, deceased, conveys all his tenements and lands in the counties of Denbigh, Flint, and Chester, to William Knightley, esq.,<sup>2</sup> and John Mills, esq., "upon trust and at the only disposition and appointment of the said Mary Wykes in writing, duly attested, shall nominate." The estate is declared to be of the annual value of £550, and free from incumbrance, except the life interest of Dame Frances Broughton in the capital messuage in Iscoed [Plâs Issa], being her jointure, late the lands of Sir Edward Broughton, father of the said Edward Broughton. The capital messuage with appurten-

<sup>1</sup> His uncle, Colonel Robert Broughton, was taken prisoner at the same time and place. A Colonel Robert Broughton was Royalist Governor of Shrewsbury on 18th August 1644.

<sup>2</sup> This William Knightly was evidently either Mistress Wyke's father or at least one of her near kinsfolk.

ances in Marchwiel is mentioned as being in the tenure of Margaret Broughton, widow, grandmother of the grantor, and the only considerations named are "the love and affection borne by the said Edward Broughton to the said Mary Wykes, and the marriage shortly to be solemnized between them". Sir Robert Honeywood, knight,<sup>1</sup> and Thomas Darrell, esq., join with Edward Broughton in the conveyance.

18. It would seem that Mistress Wyke, spite of this evidence of Edward Broughton's affection, still doubted, or affected to doubt, his fidelity, his constancy, his devotion. So, less than a week afterwards, on the 12th April 1660, Mr. Broughton composed, signed, and sealed the extraordinary "Imprecation" printed as the 6th Appendix to the 3rd vol. of the 1810 edition of Pennant's *Tours in Wales*, a document which is surely one of the curiosities of literature.

19. I have some hesitation in transferring to my pages this Imprecation, and yet, were I to omit it wholly, much of the point and pith of what has to be related would be wanting. It will suffice if I summarize the first part of the curse, and quote in full only the second part. Edward Broughton, then, invokes the most awful and terrible plagues upon himself and his posterity "if I do not utterly forbear all rash swearing and all man'er of drinking, and all manner of debauchery whatsoever; or if ever I am guilty of finding fault with anything my intended wife shall doe or say; or if ever I undertake any business, or any thing, how great a concern soever, or small, without the knowledge, assent, consent, advice of

<sup>1</sup> Probably Sir Robert Honeywood, knight, brother to this Edward Broughton's first wife, "servant to the Queen of Bohemia," knighted at Otelands 7 July 1627, born 3 Aug. 1601, and son of another Sir Robert Honeywood, knight.

Mary Weeks, my intended wife, and is to be Mary Broughton when this shall effect; or if shee shall make any request unto me in my life-time, it shall be of force never to be violated by me, although I surviving her, concerning body and soule, life or fortune, children or friends, how unreasonable soever; or if there shall happen any difference betwixt her and me, as there hath been betwixt me and my first wife, then, if I am the cause of it, may all the plagues im'ginable fall on me and all the plagues God can inflict; or if shou'd arise any quarrell, and shee the only cause, yet, when I remember hereof, or shee these vows, I most heartily pass by, forgive, and endeavour to pacifie, and use all the art imaginable to please here [her], and if shee could impose more, I wou'd most willingly doo it, or else, may all those plagues, if there were greater curses or imprecacions, I heartily pray they may all be powerd downe, as the rain fall on the thirsty ground, and upon my posterity for ever; and this I doe heartily and voluntarily, and with serious consideration and premeditation, having taken a long time to consider this; and most readily signe itt with my owne hand, and seal it with my own seale."

20. Nice sorts of marriage settlements these, and casting a vivid light upon the character of these two extraordinary personages! One can easily guess what sort of man Edward Broughton was, but the character of his second wife presents a more difficult problem. I think we should be wrong, on the one hand, to regard her as a mere "Becky Sharp", or, on the other, to set her on too high a pedestal. There was plainly something attractive about Mistress Wyke, and equally plain that she was shrewd, capable, and managing. The probability is that she was really dazzled by Edward Broughton, but, perceiving clearly his faults and vices, took the best means in

her power of winning and weaning him from them. The possession of the qualities of justice and affection cannot be denied her. There *was* romance in the affair, so far as she was concerned, but romance well under the control of sound common sense. But how inferior is this story compared with that (not unlike it in some points) so sweetly told by Chaucer in his *Frankleynes Tale* !<sup>1</sup>

21. Accordingly, Edward Broughton and Mistress Wyke were shortly after duly married, and she bore him three sons. Of these, the two youngest evidently died in infancy, and the eldest, Edward, succeeded to the whole Marchwiel estate under his mother's will.

22. It was not enough that Mr. Edward Broughton should settle all his estates on his prospective wife, and promise under the most awful engagements, to obey her lightest whim, but the attempt was actually made to change the name of the more important of his two capital messuages from "Marchwiel Hall" to "Conqueress Hall" (*The Hall of the she-Conqueror*). This name first appears in Lady Broughton's will (20 Jan. 1680-1), and so late as

<sup>1</sup> Here are the relevant passages from Chaucer :—

“ Ther was a knight, that loved and did his peyne  
 In Armoryke, that cleped is Briteyne,  
 To serven a lady in his beste wise ;  
 And many a labour and many a grete emprise  
 He for his lady wrought, er sche were wonne.  
 . . . . .  
 And, for to lede the more in blisse here lyves,  
 Of his fre wille he swor hire as a knight,  
 That never in his wille by day ne by night  
 Ne schulde he upon him take no maystrie  
 Ayeins hire wille, ne kuythe hire jalousye,  
 But hire obeye, and folwe hire will in al,  
 As ony lovere to his lady schal ;  
 Save that *the name* of sovereyneté  
 That wolde he han for schame of his degre.”

the year 1749, I find this mansion described as "Marchwiell Hall, *alias* Conqueress Hall." It is not quite clear whether this attempt was made by the husband or the wife, but in either case it is the mark of a tolerably complete subjection of the first to the second.

23. From what has been said above, it will be evident that Pennant made a mistake when he said (*Tours in Wales*, 1810 edition, vol. i, p. 414) that Edward Broughton married the *daughter* of Wyke, the keeper of the Gatehouse Prison. He married, as we know, the *widow* of the keeper. Pennant is also wrong in his statement that Edward Broughton bequeathed his estate to "his wife's brother." He gave it wholly to herself before marriage, so that he was entirely dependent on her.

24. There is some uncertainty as to the original form of the name of Mistress Broughton's first husband. Edward Broughton consistently spelled it "Weekes" or "Wykes", and his step-son is called "Aqualah Weekes" in 1703, but Lady Broughton herself and the later members of the family held this surname to be "Wyke", and thus accordingly I always spell it.

25. The estate, when Mr. Broughton conveyed it to the widow Wyke, comprised Marchwiell Hall, with the demesne lands annexed thereto, one of the two farms called "Strÿt yr hwch", one of the two farms called "Croes y mab", Coed Dafydd, one of the two farms called "Pont y ffrwd", Tyddyn tu uwch y llan, Tyddyn tu is y llan, and other farms in Marchwiell which I have been unable to identify, the Pumrhyd Mill and lands in Abenbury, Carnarvon Hall in Mount Street, Wrexham, and the Lower Hall property, which included lands in Dutton Diffaeth and Sutton Isycoed, and extended into the parish of Church Shocklach, in the county of Chester. According to a fine levied in 1731, the Marchwiell Hall

estate, not including the Lower Hall property, is returned as containing 613 acres, and according to another fine, levied in 1773, *including Lower Hall*, as containing 706 acres.

26. I think there can be no doubt that the hero (or shall we say *victim*?) of this romance was knighted, in or *before* the year 1664 [see Addenda], and so became the second Sir Edward Broughton. He describes himself as “knight” in his will, and is called “Sir Edward Broughton” in the entry referring to his burial in Westminster Abbey. After his death, moreover, his widow was known as “Lady Broughton.” Colonel Chester says that “in the record of administration to his estate, 28 July 1665, he is styled ‘Kt. and Bart.,’ but in subsequent proceedings in the Court of Probate, he is described as a knight only.” I should not be surprised if it were to be found that he was designated as a baronet, during the few days succeeding his mortal wound, but that he died before the patent could be engrossed, or the due formalities carried out. The supposition just made cannot be proved, but the acceptance of it will remove all the apparent discrepancies which exist as to his true title. It will reveal, for example, *the excuse* which his son had for assuming the title of baronet. The second Sir Edward Broughton was actually a knight, but only a baronet *designate*.

27. The Wyke family had, it appears, a lease of the Gatehouse Prison and Convict Prison, Westminster, and their precincts. After the second marriage of Mistress Wyke, a new lease was taken out, or two new leases were taken out, and Edward Broughton was admitted to an interest therein, so that when he came to make his will it was this interest which formed a large portion of his assets. For this reason, and because the document throws some light on a very interesting part of old Westminster,

I propose to give a rather full summary of Sir Edward Broughton's will, made 21st Oct. 1664:—

“ I bequeath unto Edward Broughton, my son, after the death of Dame Mary, my wife, all that my house and tenement with appurtenances being between the Gatehouse at Westminster on the west, and the Convict Prison of the Right Reverend Father in God, Gilbert, Lord Bishop of London, on the east, now in the occupation of me, Sir Edward Broughton, or my Assignes, with all Stables, Coach-houses, Out-houses, Barns, Gardens, Yards, Orchards, and appurtenances belonging or appertaining to the said Messuage or tenement which I, Sir Edward Broughton and Dame Mary my wife, hold to us, our heirs and assignes, of the said Reverend Father during the lives of Aquila Weekes, Mary Weekes, and Edward Broughton. To have and to hold the said Messuage, etc., with the said Indenture of Lease immediately after the death of Dame Mary my wife. I bequeath to Edward Weekes, after the death of Dame Mary my wife, all my lease, right, title, and interest of and in the Prison or Gaol called the Gatehouse of Westminster, with all rooms, easements, comodities, and necessaries belonging to the said Prison, or with the same used or occupied. Also the Office and Custody of the said Gatehouse, and all Prisoners as shall be committed to the same, with all the fees, profits, comodities, advantages, casualties, benefits, and emoluments to the said office belonging, made to me and Dame Mary, my wife, by John Earles, Doctor in Divinity, Dean of the Collegiate Church of St. Peter's, Westminster, and the Chapter of the same, to have and to hold the said Indenture of Lease, prison, and premises, immediately from and after the death of Dame Mary, provided that he the said Edward Weekes, his executors and assignes, shall pay to my natural son, Edward Broughton, the sum of four hundred pounds of lawful money of England within twelve months after the death of Dame Mary, and if Edward Weekes, his Executors or assignes, shall neglect or refuse to pay the said sum of money, I declare the devise of the said lease, prison, etc., to my son Edward Broughton. I bequeath to Mary Weekes and her heirs, my lease, right, title, and interest of the Office of the custody and safe keeping of the Prison of the said Gilbert, Lord Bishop of London, called the Convict Prison in Westminster, with the keeper's place of the said prison, also the Mansion house and messuage now erected and built upon the said Prison, wherein Lord ffitzWilliams lately dwelt, at the west end of the Abbey called Westminster Abbey, with all Stables, Coach-houses, Barns, Outhouses, Gardens, Orchards, etc., to have and to hold the same immediately from and after the death of Dame Mary. I bequeath to Aquila Weekes and his heirs, all my right, title, and

interest of or in or to the house adjoining the said Gatehouse on the North side, now in the tenure of Mr. Lewes, called or known by the name of the Dolphin, to have and to hold the same after the death of Dame Mary. I bequeath to Dame Mary, my wife, for the term of her natural life, all and singular the rest and residue of my personal estate, goods, chattels, plate, jewels, rings, household stuff, leases, debts and dues, and after her death I bequeath all the rest and residue of my personal estate to her and my son, Edward Broughton. I appoint, as Executors of this my will, Dame Mary my wife, Sir Timothy Terrell, of Showre,<sup>1</sup> in the county of Oxon, and Sir Phillip Honeywood,<sup>2</sup> of Portsmouth, in the county of Southampton, knight, and Commander there; and I bequeath to the said Sir Timothy Terrell and Sir Philip Honeywood twenty pounds apiece to buy each of them a Nagg for their care and pains." [Will proved 16 Dec. 1669.]

28. Is there not a certain perkiness manifested in this "will", as though the testator plumed himself that he was not without something to bequeath in spite of all? How often, and with what evident relish does he use this word "bequeath"! Finally, notice how artfully he directs that after the death of his wife the residue of his personal property should go to her *and* his son Edward Broughton, leaving his son the residuary legatee.

29. Miss Angharad Llwyd wrote in 1821, on the information of the Rev. George Warrington, of Wrexham, that [the second] Sir Edward Broughton married for his second wife "a miller's daughter"; and that Mr. Warrington meant by the "miller's daughter", the Mary

<sup>1</sup> Sir Timothy Tyrrell, of Shotover and Oakley, Governor of Cardiff, Master of the Ordnance, died 23 Oct. 1701, aged 84, buried at Oakley, son of another Sir Timothy Tyrrell, eldest son of Sir Edward Tyrrell, of Thornton, by his second wife and own brother to Frances Broughton, Edward Broughton's mother.—H. of K.

<sup>2</sup> Sir Philip Honeywood. Mr. Hughes, of Kimmel, thinks that this person must be the Sir Philip, of Petts, co. Kent, another brother of Frances Broughton, Edward Broughton's mother, and the fifteenth child of his parents. He could not have been the Sir Philip, *Governor of Portsmouth*, who died 17 June 1752, 98 years after date of Edward Broughton's will.

Wyke, widow, mentioned in the account given above, is clear by his adding that the Browns, of Marchwiell, were her heirs. For Mary Wyke's parentage my authority is the late Colonel Chester, one of the most careful, cautious, and painstaking genealogists of our time. And for the history I give of the descent of the estate, I rely not merely on the "abstract of title" of the property (a copy of which I possess), but also on such contemporary evidence as administrations, wills, rate-books and registers. The Rev. George Warrington's statements to Miss Angharad Llwyd appear to be in this respect, as in other respects (see par. 43), wildly wrong.

30. It seems clear that Sir Edward Broughton after his second marriage lived at his tenement next the Gatehouse, Westminster, and that when he himself died, Lady Broughton and her sons, Edward Broughton and Edward Wyke, still lived there. Aquila Wyke, his second stepson, was resident at Wrexham, probably at Carnarvon Hall, Mount Street (on the site of Brown's Court, immediately opposite the old Mount House), Carnarvon Hall being the only house in the town belonging to the Marchwiell Hall estate. In 1670, Marchwiell Hall itself, according to the hearth tax returns, was occupied by Captain Broughton and Mrs. Anne Broughton, and contained twelve hearths. Although Edward Broughton, esq., "*alias* Sir Edward Broughton, bart." (son of the second Sir Edward by his wife Mary) is described as "of Marchwiell", this does not necessarily imply that he lived there, and I have not yet come across any decisive proof that he did so until after his mother's death, but I may say that Edward Lhuyd, in his account of Marchwiell Parish, remarks:—"Sir Edw. Broughton has a warren adjoining to his Hall." The house was subsequently tenanted (before 1731) by the Rev. Thomas Holland, of Berw, who was still there in 1735.

31. When war was declared against Holland, 22 Feb. 1664-5, the second Sir Edward Broughton joined the fleet, and was engaged in the famous naval battle of June 3rd, when he was mortally wounded. However, he was taken home to Westminster, where he died on the 20th, and was buried (26 June 1665) in the Abbey, "in the north part of the cross aisle near the monument door." [C.C.]

32. On the 20th Jan. 1680-1, Mary Lady Broughton made her last will (which was proved 21st March 1694-5). Therein she bequeathed to her son, Edward Broughton, her property in the town of Kingston-upon-Thames, in the county of Surrey; all her leasehold messuages and lands in Westminster; her right and title in the prison or "Goale" called The Gatehouse there, and in the Convict Prison and Mansion at the west end of Westminster Abbey, and all other her right and interest in her estate, personal and real, in the county of Middlesex, city of Westminster, and county of Surrey, she having purchased the same with her own "reall money or porcõn or patri-moniall estate", subject to two annuities of £40 each to her two "undutifull sonnes", Edward Wyke and Aquila Wyke. She bequeathed also to her said son, Edward Broughton, and his heirs lawfully begotten, the whole of the Marchwiell or Conqueress Hall estate in the parishes of Marchwiell, Wrexham, Holt, and Shocklache, in the counties of Denbigh, Flint, and Chester, and all the residue of her goods, chattels, leases, bonds, and all other her personal estate whatever, subject to the payment of her debts and the satisfaction of her legacies. Amongst these was a bequest of £100 to Mr. Roger Jackson, to whose care she left the management of her estate for the benefit of her children, and another of £50 to "her unfortunate undutifull daughter, Mary Decombe, daughter of my first husband, Aquila Wyke, deceased", this sum

being the sole provision made for Mary Decombe, "she having formerly imbeazled much of my estate." And in case the said Edward Broughton should die without [lawful] issue, then the testatrix bequeathed the premises unto her second son [by her first husband], Aquila Wyke and his lawful heirs, and for want of such issue to her eldest son, Edward Wyke and his lawful heirs. And she appointed her son, Edward Broughton, and the said Roger Jackson, sole executors. I print a fuller summary of this interesting will in Appendix V.

33. It has been repeatedly, but most inaccurately, stated that Edward Broughton (son of the second Sir Edward) was disinherited. But it now appears that Lady Broughton disinherited her two other sons and only daughter, in favour of this very Edward Broughton; these other sons were only to benefit beyond their beggarly annuities of £40 apiece in the event of Edward Broughton dying without lawful issue.

34. If Sir Edward Broughton had not settled his whole estate on Mary Wyke before his marriage with her, he would probably have squandered the greater part, if not all, of it. But his wife not merely maintained his credit and honour, but handed on to his only surviving son a largely augmented property. There is no ground for the outcry that has been made against Sir Edward Broughton's second wife.

35. Mary Lady Broughton is said to have been buried 19 March 1694-5, in Westminster Abbey, but Mr. W. M. Myddelton tells me that the record of her interment there is not recorded in the Abbey registers, and is only noted "in a herald painter's work book in the College of Arms" (50, p. 106).

36. It is evident that there was some litigation during Lady Broughton's life relating to the custody of the Gate-

house prison, for Mr. Myddelton found in Sir C. Levinz's *Law Reports*, 1722, the following sentence:—"And so was the case of Lady Broughton lately, who had the custody of the Prison of the Gatehouse at Westminster, under the Dean and Chapter, who being convicted of a forfeiture before Hale, 'twas resolved by him and all the Judges of King's Bench that the forfeiture belonged to the Dean and Chapter and not to the King." I am glad of this clue, but have not been able to follow it up.

37. The interest which one feels in Marchwiell Hall and its owners is not exhausted when the chief actors in the strange history just described pass off the scenes.

38. There is much mystery attaching to Edward, the sole surviving son of the second Sir Edward Broughton by Mary his wife. Under his mother's will he came into possession of all the Marchwiell Hall estate, and assumed the title of baronet, a title which was freely conceded to him by all and sundry. As Sir Edward Broughton, bart., he was high sheriff of Denbighshire in 1698. He is so styled in the rate books of Abenbury, where he had a mill and lands, and in the record of his burial (14 June 1718) in Marchwiell parish register he is again described as "Sir Edward Broughton, of Marchwiell, baronet." Other instances might be supplied, if those already given were not sufficient, of his being thus styled during his life. On the other hand, in the record of administration to his estate, which did not take place until 1738, he is called "Sir Edward Broughton, Baronet, otherwise Edward Broughton, *Esq.*" I have already suggested (in par. 26) what *excuse* Edward Broughton may have had for assuming a title which did not properly belong to him. He was a baronet claimant only.

39. To all this has to be added that there is not the slightest evidence to show that this Edward Broughton

ever married. In the administration of his will he is, in fact, described as "batchelor." And as this administration is very short I will give it in full:—

May, 1738.

July            On the fifth day issued forth a Com'on [commission] to Aquila Wyke, Esq., the Nephew by the Brother on the mother side and next of kin of Sir Edward Broughton, Baronet, otherwise Edward Broughton, Esq., late of Marchwiel Hall in the County of Denbigh, Batchelor, dec'ed [deceased] to ad'ster [administer] the Goods Chattels and Credits of the said dec'ed [deceased] being first  
Jan. 1738    sworn by Com'on [commission] duly to ad'ster [administer].

40. Edward Broughton executed a will which, if it could be found, would be certainly most interesting, and might clear up many points on which some uncertainty may still exist. I have had a search made at Somerset House for this will, but no mention of it occurs in the indexes there.

41. There is some discrepancy in the different accounts of the date of death of this Edward Broughton. According to the abstract of title he died in 1719, and, according to Colonel Chester in 1738. This last date I am able to explain. It was not until 1738 that administration was granted of his estate, and Colonel Chester has taken the year of this "administration" for the year of his death. From the Marchwiel register we learn that he was buried on 14 June 1718, and in the Abenbury rate books for the last-named year "the heirs of Sir Edward Broughton" are charged for Pymrhyd Mill and lands instead of "Sir Edward Broughton, Bt.," and in 1724, "Aquila Wykes, esq.," the son of his half-brother Edward Wyke, is charged for the same. Also, it is stated in the abstract of title that Aquila Wyke, on 2 and 3 Sept. 1728, suffered a recovery of the Marchwiel Hall estate at the Great Sessions for county Denbigh. It would be possible to

adduce much other evidence for the statement that Edward Broughton (son of the second Sir Edward) died in 1718, and that Aquila Wyke succeeded him under the provision of Mary Lady Broughton's will. But enough has been said on this point.

42. There is, however, another problem that has to be faced. Spite of the fact that in the administration to his estate Edward Broughton is said to have died unmarried, and that Aquila Wyke succeeded as his heir-at-law, it is claimed that he left at least one daughter and heiress, and, by implication, another daughter or other daughters. Thus, in Burke's *Landed Gentry*, 1846, we are told that "Theodosia, *eldest dau. and heir* of Edward Broughton, esq., of Marchwiell Hall, co. Denb.", married Rees Hanmer, esq., of Pentrepant, co. Salop, whose daughter and heir, Mary, married Henry Strudwick, esq., whose daughter, Mary, married the Rev. George Warrington, of Wrexham (vicar of Hope, Flintshire, 1773-1796, rector of Pleaseley).

43. When the Rev. George Warrington was talking with Miss Angharad Llwyd in 1821, he told her, or she said he told her, that [the second] Sir Edward Broughton married, secondly, "a Miller's daughter" [but see what I have said before, A. N. P.], and that "her influence was such that she persuaded Sir Edd. to disinherit his only son in favour of her daughter [who was, in fact, cut off with £50, A. N. P.]. The young baronet became disgusted, and went to the West Indies with his wife, who was Miss Hanmer, the heiress of Pentrepant. They left *one* daughter, who md. . . . Estwick, esq.<sup>1</sup> They were parents to the late Mrs. Warrington," etc.

<sup>1</sup> Should be Henry *Strudwick*, esq. Here we have evidently a mistake of Miss Llwyd, who could not catch the name rightly in the form Mr. Warrington gave it.

44. According to this account, then, Mrs. Warrington, instead of being *great* grand-daughter to Edward Broughton, of Marchwiell, was grand-daughter to him, and if we combine three of the different pedigrees we get the extraordinary result that Edward Broughton and his grandson, Henry Strudwick, married the same woman!

45. There is not the slightest reason to suppose that there has been any wilful misrepresentation here on the part of any one, but only that sort of mistake which is so easy to persons unpossessed of the critical temperament. There is no doubt some basis of truth in all these stories, but they are so muddled up that it is not only impossible [for me at any rate] to sift them, but even to make any sort of use of them.

46. The constant insistence on the disinheriting by the second Sir Edward Broughton of his only [surviving] son becomes unintelligible when we know that this son, Edward, actually came into full possession, although under his mother's will, of all his father's estates. And, if it be said that the son Edward, who was disinherited, was the son of Sir Edward's first wife, Alice, then we have to assume that Sir Edward had two sons, each bearing at the same time exactly the same name,<sup>1</sup> and each a "young baronet."

<sup>1</sup> It is right to say that there is some contemporary evidence for the statement that there were two brothers, each named Edward Broughton. Mr. Hughes, of Kimmel, calls my attention to the following obituary notice in the *Historical Register Chronicle*, which is the chronological diary to the *Historical Register*, 25 vols., 8vo, London, 1714-38:—

"Broughton (or Braughton) Mary (Mrs.), relict of Edward, bro. of Sir E. B. Bt. Denbeighs. 13-15 Jan. 1730." However, the more this entry is examined, the more evident it becomes that there is some error in it. The statement as it stands, unsupported by any other evidence, cannot be accepted. But it ought not to be ignored or suppressed.

47. All this, however, is but one example of the sort of stuff with which the historian of the later Broughtons of Marchwiell has to deal. One is enveloped in an atmosphere of "hud a lledrith", of fantasy and illusion, of perverted and hopelessly entangled imaginations, in which nothing is what it seems, and everything appears in the guise of something else. Fortunately the path is fairly straight, and no one who takes pains and has the instinct of direction can wholly miss it. To drop metaphor, the actual evidence, as it is contained in deeds, wills, settlements, registers and rate books, is perfectly clear and consistent, and corresponds with what is otherwise known. What else is still entangled may yet be made plain by following the same method, or by some chance discovery.

48. Aquila Wyke, of Marchwiell Hall, grandson of Mary Lady Broughton, is also described as of Llwyn Egryn, near Mold, an estate which he owned. I do not know how he came into possession of it, but I do know that he was continually mortgaging and re-mortgaging his Denbighshire property, and always hard up for money.

49. When Aquila Wyke died without issue, the Marchwiell Hall and Llwyn Egryn estates went to Stephen Brown, the husband of his sister Martha, whose son, Charles Brown, married his cousin, the daughter of another sister of Aquila Wyke. Thus, until 1795, Marchwiell Hall still remained in the possession of persons who had the blood of the "Cwneweres" in them.

50. I think it must have been his Mr. Charles Brown, rather than his father, Mr. Stephen Brown, of whom "Nimrod" <sup>1</sup> in his *Life and Times* thus writes:—

"There was a very extraordinary character residing in Marchwiell parish, of whom an anecdote or two will not

<sup>1</sup> Charles James Apperley, in *Fraser's Magazine*, April 1842.

come amiss. This was a Mr. Brown, who lived at what is called Marchwiel Hall, a gentleman of good fortune and of a naturally kind disposition, notwithstanding the fact of his having been known in the neighbourhood (near London) where he had previously resided as "Bloody Brown." The origin of the appellation was this. His garden had been frequently robbed of much of its choicest fruit, and he, being an old soldier—having served at the siege of Havanna, of which he gave a most wonderful and amusing account—was not one to be trifled with on such occasions; consequently, he was determined to put a stop to the depredations to which he had been subject. He applied to a dissecting-room in London, and obtained the leg of a human being, fresh cut from the body, on which he put a stocking and a shoe, and then suspended it in a man-trap over his garden wall. The act obtained him the soubriquet I have mentioned, but his fruit was afterwards safe.

The following trait in his character was related to me by Mr. Strong [the Rev. Samuel Strong, rector of Marchwiel], who was one of the executors under his will. Four letters, marked 1, 2, 3, and 4, were found among his papers, three of them written by himself to some noble lord, whose name has escaped me. They were to the following effect:—

No. 1. "My lord, I did myself the honour to write to your lordship on the . . . instant. I fear my letter may not have reached your lordship's hands."

No. 2. "My lord, I had the honour to write to your lordship on the . . . ult., and am surprised that your lordship has not acknowledged the receipt of that, as well as of a former letter, should it have reached you."

No. 3. "My lord, I have had the honour to write two letters to your lordship, to neither of which you have

thought proper to reply. Unless I receive an acknowledgment of either one or the other of them, *in a week from this time*, you will hear from me in that language which one gentleman uses towards another when he considers himself insulted."

No. 4. His lordship's answer, pleading parliamentary occupation.

51. The great grandson of Mary Wyke was evidently a man who would stand no nonsense.

52. The Rev. George Warrington (who must be taken to be a wholly trustworthy authority for all matters within his own knowledge and experience) told Miss Angharad Llwyd in 1821 that Mr. Brown [obviously Mr. *Charles* Brown] melted down the leaden busts of Prince Rupert and Prince Maurice, while the portraits of the king and queen of Bohemia (see par. 6) were dispersed at the sale at Marchwiell Hall which had taken place "about 30 years" before. Mr. Brown died at Bath 10 July 1795, and in 1799 is described as "formerly of Llwynegryn, in the parish of Mold, afterwards of Carson, in parish of Godstone, Surrey, and late of Reigate, Surrey."

53. From the sale of household effects at Marchwiell Hall must be distinguished the sale of the estate itself, which seems to have taken place somewhat later. I once saw a catalogue of this sale, but unfortunately, although the day of the month—31st of May—was given, the year was omitted. For the purposes of the sale, the estate was divided into six lots. Part of the mansion (with coach-house, stables, lawn, and gardens) was stated to be in the possession of the owner, and could be entered upon at pleasure. The remainder of the mansion was occupied as a farm-house, and was held, with orchard, yard, and lands directly appurtenant thereto, at an annual rent of £166. Lot 6 comprised a "handsome new built dwelling-house

called Lower Hall, situate, *if not extra-parochial*, in the townships of Dutton Diffeth and Shocklach", a small tenement called Parry's Tenement, and 157 acres of land thereto belonging, mostly pasture and meadow, on the banks of the Dee, in the occupation of Mr. William Parsonage, under a lease for four lives, at an annual rent of £177, "worth £300 a year". Lord Kenyon, Mr. Richard Birch, Mr. John Edgworth, and Mr. Thomas Parsonage were among the purchasers, but the Hall itself, its demesne lands, and various detached parcels, were still unsold at the beginning of 1799. However, on March 24, 1801, Mrs. Lucy Brown, widow, and second wife of Charles Brown, esq., sold Marchwiell Hall and the lands comprised in Lot 1 of the catalogue, containing 177½ acres, and two pews in Marchwiell Church, to Samuel Riley, esq., of Pickhill Hall, for £7,000. There had formerly (in 1773) been a "dove house" among the outbuildings; and in the same year "a building adjoining" the Hall, "called the Gate House", a name curiously reminiscent of the old Gate House Prison in Westminster.

55. We might conjecture from the name "*Old Marchwiell Hall*" that the tenement so designated represents the capital message of the Broughtons of Marchwiell, and this indeed is the common belief, *based wholly on the name*, which, however, so far as I can discover, does not occur earlier than the beginning of the nineteenth century. The names of the fields, moreover, attached to *Old Marchwiell Hall* (Trawsdir, Wern, Rofft, Maes gwyn, Maes Madoc, Cae du, Pwll ffranklin, etc.) are not mentioned in the deeds of the Marchwiell Hall of the Broughtons and Wykes, while many of the names of fields actually mentioned in those deeds still persist, and indicate lands attached to the present Marchwiell Hall. When this latter was built I do not know: it appears to be compara-

tively modern, but that it represents the house of the Broughtons, Cwneweres Hall, or the true Marchwiell Hall, is to me beyond question. "Henblas" (*Old Hall*) is a field with no house on it on the Marchwiell Hall estate, but it was so named and in the same condition in the time of Aquila Wyke, and was among the lands mortgaged by him, afterwards redeemed, and finally included in Lot 1, when the whole estate was put up for auction. I only deal in this paper with the owners of the mansion called "Marchwiell Hall", without prefix or addition.

56. The later history of Marchwiell Hall concerns us very little, but it may be well to add that it was bought in 1826 from Thomas Parker, esq.<sup>1</sup> (the devisee under Mr. Riley's will) for £13,000, by Samuel Boydell, esq., of Manor, in the parish of Hawarden, who sold it in 1831 to the late Townshend Mainwaring, esq., then of Llyndir, for £11,000. Samuel Pearce Hope, esq., of Betley Hall, Staffordshire, purchased Marchwiell Hall and estate from Mr. Mainwaring in 1861, for £13,451, and Mr. Hope's widow, Mrs. Amelia Hope, sold the same in 1882 to the late Benjamin Piercy, esq., for £18,437, the area of the property being then nearly 190 acres. Mrs. Piercy still occupies Marchwiell Hall.

57. One remark I may make by way of reflection. Is there not shown, in the history of the Broughton and Wyke families, how untrustworthy, how contrary to truth, is much that passes under the name of "tradition"? The most careful antiquary makes mistakes, sometimes serious mistakes, now and again, spite of himself, but there are people who seem incapable of telling a story exactly as it

<sup>1</sup> Mr. Samuel Riley's last will was made 24 Sept. 1823, and it was proved at Chester on 19 Dec. following. The above-named Thomas Parker, esq., was only son and heir of the Rev. John Parker, and married (about 1795) Dorothy Cholmondeley, spinster.

is told them, are blind to improbabilities, have no conception of the nature of evidence, and never think of subjecting any statement, *especially if it be once printed*, to due examination. However little interest this history in itself may have, it will at least demonstrate the necessity of consulting, so far as they are available, original sources and contemporary records, and of not allowing even these to go uncriticized.

58. I must, in conclusion, acknowledge my indebtedness to the researches of the late Colonel Chester, and render thanks for the many hints, readily given, by W. M. Myddelton, of St. Alban's, and H. R. Hughes, of Kinnel Park, esquires.

*Wrexham, April 1900.*

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#### ADDENDA.

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59. Referring to Mr. Leighton of Marchwiell, I have become aware of a literary treasure he possessed. In what is known as the "Peter Ellice Genealogies" (Harleian Collection, British Museum, Additional MSS., Nos. 28,033 and 28,034) occurs the following sentence:—"In Mr. Leighton's Card written by Rees Cain of Oswestry, A° 1597, mençôn is made of these Beirdd: vz Gûttyñ Owen, Evan Breghva, Grûffith Hiraethog, Symon vychan, W. llŷn, William Cynwall, Rees Cain, Lewis Dwn."

60. In the text, the second Sir Edward Broughton has been described as knighted "in or *before* the year 1664." But I am now able to say that he was knighted at some time between the 7th April 1660 and 8th Nov. 1661.

61. The son, Edward, of the second Sir Edward Broughton of Marchwiell was one of the deputy lieutenants for county Denbigh in 1714, and was then officially described as "Sir Edward Broughton, *bart.*"

## APPENDIX I.

SUMMARY OF WILL OF JOHN MOSTYN.<sup>1</sup>

March 1609-10.—Last will of John Mostyn, of parish of "Kilken", county of flint . . . . to my uncle Roger Mostyn the forty shillings he oweth me . . . . my brother, Sir Thomas Mostyn, knt. . . . to my sister Katherine Leighton "my chaine of gould", . . . . to Anne Broughton daughter to Morgan Broughton, esq., all the sheep I have at Bangor in the custodie of John Hamner, of Ruyton, gent., and half a dozen of heyyfers of three years ould, and six kine, etc. . . . . to my nephew, William Dymock, esq., the parcels of land called dol gwernhescog, kae newydd, gwerglodd kae newydd and all my lands in gwerglodd hir in the township of Sesswick, being "coppeshould landes," . . . . to Edward Broughton, son and heir of Morgan Broughton, esq., the lands some time in tenure of dauid ap John ap Jenkyn "in leangth from the Lande called kae r scubor on thone ende and the Lande called kae rhwng y ddwyffordd in the other end, and in bredth betwene the Lande called yr Acre yslaw y ffordd on the one side and the heigh waye that leadeth from Bangor to the Pymrhydd", "being coppeshould landes". "My well beloved Nephew Sir Roger Mostyn, knt., whom I appoint my sole executor."

<sup>1</sup> John Mostyn, second son of William Mostyn of Mostyn, esq. He married Elizabeth, daughter of Roger Decca, and widow of the John Hamner named in the will, and died without offspring. He is described in 1617 as deceased. His second sister was Margaret, wife, first, of Wm. Dymock, of Penley, gent.; secondly, of Henry Parry, esq., of Marchwiell and Basingwerk; and thirdly, of Richard Leighton, esq., of Marchwiell. [See Broughton pedigree.]

## APPENDIX II.

Indenture . . . Feb. 1616-7 (Summary).—Whereas William Lloyd of halghton, co. fflint, gent., John ap John ap Robte goch of Bedwall, gent., and Robte Dycus *als* Robert ap Dauid ap Richard ap dycus did enter into a bond of £50 unto John Hanmer, deceased, and Elizabeth his wife, dated 12th May in 23rd year of Queen Elizabeth, the condition being that John Hanmer should quietly occupy those clausures of land called y weirgloth newith, y weirgloth perllan, y kochdyr, and the fourth lieth within a meadow called y weirgloth hiyr. And whereas Sydney Ellis, of Pickhill, gent., likewise entered into a bond of £100 to John Mostyn of Sesswicke, gent., deceased, and *the said* Elizabeth his then wife, dated 8 March 45th (?) year of Queen Elizabeth. And whereas said John Mostyn, surviving said Elizabeth, did by his last will dated . . . March 1609, give to Edward Broughton, gent., son and heir of Morgan Broughton, esq., amongst other things the said bonds, Now the said Edward Broughton, etc.

## APPENDIX III.

ABSTRACT OF THE WILL OF "HENRY PARREY, Esq., of Marchwiell, in the County of Denbigh" (made 12 Sept. 1589).

I will my body to be buried in the Parish Church of Marchwiell. I bequeath the sum of forty shillings to be employed and divided among the poorest sort of people dwelling in the parish of Marchwiell. I bequeath to my Son in Law Morgan Broughton, esq., and Margaret his wife my daughter my best gelding with saddle and bridle. I bequeath to my son Thomas Parrye my best gold chain, gold signet ring, and my second gelding saddle and bridle according to my former gift made to him. I bequeath all the messuages, lands, tenements, and hereditaments which I have in the realm of England or Wales to my said son Thomas Parry and to his heirs lawfully begotten, and in default of such issue to the lawful male heirs of myself

and my now wife Katherine, and in default of such issue to my daughter Margaret Broughton and her lawful heirs, and in default of such issue, to the lawful issue of myself and my wife Katherine. I bequeath to my Overseers hereafter named twenty-five pounds each of lawful money of England. All the rest of my goods, chattels, household stuff, plate, jewels, leases, "ffearmes", store, and substance, I bequeath to my said wife, whom I charge to be a good and natural mother to my and her lawful son, Thomas Parrey, and to provide that he may have the portions, left unto him by my will, delivered and assured unto him before she shall marry again, in order that he whom she may marry shall not defraud my child Thomas Parrey of any thing he ought to have—I appoint my wife sole and full executrix to this my will, and I appoint as overseers my trusty brethren, Thomas Mostyn, esq.,<sup>1</sup> Bennet ap Thomas ap Harry,<sup>2</sup> and my friends Robert Turbridge, esq., and William Knight, gent., that by their discretion my said child, Thomas Parrey, may enjoy the benefit of all things left to him. Witnesses, Henry Mostyne, Thomas Broughton, William Knighte, John Hughes, Elizabeth Roberts.

Proved 7 Feb. 1589-90.

[I believe it has not been hitherto recorded that Mr. Henry Parry had a son, who, however, must have died without issue, for Mr. Parry's estates went in fact to his two daughters and their heirs—Basingwerk, etc., to his elder daughter, Mrs. Ann Mostyn, and Marchwiel, etc., to his younger daughter, Mrs. Margaret Broughton.—A. N. P.]

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#### APPENDIX IV.

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DECLARATION BY THE FIRST SIR EDWARD BROUGHTON, OF MARCHWIEL (15 July 1647).

TO ALL CXRIAN PEOPLE to whome this p'sent writinge shall come or it shall reade heare or see I Sir Edward Broughton of Marchwiell in the County of Denbigh knt.

<sup>1</sup> Afterwards Sir Thomas Mostyn of Mostyn, knt.

<sup>2</sup> Bennet ap Thomas ap Harry of Perth y maen, testator's own brother.

doe send greetinge in o<sup>r</sup> Lord god everlastinge WHEREAS Sir Henry Hobard knt and barronet late Chief Justice of his Ma<sup>ts</sup> Courte of Comon Pleas and Chancellor to his Mat<sup>ie</sup> when he was Prince of Wales Duke of Cornwall and of Yorke and Earle of Chester, Thomas Morray esq<sup>r</sup> secretarie to his Mat<sup>ie</sup> when he was Prince Sir James fullerton knt Master of his Highnes Wards and Liuries Sir John Walter knt his Highnes Atturney generall and afterwards Chief Baron of his Ma<sup>ts</sup> Court of Exchequer all deceased and Sir Thomas Treuor knt then his Highnes Sollissitor generall and now one of the Barrons of his Ma<sup>ts</sup> Courte of Exchequer<sup>1</sup> by theyre Indenture beareinge date the first day of July in the twentieth yeare of the Raigne of o<sup>r</sup> late Soueraigne Lord kinge James his raigne ouer England, haue graunted and to farne Letten vnto the said Sir Edward Broughton all those fiae acres of meadow called or knowne by the Name of the Receiuo<sup>rs</sup> Meadow Lyeinge betweene the Landes Late of Peter Roden of the East pte and the Lands late of Raph Broughton and Robert ap Randle on the West pte Now or Late in the tenure or occupation of Robert Puleston esq or his assignes And all those three acres of Meadow by estimation in Coyd euan adioyninge to a certayne Meadow called the Constables Meadow now or late in the tenure or occupation of Richard Eyton gent or his assignes w<sup>th</sup> all and singular their appurtenaunces being pcell of the Lordship of Broomfield and Yeale in the said county of Denbigh and of the Land of the Mannors in the charges of the Baylifs of Cobham Almor and Cobham Iscoyd in the said Lordship, except in the said Indenture excepted vnto the said Sir Edward Broughton to hould from the feast of the Annuntiation then last past for and duringe the terme of one and thirtie yeares at the rent of thirtie shillings eight pence as in and by the said Indenture of Lease more at Large it doth and may appeare AND WHEREAS the said Sir Edward Broughton for and in consideration of a certayne some of money to him beforehand payd by the said Sir Thomas Treuor

<sup>1</sup> These were the Commissioners appointed by James I on the 27th January in the 22nd year of his reign for the sale of leasehold, escheat, and demesne lands in the lordship of Bromfield and Yale, so that such lands might thenceforth be held in free and common socage. I believe there had been an earlier grant of the lordships to these Commissioners.

and by the appoyntment and at the nomination of the said Sir Thomas Treuor and for diuerse other good causes and valuable considerations him therevnto espetially moueing hath graunted, assigned and set ouer vnto the said Sir Thomas Treuor Edward Harris and Richard Winch their executors Administrators and assignes all the said Sir Edward Broughton his estate right title interest terme of yeares and clayme and demand whatsoever of him the said Sir Edward Broughton of in or to the said p'mises or euy parte thereof w<sup>th</sup> the appurtenennces as in and by the Indenture made betweene the said Sir Edward Broughton of the one partie and the said Sir Thomas Treuor knt Edward Harris and Richard Winch of the other partie beareinge date the nynteenth day of June in the eleauenth yeare of the Raigue of our Soueraigne Lord Charles by the grace of god of England Scotland ffrance and Ireland kinge defender of the faith etc may more playnely appeare AND WHEREAS Sir William Russell of London knt and Barronett William Collins and Edward ffenn of London gent. by their Indenture dated the fourth day of Aprill Anno dom one thousand six hundred thirtie three in the nynth yeare of the Raigne of our Soueraigne Lord kinge Charles for the considerations therein mentioned did bargaine sell and confirme vnto Robert Euans of the parish of Sct Martins in the fields in the County of Middlsex esq his Heires and assignes, amongst other things, the said recited premises as fully freely and wholly in as Large and ample manner and forme as by our Soueraigne Lord kinge Charles by His Highnes his letters pattents sealed as well by the greate seale of England as w<sup>th</sup> the seale of the dutchy and county pallatyne of Lancaster beareinge date the eighth day of December in the seauenth yeare of his Mat<sup>s</sup> Raigne, the said p'mises w<sup>th</sup> the appurtenaunces (amongst other things) weare graunted to the said William Collins and Edward ffenn their Heires and assignes for eu<sup>r</sup> in fee farme And in as ample manner and forme as the Right hob<sup>le</sup> Thomas Vicecount Sauage Chauncellor to the Queene Mat<sup>ie</sup> ffrancis Lord Cottington Chauncellor of his Mat<sup>ies</sup> Exchequer and one of his Mat<sup>ies</sup> most hob<sup>le</sup> priuie Councill Sir ffrancis Crane knt Chauncellor of the most noble order of the garter, Sir Thomas Treuor knt one of the Barrons of his Mat<sup>s</sup> said Exchequer Sir Walter Pye knt his Mat<sup>ies</sup> Attorney of his Highnes Courte of Wards and Liueries and Sir John Banks knt then Attorney

generall to the most excellent Prince Charles, by Indenture vnder their hands and seales beareinge date the seauententh day of January then last past and enrowled in the Chancery and for the Considerations therein mentioned haue graunted bargained sould and confirmed the same p'emises (amongst other things) vnto the said William Collins and Edward ffenn their Heires and assignes AND WHEREAS the said Robert Euans by his Indenture beareinge date the second day of December in the said nynth yeare of his said Ma<sup>ts</sup> Raigne for the considerations therein mentioned at the nomination and appoyntm<sup>t</sup> of the said Sir Edward Broughton and in trust for him hath graunted bargained sould and confirmed vnto Charles Deodate and John Deodate sonns of Theodore Deodate of London Docto<sup>r</sup> of Phisick their Heires and assignes all and singular the said p'mises as by the said Indenture more at large appeareth. AND lastly whereas the said Sir Edward Broughton Charles Deodate and John Deodate sonns of Theodore Deodate of London, Docto<sup>r</sup> of Phisick by their Indenture beareinge date the twentieth day of June in the said eleauenth yeare of kinge Charles for and in consideration of the some of two hundred pounds of good and lawfull money of England to the said Sir Edward Broughton by the said Sir Thomas Treuor in hand payd by the nomination and appoyntm<sup>t</sup> of the said Sir Thomas Treuor and in trust for him and his Heires haue graunted bargained sould enfeoffed and confirmed vnto Richard Prytherch<sup>1</sup> Sir Thomas Treuor Baronett sonne and heire of the said Sir Thomas Treuor by the name of Thomas Treuor esq and Richard Dauies vintener<sup>2</sup> and their heires and assignes the recited p'mises and euery parte and parcell of them w<sup>th</sup> the appurtenennces in w<sup>ch</sup> said Deed there is this prouiso that if the said Sir Edward Broughton Charles Deodate and John Deodate their Heires and assignes or any of them doe pay or cause to be payd vnto the said Sir

<sup>1</sup> Richard Prytherch. Mr. Hughes, of Kinnel, tells me he was son of Rhydderch ap Richard of Myfyrian, co. Anglesey. He entered Inner Temple 2 Dec. 1596, became barrister-at-law 10 Feb. 1615, Puisne Judge of Chester, 1636, and died 1647. His mother was Margaret, daughter of Piers Puleston, and his wife Martha, daughter of Godfrey Goodman.

<sup>2</sup> Richard Davies of London, vintner, was also owner of the Erddig House estate, county Denbigh, which he afterwards sold to John Edisbury, esq. Erddig is a township adjoining that of Marchwiell.

Thomas Treuor his executo<sup>rs</sup> administr<sup>ors</sup> or assigns the whole and entire some of two hundred and fiftene pounds of lawfull Money of England at or vpon the twentie fourth day of June w<sup>ch</sup> shall be in the yeare one thousand six hundred thirtie six at the now dwellinge House of the said Sir Thomas Treuor in or neere Dorset Courte als Sallisbury Courte London that then and from henceforth this p'sent Indenture and allsoe an assignment of a Lease and terme of the p'mises bearinge date the nynteenth of this Instant June shalbe voyd and of non effect as by the said Indenture may more fully appeare w<sup>ch</sup> said Money was not paid accordinge to the said Condition and therefore Know yee that I the said Sir Edward Broughton of eightie pounds interest Money due to the said Sir Thomas Treuor knt as allsoe in consideration of the some of one hundred pounds of lawfull money of England to me the said Sir Edward Broughton in hand well and truely payd before the enseallinge and deliuery by the said Sir Thomas Treuor the Receipt whereof I the said Sir Edward Broughton doe heareby acknowledge and confesse and thereof and of eu'y parte and parcell thereof doe fully and absolutely exonerate acquit release and discharge the said Sir Thomas Treuor his heires executo<sup>rs</sup> and administrato<sup>rs</sup> and euery of them for euer by these presents haue remised released acquitted confirmed and for me my heires executo<sup>rs</sup> and administrato<sup>rs</sup> for euer quit claymed and by these presents doe acquit release remise confirme for me my heires executo<sup>rs</sup> and administrato<sup>rs</sup> quit claymed vnto the said Sir Thomas Treuor Sonne and heire of the said Sir Thomas Treuor Richard Prytherch and Richard Dauies and their heires all my right title interest condition of redemption clayme propertie challenge and demaund whatsoever w<sup>ch</sup> I now haue or at any tyme hereafter may haue clayme challenge or demaund to haue of and to the said parcell of Lands meadows and pasture w<sup>th</sup> the appurtenennces or any parte or parcell thereof by virtue of the said condition or any other way whatsoever To HAVE AND TO HOULD all my said right title interest clayme and demaund whatsoever of in and to the said premises or any parte thereof w<sup>th</sup> the appurtenennces vnto the said Sir Thomas Treuor sonne and heir of the said Sir Thomas Richard Prytherch and Richard Dauies their heires and assigns to the only proper benyfit vse and beehoofts of them the said Sir Thomas Treuor Richard Prytherch and Richard

Dauies foreuer soe as neyther I the said Sir Edward Broughton nor my heires executo<sup>rs</sup> nor administro<sup>rs</sup> nor any of vs shall or may at any tyme heereafter clayme challenge or demaund the said premises or any parte thereof or any benyfit of or out of the same but that wee and eu'y of vs be in that respect wholly and absolutely excluded and debarred foreu' by these presents, AND I the said Sir Edward Broughton and my heires all the said Lands and premises and eu'y pte thereof w<sup>th</sup> their ap-  
 purtenemces vnto the said Sir Thomas Treuo<sup>r</sup> Richard Prytherch and Richard Dauies and their heires and assignes to the only proper vse and beehoofe of them the said Sir Thomas Treuo<sup>r</sup> Richard Prytherch and Richard Dauies and their heires foreu' against me and my heires executo<sup>rs</sup> administro<sup>rs</sup> and assignes and against all other person or persons Lawfully clayminge the premises or any parte thereof by from or vnder me the said Sir Edward Broughton shall and will warrant and foreuer defend by these presents IN WITNES whereof I the said Sir Edward Broughton haue hearevnto put my hand and seale the fiftenth day of July in the yeare of the Raigne of our Soueraigne Lord kinge Charles of England Scotland ffrance and Ireland defender of the faith etc the three and twentieth Ann dom 1647.

*Edw: Broughton*

*Seal indistinct, but apparently a lion statant gardant.*

Sealed and deliuered in the pr'sence of

J. EDISBURY

GEO. DALTON

WILLIAM AP ROBERT [mark].

APPENDIX V.

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## ABSTRACT OF THE WILL OF MARY, LADY BROUGHTON (20th January 1680-1).

I Dame Mary Broughton of Marchweil *als* Conqueress Hall in the County of Denbigh widow being of good and perfect health and sound memory do make ordain publish and declare this writing "writt by my owne hands" to be my last Will and Testament revoking and making void all and every Will and Wills by me formerly made.

As to my body I leave it to be disposed of according to the discretion of my executors to be decently buried; as to my "temporall estate" first I bequeath unto my son Edward Broughton my house and tenement with the appurtenances lying and being in the market place in the Town of Kingston-upon-Thames in the County of Surry now or late in the tenure or occupation of Robert Punter or his assignes with "all wayes, watercourses, stables, gardens, orchards, stalls, or standings in the market place", also I bequeath unto my said son Edward Broughton my house and tenement with the appurtenances lying and being between the Gatehouse at Westminster and the Convict Prison of the Right Reverend Father in God. . . . Lord Bishop of London on the East, now or late in the occupation of John Hamden, gent., with all stables, coach-houses, outhouses, barns, gardens, yards, orchards, and appurtenances to the said house, messuage, or tenement belonging. I also bequeath to my said son Edward Broughton my right, title and interest of and in the prison or "Goale" called the Gatehouse Westminster with all rooms comodities and necessaries with all appurtenances to the said Prison house or Goale belonging or with the same used or occupied. I also bequeath unto my said son Edward Broughton all my right title and interest in the convict prison in Westminster together with the Mansion House and Messuage now erected and built upon the said prison wherein the Countess of Tirconnell now dwellith, lying and being at the West end of Westminster "Abby", with all stables, coach-houses, outhouses, barns, gardens, orchards, and all appurtenances to the same belonging. I bequeath unto my said son Edward Broughton all my other right title and interest of and in all my estate personal &

real in the county of Middlesex, City of Westminster and County of Surry, I having purchased the same with "my own reall money or porcion or patrimoniall estate" upon condition and it is my true meaning that the said Edward Broughton shall pay unto my two other sons Edward and Aquila Wyke fourscore pounds yearly during their natural lives, that is to say £40 a year each son to be paid quarterly by equal portions. If my said son Edward Broughton neglect or refuse to pay unto my said two "undutifull sonnes" Edward Wyke and Aquila Wyke their said annuity of £40 a year in manner aforesaid or within 40 days after each quarter day if lawfully demanded of the said Edward Broughton at his Mansion House at Marchweil *als* Conqueress Hall, then my said devise of the premises in the said County of Middlesex and City of Westminster to be void and the said houses to go to my other two sons Edward and Aquila Wyke to be equally divided between them share and share alike. I give and bequeath unto my son Edward Broughton and his heirs lawfully begotten "All that my Capitall Messuage called Marchweil *alias* Conqueress Hall" with the barns, stables, outhouses, edifices, buildings, gardens, orchards and demesnes lands thereunto belonging with their appurtenances in the said parish of Marchweil in the County of Denbigh and all other my Messuages, demesnes, Lands, tenements and hereditaments lying and being in the several parishes of Marchweil, Wrexham, Holt, and Shocklyche, or any or either of them, or elsewhere, in the counties of Denbigh, Flint, and Chester, and for want of such issue of my son Edward Broughton, then I bequeath the said Messuages, lands, and premises unto my second son Aquila Wyke and his lawful heirs, and for want of such issue, then to my eldest son Edward Wyke and his lawful heirs and for want of such issue to my own right heirs for ever. Provided always that the said Messuages etc devised to my said three sons and their heirs "in taile" shall stand charged and be chargeable with the several Legacies and bequests hereafter mentioned and shall be paid to the said Legatees within the space of one year after my decease. I bequeath unto "my unfortunate undutifull daughter Mary Decombe daughter of my first husband Aquila Wyke deceased, she having formerly imbeazled much of my estate, £50". To my waiting woman, £10. To every servant that shall serve me at the time of my death 40s. a piece. To the

poor of the parish where I am buried, £10. To the preacher of my funeral sermon, £10. To my friend Mr. Roger Jackson £100 to whose care I leave the management of my estate for the benefit of my children. I bequeath to my son Edward Broughton all the residue of my goods, chattels, leases, bonds and all other my personal estate whatsoever, he paying my debts, and satisfying my Legacies. I appoint my said son Edward Broughton and my said loving friend Roger Jackson my sole executors.

MARY BROUGHTON.

Witnesses—

Thomas Crue  
John Richardson  
Daniell Browne.

Proved 21st March 1694-5.

## APPENDIX VI.

### THE DACKOMBES (see p. 62).

There were Dackombes, or Dycombes, of Wrexham, and I copy from the Wrexham registers the following notes concerning them:—

- 24 Sept. 1713, Edward, son of John Dacomb, gent., w[rexham] a[bbot]  
born 19th, bapt. 24.  
17 Nov. 1714, Katherine, wife of John Daxton [Dacomb?] Gent, of  
Pen y brinn was buried.  
13 Sept. 1715, Edward, son of Mr. John Dycomb, of w.a., was buried.  
6 Apr. 1716, Mary, da. of Jo. Dicomb, of w.a., born ye 3rd, bapt.  
20 Sept. 1717, Robt., son of Mr. Robert Dacomb, of w. a. . . . bapt.

It is obvious that Mr. John Dackombe married again, and as his daughter by his second wife was named "Mary" it might be surmized that he it was who married Mary Wyke. But the dates are against this supposition, for Mary Wyke was already Mrs. Dackombe in 1681. Still it is not at all unlikely that she was the mother, or, at any rate, somehow connected with the Dackombes mentioned above, who lived in the lower part of Pen y bryn, now called "Bridge Street", at the house next but one to The Horns. It may be added that in 1843 and again in 1857 Daniel Dackombe, esq., was owner of Pumrhyd Mill in Abenbury, part of the old Marchwiell Hall estate. This

is curious, but I am certain that he did not inherit it either from the Broughtons, Wykes, or Browns of *Marchwiell*.

[Since writing the foregoing I have discovered that a John Duckome and Margt. Davies, both of Wrexham Parish, were married at Gresford, 21 Feb. 1710-1. I have learned also from Mr. Edward Owen, of the India Office, that "Sir John Dacombe, knt.," was one of six Commissioners to whom James I., on the 10 Jany., in the fourteenth year of his reign, granted the Lordship of Dyffryn Clwyd for 99 years. He was probably Sir John Dacombe of Stapleton, Dorset, Chancellor of the Duchy of Lancaster, knighted in 1616.]

I have had copied the pedigrees of Dackombe of Corfe, of Stepleton, and of Winterborne Kingston, in Hutchins' *History of Dorset*, but in no one of them does the name of Wyke occur, nor any name which can be identified with that of the Dacombes or Dycombs of Wrexham.

Mr. Hughes, of Kinnel, has, however, given me a real clue to the Dackombes, who were related to the Wykes, which unfortunately I cannot now follow up or disentangle. He writes:—"In Manning and Bray's *History of Surrey*, vol. ii, 630, I find that John Knightley [and be it remembered that Mary Lady Broughton, was a Knightley of Kingston] of Little Ashted or Priors Farm in that county, in 1713 suffered a Recovery of the said manor farm, the Whitehouse, the old Courthouse, and the Quakers' Meeting House in *Kingston*, and sold it to Aquila Wyke, who settled it on his daughter's marriage with Charles Browne of *Marchwiell*. She ob. s. p., and it descended to Aquila Dackambe as heir-at-law, and he owned it in 1809." Now Charles Browne, of *Marchwiell*, did not marry Aquila Wyke's daughter. He married his cousin, Anne Rockwood, whose mother, Mary, was daughter of Edward Wyke, elder brother of the Aquila Wyke who died in 1703, and father of the Aquila Wyke who died in 1772, both dying without issue. There is thus a mistake in Bray's *History of Surrey*, but it evidently reveals some connection between the Knightleys, Wykes, and Dackambes, which requires further elucidation.—A. N. P.

Mr. Hughes continues:—"In the *Heraldic Visitation of Surrey*, in 1632, the following coat of arms is recorded to John Knightley, of *Kingston*—Quarterly, 1 and 4 ermine, 2 and 3 paly of six or and gules, over all on a bend azure, a tilting spear or headed argent. The foundation

of this is the Fawsley coat differenced by the bend. Possibly they were an illegitimate branch. John Knightley, who sold to Aquila Wyke, was the son of Robert Knightley, by Ann, dau. of Sir John Chapman, who was son and heir of Sir Robert Knightley, kt., who purchased Little Ashted in 1671, from Leonard Wessell, his Trustee. The only mention I find of William Knightley is that in 1647 his daughter, Sarah, married Richard Cowper, of Temple Elephant in Capel, co. Surrey, and d. 3 Nov. 1662. She, of course, was sister to Mary, Lady Broughton."

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# Vita Sancti Kebie,

BY

THE REV. S. BARING-GOULD.

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THERE are extant two lives of S. Cybi or Cuby, both in Latin, and both in the same MS. Collection (Cotton Lib. Vesp. A. xiv) in the British Museum; both are apparently independent translations from one Welsh original. The first has been published by Rees in his *Lives of the Cambro-British Saints*, Llandovery, 1853.

The MS. belongs to the 13th century. It contains a calendar, and lives of S. Gundleus, S. Cadoc, S. Iltut, S. Teliau, two of S. Dubricius, S. David, S. Bernac, S. Paternus, S. Cleauc, two of S. Kebi, S. Tatheus, S. Carantoc, and S. Aed.

The author of the Latin life of S. Gundleus seems to imply that he derived his narrative from a Welsh poem on the life of the saint, for he records the circumstances of the composition of this bardic effusion. And that the two lives of S. Cybi are taken from a Welsh original hardly admits of a doubt, for both narrate the same circumstances in the same order, and only differ in the rendering into Latin.

Solomon, the father of S. Cybi, was *princeps militiae*, i.e., Gwledig, or chief military officer, also called *Dux* of the British, and a local Cornish king.

The *Lives* give his pedigree differently from the Welsh genealogies. Solomon, according to the latter, was "ap

Gereint ap Erbin ap Cystennin Gorneu”, whereas the *Lives* make him son of Erbin son of Gereint, whom they represent as son of the fabulous Lud, the builder of London.

There were two Gereints. The second was son of Caranog of the race of Cadell Deyrnllug, and was father of S. Eldad, Bishop of Gloucester, who was killed by the Saxons; and the Gereint, who had a church dedicated to him in Hereford, was probably this latter Gereint.

Assuredly the Welsh pedigrees are more likely to be right than the *Lives*, for they invariably call Gereint the son of Erbin, and derive his descent from Constantine, and there is absolutely no confirmation of the statement that Gereint was son of Lud.

The mother of Cybi was Gwen, sister of Non, the mother of S. David. “Ortus autem fuit de regione Cornubiorum, inter duo flumina, Tamar et Limar” (Vit. 1<sup>ma</sup>). This is the principality of Gallewick, between the Tamar and Lynher, of which Callington is the principal town. There are, in the district, no churches that now bear the names of Solomon and Gwen as founders, but there are traces of the presence of Non and David, and possibly of David’s father Xant, in Altarnon, Landew, and Lansant (Lezant). There is, moreover, a tradition of a visit of S. David to Cornwall, mentioned by the poet Gwynfardd, who says that he received there ill-treatment at the hands of a woman.<sup>1</sup>

S. Wenn or Gwen has left traces of herself in Morval and S. Wenn, and possibly Llansalos may have been a foundation of S. Selyf or Solomon.

At the age of seven Cybi went to school, and lived thenceforth, till he was twenty-seven years old, in Cornwall.

<sup>1</sup> *Myryrian Archaeology*, i, p. 270.

After that he started on a pilgrimage to Jerusalem, and on his way home visited S. Hilary at Poitiers, who consecrated him bishop. This is an anachronism, as S. Hilary died in 366, nor does it help us if we suppose that a mistake has been made between Hilary of Arles and his namesake of Poitiers, for the former died in 449. It is not possible to put S. Cybi so early, when his grandfather Gereint fell at Llongborth in 522. In the *Lives* Elien Geimiad, his kinsman, has been confused with Hilary. As Rees, in his *Essay on the Welsh Saints*, has pointed out, Elien is very generally confounded with Hilary, as Geimiad (the Pilgrim) has been changed into Caimaid (bright) to correspond with the Latin Hilarius; moreover the name Hilary is rendered in Welsh Elian.<sup>1</sup>

The *Lives* assert that Cybi remained for fifty years on the Continent. This is incredible, as shall be presently shown.

On his return to Cornwall, Cybi probably made his two important foundations of Duloe and Tregony. Duloe is remarkable as having adjoining it Morval, a foundation of his mother S. Gwen, and Pelynt, one of his aunt S. Non. Due North is S. Keyne, who was his cousin. If, as I conjecture, Lansalos was a foundation of S. Selyf, then his father was not far off. At Tregony again, we find in close proximity his aunt, S. Non, at Grampound.

How long Cybi remained in Cornwall we do not know. The *Lives* inform us that the natives desired to elevate him to the throne, but that he refused the honour. We know so little of the history of Cornwall at this period that we can do no more than conjecture that his father Solomon was dead, and that Catau, the Duke Cadour of Geoffry of Monmouth, had succeeded. Cadour was in turn

<sup>1</sup> Rees, *Welsh Saints*, 1836, p. 267.

succeeded by the turbulent Constantine, who was so violently assailed by Gildas in his epistle, *circ.* 545.

Immediately after this abortive attempt to raise Cybi to the throne, the saint left his native land for Wales. It is easy to read between the lines of the narrative and see that a disaffected portion of the Cornish endeavoured to put Cybi at their head against, probably, the violent Constantine; that this attempt failed, and that Cybi was obliged to fly for his life.

He took with him ten disciples, of whom four are named Maeloc, Llibio, Peulan, and Cyngar. Cyngar was, in fact, his uncle, the famous founder of Congresbury, in Somersetshire, which he had abandoned probably on account of the incursions of the Saxons. Cyngar was now an aged man, "Consobrinus ejus Kengar erat senex."

On leaving Cornwall, Cybi went to Morganwg, where he was not at first well received by the king, Etelic. We meet with this name in the *Liber Landavensis*; Etelic is there represented as son of Judael, King of Morganwg. Finally, the King surrendered to Cybi two sites for churches, Llangybi and Llandeverguer. The former is in Monmouthshire, the latter site has not been identified.

Cybi does not seem to have remained long in Morganwg. He went to Porthmawr, near St. David's, where he tarried three days, and thence crossed into Ireland, and made no delay till he had reached the island of Aran Môr, where he placed himself under the direction of S. Enda.

Enda had obtained a grant of the island from Ængus MacNadfraich, King of Munster, who fell in battle in 489, and Enda can hardly have founded his abbey there much before 486. He is supposed to have died in 540.

Cybi still had with him his disciples; and the account in the *Lives* is confirmed by what we hear of S. Enda, that

he did have in Aran a disciple Libio, who is the Lebiauc or Llibio of the *Vita*.

In Aran S. Cybi remained four years. There he built a church. His uncle Cyngar was with him, and was so decrepit with age that he could eat no solid food. Consequently Cybi bought a cow with its calf, to supply milk for the old man.

Melioc or Maeloc, the disciple of Cybi, cultivated a patch of land near the cell of another monk, named Fintan the Priest (Crubthir-Cruimthir) Fintan. This led to angry altercation, as Fintan considered this to be an encroachment. S. Enda was called in to make peace between them, but the grievance rankled in Fintan's mind.

The calf, moreover, strayed, and got into the meadow of Fintan, whereupon the disciples of Fintan impounded it; and tied it to a shrub (the *Life* says—a big tree, but there are not now and never were trees in Arran). The calf managed to tear up the shrub and ran back to its mother.

Fintan was furious and betook himself to prayer. He called on God to drive or blot Cybi out of the island, “deprecatus est Dominum, ut fugaret vel deleret Sanctum Kebium de insula Arun, quia Deus amavit eum.”

An angel was accordingly sent to Cybi to tell him to go. Doubtless the angel was a peace-loving monk, who saw that there would be incessant quarrels so long as these two angry saints were near each other in a confined island.

Accordingly Cybi departed for Meath, and there fasted forty days and nights on one spot, so as to secure it as a foundation for himself for ever, according to the well-known Celtic custom, described by Bede. The place Mochop is Kilmore of S. Mocop, near Artaine. But Fintan followed him there, and on the pretext that the land belonged to himself, drove Cybi away.

The Cornishman, along with his disciples, now went into Magh Breagh, the great plain in which is Kildare, but remained there only seven days, as the implacable Fintan pursued him, stirred up the people against him, and expelled Cybi and all his men.

Cybi next betook himself to Vobium or Vobyun by the sea, a district I cannot identify unless it were the country of the Hy Faelain, Ofaly. Fintan once more pursued him, and by some means or other was successful in again obtaining his expulsion. Cybi now solemnly cursed Fintan—"May all thy churches be deserted, and may never be found three churches singing at thy altar in all Ireland."

Thereupon Cybi and his disciples—to the number of twelve—entered a wickerwork coracle and passed over to Wales. On reaching the coast the boat got among rocks off the Carnarvon shore, and was almost lost; however, all on board got safe to land, and Cybi founded a church at a spot then called Cunab, but now Llangybi near Pwllheli, where, with his staff, he elicited a spring that bears his name to this day.

Maelgwn, King of Gwynedd (d. 547), was hunting, when a goat he pursued fled for refuge to S. Cybi. The King went to the cell of the Saint, who entreated that he might be given as much land as the hound could run the goat round. "And Cybi let loose the goat, and the hound pursued it through all the promontory (*i.e.*, Lleyln), and it returned again to the cell of S. Cybi."

Afterwards, a rupture occurred between Maelgwn and the saint. Maelgwn was a very immoral man, and what especially gave offence was that he had been brought up in the ecclesiastical state, and had deserted it. Cybi got the upper hand—the particulars are not recorded—and the King surrendered to him his *castellum* in Anglesey,

which thenceforth bore the name of Caergybi, and thither the Saint removed with his monastic family.

Here he again met with Elian the Pilgrim, who had ordained him, and who had a church at Llanelian. According to tradition they were wont to walk along the cliff to meet each other at a spot called Llandyfydog, the one from the east the other from the west. Another friend with whom Cybi here associated was S. Seiriol, of Penmon.

The legend tells how Cybi sent his disciple Caffo to fetch fire from a smith, and the pupil returned bearing red hot charcoal in the lap of his habit. After this ensued a rupture between them, the occasion of which is not told. The writer of the first life merely records, out of place, and in a fragmentary manner: "And S. Cybi said to his disciple Caffo, depart from me, we two cannot get on together. And he went to the town called at this day Merthir Caffo, and there the Rosswr shepherds killed Caffo. Therefore the blessed Cybi cursed the shepherds of Rosswr." This comes in in the middle of the story of Cybi and Maelgwn, thus:—"Tunc capra ad sancti Kepii casulam, refugii causa, velociter cucurret; et dixit sanctus Kepius ad discipulum suum Caffo, Recede a me, non possumus esse simul . . . . et invenit capra refugium," &c. The second *Life* omits the passage relative to Caffo.

Now it is very significant that it was on the meeting of Cybi with Maelgwn that Cybi was obliged to dismiss Caffo from his attendance, and that shortly after some of Maelgwn's people should fall on and kill Caffo. When we learn that Caffo was the brother of Gildas, the whole is explained. Caffo was first cousin to Cybi, and very probably the estrangement between Maelgwn and the Saint was due to the publication of Gildas's intemperate and scurrilous epistle, in which Maelgwn was singled out for

invective of the most insulting character. We can well understand that the King was ill pleased to have the cousin of his reviler settle on his lands, and that he only consented to tolerate his presence on condition that he should dismiss the brother of Gildas. We see also a reason for the murder of Caffo. The shepherds took up the quarrel and slew Caffo in revenge for the abuse poured on their King.

S. Cybi died on November 8, certainly after 547, the date of Maelgwn's decease in the Yellow Plague.

It is not possible to admit that the age of the saint was seventy-two when he returned from the continent to Cornwall, but that may very well have been his age when he returned finally to Britain, after the four years spent in Ireland. His uncle was, indeed, still alive—but may have been nearly ninety. S. Enda, to whom he had gone was almost certainly his senior, and he died in or near 540.

Of the disciples of S. Cybi we have seen that Libiauc or Libio is known on Irish testimony to have been in Aran with S. Enda. He came to Wales with Cybi and founded Llanllibio in Anglesey. Paulinus or Peulan was the son of Pawl Hên, of Ty Gwyn, whose monumental inscription is now in Dolau-Cothi House, Carmarthenshire. He founded Llanbeulan in Anglesey. Another disciple, Maelauc or Maeloc, was the son of the Cornish Gereint, and was Cybi's first cousin, probably he was a good deal younger than his master, for after having founded a chapel at Llanfadog, under the church of his fellow pupil at Llanbeulan, he left and became a disciple of S. Cadoc, and finally settled at Llowes in Elfael in Radnorshire.

It is not possible to determine who was Cybi's great adversary, Crubthir Fintan. Finnan or Fintan is a very common name among the Irish Saints, and of a great many of them nothing is known. From the curse pro-

nounced by Cybi, which we may suppose was held to have been accomplished, Fintan his adversary obtained no extended cult in Ireland. There is indeed a Cruimthir (Crubthir) Finnan marked in the Irish Martyrologies on February 9, as of Droma Licci, in Leitrim, but this can not be the man, as according to the *Life*, Cruimthir Finnan was a person of influence in Leinster, and not in Northern Connaught. A Crubthir Fintain, however, occurs in the Martyrology of Donegal on July 13, of Killairthir, the site of which has not been satisfactorily determined.

It is conceivable that the departure of Cybi from Aran was due to the death of S. Enda in 540, and this will well agree with the date of his arrival in Wales, about 542.

If we suppose that he was then aged seventy-two, then he arrived in Ireland in 538, sixteen years after the fall of his grandfather in the battle of Llongborth (Langport in Somersetshire). We may conjecture that it was due to the defeat of the Britons in that battle, that Cyngar Gereint's son was obliged to escape from Congresbury to Cornwall.

Taking Cybi to have lived to the age of 84, he would have died in 554.

The *Lives* of S. Cybi seem to me to deserve more regard than has hitherto been paid them, for the statements made in them receive remarkable corroboration from various quarters.

According to both *Lives* Cybi died on November 8. His feast is, however, very variously observed. In the Calendar prefixed to the *Lives*, in the same MS., his day is given as November 7. A Welsh MS. Calendar of the 15th cent. in Jesus College, Oxford (xxii), gives Nov. 5, so also the Welsh Calendar of 1670, in *Agoriad Paradws*, a Welsh Calendar in the Iolo MSS., on Nov. 5. Ab Ithel,



# Salesbury's Dictionary and the King's Licence.

By J. H. DAVIES, M.A.

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THE following licence, granted by Henry the Eighth in the thirty-seventh year of his reign, to William Salesbury, is of considerable interest. It was printed at the end of the Epistles and Gospels published by Salesbury in 1551, and the present transcript is copied from the Shirburn Castle copy of the book. It has been suggested that this licence referred to the publication of the Welsh Bible only, but it clearly refers to all books translated by Salesbury and more particularly to his Dictionary, which was published in 1547. It did not debar any other person from publishing a book in the Welsh language, and simply preserved the copyright of Salesbury's translations. Clearly the possibility of writing an original work in the Welsh language had not at that date occurred to Salesbury, or we may be sure that his rights in it would have been preserved.

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A COPY OF THE KYNGES MOSTE GRACIOUS PRIUILEDGE.

Henry the eyght by the grace of God Kyng of England France and Ireland, defender of the faith and of the churche of Englande and Irelande in earth the supreme head. To all Printers and bokesellers and to other officers ministers and subiectes we do you to understand

that of our grace especial we have graunted and geuen priuiledge and licence to our well beloved subiectes Williã Salesbury and Jhon Waley to print or cause to be printed oure booke entitled a Dictionarie bothe in englyshe and welche whereby our well beloved subiectes in Wales may the soner attayne and learne our mere englyshe tonge and that no other person or persons of what estate degree or condicion so euer they be of do prynte or cause the same Dictionary to be printed or any part thereof but only the sayd William and Jhon and eyther of them and the assignes of anye of them duryng the space of seuen yeres next ensuing the first printing of the sayd Dictionarie and that none other person or persons of what estate degre or condicion soeuer they be do printe or cause to be printed any other booke or bookes whych oure sayd subiectes William and Jhon or eyther of of them hereafter do or shal first translate and set forth during seuen yeares next ensuing the fyrst printing of any suche booke or bokes. Wherefore we wil and strytlly commaund and charge all and syngular our subiectes as well printers as bookesellers and other persons within our dominions that they ne any of them presume to print or cause to be printed the sayde Dictionary or any part thereof or anye other boke or bokes first translated and printed by the sayde Wylliam and John or either of thē contrary to the meanyng of thys our presente licence and priuiledge upon payne of our hygh displeasure geuen at our palace of Westminster the xiii day of December in the xxxvii yere our raigne.

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# A Welsh Love Song of the 16th Century.

BY J. H. DAVIES, M.A.

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THE little song which follows appears to have been written about the end of the sixteenth century. The manuscript from which it is taken was written in 1637-8, but the poetry immediately preceding and following the song, was composed at an earlier date. Of the author nothing is known, as he can hardly be the Llewelyn ab Hwleyn of the Anglesey pedigrees who lived about the beginning of the sixteenth century. Several of the other poems in the manuscript are very similar to this one, and they were unquestionably written by Richard Hughes, of Cefn Llanfair in Lley. Hughes's long poems have recently been published in book form.

Peculiar interest attaches to this poem, as well as to those of Richard Hughes, for they represent an attempt to import into Welsh poetry the style and the delicate conceits of the Elizabethan lyric writers.

It is known that Hughes was an official of the English Court, and Llewelyn ab Hwleyn must also have been acquainted with the works of the contemporary English song-writers.

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KAROL OI GARIAD.

Myfi ywr merthyr tostur lef  
Duw Iesu or nef am helpio  
Megis llong rhwng ton a chraig  
O gariad gwraig rwy n kirio.

Och trwm ywr loes i rwyn i ddwyn  
Heb obaith help na swyn  
Onid Duw ar ferch ai rhoes.

Drylliodd Cariad glwyde fais  
Am seren gwrtais amlwg  
Mae arnaf glwyfe mwy na mil  
Wrth graffy ar gil i golwg.  
Och trwm ywr loes, &c.

Kil i golwg fal dan haul  
O gusgod dwy aul feinion  
Yn<sup>1</sup> sym dwyn ar llall im gwadd  
Ar ddau syn lladd fynghalon.  
Och trwm ywr loes, &c.

Kalon fyngwir galon i  
Oedd ag ihi ymgowleidio  
Ymgowleidio hon ni chawn  
Pei cawn ni feiddiwn geisio.  
Och trwm ywr loes, &c.

Ag o digia teg i ffryd  
Ffarwel ir byd a ercha  
Ar y ddayar help nid oes  
Fy nerth am hoes a golla.  
Och trwm ywr loes, &c.

Ag o colla i foes am hon  
Rwyn ddigon bodlon iddi  
Er i glanach meinir syth  
Nid allwn byth i golli.  
Och trwm ywr loes, &c.

<sup>1</sup> *al. un.*

Kollodd glendid yr holl fyd  
 A Duw i gyd ni tyrrodd  
 Ag wrth lunio dailiwr ton  
 Yn wineb hon fo i gwreiddiodd.  
 Och trwm ywr loes, &c.

Gwreiddiodd hithe dan fy mron  
 O gariad, glwyfon anial  
 Wanach, wanach wy bob awr  
 Drwy gariad mawr a gofal.  
 Och trwm ywr loes, &c.

Na ofelwch troso i mwy  
 At Dduw ir wif i yn myned  
 Rwy yn madde i bawb ond iddi hi  
 A ffawb i mi maddened.  
 Och trwm ywr loes, &c.

Fy holl frins na fyddwch dig  
 Fo am rhoes y meddig heibio  
 Help nid oes na syt ym fyw  
 Ffarwel a Duw am helpio.  
 Och trwm ywr loes, &c.

Och trwm ywr loes a rwy yn i dwyn  
 Heb ym obaith help na swyn  
 Ond Duw ne'r ferch ai rhoes  
 Mwy help i mi nid oes  
 Ond amdo, clûl a gwledd, elor, arch a bedd,  
 A nawdd y gwr am rhoes.

Ll<sup>n</sup> AB HWLKYN o *Fon ai cant.*

# The Expulsion of the Dessi.

BY PROFESSOR KUNO MEYER, PH.D.

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OUR knowledge of Irish history during the early centuries of our era is fortunately not confined to the meagre accounts of the Annals. In addition to them, and as independent sources, we possess a large mass of materials in the histories of individual tribes, genealogical tables, chronological poems, sagas, and saints' Lives, all bearing upon the early history of Ireland. These materials are, of course, of the most varied origin and age, and will have to be carefully tested and sifted. Not until this has been done will the historian of Ireland have before him all the materials which Irish literature affords.

Much inedited matter of this kind is found in the Bodleian codices Rawlinson B. 502 and 512, and in Laud 610. Among other important texts I may mention the piece called *Baile in Scáil*, or 'The Vision of the Phantom,' which enumerates more than fifty Irish kings from Conn Céthcathach (A.D. 123-157) downward to the eleventh century, together with the duration of their reigns, long lists of battles fought by them, the circumstances of their deaths, and other details.<sup>1</sup> But it is the tribal histories that are perhaps of the greatest historical value, as they certainly are of the widest interest. One of these, dealing

<sup>1</sup> There is a fragment of the same piece in Harleian 5280, of which I am preparing an edition for publication in the third number of the *Zeitschrift für Celt. Philologie*, vol. iii.

with what in a term borrowed from contemporary history may be called the trekkings of the tribe of the Déssi<sup>1</sup> and originally written, as has been shown,<sup>2</sup> in the latter half of the eighth century, is here edited and translated for the first time. Its special interest for Welsh students lies in the fact that it contains an account of an Irish settlement in Wales during the third century (§ 11).

Two different versions of the story have come down to us. The older, the one here printed, which I will call A, has been preserved in Laud 610, fo. 99b 2—102a 2, and in Rawl. B. 502, fo. 72a 2—73a 2. In Laud the title is *De causis torche*<sup>3</sup> *na nDéssi . i . acuis toirge na nDésse*, while Rawl. has the heading *Tairired*<sup>1</sup> *na nDéssi*. As is so often the case in dealing with Irish texts, it was difficult to decide which of the two copies to make the staple of the edition, as neither is in every way superior to the other, and both correct and supplement each other. The best thing undoubtedly would be to do, as Stokes has done with *Félire Oengusso*, and Windisch with several pieces in the *Irische Texte*, to print both copies *in extenso*, but this would have taken up too much space. I have, therefore, selected the Rawlinson text as needing, on the whole, less correction than that of Laud, though the latter excels it in retaining a more archaic spelling. As regards the text itself, the two copies are in the main almost identical,

<sup>1</sup> The name of this tribe is preserved by those of the barony of *Deece*, co. Meath, their original home, and of the two baronies of *Decies*, co. Waterford.

<sup>2</sup> See *I Cymmrodor*, vol. xii, p. 20.

<sup>3</sup> I am not sure of the exact meaning of *torche* (*toirge*). It seems to combine the meanings of German *Zug* (1) expedition, (2) band, company.

<sup>1</sup> As to *tairired* 'journeying,' cf. *mithid dan-sa toirired*, Book of Lismore, fo. 53b 2. *tairired Bóinne*, LL. 191a 7. gen. *fer tairirid*, *Laws*, i, p. 194, 20.

though the single paragraphs are differently arranged. The most important variants of Laud are given in the foot-notes. Where Laud deviates from Rawlinson I have sometimes indicated this in the translation by putting the reading of Laud in parenthesis; in a few cases these translations have been put at the foot of the page. Towards the end of both copies the scribes have become careless, and each has blundered in his own way.

The second and later version of our story, which I will call B, deserves a separate publication. So far as I know, it has come down to us in three copies, the oldest of which is a fragment contained in the *Book of the Dun*, pp. 53a—54b. It has the heading *Tucait innarba na nDési inMumain 7 aided Cormaic*. Its gaps can easily be supplied from two later copies, one in H. 3. 17, col. 720b—723a (entitled *Cóechad Cormaic i Temraig*), the other in H. 2. 15, pp. 67a—68b (*Tucaid cháechta Cormaic do Aengus Gaibuaibtheach 7 aigead Ceallaig 7 fotha indarbtha na nDeissi do Muig Breag*). The latter MS. preserves a number of poems not contained in the other copies. Whether one of the two versions, or which of them, is identical with the *Tochomlad na nDési a Temraig* quoted in the list of tales in D'Arbois de Jubainville's *Catalogue*, p. 263, and with the *Longes Eithne Uathaige* (*ib.*, p. 171), I cannot say.

K. M.

Tairired na nDessi inso ar a choibne fri Fotharto ocus  
batar *trichait bliadan* la Laigniu.<sup>1</sup>

1. Cethri maic batar la Harttchorb mac Meschuirb . i . Brecc 7 Oengus 7 Eochuid<sup>2</sup> 7 Forad.<sup>3</sup> Forad dano, mac *side cumaile*<sup>4</sup> 7 ni ragaib thir, 7 is he ba siniu<sup>5</sup> dib. Nert coecat *immurgu* la Hoengus.

2. Bæ dano mac tét la rig Temrach . i . Conn mac Corbmaic. Gabais laim ingine Foraid<sup>6</sup> . i . Forach a [h]ainm 7 fordoscarastar. Forumai Oengus for a hiarair na hingine<sup>7</sup>, co luid<sup>8</sup> hi Temraig. Ni tharraid gabail na slabrad batar ar comlaid na slige;<sup>9</sup> ar ba hécen fer cechtar a da slabrad *side dogres*.<sup>10</sup> Confacca a chomalta<sup>11</sup> for *dheis maic* ind rig. ‘Ni maculammar in clemnas nua sin,’ ar Oengus.<sup>12</sup> Friscair mac ind rig: ‘Daimthi dail cuind dam-sa!’<sup>13</sup> Archena déma-su cen co dama-su.’ ‘Nocon fodem cetumus,’<sup>14</sup> ar Oengus. Atróeraid Oengus [d]in tsleig triit.<sup>15</sup> Bi dano indala slabrad suil ind rig, co roemaib<sup>16</sup> ina chind.<sup>17</sup> Intan dosreng in sleig adochum,

Laud 610, fo. 99 b 2.—<sup>1</sup> De causis torche na nDéisi innso . i . acuis toirge na nDéisi <sup>2</sup> Allmuir *add.* <sup>3</sup> Sorad <sup>4</sup> chumle <sup>5</sup> a sinser <sup>6</sup> Soraith <sup>7</sup> luidh Aengus gaibuaibthech lád gaile for iarair <sup>8</sup> conluid <sup>9</sup> ni tarraid na slabrada batar hi croumlaib in gai <sup>10</sup> *L. omits this sentence.* <sup>11</sup> inn ingin <sup>12</sup> ni messe, ol se, conailla in clemnas n-isiu <sup>13</sup> Atberat ris: Daimthi dál cuind do-som inní sein. <sup>14</sup> ni didam-sa caimme <sup>15</sup> atnuarith side din tsleig conluith triit . i . sleg 7 da slabrad esti 7 triar for each slabrad dib <sup>16</sup> corobris <sup>17</sup> co n-ecmoing a hirlond inn-éton in rechtaire co mboi triana chend siar. Immalle dorochratar in *mac* 7 in rechtaire 7 romebaid súil Cormaic 7 ní roachtas greim fair, corrócht a theg 7 romarb nonbar do churadaib Cormaic occá thafund . i . a dalta leis . i . Core Duibne diatát Corco Duibne 7 atrullai sede a giallu.

These are the Wanderings of the Dessi (which are put here) because of their kinship with the Fothairt;<sup>1</sup> and they were thirty years in Leinster.

1. Arthorp son of Messchorp had four sons, to wit, Brecc and Oengus and Eochuid and Forad.<sup>2</sup> Forad, however, was the son of a bondmaid and did not get any land, and he was the eldest of them. Oengus had the strength of fifty men.

2. Now the King of Tara<sup>3</sup> had a wanton son, to wit, Conn<sup>4</sup> mac Cormaic, who forcibly seized the daughter of Forad—Forach was her name—and ravished her. Then Oengus set out in search of the girl and went to Tara. He did not secure the chains which were on the . . .<sup>5</sup> of the lance; for a man was needed for each of these two chains of his always.<sup>6</sup> He saw his fosterchild sitting at the right hand of the King's son. 'We have not heard of this new alliance,' said Oengus. The King's son answered: 'Grant me the respite of a grown-up person! In any case, thou wilt have to bear it, though thou do not grant it.' 'To begin with, I will not bear it!' said Oengus and ran the lance through him. Then one of the two chains struck the eye of the King, so that it broke in his head; and when he

<sup>1</sup> An account of the tribe of the Fothairt precedes this story in the MS. <sup>2</sup> Sorad, *Laud.* <sup>3</sup> *i.e.* Cormac mac Airt. <sup>4</sup> He is called Cellach by Tigernach (see *Rev. Celt.*, xvii, p. 19.) <sup>5</sup> What the *comla* ('valve') of a lance, to which the chains were affixed may be I do not know; perhaps a ring that would turn round. Nor do I understand the *croumlaib* of *Laud.* <sup>6</sup> *i. e.* these chains when taken out would each demand the sacrifice of a man. The scribe of H. 2. 15 understands this differently; for he writes: *triar fer cacha slabraid ig a tarraing* 'three men were needed for carrying each chain.' This lance reminds one of Maelodran's lance, the *Carr Belaig Durgin*, which killed of its own accord, or when moved by a demon. See *Hibernica Minora*, p. 81.

rodhi fochoir na sleigi triasin deogbaire, conid se conapaid prius. Is arna slabradaib tra ba Hoengus Gæbuaibthech a ainm-seom.

3. Is desin rognid Ocheill for Temraig sechtair . i . clasa rath la Cormac, conid inte nofoihed som dogres, ar ni ba hada ri co n-anim do feis i Temraig. Conid de asberar Achell ar Themair *nó* ar aicce Temrach, daig na faichle bæ ar suil ind rig.<sup>1</sup>

4. Bebais mac ind rig 7 dobert Oengus in mnai leis.

5. Dobert Cormac sluago forsna Deisse 7 romebdatar secht catha forthu ria n-Oengus co maccaib a brathar . i . Russ 7 Eogan.<sup>2</sup> Ba rii Oengus dar eisse mBrice co cenn . xl . laithi. Et balobrathair *each* fer iarum, ar ni foerlangtar nert ind flatha 7 ind laith gaile 'moalé. Is ann asbeir-som : 'Forasselbthai for rige. Is dech dam-sa mo nert fodessin.'

6. Tecmall ri Temrach firu Herenn forthu 7 ni damair cert catha doib, co tarlaicset a thir do. Dolotar iarum co Laigniu co Fiachaig m-Baicceda mac Catháir, co rochart *side hú* Bairrche remib asa tir 7 fothaigtir na Deisse ann co

<sup>1</sup> Ni deochaid *didiu* Cormac hi Temuir, conid i n-Ochail [fo. 100 a 1] ar Themair robúi on uáir sin. <sup>2</sup> Doratsat na Déise iarsin secht catha do Chormac. Ba tresiu fortarlín fer nHeirenn fadeóid la Cormac. Ba maith eid a cenel-som .i. na nDéise, cland Fiachach Sognutte *maic* Feidlimthe Rectoda *maic* Tuathail Techtmair. Oc Dumu Der *immurgu*, is and celebrait mna na nDéise .i. déra fola rotheileset ic scarad fria tir 7 fria talmuin co bráth. I mMaig Inair, is and doratsat in cath déidenach. 'Is *in*air in comrac indossa,' ar Cormac. 'Bid ed a hainm co bráth, Mag Innair.'

pulled the lance back, its butt end struck the cup-bearer and passed through him so that he died the first.<sup>1</sup> It was from the chains that his name was Oengus of the Dread Lance.

3. Hence Achail<sup>2</sup> was built by the side of Tara, that is to say, a *rath* was dug by Cormac in which he would always sleep; for it was not lawful for a king with a blemish to sleep in Tara. Hence is said Achail by Tara (or near Tara), on account of the care (*faichill*) taken of the eye of the King.

4. The King's son died, and Oengus took the woman away with him.

5. Cormac sent hosts against the Dessi, who were routed in seven battles under the leadership of Oengus and his brother's<sup>3</sup> sons, to wit, Russ and Eogan. To the end of forty days Oengus was king after Brecc, and then every man murmurs,<sup>4</sup> for they could not endure the combined power of the prince and the champion together. It is then he said: 'Take possession (?) of the kingship! My own strength is best for me.'

6. The King of Tara gathered the men of Ireland against them, and did not grant them fair fight, so that they left his land to him. Then they went into Leinster to Fiachu Bacceda, son of Cathair, who drove the Hui Bairrehe for them out of their land; and there the Dessi were settled until the time of Crimthann, son of Enna

<sup>1</sup> So that its butt-end struck the forehead of the steward and came out at the back of his head. At the same time did the son and the steward fall and Cormac's eye was broken; and they could not lay hold of him, so that he reached his house. And he killed nine of Cormac's warriors as they were pursuing him, and his fosterson was with him, to wit, Core Duibne (from whom are the Corco Duibne), who had escaped from hostageship—*Laud*.

<sup>2</sup> Now the Hill of Skreen.

<sup>3</sup> *i.e.* Brecc. <sup>4</sup> For *balobraithair* read *folabrathair*, 3rd sing. pres. ind. of *folabrur*.

haimsir *Crimthaind* maic *Ennæ Ceinselaig* maic *Labrada* maic *Bresail Belaig* maic *Fiachach Baiceda*.<sup>1</sup>

7. *Dorala læch*<sup>2</sup> amra la hu<sup>3</sup> *Bairrehi .i. Eochu Guinech* mac *Oengusa*, co rosglan *side dia thir*.<sup>4</sup> *Berthius Crimthand* mac *Ennæ* i n-*Aird Ladrann fodes*<sup>5</sup> *immirge* na n-*Deisse*, conid de ata *Tir na Himmergi* 7 *Aes na Himmergi* o shein ille.

8. *Mell ingen Ernbraind ben Crimthaind bert macco* do *Chrimthund* 7 atbath *Mell* iar suidiu. *Ocus dobreth Cuiniu ingen Ernbraind do iarum*.<sup>6</sup> *Bert Cuiniu ingen do .i. Eithne Uathach*. *Bæ Bri mac Bairceda in drui isin dun in n-aidchi*<sup>7</sup> *rogenair Eithne*. [fo. 72b, 1] ‘*Ind ingen rogenair*<sup>8</sup> *innocht*,’ ar *Bri*, ‘*rosfessatar*<sup>9</sup> *fir Herenn uili*<sup>10</sup> 7 *ardaig* na *hingine sin gebait a mathre in tir artrefat*.<sup>11</sup> *Amail atchualatar*<sup>12</sup> *som coir in sceoil sin lasin druid*,<sup>13</sup> *co mbad tria chumachtu na hingine nogebtas forbbae*,<sup>14</sup> *rosaltatar*<sup>15</sup> *for carnaib*<sup>16</sup> *mac mbec co mbad luath no-assad*.<sup>17</sup> *Is de ba Heithne Uathach a hainm-se, ardaig nos-aigtis in meicc bicc*.<sup>18</sup>

<sup>1</sup> Rodlomtha trá co mbatar occ Hard na nDéise hi crích Laighen for Mag Liffe. Fiacho Baiceda *immirgu* mac Cathair Moir, is hé ba rígh in inbaid sin hil-Laiguib. Cart side Au Barreche rempu assa tír 7 suidigestar na Déisse and. Rothrebsat and co haimsir *Crimthain mic Censelaig mic Endai Labrada mic Bresail Belaig mic Fiachach Baceda*. Is 'na haimsir-side tollotar na Deisse for longais. <sup>2</sup> Robúí óclách <sup>3</sup> d'uib <sup>4</sup> tír (*sic leg.*) <sup>5</sup> berthus *Crimthan mac Censelaich* issind *Aird fodeissin*. <sup>6</sup> Bert Meld ingen Ernbraind macco do-side. O rodamuir side dobreth Annu ingen Er[n]braind dobert side ónngen (*sic*) do .i. Eithne a hainm <sup>7</sup> Búi Brí faith mic Bairchetia isin dún ind adaich sin <sup>8</sup> gignathar <sup>9</sup> rofessatar <sup>10</sup> om. L. <sup>11</sup> Is tria chumachta gebaid am-mathre thír arattrefat co bráth <sup>12</sup> rochualatar <sup>13</sup> fáith <sup>14</sup> tír <sup>15</sup> nosgabatsom 7 nosaltatar <sup>16</sup> feolaib <sup>17</sup> luathite a forbairt <sup>18</sup> ar donaigtis na maic becca.

Censelach, son of Labraid, son of Bressal Belach, son of Fiachu Baceda.

7. There chanced to be a famous warrior with the Hui Bairrehi, to wit, Eochu Guinech, son of Oengus,<sup>1</sup> and he it was who drove them out of their land. Then Crimthann, son of Enna, sent the wandering host of the Dessi to Ard Ladram southward, whence the Land of the Wandering Host and the Folk of the Wandering Host have been so called ever since.

8. Meld, the daughter of Ernbrand, the wife of Crimthand, bore sons to Crimthand and then died, whereupon Cuiniu, the daughter of Ernbrand, was married to him.

Cuiniu bore him a daughter, even Ethne the Dread. In the night when Ethne was born Bri, the druid, son of Bairchid,<sup>2</sup> was in the stronghold. 'The maiden that has been born to-night,' said Bri, 'all the men of Ireland shall know her, and on account of this maiden her mother's kindred will seize the land on which they shall dwell.' When they heard the truth of that story from the druid, that it was through the power of the maiden that they would obtain inheritance, they reared her on the flesh of little boys that she might grow quickly.<sup>3</sup> Hence Ethne the Dread was her name, for the little boys dreaded her.

<sup>1</sup> Cf. Crimthand mac Ennæ. Eochu guinech rí húa mBarrchi, mac a mgini féin, rosmarb, LL. 39 b.

<sup>2</sup> Cf. Brí mac Baircheda, LL. 197 a 3.

<sup>3</sup> the quicker.—*Laud.*

9. Is e a senathair in druid sin dano rochachain<sup>1</sup> a n-inthechta doib hic tuidecht atuaid hi cath Truisten.<sup>2</sup> Is ann asbert: ‘Ni o Temair dochumlaid ticid ticid doth-aide gluind mara cotobeatha crethit cetnaanad tuidecht do mac Daurthecht deirethe Eogan sceo echta scen macco Echach Airiman Artt ero Corp coitual cel cichsit datfiannæ im Findchad mac Niod atroinne noifidir ruthit min mairfitit coicthe rann Dil diairithe Lethe Laidcind ilar lenthus diacoi crochæ marfit Dil nad flathius gaile genithar gaibthiut co firu Fochlæ ifaitse dosclich doarnid arus mac Meschuirb mogithar dalsus condasil fidgella forderga ordd araserb slas ninde mac nDega diagraif arrigthius rige os cach ros codi-dian desingar ar Ros mac Feochair feig falmathar cotafodlaib fergair cain iarnithu mac Riath rascthius itreichnimi conoid ni.’ Ni.<sup>3</sup>

10. Ticht<sup>1</sup> tra o Chormac i n-diaid mac mBric .i. Ros 7 Eogan, co ndigsitis afrithisi co Cormac. Amail rochuala Oengus, asbert friu:<sup>5</sup> ‘In fir,’ ar se, ‘tuidecht fri himmarchur sid 7 choræ frib-se? [‘Fír,]’<sup>6</sup> ol seat. ‘Ronbia slan cach neich dorigensam<sup>7</sup> 7 ronbiat da chutrumma ar tire liar tir fodesin<sup>8</sup> 7 og coræ co brath.’

<sup>1</sup> dicachain    <sup>2</sup> o chath Druissen oc tuidecht antueth    <sup>3</sup> Nitho Themuir dochumlith ticith dofaiteth gluind mair conib cath crechnigther aratuitet da mac Durthacht dercthus echen sceo echde sceo mac mair-Echach ere maine ard erc corba maccu delchidechsit dodareim Findchath mac Niathait no Endi rofitir ruithid find niar-fithid coderaind Dil dia rathus Lithi Ladcend hilar lentus dia Chondochtæ norbe dal nad lathugaile gainethur gaibidith co firo Foichle hi foidse dosfeth tus ar dith arus mac Meschuirp mogethar dalsus condeisel ditafind gola folt forderga ord æra serbsi as indin indinn dega grisas rigthius rigib os cech rus condirannais ingair arus mac maic Fechuir fech fellnatar contofodli fergair conarnith mac Niath naiscthus hi trena hi triach none conoethu nithu Ni o Themuir dochumlit.    <sup>4</sup> Tóhet    <sup>5</sup> dotéit co macen [fo. 100 a 2] a brathar dia n-acallaim.    <sup>6</sup> sic L.    <sup>7</sup> do neoch dongnisin    <sup>8</sup> da tír lar tir

9. Now, it was that druid's grandfather, who had sung their wanderings to them as they went from the north to the battle of Truistiu.<sup>1</sup> 'Tis then he said: 'Not from Tara, &c.'<sup>2</sup>

10. Then messengers were sent from Cormac after the sons of Brecc, even Russ and Eogan, that they should come back to Cormac. When Oengus heard that, he said to them: 'Is it true,' said he, 'that they have come on an errand of peace<sup>3</sup> and treaty with you?' 'It is true,' said they. 'We are to be absolved of everything that we have done, and we are to have twice as much again as our own land, together with our own land and full peace till Doom.' 'Do not do it,' said Oengus, 'leave me not alone!

<sup>1</sup> Or, perhaps, 'at the Ford (*ic áth*) of Truistiu.'

<sup>2</sup> In the present state of our knowledge of Old-Irish it is impossible to understand more than an occasional word or phrase in these rhapsodical compositions. A comparison of the two versions shows how little they were understood by the scribes themselves.

<sup>3</sup> Cf. *do immarchor chóre*, Wb. 5 a 5.

‘Na<sup>1</sup> denid,’ ar Oengus, ‘nadimfacbaid-se<sup>2</sup> m’oenur! Ro-forbia<sup>3</sup> da trian in<sup>4</sup> tire araglainfem.<sup>5</sup> Remthus<sup>6</sup> do for clannaib for mo chlann-se co brath. Ocus mo chlann-sa do dul i cath 7 hi crích ria each 7 do bith fodeoid ic tudecht a crích.<sup>7</sup> Ocus co n-irglantar tír remib.<sup>8</sup> Nach-imfacbaid-se!’ Dorigset<sup>9</sup> iarum anisin 7 dobretha<sup>10</sup> fir<sup>11</sup> fris . i . fir ciche 7 gruaide, nime 7 talman, gréne 7 esca, druchta 7 daithe, mara 7 tire.

11. Luid Eochaid mac Arttchuirp dar muir cona chlaind hi crích Demed,<sup>12</sup> conid ann atbathatar<sup>13</sup> a maic 7 a hui. Conid dib cenel Crimthaind allæ,<sup>14</sup> diata Tualodor mac Rígin maic Catacuind maic Caittienn maic Clotenn maic Næe maic Artuir maic Rethoir maic Congair maic Gartbuir maic Alchoil maic Trestin maic Aeda Brosc maic Corath maic Echach Almuir maic Arttchuirp.<sup>15</sup>

12. Dobert Cormac húa Cuind breic im [d]a milid Oengusa ind rí<sup>16</sup> . i . Grainne 7 Moinne, diatá<sup>17</sup> Granraige 7 Moinrige. Atberthi<sup>18</sup> uad fri cechtar de i n-ecmais<sup>19</sup> araile: ‘Is bec do brig lat rí, a Grainne.<sup>20</sup> Ni tabar hi cosmailius fri Moinne nGall.<sup>21</sup> Asbered a chummat cetna fri Moinne. Et asbeir side fri Oengus: ‘Dia nomthabarthar-sa<sup>22</sup> hi

<sup>1</sup> nach    <sup>2</sup> nachamfacbaid-si    <sup>3</sup> robarbiat    <sup>4</sup> om. L    <sup>5</sup> aran-  
glanfam    <sup>6</sup> tús    <sup>7</sup> essi    <sup>8</sup> corroglantar tír dúib    <sup>9</sup> dogniat  
<sup>10</sup> dobretha *with punctum delens under a—L.*    <sup>11</sup> fer *add. L.*  
<sup>12</sup> Demeth    <sup>13</sup> robo marbh 7    <sup>14</sup> Crimthain alle    <sup>15</sup> Taulodar  
mac Rígin mic Catien mic Clothienn mic Noé mic Artuir mic Petuir  
mic Congair mic Goirtiben mic Alcon mic Tresund mic Aeda mic  
Brosc mic Corach mic Echdach Allmair mic Airtchuirp.    <sup>16</sup> bréic im  
dunuth oenguill ind rí (*sic*)    <sup>17</sup> diata    <sup>18</sup> asbreth    <sup>19</sup> i n-ecndairg  
(*corrected out of ecndairt*)    <sup>20</sup> a Granfir    <sup>21</sup> co n-érbrad hi cosmailius  
fri Méinne nGall    <sup>22</sup> dia nomtarta-sa

You shall have two thirds of the land which we shall clear, precedence to your children over my own children till Doom, and my own children to go to battle and across the border before every one, and to be the last to come out of the enemy's land. And they shall clear the land before you. Do not leave me!' Then they did that, and truth was pledged for it, to wit, truth of breast and cheek, of heaven and earth, of sun and moon, of dew and drop, of sea and land.

11. Eochaid, son of Artchorp, went over sea with his descendants into the territory of Demed, and it is there that his sons and grandsons died. And from them is the race of Crimthann over there, of which is Teudor son of Regin, son of Catgocaun, son of Cathen, son of Cloten, son of Nougoy, son of Arthur, son of Petr, son of Cincar, son of Guortepir, son of Aircol, son of Triphun, son of Aed Brose,<sup>1</sup> son of Corath, son of Eochaid Allmuir, son of Artchorp.

12. Cormac, the grandson of Conn, played a trick upon two soldiers of Oengus the King, to wit, Grainne and Moinne, from whom Granraige and Moinrige are so called. He caused it to be said to either of them in the absence of the other: 'Small is thy esteem with thy king, O Grainne. Thou art not deemed worthy to be compared to Moinne the Gall.' The same thing was said to Moinne. Then the latter said to Oengus: 'If I am put in comparison with Grainne, I shall put this spear through thee.' When Cormac knew the order of the watch which would come

<sup>1</sup> As Zimmer has shown (*Nennius Find.*, p. 88) this is the Ewein Vreise of Teudos' pedigree in the Jesus College MS. 20, fo. 35b. I have restored the Welsh forms of the names according to Anscombe's Indexes to Old-Welsh Genealogies, *Archiv. für celt. Lexikographie*, i, pp. 187-212.

cubes fri Grainne, dobér-sa in sleig se triut-su.' O raftir Cormac ord na haire dodasícfad a ndis i n-oenaidchi immoalle. It he rotheileset slog fair inna dun 7 rongeguín indara de 7 roort mac a brathar 'moalle fris.<sup>1</sup>

13. Dosbert Crimthann i n-Ard Ladrann iarsain. Et d[o]coirsetar maic Crimthain cocad frisna Deisse<sup>2</sup> .i. Eochu, is e rogab doib in ndarb're cona frenaib (*sic*) 7 doscartsat im-maidm as hi tir n-Osairge.

14. Imaittreib doib alla aniar hi Commur Tri n-Usce hir-rind tire Tigernaich.<sup>3</sup> Ardosfaicce<sup>4</sup> ri Osraige matan moch iar ndenam a n-aittreib.<sup>5</sup> 'Is mili tige 7 mile ndethach ani thall,' ar se. Is de asberar Milidach.<sup>6</sup> Gebtait forn (*sic*). Atasaigid hi tenid, loiscitir a nhuile aittreba<sup>7</sup> 7 nistalla leo thiar iarsuidiu.<sup>8</sup> Doloingset as 7 dothaegat iar<sup>9</sup> muir siar, co n-gabsat i nHirchuilind tiar.<sup>10</sup>

15. [fo. 72b, 2] Isind aimsir sin ba marb ben Oengusa maic Nadfraich rig Caisil<sup>11</sup>, et dothæt nech uad do thochmarc na hingine cucco, ar robæ Eithne moalle friu-som thiar. Atrogell Oengusa a tri rinnroisc di. Batar se a tri rindroisc .i. faithchi Chaissil<sup>12</sup> o Luaise co Caissel do

<sup>1</sup> Ar rofitir Cormac ord n-aire nachommaitethe rofitir donticfad oenadaig immele side. Tolléicset slog fair inna dún 7 geguín indele he 7 huirt mac a brathar immelle. <sup>2</sup> Inn uair ropo marb Crimthann mac Censelaig, dogensat Lagin coccad friu-som. <sup>3</sup> O rofitir Osseirge immarthrub alle aniar fri Comur tri n-Uisci ir-rind tire Echach <sup>4</sup> atchi <sup>5</sup> atruib <sup>6</sup> Is mile tige ani thall, ol se, conid desin rohainmniged Milithach. <sup>7</sup> huile in att-[fo. 100b 2] ruib <sup>8</sup> nistall thair hisuidiu <sup>9</sup> dothiagat tar <sup>10</sup> tiar thess <sup>11</sup> hi Caisiul. Ardrig Caisil 7 Muman heside <sup>12</sup> Is mo in-rasc-sa ém ol si, faithchi Chaisil.

to them on the same night together. . . .<sup>1</sup> 'Tis they who let in a host upon him in his fortress, and one of them wounded him, and his brother's son was slain together with him.

13. Thereupon Crimthann sent them into Ard Ladrann. And after the death of Crimthann, his sons made war upon the Dessi; and one of them, Eochu, took the oak with its roots to them.<sup>2</sup> And in a rout they drove them out into the land of Ossory.<sup>3</sup>

14. There in the east by the meeting of the Three Waters<sup>4</sup> on a point of the land of Tigernach<sup>5</sup> they dwelt. Early one morning, after they had built their dwellings, the King of Ossory saw them. 'Yonder,' he said, 'are a thousand houses (*míle tige*) and a thousand smokes.' Hence Miledach<sup>6</sup> is so-called. He put fire to them,<sup>7</sup> and all their dwellings are burnt. After that there was no place for them in the east to stay in. They fared forth and went along the sea westward until they settled in Irchuilenn in the (south-)west.

15. At that time the wife of Oengus son of Nadfraich, King of Cashel, died, and a messenger was sent by him to the Dessi to woo the maiden Ethne, for she had been with them in the west. Oengus promised her three wishes. These were her three wishes, to wit, that the meadow land

<sup>1</sup> Something seems omitted here.

<sup>2</sup> This seems an idiom, which I cannot explain. Cf. *crothais dóib dairbre ndall*, *Ir. Texte*, i, p. 108, 4.

<sup>3</sup> The ancient kingdom of Ossory comprised nearly the whole of the present county Kilkenny as well as the baronies of Upper Woods, Clandonagh and Clarmallagh in Queen's County.

<sup>4</sup> The meeting of the rivers Suir, Nore and Barrow near Waterford.

<sup>5</sup> Eochu, *Laud*.

<sup>6</sup> A place near the Meeting of the Three Waters. Cf. *commor immar Milidach*, LL. 44 b 9.

<sup>7</sup> Cf. *adachtatar in crích hi tenid*, LU. 65 a 12.

thabairt di 7 a maithriu do airisem ann. Et in cenel nothogfaitis<sup>1</sup> do aurglanad rempu 7 a dilsí doib in tiri sin. Et comsaire doib frisna teora Heoganachta Muman . i . E[o]gonacht Raithlind 7 Eoganacht Locha Lein 7 Eoganacht Hua Fidgeinti<sup>2</sup> co n-Huib Liathain.

16. Togait<sup>3</sup> iarum na Deisse Osairgi do aurglanad rempu<sup>4</sup> 7 do chocad<sup>5</sup> friu. Lotar da druid lasna Deisse . i . Drong<sup>6</sup> et Cecht.<sup>7</sup> Bæ dano drui la Hosairgiu . i . Dil mac Hui Chrecca, 7 roptar daltaí doside druid na n-Deisse. Dobertsat na Deisse *secht* catha do Osairgib 7 romaidset na *secht* catha sin ria n-Osairgi forsna Deissib<sup>8</sup> hi Lethet Laidcind i n-Ard Chatha.<sup>9</sup>

17. Dobreth Eithne Uathach iarsin comairle dia meithre . i . dula<sup>10</sup> co cenn adchomaire Muman, co fath-brithemain<sup>11</sup> Casil, co [Lugaid] Laigde Cosc, conid he roscobair tria gæs 7 trebaire.<sup>12</sup> Ba he ba brithem do Chorccu Laigde. Ar robæ<sup>13</sup> imthus do<sup>14</sup> Chorccu Laigdi 7 do Eoganacht hi Caissiul<sup>15</sup> . i . intan nobid ri do Chorccu Laigdi, nobid brithem do Eoganacht. Oengus mac Nad-fraich ba ri in tan sin 7 Lugaid Laigdi Cosc<sup>16</sup> ba brithem.

<sup>1</sup> dongoetais    <sup>2</sup> 7 comsoere doib fri rig teora ndEoganachta Muman . i . rí Raithlind 7 rí Lochræ 7 rí huad (*sic*) Fidgeinti    <sup>3</sup> togdatar  
<sup>4</sup> rembí    <sup>5</sup> do chath    <sup>6</sup> Droch    <sup>7</sup> do sil maccu Crecca *add. L.*  
<sup>8</sup> for na Déisse    <sup>9</sup> il leith Laidcind . i . Art. Asberat araile is xxx. cath    <sup>10</sup> Is and airlestar Ethne Huathach dona Déisib dia haitib dul doib    <sup>11</sup> brithem    <sup>12</sup> Luigith Core (*sic*), is he nodairlestar ar a gais 7 ar a threbairi.    <sup>13</sup> ata    <sup>14</sup> etir    <sup>15</sup> o aimsir Dáirine 7 Derethine, a brithemna do chlandaib Luighdech 7 rigi do chlandaib Auglum (*sic*), rigi dano do chlandaib Luighdech 7 brithemnas do chlandaib Auluim, co roimchla lith ifectsá rige dogrés la clannaib [fo. 101 b 1] Auluim 7 breithemnas dogrés la clandaib Luighdech.  
<sup>16</sup> Luigith Cosc.

of Cashel from Luasc to Cashel be given to her, for her mother's kindred to dwell there, that the tribe which they would choose should clear the land before them, which should then belong to them; and that they should be as free as the three Eoganacht of Munster, to wit, the Eoganacht of Raithlenn, the Eoganacht of Loch Lein and the Eoganacht of the Hui Fidgenti together with the Hui Liathain.

16. Then the Dessi chose the people of Ossory to be cleared out before them and to fight against. There were two druids with the Dessi, to wit, Drong and Cecht; and there was also a druid with those of Ossory, Dil, the descendant of Crecca, and the druids of the Dessi had been foster-sons of his. The Dessi fought seven battles with the men of Ossory at Lethet Laidcind in Ard Catha,<sup>1</sup> in all of which they were routed by the men of Ossory.

17. Then Ethne the Dread advised her mother's kinsfolk to go to the chief counsellor of Munster, the seer-judge of Cashel, Lugaid Laigde Cosc. He by his wisdom and prudence helped them. He was judge to the Corco Laigdi. For there had been an interchange between the Corco Laigdi and the Eoganacht<sup>2</sup> in Cashel (from the time of Darfine and Dercthine), to wit, whenever there was a king of the Corco Laigdi, there was a judge of the Eoganacht. Oengus, son of Nadfraich, was king at that time, and Lugaid Laigde Cosc was judge.

<sup>1</sup> Others say there were thirty battles.—*Laud.*

<sup>2</sup> Between the children of Lugaid and the children of (Ailill) Olum.—*Laud.*

18. Tiagait maithi na nDeisse 7 Eithne Huathach leo co Lugaid<sup>1</sup> Cose 7 asberat fris: ‘Ronfoire<sup>2</sup> im chobair dún.<sup>3</sup> Rotbia tir linni dar a eisse cen chis, cen chongabail,<sup>4</sup> cen dunad, cen biathad, 7 ni thicfam dar cert ar do chlaind co brath.’<sup>5</sup> Naidmthir<sup>6</sup> fir n-Oengussa 7 fir n-Eithne 7 fir flatha na nDeisse fri sodain. ‘Congraid for ndruidé dam-sa,’ ar Lugaid<sup>7</sup> Cose, .i. Droch 7 Checht. Congrait<sup>8</sup> do, et dobretha di muinnir .i. da phaitt doib,<sup>9</sup> hit e lana do fin. Dobreth doib-sium a tirib Gall 7 biad Gall lais, ar ba mescamail sobruige inti nochaithead.<sup>10</sup> ‘Berid in fricill<sup>11</sup> se do for n-aite 7 apraid fris at for n-aithrig do debaid fris.<sup>12</sup> Et berid tecosc<sup>13</sup> dia ingin iar n-ol ind finæ.’<sup>14</sup>

19. Dorigset amlaid.<sup>15</sup> Et arfofet Díl<sup>16</sup> in fricill<sup>17</sup> 7 roscar-som ind ingen 7 ro-oslaid in fuiriud rempu.<sup>18</sup> Dall didiu in Dil.<sup>19</sup> Rochomaire ind ingen dó ar belaib a dalta isin tan ba mesc.<sup>20</sup> ‘A mo sruith,’ ar ind ingen, ‘im bia tesargain<sup>21</sup> na nDeisse indorsa?’<sup>22</sup> ‘Biaid amæ,’<sup>23</sup> ar Dil, ‘mad i n-urd turebad grían foraib 7 na robeotais 7 na roruibtis nech ann. Ar inti bifas nó genfas nech do slog araile immarach ar thus, noco n-aittrefa in tir sin<sup>24</sup> co

<sup>1</sup> Luigith    <sup>2</sup> Tonfairne    <sup>3</sup> a Lugith *add.*    <sup>4</sup> chongbail    <sup>5</sup> 7  
ni thesseba a chert co brath    <sup>6</sup> adguiter    <sup>7</sup> Gairthir dam-sa tra,  
ar Lugith, bar ndruidi    <sup>8</sup> congairter    <sup>9</sup> dobeir da muinirlana doib  
<sup>10</sup> biath na nGall laiss 7 it he nohithed a bargin namma.    <sup>11</sup> Berith  
inso    <sup>12</sup> abraid is he bar n-aithrech debuid fris    <sup>13</sup> tecosc  
<sup>14</sup> tria mesci in fina iarna ol    <sup>15</sup> Dogensat som aní sein    <sup>16</sup> som  
<sup>17</sup> nisreccell (*sic*)    <sup>18</sup> cartait som in ingin Dil 7 asoelc a forud remib  
<sup>19</sup> ropu dall Dil    <sup>20</sup> ni chuingen ba frit comaire ind ingen o ropo  
mesc ar belaib a da dalta    <sup>21</sup> im bui tesoreud    <sup>22</sup> innosa    <sup>23</sup> báí,  
a muinecan    <sup>24</sup> mad mattain foraib imbárach ni urd 7 ni fuibitis  
nech n-and. Ar inti on gontar nech imbarach ni aitreba a tír so

18. The nobles of the Dessi, and Ethne the Dread with them, went to Lugaid Cose and said to him: 'Help us! Thou shalt have land with us for it without rent, without seizure, without levy of host or food, nor shall we ever trespass against thy descendants.' The truth of Oengus and of Ethne and of the princes of the Dessi is pledged for this. 'Call your druids to me,' said Lugaid Cose, 'even Droch and Cecht.' They were called to him, and they gave them two jars full of wine, which had been brought to them<sup>1</sup> from the lands of Gaul, together with food of Gaul; for he who would eat and drink it would be intoxicated and sober (at the same time). 'Take this gift to your tutor and say to him that ye repent of fighting against him. And he will instruct his daughter after he has drunk the wine.'

19. They did so. And Dil accepted the gift, and the girl divided it and opened (?) . . . before them.<sup>2</sup> Dil, however, was blind. Then, when he was drunk, the maiden asked him before his two foster-sons: 'O my venerable (father)' said she, 'will there be rescue for the Dessi now?' 'Indeed, there will be,' said Dil, 'if the sun rise upon them in battle-order and they slay and wound no one. For he who will first slay or wound any one of the other host to-morrow morning, shall not inhabit this land till Doom.' 'Perhaps there will be no

<sup>1</sup> *i.e.*, to Oengus and Lugaid, as Rawl. indicates by the insertion of marks of reference over *dóib-sium* and the two names.

<sup>2</sup> I do not know what *forud* or *fuiriu* may mean. Perhaps it is O'Clery's *fúreadh .i. ullmhughadh*.

brath.' 'Bess ni hingnad anisin,<sup>1</sup> ar ind ingen, ardaig co cloistis na gillæ. 'Dia mbeind hi cœmthecht na nDesse,<sup>2</sup> nodolbfaind<sup>3</sup> boin deirg do duiniu 7 nogonfatis Osairgi, in boin sin.'<sup>4</sup>

20. Mosdáilet an druid<sup>5</sup> cosna Deissib fochetoir fothuaid do Chasiul 7 doberat na Dessi leo co m-batar i n-urd matan moch iarnabarach.<sup>6</sup> Astuat tenid<sup>7</sup> cairthind ann 7 foidit a diaid sair co Hosairgib. Tecait<sup>8</sup> Osairgi iarum co Hinneoin 7 fucairthir la Dil na rorubtha 7 na robeota nech dona Deissib ann.<sup>9</sup> Dolbait dano druid na n-Deisse aithech<sup>10</sup> hi richt bo dergee<sup>11</sup> . i . Dochet a anmain,<sup>12</sup> ar soire dia chlaind dogrés. Teit iarum ina ndail<sup>13</sup> 7 cotmeil foraib 7 giallaid gail 7 gonair forsind ath fri Indeoin aniar.<sup>14</sup> Is de asberar Ath Bo Deirge. Conid iarum adchonncatar co mba<sup>15</sup> colann duine iarna guin.

21. Maitte for Ossairgib sair co Handobru<sup>16</sup> (*sic*) 7 imsoat Ossairgi a sain 7 doberat a mbiu<sup>17</sup> 7 am-marbu coema i n-airther Ratha sair.<sup>18</sup> Maidte foraib atherruch o Andobur

<sup>1</sup> Bess ni gontar em      <sup>2</sup> Mad me bad chend athchomairc  
laisna (*sic*) Déssib      <sup>3</sup> nodoilfind      <sup>4</sup> nosgonfatis Ossirge.  
<sup>5</sup> Tochumlat iarsain in da drúith      <sup>6</sup> Tosberat co mba mattin  
foraib i n-urd      <sup>7</sup> attáit tenti      <sup>8</sup> Totet      <sup>9</sup> [fo. 101b 2] Focairther  
o Dil arna rogonta nech ann dona Déssib      <sup>10</sup> senaithech and dona  
Déisib      <sup>11</sup> máile *add.*      <sup>12</sup> Docheth a hainm      <sup>13</sup> Teit dochum in  
tshluaig sair      <sup>14</sup> Cid dognither thiar innossa, a gillai? or Dil. Tene  
do fhatóg 7 bó derg do thelud forsín n-áth aniar. Ni ba hi ma món,  
ar se. Na gonat ind fhir in boin, ar se. Noslecet seccu. Nosgonait  
gillai na n-ech iarna cúl 7 lecit gair impe. Cissi gáir so, a gillai? or  
se. Inna gillai oc guin na bo. Fe fe amái! or sé. Mo charput dam!  
ar se. A hord slaitir Indeoin.      <sup>15</sup> corbo      <sup>16</sup> Handobor      <sup>17</sup> beritt  
a n-aithbiu      <sup>18</sup> condicce airther Rátha Machuthnoe for brú Andobor

slaying then,' said the girl, so that the young men should hear it. 'If I were in the company of the Dessi, I should by magic shape a man into a red cow, so that the men of Ossory would kill that cow.'

20. Forthwith the druids repair northward to Cashel to the Dessi and take them with them in battle-order early on the next morning. They light a fire of rowan there and send its smoke eastward into Ossory. Thereupon the men of Ossory come to Inneoin, and it was proclaimed by Dil that no one of the Dessi should be slain or wounded there. But the druids of the Dessi formed an old serf, Docheth by name, into the shape of a red (hornless) cow, promising freedom to his descendants for ever. Then the cow went to encounter the men of Ossory and flings herself upon them, and . . . .<sup>1</sup> and is killed at the ford<sup>2</sup> westward of Inneoin,<sup>3</sup> whence the Ford of the Red Cow is so called. And then they saw it was the body of a man that had been slain.

21. The men of Ossory were routed eastward as far as the Andobur,<sup>4</sup> and there they turn and take their

<sup>1</sup> I do not know what *giállaim gail* may mean. As Strachan points out to me, the phrase seems a corruption of *gáelaim gail*, which occurs in *Salt. na Rann*, l. 6167. Laud gives a more detailed account: 'What are they doing in the west now, my lads?' said Dil. 'They are kindling a fire and letting a red cow into the ford from the west.' 'That is not my work. Do not let the men kill the cow!' said he. They let her go past them. But the horse-boys behind their back kill her and raise a shout. 'What shout is that, my lads?' said Dil. 'The horseboys are slaying the cow.' 'Woe is me!' said Dil. 'Bring me my chariot.'

<sup>2</sup> This must be a ford on the river Suir.

<sup>3</sup> Also called *Indeoin na n Déssi*, now *Mullach Indeona*, a townland near Clonmel. See O'Don. F.M. A.D. 852.

<sup>4</sup> This I take to be the river Anner, a tributary of the Suir, co. Tipperary. It is called *Annúir* by Keating (*Gaelic League Series of Irish Texts*, I, p. 204).

co Laimen.<sup>1</sup> Na hothurbi<sup>2</sup> forfacabsat Ossairgi i n-airthiur Ratha rosgegnatar<sup>3</sup> na Desse oc tintud<sup>4</sup> anair. Is de ata Belach n-Eca iar<sup>5</sup> fiad Ratha.

22. Rannait iarum na Dessi i cetríb rannaib na tiri sin.<sup>6</sup> Cach clann tarraid in cethramaid sin, ata a chuit isin tir.<sup>7</sup> Coeca toirgi lasna Dessib, a .xxu.<sup>8</sup> [fo. 73a, 1] dib tarthatar raind 7 a .xxu.<sup>8</sup> aile na<sup>9</sup> tarthatar 7 is dona toirgib sin is ainm Dessi, ar it e fil fo chis<sup>10</sup> 7 dligud 7 bothachas<sup>11</sup> na nDeisse<sup>12</sup> dona flaithib . i . do Dail Fiachach Suidge 7 ni hainn doib-side Deisse. Cach<sup>13</sup> longas tra rofitir Eithne Huathach la Herind dosreclam<sup>14</sup> cosna Deisse, fobith nodigbaitis<sup>15</sup> Dal Fiachach Suidge isna<sup>16</sup> cathaib mencib.

23. Do thoirgib na nDessi inso sis.  
Dobert<sup>17</sup> Semuin<sup>18</sup> di Ultaib cucu, diatat Semuine.<sup>19</sup>

Dobert cucu Nemungin<sup>20</sup> di Huaithnib . l . diatat Nechtarge.

<sup>1</sup> conod hi sein in choirich co brath etir na Deisi 7 Osseirge. Amail ossa, is amlaid rorathatar ass. Is de ata Osseirgi foralb 7 rofaithaigset na Desi inna tír co brath. <sup>2</sup> na hothair <sup>3</sup> nosgegnatar <sup>4</sup> impud <sup>5</sup> hi <sup>6</sup> Ronnit a cetraind tíre hí sein <sup>7</sup> Nach duine tarraid in cetraind sin, ata a chuit ar a raind sin. <sup>8</sup> cuic fichet <sup>9</sup> nach <sup>10</sup> deisis <sup>11</sup> bodagas <sup>12</sup> na nDeisse *om. L.* <sup>13</sup> nach <sup>14</sup> dosfuide <sup>15</sup> arerunad <sup>16</sup> isnaib <sup>17</sup> Tobeir <sup>18</sup> Semon mac Oengusa maic Cel[t]chair maic Huithechair <sup>19</sup> Semoni <sup>20</sup> Nemongen mac Nechtain

wounded and their dead nobles into the front part of Rath Machuthnoe<sup>1</sup> (on the bank of the Andobur) in the east. Again they were routed from the Andobur to the Linnen,<sup>2</sup> (which is the boundary between the Dessi and the men of Ossory till Doom. They ran away like deer (*ossa*.) As the Dessi were returning from the east they killed the wounded men whom those of Ossory had left behind in the front part of the fortress. Hence the Road of Death along the front<sup>3</sup> of the fortress is so called.

22. Thereupon the Dessi divide those lands into four parts. Each family which came into this first division has its share in the land. There are fifty septs among the Dessi, of whom twenty-five got a share, while the other twenty-five did not; and the former are called Dessi, for it is they who are under rent and law and hut-tax<sup>4</sup> to the princes, viz. to the Division of Fiachu Suidge, and the latter are not called Dessi. Every exiled band, however, of which Ethne the Dread knew in Ireland, she gathered to the Dessi, because the Division of Fiachu Suidge had been diminished in so many battles.

23. Of the septs of the Dessi.

She brought Semon (son of Oengus, son of Celtchar, son of Uthechar) of the men of Ulster to them (with 150 men) from whom are the Semuine.<sup>5</sup>

She brought to them Nemongen (son of Nechtan) of the Uaithni, with fifty men, from whom are the Nechtarge.

<sup>1</sup> Not identified.

<sup>2</sup> This is the river now called Lingaun (from Mod. Ir. Laimneán) which forms the boundary between the barony of Iffa and Offa East and that of Iverk.

<sup>3</sup> Here I take *fiad* (W. *gŷydd*) to be the noun which has passed into the nominal preposition *fiad* 'coram.'

<sup>4</sup> *bothachas* (*bodagas*), the tax payed by a *bothach* or 'hut-dweller, cottar.'

<sup>5</sup> Cf. LL. 331c: Clann Sem diatát Semmi na nDesi.

Dobert<sup>1</sup> cuco *tri macco Lugdach*<sup>2</sup> Cosca britheman Corco  
Laigdi a Cassiul. 1.<sup>3</sup>

Tri *chóicait* dano do thrib *maccaib Oengusa maic Derbchon*  
*maic Cormaic Ul[f]atai*, de quibus Mechain.<sup>4</sup>

Coecca do *maccaib Feideilmid Brufir*,<sup>5</sup> de quibus<sup>6</sup> Bruirige.

Coecca do *maccaib Odro*,<sup>7</sup> de quibus Odraige.<sup>8</sup>

Nonbur di *maccaib Ditha* do Ernaib, de quibus<sup>6</sup> Corco  
Ditha.

Cet læch luid Benta in t-eces<sup>9</sup> di Ultaib, de quo<sup>6</sup> Bent-  
raige.

Nonbur do *maccaib Conaill maic Neill*, de quo<sup>6</sup> Condrige.<sup>10</sup>

Nonbur do *maccaib Suid maic Mugdornæ Duib*, de quo  
Sordraige.<sup>11</sup>

Nonbur do *maccaib Munigblæ maic Mugdornæ Duib*,<sup>12</sup> de  
quibus<sup>6</sup> Duibrige. *Maic* ingine Briuin in sin.

. ix . do *maccaib Mugdornæ Cerbfir* do Chairige.<sup>13</sup>

. ix . do *maccaib Laidir maic Firchi* do Ladrage.<sup>14</sup>

Tri nonbuir do Oengus Fingabræ *mac Conaire maic Messi*  
*Buachalla* do Gabraige.<sup>15</sup>

<sup>1</sup> Dobeir    <sup>2</sup> Luigdech    <sup>3</sup> Tri choicait lin Semoin, cóica lin  
*maccu* Luigdech, coica lin *maccu* Nemongin.    <sup>4</sup> Coica læch do  
*maccaib* Oengusa Darcon *maic* Cormaice Aulfata dal *maic*  
Con.

<sup>5</sup> Feidlimthi Bruirir    <sup>6</sup> diata    <sup>7</sup> Bru nó  
Odro R. di Hultaib *add. L.*    <sup>8</sup> Odrige    <sup>9</sup> Cét læch  
lin hue *maic* Bind ind ecis    <sup>10</sup> Conrige    <sup>11</sup> Soirt *maic* Doirna  
diata Sorthrige    <sup>12</sup> Muindigblæ *maic* Maugdornæ diata Loch  
Muindig hi tirib Maugdornæ    <sup>13</sup> Nonbur do *maccaib* Cerir *maic*  
Mugdornæ diata Ciarraige.    <sup>14</sup> Nonbur do *maccaib* Latfir diatat  
Latridge . i . *maic* Fír Ceoch    <sup>15</sup> diatat Gabrige

She brought to them the three sons of Lugaid Cose, judge of the Corco Laigdi, from Cashel, with fifty men.

Next, 150 men of the three sons of Oengus, son of Derbchu (Oengus Darchu), son of Cormac Ulfata, de quibus Mechain (Dál Maic Chon).

Fifty men of the sons of Fedilmid Brufer, de quibus Brurige.

Fifty men of the sons of Odro, from Ulster, de quibus Odraige.

Nine men of the sons of Dith, of the Erainn, de quibus Corco Ditha.

A hundred warriors was the number of the descendants of Benta (Mac Bind), the poet from Ulster, de quo Bentraige.

Nine men of the sons of Conall, son of Niall, de quo Condraige.

Nine men of the sons of Sord, son of Mugdorna Dub,<sup>1</sup> de quo Sordraige.

Nine men of the sons of Mundechnblæ,<sup>2</sup> son of Mugdorna Dub, (from whom Loch Muindig<sup>3</sup> in the lands of the Mugdoirn<sup>4</sup> is so called), de quibus Dubrige. These are the sons of Briun's daughter.

Nine men of the sons of Cerbfer (Cerir), son of Mugdorna, from whom are the Ciarraige (Cairige).

Nine men of the sons of Latfer, son of Fer Ceoch, from whom are the Latraige.

Three times nine men of Oengus Fingabra, son of Conaire, son of Mess Buachalla, from whom are the Gabraige.

<sup>1</sup> He was the son of Colla Menn.

<sup>2</sup> Cf. Mundechnblai and Mundechnub, LL. 328*a* 13.

<sup>3</sup> Cf. Hinc Loch Demundechn hi tírib Mugdorne, LL. 327*h*.

<sup>4</sup> From them the present barony of Cremorne (Crích Mugdorn), co. Monaghan, takes its name.

- . ix . do Afir do Ernaib do Uraige.<sup>1</sup>
- . ix . do Fír Menn mac Cuscraid Mind Macha maic Conchobuir do Mennraige.
- . ix . do mac<sup>2</sup> Glasschaich maic Moga Ruith do Rodraige.<sup>3</sup>
- Tri nonbuir do Oengus Chreca<sup>4</sup> mac Conchobuir Mael maic Formael<sup>5</sup> di Ultaib. Is e nochrecad goo<sup>6</sup> hi Temair. A quo Crecraige.
- Binne 7 Eochaid Cóen<sup>7</sup> do Bintrige 7 do Choenrige. Nonbur doib.
- . ix . do Naithir mac Fircheich do Nathraige.<sup>8</sup>
- . ix . do Nudfir<sup>9</sup> do Laignib do Nudraige.<sup>10</sup>
- . ix . do maccaib Blait do Blatraige.<sup>11</sup>
- . ix . do Nindfir mac Bairrche do Nindrige.<sup>12</sup>
- . ix . do FíurLuide ar Sid ar Femen do Ludraige.<sup>13</sup>
- . ix . do Chærfir<sup>14</sup> di Chruithnib do Chærige.<sup>15</sup>
- Tri nonbuir do thrib maccaib Bonnfir do Bonnraige.<sup>16</sup>
- . ix . do Luthor mac Arda do Luthraige.<sup>17</sup>
- . ix . do Blotchoin<sup>18</sup> di Bretnaib do Blotraige.<sup>19</sup>

<sup>1</sup> Nonbor di Haurir do Hernaib diata Aurige    <sup>2</sup> maccaib L.  
<sup>3</sup> Roithrige                    <sup>4</sup> Crece                    <sup>5</sup> Máil maic Formail                    <sup>6</sup> erec  
gai                    <sup>7</sup> Coene                    <sup>8</sup> Nothir mac Fírceoch diata Nothrige  
<sup>9</sup> Nudir                    <sup>10</sup> diata Nudrige                    <sup>11</sup> Blathrig diata Blathrige  
<sup>12</sup> L. omits this paragraph.    <sup>13</sup> hiSid ar Femon di Hultaib nad aicidacht  
diata Luidrige    <sup>14</sup> Celir    <sup>15</sup> diata Celrigi    <sup>16</sup> Trí maic Boindfir  
buachala Eithne diata Boendrige    <sup>17</sup> Nonbur [do] Libur mac Arta  
diata Lubrige.    <sup>18</sup> Blóthchum    <sup>19</sup> diata Blodrige

Nine men of Aurir of the Eraim, from whom are the Aurige.

Nine men of Fer Menn, son of Cuscraid Menn of Macha, son of Conchobor, from whom are the Mennraige.<sup>1</sup>

Nine men of the son (sons) of Glaschach, son of Mug Ruith from whom are the Rodraige.

Three times nine men of Oengus Crece, son of Conchobor Mael, son of Formaël, of the men of Ulster—'tis he who sold spears in Tara—a quo Crecraige.

Binne and Eochaid Coen, from whom are the Bintrige and Coenrige. They were nine.

Nine men of Nothir, son of Fer Ceoch, from whom are the Nothrige.

Nine men of Nudfer from Leinster, from whom are the Nudraige.

Nine men of the sons of Blat, from whom are the Blat-raige.

Nine men of Nindfer, son of Bairche, from whom are the Nindrige.

Nine men of FerLuide from Sid ar Femun, from whom are the Ludraige.

Nine men of Caerfer (Celir) of the Picts, from whom are the Caerige (Celrige).

Three times nine men of the three sons of Bonnfer (the cowherd of Ethne), from whom are the Bonnrige.

Nine men of Luthor (Liber), son of Art, from whom are the Luthraige (Luburige).

Nine men of Blotchu of the Britons, from whom are the Blotrige.

<sup>1</sup> Mendraige, LL. 331b, 16.

. ix . do Grutbit mac Dubain do Grutbrige.<sup>1</sup>

. ix . do mac Buidb<sup>2</sup> do Bodbrige.

. ix . do mac Grinnir do Ultaib do Grinnrige.<sup>3</sup>

. ix . do Gallaib do Muinrige im mac Muinmind.<sup>4</sup>

. ix . do Maine mac Cuinrige.<sup>5</sup>

. ix . do mac Dimáin do Darfiniu do Choreo Dimaine.<sup>6</sup>

. ix . do macco Ennæ Uniche di Gallaib do Choreo Uniche.<sup>7</sup>

Coeca<sup>8</sup> do Glasschatt mac Ailella Auluim di Chattraige.<sup>9</sup>

Coeca do trib maccaib Mathrach maic Ailella Auluimb do  
Dal maic Cuirb.<sup>10</sup>

Coeca Tidil<sup>11</sup> maic Ailella Auluim do Dal Tidil Cichich forsa  
mbatar . iii . cicheich.<sup>12</sup>

. ix . do Magneth<sup>13</sup> Gall do dal Maged.<sup>13</sup>

. ix . Michoil do Dairfin[i] u di Dal Michoil.<sup>14</sup>

<sup>1</sup> Gubrith maccu Buén diata Gubtrige      <sup>2</sup> do maccaib Bodb  
<sup>3</sup> Grán diata Granrige di Hultaib      <sup>4</sup> *L. omits this paragraph.*  
<sup>5</sup> do mac Ainiu maic Cuirir diata Cuirrige      <sup>6</sup> Dímáini di Darin  
dia-[fo. 101 a 2] tá Corco Din      <sup>7</sup> Endi Uniche diatat Corco  
Huiche do Gallaib      <sup>8</sup> Coeca fer      <sup>9</sup> diata Catrige.  
<sup>10</sup> Mathrach maic Ailella Auluim. Ingen Fírgair a mathair, diata  
dal Mathrach. Cóica d'úib maic Cuirp maic Ailella Auluim diatát dál  
maic Cuirp.      <sup>11</sup> cóica di huib Didil.      <sup>12</sup> dál Didil cét éige forsarabí.  
<sup>13</sup> Maignén      <sup>14</sup> Mechon mac Dare di Darine diata dál Mechon

Nine men of Grutbit (Gubrith maccu Buen), son of Duban, from whom are the Grutbrige (Gubtrige).

Nine men of the son of Bodb, from whom are the Bodb-rige.

Nine men of the son of Grinner (Gran) of Ulster, from whom are the Grinnrige (Gramrige).

Nine Gauls of Muinrige with the son of Muinmend.

Nine men of Maine (of the Son of Ainiu, son of Cuirer) from whom are the Cuirrige.

Nine men of the son of Dimain of Darfine, from whom are the Corco Dimaine.

Nine men of the descendant of Enne Uniche of the Gauls, from whom are the Corco Uniche.

Fifty men of Glaschatt,<sup>1</sup> son of Ailell Aulom, from whom are the Cattraige.

Fifty men of the three sons of Mathri,<sup>2</sup> son of Ailill Aulom (Fergair's daughter was their mother), from whom are the Dál Mathrach. Fifty men of the descendants of Mae Corp, son of Ailill Aulom), from whom are the Dál Maic Chuirp.

Fifty men of Tidel, son of Ailill Aulom, from whom are the Dál Tidil Cíchich, on whom were three (a hundred) teats.

Nine men of Magneth (Maignen) the Gaul, from whom are the Dál Magned (Maignen).

Nine men of Michol (Mechon, son of Dare) from Darfine, from whom are the Dál Michoil (Mechon).

<sup>1</sup> He is called Glass Catha, and his descendants Cathraige in LL. 319b.

<sup>2</sup> He is called Mathreth, and his descendants Dál Mathra in LL. 319b.

Tri nonbuir do maccaib Dorchon maic Huair do Dal Dorchon.<sup>1</sup>

Tri nonbuir do maccaib Luigne<sup>2</sup> di Ernaib do Dal Luigni.

Coecca do trib maccaib Nuidni maic Conrui do Dal Nuidni.<sup>3</sup>

. ix . do trib maccaib Niamdæ di Dal Niamdæ.<sup>4</sup>

. xi . do Loiseniu mac Cuinniath do Dal Loscind.<sup>5</sup>

Tri lege<sup>6</sup> Eithne Huathaig diata Dal Niathlega.<sup>7</sup>

Tri maic Moga Caintich do Dal Mogaide.<sup>8</sup>

Tri maic Cairinne cerdda do Cherdraige.<sup>9</sup>

Læmman<sup>10</sup> mac Niathaig maic Briuin, is e cetnagaibed giallu Ferchair. Fathbrithem.

Cæchros mac Fiaich cetarogaib cath n-Inde do Iaim.<sup>11</sup>

24. Teora hingena Ernbraind, Mell 7 Belge<sup>12</sup> 7 Cinnu, dochuatar co Crimthann<sup>13</sup> a triur, each hæ<sup>14</sup> i ndiaid araile. Sil Mella o Meill. Húi Beilge o Beilge.<sup>15</sup> Eithne namma rue Cinnu do.<sup>16</sup>

25. O doluid iarum<sup>17</sup> Corbmac asa rige<sup>18</sup> iarna gollad<sup>19</sup> do Oengus mac Arthuirp, gabais Carpre Liphechar in<sup>20</sup>

<sup>1</sup> *L. omits this paragraph.*    <sup>2</sup> d'uib Luigni Leithduib    <sup>3</sup> Noidne diata dal Nuidn . i . maic Chonrú maic Dare    <sup>4</sup> Nimde diata dal Nimde    <sup>5</sup> Luiseniu mac Cumenath diata dal Luiseni    <sup>6</sup> . iii . laigni    <sup>7</sup> Mathlego (*sic*)    <sup>8</sup> Mugo maic Cuthig diata dal Mugith.    <sup>9</sup> Tri maic Arme cerda diatat Cerdraige    <sup>10</sup> Læbán    <sup>11</sup> rogab giallu Fer nGair robo brithem rainni caich Ros mac Féice cetnaraib cath nIndide do Iaim    <sup>12</sup> Bele    <sup>13</sup> Crimthan    <sup>14</sup> dib    <sup>15</sup> Bele    <sup>16</sup> conid hí side dalta na nDéisi 7 rl. *add. L.*    <sup>17</sup> tra    <sup>18</sup> rígn    <sup>19</sup> cháichad    <sup>20</sup> *om L.*

Three times nine men of the sons of Dorchu, son of Uar, from whom are the Dál Dorchon.

Three times nine men of the sons Luigne (Lethdub) of the Erainn, from whom are the Dál Luigni.

Fifty men of the three sons of Nuidne, son of Curoi (son of Dáre), from whom are the Dál Nuidni.

Nine men of the three sons of Niamda (Nimde) from whom are the Dál Niamda (Nimde).

Nine men of Loiscne (Luiseniu) son of Cninnia (Cumenath), from whom are the Dál Loiscind (Luiseni).

Three leeches of Ethne the Dread, from whom are the Dál Niathlega.

Three sons of Mug Caintech (son of Cuttech), from whom are the Dál Mogaide (Mugith).

Three sons of Cairinne (Arme) Cerd, from whom are the Cerdraige.<sup>1</sup>

Laemman, son of Niathach, son of Briun, 'tis he who first took hostages of the Fir Gair.<sup>2</sup> He was a seer-judge.

Caechros, son of Fiach (Feice), who first pledged the battalion of Inde (?).

24. The three daughters of Ernbrand, Mell and Belc and Cinniu were all three married to Crinthann, one after another. From Mell are the Síl Mella, from Belc the Hui Beilce. Cinniu bore Ethne only to him.

25. Now, when Cormac, after having been blinded by Oengus, son of Artchorp, gave up his kingship, Carpre Lifechar took the government in the place of his father. This is what he practised every day before his father: he would put two fingers around the tusk-hilted sword and

<sup>1</sup> A different account of the origin of the Cerdraige Tuilche Gossa will be found in O'Curry's *Lectures*, iii, p. 207, from LL. 320*f*.

<sup>2</sup> The Fir Gair were descendants of Brecc mac Artchuirp. See LL. 328*b*.

*flaith* ar belaib a athar. Is i abairt dognid<sup>1</sup> Cormac ar a belaib each dia .i. dobered a da mer immun colg<sup>2</sup> ndet 7 a mer hi<sup>3</sup> timchul lainne in sceith. Is *ed* noinchoised sain, slaidi mui[n]*tire* Cairpre immun mBoin[n] sanchan [fo. 73 a 2] .i. do each leith.<sup>4</sup> Is de doloinsich<sup>5</sup> hi crich Lagen. O rabi<sup>6</sup> Fiachu Sraiptine 7 Colla Huais<sup>7</sup> 7 Colla Mend do Mugdornab<sup>8</sup> rig na nDeisse<sup>9</sup> .i. Brecc mac Artchuirp, rochartsat Laigen (*sic*) uaid<sup>10</sup> siar for Commur trian in tsluaig. Tuait do Chassiu do chuingid chobrad o Oengus. Is annsin marbais Fedelmid Clar machui Braichte 7 Anlathe mac Eogain i n-Etarbaine. Is de ata Carn mBrigti ingen<sup>11</sup> Dubthaich maic Duib maic Lugdach di Ultaib.

26. In trian iarum doluid atuaid, hit e turcaibset inn ingin .i. Eithni Uathach ingen Crimthainn. Moalle longsigset Osairgi 7 Corco Laigdi, ar it he batar ech—ech—. Ar gabsat o Chommur tri n-usce co Birra Lagen, i mbatar hi tir Osairge, co Heochair anair. Is de ata Ath Fothart 7 Daire Lagen la Hossairgi. Is in und aimser hi lotar<sup>12</sup> na Deisse for Gabruan<sup>13</sup> 7 Fene for Fid Mar 7 Fothairt<sup>14</sup> for Gabruan sair. Ar robatar Fothairt for longais iar nGabran<sup>15</sup> iar nguinn Echlach Domplen maic Carpre Liphchair do Sarniad<sup>16</sup> mac Cirb<sup>17</sup> brathair Bronaich do Fothartaib.<sup>18</sup>

<sup>1</sup> ba si a brith (*sic*) dogniad      <sup>2</sup> cailg      <sup>3</sup> om.      <sup>4</sup> in-  
rochosecht troso dani sladi muintire Coirpri sainchan immon Bóind  
di each leith      <sup>5</sup> dolonget      <sup>6</sup> ho robith arna ragedain      <sup>7</sup> Condla  
Hos (*sic*) diatat Húi maic Guais      <sup>8</sup> diatat Mugdornæ      <sup>9</sup> [fo. 102  
a 2] geognaitir ri na nDéisi      <sup>10</sup> leg. Laigin uaidib      <sup>11</sup> leg.  
ingine      <sup>12</sup> tulatar      <sup>13</sup> Gabran      <sup>14</sup> Fothart      <sup>15</sup> Fothart iar  
longis for Gabran      <sup>16</sup> Seminaith      <sup>17</sup> Coirpri      <sup>18</sup> diatat Hui  
Bronaich la Fotharta 7 rl.

one-finger around the boss of the shield. In that way he was instructed to slay the people of Carpre on either side of the Boyne. Hence they went into exile into the territory of Leinster. After Fiachu Sraiptine and Colla Uais and Colla Menn of the Mugdoirn had slain the king of the Dessi, Brecc, son of Artchorp, the men of Leinster drove one third of the host westward to Commur. They sent to Cashel to ask help of Oengus. 'Tis there he killed Fedelmíd Clar, the descendant of Brigit and Anlathe, son of Eogan, in Etarbaine. Hence is the Cairn of Brigit, daughter of Dubthach, son of Dub, son of Lugaid, of Ulster.<sup>1</sup>

26. Now, the third who came from the north, 'tis they that reared the maiden Ethne the Dread, the daughter of Crimthann. The men of Ossory and the Corco Laigdi went into exile together, for they . . . .<sup>2</sup> They took land from the Meeting of the Three Waters as far as Birr in Leinster. When they were in the land of Ossory, as far as Eochair in the east. Hence the Ford of the Fothairt and the Oakwood of Leinster in Ossory are so called. At the same time the Dessi went to Gabruan (Gabran) and the Féni to Fíd Már and the Fothairt to Gabruan (Gabran), in the east. For the Fothairt were in exile in Gabruan (Gabran), after Echu Domlen, son of Carpre Lifechar had been slain by Sarniad (Seminaith)<sup>3</sup> the son of Cerb, the brother of Bronach, of the Fothairt.

<sup>1</sup> Cf. LL. 328a: Secht maic Brigti ingine Dubthaig de Ultaib: Iruis, Fedlimid Clár, a quo Húi Chláre. Iss ed a charn fil i n-Etarphainiu.

<sup>2</sup> I can make nothing of ech— ech—.

<sup>3</sup> He is called Seniach by Tigernach (*Rev. Celt.*, xvii, p. 23), Sémeon by the Four Masters, A.D. 284. In a poem in LL. 48b. 50 Echu Domlén is said to have been slain by Senioth and Sarnia:

*Senioth, Sarniu, noco chel,  
is iat romarb Eecho Domlén.*

## 27. Forsluinte Dal Fiachach Suidge.

Semuinrige, Nechtraige, Bentraige, Odraige, Osraige, Bruirige o Bruru mac Artharu rig Cruthni, Sordraige, Latraige, Carraige, Gabraige, Cairige, Mentrige, Rotraige, Rudraige, Blairige, Ranrige, Luidrige . i . fer luid hi sid, Callraige . iii . maic, Bodraige, Lubentraige, Crobentraige, Corco Che, Corco Ainige, Corco Dithech, Dal Mechoin, Dál Mathrach, Dál Maigne, Dál Luigne, Dál Mencuirp, Dal nInidæ, Dál nUidne, Dál nDorchon, Dorchu mac Linne, Dál Luisene. Hit he insin dia ngairter Deisse . i . ar dihuaise nó ar diahuaise . i . ar immad al-lamdia, nó ar huaise nó ar deisse nó ar diuisse nó ar gaire ind inaid asrogeinset nó ara ndifisse. amail ata a tuirim 7 a taiririud 7 a toirge la each. Teora bliadna trichat o doludsat<sup>1</sup> na Deisse o Themair co tucsat Lagin dorair doib for Gabruan<sup>2</sup> 7 for Commur<sup>3</sup> Tri nUsci iar maidm secht catha forthu.<sup>4</sup>

<sup>1</sup> dolotar      <sup>2</sup> Gabrán      <sup>3</sup> 7 Chommor      <sup>4</sup> forsna Déisi 7 rl.  
(end of Laud).

27. The by-names<sup>1</sup> of the Divisions of Fiachu Suidge. Semuinrige, Nechtraige, Bentraige, Odraige, Osraige, Bruirige from Bruru, son of Artharu, king of the Picts, Sordraige, Latraige, Carrraige, Gabraige, Cairige, Mentrige, Rotrige, Rudraige, Blairige, Ranrige, Luidrige (viz. a man who went into an elfmound), Callraige (three sons), Bodraige, Lubentraige, Crobentraige, Corco Che,<sup>2</sup> Corco Ainige, Corco Dithech, Dál Mechoin, Dál Mathrach, Dál Maigne, Dál Luigne, Dál Menchuirp, Dál nInidæ, Dál nUidne, Dál nDorchon (Dorchú mac Linne), Dál Luisne. These they are who are called Dessi, for their great nobleness<sup>3</sup> or for the nobleness of their gods, *i.e.* for the number of their idols, or for their skilfulness, or for their great justice, or for their love of the place in which they were born, or for their great celebrity, since their expedition and their wanderings and their marchings are known to every one. It was thirty-three years after the Dessi went from Tara that the men of Leinster gave them battle at Gabruan and at the Meeting of the Three Waters, after having routed the Dessi in seven battles.

<sup>1</sup> forslondud 'over-name,' as distinguished from prim-slondud (LL. 312*a*). Cf. dá prim-acmi déc do Ernaib 7 cethri forslointe fichet . i . dá forslonnud cach aicme, LL. 324*e*.

<sup>2</sup> Cf. De Chorco Che, LL. 327*e*.

<sup>3</sup> These are etymological speculations on the name of Déssi.

# Side Lights on Welsh Jacobitism.

By J. ARTHUR PRICE, B.A.

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## INTRODUCTION.

MORE than one Welshman has asked me whether it would be not as sensible to write on the snakes of Iceland as on the Jacobites of Wales. The idea that underlies this remark may be unhistorical, but it illustrates the difficulty of the inquiry to which this paper is a feeble contribution. The religious revival of the eighteenth century in Wales turned Welshmen's thoughts in a direction far away from the cult of "the White Rose of Arno," (David Morgan's poetical name for Prince Charlie) and Welsh Jacobitism is to-day so extinct a tradition, that it does not seem absurd to question its very existence.

That Wales in the eighteenth century was far more Jacobite in political sentiment than was England is a fact which to those who have studied the question must nevertheless seem indisputable. To those, whom ignorance makes sceptical, I may recall a few facts. The greatest test of a political faith is its constancy to death. Even after Culloden there still lived, as the pages of *Redgauntlet* show, in the hearts of the faithful few a hope of aid for the Prince from the land of Wales, where the names Cavalier and Roundhead were still in common parlance as party names. And the hope was not without some foundation. As late as 1751 an almanac that found its way into the peasant farms of Wales, preached treason to the powers that were, in the

following verses, the homage of a Welsh Redgauntlet to the dying Rose :—

(ALMANAC, SION PRYS, 1751.)

“ Y peth a haeddeu ei ystyried yn fwyaf arbenig yn y flwyddyn hon yw Diffygiadeu'r Llenad ar peth i maent yn ei arwyddo: ni feiddiaf moi egluro, ond mewn *Heroglyphics* ar ol athrawiaeth un Michael Nostradamus.

“ Llid yw affaith lliw'r Diffyg—ei Frydain  
Afrwydd-deb a Dirmig  
H . . . f . . . d, ddwfn Ryfig  
O lwynau Diawl a luniodd y dig.

“ Boed enwog eurog ei Siar-las wrol  
Lwys arail ddigymmar,  
St . . . r . . . d hynaws diwar  
Ein Tywysog bach, tofia ei bar.”<sup>1</sup>

Perchance, even then, there were Welshmen who went an inch beyond the homage of wine and song. We know now, thanks to Mr. Andrew Lang's researches, that the picture of the collapse of Jacobitism in the fiasco of the rebellion, portrayed in the last chapters of *Redgauntlet*, depicts in its main details an over true scene. Readers of these chapters will remember Squire Meredyth and his Shakesperian Welsh.

Of the strength of Welsh Jacobitism at an earlier period there can be no question.

In the '45 the two most dangerous men South of the Tweed, in the opinion of English Whigs, were Sir Watkin Wynne (the Brutus of Charles Edward's correspondence) and

<sup>1</sup> I would suggest the following as a free English rendering of the above. “The changes in the Moon and what they portend call for especial note this year. I dare not explain them except through hieroglyphics according to the doctrine of Nostradamus.” “The hue of the eclipse of the moon portends wrath, disquiet, and scorn. The blasphemous Hanoverians, born of the ——, have brought on this feeling of wrath. May the brave Charles, unrivalled in grace, be glorious and crowned with gold, O Stuart, guileless and kindly, our dear Prince, tame their unruly ways.”

the Duke of Beaufort, and they were both Welsh land-owners. The Cycle Club in Denbighshire, which was closely associated with the Wynn family, and existed down to our own day, was without doubt at one period an important political organisation, and there is no doubt some truth in the story, that Chambers, in his *History of the Rebellion in 1745* (vol. i, p. 272 *et post*), tells us on the authority of a Welsh friend, that at the time when the Highland hosts turned back on Derby a number of Welsh Squires were riding hard to join Prince Charlie's banner, and only turned back when they heard of the retreat, and that ever after "he was of the company most accounted, who had ridden furthest on the way."

Now, if the sceptic still insists that such facts as those that I have mentioned, only prove the sentiments of the Welsh aristocracy and Bards, it is only necessary to refer him to the curious facts relating to the Jacobitism of the lower orders in Wales, collected in Mr. Hobson Matthews' recent collection of Cardiff documents, though, perhaps, an even stronger proof is furnished by the savage riot with which the miners of Rhôs greeted the accession of the House of Brunswick to the English throne. Welsh Jacobitism being, then, an unquestioned fact, it is surely time to study its history before the disappearance of documents and the failure of tradition render the work impossible.

## PART II.

### SIR WATKIN AND DAVID MORGAN.

To Welshmen the two most interesting things in connection with the '45 are the waiting of Sir Watkin Wynn and the fate of David Morgan.

On the first point I can now say little, though I hope on another occasion to return to the subject.

Two facts about Sir Watkin's attitude we know without dispute. As the Highland host entered England they received a message to the effect that Sir Watkin had been with the citizens of London, whom he found as well disposed as ever to treat with the Prince. "The Elector of Hanover and his Ministry's interests decline so fast that Sir Watkin says nobody now will accept of their places and employments, which throws them into the greatest distraction" (Ewald's *Life of Prince Charles Edward Stuart*, p. 181; *Wales*, 1894, p. 19). And we know also that the Prince wrote in after days to his father: "Mr. Barry arrived at Derby two days after I parted. He had been sent by Sir Watkin Wynn and Lord Barrymore to assure me, in the name of my friends, that they were ready to join me in whatever manner I pleased, either in the capital or everyone to rise in his own country" (Stanhope's *History of England*, vol. ii, p. 415).

So much for undisputed facts; but on these facts two different conclusions are formed. Mr. Andrew Lang, who is unquestionably the highest living authority on Jacobite history, considers Sir Watkin's Jacobitism, like that of many English Peers, to have been of the Platonic order, that abstained deliberately from taking any practical step until the day after the fair. The other view, which is put forward in that charming story, *For the White Rose of Arno*, is that Sir Watkin and his friends were ready to take up arms, and actually despatched a messenger to the Prince, as soon as he entered England. This messenger, according to the story, had the bad luck to get intercepted. Thus, when the Highland chiefs at Derby offered to continue the advance if the Prince could produce a letter from a single nobleman or gentleman in England or Wales favourable to his cause, Sir Watkin had already written. The despatch of Barry was on this view a second attempt

to get into communication with the Prince. Certainly the story that many Welsh gentlemen were riding to join the army which I have mentioned, also seems to show that Sir Watkin was ready and in earnest. There are, so far as I have as yet been able to learn, no documents in existence that throw much light on the subject one way or the other; the story indeed is that on the retreat of the Prince, Lady Wynn burnt all the papers that would have incriminated her husband, his friends of the Cycle, and in fact most of the Gentlemen of North Wales.<sup>1</sup> It is at least a significant fact that the Prince, in the Council at Derby, when the chiefs refused to continue the advance on London, is said to have vainly suggested that in place of retreating on Scotland, the army should march through Wales.

With regard to David Morgan, I am in a position to add something to what is generally known. Up to the present time, the chief authority for the life of that unfortunate Welshman has been the biographical sketch by Llewellyn, and the record of his fate in the *State Trials*. For readers who are not acquainted with Llewellyn's Memoirs (published at Tenby 1862), I may, perhaps, here reprint a summary of Morgan's early life, taken from that work.

“The most energetic of all the Jacobites of the South” (*i.e.* South Wales) “was Thomas David Morgan, Barrister-at-Law, of Pen-y-Graig and Coed-y-Gorres. David Morgan was a scion of the house of Tredegar, and so the blood of Ivor Hael ran in his veins. His father was Thomas Morgan, who in 1682 was under-sheriff of the county of Glamorgan. His mother, from whom he probably in-

<sup>1</sup> This story was told to my informant by the late Mr. Wynne, of Peniarth. It is stated that the day after the burning of the papers the soldiers arrived and ransacked Wynnstay for documents.

herited Pen-y-Graig, was the daughter of David Mathew, of Llandaff, by his wife Joan, the daughter of Sir Edward Stradling. He was also first cousin of Admiral Mathews, member of Parliament for Glamorganshire. His wife appears to have been a London lady, and through her he seems to have acquired a considerable leasehold property at Shoreditch. He was a prominent member of a Club known as the 'Independent Electors of Westminster,' which was largely frequented by the magnates of the city. In the opinion of the author of a disgraceful pamphlet written after his death, and put in the form of a speech by his ghost to the members of this Club,<sup>1</sup> all the members fomented the insurrection for which the unlucky Welshman alone died. Two interesting facts in connection with Morgan's relations with this Club the pamphleteer has also preserved. He had an intimate friend in a Welsh Squire of Bedford Street (whom I have failed to identify), and he entirely devoted his attention to the 'High Church' party, whom he sought to convince that the Church had everything to gain by a Stuart Restoration. It also appears from the same source that he rejoiced warmly at Walpole's fall."

Horace Walpole sums up Morgan as a "poetical lawyer." And it is not surprising if his muse found a theme in the fall of Walpole, the great enemy of the Stuart cause. Mr. Ballinger, the Librarian of the Cardiff Free Library, has shown me a printed poem which is ascribed to Morgan. It is not of great merit, though there are occasional flashes of powerful satire. It is in the main taken up with a denunciation of Walpole's pacific policy, and would mark the author if he were living in these days as a strong Imperialist. In his prophetic frenzy he almost

<sup>1</sup> The pamphlet is at the British Museum.

foresees the coming triumphs of Chatham's administration. It is dated 1739, entitled the *Country Bard*, and dedicated to Frederick, Prince of Wales. I give the commencement and conclusion :—

1. "Since Monarchs by Prerogative are wise,  
How daring the Presumption to advise!  
How idly wild our *Compliments* to pay!  
They have the *highest* made them every day;
5. Censure *exalted natures* can't endure,  
Censure is Satyr, and too rough a cure.  
To compliment, advise, or censure them,  
Hence seems an awkward and imprudent scheme,  
Nor is it less a misdemeanour held,
10. Rashly to say *the knight hath not excell'd*.  
Since it prevails in spite of Common Sense,  
Whoever hits the *Courtier* wounds the Prince.  
A Prince — not much in Politicks refin'd,  
When to a *Courtier's little Arts* resign'd;
15. When grown the *Property* of *sycophants*,  
That know no candour, and abound in wants.  
*Laymen* and *Priests* at C——t all sympathize,  
Their Incense Flattery, Truth their Sacrifice.  
The *haughtiest* P——te, and the *proudest* P——r,
20. Obsequious cringe with low Obeisance here."  
\* \* \*
401. "If VIRTUE can divert the Storms of Fate,  
Let our few PATRIOTS save our sinking State.  
— Our P[r]ay'rs are heard, arm Britons, scour the  
Main,  
A few Broadsides shall humble *haughty Spain*.
405. See dawning Hope creaks on us from afar,  
*Too long obscur'd in Peace*, declares for War.  
Bright she advances from yon azure Sky,  
Big with success, and fraught with Victory.  
Resume your Spirit, Britons, arm again,
410. Heav'n will support us, if we act like Men."

The two following MS. poems in the Cardiff Free Library, the one a circuit song, the other a sarcastic poem on the marriage of a young vicar-choral of Llandaff Cathedral with an old lady, are more interesting.

The latter, in particular, throws an interesting light on the condition of the Church as seen from the eyes of a sympathetic High Churchman in the middle of the eighteenth century.

“TO THE BARR ON THE WELSH CIRCUIT.

“By COUNSELLOR DAVID MORGAN.<sup>1</sup>

1

“ Friends ! frankly I send you my Thoughts,  
To my Ballad give Ear ;  
I promise it free'er from Faults  
Then *this here* and *that there*.<sup>2</sup>

2

“ O Wales ! how unhappy thy Fate,  
Beyond doubt it's severe ;  
Thy Judges, the Farce of the State,  
Are *this here* and *that there*.

3

“ Which of them is worst, or is best,  
The moot Question forbear ;  
Poor Creatures, by all its confest,  
Are *this here* and *that there*.

4

“ *This here*, what a formal dull Fool !  
*That there* what a Bear !  
All Ministers have a sure tool,  
In *this here* and *that there*.

5

“ What a Void and a Chaos of Mind,  
In their judgment appear !  
To Justice and Candour stark blind  
Are *this here* and *that there*.

6

“ When obvious Point they'd explain,  
They puzzle what's clear ;  
All they say, and more than they mean,  
Are *this here* and *that there*.

---

<sup>1</sup> From Ph. MSS., No. 14970.

<sup>2</sup> Judges Carter and Proctor.

7

“To say, would be wickedly odd,  
 And so like a damn'd sneer,  
 That such were the Image of God,  
 As *this here* and *that there*.”

8

“I'll no more in your Circuit regale,  
 My Companions so dear ;  
 But Cambria's hard Fate will bewail,  
 In *this here* and *that there*.”

---

“ON MISS MADDOCKS, AFTERWARDS MRS. PRICE,  
 OF LANDAFF.

By COUNSELLOR MORGAN.<sup>1</sup>

“Hannah, some years ago a Toast,  
 By Justice *Sly*<sup>2</sup> admir'd,  
 For Shape and Features then could boast,  
 Her Eyes all youths set fire ;  
 Genteel and easy is her Air,  
 She learn'd of Lady Betty,  
 Still of her years a clever Fair,  
 And justly too thought pretty.

2

“Long had she liv'd a maid, 'twas hard,  
 To man a perfect Stranger ;  
 Time had her Frame somewhat impair'd,  
 Her charms were in some danger ;  
 Pensive one morn the maid reflects,  
 Lord ! what have I been doing ?  
 I have some beauties of the Sex,  
 They're surely worth the wooing.

3

“My Eyes preserve their Lustre still,  
 No mortal can deny it ;  
 Resolv'd I am, marry I will,  
 If there be Joys, I'll try it ;

---

<sup>1</sup> From Ph. MSS. No. 14970.

<sup>2</sup> Mr. Powel, of Eneyslyn.

Then straight her Eyes with Lustre glow'd,  
No Lightning e'er flashed quicker ;  
They roll'd at Prayers, that from the Pew  
Struck thro' the Choral Vicar.<sup>1</sup>

4

“The Vicar soon disclos'd his Love,  
Supported well by Grany.  
At Fifty Hannah he did move,  
Tho' clogg'd with Children many :  
Marry she must, Fate had ordain'd,  
'Gainst all her Friends' Persuasion :  
Nought else could please, 'twas all in vain,  
Her Parts in Agitation.”

“Made to her Brother, who married a good Fortune in London, which he spent in entertaining Sir Robert Walpole and other great men in expectation of a Bishoprick.

“Our Brother does much assume  
At Hannah's Indiscretion ;  
O ! Brother George, look once at Home,  
You'll see as odd a Passion ;  
Twelve hundred Pounds, quoth George, she's mad,  
To Choral Vicar given ;  
While he twelve thousand pounds has had,  
Priests marry sure in Heaven.”

The account of the part played by David Morgan in the '45, alike in Llewellyn's *Memoirs* and in the *White Rose of Arno*, is drawn from the proceedings against him in the *State Trials* (vol. xviii, pp. 371-394). Two facts of importance have also been added by Llewellyn, the local tradition of his talk with the smith at Efail Llancaiach, when starting on the fatal expedition, and his remark to Vaughan<sup>2</sup> on the first day of the retreat from Derby, when the latter declared that wherever the army went he was

<sup>1</sup> Mr. Price.

<sup>2</sup> There were two of the Court-field Vaughans out in the '45, William and Richard. See article on William Vaughan, *Dictionary of National Biography*, vol. lviii, 187.

determined to go with them, which is taken from Lord Elcho's *Memoirs*.

The report of the trial shews that David Morgan, in company with a friend, joined the Jacobite army at Preston, and accompanied them as a volunteer to Derby, taking a prominent part in arranging the plans of the campaign, and being known as the "Pretender's counsellor", that he followed their retreat to Ashburne, where he left them and proceeded to Stone, where he was arrested on suspicion. He was finally, as is well known, executed at Kennington Common, on July 30th, 1746.

The briefs of the counsel engaged in the prosecution of the Jacobite prisoners are, however, preserved in the British Museum, and from a study of the brief relating to David Morgan, I am enabled to throw considerably fresh light alike on his journey to join the Prince's army, and on the position held by him in the army after he had joined it.

The evidence of John Barry (or Berry) occupies only seventeen lines in the *State Trials* report, and as to the unlucky ride of Morgan to Preston, he merely states that he came out of Monmouthshire with his Master and "the defendant," and that they joined the Prince's army at Preston. The proof, however, of John Barry in the brief enables us to follow Morgan and his friend throughout their journey. The proof, which is of sufficient importance for a full transcription, is as follows:—

"That he (Barry) was servant to Mr. William Vaughan in Monmouthshire, and in the beginning of November, last" (of course 1745), "his master told him that he was going a-shooting at Mr. Berkeley's of Speechly in Worcestershire, and bid him get a couple of fowling pieces and the spaniels ready in the morning, and they went to Mr. Berkeley's and stayed there one night, and then his master met with the defendant Morgan, and from thence his master and Mr. Morgan went to Mr. FitzHerbert's house in Staffordshire, and stayed

there one night, and then went to a gentleman's house near Leigh, in Lancashire—but does not remember his name—and stayed there two nights. And then went to Preston, and stayed there all the night before the rebels came, and he says he and Mr. Morgan's servant were ordered by their masters to take the horses to Walton (about a mile north of Preston), and in case any of the rebels came that way, then they were to take the horses to a village four miles further off. And that about 10 or 11 o'clock the said Vaughan and Morgan came to the house, where witness and the other servant were with the horses, stay'd there all night and walked back to Preston the next morning, and directed the witness and the other servant to stay where they were till they came again. And they came again about 10 o'clock the second night, and the next morning directed the witness and the other servant to take the portmanteau and horses and go to Leigh aforesaid; but to wait in the road a little way short of Leigh, till they were come to them. And about 4 o'clock in the afternoon he said Vaughan and Morgan came to them, with each a white cockade in his hat, and then went to the same gentleman's house at Leigh where they had been and lay there that night: and next morning they went to Manchester with the said cockades in their hats and put up at a constable's house behind a church, but does not know the name, and he attended his master at supper the second night he lay there. And there were there the said Mr. Vaughan, Mr. Morgan, and Mr. Murray, the Secretary to the young Pretender, at supper together. And he heard Mr. Morgan call him Mr. Murray. And he saw Mr. Murray go in and out of the said house, where Vaughan and Morgan lodged, several times. And he says his master and defendant Morgan joined the young Pretender's life guards, under the command of Lord Elcho, and rode with them from Manchester to Derby, and his master gave him two guns to carry from Manchester to Derby. And he says, when the rebels went back to Manchester, his time being out with his master, he left him there. As he was going," he concludes "he was taken up and committed to gaol."

These statements clear up several points of doubt in Morgan's story. In the first place they show that Morgan did not, as I thought probable (*Wales*, 1894, p. 20), proceed through North Wales or visit Sir Watkin on his journey, and therefore relegates some interesting chapters in the *White Rose of Arno* to the region of fiction.

In whatever negotiations, therefore, Sir Watkin may have been carrying on with the Prince at this juncture,

Morgan played no part. It also clears up the further point as to the companion of Morgan's ride. It has been always supposed that it was one of the two Vaughans, and the proof makes it clear that it was William and not Richard. How or when Richard Vaughan joined the Jacobite army there is, so far as I know, no evidence. The remaining proofs relate to the action of Morgan after he had joined the Jacobites, and throw a considerable light on the part played by him in the campaign.

Most important on this matter is the proof of Samuel Maddock or Maddox, the informer on whose evidence Morgan was mainly convicted. Maddox, as the chief witness for the Crown, was naturally examined at considerable length; and I do not think that any purpose would be served by repeating here such parts of his evidence as appear in the *State Trials*.

Maddox's evidence at the trial and his statement in the proof, however, contain an apparent discrepancy on a small point to which attention may be drawn. In the report (p. 374) the informer is first asked when he saw the prisoner, and he replied at Manchester. He is next asked "Did he march away from Manchester with the rebels?" and replies: "He marched with them to DERBY, and there being an information given that some arms were secreted from the rebels, he gave orders for a party of the rebel army to go and search for them." Being asked whether the prisoner went with the party, he adds not to his knowledge, and states that he saw "Captain James Dawson" (whose tragic fate Sherstone has told in verse), "deliver him a pair of pistols." In the proof, however, Maddox states that the search for arms took place at Manchester. The proof on this point is as follows: "When the rebels came to Manchester he" (Maddox) "saw the Defendant among them with a white cockade in

his hat, and he was reported the chief man in getting from the Pretender's son press warrants "to seize horses and arms." The proof proceeds to state how information was given to the officers of the Manchester regiment of the place to which a certain Justice Drinckenfield had fled with a large quantity of arms, and then Morgan obtained a warrant from the Prince to send a file of Highland soldiers and Lord Pitsligo (the old Scottish Cavalier of Aytoun's lays) in a fruitless search after him. The discrepancy between the proof and the evidence in the report will not perhaps strike a lawyer as serious, since it is not impossible that Morgan, as a matter of fact, may have been engaged in superintending a search for arms at Derby as well as at Manchester. At the same time, the statement in the proof is interesting, since it makes it clear that immediately on his joining the army, Morgan took a leading position. The rest of the proof is certainly worth transcription, as it very considerably amplifies, though it does not contradict, Maddox's evidence in the report.

"And the witness afterwards frequently saw the defendant upon the march with the Rebels from Manchester to Derby armed with a brace of pistols and a broad sword and" (he) "had a white cockade. And in the retreat to Ashburn the defendant came to the house where the Manchester officers were quartered, where Capt. Dawson of the Manchester Regiment gave him a brace of pistols. And then the said defendant left the Army. This Witness heard the defendant say that he had the offer of the Manchester Regiment made him by the young Pretender, but he refused it, not being a military man. That the defendant was generally with the young Pretender at nights, and lodged in the same quarters with him. And that he acted as spy for the rebel army in observing the Duke's (*i.e.*, the Duke of Cumberland) Army. And further, that while the Rebels were at Manchester, the defendant met Mr. Francis Townley, Peter Moss, Jas. Dawson, George Fletcher, James Bradshaw, Thomas Furnival, all at Mr. Cookson's, the sign of the Dog in Manchester. And the said defendant proposed the raising of a regiment for the said Pretender, to which proposal all

present agreed. And all of them having white cockades in their hats. And then the company considered which should have the command of the regiment, and after a short consultation offered the command to the defendant: but he thanked them, and desired to be excused, saying he did not understand military discipline well enough to take so large a command upon him. And said that Mr. Townley had been in the French service and understood the military discipline much better than he. Whereupon Mr. Townley was named Colonel. And he set his name down in a paper first as Colonel. And the rest set down their names with title of rank in the said regiment. And then the defendant took the list away with him to the Pretender, and promised to furnish them arms, and then ordered a drummer about the town to beat up for volunteers."

The remaining proof in the brief is that of the witness, Edward How, who was Morgan's landlord at Derby. The evidence in the report is in the main similar to that in the proof—but as the latter is short, and throws considerable light on the geniality of Morgan's character, I give it in full:—

"This witness says the defendant and about twenty other rebels, eight of whom were officers, were quartered in his house at Derby when the rebel army was there, and defendant told him that these eight officers were not come to live upon him or anybody else, for they would pay for what they had. And he said the defendant appeared to be the chiefest person of those quartered at his house, and gave all the directions for providing for their entertainment and the witness a guinea and three shillings for such entertainment of himself and the other rebels, and said he paid him like a gentleman. And says defendant was then publicly called and reported to be the prince's, meaning the young Pretender's, counsellor. The witness having seen the prisoner in Newgate" (this must have been of course after Morgan's arrest) "who told the witness he would come to Derby and see him again in spite of King George, and all the people in the world, or to that purpose, and he saw the defendant frequently go to the Pretender's lodging-house and never appeared to be under any restraint while he was at Derby."

There exists no proof of the evidence of the other Crown witnesses against Morgan, whose testimony appears in the reports, Edward Tew, of Preston, who gave evidence as to Morgan's conversation with Lord Elcho at the

Joiners' Arms, Preston, Benjamin Bowker, the deputy constable at Manchester, who gave evidence as to the warrant which Esquire Morgan gave him to search for arms in the town, and Captain Vere, the Hanoverian officer, who seems to have been practically a military spy. In drawing any conclusions from these proofs, it should of course be remembered that the evidence it affords is in a sense tainted by the character of most of the deponents. Reading them, however, in connection with the report of this and the other Jacobite trials, and making all allowances, they at least establish the fact that David Morgan was unquestionably one of the prime movers in the rebellion of '45: and that no man outside the circle of Scotch adherents and French and Irish officers possessed greater influence with the Prince.

The result would seem to be that Welshmen may claim, in this country-man, the most active of the Prince's southern adherents, and more, the one man whose advice, if followed, might have placed the Prince in St. James' Palace.

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A WHIG SCHOOL-BOY.

I may conclude this paper with certain Latin verses on Culloden, by a Whig Welsh school-boy (or at least a boy educated at Cowbridge school) shortly after the battle, composed, no doubt, with a view of obtaining a half-holiday for the school. The poem is here printed exactly as it was written. The author must be responsible for the syntax. For these verses I am indebted to my friend, the present Head-Master of that ancient school.

“GEORGIDES, VICTAE PROCUBUERE METU.

“Reppulit, inque fugam trepidas dare terga coegit,

Vertit in auctores saevaue bella suos.

Qui modo terrebat minitans, nunc dicere causam

Cogitur, et legum subdere colla jugo.

Sic erat in fatis ; sic inconsulta ruit vis,  
 Praecipitans fatum saepe sinistra suum.  
 Spes ubinunc, Ludovice, tuae vocesque, minaeq<sup>1</sup>  
 Illa ubi Brunsviciae certa ruina domûs ?  
 Si nescis, domus haec humanis altuis ortum  
 Traxit, et e coelis, unde perennet habet.  
*Italus* Angliacas regeret peregrinus habenas,  
 Brunsviciâ regeret sceptrâ gerenda manu ?  
 Demens, illa tibi quando sperare, tuisque  
 Anus es, hunc aleret cum Domus ista DUCEM ?  
 Quid parat ille tibi campo monstravit in illo,  
 Spes ubi Scotorum, spes tua fracta jacet.  
 Scoticae eum pavidâe videre in montibus Alpes  
 Tendere, et in summis poenere<sup>2</sup> castra jugis.  
 Non illum montes, non illum sistere possunt  
 Flumina, nix et Hiems, difficilesque viae.  
 Et levis est, leviorque avium pernicibus alis,  
 Cunctantes linquit post sua terga duces.  
 Nec mora longa fuit, Cyclopum allabitur oris ;  
 Monticolis solo nomine terror errat.<sup>3</sup>  
 Hirta illis mens est, et corporis aemula, qualis  
 Et decet agrestes, monticolasque decet.  
 Et credas, scopulorum instar, traxisse rigorem,  
 Mens adeo est illis efferâ, mensque ferox.  
 Barbara gens tota est, effraenaque, et horrida et exlex,  
 Sive homines mavis dicere, sive feras.  
 Aspice *Monticolam* ; Dii talem avertite pestem !  
 Impya Styx illo nil, puto, pejus habet.  
 Arma dedit rabies, quaetrux Polyphemus, et ingens  
 Sidera qui fulcit, ferre recuset, Atlas.  
 Lumborumque tenus falcatus acinace largo est ;  
 Hoc fuit Aetnaei munus opusque fabri.  
 Et capite a summo totus jam ferreus ille est ;  
 Visus et ingenti mole Colossus erat.  
 Tum nova turmatim videas erumpere monstra,  
 Aetneos fratres Nubigenasque truces ;  
 Tullibardinos, Glenbuckettosque rebelles,  
 Totque alios scelerum perfidiaequè duces.  
 Quo vos, quo belli rabies, furiaequè, scelesti,  
 Praecipitant ? scelerum terror, et ultor adest.

<sup>1</sup> *quære* minaeque.<sup>2</sup> *quære* ponere.<sup>3</sup> *quære*, erat.

Nec mora : GEORGIDEM venientem fulminis instar,  
Quem non posse putat Scotus adesse, videt.  
Stant acies : dant signa tubae : concurritur, et mox  
Horruit Angliacum barbara turba DUCEM.  
Emicat ante alios Miles spectandus in hostem  
Regius, in primâ proelia fronte eiens.  
Qui vigor oris erat ? qualis pugnantis Imago ?  
Aut Mars, aut certe Martis Imago fuit.  
Dimicat, et totum castris DUX exiit hostem,  
Omniaque ingenti cæde fugâque replet.  
Vicini montes, vicini sanguine valles,  
Et procul hinc late sanguine terra rubet.  
Sic quatit attonitos, sic fulmen vibrat in illos,  
Ut dextrâ credas fulmina missa Jovis.  
Facti certa fides : perierunt millia quinque :  
Ipsa facit caedes Cullodenana fidem."





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### Session 1893-94.

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