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THE WELSH SHIRES: A STUDY IN CONSTITUTIONAL HISTORY.

T. F. TOUT, M.A.

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THE WELSH SHIRES : A STUDY IN CONSTITUTIONAL HISTORY.¹

By T. F. TOUT, M.A.,
Fellow of Pembroke College, Oxford, and Professor of History in
St. David's College, Lampeter.

THE history of the Welsh shires is the history of the connexion between England and Wales. The shiring of Wales was the gradual result of the introduction of English laws and English institutions. As in Ireland and Scotland, the establishment of the shire-system was the first result of the extension of English influence. It is impossible, then, for the shires of Celtic Britain to stand in the same intimate relation to the early history and inner life of those districts as the real shires of England proper stand to old English history. They are "departments", administrative districts, established for convenience, rather than organic divisions of land and people. They cannot compare in interest with such districts as Sussex or Kent, which correspond to original kingdoms; or divisions like the West Saxon shires, which go back to the primitive tribal divisions of the Gewissas. They have hardly the interest even of the Mercian shires of

¹ This paper is an enlargement and re-arrangement of a lecture read before the Society of Cymmrodorion on March 7th, 1888.

the Midlands, which, however artificial in their origin, have become real by the force of an eventful history of nearly a thousand years. Yet the Welsh shires are quite as interesting as the shires of Scotland, and even more so than those of Ireland. They mark no mere English conquest : for the shire was ever the unit of higher self-government, the outcome of free and representative institutions. The gradual establishment of the Welsh shires marks the incorporation of England and Wales into a single nation, rather than the subjection of the smaller to the greater people. If England put an end to the power of Welsh kings and princes, and of Norman Marcher lords, the institution of the Welsh counties restored some measure of local self-government and of local life and sentiment. For artificial as many Welsh counties doubtless are in their origin, others correspond closely enough to the old native divisions of the land. In some cases the names, in other cases the limits, were those of the old kingdoms, cantreds, commots. Some at least represent real dialectic and physical distinctions that are almost fundamental. Even around the most artificial of the Welsh shires have now gathered the associations of hundreds of years, which have created local feelings and local ties, hardly less strong than those of the English counties themselves. They are at least sufficiently well established to make it no popular work to carve and mangle their ancient limits to gratify a pedantic love of uniformity, or ignorant thirst for change.

In attempting to put together the chief facts bearing on the history of Welsh shires, I do not propose to discuss simply the history of the twelve or thirteen counties that now are called Welsh. The modern boundary between what we call "England" and what we call "Wales", is, as every historian knows, no older than the reign of Henry VIII, and did not then, and does not now, correspond with any precision to the limits of the two races. Of course I shall have

mainly to deal with the "Welsh shires" in the narrower sense ; but the exact delimitation of the border shires must also be dealt with. The introduction of the shire-system into any district which, after the establishment of the West Saxon monarchy of Britain, has any claim to be called "Welsh", must be discussed if the subject is to be fully dealt with. I exclude, however, the "Strathclyde Welsh" and the "West Welsh", and take the "Welsh" in the sense in which we now use the word, to include those regions which the victories of Æthelfrith and Ceawlin cut off from direct relations with their brethren to the north and south. I shall speak first of how parts of Wales became by the eleventh century incorporated with English shires without losing all claim to be called Welsh. I shall next speak of the establishment of shires in Wales itself—of the old Palatine counties that resulted from the Norman conquest of South Wales ; of the counties which Edward I established, or tried to establish, even before he became king and conqueror of Gwynedd ; of the shires of Gwynedd, and the dependent shire of Flint, which owed their existence to the Edwardian conquest ; of the completion of the shire system by Henry VIII ; of the new shires which he established, and the old shires which he remodelled ; and of his assimilation of the county system of Wales to that of England. This, with a few words as to the counties of towns, will complete a sketch which the limits of a paper must necessarily leave very imperfect.

I.

The defeat of Gruffydd ab Llewelyn by Harold, the son of Godwine, led to a great extension westwards of the limits of England. The Norman conquest continued further the work of the great English King. The *Domesday Survey* enables us to realise in detail how much of modern Wales,

what large districts inhabited by Welshmen, were then included within the English border shires.

The great Palatine county of Cheshire, whose earls exercised within their earldom all the sovereign rights of the king, and who were subjected to the crown by the simple tie of homage and fealty alone—the county of Cheshire included at the time of the *Domesday Book*¹ all the modern Flintshire and the greater part of the modern Denbighshire. In the same way the towns of Radnor and Monmouth are described as part of Herefordshire. The district between the Wye and the Usk was similarly attached to Gloucestershire, including the places so well known as Chepstow, Caerleon, Caldicot, and Portskewet. One Norman is mentioned as holding “six carucates of land beyond the Usk”.² But as this region was not regularly divided into hundreds and lordships, it was, in a way, an appendage to Gloucestershire, rather than an integral part of the shire itself. But none of these shires was distinctively or exclusively Welsh; though the influence of Welsh custom can be largely traced within their limits, and in Herefordshire, Welshmen, “living according to Welsh law”,³ are specially recognised as among the inhabitants of the county.

¹ Freeman, *Norman Conquest*, vol. ii, note SS., collects, and comments on, the record of *Domesday Book* on this subject.

² *Domesday*, vol. i, fol. 162.

³ *Domesday*, vol. i, fol. 185b: “tres Walenses lege Walensi viventes.” “Herefordshire,” says Sir H. Ellis, “appears at the time of the Conqueror to have been estimated almost as a Welsh county” (*Introduction and Indexes to Domesday*, vol. i, pp. 37-38). It was not unfrequently called “in Wales”, e.g., Pipe Rolls, 2, 3, and 4 Henry II, p. 143, Record Ed.: “W. de Hereford reddit comptum de firma de Herefordscira in Waliis.” There are also constant references to Welsh tenants, paying rents often in kind, in Shropshire. (*Domesday*, i, fol. 255.)

II.

The oldest of the exclusively Welsh shires of to-day are the result of the Norman conquest of South Wales in the reigns of William Rufus and Henry I. A swarm of Norman warriors, greedy for adventure, plunder, and conquest, poured themselves over the borders, and, after a desperate struggle, got into their possession nearly all that was worth getting in Southern and Eastern Wales. They had little connexion with the king, and fought primarily for their own hands; but when they had conquered a district they were content to hold it as a fief of the English crown, provided that they were allowed to exercise within its limits a jurisdiction hardly less than regal over their subjects. These lordships Marcher, or Border lordships, were very numerous, and were organised much on the model of similar feudal lordships in England. Such were the lordships of Gower, of Brecon, of Montgomery, of Bromfield, of Denbighland, and of Chirk. But among the series, two Marcher states were so large and so important as to be organised upon the same lines as an English county. These were the earldom of Pembroke and the lordship of Glamorgan.

Pembrokeshire and Glamorganshire are, then, the oldest Welsh shires, and it is but natural that they should still contain the largest English element in Wales. But they were not in their early days shires of the same free type as the shires of England continued to be, despite the great developments of feudalism. They were counties in the stricter sense, subject, that is, to the feudal jurisdiction of their count or earl. Their sheriff was a real vicecomes or deputy of the Count. They were Palatine counties of the Cheshire type, and their lords exercised within them most of the rights of sovereignty. They stood to the old English shires as the manor stood to the old English township, or as the soken or

the honour stood to the old English hundred. But though there was not the theoretic basis of freedom, their institutions were based on the model of the free shire. There were the local courts, however fully they were feudalised, however fully membership of them was conditioned by the possession of landed estates. Though the law of the lord was Norman, there were many manors where the Welsh tenants still held their lands by the old Welsh tenures. But their organisation was throughout military. They were studded with castles to keep in check the Welshmen from the hills. They were limited in extent by the limitations of the feudal rights of their lords. They were also no larger than could be defended with ease. Both occupied much narrower boundaries than the modern shires of the same name.

The history of Pembrokeshire is fairly simple, though we know little about the details. The greater part of Dyved had been conquered by various Norman chieftains, and the establishment of a Flemish, or English, colony during the reign of Henry I in the lands round Milford Haven (which had perhaps already witnessed a Danish settlement) drove the natives out of all the plain country into the hills of Preselly and the wild districts to the north-east. At the beginning of King Stephen's reign, Gilbert of Clare, who was also lord of Chepstow and Nether Gwent, ruled over the castle of Pembroke and all the region south of Milford Haven and the Cleddau—with the exception of the episcopal manor of Lamphey. In 1138, this Gilbert of Clare was made Earl of Pembroke by King Stephen.¹ Now, an earl was in French a count, and an earldom was consequently a county. For in those days an earldom was not simply a title of honour, but involved a real official position in the county from which the bearer of the dignity took his name. Thus, in 1138, the lordship of Pem-

¹ *Ordericus Vitalis*, xiii, 37.

broke became the county Palatine of Pembroke.¹ It was, then, the first regularly organised shire in Wales. It was the fault of the circumstances of the age and place that the civil was subordinated to the military aspect—that the first Welsh county was in fact only a great lordship Marcher. Its earls soon won for themselves and their dominion a more than local fame. Earl Gilbert's son was the famous Strongbow, the first and most successful of the Norman conquerors of Ireland in the reign of Henry II. His daughter Isabel brought the Pembroke inheritance to William Marshal, the wise regent who saved England from the foreign priests and the foreign soldiers that had profited by the tyranny of King John; the ruler who preserved the infant Henry III from the consequences of his father's wickedness. But to go through the deeds of the long line of earls of Pembroke would be almost to write a history of mediæval England. It is enough to say that the dignity passed from one family to another, until it finally fell into the hands of the crown. Henry VIII gave the earldom to Anne Boleyn, with the title of Marchioness. When the same monarch afterwards conferred the earldom on the Herberts, it had ceased to be much more than a titular dignity.

We must, however, be clear that the mediæval county of Pembroke was less extensive than even the English-speaking part of the Pembrokeshire of to-day. It did not include Lamphey. Haverfordwest, Walwyn's Castle, Slebech, and Narberth were outside its narrow bounds. Dewsland was

¹ The Anglo-Norman poem on the Conquest of Ireland, attributed erroneously to M. Regan, speaks, under the year 1171, of Pembrokeshire by that name :

“Tant cum li reis (Henry II) unt sur la mer

A *Penbrocsaire* pur passer” (line 2497-8, Ed. Michel).

Giraldus Cambrensis speaks, in about 1172, of the Sheriff of Pembrokeshire (“vicecomes provinciae de Penbroc”);—*De Rebus a se gestis, Opera* i, p. 24.

ruled by the Bishops of St. David's. Kemmes was a separate lordship. Its territories seem to have been about the same as those of the ancient rural deanery of Pembroke or the hundred of Castlemartin.¹

Glamorganshire comes next after Pembrokeshire. This county owes its origin to the famous conquest of the Vale of Glamorgan by Robert Fitzhamon and his twelve knights, which has been told us with such particularity in the well-known South Welsh legend or romance. But though the legend has perhaps no better origin than the brains of pedigree-mongers,² and though authentic history is strangely silent as to this, the greatest of Fitzhamon's exploits, we can prove from its results the fact of his conquest. Like Strongbow, Fitzhamon left only a daughter, and she became the wife of the bravest and ablest of Henry I's bastard sons, Robert, to whom she brought as her portion both her father's original lordship of Gloucester and his new Welsh possession of Glamorgan. King Henry made Robert Earl of Gloucester, and the Earl showed his gratitude to his parent by manfully upholding the cause of his sister Matilda, the Empress, against the partisans of King Stephen. Robert of Gloucester should always be remembered in Wales as the patron of the little knot of learned men who revealed to European admiration the rich stores of Celtic legend and romance, of which the Arthurian cycle is the highest embodiment. From his time onwards the fortunes of Glamorgan almost constantly followed those of the great Gloucester earldom, which in the thirteenth century, under the Clares, became the most famous

¹ There is a long account of Pembrokeshire in 1603 in MS. Harl., No. 6250. Ch. 24 : "that Pembrokeshire was in ancient tyme a Countye Palatyne and noe parte of the principallitie of Wales", may be specially referred to. I quote from a transcript made for Bishop Burgess, now in the library of St. David's College.

² It is first found in two sixteenth century compilations—Powel's *History of Cambria*, and the "Gwentian" *Brut y Tywysogion*.

and important of English noble houses. It owed no small share of its weight to the prowess of the hardy Welsh warriors that it could draw to its aid from its great Welsh lordship.

There is this difference between Glamorgan and Pembroke, that while the latter was, as we saw, formally erected into an earldom, the former was never described by a higher title than that of a lordship. Yet its territories were extensive, considerably more extensive than those of the old county of Pembroke. They were not, indeed, so large as the modern Glamorganshire. The lordship of Gower was quite distinct from it; and the fact that Gower, including Swansea, remains to this day a part of the diocese of St. David's is an interesting illustration of its former complete independence of the lords of Cardiff. Even some districts in the vale were outside the lordship of Glamorgan, while the solitary uplands with their then desolate valleys, which now are black with the smoke of countless works and swarming with an industrious population, were in the hands of native chieftains that cared but little even for the mighty Clares. But it is not its extent merely that justifies us in describing the lordship of Glamorgan as a county. Though its lords were never styled Earls of Glamorgan, it may well have been because they had already an earl's title from their Gloucester inheritance. The organisation of Glamorgan was as much that of a Palatine county as that of Pembroke, or of Durham, or of Chester itself. From his seat of government at Cardiff, the lord of Glamorgan exercised an almost regal sway over his Welsh and English tenants. The very bishopric of Llandaff he claimed to have in his gift, and the custody of the lands of the see during a vacancy he asserted to be his because he had all royal rights in his province. Even Edward I, though insisting on the king's right to the custody of the temporalities of the vacant bishopric, found it prudent to surrender the exercise of that right to Earl Gilbert of Gloucester for

his life.¹ From the days of Fitzhamon onwards, the official who acted under the lord of Glamorgan was the *vicecomes* or sheriff. The court of the lordship that met at Cardiff is always described as a county-court or "comitatus". From the twelfth century onwards the district was often described as Glamorganshire. It is regarded as an old county in the Act of Henry VIII, which completed the Welsh shire-system.²

III.

During the latter part of the twelfth century the princes of Gwynedd attained great importance, and before the middle of the thirteenth were recognised as princes of nearly all the parts of Wales outside the lordships Marcher. Ceredigion and the Vale of Towy, which had been almost entirely in Norman hands, were to a large extent reconquered by them, though a few great towns and castles, such as Carmarthen, remained in English hands. A new period of English

¹ The passages bearing on this point are collected in Haddan and Stubbs' *Councils*, vol. i, pp. 466-8, 590-596, and 610-614.

² I have collected some early examples of the county organisation of the lordship of Glamorgan. In the *History and Cartulary of St. Peter's, Gloucester*, published in the Rolls Series, there is a reference in vol. i, p. 347, to the "vicecomes Glamorgansciræ", as well as the "comitatus [county court and county] de Cardiff"; cf. ii, 10, for a writ of Robert of Gloucester to the "vicecomes de Glammorgan", cf. ii, 18; ii, 135. In *ib.*, ii, 20, the "comitatus de Glammorgan" is referred to in a charter of Gilbert of Clare. The "totus comitatus de Kairdiff" witnesses in 1146 a charter of Earl William, the son of Earl Robert (*ib.*, ii, 139). "Manerium de Treygof quod est in comitatu de Glamorgan" (*ib.*, ii, 223). In 1242 Abbot Robert of Tewkesbury and others were sent to inquire into some riots, "qui convocato comitatu apud Cardiff pacificaverunt dissidentes." The account goes on to speak of what was done "in pleno comitatu", and of the "vicecomes Glamorgensis" ("Annals of Tewkesbury", in *Annales Monastici*, vol. i, pp. 124-125, Rolls Series). But the earliest reference to the "vicecomes de Cardiff" is in the *Liber Landavensis*, pp. 27-28, under the year 1126, when Robert of Gloucester was still alive. For the best account of early Glamorgan and its lords, see Mr. G. T. Clark's papers in the *Archæological Journal*, since (1883) reprinted separately, on "The Land of Morgan."

aggression begins with the grant by Henry III of the Palatine county of Chester, together with what is called loosely "Wales" (*i.e.*, the royal possessions in Wales),¹ to his eldest son Edward, afterwards Edward I. Edward, or his advisers, at once determined to meet the power of the Welsh princes by extending the range of English laws and English institutions. In 1256 Edward made a definite attempt to establish shires in those parts of the country in which he had any power. We may suspect that he attempted to extend the old jurisdiction of the county court of Cheshire over north-east Wales. We cannot but believe that he now set up a rudimentary county organisation in those southern and detached parts of the Principality where the power of Llewelyn ab Gruffydd was weak, and the tradition of the Marcher rule recent. Carmarthen, which was in his hands, was the natural seat for the new courts and the new officers. But, while Edward was organising his shires and hundreds, the Welsh met in council and declared that they would do nothing against the laws of their fatherland.² They had in the second Llewelyn a vigorous and active leader. The quarrels between King Henry and his barons distracted Edward's attention, and the energetic support which Llewelyn gave Simon de Montfort connected the cause of Wales with that of the baronial leaders. Even after Montfort had fallen at Evesham there was no peace on the Welsh border until the treaty of 1267 acknowledged Llewelyn Prince of all Wales,³ saying nothing about Edward's attempted counties. Yet, after the

¹ "Tota terra quam habuit rex in Wallia" (*Annals of Tewkesbury*, in *Annales Monastici*, vol. i, p. 158).

² "Et cum postea comitatus et hundredos ordinaret (*i.e.*, Edwardus), Walenses habito consilio, confidenter responderunt quod nihil pro eo contra leges paternas facerent" (*Annals of Dunstable*, in *Annales Monastici*, iii, 20 ; cf. Pearson, *Hist. of Eng.*, ii, 216). The men of Kerry, however, petitioned Henry "quatenus . . . leges terrarum vestrarum ubique per Walliam et per Marchiam nobis concedere velitis" (Shirley, *Royal Letters*, ii, 353, Rolls Series).

³ Rymer's *Fœdera*, vol. i, p. 474, Record Edition.

campaign of 1277 had diminished the power and prestige of Llewelyn, the aggression of the Justice of Chester on the four cantreds of Perfeddwlad suggests that those regions were now regarded, as in *Domesday*, as part of Cheshire;¹ while, even before this, some sort of shire-system seems to have been established or revived in the southern districts of the Principality of Llewelyn,² which it is hard not to consider as the permanent result of Edward's attempt in 1256. So early as 1270 Pain de Chaworth was ordered to do homage to Edmund, Edward's brother, "for the lands which he holds of the castles and counties of Cardigan and Carmarthen."³ So early as 1275 the Welsh of Elvet and Derlllys were ordered to submit to the jurisdiction of the county court of Carmarthen.⁴ In 1280 the "counties" of Carmarthen and Cardigan were granted to a certain Bogo of Knovill, the King's Justice of West Wales.⁵ But the king's

¹ The complaints of Davydd, Llewelyn's brother (printed in *Registrum Epistolarum J. Peckham*, vol. ii, pp. 445-47), and the complaints of the Men of Rhos (*ib.*, ii, 447-51), are full of the aggressions of the Justice of Chester and of their grievance at being made to take their suits to the county court of Chester.

² The Principality meant in the Middle Ages not all Wales, but the districts subject to the Welsh Princes of the house of Gwynedd. The Marcher lordships were not part of the Principality, for they were subject to the Crown directly. This use of the term Principality continued even after its annexation to the Crown in 1282. It is definitely recognised by an Act of 1354 (28 E. III, cap. ii, in *Statutes of the Realm*, vol. i, p. 345): "Item, acorde est et establi que touz les Seigneurs de la Marche de Gales soient perpetuelement entendentz et annexes a la corone Dangleterre, come ils et leur auncesters ount este de tout temps avant ces heures, et noun pas a la Principalte de Gales, en qi mains que meisme la Principalte soit ou devendra apres ces heures."

³ *Thirty-first Report of the Deputy-keeper of the Public Records*, p. 11.

⁴ *Carmarthen Charters*, p. 47.

⁵ *Carmarthen Charters*, p. 10. This comes from the *Rotulus Walliæ* of 8 Edward I; but I refer to Messrs. Daniel-Tyssen and Alcewyn Evans' handy collection of Carmarthen documents (Carmar-

directions for the holding of the county courts of Cardigan and Carmarthen, in the same year, refer to the ancient customs of these courts in the days of King Henry III.¹ Again, the sons of Maredudd ab Owain, who held lands in Geneu 'r Glyn and Creuddyn, in northern Ceredigion, complain that the king had disinherited them, and deprived them of all Welsh and Welsh laws, and of access to the county court of Carmarthen. They also complained that the king's justices in his county of Cardigan had otherwise injured them and deprived them of their jurisdictions, and that fear of imprisonment prevented any Welshmen in the county coming between Englishmen.² All these trifling instances point to an organised shire-system in the two southern counties of the "Principality" even before the crowning disaster of 1282 deprived Wales of its last native ruler, and annexed his Principality to the English crown. Their permanent organisation and formal recognition were due to the famous statute of Wales which Edward issued at Rhuddlan in 1284.

IV.

The Statute of Wales (12 Edward I)³ was an elaborate and skilful provision for the government of the old dominions of Llewelyn, which had now fallen into the royal hands. It did not affect the lordships Marcher in any way, for they had been previously subject, not to the lords of Snowdon, then, Spurrell, 1878), as more accessible than the rare and expensive edition of the Welsh Rolls for part of Edward's reign which was privately printed by the late Sir Thomas Phillipps (p. 19).

¹ *Rotulus Walliæ*, 8 Edward I, p. 18 : "Volumus quod omnes sectatores comitatus de Cardigan qui antiquitus tempore Domini Henrici fratris [obviously a misprint for patris] nostri, sectam facere consueverunt," etc. ; cf. "ubi comitatus ille (sc. de Kaermardyn), temporitas retroactis, semper teneri consuevit per diem Jovis," etc. (*ib.*, p. 18).

² *Reg. Epistolarum J. Peckham*, ii, 453.

³ Given in full, with an English translation, in *Statutes of the Realm*, vol. i, pp. 55-68.

but immediately to the English kings. The districts more immediately subject to Llewelyn were divided into three shires—Carnarvonshire, Merionethshire, and the county of Anglesey. These were under the general government of the Justice of Snowdon, who resided in the new castle of Carnarvon, which thus became the capital of North Wales. This gave a sort of unity of organisation to the three ancient shires of Gwynedd; but in each county a separate staff of officers was also established. A sheriff, appointed for life, presided over the county court, which met as in England, and seems to have had the same constitution and the same powers. Coroners, to look after the crown pleas, were also instituted in each county, as well as bailiffs in every commot. The minute directions for the holding of the county courts which are given in the statute are our best evidence of the extent of the powers of the English shire-moots also at the end of the thirteenth century.¹ It has been said by a modern writer that these Welsh counties bear to the English counties of our time some such relation as the Territory of the United States bears to the fully organised State.² But there is nothing in the statute that makes any difference between them and ordinary English shires, though admittedly they were no part of England. Doubtless the disturbed state of the country, and the recent circumstances of the Conquest, gave the royal officials more power than similar officials could obtain in an English shire. But their theoretical power was tempered by their practical weakness. It is to Edward's credit as a far-sighted statesman that he did what he could to establish local self-government in his new possession. It is also worthy of remark that the administration fell almost from the first into Welsh hands. Within fifty years the sheriffs of Merioneth included men with such thoroughly

¹ Stubbs, *Constitutional History*, vol. ii, p. 117.

² Pearson, *Hist. of Eng.*, vol. ii, p. 332.

Welsh names as Gruffydd ap Davydd and Ievan ab Hywel. Among the early sheriffs of Carnarvon was Gruffydd ap Rhys. Gruffydd ab Owen, Madog Llwyd, and Eineon ab Evan were among the first sheriffs of Anglesey.¹

Edward's conservative bent was also seen in his direction that the new counties should consist of an aggregation of old cantreds and commots (cymmwds). Anglesey's insular position would always give it a unity of its own. But it was wise policy that built up the other shires out of the immemorial territorial divisions of the Cymry.² Under the Sheriff of Carnarvon were put the cantred of Arvon, the cantred of Arllechwedd, the commot of Creuddyn, the cantred of Lleyn, and the commot of Eivionydd. Under the Sheriff of Merioneth were the cantred of Merioneth, the commot of Ardudwy, the commot of Penllyn, and the commot of Edeyrnion.

Such were the three ancient shires of Gwynedd, whose limits still remain with but very little alteration for the last six hundred years. Besides these three shires, the Statute of Wales also established, or perhaps we ought rather to say legalised, the already existing counties of Carmarthen and Cardigan. These districts were continued under the Justice of West Wales, and included the southern districts of Llewelyn's principality. Carmarthen now became the capital of the south, and there the Sheriff of Carmarthenshire held his court. The Sheriff of Cardiganshire is described as the Sheriff of Cardigan or "Lampadar". Most writers have jumped to the conclusion that "Lampadar" is "Lampeter";³

¹ Breese, *Kalendars of Gwynedd*, pp. 34, 48, 68.

² Mr. Palmer shows that even the lordships Marcher were generally built out of commots or groups of commots (*Ancient Tenures of Land in the Marches of North Wales*, p. 93). In the same way the *maenols* and *maerdrefs* became English manors (*ib.*, p. 95).

³ The mistake is made by the translators of the statute in *Statutes of the Realm*, and I have carelessly copied it in a short article on the Welsh counties in Low and Pulling's *Dictionary of English History*.

but "Lampadar", in the very imperfect Welsh spelling of the English lawyers, really means "Llanbadarn". And Llanbadarn in most mediæval legal documents does not signify the old Welsh village round the great church of the holy Padarn, but what is sometimes called more fully the "new town of Llanbadarn", that grew up round the famous castle at the confluence of the Ystwyth and the sea. So Sheriff of Cardigan or Lampadar means Sheriff of Cardigan or Aberystwith. But the county court seems often to have met for convenience' sake at Carmarthen.

Both Carmarthenshire and Cardiganshire were, in their original form, much smaller than the modern counties. In particular was the jurisdiction of the Sheriff of Carmarthen limited by the liberties of the adjacent lords Marcher. For example, the districts subject to the lords of the castles of Llandovery, Newcastle Emlyn, and Kidwelly were outside the limits of the shire.¹ So also was the ecclesiastical franchise of Abergwili at the very gates of the capital of South Wales. But Cardiganshire was much nearer its present bounds,² and to this is due perhaps the strong local feeling and distinct type of character which we associate still with that county. Moreover, it corresponded roughly with the ancient principality of Ceredigion, though that state was larger, it would seem, than even the modern county. But alone among Welsh shires Cardiganshire can trace back its history to the primitive states of Wales. The original Arvon and Meirionydd were but small parts of the shires that subsequently received from them their names. Morganwg is put out of relation to Glamorganshire by the conquest of Fitzhamon, and the ancient state of Moiganwg was never really

Mr. Wylie, in his generally excellent *History of Henry IV*, rather confuses some steps of the war against Glendower by constantly mixing up Llanbadarn and Lampeter from the very same cause.

¹ Stat. 27 Hen. VIII, cap. 26, sec. 13.

² *Ib.*, sec. 15.

conterminous with the modern county. But the men of Ceredigion had learnt to act together in successfully repelling Norman invasion and Norman conquest. They alone were able to set some limits to the Marchers' yoke, and keep in South Wales a region that, to the last, paid allegiance to the native princes of the Cymry. Cardiganshire stands to its neighbour shires as Kent or Sussex stands to the artificial counties of the Midlands.

Besides the five shires which Edward I constituted out of the dominions of Llewelyn, a sixth shire, now commonly regarded as Welsh, was also established by him. This was Flintshire.

I have already pointed out how all the modern Flintshire was included in Cheshire at the time of the *Domesday Book*, and how that earldom extended as far as the Clwyd. But the great national movement of the thirteenth century had pushed back the boundaries of Cheshire almost to the gates of Chester, and, in 1267, Henry III recognised the claims of Llewelyn ab Gruffydd to the four cantreds of the Perfeddwlad.¹ These were Rhos, Rhuvoniog, Dyffryn Clwyd, and Tegeingl or Englefield. Edward I had subsequently surrendered the more eastern parts of Flintshire to Davydd, Llewelyn's brother, and had retained nothing but a few castles. Now, however, the western districts of Perfeddwlad were put into the hands of lords Marchers, while a Sheriff of Flint was appointed with jurisdiction over the Cantred of Englefield, the land of Maelor Saesneg, the land of Hope, and all the land joined to the town and castle of Rhuddlan up to the walls of Chester. But the Sheriff of Flint was subject to the Justice of Chester, and the county of Flint remained all through the middle ages in a sort of half dependence upon the county of Chester. As the lawyers said, "Comitatus de Flint pertinet ad gladium Cestriæ"—that is, Flintshire is a

¹ Rymer's *Fœdera*, vol. i, p. 474.

possession of the Earls of Chester, though the earldom, like the Principality of Wales, went henceforwards to the king's eldest son. The records of Flintshire were preserved along with those of Cheshire, in Chester city.¹ The same officials were commonly appointed to exercise jurisdiction in the two counties. Flint, then, is an anomalous and erratic shire. It is, however, noteworthy that Edward's scheme for the settlement of Wales should have included the separation of the specifically Welsh portion of the Chester Palatinate from that more distinctively English. It would have been easier and more natural to have restored its old identity with Cheshire. Welshmen at least will not complain that Edward allowed it a separate, if precarious, existence.

Thus Edward I made all the Principality shireground, though the Marches, which we must always remember were not part of the Principality, remained as before. But there was one function which the new shires of the Principality did not share with the English counties. This was the right of electing in their county courts knights of the shire to represent their communities in Parliament. I do not think that the reason for this was that Edward wished to keep the Welsh down, or that he desired to treat them as a conquered people. In 1284 the Commons had hardly yet become a necessary part of the national council. When their position was fixed, towards the end of Edward's reign, he had restored to the Principality some sort of separate existence by creating his son Edward Prince of Wales. This was in 1301. The consequence was that Wales was not regarded as an integral part of Edward's realm, and it was therefore thought unnecessary to summon its representatives to Parliament. The counties palatine of Chester and Durham were in exactly the same position, and for exactly the same cause sent no

¹ *First Report of the Deputy Keeper of the Public Records*, p. 78 *et seq.*, and the authorities there referred to.

members to the English Parliament.¹ The thoroughly English lordships Marcher were treated in just the same way as the three thoroughly Welsh shires of Gwynedd. Yet on two occasions the shire communities of Wales were called upon to discharge the highest function still entrusted to local courts. In 1322 forty-eight representatives from Wales appeared in the famous Parliament of York that consummated the triumph of Edward II and the Despensers,² and enunciated for the first time the great principle that all legislative changes required the assent of the three estates. Again, in 1327, the forty-eight representatives of Wales appeared in the Parliament that deposed Edward II and recognised his son as king in his stead. But these sound precedents were not followed, and no more Welsh members sat in Parliament until more than two hundred years later. Thus the Welsh shire-courts remained in an inferior position to those of England, and the inferiority was accentuated by the savage penal code and drastic disqualifications imposed on native Welshmen after the suppression of the revolt of Owen Glendower.

V.

We have now seen how Wales became divided into the Principality and into the Marches; how the Principality had been made shire ground; but how the Marchers remained with their separate organisation. The result was that Wales was badly governed, and in a state of anarchy.³ There was no unity or vigour of organisation. It was reserved for

¹ Cheshire first returned Members of Parliament in the reign of Henry VIII, but it was not until the reign of Charles II that Durham was admitted to the same right. The famous Bishop Cosin struggled vigorously against such an acknowledgment of the limits of his power.

² *Rolls of Parliament*, i, 456.

³ Sir John Wynn's *History of the Gwydyr Family*; Lord Herbert of Cherbury's *Autobiography*, especially in Mr. S. L. Lee's sumptuous edition with his valuable notes and appendices; and the letters of

Henry VIII to complete the process which made Wales one with itself, and one with England. The task was the easier as the great majority of the lordships Marcher had now fallen into the king's hands. In a series of great statutes, he incorporated England and Wales into a single whole, with equal rights and similar laws. This union of England and Wales involved the extension of the shire-system to all Wales.¹ The palatine jurisdiction of the Marcher was abolished, and the lord of a March reduced to the humbler position of the lord of an English manor. The lordships Marcher were either incorporated into existing shires or aggregated into new ones. The boundaries of the existing counties, English and Welsh, were adjusted. The old shires of Edward I, and the older palatinates, were, like the new shires, fully assimilated to those of England. Above all, they received the right of returning representatives to the Parliament at Westminster.²

Many lordships Marcher hitherto reputed in Wales were annexed to the English border counties, whose western limits were thus finally fixed. The lordships of Ellesmere,

Bishop Rowland Lee, summarised in Gairdner's *Letters and Papers of the Reign of Henry VIII*, may be referred to as illustrating the then state of Wales.

¹ The following passage from a letter of Bishop Lee, then President of Wales, to Cromwell, throws light on some aspects of Welsh life : "I have been lately informed that the king wished to make Wales shire ground, and to have justices of the peace and of gaol delivery as in England. But this will often simply be setting one thief to try another thief" ; also, "very few Welshmen in Wales above Brecknock have £10 a year in land, and their discretion less than their land." The proof that the policy is wrong is the condition of Merionethshire and Cardiganshire, "for though they be shire ground, they are as ill as the worst parts of Wales." (Gairdner's *Letters and Papers of the Reign of Henry VIII*, vol. x, No. 453.)

² The chief Welsh Statutes of Henry VIII's reign were 27 H. VIII, c. 4, c. 5, and c. 6 ; 27 H. VIII, c. 26 ; 28 H. VIII, c. 3 ; 34 and 35 H. VIII, c. 26 ; and 35 H. VIII, c. 11.

Oswestry, Whittington, Cherbury, Down, and others were annexed to Shropshire.¹ The lordships of Wigmore, Eardisley, Ewyas Lacy and Ewyas Harold, and others became a part of Herefordshire.² Wollaston, Tidenham, and other lordships in the Marches of Wales were joined to Gloucestershire.³

The ancient palatine counties of Glamorgan and Pembroke now received their present limits, and lost their palatine character. Among the separate jurisdictions now absorbed in the "shire of Glamorgan and Morganog" were Gower, Neath, Llandaff, Glyn Rhondda, Miskin, and the other upland regions. It was provided that all the above "shall be henceforward reputed and known by the name of the shire of Glamorgan only and by no other name".⁴ In the same way Haverfordwest, Cilgerran, Dewsland, Rosemarket, Narberth, and the other lordships that make up the modern shire were annexed to the county of Pembroke.⁵ The other lordships Marcher of the south were joined to the old Welsh shires of Cardigan and Carmarthen. The lordships of Tregaron, Geneu'r Glyn, Llanddewi Brevi completed the present limits of Cardiganshire.⁶ The lordships of Llandovery, Abermarlais, Kidwelly, Newcastle, and Abergwili swelled out the scanty bounds of the old Carmarthenshire.⁷ The little lordships of Llanstephan and Laugharne were at first added to Pembroke-shire, but they were transferred by a subsequent statute, passed in 1542, to Carmarthenshire.⁸ A little later it was necessary for Henry VIII to forbid the old practice that had grown up of holding the sessions of Cardiganshire at Carmarthen.

The rest of South Wales was by the Act of 1536 cut up into new shires. A whole series of petty lordships Mar-

¹ 27 Hen. VIII, cap. 26, sec. 9. ² *Ib.*, sec. 10. ³ *Ib.*, sec. 11.

⁴ *Ib.*, sec. 12.

⁵ *Ib.*, sec. 14.

⁶ *Ib.*, sec. 15.

⁷ *Ib.*, sec. 13.

⁸ 34 and 35 H. VIII, cap. 26, sec. 57.

cher, were grouped together with the old "honour of Brecon" to form the new county of Brecon, of which Brecon was appointed to be the shire town, and the place for the meeting of the county court.¹ Another large group of little lordships was combined to make the new county of Radnorshire, with New Radnor for its shire town, and that place and Rhayader for the alternate sessions of its county court.² The "residue of the lordships Marcher within the Dominion of Wales"—I quote the words of the Act—were erected into the new shire of Monmouth.³ Monmouth was made its shire town, and the county court was directed to be held at Monmouth and Newport alternately. But while the old shires of South Wales, with Radnorshire and Breconshire, went for justice to the local Welsh judges who sat at Carmarthen and at Brecon—where also were courts of the chancery and courts of exchequer for the same counties—the Act put Monmouthshire under the exclusive jurisdiction of courts of chancery and exchequer at Westminster. And the sheriff and other officers of the county were directed to "do everything as their fellows were bound to do in every shire of England". An Act of 1542⁴ speaks of Monmouthshire as separate from the "twelve shires of Wales" which were established by the Act of 1536, and shows—as does the Act which gave Monmouthshire two members of Parliament while it only gave the twelve shires one apiece—that some sort of distinction between Monmouthshire and the other Welsh shires was intended.⁵ The inclusion of the county in the Oxford circuit, during the reign of Charles II, while the "twelve shires" remained under the Welsh judicial system

¹ 27 H. VIII, cap. 26, sec. 4.

² *Ib.*, sec. 5.

³ *Ib.*, sec. 3.

⁴ 34 and 35 H. VIII, cap. 26, sec. 1.

⁵ Compare 35 H. VIII, c. 11, which speaks of "the twelve shires of Wales and the county of Monmouth."

until the reign of William IV, completed the separation.¹ It is often discussed whether or not Monmouthshire is a Welsh county. The answer is both Yes and No. It is Welsh in the sense that it was created out of Welsh lands, and that its inhabitants are largely Welsh by stock, if not always in tongue. But in these senses a good deal of Herefordshire and some parts of Shropshire, and even a part of Gloucestershire, are Welsh. It is not Welsh inasmuch as the only legal distinction between England and Wales after 1536 was the separate Welsh judicial system, in which it was not included. But now that that has been abolished, the legal distinctions between "England" and "Wales" are so minute, that the legal aspect of the question is of verbal rather than of real importance. Still, as a matter of law, Monmouthshire is not in Wales.

We must now look at the result of Henry VIII's legislation in North Wales. The three old shires of Gwynedd—Anglesey, Carnarvonshire, and Merionethshire—remained as they did before, except that the lordship Marcher of Mawddwy was annexed to the latter county.² Two new shires were created out of the lordships Marcher of North-Eastern Wales. The lordships of Denbighland, Ruthin, Bromfield, Yale, Chirk, and Hopedale were erected into the county of Denbigh.³ Denbigh was made the shire town, and the county court was directed to be held at Denbigh and Wrexham alternately. A few years later these limits were altered by the transference of Hope, St. Asaph, and that portion of Hawarden parish which was outside the old Flintshire of Edward I to the county of Flint; which thus had its scanty bounds slightly enlarged to its present extent.⁴ Mont-

¹ For the results of this system see Spencer Walpole's *Hist. of England*, iii, 31-32.

² 27 H. VIII, cap. 26, sec. 16.

³ *ib.*, sec. 7.

⁴ 33 H. VIII, cap. 13.

gomeryshire was the other new county. It was composed of a large number of lordships Marcher, of which Montgomery, Cyfeiliog, Cedewain, Arwystli, and Powysland were the most important. The shire-town was Montgomery.¹ The county court was to meet here and at Machynlleth. As for the two new shires in the south an exchequer and chancery were established at Brecon, so for the two new shires of the north an exchequer and chancery were created at Denbigh. The establishment of a commission of the peace for each of the thirteen shires ; their division into hundreds ; the limitation of the sheriff's office to a year's duration, were, with the institution of a county representation of one member for each of the twelve shires, the steps that completed the assimilation of the English and Welsh shire-system.² The introduction of equal laws and strong yet popular government soon put an end to the anarchy of mediæval Wales. By the reign of Elizabeth the twelve shires of Wales had assumed their modern aspect of peacefulness and tranquillity. Though the establishment of the shire-system involved in a sense the introduction of English laws and English methods of government, it prepared the way for the great revival of Welsh national life that marked the closing years of the sixteenth century.

VI.

The shire-system of Wales was thus completed. But there are two counties of South Wales of which we have hitherto taken no account. In speaking of English or Welsh counties we generally leave out of sight the counties of cities and boroughs, that are nevertheless almost as much counties in the eye of the law as the sixty local shires. Children are taught in their geography books that the city

¹ 27 H. VIII, cap. 26, sec. 6.

² *Ibid.*, sec. 20, 22.

of Norwich is in Norfolk, and that Bristol is in Gloucestershire; though, as a matter of fact, these cities are only surrounded by these shires, and constitute separate counties in themselves. There are two such "counties of boroughs" in South Wales. In 1542 the same Act that transferred Laugharne and Llanstephan from Carmarthenshire to Pembrokeshire took Haverfordwest out of the latter county, and erected it into the county of the borough of Haverfordwest.¹ In the reign of James I, Carmarthen town was similarly dissociated from Carmarthenshire and constituted into "the county of the borough of Carmarthen". It is a striking commentary on recent Welsh history that three hundred years ago these two towns, now so insignificant, were the most important in Wales.

My task is now done. I have tried to show how the Welsh shires came into existence; from what sources they were derived; how far they involved the introduction of English institutions, and how far the idea of local self-government inherent in them made it possible to reconcile Welsh national spirit with the forms of English institutions. I might have continued my task further. I might have shown how, in modern times, the shire has gradually ceased to be a unit of popular government, though remaining the unit of higher local government. I might have shown how the modern system has dissociated the election of the knight of the shire from the shire-court; how the shire-court itself has become entirely obsolete. It is no part of the duty of the historian to play the prophet. If it were, I might have speculated how far we may hope that the promised restoration of local self-government to the shires may reanimate the weakest

¹ 34 and 35 H. VIII, c. 26, sec. 61.

members of the British Constitution. The study of constitutional history is of paramount importance, but, as the Bishop of Chester himself says, it can hardly be made interesting, or even approached, without an effort. But our study of the remote origin and history of a living institution like the shire has at least the result of keeping our history practical, while making our politics scientific. May it help us to approach political problems with instructed yet unbiassed minds. May it teach us that the roots of the present lie deep in the past. May it make us realise the unity and the continuity of our national life.
