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Ecclesiastical Sanctuary in Thirteenth-Century Welsh Law

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The granting of sanctuary by churches was never solely a matter for ecclesiastics in medieval Europe. By providing partial immunity from legal processes it created problems of law enforcement that concerned secular rulers and lawyers too.¹ The aim of this paper is to show how Welsh jurists of the thirteenth century conceived and treated of sanctuary and its secular legal consequences. Three aspects will be discussed in particular: (1) the inviolability of churches; (2) the exceptions to and restrictions on seeking asylum; and (3) the secular legitimation of churches' sanctuary rights.² Before opening the main discussion, however, it may be helpful to outline the historical and conceptual background of ecclesiastical sanctuary in medieval Wales.

We do not know when Welsh churches first claimed and exercised the power to protect persons seeking refuge from their enemies or their legal obligations. No collections of secular and ecclesiastical law such as illuminate sanctuary elsewhere in early medieval Europe survive from Wales, and our earliest evidence is contained in the Llandaf charters, some of whose references to violation of sanctuary appear to belong to original records dating from the eighth century and later.³ In the late eleventh and early twelfth centuries Welsh hagiographers claimed substantial sanctuary rights for their churches, as did the final editors of the Book of Llandaf.⁴ The territorial protection of saints and their churches was praised by twelfth-century poets⁵ and by Gerald of Wales. Gerald, however, complained that this protection was abused by men who, having fled from the animosity of their princes, then used the churches as bases from which to launch attacks of their own.⁶ Other twelfth-century sources confirm Gerald's view that, in a society of rapidly changing political alliances, sanctuary could promote violence as well as protect people from it.⁷

The origins and development of ecclesiastical sanctuary in Wales are further illuminated by the terms used for it in the lawbooks and other sources. Indeed, to speak of 'sanctuary' is misleading if by that is meant the institution recognised by the canon law of Gratian's *Decretum* (c. 1140) and later texts. The key Welsh word is *nawdd*, cognate with Old Irish *snádud* and argued to derive from a Celtic root, **snád-*, meaning

'protect'.⁸ The earliest instances of *nawdd* in Welsh occur in the purely secular context of battle, where it clearly stands for physical protection or quarter, and this sense continued into the period of the lawbooks.⁹ The legal texts, principally in the opening tractate on the court, also attest to a secular concept of *nawdd*. There each member of the court possesses powers of *nawdd* 'protection' whose duration or geographical extent varies according to the protector's status.¹⁰ The purpose of this *nawdd* is not stated and we therefore do not know whether, like the *snádud* of Early Irish law, it meant 'the power to accord to another person immunity from all legal processes',¹¹ or simply protection of life and limb for whatever reason. Sparing a person from death certainly appears to be the principal secular meaning of *nawdd* in the non-legal sources.

The archaic concept of *nawdd* as a protection bestowed by individuals was attributed by poets to secular rulers as well as to God and His saints.¹² By the end of the eleventh century, and probably much earlier, churches seem however to have transformed *nawdd* into a territorial concept. The protection of a saint was held to extend permanently over land and churches consecrated to him. Thus *Braint Teilo*, a document setting forth the privileges of the church of Llandaf, claimed jurisdiction for the church over breakers of its *nawdd*, both within and outside the *llan* or church-enclosure. Saints' Lives resemble the Llandaf material in asserting the privilege of *refugium*, the normal Latin translation of *nawdd*, in generous territorial terms.¹³ Twelfth-century vernacular poetry presents a similar picture, and in addition to the word *nawdd* used a compound of it, *noddfa*, 'field of protection', which also occurs in prose texts of the following century, including the lawbooks. *Noddfa* is almost always used with regard to churches and underlines their success in establishing a territorial concept of *nawdd*.¹⁴

When the earliest extant Welsh lawbooks were being written down in the thirteenth century it is very likely that the secular institution of *nawdd* had been exclusively appropriated by the church, and adapted to an ecclesiastical concept of sanctuary. This concept was embodied in the term *refugium*, the standard Latin equivalent of *nawdd* in Welsh law. *Refugium* was an unusual term for sanctuary in medieval Europe and is attested predominantly in Irish and Welsh sources.¹⁵ These would appear to have derived it from Old Testament accounts of the Levitical *civitates refugii*, 'cities of refuge', to which those who had killed by accident or in ignorance might flee.¹⁶ *Refugium* was used to translate the *nawdd* pertaining to the church of Llandaf in the early twelfth century and, by the middle of the thirteenth, in the Latin texts of Welsh law, rendered secular and ecclesiastical *nawdd* alike.¹⁷ This may indicate that *nawdd* in its legal sense had by then become primarily an ecclesiastical attribute. The secular *nawdd* granted by members of the royal court is barely witnessed

outside the lawbooks' archaic tractate on the court, and was almost certainly obsolete by the thirteenth century.¹⁸

Welsh jurists thus had to come to terms with churches which had established territorial rights of sanctuary in which were fused secular and biblical concepts of protection. In what follows I will concentrate on legal rules contained in lawbooks from Gwynedd in North Wales, principally the Book of Iorwerth, originally compiled during the first half of the thirteenth century and whose oldest manuscripts date from c. 1250. This is one of three main groups of vernacular lawbooks, the other two being the Book of Cyfnerth (deriving in its present form from mid-Wales) and the Book of Blegywryd (from south-west Wales). In addition to these we have five redactions in Latin.¹⁹ Although these other lawbooks include statements on churches' rights of sanctuary and some of them are extant in thirteenth-century manuscripts, it is those from Gwynedd – particularly the Book of Iorwerth (containing a unique short tractate on sanctuary)²⁰ and the collection of case law, *Llyfry Damweiniau* – which provide the most detailed evidence for ecclesiastical *nawdd* or sanctuary in thirteenth-century Welsh law. Further, comparison of this evidence with the rules in the other lawbooks, as well as with records from the 1260s and 1270s relating to the dioceses of Bangor and St Asaph, strongly suggests that it reflected contemporary concern in Gwynedd with the secular legal consequences of ecclesiastical sanctuary, and was not merely the conservative copying of obsolete law.²¹

I

The recognition of the inviolability of churches was clearly a prerequisite for their effective provision of sanctuary. Twelfth- and thirteenth-century canon law prescribed spiritual penalties in order to secure restitution for sacrilege, and was reinforced in Wales by the provincial legislation of Canterbury.²² Native law and ecclesiastical practice in North Wales differed somewhat from these canonical norms, however, although the desire to preserve the immunity of churches was no less. The Book of Iorwerth rules that whoever does wrong to a mother-church shall pay fourteen pounds, or seven pounds if the offence takes place in the cemetery. In both instances half of the amount goes to the abbot, provided that he is ordained and educated, and half to the priest and community (*clas*). Seven pounds was also due for a wrong done in another church, or chapel, to be divided equally between the priest and the parson.²³

Versions of this rule occur also in the Book of Cyfnerth, three of the Latin Redactions, and the Book of Blegywryd.²⁴ Their textual relationship is complicated, but here we need only note two points in particular.

The first is that all versions seem to descend from a common archetype which laid down tariffs compensating churches for injuries. In some versions such a payment is termed a *dirwy*, the normal word for a fine to the king in Welsh law. In this instance, however, *dirwy* seems to bear the usual meaning of its Old Irish cognate, *díre*, namely 'honour-price'.²⁵ Sacrilege was thus conceived as an injury to the honour of the saint and his church, and indeed *iniuria* is the word used by one Latin redaction to describe payments to a mother-church and its daughter.²⁶ This conception would appear to be of pre-thirteenth century, and even of pre-Norman, origin. It occurs in the demonstrably archaic passage of Welsh law on the seven bishop-houses of Dyfed, in which properly ordained abbots are entitled to seven pounds for injury done to them, and invites comparison with provisions in early medieval laws from other parts of Europe, including Ireland.²⁷ Seven pounds represented considerable compensation in Welsh law: the *dirwy* or fine to the king amounted to only three pounds, and the rule on sacrilege thus reflects at least the aspiration to, if not the attainment of, high status by churches in Wales.

The second important point to emerge from a comparison of the versions of this rule is that in all texts except that in the Book of Iorwerth the payments are said to come from those taking sanctuary in the church. Rather than upholding the inviolability of churches in general these texts therefore proclaim ecclesiastical jurisdiction over refugees, in clauses which would seem to have been added to the rule as it originally stood. Offences by sanctuary-takers are, however, considered by the Book of Iorwerth in its short tractate on sanctuary. This states that if a person commits an offence to the value of one legal penny in the *noddfa* or sanctuary-place, and on account of this faces a claim, he is not entitled to protection from the *nawdd* or sanctuary that he has wronged unless he can renew it in another sanctuary. Similarly, if a person commits an offence while under the protection of relics he may no longer be protected by them.²⁸ The latter rule is found also in the thirteenth-century compilation of case law, *Llyfr y Damweiniau*, and is followed by a further statement that someone striking a blow with a weapon while protected by relics loses their protection.²⁹ The jurists of Gwynedd, then, denied sanctuary to men who committed offences and acts of violence in it, and in this they resembled their canonist contemporaries.³⁰ The rule in the other lawbooks, however, simply asserts the church's entitlement to heavy fines from persons who committed offences or, according to some versions, fought while in sanctuary.³¹ This rule retains the idea of sacrilege as a wrong to be amended by rendering the appropriate honour-price, as opposed to an abuse of ecclesiastical immunity that *ipso facto* denied the offender any further protection.

As we have seen, the jurists of thirteenth-century Gwynedd appear to

have distinguished between sacrilege in general and offences in a sanctuary by those taking refuge there. In the former case they reproduced an archaic rule stipulating payments; in the latter they denied further protection to the offenders, although presumably still requiring restitution to the church. We have good evidence that churches in North Wales claimed and received fines or amends for sacrilege in the thirteenth century, although the amounts differ from those of the lawbooks. Thus in the arbitration between Richard, bishop of Bangor, and Llywelyn ap Gruffudd, prince of Gwynedd, in 1261, it was declared that the *emenda* for sacrilege and fighting in three churches pertained exclusively to the bishop.³² Witnesses at bishop Anian's inquest into the episcopal rights of St Asaph in 1274 testified that wrongs committed in churches and cemeteries had been punished by confiscation to the bishop of all the offender's movables, and two years later the same church complained to the archbishop of Canterbury that Llywelyn claimed the right to punish sacrilege and that the prince kept all the ensuing fines.³³ It was possibly after this letter was written in December 1276 that Goronwy ap Heilyn and his accomplices bound themselves to pay the bishop for the *iniuria* done by them to the church of Llanarmon. Goronwy himself promised to pay thirty pounds and the others sums of four pounds and one pound.³⁴ It should be noted that none of these examples refer specifically to sacrilege by persons taking sanctuary. It is possible therefore that the Book of Iorwerth reflected contemporary practice in distinguishing offences by persons in sanctuary from sacrilege by those making no claim to protection from the church.

All the lawbooks agree that the inviolability of churches extended to an area beyond the cemetery. The rule on payments to churches in the Books of Cyfnerth and Blegywryd, and in the Latin redactions, refers to this area as the *noddfa*, literally 'field of protection' but significantly translated in one Latin redaction as *villa* or 'township'.³⁵ The Book of Iorwerth, in its brief tractate on ecclesiastical *nawdd*, states that the refugee may move about without relics not only in the cemetery but also beyond it, in the *corflan*, while his beasts may stay with those of the church for as far as they could go and return to their byre again.³⁶ This provision is strikingly confirmed by Gerald's observations on sanctuary in major Welsh churches at the end of the twelfth century.³⁷ The dimensions of the *corflan* are specified in a subsequent rule as a radius the length of a legal acre (i.e. 120 yards) around the cemetery.³⁸ The *corflan* thus extended further than the sixty paces laid down as the maximum immunity of churches in canon law,³⁹ as must have the *noddfa* of the other legal texts, and this would suggest that ecclesiastical sanctuary in Wales was comparable, for example, with that set forth by the legislation of the early Irish church or with the chartered sanctuaries of medieval England.⁴⁰

Having defined the territorial extent of sanctuary the tractate then rules on its temporal duration: if a church claims that it may protect a man without his making amends for seven years or longer, and the secular lord opposes this, the church must have lawful witnesses who will uphold that privilege.⁴¹

II

So far we have seen how the jurists sought to defend and to define the inviolability of churches. Next I wish to examine how, in the interests of safeguarding legal obligations and processes, Welsh law tried to limit the taking of sanctuary. The most important material is contained in the short tractate on ecclesiastical sanctuary in the Book of Iorwerth. It opens by denying *nawdd* from three legal obligations, two of which have just been explained in the preceding tractate on suretyship.⁴² The first of these, *gorfodogaeth*, is a kind of criminal suretyship, whereby the *gorfodog* guarantees the good behaviour of his charge and bears responsibility for any misdeeds that the latter may commit. Earlier, in the section on *gorfodogaeth*, it is stated that if the *gorfodog* takes sureties from his charge, in order to ensure compensation for any loss incurred as the result of his duties, then the latter is not entitled to *nawdd* from the sureties.⁴³ This may be the meaning of the rule in the sanctuary tractate, but more probably it prohibits the *gorfodog* himself from seeking sanctuary and thereby encouraging lawlessness.

Mechniaeth 'suretyship' is the second obligation from which *nawdd* is denied. This certainly included a debtor trying to avoid paying a debt guaranteed by a surety, for such evasion is explicitly prohibited earlier in the lawbook.⁴⁴ It may also include a surety who sought *nawdd* from his obligations. This eventuality is forbidden in a tetrad found in Latin Redaction B, a mid-thirteenth-century lawbook with north Welsh connections.⁴⁵ The tetrad lists four men for whom there is no *refugium* anywhere, the last being a non-performing surety. The sentence in fact reads awkwardly, beginning with the words 'Captivus de fideiussione' – 'a captive or slave on account of suretyship' – followed by the explanation that this is a surety who, not denying his suretyship after the death of his debtor, had not secured the repayment of the debt. While it is evident from other rules of Welsh law that a surety's obligations did not cease with the debtor's death, nowhere is it suggested that a surety who failed to fulfil his obligations in such circumstances became a captive or slave.⁴⁶

The reference to *captivus* probably derives from a desire by the author of the text in Redaction B to preserve the last of the four men denied *nawdd* in the Welsh version of this tetrad, namely the king's *caeth* or slave, while proposing a new rule concerning sureties.⁴⁷ Latin Redaction

E in fact omits the *captivus* at this point and makes better sense.⁴⁸ The Welsh version of the tetrad upholds the rights and prerogatives of the king, denying *nawdd* not only to his slave, but also to a breaker of the royal peace, a hostage given voluntarily to the king and a *cwynossog*, 'supper-giver', who fails in his duty to feed the king. The reference to *cwynossog* was clearly obsolete by the thirteenth century, and is replaced by an excommunicate in the Latin version.⁴⁹

Returning to the exceptions to sanctuary in the Book of Iorwerth the most difficult to interpret is the third, *goresgyn*. Sanctuary from *goresgyn* was prohibited because, like *gorfodogaeth* and suretyship, it was acknowledged. What, then, did it mean? The thirteenth-century lawbooks of Gwynedd have no other examples of the word. In the southern Welsh lawbooks *goresgyn*, or its variant *gweresgyn*, are used to denote the acquisition of the possession of land, which could be challenged in an action of *camweresgyn*, 'false acquisition of possession'.⁵⁰ Possibly once a person had accomplished *goresgyn*, and it had thus become acknowledged, he could not seek sanctuary if such an action was brought against him. This would match the maintenance of legal obligations and processes sought by the rest of the triad.

Thus far we have considered outright prohibitions on taking sanctuary. What restrictions were placed, however, on a person who had successfully reached a sanctuary? Firstly, as we have seen, protection could be terminated if the person committed sacrilege. Secondly, according to the Book of Iorwerth, if an offender had taken sanctuary and a claim was lodged against him on account of his unlawful act, the abbots and priests were not to protect the offender until he had made amends.⁵¹ If no claim was made this condition did not apply, but another rule implies that amends should be made within seven years, unless the church had witnesses who would verify its right to grant sanctuary for longer.⁵² Thus, as elsewhere in medieval Europe, the principal purpose of ecclesiastical sanctuary in Welsh law was to provide physical protection rather than total immunity from legal claims. This is well illustrated also by a rule in the collection of case law, *Llyfr y Damweiniau*, which states that a traitor who took sanctuary was spared execution although he still lost his patrimony as required by law.⁵³

III

Lastly, the most fundamental limitation proposed by the jurists of thirteenth-century Gwynedd on ecclesiastical sanctuary was its legitimation by the secular ruler. Almost half of the short tractate on ecclesiastical *nawdd* in the Book of Iorwerth affirms that churches' title to sanctuary rights derived from the king or lord. After prohibiting *nawdd* from

gorfodogaeth, suretyship and *goresgyn*, the passage says that if the clergy claim that they are entitled to give protection in any of these cases, it is the king, who granted the *noddfa* originally, who must decide whether he gave it to his own detriment. The tractate proceeds to assert the need for royal confirmation of a church's privileges, stating that each owner of ecclesiastical land must recite its privilege and entitlement to each new king, and if the king consents to the privilege he is to invest the church with its *noddfa*, 'sanctuary-place', and *braint*, 'privilege'. It is not clear whether the recitation of charters or other written records is implied here. The tractate's final rule states that if a church claims the right to protect an offender for seven years or more, and the territorial lord denies that he has granted it this privilege, the church must have lawful witnesses who keep its *braint*.⁵⁴ This rule lays down, then, that a church's privilege, including sanctuary, derived originally from the secular lord and was preserved by witnesses. Possibly it was their testimony which was 'recited' in the earlier clauses, in place of or in addition to a written record of the church's rights.

In the 1260s and 1270s Llywelyn ap Gruffudd clashed with the bishops of Bangor and St Asaph over ecclesiastical liberties.⁵⁵ Apart from appropriating fines for sacrilege the prince on at least one occasion disputed a church's right to grant sanctuary. In the text of the arbitration between the prince and the bishop of Bangor in 1261 it is stated that Llywelyn had seized a person in a place alleged by the church to be a *refugium*. It was agreed that, in order to decide whether this was a *locus refugii*, trustworthy persons representing both parties should be sent to the disputed place. If it could be proved before them that this was a sanctuary, Llywelyn should make satisfaction; if not, he could rejoice in his prisoner.⁵⁶ It seems that the trustworthy persons were to hold an inquest, a procedure certainly favoured by the prince and one of his bishops as a means of establishing the rights of one against the other in the 1270s. In 1274 the bishop of St Asaph held an inquest to vindicate his privileges, and in the following year Llywelyn conceded that, if the bishop lacked princely charters confirming those privileges, they should be determined according to the outcome of inquiries by trustworthy persons.⁵⁷ It is likely, then, that the legal rules prescribing the recitation of a church's privileges, and their preservation by lawful witnesses, presupposed that this confirmation by the prince would depend on the findings of an inquest.

In conclusion, the treatment of ecclesiastical sanctuary in the legal texts of thirteenth-century Gwynedd differs significantly from that of the other Welsh lawbooks. The latter, in laying down fines to churches from sanctuary-takers, are concerned essentially to proclaim ecclesiastical privilege rather than to confront legal problems resulting from it. The

Welsh version of the tetrad denying *nawdd* to four men does admittedly set a boundary between the right to grant sanctuary and the rights of the king, but goes no further than that, and in any case includes at least one element that was patently obsolete by the thirteenth century. By contrast, the Book of Iorwerth, in its unique tractate on ecclesiastical *nawdd*, seeks above all to clarify how the privilege of sanctuary impinges on secular rights and legal obligations. Its definitions of the exceptions to and restrictions on taking sanctuary, as well of the spatial and temporal limits of churches' inviolability, have a precision and attention to legal procedure lacking in the other Welsh lawbooks, and illustrate once more the greater sophistication of what Professor Dafydd Jenkins has termed the 'classical law' by comparison with that of the other legal texts.⁵⁸ Comparison with the record evidence demonstrates, moreover, that the legal problems treated by the classical law on sanctuary were of contemporary relevance in thirteenth-century Gwynedd. In short, it was an interest in the secular implications of ecclesiastical sanctuary which resulted in the most extensive and sophisticated treatment of it in thirteenth-century Welsh law.

APPENDIX

A translation of the short tractate on ecclesiastical sanctuary in the Book of Iorwerth (§71).

From *Llyfr Iorwerth*, ed. A.R. Wiliam, Cardiff, 1960, 43–4. This edition is based on BL Cotton ms. Titus Dii – ms. B in *Ancient Laws and Institutes of Wales*, ed. A. Owen, Record Commission, London, 1841. No significant variations of substance occur between the text of the tractate on sanctuary in ms. B and the texts in the other mss. of the Book of Iorwerth, although this is not so with regard to other tractates and sections of the lawbook.

1. Three things from which sanctuary (*nawdd*) is not allowed since they are acknowledged: *gorfodogaeth* and suretyship and *goresgyn*.

2. If it happens that the parsons of the church say that they can give *nawdd* against any one of those three, let it be the responsibility of the king – the man who gave them that sanctuary-place (*noddfa*) – to proclaim in what form he gave them that *noddfa*; and if he gave it against himself, let them keep what he gives to them.

3. Every owner of ecclesiastical land is obliged to come to every new king that comes, to declare to him their privilege (*braint*) and their entitlement (*dylyed*).

4. And the reason namely that they declare to him is lest the king be deceived.

5. And after they have declared their privilege to him if the king deems that their privilege is in order, let the king invest them with their privilege (*braint*) and their sanctuary-place (*noddfa*).

6. If it happens that a man does an unlawful act and from that unlawful act seeks sanctuary (*nawdd*) and [while he is] in that sanctuary a claim is made against him, the abbots and the priests are not entitled to escort [i.e. protect] him unless he makes amends for the original unlawful act.

7. If it happens that a claim is not made against him, let them escort him for as far as they are entitled to escort him.

8. If it happens that a man commits an offence to the value of a penny [while] in the sanctuary-place (*noddfa*), and a claim is made against him for the unlawful act that he has committed in the sanctuary-place (*noddfa*), he is not entitled to the sanctuary (*nawdd*) against which he committed an offence unless he renews it from another sanctuary [anew in another church.]^a

9. Whoever takes sanctuary (*nawdd*) is entitled to proceed in the cemetery and the *corflan* without relics upon him, and his beasts together with the beasts of the community (*clas*) and the abbots for as far as they may go and then reach their byre again.

10. If it happens that a man has relics upon him and he commits an offence while under [the protection of] the relics, he is not entitled to have protection (*nawdd*) or defence from the relics since he has not deserved it.

11. The dimensions of a *corflan*: the length of a legal acre [i.e. 120 yards] and its head on the cemetery, and that in a circle around the cemetery.

12. If it happens that there is a church which says that it is entitled to maintain a man in its sanctuary-place (*noddfa*) for seven years without making amends, or a period that is longer, and the lord who is over the territory opposes it on account of this and says that it does not have that privilege from him, the church must have lawful witnesses who will keep that privilege.

13. And if it has them, let it have its privilege without objection; and if it does not have them, let the church escort him as it is best entitled, or let him make amends for the unlawful act which he has committed.

NOTES

Abbreviations

BBCS *Bulletin of the Board of Celtic Studies.*

Bleg *Cyfreithiau Hywel Dda yn ôl Llyfr Blegywryd*, ed. S.J. Williams and J.E. Powell, 2nd edn, Cardiff, 1961.

Dw Col *Damweiniau Colan*, ed. D. Jenkins, Aberystwyth, 1973. References to numbered sentences.

Ior *Llyfr Iorwerth*, ed. A.R. Wiliam, Cardiff, 1960. References to numbered sections and unnumbered sentences.

LTWL *The Latin Texts of the Welsh Laws*, ed. H.D. Emanuel, Cardiff, 1967.

WML *Welsh Medieval Law*, ed. A.W. Wade-Evans, Oxford, 1909.

Unless otherwise stated references are to page (and line).

1. For a general account of sanctuary in western Europe, see L.-R. Misserey, 'Asile en Occident', *Dictionnaire de Droit Canonique*, ed. R. Naz, Paris, 1935-65, vol. 1, 1089-1104. On sanctuary in medieval England: J.C. Cox, *The Sanctuaries and Sanctuary-Seekers of Medieval England*, London, 1911; C.H. Riggs, Jr., *Criminal Asylum in Anglo-Saxon Law*, University of Florida Monographs, Social Sciences, No. 18, Spring 1963; R.F. Hunnisett, *The Medieval Coroner*, Cambridge 1961, Chap. III. English law on sanctuary was incorporated in Edward I's Statute of Wales (1284) c. 5: *Statutes of the Realm*, Record Commission, London, 1810-28, vol. 1, 59.

^a From ms. C (also in mss. A, D, E, G)

2. These and other aspects of protection and sanctuary in Welsh law will receive detailed discussion in my thesis, 'Native Law and the Church in Medieval Wales', to be submitted for the D.Phil. degree at Oxford University.
3. *The Text of the Book of Llan Dâv*, ed. J.G. Evans and J. Rhys, Oxford, 1893, 211, 216, 217–18, 219, 222, 239, 259, 261, 271. For the dates of these charters, ranging from c. 765 to c. 1075, see W. Davies, *The Llandaff Charters*, Aberystwyth, 1979, 118, 119, 120–1, 124, 127–9. Although a high proportion of the references to *refugium* in *Liber Landavensis* occur in liberty formulae attributable to the early twelfth century (*ibid.*, 138, 143), this is not the case with the references cited above; more generally, the paucity of surviving written evidence from pre-Norman Wales relating to any subject makes it hazardous to dismiss an early medieval origin for sanctuary simply because the sources are largely silent about it. Further, the use of *refugium* as a term for sanctuary in Welsh sources also suggests that Welsh ecclesiastics may have conceptualised sanctuary in this biblical sense by the eighth century, as Irish ecclesiastics had certainly done by that period: see n. 14 below. I am grateful to Wendy Davies for her helpful comments on the date and significance of the references to *refugium* in the Llandaf charters.
4. *Vitae Sanctorum Britanniae*, ed. A. W. Wade-Evans, Cardiff, 1944, 68–80, 136–80 (St. Cadog's *refugium* in the *cantref* of Gwynllŵg); *Rhigyfârch's Life of St. David*, ed. J. W. James, Cardiff, 1967, 24–5 (ch. 57, in the Vespasian recension only); *The Text of the Book of Llan Dâv*, 69, 132, 154, 120.
5. *Hen Gerddi Crefyddol*, ed. H. Lewis, Cardiff, 1931, xvi. 53–6; xviii. 76–8, 140–7; xxxv. 14, 53–4.
6. *Giraldi Cambrensis Opera*, ed. J.S. Brewer *et al.*, Rolls Series, London, 1861–91, vol. 6, 203–4 (*Descriptio Kambriae*, I. 18); cf. vol. 1, 315.
7. *Brut y Tywysogyon, Red Book of Hergest Version*, ed. T. Jones, 2nd edn, Cardiff, 1973, 60, 84, 126.
8. E.P. Hamp, 'nawdd "protection" and nes', *BBCS* 26 (1974–6), 158–60.
9. *Canu Aneirin*, ed. I. Williams, Cardiff, 1938, lines 24, 36, 633; *Llyfr Du Caerfyrddin*, ed. A. O.H. Jarman, Cardiff, 1982, Poem 34, lines 3, 6, 7; *Owein or Chwedyl Iarll es y Ffynawn*, ed. R.L. Thomson, Dublin, 1968, 29; *Historia Peredur vab Efrawc*, ed. G. W. Goetinck, Cardiff, 1976, 16, 22, 26 *et passim*.
10. *WML*, 4.21ff.; *LTWL*, 111.14–112.38 (Redaction A). Cf. J.G. Edwards, 'The Royal Household and the Welsh Lawbooks', *Trans. Roy. Hist. Soc.*, 5th ser., 13 (1963), 163–76.
11. *Crith Gablach*, ed. D.A. Binchy, Dublin, 1941, 106.
12. Secular rulers: *Llyfr Du Caerfyrddin*, Poem 3, line 34, Poem 23, lines 13, 17, 21; *Llawysgrif Hendregadredd*, ed. J. Morris-Jones and T.H. Parry-Williams, Cardiff, 1933, 26.13, 89.30. God: *Hen Gerddi Crefyddol*, xv. 21, xvi.2, xxviii.42, xxix. 37, xxxi.41. Saints: see n.4 above.
13. *The Text of the Book of Llan Dâv*, 120. Cf. W. Davies, 'Braint Teilo', *BBCS* 26 (1974–6), 123–37; *eadem*, *Wales in the Early Middle Ages*, Leicester, 1982, 137, 167–8; and n.3 above.
14. *Hen Gerddi Crefyddol*, xviii. 140–7 (*nawdd*); xxxv. 54 (*noddfa*). *Noddfa* in prose texts: *Brut y Tywysogyon, Red Book of Hergest Version*, 60.17, 126.7; *Historia Gruffud Vab Kenan*, ed. D.S. Evans, Cardiff, 1977, 8.4, 14.3. See also the mid-fifteenth century references to sanctuaries at St Dogmael's ('Nothvadegwell alias refugium') and Nevern ('Nothvabernach'): *Calendar of Papal Letters, Vol. IX, 1431–1447*, ed. J.A. Twemlow, London, 1912, 455, 501. *Noddfa* is used in relation to the protection of pagan temples in the Welsh version of Geoffrey of Monmouth's *Historia Regum Britanniae: Brut Dingestow*, ed. H. Lewis, Cardiff, 1942, 32.28.
15. *Glossarium Mediae et Infimae Latinitatis*, ed. Du Cange, vol. 7, Niort, 1886, 82; R.E. Latham, *Revised Medieval Latin Word-List*, London, 1965, 398. I am indebted to Richard Sharpe, of the Dictionary of Medieval Latin from British Sources, for confirming that *refugium* in the technical sense of sanctuary is virtually unattested in English sources. For one Scottish example, however, see *The Acts of Malcolm IV King of Scots 1153–1165*, ed. G.W.S. Barrow, Edinburgh, 1960, 246.
16. See esp. the early eighth century *Collectio Canonum Hibernensis, Lib. XXVIII: Die*

- irische Kanonensammlung*, ed. H. Wasserschleben, 2nd edn, Leipzig, 1885, 94–8; P. Fournier, 'Le Liber ex Lege Moysi et les tendances bibliques du droit canonique irlandais', *Revue Celtique* 30 (1909), 221–34, esp. 227.
17. *The Text of the Book of Llan Dâv*, 118 (Latin version of *Braint Teilo*); *LTWL*, 195.3–196.15, 217.28 (Redaction B).
 18. Cf. D. Jenkins, 'Introduction', *Celtic Law Papers*, ed. *idem*, Brussels, 1973, 15.
 19. For general introductions to the Welsh lawbooks see D. Jenkins, *ibid.*, 8–13, and 'The Medieval Welsh Idea of Law', *Tijdschrift voor Rechtsgeschiedenis* 49 (1981), 323–4; M.E. Owen, 'Functional Prose: Religion, Science, Grammar, Law', *A Guide to Welsh Literature*, ed. A.O.H. Jarman and G.R. Hughes, Swansea, 1976–9, vol. 1, 268–9. The Book of Cyfnerth may well also have derived from Gwynedd originally, but by the mid-13th century it had been superseded there by the Book of Iorwerth: D. Jenkins, 'A Family of medieval Welsh lawyers', *Celtic Law Papers*, 121–33.
 20. *Ior* §71: translated in the Appendix.
 21. This north Welsh evidence cannot of course be assumed to represent native law on sanctuary elsewhere in thirteenth-century Wales.
 22. *Corpus Iuris Canonici*, ed. E. Friedberg, Leipzig, 1879–81, vol. 1, 815–16, 818, 820; vol. 2, 654–7 (*Decretum*, C.17 q.4, cc.6,7,12,14,21; Decretals of Gregory IX, *Lib.* 3, t.49); *Councils and Synods . . . relating to the English Church. II. A.D. 1205–1313*, ed. F.M. Powicke and C.R. Cheney, Oxford, 1964, 581 (Council of Merton and Westminster 1258, c.15), 762–4 (Ottobuono's Legatine Council of London 1268, c.12). The former canon was cited in the statutes of Richard de Carew, bishop of St David's, 1259: *Episcopal Acts and Cognate Documents relating to Welsh Dioceses, 1066–1272*, ed. J. Conway Davies, Cardiff, 1946–8, vol. 1, 400 (c.24; cf. c.23).
 23. *Ior* §43/9–12; *Ancient Laws and Institutes of Wales*, ed. A. Owen, Record Commission, London, 1841, vol. 1, 78–80 (V.C.I. xliii.20–1).
 24. *WML*, 113.19–114.7 (this text is incomplete: cf. University College of North Wales ms. 21108, p.96); *LTWL*, 217.20–30 (Redaction B), 337.27–38 (Redaction D), 461.23–32 (Redaction E); *Bleg*, 42.29–43.13.
 25. *The Welsh Law of Women*, ed. D. Jenkins and M.E. Owen, Cardiff, 1980, 68, 200; *Crith Gablach*, 84.
 26. *LTWL*, 290.3–4 (Redaction C).
 27. T.M. Charles-Edwards, 'The Seven Bishop-Houses of Dyfed', *BBCS* 24 (1970–2), 247–50; K. Hughes, *The Church in Early Irish Society*, London, 1966, 134–6.
 28. *Ior* §71/8, 10.
 29. *Dw Col* §§200, 201.
 30. *Corpus Iuris Canonici*, vol. 2, 657 (Decretals of Gregory IX, *Lib.* 3, t.49, c.10).
 31. For fighting, see *LTWL*, 217.27–8 (Redaction B), 337.34–6, 338.1–2 (Redaction D), 461.29–30 (Redaction E); *Bleg*, 43. 8–11, 21–3.
 32. *Councils and Ecclesiastical Documents relating to Great Britain and Ireland*, ed. A.W. Haddan and W. Stubbs, Oxford, 1869–71, vol. 1, 490–1.
 33. National Library of Wales, Peniarth ms. 231B, p.125; *Councils and Ecclesiastical Documents*, vol. 1, 514.
 34. Peniarth ms. 231B, p.82.
 35. *LTWL*, 217.24 (Redaction B). Cf. n.13 above.
 36. *Ior* §71/9. Although most mss. read *corfflan* 'burial ground' (<*corff* 'body'), I accept Professor Dafydd Jenkins' suggestion that the original form was *corflan* (<*corff* 'boundary, defence'), and that the idea of it as a burial-ground developed later through its being adjacent to the *mynwent* 'cemetery': *Llyfr Colan*, ed. D. Jenkins, Cardiff, 1963, 156.
 37. *Giraldi Cambrensis Opera*, vol. 6, 203 (*Descriptio Cambriae* I. 18).
 38. *Ior* §71/11; another version occurs in *Dw Col* §198. Legal acre: *Ior* 82/4–5; cf. T. Jones Pierce, 'A note on ancient Welsh measurements of land', *Archaeologia Cambrensis* 97 (1943), 195, 202.
 39. *Corpus Iuris Canonici*, vol. 1, 815 (*Decretum* C.17 q.4 c.6).
 40. *Die irische Kanonensammlung*, 174–9 (*Collectio Canonum Hibernensis*, *Lib.* XLIV); K. Hughes, *The Church in Early Irish Society*, 148–9; J.C. Cox, *Sanctuaries and*

Sanctuary-Seekers of Medieval England, Chs. V–IX.

41. *Ior* §71/12–13.
42. *Ior* §71/1.
43. *Ior* §70/3.
44. *Ior* §62/14.
45. *LTWL*, 258.3–8. North Welsh connections: *ibid.*, 40–4.
46. *WML*, 87.13–17; *LTWL*, 125.37–40 (Redaction A), 254.6–8 (Redaction B), 369.24–31 (Redaction D); *Bleg*, 42.7–12; *Ior* §64/10.
47. *WML*, 124.25–125.7; *LTWL*, 371.4–8 (Redaction D); *Bleg*, 109.22–9.
48. *LTWL*, 502.28–30.
49. For the archaic nature of the *cwynossog*, see T.M. Charles-Edwards, 'A Comparison of Old Irish with Medieval Welsh Land Law', Oxford University D.Phil. thesis, 1971, 78–81.
50. *WML*, 53.20, 22, 24; *LTWL*, 384.3 (Redaction D); *Bleg*, 71.25, 76.11, 78. 29, 79. 1–2. Cf. D. Jenkins, 'A Lawyer Looks at Welsh Land Law', *Transactions Hon.Soc. Cymmrodorion*, 1967, 225.
51. *Ior* §71/6.
52. *Ior* §71/7, 12–13.
53. *Dw Col* §199.
54. *Ior* §71/2–5, 12–13.
55. G. Williams, *The Welsh Church from Conquest to Reformation*, 2nd edn, Cardiff, 1976, 8–14.
56. *Councils and Ecclesiastical Documents*, vol. 1, 490.
57. *Ibid.*, 502–3, 504.
58. D. Jenkins, 'The Medieval Welsh Idea of Law', 324.