

## LAW TEXTS AND THEIR SOURCES IN LATE MEDIEVAL WALES: THE CASE OF *H* AND TAILS OF OTHER LEGAL MANUSCRIPTS

Anyone turning to later collections and developments in the Welsh laws would come across, amongst the law manuscripts, the strange and interesting manuscript conventionally referred to as *H* (Aberystwyth, National Library of Wales, MS Peniarth 164). Although the majority of Welsh law manuscripts are not famed for their beauty, *H* could cause some horror. The manuscript has very few features which could be described as pleasing to the eye – in fact, the rough and badly stained manuscript is more likely to cause long-term damage to eyesight. Moreover, *H* defies categorization – it does not belong to any of the three groups of manuscripts containing legal texts in Welsh. It is often described as being a manuscript of triads, although it also includes conventionally formed legal tractates. The triads in *H* were not included in *The Legal Triads of Medieval Wales* as they would have doubled the length of that volume, but were edited and examined as part of my work on the legal triads.<sup>1</sup> However, the contents of manuscript *H* are extremely interesting, both in the context of triads and also as a source of additional and later Welsh legal material, and a study of the manuscript can throw new light on the legal sources available to the compilers of Welsh law texts.

### MANUSCRIPT *H* AND ITS HISTORY<sup>2</sup>

*H* came to the National Library of Wales (NLW) with the rest of the Hengwrt collection, as Hengwrt 26<sup>B</sup>. The manuscript as it is today is

<sup>1</sup> S. E. Roberts, *The Legal Triads of Medieval Wales* (Cardiff, 2007), pp. 14–15. For the sigla used to refer to manuscripts of the Welsh law books, see T. M. Charles-Edwards, *The Welsh Laws* (Cardiff, 1989), pp. 100–2.

<sup>2</sup> The manuscript was later edited and discussed by G. A. Elias, ‘Golygiad ac

illegible in parts, and can hardly have been considered to be one of the high points of the Hengwrt collection. Daniel Huws describes *H* as ‘that blackened, cut up and unstudied manuscript, NLW, Peniarth 164 (H).’<sup>3</sup> Although some words and phrases remain in the dark (literally), its content and organization are not entirely lost as several copies were made of the contents. Gwenogvryn Evans, in his *Report*, states that Peniarth 164 is written on vellum, has 162 pages and is missing the beginning and end; the end is indeed missing, but the beginning, although abrupt, may be the original.<sup>4</sup>

Daniel Huws places the manuscript in the second half of the fourteenth century, correcting earlier dating errors.<sup>5</sup> Gwenogvryn Evans scathingly accused Robert Vaughan of staining the manuscript with gall, but went on to state that this was no great loss: ‘the text is one of the later numerous compilations which have no apparent value except in so far as they may illustrate changes in law and procedure introduced into Wales during the XIV<sup>th</sup> century.’<sup>6</sup>

The small manuscript – the pages are not uniform but the manuscript is no larger than 20x15cm – has been bound by the National Library of Wales, and no trace of its original binding survives. The parchment is thick and the edges of the pages are not clean cut; there are several holes in the parchment and one page is made up of two pieces of parchment sewn together. Only a 4cm square survives of one page. It has been rebound several times, as there are original page numbers on the top left-hand side of some versos.<sup>7</sup> John Jones of Gellilyfdy copied the manuscript in 1619 (now preserved as Llanstephan 121, discussed below), and the foliation given by him is different from this original numbering. However, it is now also different from John Jones’s 1619

astudiaeth destunol o’r llyfr cyfraith yn LIGC, llawysgrif Peniarth 164 (H), ynghyd â’r copïau ohoni yn llawysgrifau Peniarth 278 a Llanstephan 121’ (unpublished Ph.D. thesis, Bangor University, 2007). The thesis is important as a full study and edition of the manuscript, and provides more details on the state of the manuscript and its copies than the present article, which represents part of my own independent work on the same manuscript; a study of the same text will naturally lead to similar conclusions.

<sup>3</sup> D. Huws, *Medieval Welsh Manuscripts* (Cardiff, 2000), pp. 31–2.

<sup>4</sup> J. G. Evans, *Report on Manuscripts in the Welsh Language* (London, Historical Manuscripts Commission, 1898–1910), II, p. 956.

<sup>5</sup> Huws, *Medieval Welsh Manuscripts*, p. 60.

<sup>6</sup> Evans, *Report*, II, p. 956.

<sup>7</sup> These are the roman numerals referred to by Evans, *Report*, II, p. 956.

foliation, as it was rebound again; when John Jones saw the manuscript in 1619, it was bound with the Chirk Codex, now Peniarth MS 29, but this is no longer the case.<sup>8</sup>

The most obvious point, already made, about this manuscript is that it has been badly stained with gall, so badly in fact, that most of the pages are now illegible in parts even under ultraviolet light. The gall appears to have been painted onto an already partly illegible manuscript, as neither Robert Vaughan of Hengwrt nor John Jones of Gellilyfdy could copy every word. Those pages which are legible show that the manuscript was written in a very small, neat hand; the script varies from around 2mm high to 5mm at its largest. The manuscript is written in court hand, which is highly unusual for a Welsh manuscript – it is the only example of a Welsh manuscript in court hand before 1400.<sup>9</sup> There is no indication of who wrote the manuscript or for whom it was written.

NLW Llanstephan 121 (henceforth Llan 121) is the earliest extant manuscript known to be a copy of *H*, and is in the hand of John Jones of Gellilyfdy.<sup>10</sup> The copy was made before 25 September 1619, whilst he was imprisoned as a debtor at the Fleet Prison in London.<sup>11</sup> We do not know for sure how he came to have Peniarth 164 in his possession or, if it was borrowed, who lent it to him; as the manuscript was (at least later) part of the Hengwrt collection, it may have been one of the manuscripts lent to him by its owner, Robert Vaughan, as John Jones copied manuscripts in an attempt to consolidate some of his debts. It is most likely that John Jones was the culprit responsible for the gall damage on the original manuscript *H*.

Llan 121 was described by Gwenogvryn Evans; it is a large and clear manuscript, although the quality of the paper used has meant that there has been some deterioration over time.<sup>12</sup> The ink used had high carbon content and it has eaten into the paper in some sections, particularly

<sup>8</sup> For a full study of the Chirk Codex, see P. Russell, 'Scribal (in)competence in thirteenth-century north Wales: the orthography of the Black Book of Chirk (Peniarth MS 29)', *N[ational] L[ibrary of] W[ales] J[ournal]*, 29 (1995), 129–76.

<sup>9</sup> Huws, *Medieval Welsh Manuscripts*, p. 46.

<sup>10</sup> Evans, *Report*, II, p. 609; see also N. Lloyd 'A history of Welsh scholarship in the first half of the seventeenth century, with special reference to the writings of John Jones, Gellilyvdy' (unpublished D.Phil. thesis, Oxford University, 1970); the discussion of John Jones's work on the Welsh laws is at pp. 177–9, although his copy of *H* is not discussed in detail.

<sup>11</sup> Evans, *Report*, II, p. 609.

<sup>12</sup> *Ibid.*

where there are large and elaborate initials. As the paper was thin, the ink has also seeped through some pages onto the other side, but on the whole the manuscript is legible.

As a copy of *H*, it keeps closely to the original but John Jones left gaps where it was not possible to read the original, despite the vigorous application of gall. However, a great deal more of the original was legible to John Jones than is now. Although he kept closely to the original text, John Jones had a distinctive orthography, full of subscript dots to mark lenited consonants (for example, *dd* is represented by a *d* with a dot underneath), but it is possible to transcribe his orthography to reveal the contents of the original. Llan 121 is, in actual fact, a text of two manuscripts, as the first section (up to page 96) is a copy of the Black Book of Chirk's laws of court and some of the tractate which follow; as already mentioned above, this shows that Chirk and Peniarth 164 were bound together at one stage. Two pages are then left blank, and the text which follows is that of *H*.

Llan 121 has been rebound at some stage, but the copies of it follow the original quiring and sequence. In the manuscript as it is today, the pages follow correctly up to page 168, then pages 193–266 are inserted, before returning to pages 169–92, and then the sequence is followed correctly again from page 267 to the end. The page numbering in Llan 121 is older than the current binding and reordering.

NLW Peniarth 278 is again a version of the same text, although this manuscript was incorrectly said to be a direct copy of Peniarth 164: Gwenogvryn Evans believed Peniarth 278 to be the first copy of the badly damaged *H*, and that John Jones's manuscript was a copy of Peniarth 278.<sup>13</sup> This was shown to be incorrect by Aled Rhys Wiliam; Peniarth 278 is a copy of Llan 121, and not the other way around.<sup>14</sup>

Peniarth 278 is on good quality parchment. In the hand of Robert Vaughan of Hengwrt, 'beautifully written' (Evans), all of the pages are in good condition and the writing is clear and legible. The same gaps in the text are found in both this manuscript and Llan 121, supporting Wiliam's theory. There are occasional instances of eyeskip in this manuscript: for example, the triad 'tri ryw gar yssyd' ('there are three types of kinsman') is missing its three items, and instead, the three items of the next triad, 'tri char o barth tad' ('three kinsmen on the father's

<sup>13</sup> *Ibid.*, p. 1098.

<sup>14</sup> *Llyfr Iorwerth*, ed. A. Rh. Wiliam (Cardiff, 1960), p. xxvii.

side’) are given. The error does not occur in John Jones’s copy. The copier does not always copy correctly, missing out the odd word: for example, in the triad ‘tri rhyw fanac cyfreithiawl’ (‘three types of lawful information’), he misses out the word *lledrad* (‘theft’) at a crucial point (the sentence ‘*a gwelet arnaw y lliw dyd goleu*’ makes no sense at all) and there are instances where he misses out a letter: for example, the *c* at the end of the word *arffedoc*. None of these mistakes are found in John Jones’s text, and this may be due to careless copying rather than illegibility or difficulty in transcribing Llan 121.

It is not known why Robert Vaughan copied John Jones’s text rather than the original of *H*. He may have been unable to read the original by this stage, as the gall was already doing its damage; he may only have inherited the original manuscript after the death of John Jones (this is assuming that John Jones did not borrow the manuscript from Robert Vaughan). It is well known that Robert Vaughan came into possession of John Jones’s manuscripts in or around 1658, but it is difficult to work out exactly which manuscripts came in the collection.<sup>15</sup>

There are two later, partial copies of *H*. NLW Llanstephan 73 is in the hand of Moses Williams, 1685–1742, who was a cleric, antiquarian and scholar, educated at University College, Oxford where he took his BA in 1708.<sup>16</sup> He worked with Edward Lhuyd in the Ashmolean and at the Bodleian during that time. He published widely and on many different subjects, including *Leges Wallicae* on which he worked with William Wotton.<sup>17</sup> Several of his works remain unpublished, including a collection of triads.<sup>18</sup> In Llanstephan 73, Moses Williams does not state which manuscript he was copying, but it is clear that he was not copying directly from *H* itself as the same gaps are found in his manuscript as occur in both John Jones’s and Robert Vaughan’s copies. It is not possible to tell from Moses Williams’s orthography whether he was copying Robert Vaughan (who modernized the orthography of John Jones but faithfully kept the spelling) or was himself modernizing John Jones. None of the copies of *H* was listed at the beginning of *Leges Wallicae*, and none of the triads from this collection was used. However, as he was copying,

<sup>15</sup> Huws, *Medieval Welsh Manuscripts*, p. 291.

<sup>16</sup> Evans, *Report*, II, p. 558; *Y Bywgraffiadur Cymreig hyd 1940* (London, 1953), p. 996.

<sup>17</sup> See D. Stoker, ‘William Wotton’s exile and redemption: an account of the genesis and publication of *Leges Wallicae*’, *Welsh Book Studies*, 7 (2006), 7–106.

<sup>18</sup> *Y Bywgraffiadur*, p. 996.

Moses Williams made some notes and corrections which demonstrate that he was using John Jones's copy of *H*. According to Daniel Huws, he probably made this transcript during his only visit to Hengwrt, in 1728, and it seems that the original manuscript *H* was also available; he has a note in the margin on page 317 of Llanstephan 121 reading 'membr'.<sup>19</sup> Some examples of collation include cases where he could not make sense of a word: in the triad 'tri chut' ('three "cud"')<sup>20</sup> he writes: 'Tri thut [in MS tüt in marg. (çut)']'. This note is found in the John Jones manuscript; the use of the dot under the *t* and the *c* points to Jones, and Jones is the only manuscript where this note is found in the margin; Vaughan only has 'tri chut'. A similar example is found in the triad 'O tri modd y bydd camlwrw' ('In three ways there is *camlwrw*' [fine of 3 cows of 15s.]) where there is a word which does not make sense to Williams. He notes: 'anaydaüt [an [sic] anufudawd?]''. The orthography again points to John Jones; Robert Vaughan copies the same word without correcting it. Finally, Williams marks hiatuses in the text in his own version; on page 79 of his manuscript he writes a note in a box: 'edrych ai hwn sy'n canlyn a ðylai ganlyn ('look whether that which follows ought to follow')'. The same note is found written in pencil in the same place in the John Jones manuscript; the script is that of Williams. Williams did annotate the Jones manuscript and wrote any illegible words in the margin in pencil. Huws suggests that he may have been allowed to borrow Llan 121 to complete his transcript.<sup>21</sup> The Williams manuscript is defective and ends abruptly, although pp. 537–43 of Llan 121 are misplaced pages of his transcript, possibly loose leaves at one stage, now bound with the wrong manuscript.

The other partial copy of *H* is that found in *Ancient Laws and Institutes of Wales*, edited by Aneurin Owen.<sup>22</sup> Owen divided his second volume into books, usually following a particular manuscript and giving variant readings where possible, and Book XIV is comprised of *H*. He did not copy the whole manuscript but, as was his method, included sections that he had not already included earlier in the book. Book XIV gives a

<sup>19</sup> Huws, *Medieval Welsh Manuscripts*, p. 297.

<sup>20</sup> 'cud' is senseless in the context; a copyist has misread a *t* as a *c*. 'Tud' is a tribe or a region, and is the correct reading.

<sup>21</sup> I wish to thank Daniel Huws again for sharing his knowledge on the manuscripts discussed here, and for his ready assistance at all times.

<sup>22</sup> *Ancient Laws and Institutes of Wales*, ed. A. Owen (London, 1841), II, pp. 568–743.

text of unusual or unique sections of *H*, not found in any other legal manuscript. However, Owen also left out whole sections of *H*. At first, it appears that he had no particular reason for the omissions, but he did have a working practice of avoiding repetition of sections found in other legal manuscripts.<sup>23</sup> The sections are taken from *H* following the order in which they appear in the manuscript (starting from beginning to end), with large portions missed out. In his list of manuscripts, Owen describes *H* as being bound with the Chirk Codex, and suggests that it is the only existing version of ‘illustrations of Welsh laws and customs digested into the form of triads’, but dates it incorrectly to the sixteenth century.<sup>24</sup> Gwenogvryn Evans correctly states that Owen was using the Robert Vaughan copy of *H* rather than the original.<sup>25</sup>

## THE CONTENTS OF *H* AND THE WELSH REDACTIONS

There is no prologue in *H*, and the first part of the manuscript is mainly comprised of triads. According to the ordering of the text in Llan 121, it opens with the triad ‘Tri defnydd hawl yssyd’ (‘There are three substances of a claim’) and there then follows a large collection of triads, mostly without any explanation of the legal points found within them.<sup>26</sup> Some sections of law are interspersed between the triads for the first two-thirds of the manuscript, and the remainder of the manuscript is constructed of several prose tractates, with very few triads in between. As triads form a separate genre, this study will examine the triads separately from the non-triadic law found in *H*.

The Welsh legal tractates have been studied and categorized extensively, but the non-triadic sections within *H* are not a copy of the main text of any of the well-known redactions. Instead, they are more

<sup>23</sup> Evans, *Report*, II, p. 1098.

<sup>24</sup> *Ancient Laws*, I, p. xxix.

<sup>25</sup> Evans, *Report*, II, p. 1098.

<sup>26</sup> For the purpose of this study, I will be following the order of the pages as given in John Jones’s transcript of Pen 164. As noted, there are earlier Roman numerals on some pages in the original manuscript, but it is difficult to determine the original order, and the ordering in 1619 is the next oldest. John Jones’s transcript was also made at a time when more of the manuscript was legible. The manuscript, following this ordering of the material, can be divided into two: the first part, to p. 309 in Llan 121, is largely triads with some sections interspersed, but from p. 309 to the end (p. 552), large sections of non-triadic prose are found, including occasional triads or short collections of triads.

likely to be found in Aneurin Owen's second volume: the sections of non-triadic law found in *H* are what Owen would have called anomalous, or additional material. *H* was originally classed as a Iorwerth manuscript, possibly because it was at one stage bound with the Chirk Codex.<sup>27</sup> Aled Rhys Wiliam, in his list and description of the Iorwerth manuscripts, correctly stated that the contents of *H* are 'chiefly material from a source other than the Book of Iorwerth'.<sup>28</sup> Although Aneurin Owen suggested that it was a Iorwerth manuscript, he did not use it for variant readings in his Iorwerth text – indeed, it would not have been possible to do so – and only included sections of *H* in his Anomalous Laws volume.

In the first part of *H*, sections of non-triadic law are found amongst the triads. The first three sections are found early on, after a dozen or so triads, and the three sections are on *arddelw*, interspersed with several triads on the same subject. These sections and the triads were included in Book XIV by Aneurin Owen, so we can assume that he found no direct parallel for the sections elsewhere in the legal manuscripts, as his intention with his Anomalous Laws was to select sections which he had not previously edited in his volume. *Arddelw* is a complex concept, found in the Iorwerth redaction and in *Llyfr Cynghawssedd*: it is the stance taken by a party in a legal procedure.<sup>29</sup> These sections do not occur in other manuscripts and appear to be unique to *H*. This is also true of other sections from this first part of the manuscript – they echo other texts, but cannot be said to be a different version of anything found in any other manuscripts. Other untraced, non-triadic, sections in the first part of the manuscript are not included in Book XIV; they often appear familiar although the exact wording may not be found elsewhere. It may be that Owen omitted them as they were too similar to other sections he had already come across. However, most of the sections from the first part of *H* which are not included in Book XIV and which can be traced, interestingly, all occur in manuscripts of the same redaction – they are sections of the Blegywryd Redaction (henceforth Bleg). It appears that the compiler was using a manuscript with Bleg content, although it

<sup>27</sup> Owen, in *Ancient Laws*, gave each manuscript a letter of the alphabet, and A–G are the Iorwerth redaction, and J is at the head of the Blegywryd list. *H* was included with the Iorwerth manuscripts, rather than Blegywryd.

<sup>28</sup> *Llyfr Iorwerth*, p. xxvii.

<sup>29</sup> T. M. Charles-Edwards, 'Cynghawssedd: counting and pleading in medieval Welsh law', *B[ulletin of the] B[oard of] C[eltic] S[tudies]*, 33 (1984), 193; R. C. Stacey, 'Learning to plead in medieval Welsh law', *S[tudia] C[eltica]*, 38 (2004), 107–24, esp. 112–14 on *arddelw* and *cynghawssedd*.

Table 1. Triads and non-triadic sections interspersed

<i>Section</i>	<i>Llan 121</i>	
12 triads on procedure	97	
Deu ryw ardelw am dda	102	
Triad on arddelw, triad on gwarant	108	
Nyt oes wat y arddelw	108	
15 triads, mainly land law	109	
Y neb a fynno difwynaw tystiolaeth	112	Bleg 128.16
242 triads and some short non-triadic sections	114	
Beth bynnac nyt ysgrifenywt mewn cyfreith	206	cf. Bleg 126.19
2 triads	207	
Pwy bynnac a gollo peth trwy farn tremic	207	cf. Bleg 103.19
3 triads	211	
Ny ellir cymell dyn eglwysic o faes y senedd	212	cf. Bleg 105.4–17
5 triads, 2 short sections	213	
Tri ryw brawdwr ysydd	216	
Pob brawdwr swydd a gaiff iiiic cyfreith	216	Bleg 99.19–100.30 Triad removed
Tri pheth ny dily lliaws	218	
Pan fo brawdwr o fraint tir cyn digwyddo	218	Bleg 100.26–101.9 Triad removed
Tri cof wedy brawt	218	
Yspeit y dosparth brawt amrysonedic	218	Bleg 101.10–102.13
17 triads	221	
Pedeir tarian yssyd	226	Bleg 44.8–45.30 Triad removed

cannot be said with certainty that he had a complete Bleg manuscript to copy. He certainly did not copy any Bleg manuscript in its entirety, and the Bleg sections the compiler included are not in the order in which they appear in extant Bleg manuscripts, and are not even sequential. This may be due to selective copying or the partial nature of his exemplar(s). In this first part, the sections of non-triadic laws with parallels in Bleg include *Llyfr Blegywryd* 128.6, close in wording to that found in the modern edition; and sections based on *Llyfr Blegywryd* 126.19, 103.19 and 105.4–17 (see Table 1).<sup>30</sup>

<sup>30</sup> [*Llyfr Bleg[ywryd]*], ed. S. J. Williams and J. E. Powell (Cardiff, 1942). References are to page and line. The italicized abbreviation of this edition should be distinguished from Bleg, which refers to the Blegywryd Redaction in general.

Perhaps even more interesting, some sections of Bleg are found in *H* where one would expect to see a triad in Bleg, but the triads are omitted in *H*.<sup>31</sup> It seems that the sections of Bleg have been copied into *H* but with the triads removed, probably because they were to be used elsewhere.<sup>32</sup>

As noted, the second part of *H* is largely non-triadic law, with the occasional triad placed at relevant points. The Bleg link is not found here, and again, several of the sections are not found elsewhere, with a number of them included in Book XIV, so Aneurin Owen did not feel that he had parallel sections elsewhere – these may be unique to *H*. Of these long prose sections, many of them can be classified as *cynghawsedd* (pleading). Found in Books VII, VIII and IX of Owen's *Ancient Laws*, *cynghawsedd* are models of how to plead cases in Welsh law, often including formula statements which the parties could be expected to make as part of their pleadings.<sup>33</sup> In *H*, the first (around a dozen) *cynghawsedd* sections are on theft and claiming back stolen property; then the subject changes to land law. These are popular subjects for *cynghawsedd*, although there is one section on rape in *H*.<sup>34</sup> Non-*cynghawsedd* sections are on court procedure issues, such as the nature and eligibility of witnesses, and different oaths. There are sections giving the *affeithiau* (abetments) for theft and arson, but which differ from those found in the main redactions, and sections on miscellaneous material such as using crosses to claim land.<sup>35</sup> Although several of the sections do not appear to occur elsewhere, certainly in the case of the *cynghawsedd*, parallels are found, and they are mainly found in the *cynghawsedd* chapters of *Ancient Laws*. Book IX has *cynghawsedd* (and indeed other sections, such as the section on crosses) on the same topics as those found in *H*; although it could not be said that the *cynghawsedd* in *H* is identical to those in Book IX, the same concepts are found, and it seems that there were known topics for *cynghawsedd* in

<sup>31</sup> This technique, of removing triads and using them elsewhere, is found in another manuscript: see *Legal Triads*, p. 31, and S. E. Roberts, 'Creu trefn o anhrefn: gwaith copïydd testun cyfreithiol', *NLWY*, 32 (2002), 407–10.

<sup>32</sup> See *Bleg*, pp. 99.19–100.30, and pp. 100.26–101.9.

<sup>33</sup> Charles-Edwards, *Welsh Laws*, pp. 53–8, and idem, 'Cynghawsedd: counting and pleading', 196–7.

<sup>34</sup> This seems to be very unusual, as Charles-Edwards states that *cynghawsedd* is usually found with respect to suretyship, land and theft, and thus the law of property rather than persons: 'Cynghawsedd: counting and pleading', 197.

<sup>35</sup> S. E. Roberts, 'Legal practice in fifteenth-century Brycheiniog', *SC*, 35 (2001), 307–23.

Welsh law – they may have been used differently by the collator of *H* and the collators of the other manuscripts.

### THE TRIADS IN *H*

Turning to the triads in *H*, the first point to be made is that at no point in *H* does the main Bleg collection of triads occur in its entirety.<sup>36</sup> *H* contains almost 500 triads, but only some of them are recognizable as being copies of triads in the main Bleg collection; there appears to be no link with the main Bleg manuscripts. This would be the obvious place to start with any large collection of triads, but as the link is not there in *H*, this raises many questions about the nature of the triads in that manuscript. There are a handful of triads in Iorwerth redaction manuscripts, but these do not occur in *H* either, and the Cyfnerth collection, from which the Bleg collection grew, is also not linked with *H*. As with the case of the non-triadic sections, it appears that the triads in *H*, although similar and on the topic of Welsh law, do not form any close links with any of the main three Welsh redactions. It has been argued elsewhere that the triads in *H* do not represent a lost Iorwerth triad collection, separate to the main Iorwerth manuscripts, and that the triads (or other legal material in *H*) were not taken directly from oral tradition.<sup>37</sup> So where in the Welsh legal tradition do we place the triads in *H*?

Around a third of the triads in *H* are included in Book XIV of *Ancient Laws*, which suggests that Aneurin Owen thought that they are not found in any other manuscript. Whilst this is true of most of the Book XIV triads, in fact, some of them can be found elsewhere, albeit without exactly the same wording. Of the remaining two-thirds which were not included in Book XIV, half of them can be found, again as versions of triads found elsewhere. For example, ‘tri lle y rhan cyfraith yn ddau hanner’ (‘three places in which the law divides into two halves’) is very similar to Q181, but it was included by Aneurin Owen in Book XIV. ‘Tri anghyfarch addefedig’ (‘three acknowledged surreptions’) is a known triad in Bleg, but the form found in Book XIV is different.<sup>38</sup> All that can

<sup>36</sup> Roberts, *Legal Triads*, pp. 15–30.

<sup>37</sup> *Ibid.*, pp. 14–15.

<sup>38</sup> *Ibid.*, pp. 182, 240.

be said about the triads which Aneurin Owen included in Book XIV is that an *exact* version was not already included in his volume, although the concepts and even the wordings may echo familiar triads.

The sources (there are several) of the traceable triads are varied, but they are similar to the situation with the non-triadic sections. Some of the triads are versions, or even close copies, of triads found in the Bleg texts. For example, *tri defnydd hawl* is found in Bleg, as is ‘Tri gwallawg air’ (‘three erroneous words’); but the versions in *H* are different, and for the second of those triads, there is more than one version in *H*.<sup>39</sup> In that case, the compiler of *H* had a triad based on a known concept. This is not unusual; some triad headings were known and recognized, but the contents would be adapted.<sup>40</sup> A similar thing happens with the triad ‘Tri pheth ni ddily y brenin fod hebddun’ (‘Three things the king ought not to be without’) in *H*: the opening line is followed by an explanation, ‘.i. anhebcor’ (‘that is, indispensable’); and there are well-known legal triads on ‘tri anhebcor’ (‘the three indispensables’).<sup>41</sup> In *H*, ‘tri cyfoethu llys’ (‘three treasures of a court’) are listed as the justice, the mediciner and the poet, with the explanation *sef yw, cowyll* (‘that is, covered’); again, *tri cowylllog llys* (‘three cowled ones in a court’) is well known in Bleg and Cyfnerth triad collections.<sup>42</sup> The fact that some of the triads in *H* are similar to, if not based on, triads from Bleg does not suggest, however, that a complete copy of the Bleg triad collection – or indeed a complete Bleg manuscript – was available to the compiler in *H*. An interesting case is the additional collection of triads found in manuscripts *Q*, *S*, *Tim* and *K*.<sup>43</sup> There was, probably in south-west Wales, a collection of triads which was copied more than once; it was not the main Bleg collection of triads but a separate, different collection, although several of the triads were similar to triads found in the main Bleg collection.<sup>44</sup> It may be that

<sup>39</sup> *Ibid.*, pp. 152, 154; *Bleg*, p. 119.19, 27.

<sup>40</sup> For a complicated and interesting example, see S. E. Roberts, ‘Tri dygyngoll cenedl: the development of a triad’, *SC*, 37 (2003), 163–82.

<sup>41</sup> Roberts, *Legal Triads*, p. 124; *Bleg*, pp. 108.27–109.2.

<sup>42</sup> Roberts, *Legal Triads*, p. 148; *Bleg*, p. 118.20.

<sup>43</sup> A full study of *Q* is S. E. Roberts, ‘Creu trefn o anhrefn’. *S* and *Tim* are examined in detail in C. James, ‘Golygiad o BL Add. 22356 o Gyfraith Hywel ynghyd ag astudiaeth gymharol ohono a Llanstephan 116’ (unpublished Ph.D. thesis, University of Wales, 1984), and eadem, ‘Llyfr cyfraith o Ddyffryn Teifi: disgrifiad o BL Add. 22,356’, *NLWJ*, 27 (1991–2), 383–404. On later Bleg manuscripts and their tails, see C. James, ‘Tradition and innovation in some later medieval Welsh lawbooks’, *BBCS*, 40 (1993), 148–56.

<sup>44</sup> Roberts, *Legal Triads*, pp. 32–4.

a similar situation was happening with *H* – there may have been a separate collection (not the south-west Wales one, though) available for that compiler too. The south-west Wales separate collection was not copied into *H*, but one triad which only occurs in the collection as found in *K* does also appear in *H*.<sup>45</sup>

Other triads in *H* are also found, like the non-triadic material, in the tails of existing manuscripts. For example, ‘tair palfawd fechni’ (‘three blows of suretyship’) is found in the tail of *Q*, and also in the tail of *J*, as ‘tri balog fechni’ (‘three buckle suretyships’); it has a Iorwerth link although it is not a triad in Iorwerth.<sup>46</sup> ‘Tair sarhaed nid arddyrchefir’ (‘three compensations for injury that are not augmented’) is found in the tail of *Q*, and other manuscripts, but not in the main text of any manuscript.<sup>47</sup> ‘Tri anghyfarch gwr’ (‘three unassailables of a man’) is one of the most interesting triads in *H* as it is only found in one other source, and that source is the Latin manuscripts.<sup>48</sup> Of course, the Latin redactors may well have had access to additional material, some of it the same additional material which was used by the Welsh redactors, although how it was used by the Latin redactors is a subject for another paper. ‘Tair gwaith y caiff gwraic wynebwerth’ (‘three times a woman will receive compensation for injury (lit., the value of her face)’) is better known (and labelled in *H*) as ‘y tri prifoi’ (‘the three privy things’); ‘tri prifwrei gwraig’ (‘the three privy things of a woman’) is found in the tail of *S*.<sup>49</sup> Finally, several of the triads in *H* also occur in the tail of *Z* and nowhere else, including a short collection of linked triads on *camlwrw* (fine of 3 cows or 15s.).<sup>50</sup> This link with the tail of *Z* is significant, and deserves further attention.

## MANUSCRIPT TAILS AND ADDITIONAL LEGAL MATERIAL

Although the persistent location of *H* in the Iorwerth Redaction has now been corrected, is there any link whatsoever with the Iorwerth Redaction?<sup>51</sup> It seems not. In fact, several factors lead us away from the

<sup>45</sup> *Ibid.*, K39.

<sup>46</sup> *Ibid.*, Q196n.

<sup>47</sup> *Ibid.*, Q166.

<sup>48</sup> See *ibid.*, p. 340.

<sup>49</sup> *Ibid.*, S278.

<sup>50</sup> *Ibid.*, pp. 364–71.

<sup>51</sup> See above, p. 48.

Iorwerth redaction: the anomalous-type material found in *H* is paralleled in the better-known law manuscripts, usually in manuscripts with tails. These manuscripts were called *deddfgronau* by Aled Rhys Wiliam, and he focused on additional material found in some of the Iorwerth manuscripts, primarily *F*, Peniarth 34, and *G*, Peniarth 35.<sup>52</sup> The additional material in Iorwerth manuscripts is often in the form of *damweiniau* (hypothetical cases, in the form of ‘if X, then Y’) and *cynghawsedd*, although manuscript *K*, Peniarth 40, has a tail comprised of a triad collection.<sup>53</sup> Manuscripts *H* and *K* are not linked in any obvious way, and no *damweiniau* from the Iorwerth collections are found in *H*. This may mean that the compiler preferred triads, of course, or again lead us away from the Iorwerth redaction. No sections of *H*, triadic or otherwise, seem to be copying or even paraphrasing any section of Iorwerth.

The same is true of the Cyfnerth redaction, although the link with Cyfnerth manuscript *Z* has already been raised. The Cyfnerth manuscripts are fewer in number, and some of these manuscripts could be said to contain a tail of additional material. *Mk*, the Bodorgan manuscript, and *W*, British Library MS Cotton Cleopatra A xiv, combine Bleg material into their texts, although there is no obvious demarcation between the main text and the tail of those manuscripts; the additional material has been incorporated rather than added in bulk. *U*, Peniarth 37, has a copy of the Book of Cynghawsedd appended to it, and, as noted, *Z*, Peniarth 259B, has a tail of additional material more similar to the better-known tails found with Bleg manuscripts.<sup>54</sup>

The development of the Bleg tails has been discussed elsewhere and has a clear development, summarized in Table 2.<sup>55</sup>

Manuscript *H* can by no stretch of the imagination be classified as a Bleg manuscript, but the Bleg influence in some of the non-triadic sections is plausible and may be explained. Apart from anything else, if a medieval legal compiler had a particular interest in legal triads, the first place to start looking would be the Bleg manuscripts, as these contain the

<sup>52</sup> A. Rh. Wiliam, ‘Y deddfgronau Cymraeg’, *NLWJ*, 8 (1953), 97–103.

<sup>53</sup> Roberts, *Legal Triads*, pp. 32–4.

<sup>54</sup> The only full study of the Cyfnerth manuscripts to date is found in *Welsh Medieval Law*, ed. A. W. Wade-Evans (Oxford, 1909), with pp. vii–xix focusing on the manuscripts. *Mk* was not known to Wade-Evans, but some information, with an emphasis on the triads, can be found in Roberts, *Legal Triads*, pp. 20–3.

<sup>55</sup> *Cyfreithiau Hywel Dda yn ôl Llawysgrif Coleg yr Iesu LVII Rhydychen*, ed. Melville Richards (revd edn, Cardiff, 1990), pp. xvi–xvii.

Table 2. Bleg manuscripts and their tails

<i>Manuscript</i>	<i>Contents of the tail</i>
Ʒ, Jesus College Oxford LVII Q, Wynnstay 36 and its copies	Primarily comprised of Iorwerth material Includes a copy of the book of <i>damweiniau</i> and <i>cynghawsedd</i> as well as miscellaneous additional material
S, BL Add. 22,356 and <i>Tim</i> , Llanstephan 116 (same scribe)	Varied tails similar to that found in Q

largest collections of legal triads; and in order to augment the number of triads further, a compiler would need to read through the non-triadic sections in order to pick out the triads found at relevant points in those Bleg tractates.

For the non-triadic sections in *H*, the manuscript defies categorization, and is not part of any of the three Welsh redactions.<sup>56</sup> Where there is some affinity, at least in the second half of *H*, between *H* and one of the redaction-manuscripts, it is usually with a manuscript containing a tail of additional material rather than with the main text of the manuscript. It appears that *H* is comprised of additional legal material, the type of material which would be found in a manuscript tail, although *H* does not accompany a redaction-manuscript.

Turning to the *cynghawsedd* in *H*, as noted above, several sections of it are similar to *cynghawsedd* found elsewhere in the Welsh legal manuscript tradition. The *cynghawsedd* in Book IX of *Ancient Laws* was taken from a so-called ‘anomalous’ manuscript, *A<sup>s</sup>*, Peniarth 175, from the fifteenth century, with variant readings from two other manuscripts – manuscript *m*, Peniarth 36, and *Z*, Peniarth 259B.<sup>57</sup> *A<sup>s</sup>* and *m*, like *H*, do not contain any copy of the main codes of the Welsh laws, but are largely comprised of sections of *cynghawsedd*. Manuscript *Z* only parallels *H* in parts of its tail, and not the main *Cyfnerth* text. In the case of the longest Bleg tails, much of the additional material is taken from other redactions, but the

<sup>56</sup> It goes without saying that it is not linked to any of the Latin manuscripts either.

<sup>57</sup> In *Medieval Welsh Manuscripts*, Daniel Huws uses *A<sup>s</sup>* and *m* as sigla for the first two manuscripts. Aneurin Owen, having run out of letters of the alphabet, used unusual letters which are almost impossible to represent on a modern word processor. I will therefore follow Daniel Huws’s sigla. For descriptions of the manuscripts, see Evans, *Report*, II, pp. 970 and 370.

additional material in *Z* is more anomalous in nature, and much of it is not found elsewhere. The tail of *Z* includes a copy of the Book of Cynog, *cynghawsedd*, triads and other miscellaneous material.<sup>58</sup> There does appear to be a link between the tail of *Z* and some of the tractates found in *H*. Furthermore, the tail of *Z* includes several triads not found in any other legal manuscript.<sup>59</sup> However, some of those ‘unique’ triads in *Z* are also found in *H*. Manuscript *Z* is not complete, and it is impossible to determine how much material is now missing. What the tails of manuscripts, and the ‘anomalous’ manuscripts such as *A<sup>s</sup>*, *m* and *H* demonstrate, is that there must have been a corpus of additional legal material available to be copied. There are some parallel sections in the tails of *S* or *Tim* and of *Q*, and there was certainly a separate triad collection available in the area – it was copied into *S*, *Q*, *Tim* and also *K*, linked with Cefnlllys in Radnorshire, so a little further east.<sup>60</sup> In the case of sections of the tail of *Z*, much of the *cynghawsedd* was found elsewhere, in manuscripts *A<sup>s</sup>* and *m*, and similar material to that found in *Z*, *A<sup>s</sup>* and *m*, was also used in *H*, perhaps from a similar exemplar. *Z* did not use the same additional material as that found in the tails of *S*, *Tim* and *Q*, probably as it had a different geographical origin – *S*, *Tim* and *Q* originated in south-west Wales, whereas *Z* appears to be from north-east Wales and was linked at one stage to Pontefract castle.<sup>61</sup> There are two scribes at work in *Z*, the first, according to Daniel Huws, being Richard Langford of Trefalun in Denbighshire, north-east Wales, and the other probably an assistant.<sup>62</sup> *A<sup>s</sup>* was also linked to the same area – St Asaph – at one point in its history, and *m* and *A<sup>s</sup>* are linked. This suggests an area of origin for *H*, supported in part at least by the fact that it was at one

<sup>58</sup> The Book of Cynog was a law book, attributed to St Cynog, which was circulating separately from the extant law manuscripts. Portions were copied into several existing manuscripts, including *Z* and *Q*. The book may have originated in Brycheiniog. See G. A. Elias, ‘*Llyfr Cynog of Cyfraith Hywel and St Cynog of Brycheiniog*’, ante, 23 (2006), 27–47; A. Rh. Wiliam, *Llyfr Cynog* (Pamffledi Cyfraith Hywel, Aberystwyth, 1990); A. Rh. Wiliam, ‘Restoration of the Book of Cynog’, *NLWJ*, 25 (1988), 245–56.

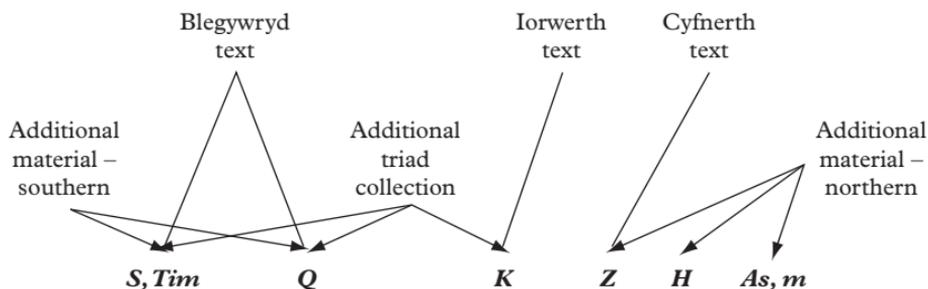
<sup>59</sup> Roberts, *Legal Triads*, pp. 364–71.

<sup>60</sup> *Ibid.*, pp. 32–4.

<sup>61</sup> Evans, *Report*, II, pp. 1074–5, and a note in the manuscript.

<sup>62</sup> D. Huws, ‘Yr hen Risiart Langffordd’, in *Beirdd a Thywysogion: Barddoniaeth Llys yng Nghymru, Iwerddon a'r Alban* ed. B. F. Roberts and M. E. Owen (Aberystwyth, 1996), pp. 308–9.

Figure 1. Additional material



stage bound with the Chirk Codex, a manuscript produced in north Wales, possibly Arfon, but which travelled to the north-east (Chirk) by the sixteenth century at the latest.<sup>63</sup> *H* and other linked manuscripts may be representing the additional material available in a different area, north-east Wales (Figure 1).

The crucial point is that, if there was additional legal material available, there may have been more of it available than we can guess at. Some of the same material was used by the compiler of *H*, and also by *Z*, *A<sup>s</sup>* and *m*. Some of the material in *Z* and also in *H* is unique; we do not know whether either manuscript is complete. So, there may have been a whole, larger manuscript (or several short manuscripts) of additional material (importantly, a written source), copied more than once. It may be that only a portion of it was used by *Z*, but more of it was used by *H*. Or, the compiler of *Z* may not have had use of all of the additional material available in the area; there may have been more of it around, but which was not copied anywhere – although some of it made its way into *H*.

What of those triads in *H* which have no parallel of any kind with anything found in extant manuscripts? M. E. Owen invented the term 'triadist' for the compiler of *H*, and states that he was adapting known triads and devising 'new ones on the basis of non-triadic material'.<sup>64</sup> This is, of course, possible; triads did not appear out of nowhere, ready-formed, and at some stage someone was responsible for creating all of the existing triads. But was it necessarily the compiler of *H* who was

<sup>63</sup> P. Russell, 'Scribal (in)competence', 170–1, and 130.

<sup>64</sup> M. E. Owen, 'Welsh triads: an overview', *Celtica*, 25 (2007), 245. G. A. Elias also discusses *H*'s compiler as an author, who adapted known triads and also invented new ones of his own: Elias, 'Golygiad ac astudiaeth destunol', pp. 67–83.

responsible for composing and adapting his material? Looking at the evidence for his work, more than half of his material is found elsewhere, which suggests he was sharing an exemplar with some extant manuscripts or parts of manuscripts. There certainly was a corpus – or even more than one corpus – of material available for use, although we can only guess at how much material was available and how much was actually used. On the whole, from what we know about the work of the compilers of later Welsh manuscripts, the men were compilers and editors rather than authors composing brand-new material. For example, *Q*, *S* and *Tim* have long tails of additional material, including unique sections in each of the manuscripts. Although the compiler of *Q* was a skilled compiler and editor, there is nothing to suggest that he was actually composing brand-new sections of law for his manuscript. In the case of the triads in *Q*, the collection is twice the size of the basic Bleg collection, but almost all of the triads can be traced elsewhere, either included in tractates (for example within the *damweiniâu*), or in one case, as a separate written collection attested elsewhere.<sup>65</sup> In the case of manuscript *Q*'s extensive tail, most of the material can be traced elsewhere, which points to copying and reorganizing existing written material rather than composing new sections for inclusion.<sup>66</sup> The same is true of the tails of *S*, *Tim* and *J*. The fact that even some of the material in *H* – including triads and non-triadic sections – can be traced elsewhere suggests that the person responsible was a compiler rather than an author.<sup>67</sup> The nature of the later legal material, in particular the triad collections, does not suggest new texts authored by the scribes of the manuscripts. Rather, it suggests preservation of material which was becoming – or had already become – out-of-date, and an interest in native legal philosophy.

<sup>65</sup> Roberts, *Legal Triads*, pp. 30–2.

<sup>66</sup> For example, the compiler of *Q* used various manuscripts and sources – it seems that he had at least five sources available to him; Roberts, 'Creu trefn o anhrefn', 415–16. He may have been working in particular and unusually fortunate circumstances, but it appears that the compiler of *H* was in a similar situation and had some texts to work with.

<sup>67</sup> Whilst he may have been adapting triads or creating individual triads from existing sections of texts, as suggested by G. A. Elias, it seems less likely that his inventiveness was primarily responsible for creating series of triads on the same topic(s); triads were often grouped by subject (however loosely) within collections, and series of triads on the same subject would tend to point to an existing collection. Cf. Elias, 'Golygiad ac astudiaeth destunol', pp. 70–83.

## CONCLUSION

*H* has long been dismissed as a strange manuscript, full of strange laws and unconnected to any of the main redactions of Welsh laws. Approaching the manuscript is no easy task due to the condition of the text, and some portions of it may never come to light again. However, much can be learnt from studying *H*, both in the context of legal triads and additional Welsh law material. Although parts of *H* are unique, and are not found elsewhere in the extant Welsh law texts, several sections fit in well with existing versions of law, although usually within the additional law category rather than with any of the main codes of Welsh law. This is true of the triads as well as the non-triadic sections. Dismissing *H* as a later compilation based on the redactions would be doing a disservice – both to the material in the manuscript, and to the study of additional material in the corpus of medieval law-texts more generally. It is impossible to place *H* in any of the existing redactions of Welsh law precisely because the compiler was not copying any manuscript which belonged to a redaction; rather, he was using an assortment of ‘additional’ or ‘anomalous’ materials, and this points to the amount of material available for the compilers. Some of it was confined to certain areas – the material from south-west Wales was not all available for the compiler of *H*, although there was different material in his own area which he made use of. A crucial issue raised by a study of *H*, then, is whether the vast amount of additional material included in the manuscript represents what was available in a certain part of Wales at a given point, or whether it is merely the tip of the iceberg in the mysterious world of anomalous law.

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