

Amobr and *Amobrwyrr*: The Collection of Marriage Fees and Sexual Fines in Late Medieval Wales

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In the Middle Ages, as in the modern age, governments were determined to raise revenue by whatever means possible. In the case of the English rulers of medieval Wales, this extended to using native Welsh laws that allowed the courts in the principality and the Marcher lordships to collect fines from their Welsh subjects for legal issues ranging from homicide to marriage and illicit sexual behaviour.¹

With regard to the latter, upon the occasion of a woman's marriage or when a woman engaged in sex outside of marriage, a payment known as *amobr* was required from the woman, her husband, or family. In this way, those men who ruled Wales in the late medieval period could expect to profit from women's sexual activity and, at the same time, punish them if that sexual activity fell outside the bonds of marriage. Such fees or fines for sexual activity were not unknown in medieval Europe, of course. In England, for example, the fees known as *merchet* and *leyrwite* were used by lords as a means of controlling and profiting from the marriage and sexuality of their female subjects.² In Wales, *amobr* appears to have been a long-standing legal practice, dating from before the English conquest in 1282–3. But the situation in Wales was somewhat unusual because, while Edward I had ordered the dismantling of native legal customs, only to replace them with English legal customs, a few aspects of native legal tradition, particularly those that could bring in revenue for the new rulers of Wales, were kept intact. *Amobr* was one of these surviving legal customs.

While the native legal texts provide a basic description of *amobr* and its collection, it is only in the post-conquest period that we find detailed evidence regarding the office of *amobrwr*, the official responsible for ensuring that people paid *amobr*, whether following marriage or illicit sexual activity. Similarly, it is only the post-conquest court rolls that illuminate the hardships involved in the payment of *amobr* and the difficulties *amobrwyrr* faced in collecting the fee. For some women and families, this was clearly an onerous burden and one they could ill afford, particularly in the post-plague years. In such cases, a visit from the *amobrwr* was

1 This paper was originally presented at the 47th International Medieval Congress, at Western Michigan University, Kalamazoo, MI, in May 2012, by the title 'Of *Amobr* and *Amobrwyrr*: Regulating Sexuality in Late Medieval Wales'.

2 The collection of *leyrwite* has been discussed in a number of works: E. D. Jones, 'The Medieval Leyrwite: A Historical Note on Female Fornication', *English Historical Review*, 107 (1992), 945–53; Tim North, 'Legerwite in the Thirteenth and Fourteenth Centuries', *Past & Present*, 111 (1986), 3–16; Judith M. Bennett, 'Writing Fornication: Medieval Leyrwite and its Historians', *TRHS*, 13 (2003), 131–62; Charlene M. Eska, 'Remarks on the So-called 'Abad' – Gains of the Harlot', presented at CSANA 2011, Ohio State University; Jean Scammell, 'Wife-Rents and Merchet', *The Economic History Review*, New Series, 29 (1976), 487–90; Eleanor Searle, 'Seigneurial Control of Women's Marriage: The Antecedents and Function of Merchet in England', *Past & Present*, 82 (1979), 3–43; E. D. Jones, 'Medieval Merchets as Demographic Data: Some Evidence From the Spalding Priory Estates, Lincolnshire', *Continuity & Change*, 11 (1996), 459–70.

unwelcome and often greeted with violence. This paper will examine the evidence regarding the office of *amobrwr* as it existed in the late medieval period in Wales and the difficulties entailed in the payment and collection of *amobr*. Altogether, a study of *amobr* and *amobrwyrr* can help historians gain a better understanding of the perpetuation of native Welsh practices in the first century following the English conquest of Wales, and, more importantly, the repercussions of the conquest and the social and economic upheavals of the fourteenth century on the lives of both women and men in Welsh communities.

In native Welsh law, *amobr* was due in three specific instances: when a woman was given in marriage, when a man 'openly' slept with her, and when she became pregnant.³ Most references to *amobr* imply that the father or a member of the woman's birth family was responsible for paying *amobr*, but in cases where the woman 'bestowed herself' she was to make the payment herself.⁴ However, a passage in *Llyfr Cyfnerth* (the Latin versions of Welsh law originating in south Wales in the late twelfth century) places the responsibility upon the woman's husband.⁵ In addition to serving as a fee that marked a woman's transition into the marital state, the native legal texts also indicate that, even in the pre-conquest

3 *The Law of Hywel Dda: Law Texts From Medieval Wales*, ed. and transl. by Dafydd Jenkins (Llandysul: Gomer Press, 1986), pp. 54–55 (hereafter abbreviated as *LTMW*). A post-conquest collection of native law, *Llawysgrif Pomffred*, has slightly different wording with regard to *amobr*: 'There are three shames of a maiden: one is when her father tells her "I have given you to a man, maiden". The second is asking her to go to sleep with her husband. The third is when she is seen in the morning getting out of bed with her husband'. Sara Elin Roberts, *Llawysgrif Pomffred: An Edition and Study of Peniarth MS 259B* (Leiden: Brill, 2011), lines 1171–74.

4 *LTMW*, pp. 49–50: 'Whosoever gives a woman to a man, it is for him to pay her *amobr*, or else let him take sureties from her for paying it. And if she gives herself, let her pay her *amobr*, for she herself was her bestower. If a man takes a woman clandestinely, and comes with her to a goodman's house to sleep with her, and the good man does not take surety for her *amobr*, let him pay it himself.' Although *LTMW* does not directly state the father is responsible for the payment of *amobr*, *Llawysgrif Pomffred* states that the father is responsible for paying *amobr* if his daughter 'allows her virginity to be broken'. A woman who is not a virgin is responsible for paying her own *amobr*. See Roberts, *Llawysgrif Pomffred*, lines 1339–40. For another reference to a woman as her own bestower, see *LTMW*, p. 49. E. D. Jones notes that most *leyrwite* fines were paid by women, rather than husbands or fathers. Jones postulates that this may indicate that women were expected to be responsible for their own actions. E. D. Jones, 'The Medieval Leyrwite', p. 949. Similarly, Dafydd Jenkins argues that many references to *amobr* suggest that the woman herself was primarily liable: see Dafydd Jenkins, 'Property Interests in the Classical Welsh Law of Women,' in *The Welsh Law of Women*, ed. by Dafydd Jenkins and Morfydd E. Owen (Cardiff: University of Wales Press, 1980), pp. 69–92 (73–75). According to R. R. Davies, if someone gave a woman in marriage (father, brother or other), he paid the *amobr*; if the woman married without permission of kin or secretly, she paid the *amobr*. If a man's wife left him for another man, her husband had to pay *amobr* unless they were officially divorced. See R. R. Davies, 'The Status of Women and the Practice of Marriage', in *The Welsh Law of Women*, pp. 93–114 (105, 112).

5 For the reference to the husband's payment of *amobr*, see Arthur Wade-Evans, *Welsh Medieval Law* (Darmstadt: Scientia Verlag Aalen, 1979 rpt), p. 135 (translated on p. 277). The husband's payment of *amobr* is also mentioned in Wendy Davies, *Wales in the Early Middle Ages* (Leicester: Leicester University Press, 1982), p. 78. See also Sara Elin Roberts, *The Legal Triads of Medieval Wales* (Cardiff: University of Wales Press, 2007), pp. 152–53, 168–69, 182–85. Roberts' translation of *Llawysgrif Pomffred* also lists the husband as responsible for paying *amobr* to the lord, line 1175.

period, *amobr* served as a fine for sexual offences, such as when a woman had sex outside marriage or committed adultery.⁶ In such cases, the woman's family might be released from the responsibility for paying *amobr*, and examples of this situation do appear in the post-conquest court rolls.⁷ According to the native laws, a woman's *amobr* payment belonged either to the lord of the territory or to her father's immediate social superior. The Laws of Court, for example, are full of references to the high ranking court officials – such as the head bard, the court falconer, and the court smith – receiving the *amobrau* of the daughters of those men who shared their craft or position but ranked beneath them.⁸ The reasoning for this structure, according to R. R. Davies, is that the man receiving the *amobr* stood as a protector to the woman, particularly of her virginity.⁹ The native laws also list the value of women's *amobr*, a value which was based on a woman's status, as derived from her father's status, and these values are given in monetary sums, down to the *amobr* of a slave's daughter, which was worth twelve pence.¹⁰ According to Dafydd Jenkins, the classical legal texts seem to indicate that a woman's *amobr* was only to be paid once, although he does note that some passages are less clear about the issue.¹¹ With regard to the collection of *amobr*, the native laws are not quite as illuminating. Although the laws explain to whom *amobr* was due, they do not state who was responsible for the collection, if not the lords or social superiors themselves. Only after the English conquest of Wales do we see evidence of officials whose responsibility was the collection of *amobr*, evidence which cannot definitively be read back into the pre-conquest period.

In the post-conquest period, some aspects of *amobr* payments remained the same and others changed. Royal or Marcher officials continued to collect *amobr* when a woman was first married, or in cases of sexual misconduct. However, the payments were not now due to the woman's father's social superior, but to the lord of the Marcher territory or to the king, if the woman in question lived in the principality. There is also evidence that ecclesiastical officials in post-conquest Wales collected *amobr* from their tenants, and in some cases a portion of this *amobr* payment then passed to the king.¹² While a Welsh judge, the *ynad cwmwd*,

6 Davies, 'The Status of Women and the Practice of Marriage', p. 111.

7 Ibid. pp. 111–12. Examples of such cases can be seen in the following published court roll excerpts: W. H. Waters, 'Documents Relating to the Sheriff's Turn in North Wales', *Bulletin of the Board of Celtic Studies*, 6 (1933), 354–60 (355); E. A. Lewis, 'The Proceedings of the Small Hundred Court of the Commote of Ardudwy in the County of Merioneth from 8 October 1325, to 18 September 1326', *BBCS*, 4 (1928), 153–66 (160, 162, 163, 165); G. P. Jones, 'Anglesey Court Rolls, 1346', *Transactions of the Anglesey Antiquarian Society* (1932), 42–49 (43).

8 One example can be seen in the passage on the Chief Falconer, who was 'entitled... to the *amobr* of [the falconers'] daughters', *LTMW*, p. 15. See also T. M. Charles-Edwards, 'Food, Drink and Clothing in the Laws of Court', in *The Welsh King and his Court*, ed. by T. M. Charles-Edwards, Morfydd E. Owen and Paul Russell (Cardiff: University of Wales Press, 2000), pp. 319–37 (326).

9 Davies, 'The Status of Women and the Practice of Marriage', p. 96.

10 For a list of *amobrau* amounts, see *LTMW*, p. 55.

11 Jenkins, 'Property Interests in the Classical Welsh Law of Women', pp. 88–89.

12 Davies, 'The Status of Women and the Practice of Marriage', pp. 104–05; Huw Pryce, *Native Law and the Church in Medieval Wales* (Oxford, New York: Oxford University Press, 1993), pp. 219–20.

made judgments in pleas of *amobr*, it was the officials known as *amobrwyrr* who collected *amobr* payments.¹³ David Stephenson cites evidence for the activity of *amobrwyrr* in the commote of Rhos, in the Marcher lordship of Denbigh, in 1334, stating that the office was worth '£22 per annum'.¹⁴ In the earliest court records from the Marcher lordship of Dyffryn Clwyd, the *amobrwyrr* are often listed only as 'farmers of *amobr*' and nothing is said of how these men gained their office. In 1331, however, two cases list an *amobrwr* by name: Dafydd Goch.¹⁵ Besides Dafydd Goch, only one other *amobrwr*, Ithel ap Einion (c.1341), is listed by name in these early entries. More importantly, in 1347 there is an entry that not only lists specifically who the *amobrwyrr* were, but also what they paid to the lord for the privilege of holding the office of *amobrwr*. In March of that year, Madog Vaghan ap Madog ap Ednyfed and Hywel ap Dafydd ap Madog 'took the farm of *amobr* (*firma ammobragni*)'.¹⁶ Madog and Hywel were to hold office as *amobrwyrr* for the following twelve years, and each year they were to pay £10 in silver four times a year, at Christmas, Easter, the Nativity of St John the Baptist, and Michaelmas.¹⁷ However, neither Madog Vaghan nor his counterpart Hywel had the opportunity to serve as *amobrwr* for very long after taking up that office. Madog continued to serve until 1350, when he was succeeded by his son, Dafydd. Hywel never appears in his official capacity again, and from 1349 onward the man who served with first Madog and then Madog's son Dafydd was Einion ap Cyn Lloyd. That Madog was succeeded by his son was necessitated by the terms of Madog's arrangement with the lord of Dyffryn Clwyd, as that agreement stated specifically that Madog's heirs would be also held responsible for meeting the requirements of their father's arrangement.¹⁸ Whatever the reason for this rapid turnover in the office, Einion and Dafydd prosecuted their duties diligently, and from some entries one suspects enthusiastically, over the course of the next eleven years throughout the lordship. In 1358, Dafydd was discharged of the office, and a new *amobrwr*, Dafydd Lloyd ap Llywelyn Voyl, took over the responsibility of collecting *amobr* under the same financial arrangement made by Madog and Hywel in 1347. Einion ap Cyn Lloyd continued to be active as an *amobrwr* until the 1370s, although his name is not listed

13 Davies, 'The Administration of Law in Medieval Wales: The Role of the *Ynad Cwmwd* (*Judex Patrie*)', in *Lawyers and Laymen*, ed. by T. M. Charles-Edwards, Morfydd E. Owen and D. B. Walters (Cardiff: University of Wales Press, 1986), pp. 258–73 (269–70). According to Davies, the *ynad* and *amobrwr* in north-east Wales continued their functions because of the financial benefit to the new lords, not because of a desire to allow the Welsh access to their own law ('Administration of Law', p. 270).

14 David Stephenson, *The Governance of Gwynedd* (Cardiff: University of Wales Press, 1984), p. 78. Stephenson argues that the *amobrwyrr* (*amobrager*) were 'probably active in the days of native rule' as well.

15 The National Archive (TNA), SC 216/12 m.24 (from the Llannerch court rolls) and 35d (from the Great Court rolls).

16 TNA, SC 217/12 m.15d.

17 Ibid. Eleven men served as sureties for Madog and Hywel, several of them being Madog's brothers. The editors of the Dyffryn Clwyd Court Roll database noted that Hywel's name appears to have been added later.

18 TNA, SC 217/12 m.15d.

in this particular entry.¹⁹ Up until the year 1415, the names of all *amobrwyrr* are Welsh. Only thereafter are the names of the *amobrwyrr* clearly English, beginning with the *amobrwr* Simon Aspull.²⁰ Although a name does not necessarily indicate the ethnic or social identity of the person in question, the change from *amobrwyrr* with Welsh names to those with English names does suggest that the lords of Dyffryn Clwyd had come to prefer to rely on men of English descent or extraction than men of Welsh descent or extraction.

Another aspect of the collection of *amobr* that appears to have changed in the post-conquest period is that *amobr* payments were definitely collected more than once, as the court rolls clearly list women who were required to pay *amobr* on multiple occasions, usually because of sexual misconduct but also occasionally because of a second marriage. In fact, R. R. Davies states that pleas of *amobr* were one of the most common types of plea in the post-conquest period.²¹ The value of the payments in this period ranged from 20s to 5s, based on whether the woman herself was free or unfree, although in some cases the *amobrwyrr* took clothing or agricultural produce in lieu of payment.²² However, any woman who could claim English status – if she had a father who was English or held land through ‘English tenure’ – could claim exemption from *amobr*, which led to a number of cases of women claiming English status, often without the evidence to prove it.²³ The cases of *amobr* that appear in the court rolls, particularly the rolls that have survived from the Marcher lordship of Dyffryn Clwyd, provide detailed evidence of the activities of *amobrwyrr* and the hardship that resulted from their pursuit of their duties, both for those who owed *amobr* and, to a lesser extent, the men who collected it.

The earliest surviving pleas of *amobr* in the Dyffryn Clwyd court rolls do not list the identity of the *amobrwr* or *amobrwyrr*, but do give some details regarding the payment of *amobr* in the post-conquest period. The first surviving case, from 1307, states that ‘Gwladus qfu Ieuan Boton’ was fined for ‘unjust detinue’ [i.e. withholding payment] of her *amobr*. The case provides no more details than that Gwladus was fined 6d, which was a fine separate from the *amobr* payment itself.²⁴ Whether Gwladus had failed to pay *amobr* for her first marriage, as ‘qfu’ or ‘*que fuit uxor*’ usually indicates widowed status, or whether she had had sex outside of marriage is unclear from the entry. What the entry does tell us, however, is that very early in the history of post-conquest Dyffryn Clwyd the Lords Grey were keen to profit from this particular aspect of Welsh law. A second, similar case appeared in court in 1316, when Madog Vaghan was fined 6d for ‘detinue’ of his sister’s

amobr.²⁵ While in the first case a woman was held responsible for her own *amobr*, in this case we see a brother being held responsible for his sister’s *amobr*, but we still see no listed amount for that *amobr*. Such an amount appears in a case from 1322, when the *amobr* for a woman named Gwledyr was paid by Ithel ap Einion, who appears to have made the payment for yet another man, Dafydd Lloyd Capellanus, who failed to repay Ithel. The *amobr* was listed as one ‘vacca’ (cow) or 5s, which suggests that Gwledyr held unfree status.²⁶ Dafydd Goch appears as *amobrwr* in two cases from 1331, in one of which the woman was required to pay 20s in *amobr*.²⁷ Apparently, the woman involved in this case from 1331 was of free status, unlike her earlier counterpart. While the later entries in the Dyffryn Clwyd court rolls become slightly more detailed, particularly with regard to the identity of the *amobrwyrr*, and become more frequent, these early entries lay out the salient features of *amobr* cases: any person, male or female, who was believed to owe *amobr* to the lord would be brought to court if he or she failed to pay *amobr* and fined in addition to that *amobr* payment.²⁸ Given the crippling amount of *amobr* payments alone, one can understand why individuals might choose to try to avoid the payment altogether.

With regard to issues of payment and status, the pleas lodged by the *amobrwyrr* in the courts of Dyffryn Clwyd indicate that *amobr* added additional, sometimes unforeseen, complications to marriage in a society in which marriage was one of the few means women had of achieving stability and security. While the native legal tracts seem to indicate that determining a woman’s *amobr* was only a matter of determining the status of her father, in the post-conquest period a woman’s *amobr* depended not just upon her natal status but also, if she chose to remarry, upon the status of her first husband. An example of this type of complication can be seen in a case from 1352, in which Einion ap Cyn Lloyd and Dafydd ap Madog stood as plaintiffs against Gronw ap Iorwerth ap Ieuan and his wife Gwerful. In this case, Einion and Dafydd stated that although Gwerful was now married to Gronw, who was a ‘bondman of the lord’, Gwerful had previously been married to ‘a certain freeman of Keymergh’, and so her status was still that of a freewoman, for which reason she and her new husband owed 10s in *amobr*, rather than 5s, as was normally the case for people of unfree status. Gwerful and Gronw argued back that because Gronw was a bondsman, he had nothing with which to pay the *amobr* of a freeman and that therefore he should only be required to pay in accordance with his status, namely 5s. As was the case with pleas of *amobr*, the case went

19 TNA, SC 218/7 m. 17. The entry is not entirely legible, and some details are obscure. Also, one of the names given is ‘Einion D[afyd]d’, which may be a scribal error for Einion ap Cyn Lloyd.

20 TNA, SC 221/8 m.17d.

21 R. R. Davies, ‘The Twilight of Welsh Law, 1284–1536’, *History*, 51 (1966), 143–64 (155).

22 The *amobr* of free women was normally 10s or 20s, and unfree women owed half that amount. See R. R. Davies, *Lordship and Society in the March of Wales, 1282–1400* (Oxford: Oxford University Press, 1978), p. 137.

23 According to R. R. Davies, if women could claim English status, then they did not have to pay *amobr*. However, a woman’s status was determined by her husband’s, so if a husband was Welsh she paid *amobr* despite any land held by English tenure. Davies, ‘The Status of Women and the Practice of Marriage’, pp. 103–04, 110–11.

24 TNA, SC 215/69 m.4

25 TNA, SC 215/75 m.11d

26 TNA, SC 216/4 m.19

27 TNA, SC 216/12 m.24 (from the Llannerch court rolls) and 35d (from the Great Court rolls).

28 There is, however, an interesting case from 1417 in which a Welsh judge, Gruffydd Gogh ap Ieuan ap Dafydd, was asked to hand down a judgment concerning the *amobr* payment owed by a woman listed as ‘Angharad bastard daughter of Dafydd Lloyd ap Madog Vaghan’, in particular how Angharad’s first *amobr* should be paid. The judge stated in court that ‘the first *amobr* ought to be levied on the lands of the father and not on the body of the bastard woman’ (TNA, SC 221/8 m.24). Given that there are numerous earlier cases in which women were required to make *amobr* payments themselves, this suggests that, in those cases where a male relative was available and able to make the payment, it was his responsibility to do so and not the woman’s. Another possible interpretation is that the *amobrwyrr* were not necessarily particular about who made the payment, just that the payment was made.

before a Welsh judge, who found in favor of the *amobrwyr*. Gronw and Gwerful were thus ordered to pay the 10s for *amobr*, and Gronw was furthermore fined 6d for 'unjust detainee'.²⁹ Presumably, neither Gronw nor Gwerful had realized that her first marriage would be an issue with regard to her second marriage; otherwise the couple might have made arrangements for a friend or family member to help them cover the cost of the elevated *amobr*. That the Welsh judge found them liable for 10s, twice the normal amount for a member of the unfree class, must have come as a rude shock, not to mention the extra fine for detaining *amobr* from the *amobrwyr*. Financial complications such as this make it easy to see why some couples preferred to live in concubinage in this period, as concubinage was regarded as acceptable by religious standards of the day and, until the late fourteenth century, did not entail the payment of *amobr*.³⁰

Amobr payments were complicated not solely by a woman's change in social status, however. *Amobr* payments were also complicated if a woman changed ethnic status as well, by marrying into an ethnic status other than that of her birth family. This was a particularly thorny issue in late medieval Dyffryn Clwyd, as Welsh and English mixed and married in many communities. Any woman who could demonstrate that she was English by birth or marriage or held land through 'English tenure' could claim exemption from *amobr* payments. But if a woman of English status married a Welshman, she and her husband were required to pay *amobr*. Several cases highlight this particular aspect of *amobr*. In February 1351, Einion ap Cyn Lloyd and Dafydd ap Madog Vaghan took two oxen from 'the plough' of Adda ap Adda Duy in lieu of an *amobr* payment for Adda's recent marriage to Dyddgu ferch Heilyn Voyl. The *amobrwyr* claimed that because Dyddgu's first husband, Ieuan ap Dafydd Goch, had been Welsh, Adda owed *amobr* for marrying Dyddgu. Adda protested the 'abduction' of the two oxen, which he needed for his livelihood, and argued in court that he was not required to pay *amobr* because Dyddgu held lands by English tenure, lands which Dyddgu had inherited from her father, who was now deceased. In what appears to have been a rare display of determination, Adda pursued the matter by requesting that the rolls of the court be examined for evidence of Dyddgu's inherited English tenure. The rolls were examined, and Adda was proved correct. In this case, the defendants, Adda and Dyddgu, were excused by the lord and the *amobrwyr* were fined, a rare occurrence indeed.³¹ In

²⁹ TNA, SC 218/3 m.16.

³⁰ In a case included in the Dyffryn Clwyd database dating from 1388, the *amobrwr* appeared as a plaintiff against Mali concubine of Dafydd ap Ieuan in a plea of *amobr* (TNA SC, 220/6 m.20d). From this year onward, there were multiple pleas of *amobr* involving women who were named as concubines. While this change may have been due to the lord's desire to collect *amobr* from all women engaging in sexual relationships, and not just those who were married or were clearly prostitutes, it may also have been due to the changing attitude within the church itself toward concubines. For centuries, the church had turned a blind eye toward concubinage, and even canon law described concubinage as a lesser form of marriage. But by the late fourteenth century, canonists and clerics were attempting to eliminate concubinage and were encouraging couples to become legitimately married. See James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, London: University of Chicago Press, 1987), p. 514.

³¹ TNA, SC 218/3 m.14d lists the final decision in the case. Previous appearances include 218/2 m.11d, 218/2 m.13 and 218/3 m.1d, in which entry Adda ap Adda paid to have access to the rolls to ascertain his wife's legal status.

a second such case, the defendants were not so fortunate. In 1358, Einion ap Cyn Lloyd appeared in court as a plaintiff against Ieuan ap Madog Vaghan and his wife Gwerful. Einion claimed that the couple 'unjustly detain[ed]' 10s for *amobr*. Ieuan and Gwerful argued back that Gwerful held English lands from the lord and was of English status, which they were prepared to prove in court. The *amobrwr* replied that Gwerful's first husband, one Bleddyn ap Llywelyn, was Welsh and that she had assumed Welsh status upon her marriage to Bleddyn. In this case, the court sided with the *amobrwr*. Until Gwerful's status was changed by the lord or by a third, presumably English, husband, Gwerful was required to pay *amobr*, 'notwithstanding the said liberty'.³² Clearly, even though Gwerful, like Adda before her, was willing to prove her English status, the fact that she had acquired the status of her first, Welsh husband meant that she was henceforth expected to pay *amobr*, despite the fact that she held lands by English tenure from the lord of Dyffryn Clwyd. These two cases indicate that there were legal loopholes that could be exploited, either by married couples or by the *amobrwyr* themselves, in pleas of *amobr*. But as with the case involving Gronw and Gwerful, one can see why a couple might prefer to forego the legal and financial complications of marriage and choose instead the less formal union of concubinage.

As the cases discussed so far indicate, *amobr* payments varied depending on the status of the woman in question. But what happened in those cases where a woman, or a couple, simply could not afford to pay *amobr*? There are cases which describe such instances as well, and these cases more fully illuminate the difficulties faced by women who were trying to make a living in late fourteenth-century Wales, often without the assistance of any family. In July 1342, Gwenllian daughter of Dafydd appeared in court because she had not paid *amobr*, and because she had no money or goods with which to pay *amobr*, the court declared that 'order and inhibition is given that no one in this lordship is to receive her or give (*tribuat*) her foods, under penalty of 15s to the lord, until she satisfies the farmers for *amobr*'.³³ What happened to Gwenllian is unclear, as her name never comes up again in a plea of *amobr*. Perhaps she left the lordship. It certainly would have been difficult for her to survive within the lordship given that the courts had forbidden anyone to assist her. Gwenllian's situation highlights just how onerous *amobr* payments were for women with no means to pay the fee. Gwenllian may well have incurred *amobr* through casual prostitution, but if so the result placed her in an even more difficult situation than she had been previously. In a later case, dating from March to May 1394, a woman by the name of Nest ferch Dafydd ap Bleddyn was listed as a defendant in a plea of *amobr*. However, Nest told the court that she did not have any goods with which to pay *amobr*, and, consequently, she was imprisoned until such time as the 5s she owed in *amobr* could be paid.³⁴ The same woman appeared in yet another plea of *amobr* from December 1396 to May 1397, but again she

³² TNA, SC 218/7 m.17. See also 218/6 m.22 for the first appearance of the case.

³³ TNA, SC 217/7 m.18d.

³⁴ TNA, SC 221/1 mm. 12d, 13, 13d.

stated she had no means to pay the 5s *amobr* and was, again, imprisoned.³⁵ As with Gwenllian daughter of Dafydd, Nest ferch Dafydd ap Bleddyn does not appear again in the court rolls and it is unclear what became of her. What is clear is that non-payment of *amobr* to the *amobrwr* was an offence that was punishable by various means, none of them kind to the women who had incurred that punishment.

In some cases, however, the courts were either more lenient or those women brought to court in pleas of *amobr* were in slightly better financial positions than Gwenllian and Nest had been. There are many cases in which the *amobrwyr* took either livestock or crops in lieu of a monetary payment of *amobr*. In a case from September 1341, Ieuan ap Philip was in court for having 'eloigned' ('taken away') two *vaccæ*, 'cows', that had been 'placed under prohibition' to pay the *amobr* of Ieuan's daughter, Efa. Because Ieuan was clearly guilty, he was imprisoned for the offence.³⁶ In February 1342, Gwenllian ferch Bleddyn was 'convicted of eloigning outside the lordship 2 of her *averia* [draught animals] which ought to have been attached for *amobr*'. Until such time as she could make the *amobr* payment, Gwenllian was taken into custody by the *rhingyll* or bailiff.³⁷ The seizure of agricultural produce from a woman's lands as payment for *amobr* can be seen in a case from January 1341, in which 'Iorwerth carpentarius' (carpenter) was charged with having taken six *hopae* ('basket-measure') of wheat, valued at 9d per *hopa*, which had been set aside for the payment of the *amobr* of Angharad daughter of Gronw Duy. While Angharad herself was not charged in this offence, Iorwerth was required to pay a fine of 12d for his actions.³⁸ In a later case, from September 1397, Gronw ap Ieuan del Gelthle was found guilty by an inquisition of having '[taken] and removed corn, value 13s 4d, growing on [his] land, in breach of the prohibition placed by Einion Gogh, *amobrwr* of Dyffryn Clwyd by means of a cross'.³⁹ This entry on its own does not clearly indicate that this was an *amobr* case, but another entry from the same day lists Gwenllian ferch Ieuan del Gelthle as a plaintiff in a plea of trespass against the same *amobrwr*.⁴⁰ Apparently, the *amobrwr* had placed a cross in the field belonging to Gwenllian's brother Gronw in order to claim the crop there as an *amobr* payment and had 'trespassed', in Gwenllian's words, in order to investigate the crop or, quite possibly, its disappearance.⁴¹ Together, the two cases indicate that Gronw was found guilty of having removed the 'corn' that was intended to pay for his sister's *amobr*. These cases all show not only that the *amobrwyr* were content to take livestock or crops as payment for *amobr* but

35 TNA, SC 221/1 mm. 22, 22d, 23, 23d, 24, 24d and 25. There are two cases from January and February 1394 in which Einion Gogh, the *amobrwr*, appeared as a plaintiff against Nest ferch Dafydd ap Bleddyn. The first case was a plea of debt and the second a plea of trespass. Despite the fact that neither case mentions the term *amobr*, it is entirely possible that these cases represent the beginning of the plea of *amobr* against Nest.

36 TNA, SC 217/6 m.15.

37 TNA, SC 217/7 m.10d.

38 TNA, SC 217/6 m.16.

39 TNA, SC 221/1 m.27.

40 TNA, SC 221/1 m.26d.

41 Another case in which an *amobrwr* placed a cross in a man's field to indicate that the crops were to be seized to pay *amobr* can be seen in TNA, SC 221/1 m.26d. Also, in a third case a man was fined 12d for breaking a cross placed by the *amobrwr*, but no indication is given as to what the cross represented in that case (TNA, SC 218/11 m.18).

that such a payment could be collected from the woman herself, her father or her brother, essentially whoever had the wherewithal to make the payment.

Another form of payment that *amobrwyr* were willing to accept was clothing. In May 1372, Agnes daughter of Agnes appeared in court in a plea of *amobr* against Einion ap Cyn Lloyd. Agnes stated that Einion had taken her cloak in distraint for an *amobr* payment. Agnes also argued that because her mother was English, she was exempt from *amobr*. Einion responded that Agnes' father was Welsh, and because he had acknowledged her as his daughter she was required to pay *amobr*. In the end, the case had to be postponed until the steward of the lordship himself could sit in judgment.⁴² In a similar case from June 1398, Mali ferch Madog Vaghan was brought to court in a plea of *amobr*. As had other women before her, Mali stated that she had no goods. In order to try to resolve her case, Mali requested '*brawd y diddim* (*brawdethym*)', or 'a judgment of nothing'.⁴³ In a subsequent hearing of the case, Mali was granted '*brawd y diddim*', and it was decided that the *amobrwr* was to have 'her best garment (*habebit vestem superiorem*)' as a form of payment.⁴⁴ No mention was made of what that 'best garment' was, but given Mali's circumstances, it was likely not worth the 7s 6d she was said to owe in *amobr*.⁴⁵ In both these cases, the women in question were able to surrender clothing as payment for *amobr*. Perhaps the *amobrwyr* had become more sympathetic than had been the case in 1342, when Gwenllian daughter of Dafydd had been sentenced to wander the lordship without being able to receive assistance from anyone on pain of a 15s fine, but more likely the *amobrwyr* and the courts realized that it was far better to leave the women in a position to pay *amobr* eventually than it was to drive them out of the lordship or force them into such destitution that they could never make the payment at all.

Although it is clear that the *amobrwyr* were usually quite successful in prosecuting *amobr* cases and collecting the dues owed them, there are a few cases from the Dyffryn Clwyd court rolls that indicate that there were also dangers involved in the job. From the examples discussed so far, it will be obvious that few people in Dyffryn Clwyd would have looked forward to seeing the *amobrwyr* appearing on their lands, and on some occasions people took matters into their own hands. In one case, from December 1383, Dafydd Lloyd ap Iorwerth was 'committed to castle' for having prevented the *amobrwyr* from carrying out their duties with regard to his daughter Efa, on one occasion threatening them with a bow and arrow and on a second occasion threatening them with a lance.⁴⁶ In a subsequent entry, in which Dafydd was described as having 'threatened destruction to [the lord's *amobrwyr*] on behalf of [his daughter Efa], and shot arrows at [them]', his fine was listed as 20s, which, depending on his status, might have been twice the amount of his daughter's *amobr*.⁴⁷ In a similar case from April 1396, Llywelyn

42 TNA, SC 219/8 m.4.

43 TNA, SC 220/12 m.32d. There are other cases involving a judgment of '*brawd y diddim*', one of which involved another woman brought to court on a plea of *amobr* (TNA, SC 220/12 m.32).

44 TNA, SC 220/12 mm.33 and 33d.

45 TNA, SC 220/12 m.32d.

46 TNA, SC 220/4 m.15d.

47 TNA, SC 220/4 m.28.

Gogh ap Iorwerth ap Rhirid 'assaulted [the *amobrwr*], beat him, and intended to prevent [him] from having 2 boves [oxen]'.⁴⁸ As to whether Llywelyn owed these two oxen for an *amobr* payment for a wife or daughter is unclear from the record. But as had been the case with other men, Llywelyn took offence at the actions of the *amobrwr* and used physical violence to prevent the *amobrwr* from carrying out his duties. From the court rolls, we can only assume that when men, or women, chose to pursue violent means against the *amobrwyr*, this action only exacerbated their problems, financially as well as legally.

The cases discussed here demonstrate that the collection of fees for marriage and sexual misconduct proved to be a lucrative practice for the lords of fourteenth-century Dyffryn Clwyd, both from the perspective that all sexually active women had to make an *amobr* payment and from the perspective of the money that men were willing to pay to gain the office of *amobrwr*. The evidence from the commote of Rhos and from the lordship of Dyffryn Clwyd indicates that the *amobrwyr* paid a significant amount for the privilege of collecting *amobr* in this period, and, although there is no direct evidence that these men profited from their office, history is replete with accounts of tax farmers who saw their position as a means of lining their own pockets as well as collecting any fees due to the ruling authorities. In addition, given the dangers inherent in the job, and the dislike with which the *amobrwyr* must have been viewed by the people subject to *amobr* payments, there must have been some incentive to performing the job, and that incentive was presumably greater financial standing. In terms of the men who held this office, the evidence from the Dyffryn Clwyd court rolls indicates that the taking up of the office bound not only the office-taker himself, but also his son and heir, who might be called upon to fulfill the financial terms of the office if his father died without having discharged his duties fully, as happened when Madog Vaghan ap Madog ap Ednyfed was succeeded by his son Dafydd. Furthermore, while some men held the office only briefly or relinquished it after the number of years agreed to in their contract with the lord had passed, in the case of Madog and Dafydd twelve years, others, like Einion ap Cyn Lloyd, held the office for over twenty years. That Einion ap Cyn Lloyd held the office for what may well have been half his lifetime suggests that he either had a high tolerance for the dislike and threats he was no doubt subjected to or that he was willing to hold the office for such a long time because it represented a means of improving his own financial status. Finally, the fact that all *amobrwyr* listed in the Dyffryn Clwyd court roll records have Welsh names suggests that this was an office performed by Welshmen in preference to Englishmen, until 1415, at which point the *amobrwyr* named in the court rolls had clearly English names, if not necessarily English identities.

As for the women and men liable for *amobr* payments, the cases discussed here exemplify the hardship that *amobr* payments created, particularly for single women but also for newly married couples, as in the case of Gronw ap Iorwerth ap Ieuan and Gwerful, where the *amobr* payment due was twice what they expected because the *amobrwr* was able to prove that Gwerful held the status of a free woman despite her marriage to Gronw, a bondsman. It was not only a change in social status that

could affect a woman's *amobr* payment, however. A change in ethnic status could also affect a woman's *amobr*, as was the case for Ieuan ap Madog Vaghan and his wife Gwerful. Gwerful claimed English status, which would have exonerated her from the *amobr* payment, but the *amobrwr* and court decided she had Welsh status because of her first marriage to a Welshman, leaving Gwerful and her new husband to face a 10s payment.

Although the *amobrwyr* were clearly willing to take livestock or agricultural produce in payment for *amobr*, the high cost of *amobr* may have led some couples to remain unmarried, while single women made shift as best they could, even handing over a cloak or 'best garment' in order to pay *amobr*. But there must also have been more women like Gwenllian daughter of Dafydd, who was so impoverished that she did not even have clothing that could stand in for her *amobr* payment, or Nest ferch Dafydd ap Bleddyn, who was imprisoned twice for her failure to pay *amobr*. For women like Gwenllian and Nest, the consequences of not being able to pay *amobr* were dire indeed, and one cannot help but wonder how many women fell into even more desperate circumstances because of their inability to pay the fee incurred by their sexual activity. The Marcher lords and royal officials of post-conquest Wales may have believed that keeping the collection of *amobr* in practice was justified by the perpetuation of Welsh civil law and by their standing as the social superiors of all Welshmen and women, but there is no doubt that the collection of *amobr*, however lucrative it was for the lords themselves and the *amobrwyr*, heightened the financial difficulties faced by many individuals and families in late medieval Wales and in particular those unmarried women for whom sexual activity was a means of survival rather than a moral failing.

48 TNA, SC 220/8 m.21.