Domestic Building in Wales and the Evidence of the Welsh Laws

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THE WELSH LAWS survive in Welsh and in Latin texts from c. 1200 to 1500. This paper examines the codes to obtain information on domestic building at all levels of society and to discern more primitive conditions when the Laws were orally transmitted. This literary information is set alongside the modest array of archaeological evidence and attention is drawn to the discrepancies as a target for future research.

In a previous volume of this journal (23 (1979), 81–97), Dr Hilary Murray examined the documentary evidence for domestic buildings in Ireland *c.* 400–1200 in the light of archaeology. She was able to draw upon a considerable body of hagiographical literature and the texts of an Irish law code which undoubtedly contains early material. This article examines the comparable position for early Wales using the texts of Welsh law codes, both in the Welsh language and in Latin translation. It assesses the contribution of the Laws to an understanding of domestic buildings. This can only be done for the period 1200–1500 when the Welsh Laws were finally written down and were being modified as part of a living legal system in daily practical use. Although it is clear that the origin of the Laws conveyed in an oral tradition may lie much further back in time, perhaps to be contemporary with the Irish *Crîth Gablach*, certainty on this matter is impossible and at present archaeology has contributed little to assist the argument. Accordingly the two types of evidence are considered separately: firstly the information contained in the Welsh Laws from *c.* 1200 to *c.* 1500 and then briefly the evidence provided by archaeology from the same period.

THE EVIDENCE OF THE WELSH LAWS

The study of vernacular architecture in Wales is handicapped by the lack of any domestic buildings surviving from before 1200 except for a few castles. It must rely on excavation to discover new examples and such work is a slow process. The oft-quoted description by Gerald of Wales seems to be at variance with the evidence of settlement studies; he wrote that the Welsh

do not live in towns or in villages or in defended enclosures (*castris*), but cling to the woods as if they were hermits. At the edges of the woods they build, not great palaces nor sumptuous and overlarge structures raised on high with stone and mortar, but dwellings of woven rods

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sufficient for a year's occupation, assembled with a minimum of labour and a modicum of expense.

Gerald may well have been recording the summer dwellings (*hafodau*) and not the houses of the permanent townships (*trefi*), though he may also have been drawing a contrast between English villages with the settlement set centrally amid the common fields and the Welsh villages with the common field (*maes*) set centrally and ringed about with housing on the edge of waste or woodland. It is possible that a fuller examination of the Welsh Laws could amplify the evidence of Gerald and show something of the diversity in rural housing.

In a chapter entitled 'The Houses of the Laws', Peate[1] described the medieval housing in Wales based upon the evidence contained in the *Laws of Hywel Dda*. Since Peate first wrote in 1940, a considerable advance has been made in the study of the Laws. Particularly valuable have been the editions by Emanuel of the Latin texts[2] and by Rhys Wiliam of the earliest Welsh manuscript *Llyfr Iorwerth*.[3] For the advance in legal studies the introduction given by Emanuel in 1963[4] and extended by Jenkins in 1970 should be followed.[5] When Peate wrote, the division of the Laws was still based on the three tribal codes identified by Owen;[6] the only variations had been the texts printed by Wade-Evans,[7] by Lewis[8] and by Evans.[9] The external developments and internal relationships between these various texts had not been fully appreciated, and Peate was, understandably, inclined to treat them with equal weight as affording insights into a proto-historic period.[10]

The major step forward has been that a new generation of scholars has given the manuscripts much closer scrutiny and the family tree of texts has now been postulated.[11] What has yet to be determined is how far the Laws were in all respects an accurate reflection of contemporary society and its daily life, and how far they masked reality in (archaic) legal fiction, following hesitantly some distance after political events and changing only slowly over the centuries.[12] However, within this study of vernacular buildings, broad patterns are clear, defining on the one hand an early period before 1250 and on the other hand the later developments of the 14th and 15th centuries. There is also the opportunity to check the stages of development against the evidence of poetry, chronicles, custumals and administrative records. Of these the working documents of manor and lordship are likely to be more susceptible to change than to conservatism, and therefore do provide a more reliable witness of contemporary events and practices. The poetry is more likely to contain archaic sentiments.

The *Laws of Hywel Dda* hark back to an ideal Welsh state united and firmly led; they point also to a single state with few regional differences, where the nucleus of a single body of law could be accepted without modification. Whether this was ever the case even between 942 and 950 may be doubted. The date when the Laws were first transferred from oral transmission to a written code may not have been until the pressure of the Norman invasions was felt.[13] The regional differences between Gwynedd in the north-west, Powys in the east and Deheubarth in the south-west are not great; they depend principally on the introduction of local privileges (as of Arfon or of the Bishop's houses of St Davids) or on the association of a particular section with a named lawyer of repute.[14]

Information about housing is found mainly in obligations to repair and to make restitution in the case of damage. Usually the information is directly stated but sometimes the nature of housing comes from less precise legal requirements. The importance of social structure throughout the Laws means that the threefold division between king, lord and bondman will be the most convenient arrangement to follow.

The King or Prince

The most explicit description of the buildings of the king's court concerns the nine houses which the bondmen are to erect and repair for the king.[15] Eight of these are always present in all the Latin and most of the Welsh versions though their order may change: the hall (*aula; neuat*), the chamber (*camera: estavell*), the kitchen (*cocquina; chegyn*), the stable (*stabulum; estabel*), the granary or barn (*horreum; escubaur*), the kennels (*domus canum; kynordy*),[16] the kiln (*tritoria; odyn, odynty*), and the privy (*latrina; peiryant*).

The ninth room or house is usually the fourth in the sequence. The Latin texts have *penu* or *sacellum* (inner room). The early Welsh texts have *hundy* but a few texts substitute *capel, kapel* or *capella*, possibly under the influence of current surveys (e.g. of the Lordship of Denbigh),[17] and the licencing of private chapels which became common in the 13th century.

There is some doubt also whether nine or seven houses are the norm. Only seven are given in *Llyfr Iorwerth*, and later temporal surveys have five or less.[18] *Llyfr Colan* has ten, eight within the court and two in the *Maerdref*, but there is probably a mistake as *hundy* and *hynny* are both included. It may be that the barn and the kiln which are omitted in *Llyfr Iorwerth* and are listed in the *Maerdref* (reeve's town) in *Llyfr Colan* were the additions to make a memorable number. The inclusion of a 'porch' or a 'lodge' in this additional group seems less likely.

Some of these nine buildings are additionally mentioned because the officials of the court live in or use them. The king lives in the hall and there is the distinction between the upper and lower hall. The judge lodges in the hall and the chamberlain and chamber-maid lodge in the chamber; the falconer lodges in the king's barn and the groom nearest the king's barn. The huntsman has rooms in the king's kiln house and the steward (*penkenyt*) on the threshing floor. Some rooms are not mentioned among the nine buildings; the doorkeeper of the hall and the doorkeeper of the chamber lodge in the house of the porter, and the mead-brewer carries food and drink from the mead-cellar (*meddgell*) or from the kitchen (*cegin*) to the hall. The presence of other officials implies the use of rooms already mentioned (e.g. hounds-man, cook and perhaps *Maer Biswail*).[19]

Rather more doubtful is the question of whether the hall was fortified: 'from every bond township the king has a man and a horse with axes for constructing his strongholds and they are to be at the king's expense'. The earlier texts use *castell*, in the sense of 'encampments', perhaps a Norman influence brought into Deheubarth by Rhys ap Gruffydd as vice-regent for Henry II; other versions use *lluestau*, for camps or halls.

Apart from the building activities of the court smith in making the irons of the gate, the buildings of the hall must have been principally of wood and capable of being consumed by fire. The restitution for fire damage forms an important section:

who ever shall burn the hall of the king is to pay for each timber (*gauayl*) that may support the roof of the house 20d to the king; for the roof of the building 8od; for each pent house 20d.

In Latin A the phrase *pro aliis domibus* is explained *id est gotey* showing that a Welsh original (the precursor of *Llyfr Iorwerth*) was being followed; this makes explicit what is later understood in *pro unoquoqe eorum xx*^{ti} *denarios regi reddat*. There is an underlying hint that this 20d is a cash equivalent of a unit of render (perhaps in cattle) as all the items are multiples of this amount; the later versions become more detailed and no longer deal in multiples.

There is also an undercurrent of mnemonic triads with the division of hall (or house), barn and *beudy* of the king, the lord (*breyr*) and the bondman respectively.[20] As the components of the hall and house become more complicated so the assumed basic pattern is lost; as the situation and the permanence of the house become varied according to the season, so too this requires further elaboration.

In this respect *Llyfr Iorwerth* seems to preserve the earliest version with the three basic divisions: the king's hall (*neuad e brenhyn*), the nobleman's hall (*neuad mab ucheluur*) and the bondman's cottage (*ty mab eyllt*). The origin of the setting down of the prices and restitution is attributed to Iorwerth ap Madog. This may be assigned to the early 13th century and the writing of the text is likely to be closer to 1230.

In the *Llyfr Iorwerth* the only qualification in the description of the building is the phrase 'each truss supporting the roof' *pob gavael o'r a'e kynhalyo (sef a dele bot endy, chuech cholouyn)* — these columns are apparently single posts and do not refer to cruck couples (*fforch*).[21]

Three other buildings are associated with the king: the smithy, the mill and the kiln. In the privileges granted to the smith this official is particularly associated with the royal court, but it is equally clear that lower down the social scale the lord (*breyr*) and the township (*tref*) could possess a smith: throughout the various versions of the Laws a common triad is of three permitted fires, the third one of which is the fire of the settlement smithy (*geveil*) set nine paces from the settlement. Most versions give greater precision and speak of a broom or turf roof upon it. The smith's privileges are more fully stated in the later versions.[22]

The mill is well known from the 14th-century Extents often with considerable detail in the carrying services.[23] More usual in the Laws is the reference to the value of mill-stones (*mein melin*). A mill is 120d (6 × 20) in value, but the things inside it are to be appraised separately. The kiln of the king also occurs in the list of prices but is better considered under the villein's rights and property.

The Lord

The three nets or supports of the lord (*breyr*) are his stud of horses, his herd of cattle and his herd of swine, but it is clear from the worth of the buildings that the lord's hall or house was also highly prized. Although the earliest surviving Welsh text has a simple description which follows closely on the pattern of restitution for

the king's hall, the Latin texts make considerable distinction in the value between three different seasons: '*precium hyemalis domus . . .; si denudetur* (made roofless) *tercia pars tocius precii reddatur; domus estivalis . . .; domus autumpnalis sine foramine terebri . . .; domus autumpnalis cum foramine terebri*'. As well as the prices of breaking a house, there is a much higher price of restitution, 20 shillings to the owner and twelve cows to the king, after burning a winter house: '*qui domum combusserit hyemalem et confessus fuerit xx solidos pro ea reddet et xii vaccas camlury domino*'. This part-restitution in kind again harks back to an earlier barter system.[24] A further addition seeks to itemize the separate components of the winter house, including pillars, roof-plates, purlins, stanchions, benches, sills, lintels, side-posts, door-posts and doors. The internal arrangements of the lord's hall with three pairs of columns are recorded; the fire between the middle pair was the division between the upper and lower halls. The Laws do not include the sleeping platform in the upper hall though this occurs in romantic literature.[25]

The farm buildings are numerous: the cattle yard (*bostar; buarth*), the pigsty (*ara porcorum; chreu moch*), the sheep-pen (*ovile; ffalt deveit*) and the barn (*horreum; yscubawr*). The barn is further itemized in an added section: wall hurdle (*palus vel virga*), sill beam (*law gallawr*), door hurdle (*dorcheluyth*) and hurdle (*cheluyth*). The seasonal value of the barn is indicated, both when it is closed against the winter and when it is open for the drying winds to blow through. The danger of animals causing damage to the corn if the barn is left without partitions (*bangor*) is stressed. Other subsidiary buildings are an ante-chamber (*camera ante frontem domus; kell*), a lean-to or buttery (*torallo; thalgell*), granary, mill and kiln. The mill-stones and querns are mentioned separately.

All the indications are of buildings which are principally if not totally of wood, as the extents and surveys confirm. Restitution assumed that the hall and out-houses could be totally consumed by fire.

Villein or Bond-man

In the bond-holding the importance of the family hearth was stressed and the property rights associated with the custom of *dadanhud* were protected. Clearly the property rights for a bond-man are fewer than for a freeman and the values for restitution are less, but the bond-man still merited protection within the kinship community.

'The three things which preserve a remembrance (of a former dwelling) and stand in the place of witnesses for a person as to his right to land are the place of an old kiln, or a fire-back stone or a horse mounting-block.' This phrase concerning 'the three mortuary signs' recurs throughout the Laws with gradual embellishment. In the earliest Latin text the three signs of the old kiln, the fire-back stone and the uncovered hearth (*scilicet: hen odyn, penthan, dynhat*) hark back to a Welsh precursor. These three simple signs later become five by adding a horse mounting-block and arable land, and later still is added a barn with a threshing-floor.

The other development which establishes property rights through discovering the visible evidence of a building is the custom known as *dadanhud*, the uncovering of the banked-up fire.[26] The illegal dispossession of a rightful occupation could be

rectified by three types of claim: the first of these was if his father had held the house, barn and drying floor (*siccarium*; *odin*) together with any ploughed land. If it is admitted that the longer catalogue is a sign of accretion, then the shortest text is Latin C. Additional and contradictory material occurs in Latin A with five items, but the other Welsh and Latin versions give less. The other two claims do not refer to buildings.

The importance of the fire-back stone is stressed by the inclusion of this feature in the triad 'the three indispensible possessions of the villein'; these are his pan, his doorsill and his fire-back stone (*pentan, benntan vaen*).[27] There is no separate mention of a bake-house or kitchen; this only occurs at the highest level of society.

The relatively simple fashion of building is illustrated by the phrase 'the three permitted timbers' but it must be emphasized that this occurs in a late text and may be the post-Conquest Welsh equivalent of the Anglo-Saxon *housebut*. These are the three timbers which every builder upon open land or field land (*maes tir*) is to have from the person who owns the wood whether the woodman be willing or not: a roof-tree (*nen brenn*) and two roof forks (*a dwy nenfforch*).

The building of a house, if done stealthily, is considered an act of theft. The transitory nature of house building is indicated in a late version:

If a house is built upon another's land there are three kine *camlwrw* to the king and the owner of the land shall have the house and four legal pence for opening the soil if on the land the timber of the house was cut. If not cut on the land, let him swear with two men of the same status as himself and let him cut away the house level with the surface of the land and let him take it away from the land before the end of the ninth day and if he do not take it, it belongs to the owner of the land.

This would imply a timber-built house which could easily be dismantled (as is implied by the emphasis on the higher value of the timbers with auger holes mentioned in another context) and suggests a house with its timbers laid either in a shallow sleeper trench or on a low sill wall of stones.

The combustible nature of the villein's house is indicated in a number of cases, such as the compensation value of the house, the emphasis on the three permitted fires and the two cases concerning liability for fire damage: 'Whoever gives fire or strikes iron so that the house is burnt . . .' and 'Whosoever shall lend a house with a fire (*ty a than*) to another . . .'.[28] The compensation is heavy when the adjoining houses catch fire.

In all discussion of the villein's or bond-man's house, it is clear that a permanent structure was envisaged in the Laws. This is emphasized in the three 'supports' or 'nets' of the bond-man: his cattle, his swine and his winter dwelling (*hentref*). The use of *ty* or *tyddyn* for the peasant house only appears in the later material within early texts.[29] The house was big enough to house guests and substantial enough to be divided into fractions on death.

The mention of the bond-man's stock immediately raises the problem of how and where they were housed. Although it is stated that the bond-man might possess a barn and need compensating for fire damage, mention is seldom made of separate animal houses;[30] usually they are included in the outhouses (*gotey, godai*). The indirect evidence that cattle were kept in the open comes from the liability to

compensate for damage caused by cattle, hens and geese. The existence of a common dung-heap for manuring the fields suggests a communal provision and the mention of the cattle yard (*buarth*) in the singular also indicates a communal reponsibility. The list of utensils kept in the house or the list of objects to be divided, whether between husband and wife on their separation or between sons as their inheritance, is not helpful on this point. It could well be argued that the mention only of the divisions of barn and grain, and the absence of mention of cattle house or dairy and stock, indicates that no separate provision was made for animals either within the house or outside it.

The support for the villein's household was partly his personal property and partly the common stock of the settlement. The three communal buildings were the mill, the smithy and the kiln, but it is clear that orchards and flax-gardens were present at this level of society as well as in the upper ranks. The orchards were to be protected from wandering pigs; they are also one of the perquisites of an ecclesiastical community (below). The flax-gardens are occasionally mentioned as needing protection from straying animals or domestic fowl.[31]

In general the mill is seen as the lord's responsibility and, whether from ancient custom or under Norman influence, the maintenance and the supply of materials falls upon the community as a labour service. On some occasions the mill is owned and maintained by the kindred. All the contemporary evidence points to watermills and not windmills; it is only in the late versions that a punishment or fine for the illegal building of mills is given. The reference to the smith's mill indicates that he was likely to be exempt from manorial obligations at the lord's corn mill and by the late 14th-century commutation had occurred.[32]

The smithy is clearly the community's responsibility and the main appearance of the smithy is in the passage concerning the 'three permitted fires'. The house of the smiths had to be built nine paces distant from the other houses of the settlement, roofed with turves or broom or stone tiles (*tabulis*). The smithy fire is also mentioned in the nine fires of the Powysian Laws.

The kiln is the most intriguing structure of all the associated agrarian and industrial buildings. It was so necessary a feature that it was considered appropriate to every rank of society as in the table of compensations, in the 'three old signs' or indirectly in the proof of ownership (p. 51 above). It was also a perquisite that should not be erected illegally. In the later Middle Ages its construction was refined and the 'piped kiln' was distinguished by a higher assessment from the ordinary kiln.[33]

The normal word for kiln is *odyn* and its Latin equivalent *tritoria* indicates that it was principally a corn-drying kiln. It could be in a roofed shelter (*odynty*) and in the royal household two officials lodged there. The 'piped kiln' is the kiln with a built flue for fuel-loading and for better control of the heat in parching the corn; it is less likely that the pipe refers to a permanent chimney or smoke hood. A degree of permanence in the structure is indicated and the advantages of the flue give it a higher value. The only disadvantage mentioned in the Laws is that pigs could enter it, presumably mistaking it for a pig-sty. A necessary adjunct was the water pit for damping down the flames so that parching proceeded steadily. The digging of this pit could pose a

problem of safety; if another person's land had been encroached upon, then due compensation had to be paid: four legal pence to the owner and three cattle *camlwrw* to the king.

However where the Welsh word for kiln (*odyn*) is translated into Latin as *balnei publici* this term conjures up a different image, as a sauna or a sweat-house, with less certain domestic or industrial uses, as a food-preparation pit or 'boiling mound', flax-retting tank or tanning-pit. The continued use of the term *balneus* or its Welsh equivalent *eneint* suggests that there were two entirely distinct concepts for a 'kiln'. Without more positive help from excavation in Wales the more accurate version cannot be determined.

Church and Kindred

Two later ideas are the basic needs of a kindred (*communia fratris*; *cenedl*) and the ideal system of land division. These ideas do not greatly modify what has already been said but they do show ecclesiastical influence. The three communal buildings are a church, a mill and a fishery. These are the buildings which can only be erected with the lord's permission. In one late Latin version the orchard replaces the church, and in the *Llyfr Colan*, a late 14th-century text, the three assets of a kindred (*kenedyl*) are its mill, its fish-weir and its orchard. It is not clear how often, if at all, a religious community is implied in such attributes. The mention of the church means that new social distinctions are introduced to parallel those within the lord's court and hall; different zones of sanctity apply at the door of the churchyard and at the door of the chancel (*ar drws y vynwent ac ar drws y kor*). There are similar building requirements in the lord's hall and in the parish church: the permitted timbers for the church roof (*pen crib eglwys*) are similar to the lord's three permitted timbers and throughout the later manuscripts there are much more frequent mentions of the rights of the church.

Another ideal is the concept of the basic stock needed to establish a settlement (*communis villa*; *trev gordd*): it should possess nine houses, one plough, one kiln, one churn, one cat, one cock, one bull and one shepherd. This description occurs in an early 15th-century text and might indicate the bare minimum needed to re-establish a settlement after plague or civil war. The alternative explanation would be that there was the need to distinguish between townships and hamlets for taxation purposes; hamlets were those which fell short of the agreed minimum.

The third concept of the township occurs in the statement of the ideal number of townships within each *commote* and the balance within the lord's holding. Although this first occurs late,[34] the prescribed number may be of greater antiquity. The concept has been applied with some measure of success in post-Roman settlement studies.[35] However there are dangers in accepting the ideal composition of the *commote* uncritically and then arguing that departures from this ideal mark the decay of the system. The alternative interpretation is to regard the ideal composition as a goal not yet attained everywhere when the Laws are first recorded in the late 12th century. Divergences from this ideal, whether they be in the total number of townships or in the balance between bond and free, are then understood as differing

stages towards an organized state under the centralizing impact of the princes aided by the fissionary influence of the family unit (*gwely*).

THE CONTRIBUTION OF ARCHAEOLOGY

It is convenient to review the contribution of archaeology under the same broad headings as has been used for the Laws. For the buildings of the princes archaeology is so far silent. The earthwork enclosures of the princely residences are visible at Mathrafal, Powys and known from excavation at Aberffraw, Anglesey, but of the buildings inside nothing helpful has yet been discovered. The halls of the princes at Conwy and at Ystumgwern are known in outline dimensions but their internal arrangements and accompanying buildings have not been found.

It is clear that the Norman bishops and noblemen who inherited the traditions of the independent Welsh dynasties applied the privileges of labour services at their buildings. Howevever, the appearance of the courtyard buildings at St David's or Lamphey is no satisfactory guide to the buildings of the princes. Similarly the buildings of the lords (*uchelwyr*), now represented by Tretower, Brecons. or by Siambr Wen, Disserth, are providing evidence of the anglicization of Welsh customary services and constructions.

At the level of the peasantry, whether bond or free, there is a better hope of discerning the domestic and agrarian arrangements. The two most recent surveys[36] have indicated a steady accumulation of evidence since Sir Cyril and Lady Fox excavated the long-house groups on Gelligaer Common in Glamorgan. The excavation on mainly anglicized village sites in the lowlands of Glamorgan and Gower have shown two- and three-unit houses on stone-built foundations. The settlement at Hen Caerwys in Clwyd indicates similar rectangular structures, one of which may have been a smithy.[37] The most interesting recent hut-group excavation has been the four houses set parallel to one another on a platform site at Cefn Graeanog[38] and these may well accord with the description of houses in the Laws, rather better than the anglicized Cefn y fan, Dolbenmaen, nearby. For many of the isolated houses a corn-drying kiln was essential whether one is in Wales, as at Collfryn, and at Cwm Fynhadog Uchaf, Dolwyddelan, in Devon, as at Great Beere, Hound Tor and Hutholes, or in the Hebrides.[39] It is clear that the provisions in the Laws could be applied to such kilns. No water-pits have been found in Wales though they occur on a lowland site at Faxton, Northants. adjacent to drying-kiln and bake-oven.

The Laws make clear distinctions between winter, autumn and summer houses. The best description of life at these summer houses (*hafodau*) is given by Sayce drawing on 18th- and 19th-century experiences.[40] Excavation has shown that those sites most clearly visible on the ground are likely to be of recent use though not necessarily of recent origin.[41] Only a thorough survey of a single commote such as the Gwynedd Archaeological Trust has undertaken at Egryn near Harlech will reveal the development and utilization of the landscape through space and time, and thus allow the early medieval pattern to be discerned.

CONCLUSION

It is still very difficult to identify on the ground or through excavation the range of buildings described in the Laws. The major difficulty is that all the standing houses dating from before 1500 belong to the lords, free-men or *uchelwyr*; all the houses of the bond-men or their peasant equivalent are of 17th-century date or later. The medieval buildings of prince and commoner must be sought by excavation. A start has been made but many obscurities of interpretation have yet to be resolved and entire classes of industrial buildings have yet to be identified.

NOTES

[1] I. C. Peate, *The Welsh House* (Liverpool, 1944), 112–33; for earlier studies on the same topic: T. Lewis, 'The Evolution of the Welsh House', *Aberystwyth Stud.*, 4 (1922), 97–103; T. Gwynn Jones, 'Social Life as reflected in the Laws', ibid., 10 (1928), 103–28, esp. 109–17; and T. P. Ellis, *Welsh Tribal Law and Custom in the Middle Ages* (Oxford, 1926), i, 318–32.

[2] H. D. Emanuel (ed.), *The Latin Texts of the Welsh Laws* (Board of Celtic Studies: History and Law Series, xxii; Cardiff, 1967): hereafter referred to with individual texts cited as Latin A–E. See also D. Huws, 'Leges Howelda at Canterbury', *Nat. Lib. Wales J.*, xix (1976), 340–44.

[3] A. R. Wiliam (ed.), *Llyfr Iorwerth* (B.C.S. History and Law Series, xviii; Caerdydd, 1960). Hereafter as *Ll. Iorwerth*.

[4] H. D. Emanuel, 'Studies in the Welsh Laws', 71–100 in Elwyn Davies (ed.), *Celtic Studies in Wales* (Cardiff, 1963).

[5] D. Jenkins, *Cyfraith Hywel* (Llandysul, 1970), 1–12, 109–13. See also D. Jenkins, *The Laws of Hywel Dda* (Llandysul, 1986).

[6] A. Owen, *Ancient Laws and Institutes of Wales* (London, 1841).

[7] A. W. Wade-Evans, 'Peniarth MS. 37 fol. 61a — fol. 76b', *Y Cymmrodor*, 17 (1904), 129–63; idem, *Welsh Medieval Law* (Oxford, 1909). Hereafter as *W.M.L.*

[8] Timothy Lewis, *The Laws of Howel Dda* (London, 1912), using Llanstephan MS 116: hereafter as Llan. 116. Idem, 'The Black Book of Chirk: Peniarth MS. 29', *Zeitschrift für Celtische Philologie*, 20 (1933), 30–96.

[9] J. G. Evans, *A facsimile edition of the Chirk Codex of the Welsh Laws (Peniarth MS. 29)* (Llanbedrog, 1909; new edn London, 1921).

[10] J. E. Lloyd, *The History of Wales* (3rd edn Cardiff, 1939), i, 354–56, had indicated the inadequacies of the three traditional divisions.

[11] Emanuel, op. cit. in note 2, 9–12; Jenkins, op. cit. in note 5, 8–12; other editions of the Laws published since 1940 are: S. J. Williams and J. E. Powell, *Cyfreithiau Hywel Dda yn ol Llyfr Blegywryd* (Caerdydd, 1942; new edn 1962); M. Richards, *The Laws of Hywel Dda* (Liverpool, 1954), translating *Llyfr Blegywryd*: hereafter cited as *L.H.D.*; M. Richards, *Cyfreithiau Hywel Dda* (Caerdydd, 1957), giving the text of Oxford, Jesus College MS lvii; D. Jenkins *Llyfr Colan* (Caerdydd, 1963), the text of Peniarth MS 30: hereafter cited as *Ll. Colan*. See also D. Jenkins, 'Llawsgrif Goll Llanforda o Gyfreithiau Hywel Dda', *Bull. Board Celtic Studies (B.B.C.S.)*, 14 (1950–52), 89–104.

[12] T. Jones Pierce, 'The Welsh Laws: the last phase', *Trans. Cymmrodorion* (1963), 7–32; R. R. Davies, 'The twilight of Welsh Law', *History*, 51 (1966), 143–66.

[13] Both Sir John Lloyd, op. cit. in note 10, i, 339–41, and Sir Goronwy Edwards, 'The Law Books', *Welsh History Review*, Special Number 1 (1962), 21, considered that the Laws in Welsh could have been recorded at this period. M. Richards, *L.H.D.*, 8, holds a similar opinion. By contrast the Irish Laws are claimed to provide evidence for an earlier (7th-/8th-century) phase of legal enactment even though they also rest upon an oral transmission that was not written down until the pressure of Norman invaders made this desirable. This difficulty is recognized by H. Murray, 'Documentary evidence for domestic buildings in Ireland c. 400–1200 in the light of archaeology', *Medieval Archaeol.*, 23 (1979), 81–82.

[14] For example T. M. Charles-Edwards, 'The Seven Bishop Houses of Dyfed', *B.B.C.S.*, 24 (1972), 247–62. *Ll. Iorwerth* indicates differences between Gwynedd and Powys; the office of judge also varies in Gwynedd and in Deheubarth.

[15] J. G. Edwards, 'The Royal Household and the Lawbooks', *Trans. Royal Hist. Soc.*, series 5, 13 (1962), 163–76; D. Jenkins, op. cit. in note 5, 24–32; *Ll. Colan*, as note 11, 171.

[16] '*Kynhorty*' can have the meaning of a courtyard (*atrium*) or of a house placed in a court: *Ll. Bleg.*, p. 188 (note to p. 47, l. 21) and I. Williams, *B.B.C.S.*, 2 (1923–25), 306–08.

[17] T. P. Ellis (ed.), *The First Extent of Bromfield and Yale, 1315* (London, 1924), 79, 141; P. Vinogradoff and F. Morgan (eds.), *Survey of the Honour of Denbigh, 1334* (London, 1914), 149; G. P. Jones, *The Extent of Chirkland (1391–93)* (Liverpool, 1933), 60.

[18] *Ll. Iorwerth*, 62 (para. 93). See also the poetry of Guto'r Glyn in the mid-15th century: Peate, op. cit. in note 1, 150–51. Similar houses for the lord were erected by tenants in the bishopric of Durham, as at Aucklandshire and at Stanhope: *The Boldon Buke*, Surtees Soc., 25 (1852), 26, 29; *Boldon Book*, ed. D. Austin (Domesday Book 35, 1982), 36–37, 40–41.

[19] General discussion in Peate, op. cit. in note 1, 134–36. *L.H.D.*, 29–30; Latin A 113, lines 17–32. A similar list of household officials occurs in the Red Book of St Asaph: National Library of Wales, Church in Wales: St Asaph MB/1 fols. 70–81. Later evidence in *W.M.L.*, 9, lines 20–21, 32, lines 1–3, 178, refers to the porter in the castle and the queen's priest in the house of the bell-ringer. The relative importance of the buildings is indicated in the triad (*L.H.D.*, 101): the three nets or supports of the king are his household, his stud of horses and his herd of cattle. The household might be accommodated in the hall, whilst less important members of an itinerant court were billeted out in nearby houses.

[20] This threefold division is later applied to the church structure. The origins may lie in case-decisions (*damweiniau*) as identified by A. R. Wiliam, *Welsh Hist. Review* (1963), 21. The alternative may be an origin in three simple restitutions: (Latin A, 150–51) *Si quis combusserit aulam regis . . . reddat 60d* (= 12 cows); *si quis combusserit hyemalem domum optimatis . . . reddat 40d* (= 6 or 8 cows); *si quis fregerit keuer edri sponte sua factum tres vaccas . . . reddat* (? = 20d). The more complex triads of payments are found in the later texts, as every legal eventuality is catered for. It is uncertain whether there is a distinction between burning down a wooden structure, owned by a king or lord, and breaking down a turf or mud-walled structure, occupied by a villein. There is a similar threefold division present in the Irish Laws and related literary material: Murray, op. cit. in note 13, 91–93; and there is also a similar delight in academic argument and remote mathematical distinctions.

[21] The definitive statement is by Peate, op. cit. in note 1, 134–36. There is a parallel in Irish law punishing the illegal cutting of a 'fork' from a 'noble tree' by the fine of a two-year-old heifer: *Celtica*, 11 (1976), 109. However there is no suggestion that the Irish *gabul* or the Welsh *gafl* is represented in the Welsh Laws.

[22] *L.H.D.*, 42; *Ll. Iorwerth*, 81, para. 118; Latin A 119 expanded in Latin D 331 and Latin E 447. For evidence of smiths in Irish Law: B. G. Scott, 'An early Irish law tract on the blacksmith's forge', *J. Irish Archaeol.*, 1 (1983), 59–62.

[23] *Bromfield and Yale*, as note 17, 79, 141–43; *Survey of Denbigh*, as note 17, 308; A. D. Carr (ed.), *An Extent of Anglesey, 1352* (Llangefni 1971–72), 169, 188, 191, 213, 247, 249; *Chirkland*, as note 17, 61. Cf. *Boldon Buke*, as note 18, 16 (Darlington), 23 (New Thickley), 30 (Stanhope), 38 (Bedlington), 39 (Nedderton); also in *Boldon Book* (ed. D. Austin, 1982), pp. 56, 68, 42, 28, 30 respectively.

[24] The use of cattle in fine payment rather than money comes from an earlier stratum of relationships: D. Howells, 'The Four Exclusive Possessions of a Man', *Studia Celtica*, 8/9 (1973/74), 48–67, esp. 60, for Irish evidence; also Charles-Edwards, op. cit. in note 14, 261. The conclusion of Dolley and Knight is: 'it seems likely, therefore, that the principal function of coin in pre-Norman Wales was eleemosynary, for the making of church offerings, a state of affairs not unknown the other side of the Irish Sea' (p. 82): M. Dolley and J. K. Knight, 'Some single finds of tenth- and eleventh-century English coins from Wales', *Archaeol. Cambrensis*, 119 (1970), 75–82.

[25] I. C. Peate, *Tradition and Folk Life* (London, 1972), 33, 36; M. Richards (ed.) *Breuddwyt Rhonabwy* (Caerdydd, 1948), 2–3, but see also R. Kelly, *B.B.C.S.*, 29 (1982), 883–84.

[26] Jones Pierce, op. cit. in note 12, 11–12, discusses this custom's decline *c.* 1175–1225. There was a similar custom in Ireland, recording the three signs of an abandoned homestead: the presence of the elder-bush, the corncrake and nettles (Triad 129): F. Kelly, *Celtica*, 11 (1976), 117.

[27] *Ll. Iorwerth*, 22, para. 42 line 8, 95, para. 114 line 4; *L.H.D.*, 101; Latin D 370 and Latin E 503. The fire-back stone is more fully discussed in Peate, op. cit. in note 25, 38–43; also E. William, *Folk Life*, 16 (1978), 85–100. The door-sill stone and the fire-back stone may have been the only stones used in a timber- or turf-built structure of the type found in the early phases of Hound Tor, Dartmoor: G. Beresford, 'Three deserted medieval settlements on Dartmoor', *Medieval Archaeol.*, 23 (1979), 112–24.

[28] *W.M.L.* 309, citing B.L. Cleopatra B v. of *c.* 1350, and 103, lines 15–18 (trans. 247). The latter passage suggests that not every house contained a fire, and this is supported by the documentary evidence: e.g. *Bromfield and Yale*, as note 17, 105 (Sontley) 109 (Eglwyseg), as well as by the archaeological evidence from Dinas Noddfa (*Archaeol. Cambrensis*, 86 (1937), 266), Gelligaer Common, north house (*Archaeol. Cambrensis*, 88 (1939), 170) and Graeanog (*B.B.C.S.*, 29 (1982), 866–79).

[29] For example Llan. 116, 40; *Ll. Colan*, 35, para. 583, and discussion 148. But *tyddyn* (house-place) may derive from *dyn* (raised platform: Irish *dind*), yet was associated with four acres in *Ll. Iorwerth*, 82, lines 1–3.

[30] These are *beuty* (cow-shed), *keyl* (sheep-cote or fold) and *kreu moch* (pig sty): all in *Ll. Iorwerth*, 139, line 15; see also *tomty* (manure-shed) in *Ll. Iorwerth*, 140, line 51.

[31] *W.M.L.*, 84, lines 10, 15–16 (trans. 209); *L.H.D.*, 86; see also A. Jones, *The History of Gruffydd ap Cynan* (Manchester, 1910), 154, lines 4–9.

[32] For example Latin E 447. The earlier Irish law tract evidence for mills has recently been discussed by G. MacEoin, 'The early Irish vocabulary of mills and milling', 13–19 in B. G. Scott (ed.), *Studies in Early Ireland* (1982); see also *Celtica*, 15 (1983), 60–64.

[33] *W.M.L.*, 102, line 19 – 103, line 11 (trans. 246–47). The piped kiln (*odyn biben*) had an equivalent in Irish *púirín*, meaning a flue conducting heated air under a kiln: M. Dillon, *Celtica*, 9 (1971), 190.

[34] *L.H.D.*, 74–75.

[35] G. R. J. Jones, 'Post-Roman Wales', 281–382 in H. P. R. Finberg (ed.), *The Agrarian History of England and Wales* (Cambridge, 1972), Vol. 1, pt. ii, esp. 299–308; idem, 'Early historic settlement in border territory: A case-study of Archenfield and its environs in Herefordshire', 117–32 in C. Christians (ed.), *Récherches de Géographie Rurale: Hommage à Professeur Frans Dussart* (Liege, 1979), esp. 124–26.

[36] L. A. S. Butler, 'Deserted Medieval Settlements in Wales', 249–76 in M. Beresford and J. G. Hurst (ed.), *Deserted Medieval Villages* (London, 1971); D. M. Robinson, 'Medieval Vernacular Buildings below the ground: a review and corpus for south-east Wales', *Glamorgan–Gwent Archaeol. Trust: Annual Report 1981–82* (Swansea, 1982), 94–123.

[37] T. Rogers, 'Excavations at Hen Caerwys', *B.B.C.S.*, 28 (1980), 528–33, with a coal-burning forge probably of early 15th-century date.

[38] R. Kelly, 'A Medieval Farmstead at Cefn Graeanog', *B.B.C.S.*, 29 (1982), 859–908.

[39] W. Britnell, 'A 15th-century corn-drying kiln from Collfryn, Llansantffraid Deuddwr, Powys', *Medieval Archaeol.*, 28 (1984), 190–94; Dolwyddelan: R.C.A.M., *Caernarvonshire Inventory*, 1 (1956), 84 (no. 245) and 88 (no. 263); Great Beere: *Medieval Archaeol.*, 2 (1958), 123–24; Dartmoor: *Medieval Archaeol.*, 23 (1979), 140–42; Cumbria: H. Ramm, R. W. McDowall and E. Mercer, *Shielings and Bastles* (London, 1970), 44–53, esp. fig. 14, plates 11, 12; Hebrides: L. Scott, 'Corn Drying Kilns', *Antiquity*, 25 (1951), 195–208.

[40] R. U. Sayce, 'The Old Summer Pastures', *Montgomeryshire Coll.*, 54 (1956), 117–45 and 55 (1957), 37–86; C. Vaughan, 'Lluestau Blaenrheidol', *Ceredigion*, 5 (1966), 246–63.

[41] D. Allen, 'Excavations at Hafod y Nant Criafolen, Brenig Valley', *Post-Medieval Archaeol.*, 13 (1979), 1–59, esp. 51–57.