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Luke Lambert, Gonzaga University, undergraduate student, “*Sicut Regale: An Analysis of the Sovereignty and Rule of the Welsh Marcher Lords*”

Abstract: The Welsh kingdoms originally retained their independence after the Norman conquest of England in 1066, but most Normans given fiefs along the Welsh borders gradually expanded into Wales. The result of this ambition was the Marcher Lordships. Warfare was commonplace and lasted until the last Welsh prince was subdued in 1282. Due to the importance of their defensive roles, Marcher lords received or seized authority generally reserved for the crown elsewhere in the realm. They presided over court cases and had their own law codes, often a mix of Norman and native Welsh law codes. Most Marcher Lords commanded sizeable feudal forces. Effectively semi-independent, Marcher Lords often found themselves at the forefront of baronial rebellions. My paper examines the history of the struggles between the kings of England and their marcher vassals, with an examination of the means by which Henry VIII subdued their power in the sixteenth century, as well as the relationship of the lords and the Welsh.

Sicut Regale: An Analysis of the Sovereignty and Rule of the Welsh Marcher Lords

Luke Lambert

Gonzaga University

What is the March? Geographically, it makes up much of south Wales—from what is today Herefordshire and Gloucestershire (along with fellow English counties of Shropshire and Cheshire) west towards the Irish Sea in Pembrokeshire. It seems a rather ambiguous place, one that is geographically part of Wales yet culturally separate from its northern kindred. Even in the High Middle Ages, there was a certain ambiguity of the status of the March. However, there was nothing ambiguous about the Marcher Lords who seized control over large parts of southern Wales, overrunning the native monarchies. This paper will analyze the true power these Marcher Lords held and sift through the evidence to find the conclusion that by their own right, Marcher Lords ruled *sicut regale*—like petty kings.

After the Norman invasion of England, the new Norman leadership had to secure the borders to the west and north of the kingdom. The western frontier separated the ancient land of Wales from England. In order to wrest control of this area and its people—with a distinct history of disliking their Anglo-Saxon neighbors—Norman adventurers ventured to carve out their own domains, while also providing a buffer zone for the Anglo-Norman citizenry of England. These new lordships dismantled many former petty Welsh kingdoms, and in some ways took on their roles. The Norman knights who accompanied William I to England from their homes in Normandy had not yet had their fill of conquest. Once the local Anglo-Saxon nobility had been at least temporarily pacified, the Norman adventurers grew restless, and turned their attention west towards the Celtic frontier.

The first Welsh kingdom to fall to the Normans was the kingdom of Morgannwg—which had been formed through a consolidation of the kingdoms of Glywysing and Gwent shortly before its conquest in 1091. Although the specifics of the conquest are very unclear, it is known that the Norman lord Robert Fitzhamon created the lordship of Glamorgan after his conquest of

Morgannwg. Soon after, Bernard de Neufmarché invaded the kingdom of Brycheiniog. From this, Bernard soon became the Marcher Lord of Brecon. While the Marcher Lords were under the authority of the English Crown, their realms were not technically part of the kingdom of England, and thus presented a challenge to English Monarchs. The Marcher Lords held an ambiguous status in the Kingdom of England and were part of a society that to the English Crown after the codification of the Magna Carta in 1217. These lordships lay neither in England nor in Wales, but in the separate area of the March.¹ The March was never unified, separate Lords vied for power within the March itself as much as they did within the rest of Wales. Theirs was a militant society that relied on war and raiding as a method of increasing their wealth and status. In their attempts to conquer, the Marcher Lordships would often increase in power and then end all together, many times with their lands defaulting to or being taken by the English monarch, as happened with the de Braose family. There was no sense of stability; rebellions against the king and issues with other Marcher Lords could bring about the downfall of any family of power at the time.²

The March was designated as separate from the kingdom of England, and the sovereign states of Wales; this status allowed the Marcher Lords to employ their own forms of law. In many ways, these were very similar to the laws of England. In dealing with the Welsh natives that inhabited the lands, however, many Marcher Lords found it beneficial to utilize Welsh law in some instances. In doing so, Marcher Lords found a delicate balance between their roles as Norman Lords under the English crown and as *rhi* and *tywysog* to their Welsh subjects.³ However, the Norman lords brought change to the landscape, especially in succession. The concept of Welsh *cenedd*⁴ made succession very insecure for many Welsh kingdoms, with men within four generations of the *pencenedl*—that is, the family head—having a lawful claim to the

throne.⁵ This often led to many succession struggles. The beginnings of most Welsh rulers' reigns were marred by fighting within their own family. However, the institution of primogeniture that the Normans brought with their rule led to a more stable succession.

These Marcher Lordships were unlike any other lordships in England or even Norman-controlled Ireland. The basis of this difference was the lords' distinct ability to be able to raise their own armies and fight their own wars.⁶ This right is originally granted so that the Marcher Lords could expediently defend their lands—and England generally—from Welsh raiding and onslaught. However, many Norman lords used this to push into Welsh territory. This right helped the Marcher Lords become incredibly powerful, seeing as how the basics of feudalism rest on a transaction of land for military service, and these lords had to give little in the way of troops to the king. For example, William de Braose was granted the lands of Gower—the peninsula where Swansea lies today—in exchange for the service of just a single knight.⁷ This would be a shockingly large area for a lord to have to serve but a single knight's fee. As such, these lords grew increasingly powerful and posed a very clear threat to the power of the English throne.

One cannot talk about the March in Wales without mentioning castles. The March relied on the castle in order to strengthen their control over the native Welsh. Wales was a society that was highly mobile—with pastoralism being a key component in Welsh agriculture, even to this day—making a permanent conquering of the land and its people much more difficult. In order to conquer Wales, many Marcher Lords planted castles that acted as the centers of their power.⁸ This also allowed the Marcher Lords to define the territory and expanse of their rule, holding the most fertile lands and leaving native Welsh lords the rocky uplands only well suited to a pastoral economy. This solidifying of lordships was essential in Wales and would prove effective, as

Edward I utilized a similar method of conquering when he finalized the subjugation of north Wales at the of the 13th century.

The right of encastellation—that is, creating castles for defensive purposes—was an exclusive right of the crown in England after 1154. Yet Marcher Lords took to raising castles all over south Wales, showing their status as Marcher Lords as greater than that of Norman lords in England. In fact, many Marcher Lords took to calling their domains “lordships royal” and calling themselves “lords royal”.⁹ Many powerful Marcher Lords were involved in rebellions against the king. King Henry VIII successfully curbed this power by passing in 1535 “An Acte for Laws & Justice to be ministred in Wales in like fourme as it is in this Realme”, also known as the “Laws in Wales Act”.

One of the goals of this Act was to greatly diminish the power of the Marcher Lordships, making them just like English Lordships. Many of the lordships were converted into counties. This created counties such as Radnorshire, Brecknockshire, and Monmouthshire, among others.¹⁰ The creation of these counties brought them to the same level as other English counties at the time, greatly diminishing the Marcher Lords’ power and stripping them of their special status. The Marcher Lords who had raised their own armies and fought their own wars could no longer do so.

This formal annexation also called for an assimilation of the law. On coming to power in Wales, many Norman lords adopted the local Welsh laws systems as well as parts of their own Norman laws. This allowed for the ease of legal cases where both the commoners and the gentry had some knowledge of the laws. The Laws in Wales Act aimed to change that for better uniformity throughout the kingdom. After the passing of the act through Parliament, the courts in Wales then on operated solely on English Common Law, except for the counties Anglesey,

Meirionnydd, and Caernarfonshire,¹¹ three counties that were part of *Pura Wallia* and were directly under the control of the English Crown.

Another aim for the further cohesion of the now annexed Wales and England was the sweeping use of English as the only language of the courts and government. Those that spoke Welsh were now forced to learn English if they wanted to petition before court themselves or be an active member in government.¹² The Welsh people were forced to assimilate with English subjects on matters of law and language. The weight of this change was felt for years to come, as a steady decrease in native speakers of the Welsh language was a result of these acts and further acts to follow.¹³ In some ways, this act began to slowly strip away the Welsh national identity, as English became the dominant language of law and government as well as trade in Welsh cities, particularly in the dominant Marcher Lordships of the southeast, like that of the base of the de Clare family in Chepstow, Monmouthshire.¹⁴

All these changes came about in a bid for more power for the Crown. Under these Acts, English Common Law dominated most of Wales, and Henry began to hold more direct power over the Marcher Lords. It is interesting to note that the Tudor line is descended from powerful men in Wales who supported the monarchies in Wales.¹⁵ Indeed, Henry VIII's father was born in the powerful Marcher Lordship of Pembroke. This is not to say that there is any connection with Henry's decision to pass this act. In a way, the irony of this act would dismantle any "poetic justice" that could become of it, stripping Welsh government of its own native tongue. These acts set a precedent of assimilation within areas controlled by the English Throne throughout the Tudor and Stuart period and beyond.

The Laws in Wales Acts brought about a new era for the Welsh frontier, one that would see it become more like its English neighbor. Even today, English Common Law stretches between both England and Wales, while Scotland, the Isle of Man, and Northern Ireland maintain their own legal systems. This remains the case despite the Laws in Wales Act being formally repealed by Parliament in 1995. Welsh law, however, continued to hold at least some sway in English courts, such as is the case with *Crown Estate Commissioners v. Mark Andrew Tudor Roberts, Trelleck Estate Ltd* (2008), where businessman Mark Roberts was able to gain rights to a shipwreck off the coast of modern Pembrokeshire.¹⁶ Additionally, Welsh Law has been used to unconventionally finance the acquisition of land.¹⁷ Notwithstanding how the law is used, the very truth that native Welsh Law is still being used 700 years after Wales was conquered by Edward I shows how the legacy of the March lives on in the current era, owing to the power and influence that the Marcher Lords held at any given time.

While the Marcher Lordships of the early Norman period grew to massive heights in terms of autonomy and power, their statuses diminished to that of an English Lordship after the passing of the Laws in Wales Acts in the 1536. This act demonstrates just how powerful the Lordships had grown. Whereas previous kings failed, Henry VIII succeeded in reining in the power of the mighty Marcher Lords of Wales, thus Marcher Lords held immense feudal powers in the first place. This act was enforced due to the political might of Henry VIII, as he enforced this act through military might. The nature of the Marcher Lords' rule in south Wales and on the border counties shows that due to their frontier status and military power and freedom, Marcher Lords ruled as if they were kings in their own right, owing but little to the English Crown.

¹ Max Lieberman, "The Medieval 'Marches' of Normandy and Wales," *The English Historical Review* 125, no. 517 (December 2010): 1357, JSTOR. It is important to note that although the March of Wales was considered as separate after the Magna Carta, its status was much more ambiguous before the Magna Carta. For instance, Gerald

de Barri (also known of Gerald of Wales and Giraldus Cambriensis) stood firm in the stance that he is from the South of Wales and not the March.

² R. R. Davies, “Kings, Lords and Liberties in the March of Wales, 1066-1272,” *Transactions of the Royal Historical Society* 29 (1979): 46.

³ “Petty king” and “prince,” respectively. At the point of the Norman Conquest, Welsh rulers still held the title of “king.” The switch to the title *tywysog* or prince came later. The reason for this change is uncertain, yet it is a very important development in the history of Wales. For discussions of these changes, see *A History of Wales* by John Davies and *The Welsh Kings: Warriors, Warlords, and Princes* by Kari Maund. Additionally, T. M. Charles-Edwards’ discussion of *arbennig* in *Wales and the Britons 350-1064* is important to see the variety of names and their origins, as well as their meanings in context.

⁴ Best translated as “kinship group” or perhaps “clan.”

⁵ T. M. Charles-Edwards, *Wales and the Britons, 350-1064*, (Oxford: Oxford University Press, 2012), 293.

⁶ Thomas K Heebøll-Holm, “THE SEA, THE MARCH, AND SOVEREIGNTY,” in *Ports, Piracy and Maritime War: Piracy in the English Channel and the Atlantic, c. 1280-c. 1330*, (Leiden; Boston: Brill, 2013), 163–64.

⁷ A. J. Otway-Ruthven, “The Constitutional Position of the Great Lordships of South Wales,” *Transactions of the Royal Historical Society* vol. 8 (1958): 4.

⁸ R. R. Davies, “Kings, Lords and Liberties in the March of Wales,” 47.

⁹ *Ibid.*, 42.

¹⁰ John Raithby and Thomas Edlyne Tomlins, eds., *The Statutes at Large, of England and of Great Britain: From Magna Carta to the Union of the Kingdoms of Great Britain and Ireland*, Vol. 3, (London: G. Eyre and A. Strahan, 1811): 407.

¹¹ Gwilym Owen, Dermot Cahill, and Peter Foden, “The Acts of Union 1536-43—Not quite the end of the road for Welsh Law?” in *Proceedings of the Harvard Celtic Colloquium* 37 (2017), 222.

¹² Raithby and Tomlins, eds., *The Statutes at Large*, Vol. 3, 252.

¹³ Gary Higgs, Colin Williams, and Danny Dorling, “Use of the Census of Population to Discern Trends in the Welsh Language: An Aggregate Analysis,” *Area* 36, no. 2 (June 2004): 189.

¹⁴ Peter Borsay, Louise Miskell, and Owen Roberts, “Introduction: Wales, a new agenda for urban history,” *Urban History* 32, no. 1 (2005): 7.

¹⁵ R. A. Griffiths, “Henry Tudor: The Training of a King,” *Huntington Library Quarterly* 49, no. 3 (Summer 1986): 199.

¹⁶ Gwilym, Cahill, and Foden, “Not Quite the End of the Road for Welsh Law?” 220.

¹⁷ *Ibid.*

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