

What were the key factors underpinning the violence and disorder reported in early modern Wales in the first half of the sixteenth century? A case study of the ‘Conwy Affray’

Alan Martin Smith

B.Sc. Hons Social Science (Bath) 1979

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ABSTRACT

Wales had a reputation as a violent and disordered place in the early sixteenth century, a reputation that had been established for at least a century, since Owain Glyndwr's ultimately unsuccessful rebellion in 1404. Violence spilled over into the border counties of England, whose inhabitants petitioned the Crown for protection. Inside Wales, powerful local gentry exploited the absence of an effective justice system to pursue their own interests, untroubled by largely absent authorities. Much of the blame for this Welsh 'problem' was laid firmly at the door of the Welsh themselves, who were considered naturally troublesome and untrustworthy by the Tudor state. The Welsh gentry were held particularly responsible for the disturbances. This paper sets out to explore the factors that underpinned the disorder in Welsh society, starting with a case study of a violent incident that took place in the town of Conwy in North Wales around 1516. The evidence from this case study, allied with other primary and secondary sources, draws a much more complex picture of a society in the grip of an economic transformation that was disrupting the whole community. In addition, there were tensions linked to ethnicity and to the English settler elites in the corporation towns that also spawned conflict. The failure of the Crown to respond to these changes in society and especially the failing justice system, created a vacuum that violence and disorder filled. This paper argues that, rather than the nature of the Welsh, it was economic transition that produced the conflict in Wales and that the inability or unwillingness of the Crown to meet the dual challenges of inequitable laws and political exclusion, perpetuated this state of affairs until the introduction of reforms incorporated in the Acts of Union of 1536 and 1543.

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PERSONAL STATEMENT

I declare that this dissertation is my own, unaided work and that I have not submitted it, or any part of it, for a degree at The Open University or at any other university or institution. Parts of this dissertation are built on work I submitted for assessment as part of A883.

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Introduction

This dissertation will explore the factors that led to the widespread violence and disorder reported in Wales in the first half of the sixteenth century. Initially this will involve the consideration of a local example of civic affray documented in Star Chamber records, in order to explore how such incidents manifested themselves in a small community of only 450 people.¹ This will introduce some of the key themes underpinning the violence in Welsh society, which the dissertation will then go on to consider on a wider scale using further primary and secondary resources, before finally focusing on the intention to reduce disorder implicit in the Acts of Union of 1536 and 1543. The aim is to place the Conwy violence into the broader context of the conditions in place at the time in Wales and to draw conclusions about the significance of the factors that contributed to such conflicts. The use of a case study to understand a wider context in this way is a methodology that aligns closely with recent historiographical approaches.² It has been used successfully by historians of the Tudor period, for example, C E Moreton's work on an incident of trespass in Norwich.³

The local example of civic disorder in this case is the 'Greate Affray' that happened in the town of Conwy, North Wales, in the early sixteenth century.⁴ It was a significant disturbance involving a violent fight between two groups of townspeople, where several people were injured, some apparently seriously. We have a clear description of the incident from the point of view of Thomas Salisbury, identified as the Constable of Conwy castle.⁵

¹ Nia Powell, 'Do numbers count? Towns in early modern Wales', *Urban History*, vol. 32.1, (2005), pp. 46-67, (p. 48), doi:10.1017/S0963926805002695.

² John Tosh, *The Pursuit of History*, 7th edition, (Routledge, 2022), pp. 69-71.

³ C E Moreton, 'Mid-Tudor Trespass: A Break-in at Norwich, 1549', *The English Historical Review*, vol. 108, No 427, (1993), pp. 387-398.

⁴ Conwy is in what became the county of Caernarvonshire after the Acts of Union.

⁵ London, The National Archives (TNA), STAC2/1/3, Folio 4/5, *Thannswer of Thomas Salisbury to the byll of complaint of the Burgesses of the Towne of Conwey in Wales, 1509-1547*, STAC2/1/3, Fol. 5, *Seizure of goods and imprisonment, 1509-1547*, & STAC2/24/414, *Infringement of the liberties of the town, 1509-1547*

Salisbury was travelling across the Conwy river with his servant David ap Howell, when he heard a commotion from the High Gate of the town. When he went to investigate he found ‘a greate fray made and sore fighting between one Robert ap William his servants partakers on thone party and Hugh Hookes his servants and partakers of thoder party’.⁶ Salisbury states that there were hurt and wounded people lying on the ground and that it was likely that there would have been murder, as the whole town was divided between the two parties. The Constable took action to prevent further violence by arresting the ring leaders and locking them in the castle gaol ‘as lawfull was for hym to doo’.⁷ Those taken to the castle gaol were Hugh Hookes, John Hollande, John Aldersley, Roger Jenkynson, Nicholas Lancastre, Robert Gwylhiam, William Gruff and his wife Jane. They were locked up for a week before being released on bail pending an appearance at the next Court of Quarter Sessions in Caernarvon.⁸

The reason we know about this violent incident is because at least some of the people detained were burgesses of the town, who claimed that the Constable did not have the right to imprison them. They accordingly filed a bill of complaint to the Star Chamber in London, claiming wrongful imprisonment on the part of the Constable. The burgesses claimed that under the Royal Charter given to Conwy by Edward I, burgesses were not subject to the justice of the Constable and in particular, that he was not entitled to imprison them in the Castle.⁹ Further complaints were included; that others of them had been assaulted in the past by Salisbury; that Salisbury’s wife brewed ale within the castle and had failed to pay for the malt she had used from the town Mill; that Salisbury had not paid the rent due on local fields he was using; that he had unjustly assaulted one Nicholas Mellehourst because of a dispute with Salisbury’s wife, and that he had failed to adhere to decrees in their favour made by the Kings Commissioners. One of the burgesses filed his own complaint about Salisbury as well, alleging assault, theft of his goods, harm to his family and unlawful imprisonment.¹⁰

Exploring the detail behind these incidents will help to understand the factors that drove them and the possible reasons for the conflict. Wales had a reputation for civic violence

⁶ TNA, STAC2/1/3, Fol. 4, lines 10-11.

⁷ TNA, STAC2/1/3, Fol. 4, line 16.

⁸ TNA, STAC2/1/3, Fol. 4.

⁹ TNA, STAC2/1/3, Fol. 4, line 6. This is a moot point, see Salisbury’s defence below, Ch. 1.

¹⁰ TNA, STAC2/1/3, Fol. 5.

and disorder, and these were not the only incidents of the kind, so this analysis will help identify conditions applicable more widely across Wales in this period.¹¹ In fact, the Conwy case itself is mentioned only in passing by secondary sources. Where it is mentioned, it is either as a notable incident in local history, or more often, as an illustration of the working of the legal system, rather than the conflict itself.¹² There has been some excellent investigative work published by a local historian on the case, including speculation about the participants and the outcome.¹³ More broadly, there are a range of commentators who have researched conditions in Wales in the early sixteenth century and although most agree that violence and disorder was widespread, there are different views about the causes.¹⁴

A long-standing view amongst historians has been that it was the absence of an effective system of justice that allowed lawlessness and crime to thrive in Wales. Due to separate but overlapping jurisdictions between the Marches and the Crown holdings in North and West Wales, criminals could often evade justice. Referencing A J Skeel, Gairdner describes jurors continually suborned to acquit felons, and projectiles fired into courts.¹⁵ Bishop Rowland Lee, writing at the time, blamed the Welsh character itself, describing it as being inherently untrustworthy and prone to criminal behaviour.¹⁶ The idea that the Welsh are naturally prone to disorderly conduct would not be accepted today, but the emphasis on ineffective legal and administrative structures being the root cause persisted through much of the twentieth century, a view given weight by G R Elton's influential works of the 1950s that

¹¹ S J Gunn cites Cardinal Wolsey's concerns about disorder in Wales in Gunn, S. J, 'Régime of Charles, Duke of Suffolk, in North Wales and the Reform of Welsh Government, 1509-1525', *The Welsh History Review*, vol. 12 (1984), p. 474.

¹² For example, J A Guy, *The Cardinal's Court: The impact of Thomas Wolsey in Star Chamber*, (Sussex, Harvester Press, 1977), p. 67.

¹³ Lucinda Smith, 'Conwy's Scandalous 'Greate fray'', *Gwreiddiau Gwynedd*, 2. 73, (2017), 40-42.

¹⁴ Perhaps because Wales is a small country, the number of historians who have worked in this field is limited.

¹⁵ Caroline A J Skeel, 'The Council in the Marches of Wales', reviewed by Gairdner, J, *The English Historical Review*, vol. 20. 78 (1905), pp. 361-362.

¹⁶ Bishop Lee in a letter to Cromwell, quoted in Jones M A, 'Cultural Boundaries Within the Tudor State: Bishop Rowland Lee and the Welsh Settlement of 1536', *Welsh History Review*, vol. 20. 2 (2000), 227-253, p. 239.

stressed the importance of institutions in the working of Tudor society.¹⁷ This analysis was broadly accepted by S J Gunn and M A Jones, writing in 1984 and 2000 respectively, who considered the reform of the legal system in Wales as a result of the Acts of Union of 1536 and 1543, to be the most important factor in reducing the levels of violence and disorder.¹⁸ This view is problematic in some ways, as it stresses the standpoint of the Tudor state, whose primary concern was mitigating the impact of disorder, to the detriment of exploring more fundamental causes.

From the 1980s, historians began to move away from this traditional view of the history of Wales, exploring other perspectives. Gwynfor Jones (1988) focused on the social history of the region, arguing that the key driver of disorder was the growth of the gentry class in Wales, which led to disputes and rivalries that frequently spilled over into violence.¹⁹ The Conwy Affray and other similar incidents could be seen as examples of this conflict. Certainly, surviving Court of Chancery records provide evidence of frequent property disputes between members of the Welsh gentry. This is useful, as there is no doubt that they took a lead role in instances of civic riot and disorder.²⁰ The many property disputes would indicate both competition between families and factions, as well as a porous and uncertain legal situation, particularly under Welsh law. It also indicates a dynamic society, where established systems are under challenge and the old ways of land holding, allocation of resources and civic rights are under attack. Taking an economic history point of view, Mathew Griffiths (1988) considered changes in land use and financial returns in Wales, identifying a trend from the fourteenth century onwards of labour shortages, the disappearance of traditional shared pasture lands and legal obstacles making it difficult for Welshmen to improve their holdings.²¹ His view was that this increased the competition between the better off, leading to disputes, violence and pressure to change the legal system.

¹⁷ G R Elton, *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII*, (Cambridge, Cambridge University Press, 1953).

¹⁸ S J Gunn, *Regime of Charles, Duke of Suffolk*, M A Jones, *Cultural Boundaries within the Tudor State*.

¹⁹ Gwynfor Jones, 'The Gentry', in *Tudor Wales*, ed. by T. Herbert & G E Jones, (Cardiff, University Of Wales Press, 1988) pp. 10-40.

²⁰ A H Dodd, *A History of Caernarvonshire 1284 -1900*, Caernarvonshire Historical Society, (Denbigh, Gee & Son, 1968), p. 24.

²¹ Matthew Griffiths, 'Agrarian Change and Urban fortunes', in *Tudor Wales*, ed. by Herbert T & Jones G E, pp. 67-106

This identification of long-term economic factors underpinning the conflict in Wales has considerable value.

Much of the work considered so far has tended to emphasise discrete disciplines, but the historiographical approach of recent scholarship is marked by a more rounded view. In contrast to Elton, Mears (2003) stresses the importance of personal relationships in the functioning of the Tudor Court.²² Dimmock and Fulton (2012) explore the nature of social conflict in Welsh towns in terms of urban culture.²³ Thornton (2017) examines issues of identity and the interplay between English and Welsh cultures in the early modern period.²⁴ Bowen (2022) considers conflict in Wales as political engagement in the absence of an inclusive political framework; the Tudor reforms representing the response of the state to the conflict and disorder that the Conwy Affray embodies.²⁵ Bowen's view is the mirror of the traditional historical argument that the absence of effective legal systems allowed disorder to flourish, suggesting instead that it was this absence that created the disorder. It is an argument that has a lot of merit.

The starting point of this dissertation is the account of a violent incident in Conwy to be found in the Star Chamber papers held at the National Archives in London and in the local County Archives. Chapter One will explore the content and structure of these documents to understand what took place, when, who was involved and the complaints made about the Constable, including the other accusations of violence made against him. It will also review contemporary practice on the presentation of such petitions in order to read 'against the grain'. Unfortunately, it is generally the case that the documentary sources relating to early sixteenth century North Wales are sparse, many records have not survived, and those that have are often damaged. In this case the Star Chamber papers concerning the Conwy Affray are incomplete; they include a copy of the defence of the Constable to the charges brought by

²² Natalie Mears, 'Courts, Courtiers and Culture in Tudor England', *The Historical Journal*, vol. 46. 3 (2003), pp. 703-722.

²³ Spencer Dimmock, 'Social conflict in Welsh Towns c 1280-1530', in *Urban Culture in Medieval Wales*, ed. by Helen Fulton, (Cardiff, University of Wales Press, 2012), pp. 117-136.

²⁴ Tim Thornton, 'Wales in Late Medieval and Early Modern English Histories: Neglect, Rediscovery, and Their Implications', *Historical Research: the Bulletin of the Institute of Historical Research*, vol. 90. 250 (2017), pp. 683-703.

²⁵ Lloyd Bowen, *Early Modern Wales*, (Cardiff, University of Wales Press, 2022), pp. 139-141.

the burgesses, the original bill of complaint and a supplementary petition brought by one of them, but the verdict of the Court has been lost.²⁶ There is nonetheless sufficient material to draw some conclusions about the case.

Following a thematic approach, Chapter Two will explore in more detail the issues that contributed to the disorder emerging from the case study; specifically, the erosion of the rights of the burgesses, ethnicity, economic transition and the emergence of the Welsh gentry class. Alongside this analysis will be an assessment of the scale of disorder in Wales during this period, including locally, to help put the problem into a wider context. Chapter Three will focus on the consequences of the confusing legal situation in Wales, how this manifested itself in civil conflict, and the intended remedies introduced through legislation and the Acts of Union. Both chapters will engage with further primary sources including Star Chamber and Court of Chancery papers, contemporary correspondence and Caernarvonshire Quarter Sessions records, as well as a range of secondary literature.

In conclusion, this dissertation will try to balance the importance of the different factors underpinning the violent disorder in Welsh society and in particular, to assess the significance of economic and legal issues with specific attention to the participatory and organisational deficits identified by Bowen.

²⁶ The original bill of complaint made by the burgesses has been identified as TNA STAC2/24/414.

Chapter 1: The Conwy Affray.

This chapter will focus on the Star Chamber case brought by the burgesses of Conwy against Thomas Salisbury, including the separate charges brought by Roger Jenkinson. The papers describe several instances of violence, including one of large-scale disorder, which will be the focus of an initial analysis. Regard will also be given to the other complaints, as they have relevance to the discussion of the underlying causes of conflict in subsequent chapters. Two of the Star Chamber documents are in good condition and have previously been considered by historians, though generally their contents have been taken at face value with little analysis. Bezant Lowe for example, remarks on the case only in passing, in relation to another matter.¹ Dodd, in his authoritative history of Caernarvonshire, does not mention it at all.² Lucinda Smith at Conwy Archives is the only historian to have undertaken any serious investigative work on the Affray to date.³ Building on this work, the chapter will also explore other primary and secondary sources to understand the background and status of the people named as participants in the case.

There are three surviving Star Chamber documents that relate to the Conwy Affray, although historians do not agree about the nature of one of them. The first is entitled ‘thanswer of Thomas Salisbury to the byll of complaint of the Burgesses of the Towne of Conwey in Wales’, held in the National Archives and is the main source for the description of the Conwy Affray.⁴ The second document is in a poor condition, but is the original bill of complaint submitted by the burgesses to which the Salisbury document is the formal response.⁵ It includes additional charges of murderous assaults on John Holland, Richard Smyth and John Aldersley, charges which Salisbury does not specifically deny. The third document is a separate bill of complaint brought to the Star Chamber by Roger Jenkinson and is useful as it contributes to the wider picture of Thomas Salisbury that is beginning to

¹ W Bezant Lowe, *The Heart of Northern Wales*, 2 vols, (Llanfairfechan, 1912), I, p. 425.

² A H Dodd, *A History of Caernarvonshire*, Caernarvonshire Historical Society, (Denbigh, Gee & Son, 1968).

³ Lucinda Smith, ‘Conwy’s Scandalous ‘Greate fray’’, *Gwreiddiau Gwynedd*, 2. 73 (2017), pp. 40-42.

⁴ London, The National Archives (TNA), STAC2/1/3, Fol. 4, 1509-1547.

⁵ TNA, STAC2/24/414, *Infringement of the liberties of the town*, 1509-1547.

emerge.⁶ Here, it is alleged that Salisbury and his servants had forcibly entered Jenkynson's property four years previously and taken away valuable items, of which there is a detailed list, leaving his family in 'feare and drede'.⁷ Despite being ordered by the Kings Court in the Marches at Ludlow to return the goods, Salisbury had not done so. J A Guy considers Jenkynson's bill to have been presented at the same session of the court as the original complaint, but that it was entirely vexatious and the accusations fabricated.⁸ However, the detail in Jenkynson's bill, particularly the long list of stolen goods he presents, is convincingly authentic, so it appears likely that the complaint is genuine and that having failed to find justice at the Kings Court in Wales, Jenkynson had simply taken the opportunity to bring his issue up at a higher court. There are two further documentary sources that relate to the case, both stored at Conwy County Archives. The first appears to be a lawyer's draft of the defence of Thomas Salisbury to the complaints of the burgesses.⁹ This is incomplete, but seems to match closely the formal submission made by Salisbury to the Court. As such, although it gives an insight into the thinking of Salisbury's lawyer, it doesn't add much to our knowledge of the conflict.¹⁰ The second source is a collection of documentary fragments, also held at Conwy, that appear to be parts of a draft of the burgesses' bill of complaint.¹¹ These fragments are useful because they contain new information that is not decipherable in the Star chamber document. They also share common elements with the burgesses' bill, helping to confirm its veracity. Unlike any of the other documents, one of the fragments includes a date - the ninth year of Henry VIII's reign - which would indicate that the Star Chamber hearing took place in 1517 or 1518.¹² The date of the Affray itself would therefore be 1516 or early 1517, evidenced by the last will and testament of one of the participants, William Gruff, who died in June 1517.¹³ In fact, the documentary fragments include the

⁶ TNA, STAC2/1/3 Folio 5.

⁷ TNA, STAC2/1/3, Folio 5, line 13.

⁸ J A Guy, *The Cardinal's Court: The impact of Thomas Wolsey in Star Chamber*, (Sussex, Harvester Press, 1977), p. 67.

⁹ Conwy County Archive (CCA), COB2/1, *DRAFT BRIEF of the answer of Thomas Salisbury to the Bill of Complaint of the Burgesses of the Town of Conway*, 1509-1547.

¹⁰ Although there are comments made in the margin of the document that perhaps indicate a legal view of the weakness of Salisbury's defence.

¹¹ CCA, COB2/667/1, COB2/ 677/2, 3, 4, 5, 6 & 7, 1509-1547.

¹² CCA, COB2/677/2, dorset

¹³ TNA, PROB 11/18/492, *Will of William Gruff*, 1517.

serious allegation that wrongful imprisonment ‘was cause of the deathe of William Gruff’; although no specific reason is given, the implication is that it was the result of the poor conditions in which he was held in the castle gaol.¹⁴

Together these documents give us an insight into Conwy five hundred years ago, either directly, because they describe things that actually happened, or indirectly because useful information can be deduced from them. There are descriptions of several violent encounters in these papers, not just the Affray itself. There is the testimony from Roger Jenkinson about an assault on him; violence done to Nicolas Mellehourst and attacks on three others, all committed by Thomas Salisbury. What is essentially incidental detail, these give a broader picture of violence in the community than the single incident of the Affray. Tucker’s reference to ‘market day brawls’ in the town, which could be a reference to the Affray, implies exuberance or alcohol as causative factors, where the more personal assaults referred to by the complainants suggest a more pervasive culture of violence.¹⁵ Chapter Two will consider this further.

As a caveat, the text of all three documents embodies some conventions in common use at the time and it is important to take these into consideration in an assessment of the contents. For example, Salisbury’s ‘annswer’ uses very dramatic language to describe the incident in the town, which is a common element of bills submitted to the Star Chamber in this period, often as a way of ensuring that it would be heard by the higher court.¹⁶ As his statement puts it:

And diverse of theym of bothe the said parties sore hurte and wounded & ther lay on the grounde and likely to have bene greate murdre... were more like to dye thenne lyve & were in perell of dethe.¹⁷

¹⁴ CCA, COB2/677/2, dorse.

¹⁵ Norman Tucker, *Conway and its Story*, (Denbigh, Gee & son, 1960), p. 48.

¹⁶ J A Guy, *The Cardinal’s Court*, p.54.

¹⁷ TNA, STAC2/1/3, lines 11 & 15.

Although there may well be truth in this, it is also critical to Salisbury's defence, so the assertion that there was a risk of 'greate murdre' may be exaggerated.¹⁸ Jenkinson's bill also follows this pattern of overstating violence, claiming that following the forced entry by four of Salisbury's servants into his house, in which they 'brakeupe the dorres and windows thereof', that out of fear, 'one of his seid children dyed within a shorte space after'.¹⁹ The complaint made concerning Thomas Mellehourst about the non-payment of rent and consequent assault almost certainly contains some legal exaggeration as well. Mellehourst claims that Salisbury '& xx persounes with hym (assaulted him) riotously'.²⁰ Jenkinson also uses this term in his bill '...ryoutuse persons so forciably entryng into the same house'.²¹ This is noteworthy because the use of the term 'riot' had a precise legal definition at the time and was generally associated with forcibly entering or stealing another's property. In fact, a 'riot' could consist of only three people.²² J A Guy suggests that in the majority of cases taken to the Star Chamber concerning disputes over property, violence was exaggerated.²³ Clearly though, there was some level of violence involved, and it is this that is relevant here.

The surviving sources do not tell us precisely why the townspeople were fighting that day, but from the complaints made in the Star Chamber bills it is possible to understand some of the issues that troubled the burgesses: violence and the use of force against them, the infringement of their rights and disputes about property, rents and payment for goods. Although the leading participants are identified in the documentation, there is limited detail about them. The focus of this dissertation is on the violence that occurred, but the concern of the Star Chamber case is the unlawful taking of property or the deprivation of citizens' rights, so information that would be useful here is simply not included in the depositions. However, it is possible to discover more about the people involved from other sources, and although records are very sparse for this period, some information about these individuals is available that helps to understand their position. Table 1 sets out what we know about the participants.

¹⁸ In the terms of Edward I's charter, the Constable could only imprison the town's burgesses if there was threat to 'life and limb'. See W Bezant Lowe, *The Heart of Northern Wales*, 2 vols, (Llanfairfechan, 1912), I, p. 425.

¹⁹ TNA, STAC2/1/3 Folio 5, lines 3-4 & 13.

²⁰ TNA, STAC2/1/3 Folio 4, line 40.

²¹ TNA, STAC2/1/3 Folio 5, line 20.

²² J A Guy, *The Cardinals Court*, p.58.

²³ J A Guy, *The Cardinals Court*, p.54.

Table 1. Named Participants in the Conwy Affray

Participants	What is known about them
Hugh Hookes	The Hookes family had been established in North Wales since at least 1330, arriving as English settlers. ²⁴ Hugh was almost certainly a burgess because by 1527 he is reported to have been an alderman of Conwy. ²⁵ He is recorded as having at least two ‘yeoman’ servants in Quarter Sessions records for 1541. ²⁶ He was also related by marriage to Thomas Salisbury. ²⁷
John Hollande	Likely to be John Holland of Fairdref in nearby St George. The Hollands, originally from Lancashire, arrived with Edward I in the 13 th century and were probably granted land in Wales in return for their support during his campaign. There is no specific mention of him being a burgess, but the family were already very powerful in the area. ²⁸ He was married to Catherine Conwy, who was the daughter of the Archdeacon of St Asaph. ²⁹
John Aldersley (probably Aldersey)	Probably part of the successful Cheshire trading family, members of the Mercers Guild in Chester. There is no record of John being a burgess but the family was undoubtedly prosperous.
Roger Jenkynton	The spelling of his name implies links to the West Riding of Yorkshire or possibly Lancashire. He was certainly a burgess of the town, and describes himself as such in his bill to the Star Chamber.

²⁴ J E Griffith, *Pedigrees of Anglesey and Caernarvonshire Families*, (Horncastle, W K Morton, 1914), p.293.

²⁵ Norman Tucker, *Conway and its Story*, p.51.

²⁶ W. Ogwen Williams, *Calendar of Caernarvonshire Quarter Session Records, Vol 1, 1541-1558*, Caernarvonshire Historical Society, (London, Humphries and co. Ltd, 1956), p.8.

²⁷ <https://www.stirnet.com/genie/support/indices/bindss.php>, Salusbury01, Salusbury of Llewenni, [accessed 13.11.2023].

²⁸ [https://discoveringgoldwelshhouses.co.uk/library/Hhistory/con%20110_HH_58_Faedre\(2\).pdf](https://discoveringgoldwelshhouses.co.uk/library/Hhistory/con%20110_HH_58_Faedre(2).pdf), Gill Jones and Ann Morgan, p.17, [accessed 10.11.2023].

²⁹ J E Griffith, *Pedigrees* p. 259.

	Tucker describes him as ‘Head of the Corporation’ of Conwy, so he was a person of some significance. ³⁰
Nicholas Lancastre	Family likely to have originated in Yorkshire. Lancastres are mentioned in the Court of Chancery records in cases that concerned the north of England. ³¹
Robert ap William (probably the Robert Gwylhiam in Salisbury’s statement)	Difficult to identify in the records, because Welsh naming conventions were changing at the time. He is most likely to have been a member of the Penrhyn Cochwillans, a well-established Welsh family. It is possible that Robert’s father was William ap Gruffydd, who had supported Henry VII at Bosworth. ³²
William Gruff	William was certainly a burgess of the town as we know from his will of 1516. ³³ He was prosperous enough to have needed to have his will proved by the Prerogative Court of Canterbury. It includes details of the property he owned both locally and on Anglesey.
Jane Gruff	Despite being described by Thomas Salisbury as being one of the ‘moost unrulid’ in the affray, Jane Gruff can only be found in the record as a beneficiary and, perhaps unusually, executor of her husband William’s estate. ³⁴
Nicolas Mellehourst	This is almost certainly Nicholas Mellors, named as a Juror in Conwy in 1542. As he was prosperous enough to meet the legal property threshold for jury service, so was likely to have been a burgess. ³⁵
Thomas Salusbury (or Salisbury)	Originally of Flint, then of Leadbrooke, through marriage to Margaret Hookes. ³⁶ He is identified as Constable of the castle in the Star Chamber statement, but named Deputy Constable in Roger

³⁰ Norman Tucker, *Conway and its Story*, p. 48.

³¹ TNA, C1/236/1, *Abbot v Lancastre*.

³² J E Griffith, *Pedigrees of Anglesey and Caernarvonshire Families*, p. 186.

³³ TNA, PROB11/18/492, *Will of William Gruff*.

³⁴ TNA, STAC2/1/3, line 13.

³⁵ Norman Tucker, *Conway and its Story*, p. 50.

³⁶ J E Griffith, *Pedigrees of Anglesey and Caernarvonshire Families*, p.222.

	Jenkinson's Bill and the original complaint. The records say that it was Thomas's brother John, who formally held the office of Constable, so it is probable that Thomas delivered the role on his behalf. ^{37 38} The Salusbury family were established at Llewenni by 1289. ³⁹ They are described as becoming 'entirely Welsh' having built up a considerable estate in the area. ⁴⁰
David ap Howell	Not present in the records, but referred to as Thomas Salusbury's servant.

What is immediately apparent from this list is that this was not a brawl between common men; most of the people mentioned were very prominent citizens of the town, several of them had their own servants. Some, if not all, were burgesses. Thomas Salisbury's statement states that Hugh Hookes was on one side and Robert ap William on the other, but it is still not possible to be sure on whose side the other people were. However, the named participants can be divided into those from an English settler background and those of Welsh heritage and this could be a factor. There was clearly tension between the two communities; in a memorial addressed to Henry VII early in his reign, the burgesses deplored the manner in which 'foreigners' (i.e. Welshmen) were trading in the town and proposed that the current Porter of Conwy, a Welshman himself, should be thrown out and an Englishman employed instead.⁴¹ One possibility therefore, is that the fight was between those with an English heritage and the incoming Welsh, probably about trading privileges, as this was a matter of concern to both.

Thomas Salisbury is an important figure in this; he was clearly from a powerful North Wales family and had influential relatives. His family had become 'Welsh' through marriage and inclination over the years; indeed, so much so, that the burgesses' claimed that he

³⁷ Edward Breese, *Calendars of Gwynedd*, (London, Hotten, 1873), p.130.

³⁸ W J Smith, *Calendar of Salusbury Correspondence*, Board of Celtic Studies, University of Wales History and Law series, no XIV, (Cardiff, University of Wales Press, 1954), p.6.

³⁹ J E Griffith, *Pedigrees of Anglesey and Caernarvonshire Families*, p.222.

⁴⁰ <https://biography.wales/article/s-SALU-LLE-1250>, Dictionary of Welsh Biography, [accessed 6.11.2023].

⁴¹ W. Bezant Lowe, *The Heart of Northern Wales*, (Llanfairfechan, W. E Owen, 1912) pp. 210-212.

‘favorith the Welshemen in all causes’.⁴² The burgesses clearly had grievances about the Salisburys’ brewing of ale, one of their prerogatives, and disputes over land rents. Historians differ on their view of Thomas Salisbury; J A Guy sees him as the victim of scheming burgesses, dismissing the accusations of violence, whereas Smith, perhaps reflecting more modern concerns, stresses the impact of his actions on the families of Roger Jenkynson and Nicolas Mellehourst.⁴³ From Jenkynson’s bill, and from what can be gleaned from the surviving fragments of the burgesses’ complaints, it seems that Salisbury did abuse his position, indeed, he wasn’t even the official Constable, so overall, it is easy to imagine that his intervention in the Affray and his actions following it were resented, legal or not.

There are several themes emerging from this material that help to better understand the nature of this conflict as well as the wider situation in Wales. It is evident that the burgesses saw their charter rights as being under threat by the Salisburys, as well as by the Welsh, and that they were concerned that Thomas Salisbury had exploited his position in other ways, including through the use of violence. It is also noteworthy that the fight itself is a conflict between the well to do, not against an outside body, and may well have had an ethnic dimension. There does not seem to be confidence in the justice system either; Jenkynson and the other burgesses could not find a remedy in local justice, even at the highest Court in Wales, and felt obliged to take their cases to the Star Chamber in London. These were not just local problems; similar conflicts were taking place over much of Wales at the time. The next chapters will explore these issues further

⁴² TNA STAC2/24/414, line 46.

⁴³ J A Guy, *The Cardinals Court*, p. 66, Lucinda Smith, ‘Conwy’s Scandalous ‘Greate fray’’.

Chapter 2 – The wider context of disorder.

The review of the primary sources focused on the Conwy case study undertaken in Chapter One, has raised some of the issues behind the violence reported in Wales in the first half of the sixteenth century. It has also illustrated some of the difficulties presented by the paucity of the historical record from this period. Considering evidence from a wider geographical area in Wales broadens the range of primary and secondary sources available. This chapter considers these sources, focusing on the issues beginning to emerge from the Conwy case study. In particular: the erosion of the rights of the burgesses; ethnicity; economic transition and the rise of the Welsh gentry. Firstly though, it's useful to consider the scale of the disorder in Wales, in order to better understand the national position and to put the Affray into a wider perspective.

The last major act of rebellion in Wales had been that of Owain Glyndwr, suppressed by the Crown by 1409, however, Wales continued to have a reputation as being a violent and lawless place throughout the fifteenth century, so that according to Griffiths 'the great majority of contemporary Englishmen regarded Wales with fear and suspicion'.¹ Sir John Wynn, writing about North Wales later in the century, says that 'in those days, and in that wilde worlde, every man stood upon his guard, and went not abroad in sort and soe armed, as if he went to the field to encounter with his enemies'.² Even more alarming, the preamble to a Parliamentary Bill of 1534 states that the people of Wales persisted in committing 'divers and manifold Thefts, Murthers, Rebellions, wilful Burnings of Houses and other sclerous Deeds and abominable Malefacts'.³ As would be expected, the English border counties were particularly affected by the bad behaviour of the Welsh, so Parliament responded with 'An Act for Punishment of Welshmen Attempting Any Assaults or Affrays Upon Any The

¹ R A Griffiths, *King and Country: England and Wales in the Fifteenth Century*, (London, Bloomsbury, 1991), p. 55.

² Sir John Wynn, *History of the Gwydir Family*, (Wales, Woodall and Venables, 1878), p. 59, <https://books.google.co.uk/books>, [accessed 30.11.23].

³ 26 Henry 8, c.6, 1534, A Bill concerning Councils in Wales, I Bowen, *The Statutes of Wales*, (London, Unwin, 1908), p.54.

Inhabitants Of Hereford Gloucester and Shropshire'.⁴ In the same session, another Act was passed forbidding ferries to carry passengers across the Severn after sunset, so that wrongdoers could not escape back to Wales under cover of darkness.⁵ The actions of the English indicate that Welsh criminality and disorder was considered a real problem, though it is noteworthy that they were measures aimed at containment, rather than to tackle its causes. This is a consistent aspect of the English State's approach to problems in Wales.

Penry Williams is a dissenting voice here, arguing that the view that Wales was particularly lawless might have been more a matter of perception than fact by the early sixteenth century, citing the violent feuds between the Cholmondeleys and Mainwarings in Cheshire as evidence that there were similar problems on the English side of the border.⁶ It could also be argued that the disorder was because Wales was a border land, far from the seat of power, at a time when the Crown's control was not absolute. A contemporary, Thomas Cranmer, describes the Scots in similar terms to those applied to the Welsh, as 'barbarous and savage people, who turned away from farming and the good art of peace', so Wales may not have been unique.⁷ In this and in Bishop Rowland Lee's views of the Welsh 'that they will never be trewe but only ffor ffeare', there might also be an element of prejudice; both Cranmer and Lee were educated, urbane people, and perhaps less tolerant of cultures different to their own.^{8 9} Some contemporary commentators might also have had a motive for exaggerating Welsh criminality, as it justified their roles in government. Bishop Lee had been appointed Head of the Council in the Marches specifically to improve the administration of justice in Wales, so he may have had a biased view.¹⁰

⁴ 26 Henry 8, c. 11, 1534, I Bowen, *The Statutes of Wales*, p. 63.

⁵ 26 Henry 8, c. 5, 1534, I Bowen, *The Statutes of Wales*, p. 52.

⁶ Penry Williams, 'The Welsh Borderland under Queen Elizabeth', *Welsh History Review*, vol. 1.1, (1960), p. 21.

⁷ M A Jones, citing MacCulloch D, *Thomas Cranmer: A life*, (New Haven & London, 1996), in 'Cultural Boundaries within the Tudor State: Bishop Rowland Lee and the Welsh Settlement of 1536', *Welsh History Review*, vol. 20. 2 (2000), pp. 227-253, p.237.

⁸ M A Jones, 'Cultural Boundaries within the Tudor State', pp 238-9.

⁹ Bishop Lee, writing to Cromwell, cited in M A Jones, 'Cultural Boundaries within the Tudor State' p. 239.

¹⁰ M A Jones, 'Cultural Boundaries within the Tudor State', p. 247.

There is some contemporary evidence available that aids understanding of the situation within Wales itself, rather than Welshmen causing problems across the border. This is in the form of the proceedings of the Caernarvonshire Quarter Sessions Courts, the records of which have survived for the period 1541 - 1558.¹¹ These courts were intended to deal with the more serious felonies; minor crimes would have been dealt with in local courts in each small community or *cymwd*.¹² The Quarter Sessions records are not therefore a complete picture of criminal proceedings in the county, but they do give a good insight into the frequency and type of offences brought before a jury at this time. Table 2 below draws on the Indictment Roll for Michaelmas 1541. The Quarter Sessions courts had been in session since 1536, but records for the period before 1541 have been lost, so the extract from the indictment roll presented below is not contemporaneous with the Affray. However, it is a reasonable proxy for the earlier period.

Table 2. Caernarvon Quarter Sessions Indictment Roll - Michaelmas 1541 derived from Calendar of the Caernarvonshire Quarter Session Records 1541-1558, pp. 2 -10.

Case	Charge	Plaintiff(s)	Outcome
1	Assault	John ap Llewelyn ap Robert	Found guilty
2	Assault	John ap Thomas ap John	Pardoned
3	Assault with force of arms on Jonet ferch Hywel Ap Benet.	Thomas ap David ap Edward	Payment of fine
4	Assault (same case as above)	Margaret ferch Hugh ap Gruffydd (housewife)	Found guilty
5	Assault on William ap Tudor ap Gruffydd and riotous assembly.	William ap Ieuan ap Meredydd (yeoman) Morgan ap Richard Griffydd (yeoman) Rhys ap Gruffydd ap David ap Gwilym (gentleman) John ap Ieuan ap Merdydd (yeoman)	Found guilty Found guilty Payment of fine Payment of fine

¹¹ W. Ogden Williams, *Calendar of the Caernarvonshire Quarter Session Records 1541 -1558, Vol. 1*, Caernarvonshire Historical Society, (London, Humphries and co. Ltd, 1956).

¹² W. Ogden Williams, *Calendar of the Caernarvonshire Quarter Session Records*, p. xl.

6	Assault with force of arms on Catherine ferch Madog ap Ieuan Goch.	John ap David ap Ieuan ap Tudor (yeoman)	Sentenced to be hanged by the neck
7	With force of arms entered a meadow and stole five cart-loads of hay worth 20d.	John ap David ap Tudor (yeoman)	Found guilty
8	Assault on John Hyde (Chaplain)	Thomas Hookes (yeoman)	Pardoned
9	Assault on Thomas Hookes (counter charge)	John Hyde (Chaplain)	Discharged
10	Forcible entry to orchard and stealing pears worth 12d.	Ieuan ap Llywelyn ap Gruffydd (yeoman) Fyn Manskmon (yeoman and servant of Hugh Hookes) Gilbert Manskemon (yeoman and servant of Hugh Hookes)	All found guilty
11	With force of arms refusal to do service to the lieges of the King.	William Ledyrland	Found guilty
12	By force of arms prevented people from bringing goods to market.	David ap Hywel ap John	Found guilty
13	Prevented people from bringing goods to market.	Rhydderch ap Day	Payment of fine
14	Unlawfully sold cheese at the market.	Owen ap Robert ap Rhys	Found guilty
15	Unlawfully bought six casks of salt before it could come to market.	John ap David ap Hywel ap Thomas	Payment of fine

It is notable that two thirds of the charges relate to violent assault, one of which is classified as a 'riot' because four people were jointly charged. Other counts relate to the

forceful removal of property. Without making comparisons with other areas of Britain, which is beyond the scope of this work, it is difficult to be certain about Wales's relative position as a lawless region. However, it would be reasonable to conclude that even as late as the middle of the sixteenth century, violence and disregard for the law were common place and that the Conwy Affray was not unusual. According to Ogwen Williams: 'Hardly a month passed without an assault or a riotous assembly' taking place somewhere in the County.¹³

In the evidence from the Conwy Affray, a key source of concern for the burgesses and one of the possible causes of the conflict, is the question of their rights enshrined in the charter granted by Edward I.¹⁴ Under this charter, anyone who owned a burgage plot in the town was entitled to claim the privileges of a town burgess.¹⁵ These privileges were considerable: burgesses could buy and sell goods; trade in other markets; were exempt from some tolls and were able to manage disputes between themselves through their own courts.¹⁶ The town Corporation also had the rent of certain lands within the borough and in Conwy's case, the income from two mills, allowing a degree of economic independence. These rights, particularly relating to trade, gave the burgesses an economic advantage. They defended them assiduously, ensuring that their charter was reaffirmed by each successive monarch.¹⁷ Such entitlements could not be taken for granted; both the Marcher Lords and the Crown felt able to withdraw these privileges if they saw advantage in it and did so on several occasions in the fourteenth and fifteenth centuries.¹⁸ The decline in the military importance of towns like Conwy also weakened the burgesses' influence with the authorities.¹⁹ In effect, the burgesses were engaged in a struggle to maintain their privileges against the very institutions that had

¹³ W. Ogwen Williams, *Calendar of the Caernarvonshire Quarter Session Records*, p. lxxix.

¹⁴ Charters were granted to many of the towns established by Edward I in Wales. They were intended to bolster the military occupation and were settled almost exclusively by Englishmen. In North Wales; Conwy, Caernarvon and Beaumaris are examples.

¹⁵ There were approximately 120 burgage plots in the town. See E A Lewis, *Medieval Boroughs of Snowdonia*, (London, H. Southern & Co., 1912), p.66.

¹⁶ 12, Edward I, 15, translated by W Bezant Lowe, *The Heart of Northern Wales*, 2 vols, (Llanfairfechan, 1912), I, p. 424.

¹⁷ See Conwy County Archives (CCA), CPC3/4, *The Confirmation Charter of Elizabeth I for the town of Conway*, 1561.

¹⁸ Spencer Dimmock, 'Social conflict in Welsh Towns c 1280-1530', in *Urban Culture in Medieval Wales*, ed. by Helen Fulton, (Cardiff, University of Wales Press, 2012), p.119.

¹⁹ The Castle was no longer garrisoned after 1505.

granted them. On one occasion, the burgesses of Conwy, Beaumaris and Caernarvon, jointly petitioned the Crown on this matter.²⁰ Tucker describes a petition made directly to Henry VII that claimed brewing, baking and the buying and selling of wine were all going on outside the town in violation of the burgesses' charter rights.²¹

This gradual erosion of the rights of the burgesses was a root cause of conflict in many of the incorporated towns of Wales, but it is an area to which historians have paid relatively little attention, perhaps because the violence perpetrated by the gentry is a more visible sign of disorder. However, it is clear from the Quarter Sessions records, that these low-level disputes over trade were an everyday factor in the life of such communities, and that those challenging the status quo were frequently the Welsh. Table 2 provides evidence of this; four of the fifteen prosecutions concern unlawful interference in trade and all four of the defendants are clearly Welsh.²² It is notable that in case 12, the plaintiff is accused of using 'force of arms', suggesting that these were violent disputes. The Conwy Affray may similarly have been about encroachment by the Welsh, as there were people of Welsh heritage involved as well as those with an English settler background. Ethnicity had been an issue since the town's establishment and remained so. Even at the end of the fifteenth century, the burgesses had petitioned Henry VII, that 'noe man be admitted as Burgess of the said townes but mere Englishmen of good Demeanour'.²³ However, ethnically Welsh people were also burgesses and some evidently held public office by this time. William Gruff, who is named in the Star Chamber papers, is Welsh, but he is also a burgess and a significant landowner, so the division is not clear cut. There is evidence that the pace of integration of the Welsh into the life of the settler towns varied significantly, depending on the circumstances of the town's foundation. Stevens observed that where the new towns had an economic purpose beyond serving the military, Welsh integration was much faster.²⁴ In Ruthin, a town in the adjacent Vale of Clwyd, a rich farming area, the number of Welsh tax-payers had reached 41% shortly after its foundation. At the same time in Conwy, which had been established in opposition to

²⁰ London, The National Archives (TNA), E163/11/40, 1509-1529.

²¹ Norman Tucker, *Conwy and its Story*, (Denbigh, Gee & son, 1960), pp. 47-48.

²² See Table 2, cases 11-14.

²³ Norman Tucker, *Conwy and its Story*, p.47.

²⁴ Matthew Stevens, 'Anglo-Welsh towns of the early Fourteenth Century; a survey of Urban Holdings, Property-holding and Ethnicity', in *Urban Culture in Medieval Wales*, ed. by Helen Fulton, pp. 137-154.

a nearby economic centre (Deganwy), this figure was only 8%.²⁵ Because Conwy was essentially a town imposed on the economic and cultural landscape, it was more reliant on the privileges bestowed by its charter. Conflict was therefore all the more acute when circumstances changed, and the Conwy Affray is likely to have been an outward example of this.

In the same way that the burgesses were not an ethnically homogenous group by the turn of the sixteenth century, neither were they politically homogenous. Dimmock traces the origin of political elites within the Welsh urban centres back to the medieval guild system, where mercantile interests were favoured over those of the artisan. Over time, an oligarchic group would develop within the burgesses, one that effectively controlled the resources of the corporation, often for its own benefit.²⁶ This would inevitably have been a source of tension within the urban community, particularly with the entry of the newly prosperous Welsh into the affairs of the town. It can be seen in the example of the Conwy Affray that some of the most senior burgesses were involved, so an internal power struggle may also have been a factor in the disturbance. It is recent historical writing, particularly by Dimmock, Stevens and Fulton, that has brought the political, ethnic and economic aspects of the internal relations of the townspeople into a sharper focus, reflecting the broader historiographical trend to look beyond issues of State and more closely at the lives of individual communities. The detailed evidence provided by the Conwy Affray and the Quarter Sessions records supports this analysis and helps to understand the impact of conflict at a community level.

However, the most significant trend driving many of these urban community tensions, as well as conflict in rural areas, was the changing economy of Wales. This underwent a transformation in the century leading up to the Conwy Affray, in a way that reduced the power of the urban elites, and increased the economic power of rural landholders and tenants, many of whom were Welsh. William Gruff, a burgess and one of the participants in the Affray, is an example; his Will shows that he held land both locally and in Anglesey.²⁷ Work by Griffiths, which explores the links between the rural and the urban economy, is useful

²⁵ Matthew Stevens, 'Anglo-Welsh towns of the early Fourteenth Century', p. 141.

²⁶ Spencer Dimmock, 'Social conflict in Welsh Towns c 1280-1530', in *Urban Culture in Medieval Wales*, ed. by Helen Fulton, pp. 129-132.

²⁷ TNA, PROB11/18/492, *Will of William Gruff*, 1517.

here.²⁸ The effect of these changes was particularly marked in the corporation towns established for military rather than economic reasons, as they had less scope to adapt.²⁹ The roots of this economic shift can be traced back to the period before the Edwardian conquest. During the twelfth century, a system had evolved where, outside of the elite, there were two main groups in Welsh society: freemen and bondmen. Freemen lived in free townships – *trefi* - and owned and cultivated land that had been granted to them by the elite. The rights to cultivate these plots passed down through *cyfran* (gavelkind, or partible inheritance) and were divided between male offspring, but ownership of these and grazing rights remained with the clan in common.³⁰ By contrast, bondmen were not free and lived and worked on lands owned by the Welsh ruling class and by the Crown after 1284.

Driven by the excessive division of land through *cyfran*, by which individual plots eventually became unsustainable, the clan system based on the *trefi* fractured.³¹ Simultaneously, the Black Death served to reduce the supply of labour on the bond lands, so that this system eventually collapsed too, leaving large areas uninhabited.³² The disintegration of the clan system created opportunities for the better off amongst the freemen to augment their holdings by taking over the land of those doing less well. The abandonment of land previously cultivated for the Crown by bondmen created further opportunities for individuals to increase their estates, so that a new class of land-owning Welsh gentry - the *uchelwyr* - appeared. The old municipal elite – the burgesses – found themselves competing with this newly prosperous and ambitious class for economic dominance and for land, creating a great deal of conflict.³³ In the rural areas, gentry seeking to enhance their holdings often found themselves clashing with people who still lived by the medieval system, leading to frequent disputed claims.³⁴ These conflicts could be especially bitter, because in the clan system, status was defined by lineage - a person could be poor and still be respectable -

²⁸ Matthew Griffiths, 'Country and town: Agrarian Change and Urban fortunes', pp. 67-106.

²⁹ Matthew Griffiths, 'Country and town: Agrarian Change and Urban fortunes', p.77.

³⁰ F Richardson, 'The Enclosure of the commons and Wastes in Nantconwy, North Wales, 1540 to 1900', *Agricultural History Review*, 65. 1 (2017), p. 51.

³¹ W. Ogwen Williams, *Calendar of the Caernarvonshire Quarter Session Records*, p. lxi.

³² Matthew Griffiths, 'Country and town: Agrarian Change and Urban fortunes', p. 68.

³³ Spencer Dimmock, 'Social conflict in Welsh Towns c 1280-1530', pp. 117-136.

³⁴ F Richardson, 'The Enclosure of the commons and Wastes in Nantconwy, North Wales, 1540 to 1900', p. 49.

whereas in the emerging Tudor world, status was increasingly defined by individual wealth, so these were cultural clashes as well as economic ones.³⁵

Inevitably perhaps, the upcoming Welsh gentry developed a reputation for bending the law to their own advantage, or simply using coercion to take over the holdings of others. The Quarter Sessions records have frequent examples of cases of forced entry onto a neighbour's land, the breaking down of fences and the use of violence and intimidation. There are several examples of this to be seen in Table 2. A common practice was to withhold rents due for land at the expense of neighbours who might not be able to afford access to the courts to seek redress.³⁶ None the less, many of these disputes did result in litigation; records of Chancery Proceedings provide evidence of the level of conflict on the issue of land. Between 1515 and 1551, the Court of Chancery considered 36 cases from Caernarvonshire, 29 of which related to disputes over land title.³⁷ It is an element of the Conwy Affray that is overshadowed by the disturbance itself, but both the burgesses' bill of complaint and Roger Jenkinson's petition, include accusations of intimidation and unlawful entry as well as disputes over land rents. The fundamental factor that drove all these conflicts was economic transition.

The appearance of this new class of people, the gentry, as a product of a changing economy, had long term consequences for Wales. Eventually, they would become the backbone of the Tudor administrative and justice system, particularly after the Acts of Union, something that will be discussed in more detail in the next chapter.³⁸ In the early stages though, as individuals began to build up land holdings and estates, they were responsible for a great deal of the disorder that plagued Wales, as competition between families led to disputes and violence.³⁹ These people would not necessarily be 'gentlemen' as we might

³⁵ J G Jones, *Law, Order and Government in Caernarfonshire, 1558-1640*, (Cardiff, University of Wales Press, 1996), p.10.

³⁶ Thomas Salisbury appears to be guilty of this according to the Conwy burgesses.

³⁷ Derived from E A Lewis, *An Inventory of the Early Chancery Proceedings concerning Wales*, Board of Celtic Studies, University of Wales History and Law Series, No III, (Cardiff, University Press Board, 1937), pp. 15-20.

³⁸ For more on this see A H Dodd, *A history of Caernarvonshire 1284 -1900*, Caernarvonshire Historical Society, (Denbigh, Gee & Son, 1968), pp. 24-25.

³⁹ Gwynfor Jones, 'The Gentry', in *Tudor Wales* ed. by T Herbert & G E Jones G E, (Cardiff, University Of Wales Press, 1988) pp. 10-40.

think of them now, most would be farmers and stock herders. As an indication of the numbers of people that might be considered to be in this category, the lay subsidy roll for 1546 indicates 1,480 people of yeoman status or above, resident in Caernarvonshire outside of the incorporated towns.⁴⁰ These would have been small landowners, and with an income of about 40 shillings a year, many would only have been prosperous in comparison with the landless.⁴¹ It is these people, labelled as 'yeoman' or 'gentleman' that feature so frequently in the Quarter Sessions records and who are implicated in a great deal of the low-level violence and disorder. The Conwy Affray is an example; the protagonists - the Hookes, the Hollands, the Gruffs - are members of rising families of the middling sort, and it is in this stratum of society that the incident properly sits.

However, it is the most prosperous section of the new class of gentry that contributed most to Wales's reputation for disorder; people with servants and estates worth £40 a year or more.⁴² They had also aggressively pursued the expansion of their holdings, but with greater success. Families like the Pennants, the Wynns, the Bulkeleyes and the Salisburys grew to be powerful and influential in North Wales during this period. They became known for their abuse of power and disregard for the law; Thomas Salisbury is accused of ignoring several court rulings against him, hence the burgesses' appeal to the Star Chamber. The potential for these disputes to become violent was significantly increased by the common practice of 'maintaining', when powerful families retained large groups of servants who would wear the family's colours and act as their agents. It was said of Sir Richard Bulkeley, that 'two lackeys in livery always ran by his horse; he never went from home without 20 or 24 to attend him'.⁴³ The maintenance of a *plaid*, or retinue, was an important cultural indicator of status in Wales at this time.⁴⁴ These retainers could be used to settle scores or property disputes by intimidation; case 5 in Table 2 is probably an example, and so too is the complaint brought by

⁴⁰ TNA E 179/220/135, cited by W. Ogwen Williams, *Calendar of the Caernarvonshire Quarter Session Records*, p. lxvi.

⁴¹ W. Ogwen Williams, *Calendar of the Caernarvonshire Quarter Session Records* p. Ixx.

⁴² W. Ogwen Williams, *Calendar of the Caernarvonshire Quarter Session Records*, p. lxix.

⁴³ William Williams, 'History of the Bulkeley Family', 1674, National Library of Wales MS 908E, quoted in *Tudor Wales ed. by T Herbert and G E Jones*, (Cardiff, University of Wales Press, 1988), p.22.

⁴⁴ Sadie Jarret, *Gentility in Early Modern Wales: The Salesbury Family 1450-1720*, (University Of Wales Press, 2024), p.139.

Roger Jenkinson when his goods are seized by Thomas Salisbury, who is accompanied by a menacing group of armed servants.⁴⁵ In the Conwy Affray itself, both parties are supported in the fight by their servants and these relationships would not just have been economic. Wales had only recently emerged from the old clan system, so kinship and traditional allegiances were still strong. Bowen describes this practice as a 'semi-feudal' component of family politics.⁴⁶ It was a problem that continued to concern the Government into the early years of the seventeenth century.⁴⁷

The *quid pro quo* in this equation, was that the retained servant would be protected from the consequences of criminal behaviour on behalf of their employer. In some cases, this might mean acting as recognizance or paying a fine, in others it might entail interference in local justice. Retainers could be used to pack juries or simply intimidate them. Gunn cites an example of a dispute between the Bulkeley family and the agents of the Crown in Beaumaris, an important port in Anglesey. Following a riot in the town in 1511 (echoes of the Conwy Affray here), the Bulkeleys and their retainers besieged the garrison in the castle. The offenders couldn't be prosecuted because the Bulkeleys dominated the jury, swords were even drawn in court to emphasise the point.⁴⁸ In another example, the Star Chamber considered a case where the Morgan family brought 300 retainers to intimidate Monmouthshire's Court of Quarter Sessions. William Morgan is reported to have said to his followers 'stande by me and I will stande by you; I have money sufycyent to defray your charges'.⁴⁹

The difficulty in obtaining justice in Wales was not just about corruption, although there is evidence of that. The Star Chamber records include a case where John Vaughan, the Sheriff of Caernarvonshire was accused of taking a bribe of £10 to empanel a jury favourable

⁴⁵ Far from being the persecuted civil servant described by J A Guy, the evidence suggests that Salisbury was indeed one of the rapacious new Gentry. See J A Guy, *The Cardinal's Court*, (Sussex, Harvester Press, 1977) p. 66.

⁴⁶ Lloyd Bowen, *'Early Modern Wales'*, (Cardiff, University of Wales Press, 2022), p.164.

⁴⁷ Sadie Jarret, *Gentility in Early Modern Wales: The Salesbury Family 1450-1720*, (University Of Wales Press, 2024), pp. 139-140.

⁴⁸ S J Gunn, 'Regime of Charles, Duke of Suffolk, in North Wales and the Reform of the Welsh Government, 1509-1525', *The Welsh History Review*, vol. 12, (1984), p. 468.

⁴⁹ TNA STAC 5/M46/13, cited by Lloyd Bowen, *Early Modern Wales'*, p.152.

to the defendant.⁵⁰ It was also that close kinship ties and loyalties to local families or benefactors simply made impartial justice difficult. A further issue was that important roles in the justice system such as Constable, or Sheriff, were essentially sinecures, obtained by those in favour at Court; many office holders never came to Wales at all, and left the work to local men who lacked the status to carry out their duties effectively.⁵¹ In 1535, Parliament, recognising these problems, enacted a measure that enabled Welsh cases to be heard in English County courts in circumstances where it was felt an unbiased jury could not be arraigned. The charge of 'riot' brought at this time by the Salisbury family against Robert ap Rice appears to be an example of this; both the plaintiffs and the defendant lived in North Wales, but the witness statements were taken in Stafford, with the case seemingly having been referred there from the Star Chamber.⁵² The statements taken include several assertions that some of the witnesses were 'not indifferent', because they were in the employ of the plaintiffs.

The challenges to the justice system presented by powerful local gentry and the difficulty in dealing with them through the existing court system were visible aspects of disorder in Wales, and as a result, are commonly seen as the primary cause of it. This view fits well with an historical perspective that stresses the disorderly behaviour of the Welsh and aligns with the prejudicial view of the English, but it places insufficient emphasis on the wider context to be wholly accurate. Intimidation, violence and passion were features of Welsh life at this time and the Welsh gentry undoubtedly employed these to excess in a country far from the government in London, but their behaviour was a consequence of other factors, particularly economic, rather than a root cause.⁵³ There were also issues with the law itself; issues that both generated conflicts and also made it difficult to resolve them. The next chapter will explore the implications of what was effectively a dysfunctional legal system, as well as the measures taken to improve things.

⁵⁰ TNA STAC 5/P46/35 cited by Penry Williams, 'The Welsh Borderland under Queen Elizabeth', *Welsh History Review*, vol. 1, (London, Caernarvonshire Historical Society, 1956), p.27.

⁵¹ S J Gunn, 'Regime of Charles, Duke of Suffolk', p. 466, also Thomas Watkin, *The Legal History of Wales*, (Cardiff, University of Wales Press, 2012), p. 119.

⁵² TNA STAC2/34/130, *Salisbury vs Thomas ap Richard and others*, 1509-1547.

⁵³ Lloyd Bowen, *Early Modern Wales* p.164.

Chapter 3 - Welsh law and the Acts of Union

The excesses of the rising gentry class, particularly the most prosperous amongst them, has tended to obscure both the fundamental factors creating conflict such as the changing economy, as well as the more subtle, like tensions over ethnicity and loss of status. Underpinning all these factors and certainly contributing to them, was a very confusing legal system - multiple systems in fact - that made the administration of justice in Wales difficult. This chapter will explore the impact of this confusion and consider the legal remedies introduced by the Crown, including the revitalisation of the justice system under Bishop Rowland Lee and the Acts of Union of 1536 and 1543.

The Law of Wales was separate and distinct from the common law that operated in England during the medieval period. Welsh law was based on the clan structure and organised on the principle of restorative justice, so that under the *galanas* system, each life had a value; if a person was killed or injured, their family received compensation payable by the family of the perpetrator.¹ This emphasis on family responsibility for violence can be seen in the strong kinship loyalties evident in the jury system at the turn of the sixteenth century. Welsh property law also had significant differences to the English model; firstly, it largely prevented the ownership of land by free individuals, as it was based on the assumption that most was held in common and managed through a long-standing system of rights and obligations. Secondly, in contrast to the English legal practice of primogeniture, under Welsh law, a man's rights to cultivate clan lands were distributed equally amongst his surviving sons on his death, the economic consequences of which were explored in Chapter 2. Following the conquest of Wales in 1284, English common law was introduced in place of Welsh criminal law, but property laws were left largely unchanged. The result was that property rights in Wales were constrained in comparison with England, and *cyfran* - partible inheritance – remained in place. This was the legal position in the Principality right up to the early years of the sixteenth century.

¹ Sara Elin Roberts, 'Law Texts, Celtic, Welsh', in *The Celts: History, Life, and Culture*, ed. by John Koch & Antone Minard, ABC-CLIO, 2012.

Not all the inhabitants of Wales were subject to Welsh law; those of English settler origin were entitled to use English common law to settle their disputes and unlike the Welsh, they were allowed to buy and sell property. If they were also burgesses with rights under charter, then they had even more autonomy, and in Conwy this included the right to their own courts of law. The legal situation in the Marcher Lordships confused matters further, as each lord had direct responsibility for justice in his area and many chose to use a hybrid of both Welsh and English laws in their administration.² The consequence was that jurisdiction was very unclear; Welsh cattle rustlers fleeing across the border from England to the Marches, could find themselves in a place where the king's writ didn't necessarily apply or where English courts were not recognised and they could evade justice.³ This was a source of considerable frustration to the English authorities and a significant contributor to Wales's reputation for lawlessness. Even where criminals were apprehended, the Welsh kinship system meant that local juries would often acquit their compatriots rather than convict them. In the early 1530s the exasperated inhabitants of Shropshire petitioned the King to the effect that Welsh felons would only answer for their offence 'in theyr owne courtes there to take theyr tryall amonges theyr own frindes to be sure to escape unpunshed'.⁴

There were frustrations on the other side of the border as well; a consequence of the Black Death and the disruption created by Owain Glyndwr's revolt, was that tax revenue from the Marches and the lands held by the Crown had declined significantly.⁵ As a result, other sources of revenue increased in importance, in particular 'redeeming the sessions' or paying to avoid jury service. Over the course of the fifteenth century, these payments had developed as token fines on potential jurors who failed to turn up for court sessions, a widely resented obligation. But as the raising of general taxes became more difficult, these charges increased significantly and became more onerous.⁶ By the early sixteenth century extensive resistance to them had developed, so that by 1526, the collection of contentious fines and

² R A Griffiths, *King and Country: England and Wales in the Fifteenth Century*, (London, Bloomsbury, 1991), p. 56.

³ Penry Williams, *The Council in the Marches of Wales*, (Cardiff, University of Wales Press, 1958), p. 6.

⁴ M A Jones, 'Cultural Boundaries within the Tudor State: Bishop Rowland Lee and the Welsh Settlement of 1536', *Welsh History Review*, vol. 20. 2 (2000), p. 238 .

⁵ Thomas Watkin, *The Legal History of Wales*, (Cardiff, University of Wales Press, 2012), p. 119.

⁶ For a fuller explanation, see R A Griffiths, *King and Country*, pp. 64-65.

redemptions was a significant cause of disorder in many parts of Wales.⁷ Compounding this problem, excusing jurors from service meant that the courts frequently did not sit, further weakening the justice system.⁸

That the Welsh resorted to civil disobedience and violence when they felt themselves to be unjustly treated may not solely have been due to their uncivilised nature as many in the Tudor government thought, it was also because they had little formal access to power. Although informal arrangements often pertained on the ground, Welshmen were legally forbidden from holding public office.⁹ In addition, they had no parliamentary representation and no say in the formation of laws and statutes that affected them. Any nominal connections they had with their English aristocratic overlords were hampered by the Lords' almost complete absence from Wales itself. Given the recent work of Natalie Mears, demonstrating the importance of personal relationships at the Tudor Court, this lack of connection would have been a double disadvantage.¹⁰ In this sense, civil disorder was also a consequence of the legal exclusion of the Welsh from any meaningful political structures that could engage with the government in London.¹¹

By contrast, the conflict over land was the product of internal change in Wales; economic transition created this conflict, but the confused Welsh legal system undoubtedly made it more likely. In addition, Welsh law itself placed obstacles in the path of aspirational Welshmen. Prevented from the individual ownership of land, creative Welsh lawyers evolved the *tir pryd* system whereby instead of outright ownership, land was held under an effectively permanent succession of mortgages.¹² The parallel development of legal trusts in Welsh law also helped to overcome the limitations of *cyfran*, so that holdings could be inherited, thereby

⁷ Glanmor Williams, *Renewal and Reformation: Wales 1415-1642*, (Oxford, Oxford University Press, 2002)

⁸ Thomas Watkin, *The Legal History of Wales*, p. 119.

⁹ John G Jones, *Law, Order and Government in Caernarfonshire, 1558 -1640*, (Cardiff, University of Wales Press, 1996), pp. 31-32.

¹⁰ Natalie Mears, 'Courts, Courtiers and Culture in Tudor England', *The Historical Journal*, vol. 46. 3 (2003), pp. 703-722

¹¹ See Lloyd Bowen, *Early Modern Wales*, (Cardiff, University of Wales Press, 2022), p.142.

¹² J. Beverley Smith, 'Crown and Community in the Principality of North Wales in the reign of Henry Tudor', *Welsh History Review*, vol. 3, no. 2, 1966. See also [Gwilym Owen](#), [Dermot Cahill](#), [Peter Foden](#), *Proceedings of the Harvard Celtic Colloquium*, Vol. 37 (2017), pp. 224-225..

allowing the building up of individual estates. It has been argued, particularly by historians who see the Acts of Union as a colonial imposition on Wales, that Welsh citizens had overcome the disadvantageous economic implications of the law as it stood, and that reform had not really been necessary.¹³ However, the availability of legal work-arounds did not prevent the *uchelwyr* from continuing to employ legally dubious methods to expand their holdings, so that intimidation and the use of force remained a problem.¹⁴ Not surprisingly the Welsh looked enviously at the ability of the English to buy and sell land as they pleased, as they frequently found themselves in competition.¹⁵ This led to pressure from the rising Welsh gentry class for the adoption of English law across all of Wales so that they could have equal rights and could buy and sell property. However, successive kings upheld the Welsh law, content to keep a troublesome Wales under constraint and concerned not to undermine the position of the powerful Marcher Lords.¹⁶ The burgesses in the incorporated towns also resisted any legal reform, as they feared the loss of their privileges. In 1536 the burgesses of Beaumaris and Conwy petitioned the king against a proposal by John Pylston for the extension of English law to the citizens of Wales, arguing that ‘the people know nothing of this’.¹⁷

In the face of the problems caused by legal inconsistencies in Wales and continuing complaints from the Welsh, Henry VII eventually attempted reforms. These were initially unambitious: in 1504 a system of financial bonds was introduced to hold the Marcher Lords liable for the return of felons fleeing justice, but Henry refrained from challenging the rights of the Lordships.¹⁸ Prompted by the lobbying of the Welsh communities of North and West Wales, Henry took more decisive action in 1504 and 1507 with the publication of two Charters of Liberties, in which he addressed the issues of property law, bond servitude and inheritance.¹⁹ Under these charters, bondmen were freed from villeinage, Welsh citizens were allowed to transact property and to prosecute Englishmen, and obligations for jury service

¹³ [Gwilym Owen](#), [Dermot Cahill](#), [Peter Foden](#), *Proceedings of the Harvard Celtic Colloquium*, pp. 217-250.

¹⁴ Gwynfor Jones, ‘The Gentry’, in *Tudor Wales*, ed. by Herbert T & Jones G E, (Cardiff, University Of Wales Press, 1988) p. 12.

¹⁵ Gwynfor Jones, ‘The Gentry’, in *Tudor Wales*, p. 11.

¹⁶ See R A Griffiths, *King and Country*, p.70.

¹⁷ London, The National Archives (TNA), SC 8/115/5707, 1509-1547.

¹⁸ R A Griffiths, *King and Country*, P.70.

¹⁹ J. Beverley Smith, ‘Crown and Community’, p 157.

were made less onerous. The charter of 1504 was broader than that of 1507 and included both the abolition of partible inheritance and a new right for Welshmen to hold public office. The discontinuity between the two reflects the ambivalence of the Crown towards legal reform in Wales; the charters were entitling the Welsh to be treated as English, rather than addressing the inconsistencies in law.²⁰ Also, as Smith has demonstrated, the inhabitants of North West Wales had been required to pay the large sum of £2,300 for these new privileges, so they were not granted freely. As a consequence of this ambivalence and resistance from the English settler communities, these charters were not fully implemented before Henry's death in 1507, adding to the legal confusion evident at the time of the Conwy Affray.²¹

It was not until the 1530s that more determined action was taken to deal with the problems of violence and a failing justice system. Although by now the Council in the Marches had a clear role to ensure justice in Wales, it had failed to do so under a succession of ineffective or absentee presidents. In 1532 a Thomas Phillips complained that the Council was not putting down cattle rustling nor keeping the officers of the Marcher Lordships in check.²² The following year, Sir Edward Croft complained that Bishop Veysey, the Lord President of the Council, was often absent and because he was a cleric, was unable to impose the death penalty, with the result that many murderers had gone unpunished.²³ These complaints and the continuing problems in Wales eventually prompted the appointment of Bishop Rowland Lee to the presidency of the Council in 1534. He brought a much more rigorous approach, with a strong focus on catching thieves and hanging those found guilty, apparently having obtained a dispensation from the Pope to do so.²⁴ Whilst he was at Ludlow in 1536, four outlaws were brought in whom Lee 'cawsed to be hanged upon the galowes here for a signe' to others.²⁵ According to Lee, this approach was successful in deterring wrong-doers, regularly reporting to Cromwell that crime was much reduced in the Marches

²⁰ J Beverley Smith, 'Crown and Community', pp. 158 -159.

²¹ J Beverley Smith, 'Crown and Community', pp. 170-171.

²² Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, V, 991, in Penry Williams, *The Council in the Marches of Wales*, (Cardiff, University of Wales Press, 1958) p.14.

²³ Letter and Papers, VI, 946, Penry Williams, *The Council in the Marches of Wales*, p.15.

²⁴ Penry Williams, *The Council in the Marches of Wales*, p.16.

²⁵ Letters and papers, X, 68, Penry Williams, *The Council in the Marches of Wales*, p.18.

and that ‘all thieves in Wales quake for fear’.²⁶ These reports need to be treated with a degree of caution, as naturally, Lee was keen to promote his own position, but he is widely credited with success and it is likely that he had some impact during the decade he was president of the court.²⁷

Two statutes designed to improve the effectiveness of Welsh justice were introduced by Parliament in 1534. The first, already referred to, was intended to limit the ability of Welsh criminals to escape back across the Severn, the other was designed to reduce perjury amongst jurors, a common problem in Welsh communities dominated by kinship obligations.²⁸ However, neither of these Acts, nor Lee’s style of positive action served to address the fundamental factors driving the criminality and disorder; the contradictory legal systems remained in place, political representation for the rising Welsh gentry was not addressed and the existence of the Marcher Lordships went unchallenged. More fundamental reform was required, and this came in the form of the Acts of Union. These are generally credited to the work of Thomas Cromwell, who was then at the height of his powers in the Tudor Court, although Watkin also cites Thomas Holte, then the King’s attorney, as playing a key role in the development of the proposal to institute the English legal system in Wales.²⁹ ³⁰

It is generally considered that these reforms were primarily prompted by security concerns at the English Court that England might be attacked or there might be rebellions.³¹ This created an incentive to consolidate control across all of the King’s territories, especially where that control was inadequate. In a meeting of the Privy Council on 2nd December 1533, an item to improve justice and reform administration in Wales was grouped with five other items concerning affairs in Ireland and strengthening coastal defence,

²⁶ 'Henry VIII: January 1536, 16-20', in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 10, January-June 1536*, ed. by James Gairdner (London, 1887), pp. 38-47. *British History*

Online <http://www.british-history.ac.uk/letters-papers-hen8/vol10/pp38-47> [accessed 27 February 2024].

²⁷ M A Jones, ‘Cultural Boundaries within the Tudor State’, p. 249.

²⁸ 26, Henry 8, c. 5, Keepers of ferries, & 26, Henry 8, c. 6, Concerning Councils in Wales, I Bowen, *The Statutes of Wales*, (London, Unwin, 1908) pp. 51-62.

²⁹ He had become Chancellor of the Exchequer in 1533, see Diarmaid MacCulloch, *Thomas Cromwell*, (London, Penguin, 2019), p. 223.

³⁰ T G Watkin, *The Legal History of Wales*, p.124.

³¹ See Diarmaid MacCulloch, *Thomas Cromwell*, re. the Pilgrimage of Grace, pp. 373-397.

suggesting they were seen as part of the same issue.³² Attaching greater significance to Thomas Cromwell as the great moderniser of the Tudor state, Elton saw Cromwell's desire for the orderly and uniform government of the realm as being the driving force behind the statutes that comprised the Acts of Union.³³ Even accepting that the events of the 1530s might have been the stimulus for action, Cromwell could be seen as simply taking the opportunity to put into place legislation that he considered necessary anyway. Given his reputation for thoroughness, and that in the end the Acts of Union were much wider than state security required, this seems plausible.³⁴ With his close contacts in Wales, including regular reports from Bishop Lee, Cromwell would certainly have been aware of the long-standing problems in Wales.

The first part of the legislation that formed what are now known as the Acts of Union reached the statute book in 1536 and was entitled 'An Act For Laws and Justice To Be Ministered in Wales In Like Form As It Is In This Realm'.³⁵ In this first piece of legislation, Wales was formally annexed and became part of England, the country divided into shires on the English model and the Marcher Lordships abolished. It also included changes intended to improve the administration of justice so that Welsh law was entirely replaced by English law. Significantly, the new counties were to have Justices of the Peace to oversee the court system, eight appointed to each. In addition, Wales was to have representation in Parliament for the first time. This Act was followed by a second in 1543 entitled 'An Act for certaine Ordinaunces in the Kinges Majesties Domynion and Principalltie of Wales', which clarified many of the details of the previous Act, including the establishment of Coroners in each County.³⁶ A third Act from the same session set out the payments due to the new Welsh Members of Parliament.³⁷

³² W. Ogwen Williams, *Calendar of Caernarvonshire Quarter sessions*, (1956), p. xxix.

³³ G R Elton, *The Tudor Revolution in Government*, (Cambridge, 1953).

³⁴ J G Jones, *Law, Order and Government in Caernarfonshire, 1558 -1640*, (Cardiff, University of Wales Press, 1996), p.35.

³⁵ 27 Henry 8, c. 26. I Bowen, *The Statutes of Wales*, pp. 75-79.

³⁶ 34 & 35 Henry 8, c. 26, I Bowen, *The Statutes of Wales*, pp. 99 -133.

³⁷ 35 Henry 8, c.11, I Bowen, *The Statutes of Wales*, pp. 133-135.

The element of the 1536 Act that is often seen as the most controversial, certainly in Wales, was that the language of the law and the courts was to be solely English, this in a country where most of the population spoke Welsh. The Act begins with the justification for this step:

the people of the same Dominion have and do daily use a Speech nothing like, nor consonant to the natural Mother Tongue used within this Realm, some rude and ignorant people have made Distinction and Diversity between the King's subjects of this Realm and his Subjects of the said Dominion and Principality of Wales, whereby great Discord Variance Debate Division Murmur and Sedition hath grown between his said Subjects.³⁸

The Anglo-centric assumption is that the language difference was responsible for division and disorder in Wales, and that legislating for uniformity would deal with this problem. This is hardly borne out by the evidence so far considered and is the main reason that the Acts of Union are still seen in a negative light by many modern Welsh Historians.³⁹

Despite these concerns about the consequences for the culture of Wales, the Acts of Union did provide pragmatic solutions to some of the long running issues that underpinned social conflict in Welsh society. All citizens were now subject to the same common law; the long-standing Welsh grievance that they could not buy and sell property was finally addressed, as were the issues over inheritance. The confusion of jurisdictions created by the Marcher Lordships was removed with their abolition, so that justice could not be so easily evaded. More important for local justice, was the establishment of Justices of the Peace in the Welsh Counties. These would have a direct responsibility for the administration of the courts and although the choice of who should have these roles was with the Crown, inevitably it was the local gentry that took them up.⁴⁰ This was a politically astute move by Cromwell and the Tudor state, as it was the gentry who were responsible for a great deal of the disorder that so

³⁸ 27 Henry 8, c. 26. I Bowen, *The Statutes of Wales*, p.75.

³⁹ For example, Gwynedd Parry, 'Is breaking up hard to do? The case for a separate Welsh jurisdiction', *Irish Jurist*, vol. 57, 2017, pp. 61–93.

⁴⁰ A H Dodd, *A history of Caernarvonshire 1284 -1900*, Caernarvonshire Historical Society, (Denbigh, Gee & Son, 1968), p. 25.

plagued the principality.⁴¹ Indeed, Bishop Lee strongly opposed this element of the legislation precisely for this reason, writing to Cromwell in 1536 that ‘there be very fewe Welshmen in Wales above Brecknock that maye dispense ten pounce lande and, to saye truthe, their discretion lesse than their landes’.⁴² As Cromwell undoubtedly understood, putting these people in charge of administering justice essentially brought them on side. There were practical benefits too, as unlike the absentee Crown appointees who had administered justice hitherto, they lived in the community and had a stake in maintaining order.⁴³ Further, having been deprived of access to State office for so long, the Welsh gentry took up these new roles with enthusiasm, so that the county quota was frequently over-subscribed. By the end of the sixteenth century most Welsh counties were listing in excess of twenty JP appointments.⁴⁴ Wales could also now send representatives to Parliament, so that for the first time, the country had a political voice. The net effect of this and the other new offices now available engaged Welshmen with a civil society from which they had long been excluded. To return to Bowen’s analysis that conflict for resources and influence in Wales was political engagement in the absence of an inclusive political framework, this was an important development.⁴⁵ Unlike Lee, many contemporaries saw the changes in a positive light. Historian Rice Merrick, writing in the mid-sixteenth century, says of the new regime: ‘What was then justifiable by might, although not by right, is now to receive condign punishment by law’.⁴⁶ George Owen echoes this sentiment, describing Wales at the end of the century as ‘altered in hue without; from evil to good, and from bad to better’.⁴⁷ Although this is still a matter of debate in Wales, many modern historians would share this view.⁴⁸

Issues remained of course; the main beneficiaries of the new legislation were the rising Welsh gentry class, whilst the yeomen and the landless gained little. Some privileges

⁴¹ A H Dodd, *A history of Caernarvonshire*, p.24.

⁴² W. Ogwen Williams, *Calendar of Caernarvonshire Quarter sessions*, p. xxviii.

⁴³ J G Jones, *Law, Order and Government in Caernarfonshire*, p.33.

⁴⁴ Lloyd Bowen, *Early Modern Wales*, p.142.

⁴⁵ Lloyd Bowen, *Early Modern Wales*, p. 140.

⁴⁶ Rice Merrick, *Morganiae Archaiographia: A book of the Antiquities of Glamorganshire*, ed. James B, vol 1, (Cardiff, South Wales Record Society, vol I, 1983), p.68.

⁴⁷ George Owen, ‘Dialogue of the Government of Wales’, (1594), ed. H Owen, in *The History of Pembrokeshire*, (Cardiff, 1892), p.81.

⁴⁸ For example, A H Dodd, in *A history of Caernarvonshire*, p.24

remained in place; the burgesses of the incorporated Welsh towns continued to guard their charter privileges. In Conwy's case, they petitioned for and obtained a re-affirmation of their charter from Elizabeth I, but these rights were less advantageous than in the past when the economic environment was different. The wholesale changes in the law brought about by the Acts of Union removed many of the elements contributing to the disorder in Wales, but the Tudor government had not intended to stop the economic transformation of the country, quite the opposite, so the conflict engendered by these changes continued. There was a difference though, as with greater access to justice, conflict gradually shifted towards the courts and away from crime and outbreaks of community violence like the Conwy Affray.⁴⁹

⁴⁹ Penry Williams, 'Government and Politics' in *Tudor Wales* ed. by T Herbert & G E Jones, (Cardiff, University of Wales Press, 1988), p. 141.

Conclusion

The use of the Conwy Affray as a case study has helped to bring the lived experience of an early sixteenth century community into focus, and in particular, how violence and lawlessness was a common feature of it. The depositions to the Star Chamber from the Conwy burgesses and from Thomas Salisbury have proved to be useful primary sources; they include a great deal of information about the participants and matters that concerned them, and importantly, they are in their own voices.¹ At the heart of the evidence are the alleged transgressions of the Constable, Thomas Salisbury, including the serious charges of violent assault and unlawful imprisonment. He is also accused of withholding rents and ignoring court orders made in the burgess's favour. Exploring the backgrounds of the participants named in the documents has provided further insight into their motivation. Of most relevance here though, is the evidence that can be recovered about the causes of this violence, for which it has been necessary to read 'against the grain'. The sources themselves are intended to describe what happened, rather than why. In this case, it is clear that the town burgesses, the urban elite of the community, are concerned about the erosion of their power, particularly their trading privileges. Welsh society was a dynamic and rapidly changing place during this period, as Wales transitioned from a clan based, collective economy to a system of individual property-holding where some families accumulated large estates.² This shift in the balance of power led to community tensions that frequently erupted into violence; it is likely that the Conwy Affray is an example.

The Conwy case study sources also describe violent incidents of a different sort - intimidation and abuse of power by the powerful gentry families that emerged from this economic and social transition. Thomas Salisbury, a prominent member of one such family and holder of an important civic office, is clearly misusing his position to threaten and coerce his political opponents, acting as though he is above the law. This is a theme repeated across

¹ London, The National Archives (TNA), STAC2/1/3, Folio 4/5, STAC2/1/3, Fol. 5, & STAC2/24/414, 1509-1547.

² W Ogwen Williams, *Calendar of the Caernarvonshire Quarter Session Records 1541 -1558, Vol. 1*, Caernarvonshire Historical Society, (London, Caernarvonshire Historical Society, Humphries and co. Ltd, 1956), p. lxxv.

Wales and reported extensively in both primary and secondary sources, where a picture emerges of powerful families competing with each other for resources and influence, often resorting to violence, and controlling the courts to protect themselves.³ It is perhaps not surprising that the burgesses of Conwy felt obliged to pursue their case in London, well away from the influence of the Salisburys. Property disputes were common at other levels of society too, between yeoman farmers and their neighbours, often over traditional land rights.⁴ Examples of these quarrels can be seen documented in the Quarter Sessions records. What is clear is that the massive societal and economic transition that occurred as a result of the collapse of the clan system and the abandonment of the bond lands, occasioned a scramble for land. Competition for property was intense and regularly resulted in conflict and violence.⁵ It is this economic transformation and the consequent change in power relations that was the fundamental cause of much of the conflict in Welsh society.⁶

The traditional historiographical view has been that blame for such violence in Welsh communities should be laid firmly at the door of the new gentry class.⁷ There is undoubtedly evidence of this and it was certainly a highly visible manifestation of the Welsh 'problem'.⁸ Consequently, the Tudor government and indeed, many historians subsequently, have treated this factor as the central issue, implicitly confirming a view of the Welsh as inherently troublesome.⁹ This is the opinion so plainly expressed by Bishop Rowland Lee.¹⁰ However, the evidence suggests that this conflict was a result of economic disruption, rather than a causal factor in itself.¹¹ This is also true of the corporation towns, where economic change

³ S J Gunn, 'Regime of Charles, Duke of Suffolk, in North Wales and the Reform of the Welsh Government, 1509-1525, *The Welsh History Review*, vol. 12, (1984), p. 468.

⁴ W Ogwen Williams, *Calendar of the Caernarvonshire Quarter Sessions*, p. lxxv.

⁵ W Ogwen Williams, *Calendar of the Caernarvonshire Quarter Session*, p. lxxiii.

⁶ Matthew Griffiths, 'Country and town: Agrarian Change and Urban fortunes', in *Tudor Wales*, ed. by Herbert & Jones, pp. 67-106.

⁷ Gwynfor Jones, 'The Gentry', *Tudor Wales*, pp. 10-40.

⁸ S J Gunn, 'Regime of Charles, Duke of Suffolk', p. 468.

⁹ For example, Caroline A J Skeel, 'The Council in the Marches of Wales', reviewed by Gairdner, J, *The English Historical Review*, vol. 20. 78 (1905), pp. 361-362 .

¹⁰ Bishop Lee in a letter to Cromwell, quoted in M A Jones, 'Cultural Boundaries Within the Tudor State: Bishop Rowland Lee and the Welsh Settlement of 1536', *Welsh History Review*, vol. 20. 2 (2000), 227-253, p. 239.

¹¹ Matthew Griffiths, 'Country and town: Agrarian Change and Urban fortunes', in *Tudor Wales*, pp. 67-106.

was disrupting the long-held monopolies of the English settlers.¹² It is a key point, but one that has tended to be overshadowed by accounts of the dramatic transgressions of the Welsh gentry.

The focus on the troublesome nature of the Welsh has also distracted attention from the actions of the English government. It is arguable that the Crown lacked interest in Wales, content to collect revenue from the its holdings, whilst taking measures aimed solely at containing Welsh crime and disorder within its borders. Certainly, Henry VII's lacklustre efforts at reform implies this, as well as the nature of the legislation concerning Wales adopted in the early years of Henry VIII's reign.¹³ The effect was that the administrative and legal systems in Wales did not keep pace with the huge economic and cultural changes taking place. The law forbade Welshmen from owning land and excluded them from public office, and for everyone living in Wales, English settlers and native Welsh alike, there was no representation in parliament. Even in the midst of dramatic change, the absence of representation precluded most forms of political expression; a level of exclusion likely to have been expressed in violence and disorder.¹⁴ This participatory deficit must have been a contributory factor, either as a direct cause of conflict in Welsh society, or because it reduced the ability of Welsh communities to manage it.

The Acts of Union resolved some of these long-standing issues, establishing legal equality for the Welsh, improving the effectiveness of local justice by establishing Justices of the Peace in each county, and granting the right to send representatives to Parliament.¹⁵ These measures established a legal route for expressing dissent and created a vehicle for the Welsh to participate in a civil society from which they had long been excluded. A common view, even at the time, was that these reforms 'saved' Wales from its self-created disorder, but it could equally be considered that they simply tackled the problems created by the

¹² Spencer Dimmock, 'Social conflict in Welsh Towns c 1280-1530', in *Urban Culture in Medieval Wales*, ed. by Helen Fulton, (Cardiff, University of Wales Press, 2012) pp. 117-136.

¹³ For example, 26 Henry 8, c. 11, 1534, I Bowen, *The Statutes of Wales*, (London, Unwin, 1908), p. 63.

¹⁴ Lloyd Bowen, 'Early Modern Wales', (Cardiff, University of Wales Press, 2022), pp. 139-141.

¹⁵ 27 Henry 8, c. 26, 34 & 35 Henry 8, c. 26, & 35 Henry 8, c.11, I Bowen, *The Statutes of Wales*.

negligence of the previous hundred years.¹⁶ Plus, for all the positive aspects, there was still a strong element of the Welsh being the ‘other’ in Tudor policy. This can be seen most obviously in the language provision of the Acts of Union, which expresses a profoundly Anglo-centric point of view about the nature of the problem in Wales.¹⁷

To conclude, the question of what made Wales a violent society is predictably complicated, but has been dominated by a focus on the disorder itself, rather than its causes. More recent historiography has begun to address the more subtle cultural and political dimensions, particularly in the context of the urban environment.¹⁸ Essentially, at a community level, the erosion of the privileges enjoyed by the urban elite in settler towns like Conwy can be seen to have sparked conflict, as did ethnic and local political tensions. These can be readily discerned in the primary sources. On the macro level the effects of the significant economic transformation then in progress in Wales, with all the consequent disruption, was clearly responsible for much of the social conflict. In as much as a Welsh society recently emerged from the *galanas* system may have had a propensity for settling disputes through direct action, the weak justice and administrative systems maintained by the Crown not only left the resulting violence largely unchecked, but may even have precipitated an element of it. It is these factors that produced the disorder evident in Wales in the first half of the sixteenth century.

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Whilst the Conwy records have been helpful here, overall, there is a scarcity of primary sources relating to this period in Wales, leaving some questions unanswered. Other areas have simply been beyond the scope of this project. However, as a positive consequence of the Acts of Union, public record keeping improved considerably after 1540, so that further research would be possible into these topics. For example, there is evidence that the introduction of the new, local, Justices of the Peace, improved access to justice for ordinary

¹⁶ A contemporary supporter of the reforms was Rice Merrick, *Morganiae Archaioграфия: A book of the Antiquities of Glamorganshire*, ed. James B, vol 1, (Cardiff, South Wales Record Society, vol I, 1983), p.68.

¹⁷ 27 Henry 8, c. 26. I Bowen, *The Statutes of Wales*, p.75

¹⁸ Spencer Dimmock, ‘Social conflict in Welsh Towns c 1280-1530’ & Lloyd Bowen, *Early Modern Wales*, are examples.

people. Ogwen Williams cites the extent to which the taking of recognizances, where people were bound over to keep the peace, dominated the work of the Quarter Sessions Courts after 1543, implying a community acceptance of the new system that had been absent before.¹⁹ This would be an interesting contention to test out with further work.

¹⁹ W. Ogden Williams, *Calendar of the Caernarvonshire Quarter Sessions*, p. lxxxiv.

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STAC24/414, PLAINTIFF: Bailiffs and burgesses of Conway DEFENDANT: The deputy constable PLACE OR SUBJECT: *Infringement of the liberties of the town*, COUNTY: Carnarvon, 1509 -1547

E163/11/40, Copy of a petition from the burgesses of Caernarvon, Conway and Beaumaris, to Cardinal Wolsey for a charter of privileges, 1509 -1529

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