

Od amheuyr bot pob un o'r llesoet a ducpuyt uchot eu bot ykeureyth Hewel, edrecher e lleureu Lladyn ac eno y keffyr (Llyfr Colan (ed. Jenkins (Cardiff, 1963), §565)
 ‘if there is any doubt that each one of the prohibitions mentioned above are in the law of Hywel, one should look in the Latin books and there it will be found’.

1. Medieval Welsh law texts

- (a) Latin redactions (according to Emanuel, *Latin Texts*; Latin ABC also in Owen, *Ancient Laws*):

Latin A: NLW, Peniarth MS 28 (+7); Latin B: BL, Cotton MS Vespasian E.xi (+5); Latin C: BL, Harleian MS 1796 (+3); Latin D: Oxford, Bodley MS Rawlinson C 821 (+4); Latin E: Cambridge, Corpus Christi College MS 454 (+13)

- (b) the vernacular redactions:

Cyfnerth (Owen’s ‘Gwentian Code’); Blegywryd (Owen’s ‘Demetian Code’); Iorwerth (Owen’s ‘Venedotian Code’)

Can we tell whether an archetype of a redaction or tractate was written in Latin or Welsh?

2. Relationship between these redactions?

- (a) Latin: Latin B is composite; both Latin A and E are tidier derivatives from it at different stages; Blegywryd redaction is a translation of a text close to Latin D (Emanuel, ‘Llyfr Blegywryd’); for Latin C, see below; the core of Latin B is potentially very interesting. But NB1 it does not follow that all the Latin versions are inter-related; NB2 the importance of treating these texts as a series of tractates each of which may have a different textual history.

So, if we are looking for indications of the original language of a tractate or text, what would be looking for? Three examples, moving back in time and increasing in complexity.

Example 1: a Latin textual error in Latin D and Blegywryd:

Refugium penkynyt est conducere hominem quo vox cornu eius auditur (Latin B 195.11–12 (Russell, ‘Latin B’, §1/6.6) = Latin E 439.9; cf. *llef* ‘voice’ in Cyfnerth 5/8, Iorwerth 15/23): ... *uix* ... (Latin A 111.37–8, Latin C 278.25–6 (Russell, §1.10/6), Latin D 319.25 (→ *y breid* ‘hardly’ in Blegywryd 7.1–2))

Example 2: Latin C (BL, Harley 1796, Anglesey, ca 1240–50); Latin text with embedded Welsh legal terminology, but Latin glossed in Welsh and Welsh regularly glossed in Latin, but in a Latin of a French or Anglo-Norman origin (unlike the Latin of the main texts); important in that it allows a glimpse of a text from North Wales which is structurally predates the restructuring attributed to Iorwerth ap Madog: the section on *mechteyrn dlyyet* (Latin C 277.19–26 (Russell, *Latin C*, §1.7)) is in the main text (not in a Test Book as in the Iorwerth redaction).

But its Latin shows possible Welsh features:

- (a) use of *debet* = Middle Welsh *dyl* (Emanuel usually restored *habere*).

- (b) use of 3rd sg. passive verbs in an impersonal sense:

§ 1.14/5 *quod corium datur ante quam diuidatur coria inter regem et uenatores*; the phrase *ante quam diuidatur coria* ‘... before there is a dividing of the hides’ (but evidence of hesitation; cf. § 1.14/8 the plural appears, *antequam diuidantur coria*).

§ 1.18/2 *debet habere iiii^{am} partem diru eius, si eum tenetur* ‘... if there is an arrest of him’ rephrased in the next sentence (§ 1.18/3) as *si eum tenuerit*.

§ 1.18/6 *ne disturbetur aule* ‘so that there not be a disturbance for the hall’ (cf. Cyf. *rac teruysgu y llys/yn y neuad*).

- (c) use of Latin *in* (with both the accusative and ablative) = the Welsh predicative *yn*:

§ 1.16/11 *in cibos ancipitrum* ‘as food for the hawks’

§ 2.1/3 *in mercede eius* ‘as her maiden-fee’.

NB there is a tendency even in the Latin redactions for such features to be edited out.

Is this an indication of translation from Welsh into Latin? Or the development of a style (cf. the style of Welsh developed in Brut y Brenhinedd)? While there is plenty of evidence for texts being translated into Welsh from Latin, what evidence do we have for texts being translated into Latin from Welsh?

Example 3: *Breint Teilo* ‘The Privilege of Teilo’

NLW 17110E (*Liber Landavensis*), fol. 63v, preceded on the same folio by a Latin version *Privilegium Teliaui* (NB fol. 63 is an insertion (Huws)).

- (a) Wendy Davies: *BT* falls into two parts: Part I ca 1110 × 1129; Part II ca 950 × 1090; ‘It is quite clear that the Latin is a rendering of the Welsh version, and not vice versa’ (p. 125).
- (b) the Old Welsh text is problematic: several layers of erasure and re-working between the 12th c. and 1410, not all of which have been satisfactorily identified and the implications thought through. Minim errors, e.g. *ny* for *in*, etc., indicate that the Welsh has been copied, and that the original(s) may have had far less *y* than the version in *Lib. Land.*.
- (c) WD’s reasons for thinking that the Latin was translated from the Welsh:
 - (i) tendency for the Latin to be shorter: *dy thir a di dair : et terris suis; heb cyhoith dadlma y meun gulat hac ny dieithyr : sine conuentu intus nec extra;*
 - (ii) omissions in the Latin (in relation to the Welsh): *heb gauayl, o cynluyn, y diruy hay camcul yndi didi yn hollaui*; much of Section II and especially the end.
 - (iii) *ryd rac brennin a rac paup : libera pro rege et omnibus*; use of *pro* thought to be rendering *rhag*.
 - (iv) *W cymreith* : Latin *legibus, iustitia, rectum, lex*.

BUT all of this can be turned around the other way:

- (i) tendency for the Welsh to be longer; throughout there is a tendency in the Welsh to generate rhetorical doublets: *tir ha dair, ay gur ay guas*, ‘inside X, outside X’ (= everywhere), ‘with X, without X’, etc.; there are some in the Latin but not many.
- (ii) omissions could be additions; NB most are technical legal terms.
- (iii) but MW *ryd* more often used with *o* in the sense of ‘free from’; the Latin seems better to mean ‘free in the face of kings and everyone, except for ...’.
- (iv) translations tend to reduce, not increase, complex terminology.
- (v) *amcytarnetic* ‘strengthened’ is a good rendering of *confirmatum*, and -etic participles are much more frequent in Latinate contexts.
- (vi) *cum merceto et moneta* make more sense in a Latin text in the first instance.
- (d) Another factor: there are two other privileges in *Lib. Land.*, those of Dyfrig and Euddogwy, and these are far thinner and less elaborate than the PT; Davies argues they are derived from PT (itself on her argument a translation of BT).
- (e) If so, several possibilities:
 - (i) *Priuilegium Teliaui* is the base text which was expanded in the Welsh version (esp. in Part II where the references to Morgannwg are significantly expanded); the absence of the excommunication clause (which is in the Welsh) may be related to the following papal confirmation.
 - (ii) There was an earlier version of *PT*, closer to the wording of the privileges of Dyfrig and Euddogwy, on which the Welsh version is based; the current PT is an elaboration for Norman tastes (without too much Welsh legal terminology!) to which was added the papal confirmation.
 - (iii) the second part (more focused on Glamorgan) may have a different mode of composition to the first.

3. General conclusions

- (a) there is evidence in *BT* for Latin and Welsh versions of legal texts sitting alongside each other perhaps as early as the late 10th c. or early 11th (and with the vernacular version dependent on a Latin version (though not the one which precedes it).
- (b) there is no reason to suppose that the situation would have been different for *Cyfraith Hywel*.

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Priuilegium Teliaui/Breint Teilo

fol. 63ra1 (= TBLD, pp. 118.11–119.6)

Priuilegium *sancti Teliaui*
est et ecclesię suę landauię
datum sibi & omnibus success
soribus suis in perpetuo a regibus
istis et principibus brittanię
confirmatum apostolica auctori
tate cum omnibus legibus suis in
se plenariis sibi & terris suis, li
bera ab omni regali seruitio,
sine consule, sine proconsule,
sine conuentu intus nec extra,
sine expeditione, sine uigila-
da regione, & cum omni iusti
tia sua. De fure et furto. De ra
pina, de homicidio, de arsio
ne, de rixa, de sanguine, de refu
gio uiolato ubique in terra sancti, de
assaltu uiarum et extra uias, de
faciendo iudicio et patiendo de
omni populo sancti teliaui in curia
landauię. de communione aquę
et herbę campi et siluę populo
ecclesię sancto teliaui, cum merca
to et moneta in landauia, cum ap
plicatione nauium ubique per
terrás sancto teliaui libera pro re
gibus et omnibus nisi ecclesię landa
uię et episcopis eius. De opprobrio &
omni iniuria quod rex morcan
huc et sui homines fecerint e
piscopo sancti teliaui et suis hominibus
idem rex morcanhuc et sui ho
mines rectum faciant episcopo et su
is hominibus, & iudicium pati
antur in curia landauię.

fol. 63rb1

Omnis lex quę fuerit regali
omnis etiam et in curia plenarie
episcopali landauensi. 5
Statutum est enim apostolica au
ctoritate istius ecclesię priuilegi
um ut cum sua dignitate ab om
ni secularis seruitii grauamine
libera in posterum maneat &
quieta. Quecunque uero concessi
one pontificum, liberalitate 10
principum, oblatione fidelium, uel
aliis iustis modis eidem pertinebunt,
ei firma in posterum & integra
conseruentur. Quecunque pr̄terea
infuturum largiente deo iuste 15
atque canonice poterit adipisci.
Quieta ei semper et illibata permane
ant. Decretum namque est ut nul
li omnino hominum liceat pr̄dictam
ecclesiam temere perturbare, aut eius 20
possessiones auferre, uel ablatas
retinere, minuere, uel temerariis
uxerationibus fatigare, & omnia ei cum
parrochię finibus conseruentur.
Siqua igitur infuturum ecclesiastica 25
secularisue persona contra hanc
temere uenire temptauerit, secundo
tertio commonita, si non satisfa
cione congrua emendauerit, po
testatis honorisque sui dignitate ca
reat, reamque se diuino iudicio ex
istere, deperpetrata iniquitate co
gnoscat, & asacratissimo corpore
ac sanguine dei et domini redemptoris
nostri ihesu christi aliena fiat. Atque IN 30
35

Fol. 63va1

extremo examine districte ulti
oni subiaceat. Cunctis autem eidem
ecclesię ita seruantibus, fiat pax domini
nostri ihesu christi, quatinus & hic fru
ctum bonę actionis percipient, et
apud districtum iudice, pre
mia eterne pacis inueniant.

Lymma ycymreith ha bryein
eccluys teliau o lanntaf arod
es breenhined hinn hatouyso
cion cymry yntrycyguidau
dy eccluys teliau hac dir escip
oll gueti ef amcytarnedic oau
durdaut papou rumein yholl
cyfreith didi hac dy thir. hac
di dair. ryd o pop guasanaith
breennin bydaul. heb mair.
heb cyghellausr. heb cyhoith. Da
dlma ymeun gulat hac nydie
ithyr. heb luyd. heb gauayl. heb
guylma ycyfreith idi yholla
ul. o leityr o latrat. otreis. Odyn
nyorn ocynluyn hac o losc. Oa[m]
ryson canguayt ahebguayt. y
diruy hay camcul yndi didi yn
hollausr. odorri naud ynn lann
hac yndieithyr lann. orachot
ynn luhyn hac dieithyr luhyn.
ocyrch ypopmynnyc artir teli
au. hay guir. hay braut dy lytu
yrecluys ygundy teliau ynnlan
taf. hac ny lys. dufyr a guell.
hac choyt ha mays yncfyrytin
dy lytu teliau. cyfnofut habath

fol. 63vb1

oriayth ynn lanntaf hac aperua
ardir teliau dyr loggou adiscyn
no nythir ypopmynnyc yt uoy.
ryd rac brennin aracaup nam[yn]
y dy teliau a *yecluys lantam. 5
ha dy escyp. harmefyl har sarhayt
har cam. har ennuet agunech
brennin morcannhuc hay gur
hay guas dy escop teliau hac dygur
hac dy guas. dyuot brennin mor 10
cannhuc ygundy teliau yn lann
taf. dygunethur guir ha cyfre
ith. hadiguadef braut diam y cam
adiconher dyescop teliau ha dy
gur ha dyguas. ythir hay dayr
dy luyd. dy uuner. digauayl. ha 15
pop cyfreith auo dy brennin mor
cannhuc yn lys. oubot oll yn holl
aul dyescop teliau ny lys yntou.
haybot ynemelldicetic hac yn
yscymunetic yr neb aitorro hac 20
aydimanuo ybryeint hunn. hac
ef hay plant guety ef. Hynn ben
dicetic hac ef hay plant ay enry
dedocao ybreint hunn hac ay
cat[tvo]. A M E N. 25
*Nota quod Sancti Telai magna excommunicacionis
Sententia quam obtinuit in curia Romana.
contra invasores libertatum et priuilegiorum
ecclesie cathedralis landauensis. in die eiusdem
more solito anno dominice incarnationis 1410
fuit lecta et promulgata. Et infra breve
dierum spacium postea vit⁹⁷⁸ persone de transgress
soribus huiusmodi. Instigacione diabolica vexate
in demencium furiositate ceciderunt et eorum
vita durate sic perseuerauerunt.* 30
35

APPENDIX ONE

BRAIN T TEILO (LL, pp. 118 f., 120 f.)¹

PART ONE

(a) Lymma y cymreith ha bryein eccluys Teliau o Lanntaf
Priuilegium sancti Teliau est et ecclesiae sue Landauiae,
a rodas breenhined hinn ha touyssocion Cymry yn trycygridaul
datum sibi et omnibus successoribus suis in perpetuo
dy eccluys Teliau hac dir escip oll gueti ef,
a regibus istis et principibus Britanniae,
amcytarmedic o audurdaut papou Rumein,
confirmatum apostolica auctoritate,

y holl cyfreith didi a² dy thir hac di dair,
cum omnibus legibus suis in se plenaris sibi et terris suis,
ryd o pop guasanath brennin bydaul,
libera ab omni regali seruitio,
heb mair, heb cyghellaur,
sine consule, sine proconsule,
heb cyhoith dadlma y meun gulat hac ny dieithyr,
sine conuentu intus nec extra,
heb luyd, heb gauyl, heb guylma.
sine expeditione, sine uigilanda regione.

(b) Y cyfreith iddi yn hollau, o leityr o latrat, o treis, o dynymorn,
Et cum omni iustitia sua, de fure et furto, de rapina, de homicidio,
o cynhyn hac o losec, o amryson can guayt a heb guayt,
de arsone, de rixa, de sanguine,
y diriuy hay camcul yndi didi yn hollau!,
o dorri naud ynn lann hac yn dierythyr lann,
de refugio uiolato ubique in terra sancti,

o rachot yn³ . . . dieithyr lulyn,

does not, of course, imply their acquiescence in my
judgements.

¹ There is some considerable erasure and overwriting of the Welsh text in the manuscript, but most of these changes are noted by Evans (LL, pp. 349 f.), whose own text is difficult to fault. E. D. Jones published a text in *Nat. Lib. Wales Journal*, iv (1945/6), 132 f., which gives on the whole the emended read-

o cyrch y pop mynnic ar tir Teliau,
de assaltu uiarum et extra vias,

hay quir hay braut dy lytu yr echlys y gundy Teliau ynn Lanntaf
de faciendo iudicio et patiendo de omni populo sancti Teliaui
hac ny lys;

(c) dufyr ha gnell ha choyt ha mayns yn cyfrtin dy lytu Teliau,
de communione aquae et herbae campi et siluae populo ecclesiae sancti Teliaui
cyfnofut ha bathoriayth ynn Lanntaf,
cum mercato et moneta in Landauia,
hac aperua ar dir Teliau dyr loggou a dissynno ny thir y pop mynnic yt uoy.
cum applicatione nauium ubique per terras sancti Teliaui.

PART TWO

Ryd rac brennin a rac paup namyn dy Teliau .¹ eccluys Lantam
Libera pro regibus et omnibus nisi ecclesiae Landauiae
ha dy escep²,
et episcopis eius,

har nefyl har sandhayt har cam har ennuet
de opprobrio et omni iniuria
a gunech brenhin Morcanhuc hay gur hay gnas dy escop Teliau
quod rex Morcanhuc et sui homines fecerint episcopo sancti Teliaui
hac dy gur hac dy guas,
et suis hominibus,

dyuot brenhin Morcanhuc y gundy Teliau ynn Lanntaf
idem rex Morcanhuc et sui homines
dy ganethur quir ha cyfreith ha dignadef braut di am y cam
rectum faciant episcopo et suis hominibus et iudicium patientur
a diconher dy escop Teliau ha dy gur ha dy guas.
in curia Landauiae.

Y thir hay dayr dy luyd, dy unner, di gauyl,
ha pop cyfreith a uo dy brennin Morcanhuc yn lys
Omnis lex quae fuerit regali
ou bot oll yn hollau dy escop Teliau ny lys yntou.

omnis etiam et in curia plenaria episcopali Landauensi.

¹ a³y over erasure.

² This clause could arguably belong to Part One.

Hay bot yn *melldicetic¹ hac yn yscumunetic y^{*2} neb air torro
hac ay dimanuo y bryeint hunn, hac ef hay plant gwyf ef.
Hynn bendicetic hac ef hay plant ay enrydedocao y breint hunn
hac ay cat . . . ³ AMEN.

TRANSLATION

I have attempted to render the Welsh into intelligible modern English for the benefit of those who are unfamiliar with the language. I have therefore expanded, in brackets, where the meaning may not be clear, and have commented in the notes on passages where the translation is uncertain.

Here is the law and privilege of the church of Teilo of Llandaff which these kings and princes of Wales gave to Teilo's church and to all the bishops after him for ever, confirmed by authority of the popes of Rome. All the law (shall be available) to it (the church) and to its lands (*tir a daear*), free from every service royal and secular, from *maer* and *canghellor*, from public courts within the *gwlad* and without, from military service, restraint, and keeping watch. Jurisdiction (shall be) to it completely, over thief and theft, violence,⁴ homicide, secret killing and arson, brawling with and without bloodshed—all the fines (*drywy a changrau*) to it completely⁵—over breach of protection within the enclosure (*llan*) and without, over ambush in the woods and outside, and over public assault in every place on Teilo's land; right and judgement to the people of the church of Teilo's *Gandy*⁶ at Llandaff and in his court. Water and pasture and woods⁷ and meadow equally to Teilo's people, trade and mint at Llandaff, and harbourage on Teilo's land for the ships which may disembark on its land, wherever it may be. Free from king and everyone except Teilo and his church of Llandaff and its bishops. For any disgrace, insult (*sarhad*), wrong, and injury which the king of Morganwg and his men and servants might do to Teilo's bishop and his men and servants, the king of Morganwg shall come to Teilo's *Gandy*⁶ at Llandaff to do right and justice and suffer judgement for the wrong that may be done to Teilo's bishop and his men and servants. Its lands (shall be) without military service, overlord,⁸ restraint. And every law which the king of Morganwg may have in his court, Teilo's bishop shall have completely in his court likewise. He shall be cursed and excommunicate who shall break and diminish this privilege, both he and his children after him; (he shall be) blessed, both he and his children, who honours this privilege and keeps (it). Amen.

¹ The first letter is almost completely erased; Evans suggests 'e'.

² The second letter is completely erased; Evans suggests 'r'.

³ -two is added over an erasure.

⁴ i.e. abduction, robbery with violence.

⁵ Literally 'in it to it completely'.

⁶ I cannot suggest a satisfactory translation of this word; it may be an ancient corruption of *lys gwynn*, 'White house', but if so it lacked any significance for the Latin translator, who ignored it. I am most

⁷ Literally 'its woods'.

⁸ Possibly 'tax, tribute'; cf. Modern Welsh *muner*, 'lord', but n.b. Latin *manus, maneris*, 'burden'.

APPENDIX TWO
THE PRIVILEGES OF DYFRIG AND EUDDOGWY (LL, pp. 69 f., 132 f.)

Dyfrig:

Hac dignitate ci a Germano & Lupo data, . . . ubi sacratus est ecclesiae Landauiae in honore sancti Petri fundate. Rex Mouricus constituerunt ei episcopalem sedem concessu cum duobus filiis suis & uxore sua Onbraus filia Gurcanti magni et tribus abbatibus trium cenobitarum, et cum omnibus principibus regni sui et tota familia sacerdotum Dubricii et Teliani ecclesiae Landauensis suscepit eum cum gaudio, coretibus suis omnibus, & cum omni sua dignitate & libere ab omni regali & seculari servitio, nisi tantum oratione cotidiana & ecclesiastico succedentibus cum omni dignitate sua et libertate . . . & confirmando idem priuilegium datum ante sancto Dubricio, id est sine consule, sine proconsule, sine conuentu, intus nec extra, sine expeditione, sine vigilanda regione infra nec extra, & animabus parentium & libera et integra ut regia, et cum suo refugio corporibus et commendatis regum dextrals Britanniae, Landauiae in perpetuo, & sicut uoluerit profugus, maneat tutus sine protegente clipeo humano sub eius asylo, & cum datis totius episcopatus incolis, in campo & in silvis, in aqua & in pascuis, & cum tota curia in se plenaria libera & integra ut regia, & cum suo refugio non ad finitum tempus sed sine termino, id est quandiu uoluerit profugus maneat tutus sub eius asylo, & cum datis corporibus & commendatis regum totius parochiae Landauiae in perpetuo. Parrochiam uero quinctenas tribus sinus Sabrinæ Ercic & Anercye a Mochros super ripam Guy usque ad insulam catholicae fidei, ita ecclesia illa Landauia excedat omnes ecclesias totius dextralis Britanniae in dignitate et in priuilegio et in excellencia, & cum tota communione peruia incolis et habitaturis in campo et in aquis, in silua et in pascuis, & cum finibus istis, a regalem parentelam suam plures ecclesiae cum suis dotibus, decimis, oblationibus, sepulturis, territorii & libera communione earum datae sunt sibi ecclesiae Landauiae & successoribus regni dextralis Britanniae & cum predicta dignitate.

Euddogwy:

Hac dignitate ci a Germano & Lupo data, . . . ubi sacratus est ecclesiae Landauiae in honore sancti Petri fundate. Rex Mouricus fundatam, & cum finitus istis a Heariu Gunnus usque ad Riu Finion, & a Gungleis usque ad mare totum infra Taf & Elei, cum piscibus & coretibus suis omnibus, & cum omni sua dignitate & libere ab omni regali & seculari servitio, nisi tantum oratione cotidiana & ecclesiastico succedentibus cum omni dignitate sua et libertate . . . & confirmando idem priuilegium datum ante sancto Dubricio, id est sine consule, sine proconsule, sine conuentu, intus nec extra, sine expeditione, sine vigilanda regione infra nec extra, & animabus parentium & libera et integra ut regia, et cum suo refugio non ad tempus, sed sine termino, quandiu uoluerit profugus, maneat tutus sine protegente clipeo humano sub eius asylo, & cum datis corporibus et commendatis regum dextrals Britanniae, Landauiae in perpetuo, & sicut Romana ecclesia excedit dignitatem omnium ecclesiarum catholicae fidei, ita ecclesia illa Landauia excedat omnes ecclesias totius dextralis Britanniae in dignitate et in priuilegio et in excellencia, & cum tota communione peruia incolis et habitaturis in campo et in aquis, in predicationem praecaram beati pastoris & regalem parentelam suam plures ecclesiae cum suis dotibus, decimis, oblationibus, sepulturis, usque ad mare, & per dies et tempora totam parrochiam a Mochros usque ad insulam Teithi in pace tenuit.

