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‘FOOLING THE COURT OF THE LORD POPE’: DAFYDD AP LLYWELYN’S
PETITION TO THE CURIA IN 1244

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ABSTRACT

Dafydd ap Llywelyn’s approach to Pope Innocent IV in 1244 was classified as an attempt to become a papal ‘vassal’ by Michael Richter in an article of 1971. It seems more likely, however, both that Dafydd saw his relationship with the papacy as one of *protectio*, and that the precise form of the relationship was in fact incidental to his appeal. Dafydd took advantage of the routinization of papal administration to have local judges-delegate investigate Henry III’s extorted treaties of 1241. The judges’ appointment was not an acknowledgment by the papacy that Dafydd had a good case, or whether he was a papal ‘vassal’ or protégé.

The appeal from Dafydd ap Llywelyn to Pope Innocent IV in 1244 was seen by Michael Richter as an attempt to submit himself to the ‘feudal’ overlordship of the pope and thus gain

independence from Henry III, while confirming his status as ‘prince of North Wales’.¹

Professor Richter’s argument was based, alongside the accounts of Matthew Paris and the Annals of Dunstable,² on two relevant letters of Innocent IV: one dated 26 July 1244 to the abbots of Cymer and Aberconwy,³ recorded verbatim by Paris; the second, dated 8 April 1245 to the bishops of Ely and Carlisle.⁴ Neither survives in the papal registers.⁵

¹ Michael Richter, ‘David ap Llywelyn, the first prince of Wales’, ante, 5 (1970–1), 205–19. Richter’s interpretation of these events has been broadly followed in subsequent work: Huw Pryce with the assistance of Charles Insley (ed.), *The Acts of Welsh Rulers 1120–1283* (Cardiff, 2005), p. 30 (hereafter *AWR*); ‘A new history of Wales: Professor Huw Pryce looks at Llewelyn the Great’, *WalesOnline* at: <http://www.walesonline.co.uk/news/wales-news/new-history-wales-professor-huw-1898110>, accessed 15 December 2014; J. Beverley Smith, *Llywelyn ap Gruffudd: Prince of Wales* (2nd edn, Cardiff, 2014), p. 52; idem, ‘Dafydd ap Llywelyn (c.1215–1246)’, *Oxford Dictionary of National Biography* (Oxford, 2004) (hereafter *ODNB*) <http://www.oxforddnb.com/view/article/7323>, accessed 17 December 2014. My thanks to Phillip B. P. Fernandes for originally bringing the events of 1244–5 to my attention.

² Henry Richards Luard (ed.), *Matthiae Parisiensis, Monachi Sancti Albani, Chronica Majora*, 7 vols (Rolls Series, London, 1872–3), IV, pp. 398–400. Annals of Dunstable: Henry Richards Luard (ed.), *Annales Monastici*, 5 vols (Rolls Series, London, 1864–9), III, p. 168. See also Arthur West Haddan and William Stubbs (eds), *Councils and Ecclesiastical Documents relating to Great Britain and Ireland*, 3 vols (Oxford, 1869–78), I, pp. 469–72 (hereafter Haddan and Stubbs).

³ Augustus Potthast (ed.), *Regesta Pontificum Romanorum inde ab Anno post Christum natum MCXCVIII ad Anno MCCCIV* (Berlin, 1874; repr. Graz, 1957), II, no. 11442 (hereafter Potthast; I have followed the usual convention of referring to letters in Potthast by number

First these letters must be placed within the context of Anglo-Welsh relations during the years 1240–5 so that their aim and purpose can be better seen. Professor Richter held that Dafydd established a new relationship between himself and the Holy See in 1244 – that of a papal vassal with the principality of North Wales as a papal fief. Henry III then interceded with the pope who denied Dafydd’s new status, Richter suggests, in return for ‘English support for the deposition of [Emperor] Frederick [II]’.⁶ While acknowledging the importance of Professor Richter’s findings, this paper will diverge from his interpretations at several points. Against the argument that the events of 1244–5 constitute a ‘feudal’ surrender to which both pope and prince were party,⁷ it will be suggested that Innocent IV did not even

rather than page); Haddan and Stubbs, I, pp. 470–1; *Chronica Majora*, IV, pp. 398–9. See also *AWR*, p. 478.

⁴ Potthast, no. 11623; Haddan and Stubbs, I, pp. 471–2; T. Rymer (ed.), *Foedera, Conventiones, Litterae, etc.* (revd edn, 4 vols in 7, London, 1816–69), I, i, p. 255. The original, in The National Archives, is calendared in Jane E. Sayers, *Original Papal Documents in England and Wales from the Accession of Pope Innocent III to the Death of Pope Benedict XI (1198–1304)* (Oxford, 1999), p. 127.

⁵ Élie Berger (ed.), *Les registres d’Innocent IV*, 4 vols in 5 (Paris, 1884–1920), I. It should be noted that no letters of Innocent IV between 24 June 1244 (nos 741–2, 745) and 5 November 1244 (no. 751) were registered at all. However, as there is one registered letter of 8 April 1245 (no. 1280) it is likely that the letter of the same date to Ely and Carlisle was deliberately not registered. Cf. W. H. Bliss (ed.), *Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland: Papal Letters, I, 1198–1304* (London, 1893), pp. 209–18.

⁶ Richter, ‘David ap Llywelyn’, 217.

⁷ *Ibid.*, 215, n. 49: ‘it is hard to believe that Innocent IV granted the Welsh request without being aware of its wider implications’.

know about Dafydd's appeal until Henry III's proctors arrived at the curia and told him in early 1245! The appeal to the pope was part of the ongoing tension between Dafydd and Henry and did not represent a new relationship, but instead an appeal to a new figure: the pope. There is little evidence to assume a new, 'feudal' relationship.

BACKGROUND: 1240–4

Dafydd had succeeded his father, Llywelyn ap Iorwerth, to the principality of Gwynedd in 1240. Very soon after his father's death Dafydd had approached Henry III and, at Gloucester in May 1240, performed homage to the king, thus securing Henry's recognition of him. However, there were also a number of territories – held by Dafydd's father – in which rights were claimed by others. The possession of these territories, it was agreed at Gloucester, would be decided by arbitration. The arbitrators included the bishop of St Asaph for Dafydd, the papal legate and several others.⁸ Dafydd's main fear seems to have been that his elder half-brother Gruffudd ap Llywelyn would challenge him for rule of Gwynedd; this seems to have been why he wanted Henry's recognition so quickly. However, around autumn 1240 Dafydd captured Gruffudd. After this, as J. Beverley Smith puts it, Dafydd evinced 'a marked intransigence in his relations with the crown over the arbitration procedures to which he was bound by the treaty of Gloucester'.⁹

⁸ *AWR*, pp. 457–60, for the agreement at Gloucester. The arbitrators were the papal legate Otto, the bishops of Worcester, Norwich and St Asaph, Earl Richard of Cornwall, John of Monmouth, Ednyfed Fychan and Einion Fychan.

⁹ *Ibid.*, pp. 463–5, for letters concerning Dafydd's failure to attend hearings; Smith, 'Dafydd ap Llywelyn'; *idem*, *Llywelyn ap Gruffudd*, pp. 29–32; R. R. Davies, *The Age of Conquest:*

Following Dafydd's repeated failures to turn up to any of the arbitration hearings, Henry III led a campaign into Gwynedd in August 1241. Henry's military action was 'swift and bloodless' and Dafydd came to terms at the end of August. Part of the agreement concerned Gruffudd, who was to be handed over to the king and to receive whatever territory Henry deemed to be his right. There was to be no further arbitration concerning the territories mentioned at Gloucester; they were disposed of as Henry wished. The first agreement was at Gwerneigron in late August, the second at Rhuddlan over the following few days. The final treaty was made at London in October.¹⁰

To confirm the new treaties Dafydd swore on his own cross that he would keep to the terms.¹¹ He also placed himself and his land under the jurisdiction of the archbishop of Canterbury and the bishops of London, Hereford, Ely and Coventry and Lichfield, who would excommunicate Dafydd and interdict his territory if he broke his word; this was a

Wales 1063–1415 (new edn, Oxford, 2000), pp. 300–1, D. A. Carpenter, 'Dafydd ap Llywelyn's submission to King Henry III in October 1241: a new perspective', ante, 23, 4 (2007), 1–12 (4); John Edward Lloyd, *A History of Wales from the Earliest Times to the Edwardian Conquest* (2nd edn, London, 1912), II, pp. 696–7; Gwyn A. Williams, 'The succession to Gwynedd 1238–47', *Bulletin of the Board of Celtic Studies*, 20 (1962–4), 393–413 (401–6).

¹⁰ Gwerneigron: *AWR*, pp. 466–70; Rhuddlan: *ibid.*, pp. 470–4; London: *ibid.*, pp. 474–8. See also Carpenter, 'Dafydd's submission to Henry III'; Smith, 'Dafydd ap Llywelyn'; *idem*, *Llywelyn ap Gruffudd*, pp. 34–5; Lloyd, *History of Wales*, II, pp. 698–9; Davies, *Age of Conquest*, p. 301.

¹¹ Gwerneigron: *AWR*, p. 468, no. 300, cap. 14. Rhuddlan: *ibid.*, p. 472, no. 301, cap. 14. London: *ibid.*, p. 476, no. 304, cap. 16.

security clause.¹² The treaty was workable provided that Henry III kept possession of Dafydd's brother Gruffudd. While he held Gruffudd Henry could threaten to support him in reclaiming Gwynedd. However, after Dafydd declared that, should he die without heirs, the entire principality of Gwynedd would pass to Henry, the king was inclined to suppress Gruffudd's claims in the hope that the entire principality would be his.¹³ In March 1244 this equilibrium was broken when Gruffudd fell to his death while trying to escape from the Tower of London and soon Dafydd raised himself against the king of England.¹⁴ It is at this point that the first of our papal letters appears; issued on 26 July 1244, Dafydd must have dispatched representatives to the papal court soon after his brother's death on 1 March.

THE APPEALS TO THE PAPACY, 1244–5

The letter of 26 July 1244, which Richter saw as Innocent's acknowledgement of Dafydd as a 'vassal' and as 'prince of North Wales', is actually a letter of simple justice, appointing two judges-delegate. The letter follows the normal forms for routine letters of justice.¹⁵ First

¹² Gwerneigrön: *ibid.*, p. 469, no. 300, cap. 16. Rhuddlan: *ibid.*, pp. 472–3, no. 302. London: *ibid.*, p. 476, no. 304, cap. 16. The bishop of Ely is not mentioned in the Gwerneigrön agreement but had been added by the time the security clause was confirmed at Rhuddlan two days later: cf. *ibid.*, pp. 469, no. 300, cap. 16 and *ibid.*, pp. 472–3, no. 302.

¹³ Carpenter, 'Dafydd's submission to Henry III', *passim*.

¹⁴ *Ibid.*, 6, 10; Smith, 'Dafydd ap Llywelyn'; *idem*, *Llywelyn ap Gruffudd*, pp. 40, 48–50; Lloyd, *History of Wales II*, pp. 700–2; Davies, *Age of Conquest*, p. 302; Richter, 'David ap Llywelyn', 208, 210.

¹⁵ A contemporaneous (1246) letter of justice appointing judges-delegate in Scotland follows exactly the same form. 'Innocentius episcopus servus servorum Dei dilectis filiis nostris de

comes the *intitulatio*, the *inscriptio* and the *salutatio* as with all papal letters; next the *narratio* is introduced with *Ex parte* – ‘on the part of the noble man Prince Dafydd it has been set forth in our presence that’; then the details of Dafydd’s complaint, taken from the petition; followed by the appointment of the judges and their commission. The letter closes with the *datum*.¹⁶

The letter, addressed to the abbots of Cymer and Aberconwy, orders them to investigate allegations made against Henry III by Dafydd, ‘whose parents gave him to the Roman Church *in alumnum*’. According to the *narratio*, Dafydd and Henry had put all their disputes to arbitration between the bishop of St Asaph and his colleagues. But then Henry, although the arbitration was still ongoing, had come against Dafydd in a hostile manner and forced terms upon him as well as forcing Dafydd to agree to the terms on oath. If the abbots found that the oath was indeed extorted then they should absolve Dafydd from any ecclesiastical censures resulting from its breach.¹⁷ The terms and associated oath presumably

sancto Andrea et de May ... prioribus et archidiacono sancti Andree salutem et apostolicam benedictionem. Ex parte dilectorum filiorum abbatis et conventus de Driburgh Premonstratensis ordinis nobis oblata est querela quod ... Discretioni vestre per apostolica scripta mandamus quatinus ...’: J. Spottiswoode (ed.), *Liber S. Marie de Dryburgh, registrum cartarum abbacie premonstratenis de Dryburgh* (Edinburgh, 1847), p. 227.

¹⁶ *Chronica Majora*, IV, pp. 398–9: ‘Innocentius episcopus, servus servorum Dei, dilectis filiis [abbatibus] de Habercunmia et de Kemere ... salutem et Apostolicam benedictionem. Ex parte dilecti filii nostri, nobilis viri David, principis Northwalliae, fuit propositum coram nobis quod ... discretioni vestrae per Apostolica scripta mandamus, quatinus ... Datum Januae, septimo kalendas Augusti, Pontificatus nostri anno secundo’.

¹⁷ *Ibid.*, p. 399: ‘praedictum principem ab observatione sic extorti juramenti ... absolventes, sententia [*sic*] ... relaxetis’. The 1244 letter does not explain what the *sententia* might be. The

refer to the settlements made between Dafydd and Henry III in 1241 at Gwerneigron, Rhuddlan and London, and the oath which Dafydd had sworn to abide by them.¹⁸ The reference to the arbitration must be to the planned arbitration of 1240–1 of which one of the arbitrators had indeed been the bishop of St Asaph.¹⁹

It is clear, then, that the letter of 1244 was a letter of justice appointing judges-delegate. Such letters were acquired by petitioners from the papal chancery routinely, via the *audientia litterarum contradictarum* and the *audientia publica*, and thus did not require the pope to consider facts or arguments. The method of acquisition was simple: the petitioner delivered his petition to the chancery; it was drawn up in the correct form with those to serve as judges nominated by the petitioner; it was then read aloud in the *audientia publica* where anyone (normally the other person in the case, i.e. the defendant) could protest against it if, for example, they believed that those nominated as judges were biased. If the objection was upheld in the *audientia litterarum contradictarum* then the document needed to be re-drawn or corrected. However, neither the *auditor litterarum contradictarum* nor anyone else in the chancery was required to consider the merits of the case; that was the job of the judges-delegate. Any and all details were provided by the petitioner and incorporated into the mandate without comment by the chancery, unless there was an appeal by an affected party. Furthermore because of the sheer volume of such cases any single appeal was unlikely to come to the attention of the pope himself; indeed one of the advantages of the *audientiae* and

1245 letter cancelling the commission does, however, specify ‘interdicti et excommunicationis sententias’.

¹⁸ Above, n. 10.

¹⁹ Above, n. 8.

routinization of issue of letters of justice was to save the pope from having to personally oversee them all.²⁰

Therefore we can perhaps reconstruct ‘on what exact terms David approached the pope’.²¹ Dafydd dispatched an agent to the curia who hired a resident proctor at the papal court. The proctor then formulated a petition asking for judges-delegate to investigate whether the king of England had extorted terms from Dafydd. The letter’s description of Dafydd as a papal *alumnus* – which, along with Matthew Paris’s account, Richter took to suggest ‘vassalage’²² – and as ‘prince of North Wales’ were not being approved by the papal

²⁰ See Jane E. Sayers, ‘Canterbury proctors at the court of “audientia litterarum contradictarum”’, *Traditio*, 22 (1966), 311–45 (311–16, 321, 330–1). *Ibid.*, 331: ‘The papal Chancery was in no way concerned with checking the rights and wrongs of the plaintiff’s case, at least at the stage when the rescript was drawn up, nor with commenting on the commission which had been sought. All this was the responsibility of the proctor, and the Chancery was prepared to allow for objections by the provision of the *audientia litterarum contradictarum*.’ See also eadem, *Papal Government and England during the Pontificate of Honorius III (1216–1227)* (Cambridge, 1984), pp. 18–19; D. L. d’Avray, *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge, 2010), pp. 137, n. 68, 139–42; Colin Morris, *The Papal Monarchy: The Western Church from 1050 to 1250* (Oxford, 1989), pp. 571–5. For English petitioners and proctors at the curia in later centuries, see P. N. R. Zutshi, ‘Proctors acting for English petitioners in the chancery of the Avignon popes (1305–1378)’, *Journal of Ecclesiastical History*, 35 (1984), 15–29; Peter D. Clarke, ‘Petitioning the pope: English supplicants and Rome in the fifteenth century’, in Linda Clarke (ed.), *The Fifteenth Century XI: Concerns and Preoccupations* (Woodbridge, 2012), pp. 41–60.

²¹ Richter, ‘David ap Llywelyn’, 209.

²² *Ibid.*, 209–15.

chancery; they were simply the terms which Dafydd's agent and proctor had presented in the petition. Nor were they actually the matter at issue. The fact that the papal chancery issued the letter did not mean it had given any thought to, or possessed any definite knowledge about, the case. Since, as argued below, the matter apparently came as a surprise to Henry, we can assume that the English royal proctors at the papal court failed to object in the *audientia* when the letter was read. They probably did not notice that it was coming up: a failure of this clever papal system. This in turn suggests that Dafydd had been able to pick judges-delegate who were favourable to him. With no objections the letter was sealed and given to the proctor.

Although there was no objection from the English at this stage, there was at least one proctor operating for Henry III, as Professor Richter noticed, because a letter on an unrelated matter was issued to the king's advantage on 29 July 1244.²³ On 17 February 1244 Henry had dispatched instructions to Master Robert Anketil on several matters to pursue at the papal court: to confirm Boniface of Savoy as archbishop of Canterbury and to prevent the bishop of Norwich from being translated to Winchester. Robert was here described as Henry's proctor at the court.²⁴ However, the year before, on 25 April 1243, Henry had appointed Richard de Novilla as his proctor in Rome 'to obtain and contradict'. On the same day in a letter to the merchants of Florence Henry had said that he 'is not sending the said Robert [Anketil] to the court of Rome at present and does not wish that any matter be expedited by him there'.²⁵ There was a distinction between proctors who were competent to impetrate (i.e. to acquire) letters – *ad impetrandum* – and those who were competent to object to the letters of other

²³ Ibid., 215, n. 49; Potthast, no. 11443; Sayers, *Original Papal Documents*, p. 123, no. 268.

²⁴ *Calendar of the Patent Rolls preserved in the Public Record Office. Henry III. AD 1232–1247* (London, 1906), p. 400.

²⁵ Ibid., p. 375.

petitioners in the *audientia publica – ad contradicendum*.²⁶ As noted above, in February 1244 Henry had sent instructions to Robert Anketil to acquire specific letters. This suggests that Richard de Novilla was no longer at the papal court, or no longer Henry's proctor, and that Robert Anketil was now serving Henry at the papal court. It seems possible that amidst this change of personnel Henry failed to give Robert Anketil a general commission *ad contradicendum* and hence Robert only expedited specific business, rather than being competent to act in all royal business. If so, even had he known about Dafydd's petition winding its way through the *audientia* Robert would probably have been unable to object to it.

The judges-delegate, the abbots of Cymer and Aberconwy, seem to fit the bill as the kind of loyal churchmen that Dafydd would choose if he had a free hand; Dafydd, his father Llywelyn and his brother Gruffudd were all buried at Aberconwy and were its principal benefactors.²⁷ The abbot of Aberconwy served as the representative of Dafydd's nephew and successor, Llywelyn ap Gruffudd, in negotiations with the English king in the 1250s and 1260s.²⁸ Cymer, while perhaps not as prestigious as Aberconwy, was another Cistercian house deep within Gwynedd, Dafydd's principality, and had been patronized by Dafydd's father, Llywelyn.²⁹

²⁶ Sayers, 'Canterbury proctors', 311–12; Zutshi, 'Proctors acting for English petitioners', 16.

²⁷ David Stephenson, *The Governance of Gwynedd* (Cardiff, 1984), pp. 181–2; Davies, *Age of Conquest*, p. 201; *AWR*, pp. 29, 30.

²⁸ *AWR*, pp. 502–4, 508–12, 522.

²⁹ Davies, *Age of Conquest*, p. 251; *AWR*, pp. 378–84.

The letter was then delivered to the abbots who sent a mandate to Henry III, ordering him to appear before them.³⁰ That Henry had no advance warning of the letter can be seen from his reaction on 17 November 1244: proctors were appointed to go to Rome and large funds were placed at their disposal.³¹ The commission had come as a shock to the English court, which decided to deal with it at once. On 29 November Henry wrote to the bishop of Worcester explaining that Dafydd had invaded royal lands and reminding him that the prince had subjected himself and his land to the archbishop of Canterbury and to other bishops who were to excommunicate him if he broke the peace agreement between Henry and himself. Unfortunately, the letter continued, the archbishop, along with the bishop of Hereford, had already left England to attend the council of Lyons.³² Therefore the archbishop had entrusted the execution of his jurisdiction in this matter to the bishop of Worcester, who was, on this basis, to excommunicate Dafydd.³³ The references to the peace agreement (*forma pacis*) and archiepiscopal jurisdiction were clearly to the treaties of Gwerneigrön, Rhuddlan and London in 1241 and their security clauses. Two of the three other bishops of the 1241 security clause

³⁰ In fact it is this mandate which Matthew Paris gives. Fortunately the abbots' mandate incorporates the papal letter of justice verbatim.

³¹ *Calendar of Patent Rolls, 1232–47*, p. 446. Letters of credit for 300 marks, 200 marks, £100, £100, 100 marks, 100 marks, and another £100 for expenses. Total: 700 marks + £300 = £766 8s 0d = 1150 marks. They apparently only needed the 300 marks and 200 marks because the other letters were returned. On 16–17 November 1244 Henry III also received the fidelity of Owain ap Gruffudd, son of Dafydd's (now dead) brother Gruffudd, and ordered his men in Wales to aid Owain: *AWR*, pp. 481–2.

³² According to Matthew Paris, the bishop of Worcester also attended the council of Lyons: *Chronica Majora*, IV, p. 403.

³³ Haddan and Stubbs, I, p. 472.

(London, and Coventry and Lichfield) had died by 1244.³⁴ Why Ely, the third, was not mentioned at this stage is unknown. Possibly Henry III and the archbishop delegated the promulgation of sentences of excommunication and interdict to Worcester because it was closer than Ely to Gwynedd. This may indicate that Dafydd had either been very lucky or very careful in his timings: he had openly declared his resistance at a time when the obvious enforcers of spiritual sentences against him were not at hand to act. Even if the obligation was thought to fall on the new bishops of London, and Coventry and Lichfield, Henry III would still have had the practical problem that the new bishop might not be fully aware of the terms to which his predecessor had agreed. The new bishop would, therefore, be less certain if he was justified in passing sentence.³⁵

If, as seems likely, the two abbots chosen as judges were perceived as supporters of Dafydd then the sudden panic of the king was justified: he had to spike the commission before it could find in favour of the prince. The results were apparently positive; nine months after the first letter, the second of our two letters was issued. This informed the bishops of Ely and Carlisle that Dafydd, ‘suggesting falsely to us that he had been given to the Roman Church by his parents *in alumpnum*’, had requested the letter to the abbots. Wishing to obviate the grave scandal and loss which could result to King Henry from that letter, Innocent ordered the two bishops to revoke whatever had been done with the previous letter appointing the abbots as judges-delegate.³⁶ Their commission had been cancelled. It must have come as

³⁴ E. B. Fryde, D. E. Greenway, S. Porter and I. Roy (eds), *Handbook of British Chronology* (3rd edn, Cambridge, 2003), pp. 258, 253 (Roger Niger, d. 29 September 1241; Hugh Pattishall, d. 7–8 December 1241).

³⁵ I am grateful to Professor Huw Pryce for drawing my attention to these possibilities.

³⁶ Haddan and Stubbs, I, pp. 471–2.

something of a shock to the pope when ambassadors from Henry, one of the few European kings truly well-disposed to the pope and someone with whom Innocent even shared a joke,³⁷ arrived and told the pope that he had issued letters in favour of Henry's enemy.

The two bishops to whom the second letter was sent were Carlisle and Ely. The bishop of Carlisle was Walter Mauclerc, a royal appointee and former representative of King John at the papal court (1215); a close associate of the royal court.³⁸ The bishop of Ely was Hugh of Northwold. He too had been sent abroad on missions for Henry III but his relations with King Henry, and Henry's father John, had been more variable.³⁹ His inclusion was probably because he had been one of the bishops of the 1241 security clause: indeed of the five holders of those bishoprics in 1241 he was the only one left in England – Canterbury and Hereford were abroad and the men who had been bishops of London and Coventry and Lichfield had died. It was his duty to enforce the spiritual sentences against Dafydd for breaking his oath. Just as the abbots of Cymer and Aberconwy were two churchmen suitable for Dafydd's purposes, so Walter and Hugh were two bishops suitable for Henry's; they were probably chosen by Henry III's proctors. The letter to the bishops cancelled the commission of the abbots but still allowed that 'if Dafydd claims to have anything of right concerning

³⁷ Potthast, no. 15181, cited in Sayers, *Honorius III*, p. 40.

³⁸ Emissary at Rome in 1215: Pierre Chaplais (ed.), *Diplomatic Documents preserved in the Public Record Office*, I (London, 1964), pp. 28–30, no. 19. See further Nicholas Vincent, 'Mauclerk, Walter (d. 1248)', *ODNB* <http://www.oxforddnb.com/view/article/18355>, accessed 5 May 2015.

³⁹ Dorothy M. Owen, 'Northwold, Hugh of (d. 1254)', *ODNB* <http://www.oxforddnb.com/view/article/20334>, accessed 5 May 2015.

these matters, we will not deny justice to him'.⁴⁰ Despite the cancellation of the abbots' investigation no new judicial process was suggested by the second letter. The two abbots no longer had any right to investigate the oath, to pronounce any sentence or to enforce it.

It seems unlikely that Dafydd ever expected that his petition against the terms extorted from him would be successful. Dafydd must surely have known that Innocent would not knowingly act to Henry's disadvantage in a matter such as this and it seems more likely that the appeal was a holding action rather than a genuine attempt to gain papal support or a permanent favourable decision by judges-delegate. Dafydd knew that arranging an investigation into the terms extorted from him in 1241 would not be successful once Henry's proctors were in Rome. He also knew that the deeply pious king would not move against him while the matter was under appeal. In this he was correct. While the matter was being debated, from July 1244 to April 1245, the English patent rolls record a series of orders to arrange truces with Dafydd;⁴¹ Henry was unwilling to go to war with Dafydd while the legitimacy of the abbots' commission was still unresolved at the papal court. This was surely what Dafydd had hoped for. He now had time to regain the lands taken from him in 1241 and secure them.⁴² If, by some miracle, Innocent IV had allowed the original judges-delegate to continue, then doubtless that would have been a bonus. Dafydd cannot have expected that,

⁴⁰ Haddan and Stubbs, I, p. 472: 'Siquid vero juris praefatus David super hiis habere se putat, nos eidem justitiam non negabimus', a general sentiment which was famously expressed in similar terms in cap. 40 of Magna Carta (1215), '... nulli negabimus ... rectum aut iustitiam': David Carpenter, *Magna Carta* (London, 2015), pp. 52–3.

⁴¹ *Calendar of Patent Rolls, 1232–47*, pp. 446 (17 November 1244); 447 (8 January 1245); 448 (16 January 1245); 449 (6 March 1245).

⁴² Davies, *Age of Conquest*, p. 302.

however, and he must have been counting on gaining time before Henry's inevitable attack.⁴³ Henry's army left Chester in August 1245,⁴⁴ three months after the commission of the judges-delegate had been cancelled. David Carpenter quotes Matthew Paris as claiming that Henry 'preferred the "delight and rest" of Westminster to a campaign in Wales',⁴⁵ but the actual reason for any hesitation on the king's part may very well have been to wait for news from the proctors at the papal court. Dafydd had successfully stalled any immediate royal response. Henry's 1245 campaign was not an unqualified success and perhaps the few months which Dafydd had bought through his appeal were useful. Henry was able to extract some revenge on Dafydd and his allies though; during the 1245 invasion his forces sacked Aberconwy, whose abbot had been one of Dafydd's judges-delegate of 1244.⁴⁶

PROTECTIO OR 'VASSALAGE'?

These events raise the question of exactly what relationship Dafydd saw as existing between himself and Innocent. Professor Richter interpreted the entire appeal and the papal description of Dafydd as an *alumnus* of the Church as a recognition of 'vassalage' in the

⁴³ Rees Davies noted that the royal response to the 'revolt [which] swept throughout Wales in 1244–5 recovering much of the land lost in 1240–1' was 'slow but eventually effective':
ibid., p. 302.

⁴⁴ *Ibid.*, p. 302.

⁴⁵ David Carpenter, *The Struggle for Mastery: Britain 1066–1284* (Oxford, 2003), p. 364;
Chronica Majora, IV, p. 385.

⁴⁶ *Chronica Majora*, IV, p. 482.

mould of King John of England and King Reginald of Man.⁴⁷ This ‘vassalage’ was then, so Richter argued, cancelled in the second letter. However, as I outlined above, the matter at issue in 1244–5 was the terms forced on Dafydd in 1241, not the resignation of the principality of North Wales to the Holy See.

A comparison of the terminology with that of other kings who entered into relationships with the Holy See reveals that it is any case wide of the mark to call Dafydd’s relationship ‘vassalage’. From the eleventh century the papacy had extended its protection, in the mould of the *protectio* granted to ecclesiastical institutions, to kings and lay princes. Aragon and Portugal had both been placed under papal *protectio*, necessitating the payment of an annual census but not suggesting any form of feudal lordship.⁴⁸ The papal alliance with the south Italian Norman states (the kingdom of Sicily after 1130–9) is often stated to be one of overlord and vassal. In fact however the terms *vassallus* and *feudum* are not used in papal correspondence or treaties with the Normans in the twelfth century, nor is there mention of ‘duties’ owed beyond general loyalty and an annual payment. During the twelfth century the papal-Norman relationship was regulated by a range of bonds and there is little definite

⁴⁷ Richter, ‘David ap Llywelyn’, 210–13. Richter appears not to have drawn a clear distinction between kingdoms under papal *protectio* and those under papal overlordship.

⁴⁸ Johannes Fried, *Der päpstlicher Schutz für Laienfürsten: Die politische Geschichte des päpstlichen Schutzprivilegs für Laien (11.–13. Jahrhundert)* (Heidelberg, 1980); Benedict G. E. Wiedemann, ‘The kingdom of Portugal, homage and papal “fiefdom” in the second half of the twelfth century’, *Journal of Medieval History*, 41 (2015), 432–45. Professor Richter does, however, accurately allow that ‘[t]he payment of money would not necessarily indicate a step towards establishing the existence of a feudal relationship between a kingdom and the Apostolic See’: ‘David ap Llywelyn’, 212.

terminology of suzerainty, especially not of feudo-vassalic overlordship.⁴⁹ It is in the thirteenth century that King John was described as a *feodarius* of the papacy (1213) and England was held by him *in feudum* from the Church, as a *vassallus*.⁵⁰ In 1219 the use of such terms was confirmed when the Isle of Man was surrendered as a *feudum* of the Church.⁵¹

It seems likely that Dafydd was claiming not papal ‘vassalage’ or ‘fiefdom’ but *protectio*. As J. J. Crump has recently pointed out, Honorius III had recognized Dafydd as under papal *protectio* by 1226 as part of his father’s efforts to strengthen his son’s succession.⁵² Honorius’s letter claimed that Dafydd was *sub speciali apostolice sedis*

⁴⁹ Graham Loud has argued strongly against over-emphasizing the alleged ‘feudal’ aspects of the papal-Norman alliance: *The Latin Church in Norman Italy* (Cambridge, 2007), pp. 141–6.

⁵⁰ C. R. Cheney and W. H. Semple (ed. and trans.), *Selected Letters of Pope Innocent III concerning England (1198–1216)* (London and New York, 1953) (hereafter *SLI*), pp. 179, 181, 221.

⁵¹ Augustinus Theiner (ed.), *Vetera Monumenta Hibernorum et Scotorum* (Rome, 1864), (hereafter Theiner), p. 11. For this event, see Sayers, *Honorius III*, p. 164; R. Andrew McDonald, *Manx Kingship in Its Irish Sea Setting, 1187–1229: King Rognvaldr and the Crovan Dynasty* (Dublin, 2007), pp. 146–8.

⁵² J. J. Crump, ‘Repercussions of the execution of William de Braose: a letter from Llywelyn ab Iorwerth to Stephen de Segrave’, *Historical Research*, 73 (2000), 197–212 (204, n. 29). This is also noted in J. Beverley Smith, *Llywelyn ap Gruffudd*, p. 52, n. 56, and cited in Huw Pryce, ‘Negotiating Anglo-Welsh relations: Llywelyn the Great and Henry III’, in Björn K. U. Weiler and Ifor W. Rowlands (eds), *England and Europe in the reign of Henry III (1216–1272)* (Aldershot, 2002), pp. 13–29 (p. 19, n. 47). The letter cited by Crump, Pryce and Smith which mentions such protection is registered in Rome, Archivio Segreto Vaticano, *Registrum*

protectione ('under the special protection of the Apostolic See'). This was very similar to the formulation applied to monasteries or kingdoms under papal protection: *sub nostra et beati Petri protectione* ('under our and Blessed Peter's protection'). Exactly the same formulation (*sub speciali apostolice sedis protectione*) can be found in other of Honorius III's privileges of protection.⁵³ The addition of *specialis* is also found in similar contexts: the protected kings

Vaticanum 13, f. 122v: London, British Library, *Registra Vaticana* database, accessed 22 January 2015; calendared: P. Pressutti (ed.), *Regesta Honorii Papae III*, 2 vols (Rome, 1888–95), II, p. 418, no. 5907. It is addressed to the bishops of St Davids, Bangor and St Asaph. 'Since the dear son, the noble man, Llywelyn prince of North Wales has indicated to us by his will that he, by the mandate of our most beloved son in Christ Henry, illustrious King of the English, has made oaths of fidelity be given from the magnates of Wales to his first son Dafydd; we, wishing to favour the same Dafydd – whom (having been offered to us and to the Roman Church by his parents as if an *alumnus*) we took under the special protection of the apostolic see – in his right, order your fraternity through apostolic writing that you, showing benevolent favour to the said Dafydd concerning this, in order that the oaths given to him be inviolably observed, should thus offer suitable counsel and aid, in order that this pleasant region should rejoice peacefully and you furthermore should merit to be commended to God and men.' See also *AWR*, pp. 446–7, for the contemporaneous letter legitimizing Dafydd's mother.

⁵³ Describing the goods, lands, wife and daughters of Duke Leopold of Austria (crusader) in a letter of 1217 to the bishop of Olomouc: A. Boczek et al. (eds), *Codex diplomaticus et epistolaris Moraviae*, 15 vols (Olomouc, 1836–1903), II, pp. 94–5. Of course the terminology of *protectio* could also be applied to 'vassals' of Rome. The specific phrase *sub speciali apostolicae sedis protectione* also appears in letters of Honorius III describing King Henry III, a definite papal 'vassal'. However, here the term refers to the protection granted to Henry

of Portugal are called the ‘special sons’ of St Peter.⁵⁴ The adverb *specialiter* – ‘especially’ – is a term used to describe monastic foundations which are removed from episcopal jurisdiction,⁵⁵ and *specialis* also appears in the immunity from obedience to a metropolitan which was given to the Scottish bishoprics.⁵⁶ However such immunity does not appear to have applied either to Portugal⁵⁷ or to Dafydd. Nonetheless, the 1226 letter from Honorius clearly states that Dafydd was under apostolic *protectio*. Is there anything to suggest that it was this relationship which Dafydd was thinking of when he claimed to be a papal *alumnus* in 1244?

as a crusader and *persona miserabilis*, rather than to his vassalage: ‘... utpote qui crucesignatus, pupillus et orphanus, sub speciali apostolicae sedis protectione constitit’.

Walter Waddington Shirley (ed.), *Royal and Other Historical Letters Illustrative of the Reign of Henry III*, 2 vols (Rolls Series, London, 1862–6), I, pp. 535–7.

⁵⁴ ‘beati Petri filios speciales’: J.-P. Migne (ed.), *Patrologiae cursus completus, series latina*, 221 vols (Paris, 1844–91), CCXVI, pp. 423–4, cited in Wiedemann, ‘Kingdom of Portugal’, 440, n. 53.

⁵⁵ David Knowles, *The Monastic Order in England: A History of its Development from the Times of St Dunstan to the Fourth Lateran Council 940–1216* (2nd edn, Cambridge, 1963), p. 584; Paulus Rabikauskas, *Diplomatica Pontificia* (Rome, 1998), pp. 49–51.

⁵⁶ The Scottish *Ecclesia* was famously a *filia specialis* of the papacy: Dauvit Broun, *Scottish Independence and the Idea of Britain from the Picts to Alexander III* (Edinburgh, 2007), pp. 138–40.

⁵⁷ Wiedemann, ‘Kingdom of Portugal’, 443.

As well as taking Dafydd ‘under the protection of the apostolic see’ the letter of 1226 explained that Dafydd was given ‘as if an *alumnus*’ to the Roman Church.⁵⁸ While the term *alumnus* does not, to my knowledge, occur in other papal *protectio* grants,⁵⁹ its use in this letter, which also explained that Dafydd was a papal protégé, suggests that it was another way of expressing the protection extended to Dafydd. The fact that the papal chancery used the term in the mandate of 1244, which Dafydd impetrated, suggests that Dafydd supplied this wording and thus was still thinking of himself as under papal protection. In a letter to Henry III during the arbitration process of 1241, Dafydd had claimed that, when Henry’s magnates had been giving undue weight to the testimony of Dafydd’s enemies at a meeting in

⁵⁸ Crump, ‘Repercussions’, 204 and n. 29, citing *Reg. Vat.* 13, f. 122v: ‘in alumpnum quasi ecclesie Romane’. Crump translates this as ‘a foster-son as it were of the Roman church’. I prefer to read *ecclesie Romane* as a dative and assume that it and *nobis* are both indirect objects of *oblatum* – ‘offered to us and to the Roman Church’. Thus *in alumpnum quasi* would be ‘as if a foster-child’. Either way, however, the meaning is essentially the same. It is unusual for *quasi* to follow – rather than precede – the dependent phrase, so I assume that this is an error in either the original composition of the letter, or its copying into the papal register.

⁵⁹ Nor was Professor Richter able to find a contemporary equivalent in papal documents: ‘David ap Llywelyn’, 213. Interestingly, according to Romuald of Salerno, Pope Lucius II had been the *compater et amicus* of King Roger II of Sicily: Wilhelm Arndt (ed.), *Romualdi II. archiepiscopi Salernitani annales*, Monumenta Germaniae Historica: Scriptores, 19 (Hanover, 1866), p. 424. *Compater* refers to the relationship between a natural father and his child’s godfather, but here probably is simply meant to emphasize close friendship: Graham A. Loud (ed. and trans.), *Roger II and the Creation of the Kingdom of Sicily* (Manchester, 2012), p. 261.

Shrewsbury, the prince's agents had 'claimed the protection of the lord pope'.⁶⁰ Dafydd clearly still believed the papal protection he had received in 1226 could be useful.

While it seems likely that *in alumnum* does refer to protection it is less clear why such a term was chosen in 1226. It might well have been suggested by the petitioner (Dafydd's father, Llywelyn). He presumably saw the institution of papal *protectio*, referred to by the papacy with variations of *sub speciali apostolice sedis protectione*, as analogous to fosterage – sometimes referred to in Welsh sources with derivatives of *alum(p)nus*.⁶¹ The use of *quasi* in the 1226 letter tells us that the author realized that the two concepts were analogous rather than identical. The inspiration for using *alumnus* to describe one under papal *protectio* might stem from use of the term *tutela*, commonly used by the papal chancery to describe the institution of *protectio*.⁶² *Tutela*, however, also has obvious connotations of guardianship or tutelage, stemming from its origin in Roman law.⁶³ It is these subtly different uses which led

⁶⁰ AWR, p. 465: 'procuratoribus nostris et protectionem domini pape ... proclamantibus'.

⁶¹ Llinos Beverley Smith, 'Fosterage, adoption and God-parenthood: ritual and fictive kinship in medieval Wales', *ante*, 16, 1 (1992), 1–35 (19, 33).

⁶² I. S. Robinson, *The Papacy, 1073–1198: Continuity and Innovation* (Cambridge, 1990), p. 304.

⁶³ Note that under Roman law a fatherless male child under fourteen years required a *tutor* and was *sub tutela*: R. H. Helmholz, 'The Roman law of guardianship in England, 1300–1600', *Tulane Law Review*, 52 (1978), 223–57 (225–30). It is possible that Dafydd's father Llywelyn had – at some point before 1226 – appointed the papacy as guardian to his son, *if Llywelyn died before Dafydd was fourteen*, and this is what was meant by 'having been offered to us and to the Roman Church by his parents as if an *alumnus*' in Honorius's letter of 1226. If so, this raises the question of whether Dafydd was ever under papal protection and guardianship, since Llywelyn lived until 1240 and thus the necessary condition was not met.

to the claim that Cencio, papal chamberlain and cardinal (later Pope Honorius III) had been tutor to the young Emperor Frederick II. In fact Frederick had been put into the tutelage – *tutela* – (i.e. protection) of the papacy after his parents’ deaths.⁶⁴ The linguistic similarity between being a tutor and fostering may have led to this application of *in alumnum* – fosterage – to a person under papal *protectio*.

Although it is impossible to know precisely what Dafydd was intending to suggest in his petition, it seems more likely that he was referring to the protection granted to him by Honorius III by 1226 than to some new relationship of ‘vassalage’. If Dafydd had been establishing a new relationship, or resigning his principality to the papacy, he would have appealed to a senior official or the pope directly in the hope of receiving a privilege recognizing his new position.⁶⁵ However, Dafydd asked only for papal judges-delegate to investigate the terms of the 1241 treaties.

Because the 1244 commission was most likely a holding operation, the actual terms Dafydd used were not intended to be considered carefully. In Dafydd’s mind, the fact of his being a papal *alumnus* was not the issue. The aim was to start a papal investigation, and Dafydd presumably thought that to remind the papacy of his status as a protégé would help. The English do not seem to have challenged his status as a papal protégé when he mentioned

⁶⁴ Sayers, *Honorius III*, p. 16, n. 7.

⁶⁵ King John had ceded his kingdom to the Church following discussions with the nuncio, Pandulf, and then dispatched a concession to the papal court which had been confirmed in a solemn privilege: *SLI* p. 179. In 1219 King Reginald of Man had arranged his submission ‘at the advice and exhortation of the beloved father, lord Pandulf, elect of Norwich, your [Pope Honorius III’s] chamberlain and legate’ and again had sent a notification to Rome: Theiner, p. 11.

it in his letter to Henry III in 1241. Dafydd must have suspected that Innocent would be unlikely to give him serious aid against Henry III and that there was every possibility that the commission would be cancelled when Henry III's proctors arrived in Rome. Ironically it seems to have been the claim that he was a papal protégé which gave Henry's proctors the justification to cancel the commission, as discussed below.

JUSTIFICATION

We may ask how Dafydd's appeal to the papacy was supposed to be justified. By what right did the papacy appoint judges in a dispute between a king and a prince and by what argument did the English proctors cancel the judges' commission? As there seems to have been no objection when the original letter was impetrated, the question of justification would only have arisen when Henry's proctors arrived at the curia to get the commission quashed.

One obvious precedent is the famous papal decretal *Novit*. A letter of Pope Innocent III from 1204, *Novit* expressed the papal duty to intervene, even in non-spiritual matters, if they were *de peccato* ('concerning sin').⁶⁶ In the specific case of *Novit* one of the reasons why the matter was *de peccato* was that it concerned oaths: 'how could we not consider the sanctity of an oath, which is not to be doubted to pertain to the Church's jurisdiction?'⁶⁷

⁶⁶ John A. Watt, *The Theory of Papal Monarchy in the Thirteenth Century: The Contribution of the Canonists* (London, 1965), pp. 121–2, 131–3. Although not identical to the case discussed in *Novit* there were similarities in that both concerned a peace treaty sworn under oath.

⁶⁷ *SLI*, pp. 67–8: 'numquid non poterimus de iuramenti religione cognoscere, quod ad iudicium ecclesie non est dubium pertinere . . .?'

Since, then, the breaking of oaths was a sin and thus a matter claimed by the papacy to fall under its jurisdiction, Dafydd's appeal could have been justified as an application of the principle of *Novit*.

It could also be suggested that, since the whole case stemmed from the failed arbitration of 1240–1, the papacy already had an interest in it. One of the arbitrators in 1240, along with the bishop of St Asaph, had been the papal legate, Otto of Tonengo, who left England in late 1240 only to be detained by Frederick II.⁶⁸ Another possibility is the status of the parties. One of the earliest surviving formulary books for petitioners at the curia (Cardinal Guala's *libellus*, c.1226) began by noting that 'a layman cannot impetrate letters against a layman in the Roman curia, unless they concern marriages, usury or either the defendant or actor is a crusader'.⁶⁹ We should not necessarily take Cardinal Guala's rules as absolute and it is possible that Dafydd's status as a papal protégé could have covered this appeal. Unfortunately without any explicit commentary in the letters we can only speculate about what legal principles might have been at play in 1244–5.

When Innocent IV cancelled the appointment of judges-delegate in his letter to the bishops of Ely and Carlisle in 1245, the only grounds he explicitly gave for this were that 'great loss and scandal' could result to the king.⁷⁰ The justification for cancelling the

⁶⁸ *AWR*, p. 460; *Chronica Majora*, IV, pp. 84, 120–30, 164, 170.

⁶⁹ Rudolf von Heckel, 'Das päpstliche und sicilische Registerwesen', *Archiv für Urkundenforschung*, 1 (1908), 371–510 (502): 'laicus impetrare non potest litteras contra laicum in curia Romana nisi super usuris vel in matrimoniis per appellationem ad papam delatam, vel si forte reus vel actor fuit cruce signatus, qui privilegio clericorum debet gaudere'.

⁷⁰ Haddan and Stubbs, I, p. 471.

commission seems to have been that Dafydd's representative acquired it under false pretences. He had claimed that Dafydd was a papal *alumnus* but the papal letter to the bishops said that this was untrue; he had claimed *falso* ('falsely'). The importance of this is that, although letters of justice were issued routinely, the case as presented by the petitioner had to be accurate – the so-called *veritas precum*.⁷¹ If the petition contained any untruths, then the mandate could be argued to be invalid. Thus, it would appear, Henry III's proctors were able to get the commission cancelled by successfully arguing that Dafydd had lied when he impetrated the letter of justice. That it was this procedural problem rather than a problem of jurisdiction which got the letter cancelled is supported by the note at the end of April 1245 letter: 'if David claims to have anything of right... we will not deny justice to him'. This final

⁷¹ This is generally denoted by 'si ita est'. Specifically, in the 1244 letter to the abbots, it was indicated by the longer 'si rem inveneritis ita esse': Haddan and Stubbs, I, p. 470. The formulation 'si rem ita esse invenerit' (the subject is the papal judge) is also found twice in the exemplar petitions of Master Boncompagno's *rhetorica antiqua*. His formulary of petitions is contemporary with Cardinal Guala's *libellus* (see above) and these two are the earliest surviving formularies for petitioners at the papal court: G. Barraclough, 'Formulare für Suppliken aus der ersten Hälfte des 13. Jahrhunderts', *Archiv für katholisches Kirchenrecht*, 115 (1935), 435–456 (446, 454). Boncompagno also gives several form letters for kings requesting papal protection, printed in Fried, *Der päpstlicher Schutz*, p. 336. On *veritas precum*, see Patrick Zutshi, 'Petitioners, popes, proctors: the development of curial institutions, c. 1150–1250', in Giancarlo Andenna (ed.), *Pensiero e sperimentazioni istituzionali nella 'Societas Christiana' (1046–1250)* (Milan, 2007), pp. 265–93 (pp. 286–7); Ernst Pitz, 'Die römische Kurie als Thema der vergleichenden Sozialgeschichte', *Quellen und Forschungen aus italienischen Bibliotheken und Archiven*, 58 (1978), 216–345 (235, 238).

clause does not deny the competence of the papal court to hear the case, in fact it implies that the case could pertain to the papacy. Therefore the justification for cancelling the commission was surely that Dafydd had lied in its inception, rather than that he had appealed to the ‘wrong’ court. Although there is some evidence to support Dafydd’s description of himself as a papal *alumnus*, the English were apparently able to argue successfully that he was not – perhaps because it was so long since his status had been invoked; perhaps because it had always only been *quasi* (‘as if’). We cannot know which, if any, of the possible justifications for appeal to the papacy were considered relevant in this case, but it seems likely that the justification for cancelling the commission was procedural. For whatever reason the assertion that Dafydd was not under papal protection was upheld and accordingly he was seen as having falsely obtained the appointment of judges-delegate.

THE CHRONICLERS

The annals of Dunstable record that Dafydd, ‘having fooled the curia of the Lord Pope, made the king of England be summoned before Snowdonia in order that thus he might be able to be removed from his subjection’.⁷² This account is clearly referring to the appointment of the judges-delegate to investigate Henry’s coercion of Dafydd rather than to a new relationship between Dafydd and the papacy. Before the commission of the two abbots was cancelled, they had summoned King Henry to Caerwys on 20 January 1245 to answer the allegations.⁷³ This is perhaps the ‘before Snowdonia’ which is mentioned by the Dunstable annalist.

⁷² *Annales Monastici*, III, p. 168: ‘David ... decepta curia domini Papae, regem Angliae fecit ante Snowdone citari, ut sic a subjectione sua possit erui’. Also printed in Haddan and Stubbs, I, p. 471.

⁷³ *AWR*, p. 478; *Chronica Majora*, IV, pp. 398–9; Haddan and Stubbs, I, p. 470.

‘Snowdonia’ was used by Dafydd’s father, Llywelyn ap Iorwerth, to refer to the land directly ruled by the prince of Gwynedd and thus included the land between the Conwy and the Dee, wherein lay Caerwys.⁷⁴ The deception refers to the false pretences under which Dafydd obtained the commission: the claim to be a papal protégé but more importantly the very fact of obtaining such a commission to the detriment of Henry III.

Matthew Paris’s account, on the other hand, contains more detail and (typically) more fiction. In 1911 John Lloyd opined that ‘the letter of 1244 will scarcely sustain the edifice Paris seeks to build upon it’.⁷⁵ He was right. Paris takes the letter of justice as showing that the pope and the prince agreed that Dafydd held the principality of North Wales from the Church; there is no justification for this assertion in the letter. The letter appointing judges-delegate – while calling Dafydd an *alumnus* and ‘prince of North Wales’ – does not reflect the thinking of anyone in the papal chancery, least of all Innocent IV.⁷⁶

It is Paris himself, not the letters, who is the only source for papal ‘vassalage’. Paris claims that Dafydd ‘sent solemn nuncios to the lord pope’ to tell Innocent that Dafydd ‘resigned himself and all his ... land to the Roman Church against the right of the King of the English ... to be held by Dafydd and his heirs, thenceforth paying 500 marks annually’ and

⁷⁴ J. Beverley Smith, *Llywelyn ap Gruffudd*, p. 188. I am grateful to Professor Huw Pryce for this suggestion and reference.

⁷⁵ Lloyd, *History of Wales*, II, p. 702, n. 47. Likewise A. J. Roderick, ‘The feudal relation between the English crown and the Welsh princes’, *History*, 37 (1952), 201–12 (209), refers to Paris’s ‘startling but uncorroborated story’.

⁷⁶ This presumably means, as Professor David d’Avray has pointed out to me, that Matthew Paris did not have a thorough understanding of papal diplomatic.

that he promised ‘to hold that ... part of Wales from the same pope’.⁷⁷ Although Paris does not refer to vassalage or fiefdom the reference to ‘holding the land’ from the pope has led to an interpretation of this account as meaning that Dafydd resigned his land to the pope.⁷⁸ However Paris’ own account is confused, as Professor Richter noted. Some pages earlier Paris claims that it was Innocent IV who ‘wished to transfer Prince Dafydd (who was bound in many ways to the lord king of England) to his lordship, exempting him from fidelity to the king’.⁷⁹ The initiative is here ascribed to Innocent. Richard Vaughan noted that Paris’s account for the year 1244 contains an account of the financial requests of the papal nuncio, Martin, and the English prelates’ reply to those requests. That account is ‘taken word for word from Roger of Wendover’s description of the legate Otho’s [*sic*] demands and the prelates’ resistance to them, in 1226’.⁸⁰ While it would be simplistic in the extreme to argue that just because Paris fabricated one event of 1244 he fabricated another, it does suggest his willingness to elaborate events about which he might not have had all the facts. He knew about Dafydd’s appeal in 1244 and the letter of justice which resulted but he chose to put a particular spin on them and present them as evidence of malign papal intent. Paris’ source for

⁷⁷ *Chronica Majora*, IV, p. 398: ‘David ... misit ad dominum Papam nuntios sollempnes ... quod se suamque terram totam contra regis Anglorum jus ... ecclesiae Romanae resignavit, ipsi ... David tenendam suisque haeredibus, reddendam inde annuatim quingentos marcas’; *ibid.*, p. 323: ‘spondens se tenere Walliae partem, eum contingentem, ab ipso papa’. First passage also in Haddan and Stubbs, I, pp. 469–70.

⁷⁸ J. Beverley Smith, *Llywelyn ap Gruffudd*, pp. 52–3.

⁷⁹ Richter, ‘David ap Llywelyn’, 209. *Chronica Majora*, IV, p. 316: ‘Papa Innocentius ... David principem Northwalliae, domino regi Angliae multiformiter obligatum, a fidelitate regis exemptum, dominio suo voluit mancipare’.

⁸⁰ Richard Vaughan, *Matthew Paris* (Cambridge, 1958), p. 134.

Dafydd's reign may have been Richard, bishop of Bangor, who spent considerable time at Paris's monastery of St Albans between 1248 and 1256.⁸¹ It is possible that the bishop also gave Paris this story about Dafydd trying to turn the principality of North Wales into a papal fief. However, there is no evidence that it in any way reflects the wording of the appeal to Pope Innocent. In Paris' interpretation Innocent IV was either personally in favour of Dafydd's approach or was the originator himself. In fact Dafydd's request was only to appoint judges-delegate, and it is unlikely that Innocent was personally aware of it.

The other point of some interest from Paris is his claim that Dafydd was to hold the principality of North Wales for a payment of 500 marks annually. Such a payment is not irreconcilable with papal *protectio*. Protected monasteries often paid a census, as did protected kingdoms (although rarely crusaders). So too did papal 'vassals': 1,000 marks from King John, 12 marks from King Reginald. While it is possible that Paris' 500 marks reflect some real event, it is very unlikely that Dafydd pledged such a census in the way that Matthew Paris describes. None of the letters mentions any annual payment. Had an offer of a payment by Dafydd in 1244 been accepted, there can be little doubt that a solemn privilege would have been issued by the papal chancery and there is no record of any such bull. Had Dafydd received such a privilege then surely he would have used it in his disputes with Henry III. Finally, had Innocent issued a privilege he would probably have taken the precaution of specifically cancelling it in 1245. But in his letter to Ely and Carlisle he only comments on the cancellation of the abbots' commission. There is no suggestion that anything else might have been granted or requested.

While payment of an annual census could be a duty of papal *protectio*, then, there is little evidence to support Paris' claim for such a payment. Perhaps Paris, aware of King John's commitment to pay an annual census, added the suggestion of a payment for

⁸¹ Williams, 'Succession to Gwynedd', 406; Vaughan, *Matthew Paris*, p. 15.

verisimilitude. More likely the addition of an annual payment – which, according to Paris, the papacy refused to return when Innocent IV changed his mind – was intended to show the rapaciousness of papal exactions; a theme which Paris often warmed to.⁸²

CONCLUSION

To sum up. By 1226 Dafydd, at his father's petition, had been placed under papal *protectio* by Honorius III. Following the treaties of 1241, Dafydd sought a papal commission to investigate his claim that Henry III had coerced him. Dafydd probably knew that Henry III could get any commission quashed and so he intended only to buy time, knowing that the king would not openly move against him while the possibility of papal judgement was hanging over him. Unsurprisingly Dafydd's embassy obtained a mandate appointing judges-delegate; there were probably hundreds of such appointments every year. The English proctors who arrived at the curia in 1245 were then able to get the commission cancelled by arguing that Dafydd was not a papal protégé after all.

Professor Richter argued that the recognition of Dafydd as under papal 'vassalage' was a way of pressuring Henry III, a tool in Innocent IV's 'policy'.⁸³ Originally Innocent had

⁸² *Chronica Majora*, IV, p. 400; Haddan and Stubbs, I, p. 471; Richter, 'David ap Llywelyn', 217. For Paris's attitude to papal exactions, see Vaughan, *Matthew Paris*, pp. 140–1; Thomas W. Smith, 'The development of papal provisions in medieval Europe', *History Compass*, 13 (2015), 110–121 (111–12).

⁸³ Richter, 'David ap Llywelyn', 215–18: 'Since the chief concern of his [Innocent IV's] system was the destruction of the Empire in order to establish the uncontested leadership of the Church, he encouraged the stability of a plurality of kingdoms.' Therefore, the reasoning

supported Dafydd's 'vassalage', and then he rejected it when, Richter suggested, Henry offered him something in return. There is no justification in placing so much emphasis on Innocent IV's devious machinations. If Innocent IV was using the investigation as a threat to Henry III then why did he not reserve judgement to himself in consistory in the case of the coerced oath? This was a possible procedure in cases involving judges-delegate: local judges could collect evidence but it then had to be dispatched to the papal court where a decision would be reached.⁸⁴ However Dafydd's commission of 1244 had appointed local judges in the normal way to hear and decide on the case. This is because the appointment was achieved via the *audientia* in the routine way; no one at the curia had any reason to investigate the circumstances further. The appointing of this commission, and its reference to Dafydd being an *alumnus*, are not indicative of papal thinking. They are instead the acts of a routinized, rule-bound organization. There is thus no need to posit that Innocent IV gained something which changed his mind because in fact he did not change his mind; he was unaware of the original commission in favour of Dafydd. It seems entirely plausible that he accepted a technical objection from the English proctors (that Dafydd was not under papal *protectio*). If Innocent was offered something in return (the unpaid English census, for example),⁸⁵ then

goes, Innocent privileged Henry III in order to gain his support against the Empire. For a more nuanced view of Innocent IV, see Morris, *The Papal Monarchy*, pp. 568–71.

⁸⁴ For example, such a procedure was mandated in 1245 when the abbot of St Mary's, Kells, the prior of Mellifont and the archdeacon of Armagh were ordered to investigate accusations against the bishop of Ardagh and pass the testimony back to the pope: Theiner, pp. 43–4.

⁸⁵ Professor Richter pointed to the payment of the English census arrears in 1245 as a response to Dafydd's appeal. However Henry III was not refusing to pay the census before the 1244 appointment of judges-delegate. A writ to pay 1,000 marks to the master of the Temple had been issued on 12 October 1243 and on 8 June 1244 Henry ordered a 1,000-mark

this was not a result of his conscious support for Dafydd, but rather an entirely unexpected boon.

Where Professor Richter was undeniably correct was in emphasizing the brilliance of Dafydd ap Llywelyn.⁸⁶ He successfully bought himself time by playing papacy and king against each other despite the fact that Innocent would not knowingly act against Henry. He manipulated the papal administration, showing an impressive knowledge of how the *audientiae* functioned. While Henry spent his money at the papal court, Dafydd was on the march in Wales.

payment to Master Michael, of the papal camera. See William E. Lunt, *Financial Relations of the Papacy with England to 1327* (Cambridge, MA, 1939), pp. 147–8.

⁸⁶ Richter, 'David ap Llywelyn', 219.