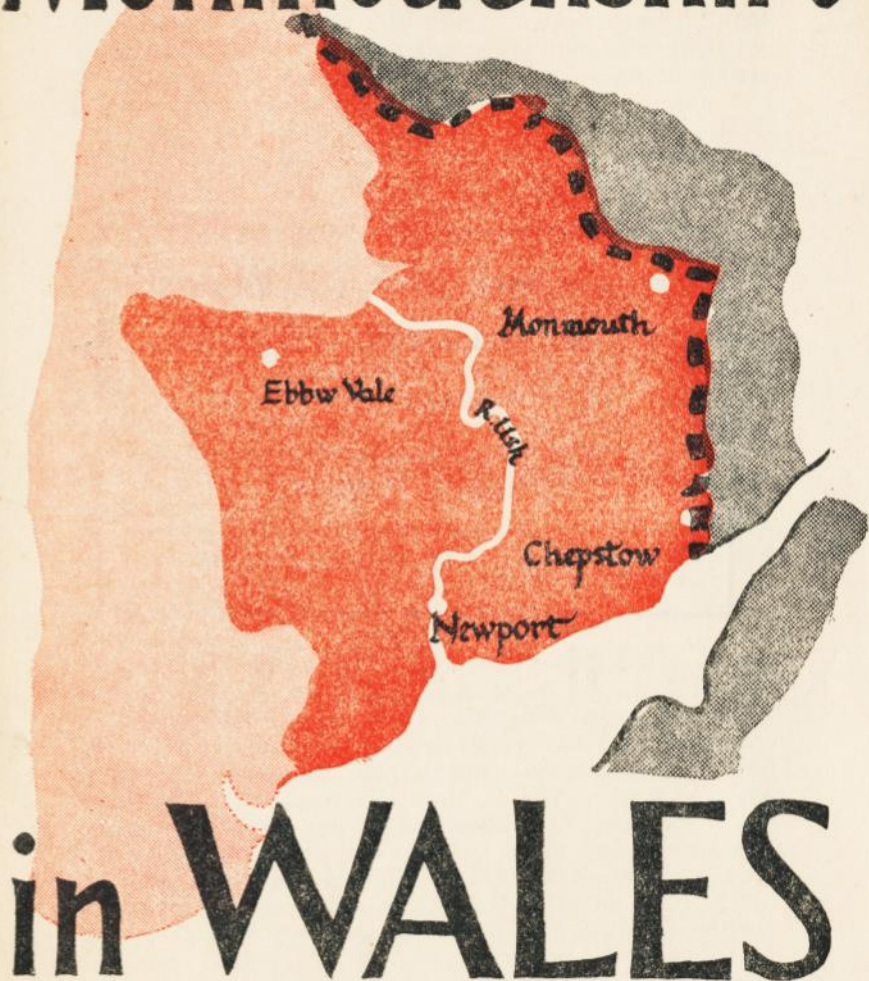


Monmouthshire



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"Monmouthshire in Wales"

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MONMOUTHSHIRE, WALES: THE FACTS. THE ACT OF UNION 1956

IN view of the claim, still made in some quarters, that Monmouthshire is in England, the following brief re-statement of the case should help to enlighten people as to the true situation.

No-one disputes that prior to the Act of Union, 1536, "*Monmouthshire was politically as well as culturally an essential part of Wales,*" but this Act, it is claimed, removed it from Wales and put it in England.

What was this Act, passed, not in 1535, as often stated, but between February 4th and April 14th, 1536? The Act itself states "*that the principality, dominion and country of Wales*" is to be "*incorporated, united and annexed*" to England and, unlike the later Act of Union with Scotland, it was not a treaty between negotiating parties, but an annexation of Wales by England, originating in the Central Government in England. The consent of the Welsh people themselves to it was neither asked nor given, and even the Government's own officials in Wales knew nothing about it until it had become law.

Those who base their claim to Monmouthshire as an English county on this Act, therefore, start off from the totalitarian assumption that the territory of one nation can be alienated by the unilateral Act of the Parliament of another nation.

As well as annexing all Wales to England, the Act dealt with the Marcher lordships. It attached some of this land to existing Welsh shires, some to English shires, and made the residue into the 5 new shires of Monmouthshire, Brecknock, Radnor, Montgomery, Denbighshire. The claim that these Lordships were "*a sort of no-man's land between the English and Welsh counties*" is incorrect. They were as the Act (Section 3) states: "*many and divers Lordships Marchers within the said Country or Dominion of Wales, lying between the Shires of England and the Shires of the said Country or Dominion of Wales,*" i.e., an integral part of Wales. Section 3, which brought Monmouthshire into being, states explicitly that the shire is being formed out of lands "*in the Country of Wales.*"

Moreover, no-where does the Act state specifically that Monmouthshire is to be separated from Wales and added to England. Indeed, Sections 126 and 127 make the county's real position quite clear, showing that in its relations with England, Monmouthshire was located in precisely the same way as the other Welsh shires. They provide for the division of 9 Welsh shires into Hundreds (Monmouthshire being named *fourth*) "as in every other shire within this Realm of England" and for an enquiry to be made as to what "laws, usages and customs within the said Dominion and Country of Wales" shall be preserved "in the before rehersed shires or in any of them or in any other Shires of the Dominion or Country of Wales."

FOR TRAVELLING CONVENIENCE.

Those who claim that the Act separated Monmouthshire from Wales base their case on Section 4, which provided that in judicial matters, the new shire of Monmouthshire should come under the authority of the king's courts at Westminster as was the case with the shires of England. In this way, Monmouthshire did not come under the judicial and fiscal arrangements made for the rest of Wales. This was the *only* distinction made between Monmouthshire and the other new Welsh shires (except that it was given 2 M.P's instead of one).

The distinction, however, was one purely of administrative convenience, as Section 9 makes clear. This section states that, as the other newly-created shires "*be far distant from the City of London, where the Laws of England be commonly used, ministered and executed; and for that the Inhabitants of the Said Shires of Brecknock, Radnor, Montgomery and Denbigh be out of Substance, Power and Ability to travel out of their Counties to seek the Administration of Justice,*" a Chancery and Exchequer were set up at Brecknock and Denbigh and certain other provisions made for administering justice in these shires.

As one writer says, "the beginning and ending of the legend that Monmouthshire is an English County" is the fact that, "for convenience sake, so as to allow a judge of assize travelling from Hereford to Gloucester to take Monmouthshire in his stride," Tudor legislators included Monmouthshire in an English Circuit, and that in an Act which,

by annexing all Wales to England, made such further distinctions lose all territorial or political significance.

As Dr. T. Nicholas observes, "*if a mere circuit arrangement took Monmouthshire from Wales, then all the other 12 counties have been taken from Wales and no 'Wales' now remains,*" since the rest of Wales was made subject to Westminster in 1830 as Monmouthshire had been in 1536. Furthermore, if the inclusion of Monmouthshire in the English court system made it English, then the inclusion of Cheshire in the Welsh court system made it Welsh. It should be plain to any unbiased person that any territory which was Welsh before 1536 is Welsh today.

The realities of the situation were obvious to the Tudor Welshman, George Owen of Pembrokeshire, who points out in his 'Dialogue of Government' (1594) that Henry VIII "devyded the whole country of Wales in to thirteen shyres whereof one is called Monmouthshire he made english in all respects of laws and subject to the Courts of Westminster because the same was the nearest part of Wales to London and might with least cost and labour travel thither every term. *But for the rest of Wales being xi; sheeres, he provyded for every three of them a common place, a kyngs bench, a Chancerye and an Excequer, and that at hom in every sheere.*"

THE 1542 ACT.

Foiled in their attempt to base their case on the 1536 Act, those claiming Monmouthshire for England usually fall back on the 1542 Act, which completed the work, begun in 1536, of providing a judicial and administrative system for Wales.

Their claim, at first sight, is plausible enough, for at the beginning of the Act comes the declaration that "his Grace's said Dominion, Principality and Country of Wales be from henceforth divided into 12 shires" and Monmouthshire is not one of these. A glance at the Act, however, will show that the division was only for certain limited purposes connected with the development of the Court of Great Sessions for the administration of justice. Monmouthshire was omitted because it had already been fully provided for in this respect by the 1536 Act and, unlike the other Welsh shires, needed no further provision. In those sections where its inclusion was necessary, it is mentioned.

But the Act makes it perfectly plain that the 12 shires were not the whole of Wales, e.g. Sections 122 and 123 which refer to the woollen cloth made "in the said twelve Shires, and elsewhere within the said Dominion of Wales."

VIEWES OF AUTHORITIES.

What was the view of these Acts taken by men living in the century following? George Owen has already been quoted and his view was shared by men like Dr. Powell and Humfrey Llwyd, the former expressly stating that Monmouthshire is in S. Wales, while observing that *in the administration of justice* it "doth followe the common order of the shires of England"; the latter says that "seaven Shyres" including "Gwenta also called Monmouth," "are by *Englyshemen* ascribed unto South Wales."

These were responsible men of authority, in no sense unorthodox or anti-English. Owen was Sheriff of Pembroke-shire, Deputy Vice-Admiral and Deputy Lieutenant, Llwyd a leading figure in the academic life of Oxford, while Dr. Powell's patron was Sir Henry Sidney, President of the Council of the Marches (1559-86) at whose advice he had published the 'Historie of Cambria' in which he expressed his views on Monmouthshire.

It is incredible that such men should have put forward theories as to the legal position of Monmouthshire at variance with the established facts or contrary to the views held by the Government and their official patrons.

In declaring Monmouthshire to be Welsh, they were stating English law, a fact endorsed by the opinion of English Judges in the century following the Union itself. Judge Francis Tout declared that "Monmouthshire is none of the twelve shires of Wales and yet it is parte of the principallitie of Wales." Sir John Dodridge, a Judge of the King's Bench, in his "Historie of the Principality of Wales" (1630) stated that "the whole country is now allotted into shires which are 13 in number" and names "Monmouthshire" as the third. His book, dedicated to King James, would hardly make statements at variance with the official view.

OFFICIAL AND LEGAL VIEWS.

Indeed an incident in the struggle between the Courts of

Common Law and the Courts of the Chancellor make the official legal view in the late 17th Century perfectly plain. This struggle did not affect Wales whose Courts came under the Chancellor's jurisdiction. Monmouthshire was attached to the Oxford Circuit, a stronghold of the Common Law Courts. *The King claimed that in Monmouthshire the Chancellor's Courts should prevail and the Oxford Circuit agreed without protest as Monmouthshire was part of Wales.* It meant that the Common Law Judge did not come to Monmouthshire although they visited all the other parts of the Oxford Circuit, and it was not until the Judicature Act 1873, which fused Common Law and Equity, that the same judges visited all the courts of the Oxford Circuit. This is clear proof that the 1536 and 1542 provisions for Wales were purely legal and in no way altered the political attachments of Monmouthshire to Wales.

There is ample evidence that, in the 17th Century, Monmouthshire was officially regarded as part of Wales. Leaders on both sides in the Civil War included it in Wales. In November, 1645, St. Paul's, London, witnessed a public thanksgiving service "for the taking of the towns and castles of Carmarthen and Monmouth in Wales." While King Charles was staying in Monmouthshire, Lord Digby reported that the King "preferred to remain in Wales" and when Monmouth town was recaptured by the Royalists, the King's dispatches described it as "good news from Wales." The Cromwellians, similarly, in a Broadsheet printed by command of Parliament, referred to "that great defeat given to the Enemies forces in Wales under Laughorn and the reducing of Chepstow and other Garisons there."

ACTS OF PARLIAMENT.

Much is made of the few Acts of Parliament dealing with Wales from which Monmouthshire is omitted, e.g., the Sunday Closing (Wales) Act, 1881, despite the fact that in a later Act (1921) it was found necessary to *include* Monmouthshire in Welsh Sunday Closing regulations. But nothing is said of Acts like the 1649 Act for the Better Propagation of the Gospel in Wales, which, without comment or qualification, includes Monmouthshire in Wales, in the very middle of the list of 13 Welsh Counties for which it appoints Commissioners;

or of documents like the Inquiry into the Revenue of the Crown in 1787, in which the portion dealing with Wales is headed "the Principality of Wales *including* Monmouthshire"; or the Public Health Act of 1921, which includes Monmouthshire under the simple heading 'Wales' in the special provisions relating to Wales.

Yet it is significant that, with but a few unimportant exceptions, modern Acts of Parliament and other official publications treat Monmouthshire as part of Wales. That they do so under the anachronistic title 'Wales and Monmouthshire' has absolutely no significance. As we have shown, the title originated in the Tudor judicial arrangement of the affairs of Wales and there is no justification for it today, since the abolition of the Court of Great Sessions in 1830 removed the only feature distinguishing Monmouthshire from the rest of Wales. It does not reflect a political separation of Monmouthshire from Wales and its use is an illogical absurdity which should cease, in justice to Wales.

MINISTERIAL PRONOUNCEMENTS.

Ministerial pronouncements in recent years unequivocally place Monmouthshire in Wales. A few (out of many) examples must suffice. In 1953, Sir David Maxwell Fyfe described Newport Civil Defence as "the best in Wales." (On that occasion, the Mayor of Newport, Alderman A. F. Dolman, in thanking Sir David "added that the people of Monmouthshire—the English-speaking part of Wales"—felt that in Welsh affairs they were being left out in the cold. There was dissatisfaction in some quarters and he asked that when Welsh affairs were being discussed, Monmouthshire should have more consideration" (*Western Mail*, 24/1/53)). Lord Lloyd, Under Secretary, Home Office and Welsh Affairs, inspecting 9 demonstration houses completed at West Pontnewydd, described it as a special occasion "as those houses were the first of their type in Wales."

The official recognition of Cardiff as Capital has made Monmouthshire's present position clear beyond all reasonable doubt. The project received much support from Monmouthshire, and Newport Corporation's attempt to have Monmouthshire excluded in this matter was obviously not representative of feeling in the county at large. The ballot

at the Welsh Local Authorities' Conference was for "the Capital of Wales and Monmouthshire" and no fewer than 8 Monmouthshire local authorities supported Cardiff.

In December, 1955, the Government issued its proclamation announcing Cardiff's capital status, in which the city was proclaimed 'Capital of Wales' not of 'Wales and Monmouthshire.' When the omission was queried at Whitehall, early in January, 1956, the reply received was "In official Whitehall terminology Wales includes Monmouthshire and therefore Cardiff is the capital of Wales and Monmouthshire" (*Western Mail*, 5/1/56). Surely that is clear enough for the most obtuse and any further assertion that Monmouthshire is in England stands revealed as a deliberate attempt, in face of the law and declared official opinion of England herself, to filch from Wales an integral part of her historic territory.

OLD MAPS.

An argument frequently used is that maps represent Monmouthshire in England. This is not invariably the case.

Indeed, the maps of the most reputable cartographers from Saxton (1577), Speed (1610), Blaeu (1645) and Boyle (1672) downwards, correctly show Monmouthshire in Wales. Authoritative contemporary maps do the same, e.g., that of Wales (1954) published by the well-informed U.S.A. magazine *Time*, and the B.B.C.'s map in *Radio Times* (April 20th, 1956) illustrating an article by the Director of the Meteorological Office.

In this respect,—a Newport resident's correspondence with map-makers is illuminating. He says "Recently I have been in correspondence with 2 of Britain's leading map-makers regarding the nationality of the County of Monmouth and have received replies from which I have extracted these operative sentences—one from each. "This department has no record of a clear legal definition in relation to its inclusion in England or Wales," and "leaves a certain amount of doubt about its attachments recognised officially." I gather from these sources that the boundary is shown running west of Monmouthshire because it is 'customary,' and that one of the above map-makers is, in fact, awaiting a lead in the matter." (*Western Mail*, 19/10/54). So much for maps!

MODERN INDUSTRIALISTS.

The attitude of modern industrialists and tradespeople in the county is accurately reflected in the reported public utterances of such people as the Chairman of the Atlantic Shipbuilding Co., Newport, Girling Ltd., at Cwmbran ("the first new town in Wales") and the President of the Newport and Monmouthshire Chamber of Commerce. On the occasion of the launching of the Atlantic Co's first ship built at Newport, its Chairman said, "when this ship reaches Canada . . we trust that our many friends there will be well satisfied with what Wales has produced" (*Western Mail* 16/8/54). In July, 1953, Girling Ltd's. vice-chairman declared that his firm's training schemes for boys and girls "had been introduced with the aim of manning the works with Welsh personnel" (*W.M.* 6/7/53), and some days earlier, the President of Newport and Monmouthshire Chamber of Commerce had stated soundly, speaking of Newport: "We are the largest town in Monmouthshire and the third largest in Wales" (*W.M.* 27/6/53).

IN RELIGION, POLITICS, SPORT.

In religion, Monmouthshire has always been in Wales, having been in the Llandaff diocese since the 6th century. On its formation in 1921, after the separation of the Church in Wales from Canterbury, the new diocese of Monmouthshire remained in Wales, and Monmouthshire and Newport are among the Welsh local authorities that are beneficiaries under the Welsh Church Acts of 1914 and 1919.

The county has the distinction of being the cradle of Welsh Nonconformity: of the Welsh Independents at Llanfaches and the Welsh Baptists at Lanwenarth. The Rev. Henry Jessy in 1639 records that he assisted in establishing the first Nonconformist Church in 'Wales at Llanfaches.' The county was also one of the early centres of Welsh Methodism and Methodism in the county was Welsh in character and association. The preponderance of Nonconformists over members of other denominations is also a distinctively Welsh phenomenon.

In all matters in which the people themselves have a say, Monmouthshire has always been linked with Wales. Representatives from Monmouthshire local authorities are

sent to the Welsh Association of Local Authorities, while Monmouthshire M.P's belong to the Welsh Parliamentary Party. The new M.P. for Newport, Sir Frank Soskice, found it advisable, immediately upon election, to pledge himself in very definite terms to belong to the Welsh Parliamentary Party (*W.M.* 9/7/56).

In matters of sport, Monmouthshire is naturally included in Wales and Rugby footballers and boxers from Monmouthshire are recognised as Welsh, and it is for a Welsh side that a Monmouthshire crowd instinctively cheers at a Rugby international. It is true that Newport Rugby Club, when it was started more than three-quarters of a century ago, became affiliated to the English Rugby Union, "for the simple reason," to quote the *Manchester Guardian* (8/1/54) "that there was no Welsh Union." On the formation of the Welsh Union, Newport became one its first members, though it remained affiliated to both Unions.

SENTIMENTS OF THE PEOPLE.

In language, Welsh was the common language until less than a century ago, and the Commission on the Despatch of Business at Common Law (1934-36) (which, incidentally, recommended that "there should be one Welsh Circuit" and that "it may be found desirable for this Welsh Circuit to include Monmouthshire and exclude Chester), observed that the people of Monmouthshire "are in the main Welsh, and a considerable proportion of them speak Welsh as their primary language."

In education, the county has always been included with Wales and it shares in the maintenance and control of such specifically Welsh institutions as the Welsh National Museum, the National Library of Wales, the Welsh Joint Education Committee, the University of Wales, the Welsh National School of Medicine, etc.

It is true that in the present century a vigorous effort has been made in some quarters to secure the detachment of Monmouthshire from Wales, including in 1937, the formation of a Monmouthshire Association to 'defend' Monmouthshire against "Welsh encroachment." It is significant that the proposals for promoting the study of the history of the county and for the setting-up of a sub-committee to take evidence

on the question whether Monmouthshire was a Welsh or English county were decisively rejected. It was evidently realised that any impartial study of these matters could undermine the claim to Monmouthshire as an English county!

That the Association did not reflect the true feelings of the majority of Monmouthshire people is clear from the reaction in the same year to the attempt to make the visit of the King and Queen to Wales begin in Cardiff and to omit Monmouthshire from the county representatives to meet the King. Protests from prominent Monmouthshire people were so strong that the Royal tour began at Newport and Monmouthshire representatives *were* presented. When the King in his speech expressed pleasure at 'beginning' his tour in Cardiff, there were further protests at the implication that he did not recognise Monmouthshire as part of Wales, resulting in an assurance from "high Government circles" that "no special significance must be attached to the King's reference . . . For most Government purposes, Monmouthshire is definitely included with Wales and there is no disposition on the part of Government departments to make any alterations" (*W.M.* 7/4/37; 15/6/37; 15/7/37).

It will be seen, therefore, that whenever a direct challenge to Monmouthshire's position as a Welsh county is made, Welsh sentiment inside Monmouthshire itself proves too strong for the challengers. No wonder that the *Encyclopaedia Britannica*, which has played its part in the past in spreading the fiction that Monmouthshire is an English county, has, in its latest edition, been compelled to admit the realities of the situation and begin beating a retreat: "*The act of 1536 does not expressly separate the county from Wales, and it was only gradually that Monmouthshire came to be regarded as an English county, being included in the Oxford (legal) circuit for the first time in the reign of Charles II. In the twentieth century, however, the tendency seems to have grown to regard it again as a Welsh county.*"

Obviously, then, from whatever angle the question of Monmouthshire's position is approached, even that of English law and Government usage, Monmouthshire remains, as it has always been, an integral part of Wales and the people of Wales are justified in regarding any further attempts to claim it as an English county as a hostile act against the territorial integrity of the Welsh nation.