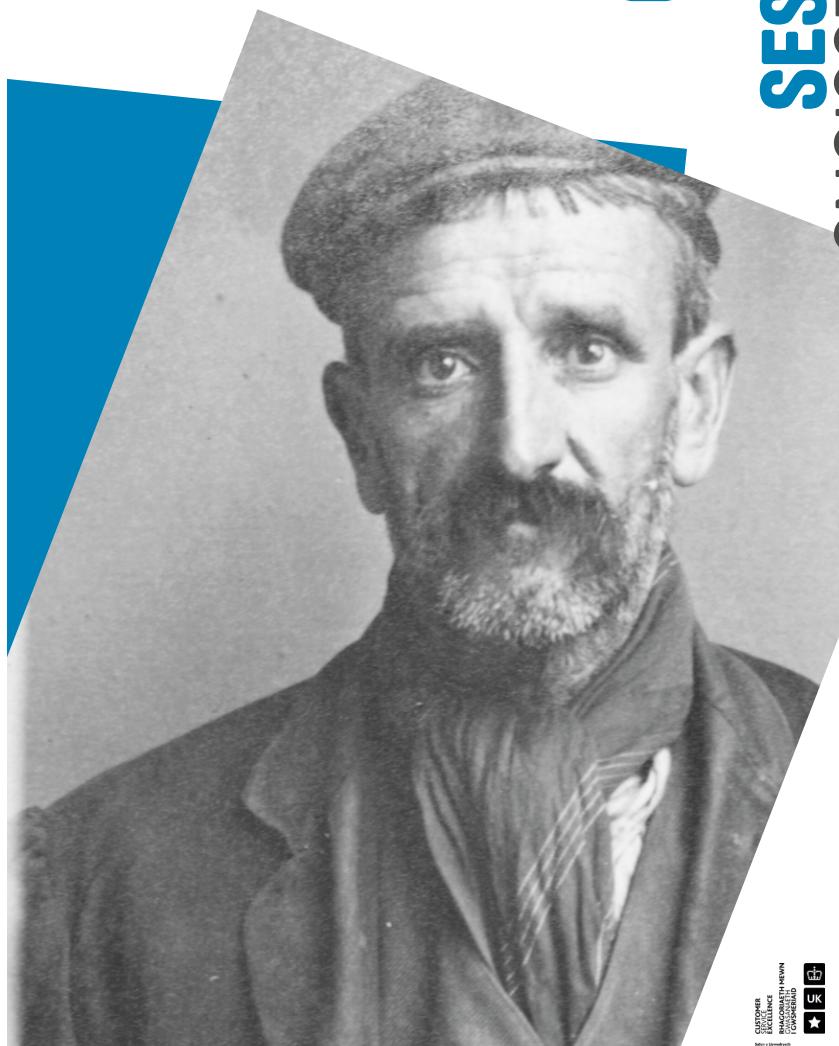


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RECORDS OF THE COURT
OF GREAT SESSIONS
SESWIN FAWR
COFODION LLYSY

LG
NLW



RHAGY MADRODD

INTRODUCTION

Sefydlywyd Llys y Sesiwn Fawr gan yr Ail Ddeddf Uno yn 1542 ac fe barhaodd y llys mewn bodolaeth hyd 1830. Yn ôl y Ddeddf hon roedd gan y llys yr un hawl i wrando achosion â Llys Mainc y Brenin a Llys y Pledion Cyffredin. Er nad yw'r Ddeddf yn crybwyllyn uniongyrchol yr hawl i wrando achosion ecwiti mae'n bur debyg i'r llys arfer yr hawl o'r cychwyn cyntaf. Dwywaith y flwyddyn yr oedd y llys i gyfarfod ac yr oedd pob sesiwn i barhau am chwe diwrnod. At ddibenion cyfreithiol rhannwyd Cymru gan y Ddeddf hon yn bedair cylchdaith gyda thair sir i bob cylchdaith, sef:

CAER – siroedd Dinbych, Fflint a Threfaldwyn

GOGLEDD CYMRU – siroedd Môn, Caernarfon a Meirionydd

ABERHONDDU – siroedd Brycheiniog, Morgannwg a Maesyfed

CAERFYRDDIN – siroedd Caerfyrddin, Aberteifi a Phenfro

Nid oedd lle i sir Fynwy dan y drefn yma ac felly daeth yn rhan o gylchdaith brawdlys Rhydychen. Ceir y cofnodion perthnasol yn yr Archifdy Gwladol.

Lladin yw iaith y cofnodion hyd 1733 heblaw am rai eithriadau arbennig, sef: dystiolaeth ysgrifenedig mewn achosion trosedol, holl gofnodion cyfnod y Werinlywodraeth (1650au) a holl gofnodion gwaith ecwiti'r llys. I'r anghyfarwydd gall yr ysgrifen beri cryn drafferth, yn enwedig yn y cofnodion cynharaf, ac y mae'r sylwadau ymly y ddalen

The Court of Great Sessions was established by the Second Act of Union in 1542 and remained in existence until 1830. According to the Act, the court was directed to hear all pleas 'in as large and ample a manner' as the courts of Kings Bench and Common Pleas. Even though the Act did not specifically empower the court to hear causes in equity, it seems pretty certain that the court exercised this right from the very beginning. The court was to sit twice a year and each session was to last for six days. For legal purposes the Act divided Wales into four circuits, with three counties to each circuit, namely:

CHESTER – counties of Denbigh, Flint and Montgomery

NORTH WALES – counties of Anglesey, Caernarfon and Merioneth

BRECON – counties of Brecon, Glamorgan and Radnor

CARMARTHEN – counties of Cardigan, Carmarthen and Pembroke

There was no room for Monmouthshire in this new scheme and it was, therefore, assigned to the Oxford assize circuit. The records of this circuit are in the Public Record Office.

All records prior to 1733 are in Latin with the exception of the following: written testimony in criminal cases, the records of the court during the Commonwealth period (1650s) and all the records of the equity side of the court. To the uninitiated the handwriting can pose problems, especially in the earlier

gan glercon y llys yn arbennig o anodd eu deall am eu bod wedi'u talfyrru'n enbyd.

Ofer yw disgwyl cofnod air am air am achos neu achosion: **nid oedd y fath beth erioed ar gael**, er bod nifer o adysgrifau modern ar gael ar gyfer Sir Drefaldwyn (gweler Darllen Pellach isod). Ni ddylid disgwyl ychwaith fod yna ffordd syml a rhwydd i ddefnyddio'r cofnodion: y mae'n rhaid wrth ddycnwch a dyfalbarhad, a phâr o lygaid da yn aml iawn. Heblaw am rai eithriadau a nodir isod prin yw'r wybodaeth i achyddwyr ymmsg cofnodion y llys, ond, ar yr un pryd, y mae yma drysorau i'w canfod i haneswyr cymdeithasol a haneswyr y gyfraith. Dylid nodi, sut bynnag, fod yna lawer agwedd ar waith y llys sy'n ddirgelwch o hyd.

Cyn troi at y cofnodion eu hunain dylid rhoi dau rybudd pellach. Yn gyntaf, ni ddylai darllenwyr sy'n tybio bod achos wedi dod gerbron y llys, neu sydd hyd yn oed yn gwybod am achos ond heb wybod y dyddiad, fyth mynd yn syth at y cofnodion yn y gobaith o ddarganfod manylion perthnasol. **Dylent yn gyntaf bob amser ddefnyddio'r cyfrolau a luniwyd gan glercod y llys (gweler isod) ac a ddefnyddir yn awr fel mynegeion.** Yn ail, ceir cofnodion na ddywedir dim amdanynt yma, er engrhaifft, gwritiau, rhestr i dwrneiod a phapurau'r cofrestwyr.

records, and the marginal notes written by the clerks of the court are extremely difficult to read because they were heavily abbreviated.

Readers hoping to consult a transcript of the case or cases will be disappointed: **no such transcripts were ever made**, although some modern transcripts are available for Montgomeryshire (see Further Reading below). It is also quite unrealistic to expect a quick and easy route through the records: patience, perseverance and, more often than not, a good pair of eyes are required. With the exceptions mentioned below there is little of value in the records of the court for the genealogist, but for social and legal historians they contain a vast amount of untapped information. It should be noted, however, that there are aspects of the court's work that still await elucidation.

Before turning to the records themselves, two words of caution are called for. Firstly, readers who think that a case came before the court, or who know of a case that came before the court but do not know the date, should not dive immediately into the records in the hope of finding relevant information. **The first search should always be in the volumes compiled by the clerks of the court (see below) and used now as indexes.** Secondly, there are records of the court that are not discussed here at all: for example, writs, admissions of attorneys, registrars's papers.

Y COFNODION

Cedwir ar silfioedd agored Ystafell Ddarllen y De restr o gofnodion y llys, a mae catalog arlein ar y gweill; gweler hefyd A guide to the records of Great Sessions in Wales Glyn Parry. Gellir rhannu'r cofnodion yn dair rhan, sef cofnodion achosion sifil, cofnodion achosion troseddol a chofnodion ecwiti.

ACHOSION SIFIL

Treuliai'r Sesiwn Fawr y rhan fwyaf o'i hamser yn gwrando ar achosion sifil, a phrif gofnod yr agwedd yma ar waith y llys yw'r rholiau pledion (plea rolls) (Dosbarthiadau **Chester 30 a Wales 16-26**). Cofnodion ffurfiol yw'r rhain sy'n cynnwys pledion unigolion a oedd yn cymryd rhan mewn anghydfod cyfreithiol. Ni cheir cofnod am bob achos sifil, fodd bynnag, dim ond yr achosion hynny a oedd wedi cyrraedd 'issue' (sef achosion lle'r oedd y partïon wedi cytuno beth oedd sail yr anghydfod). Mae'r pledion yn cynnwys yn gyntaf gŵyn yr achwynwr, a elwir yn 'ddatganiad', ac yna ateb y diffynnydd, a elwir yn 'ble'. Y mae mwyafri o'r achosion sifil a gofnodwyd ar y rholiau pledion yn achosion syml o ddyled. Ceir hefyd fân achosion yn ymwnneud â'r tir, megis tresmas, novel disseissin a throï allan; achosion o dorri cytundebau, achosion o enllib (ond gweler isod) a nifer fechan o achosion yn codi o ymosodiadau corfforol lle roedd yr achwynwr wedi mynd at y llys i sicrhau iawn ariannol. Nodir penderfyniadau'r llys ar y rholiau pledion hefyd, gan amlaf naill ai yn syth ar ôl ple'r diffynnydd neu ar ddalen ar wahân.

Nid yw'r rholiau pledion eto wedi eu myngeio ond fe ellir (ac fe ddylid) defnyddio'r rhestr cynnwys (docket) sydd

THE RECORDS

A list of the records of the court is kept on the open shelves in the South Reading Room, and a catalogue will be available online in due course; see also Glyn Parry's A guide to the records of Great Sessions in Wales. They can be divided into three parts: records relating to civil actions, records relating to criminal cases and records relating to equity causes.

CIVIL ACTIONS

The court of Great Sessions spent most of its time hearing civil actions, and the main record of this aspect of its work is the plea roll (Classes **Chester 30 and Wales 16-26**).

The plea roll is a formal record of the pleas of litigants in a civil action. It should be noted, however, that the plea rolls do not contain the pleas of every civil action: only in those actions which reached issue were the pleas enrolled ('issue' was reached when the litigants had agreed on the point at issue). The pleas contain the plaintiff's complaint, known as the declaration, followed by the defendant's answer, known as the plea. The majority of civil actions enrolled on the plea rolls are simple cases of debt. They do, however, contain minor actions involving land such as trespass, novel disseissin and ejectment: breaches of contract, slander (but see below) and a small number of actions arising from physical assaults where the aggrieved party sued for damages. The judgements of the court are also enrolled on the plea rolls, usually either immediately after the defendant's plea or on a separate membrane.

Indexes to the plea rolls have yet to be compiled but the dockets, which are either in the form of a roll or a book, can (and should)

naill ai ar ffurf rhol neu lyfr (Dosbarth **IND.10021-29, 17542-64**). Mantais fawr y rhain yw eu bod yn cynnwys cofnod am bob achos sifil, gan gynnwys y rhai na gyrraeddodd issue. Mae pob cofnod yn enwi'r partion ac yn nodi natur yr achos a'r cam yn y broses gyfreithiol yr oedd yr achos wedi ei gyrraedd erbyn diwedd y sesiwn. **Felly, wrth chwilio am achos neu achosion arbennig y rhain, ac nid y rholiau pledion, yw'r cofnodion cyntaf y dylid ymgynghori â hwy.**

Yr oedd clercoed y llys hefyd yn cadw llyfrau gorchmynion (order books) a llyfrau cofnodion (minute books) (Dosbarth **Wales 14**). Cynnwys y llyfrau gorchmynion, fel yr awgryma'r teitl, yw gorchmynion ffurfiol y llys, ac ychydig o werth sydd i'r rhain heblaw am y gorchmynion hynny sydd yn ymneud â throseddwyr (gweler isod). Y mae'r llyfrau cofnodion yn cynnwys nodiadau'r cleric am yr hyn a oedd yn digwydd yn y llys ar y pryd, nodiadau a gododd i hwyluso ei waith. Wrth reswm, ysgrifennwyd hwynt yn aml ar garlam ac y maent felly yn frith o dalfyriadau. Heblaw am y cofnodion am droseddwyr (gweler isod) haneswyr y gyfraith sy'n ymddiddori ym mheirianwaith y llys yw'r unig rai a gaiff unrhyw fudd mawr o'r llyfrau cofnodion hyn.

Fe geir yn ogystal ar y rholiau pledion cynnar ddogfennau nad oedd a wnelont ag achosion sifil o gwbl, ac fe ddylid crybwylldau ddosbarth ohonynt. Yn gyntaf, ceir nifer fechan o weithredoedd tir a gofnodwyd ar y rholiau pledion, ac yn ail ceir ditiau (cyhuddiadau) yn erbyn troseddwyr. Erbyn tua 1600, foddy bynnag, mae'r ddau fel ei gilydd bron iawn wedi difflannu oddi ar y rholiau.

be used for this purpose (**Class IND. 10021-29, 17542-62**). A notable feature of the docket rolls (and books) is that they contain a record of all civil actions, including those that did not reach issue. Each entry gives the names of the parties, the nature of the action, and what stage the action had reached by the end of the session. **Readers searching for a particular action, or actions, should, therefore, consult these records first and not the plea rolls.**

Other records compiled by the clerks of the court include order books and minute books (Class **Wales 14**). As the title suggests the order books contain the formal orders of the court, but these are of little interest except for those orders relating to criminals (see below). The minute books comprise the clerk's notes of what was happening at the time in court and were kept for his own convenience. These notes were naturally often written in haste, and as a result they are very heavily abbreviated. Again with the exception of criminal cases, these volumes are of little moment except to the legal historian studying court procedure.

Documents entirely unrelated to civil actions were also enrolled on the early plea rolls; and two classes in particular should be mentioned. Firstly, a small number of deeds were enrolled on the plea rolls, and secondly, indictments against criminals were sometimes enrolled. By about 1600, however, both deeds and indictments had virtually disappeared from the plea rolls.

The records of the civil side of the court also contain records relating to two collusive actions called **Final Concords**, or **Fines** and **Common Recoveries**. These collusive actions are explained in R B Pugh (ed.), *Calendar of Antrobus Deeds Before 1625*

Ymhllith cofnodion ochr sifil y llys fe geir hefyd gofnodion am ddua fath o ffug-achosion cyfreithiol a elwir yn Gytgordau (**Final Concords** neu **Fines**) ac Adferiadau Cyffredin (**Common Recoveries**). Ceir esboniad ar y ffug-achosion hyn yn R B Pugh (gol), Calendar of Antrobus Deeds Before 1625 (Wiltshire Archaeological and Nature History Society, Records Branch, vol iii, 1947, tt lxvii-l). Y brif wybodaeth a geir yn y cofnodion am ffug-achosion hyn yw pwy oedd yn perchen y tiroedd yr oedd yr achosion yn ymwneud â hwy, ac i bwy yr oedd y tiroedd yn cael eu trosglwyddo. Dylid nodi, foddy bynnag, ei bod yn aml yn haws darganfod dystiolaeth am y ffug-achosion hyn ymhllith archifau stadau, gan fod cytgordau ac amlygebau adferiadau cyffredin (exemplifications of common recovery) yn cael eu cadw'n ddiogel gan berchnogion gofalus y tiroedd yr oedd yr achosion yn ymwneud â hwy. Gydag amser daeth yn arfer llunio dogfen yn datgan dibenion cytgord neu adferiad. Gwelir y rhain ymhllith archifau stadau ac nid ymhllith archifau'r llys.

Y mae copi'r llys o bob cytgord yn Nosbarth **Wales 3** a chofnodir pledion pob adferiad cyffredin ar y rholiau pledion. Fel yn achos y rholiau pledion, os nad oes gennych ddyddiad pendant ni ddyblech fynd at y cofnodion yn syth yn y gobaith o ddarganfod y wybodaeth berthnasol; yn hytrach dylech ddefnyddio'r cyfrolau a ddefnyddir yn awr fel mynegeion. Mae mynegai i'r cytgordau a'r adferiadau yn y rhestri cynnwys cytgordau ac adferiadau (Docket Books of Fines and Recoveries) (Dosbarth **IND.17527-8, 17530, 17567-72, 17589-90, 17607-11**). Am gylchdaith Aberhonddu yn unig gellir hefyd ddefnyddio'r rhestri cynnwys pledion a chytgordau (Docket Books of Pleas and Fines) (Dosbarth **IND.17534-41**). Ceir mynegeion pellach i adferiadau cylchdaith

(Wiltshire Archaeological and Natural History Society, Records Branch, vol iii, 1947, pp lxvii-l). The most important information contained in the records of these collusive actions is who owned the land involved in the action and to whom the land was being conveyed. It should be noted, however, that it is often easier to find information about these collusive actions in estate archives, since final concords and exemplifications of common recovery were kept safely by careful owners of lands involved in such actions. In time it became standard practice to draw up a deed declaring the uses of a fine or recovery, thereby showing the true purpose of the transaction. These can be found amongst estate archives and not amongst the records of the court.

The feet of fines (i.e. the court's copies) are in Class **Wales 3**, whilst pleas in common recoveries were enrolled on the plea rolls. As with plea rolls, unless there is a known specific date the first search should not be in the records themselves but in those volumes which are now used as indexes. The indexes to both fines and recoveries are in the Docket Books of Fines and Recoveries (Class **IND.17527-8, 17530, 17567-72, 17589-90, 17607-11**). For the Brecon circuit only there are also Docket Books of Pleas and Fines (Class **IND.17534-41**). Further indexes to recoveries suffered on the Carmarthen circuit can be found in the **Remembrance Rolls of Recoveries** (Class **Wales 7/1-69**).

The responsibility for keeping the records of the civil side of the court belonged to the chief clerk of the court, called the Prothonotary (records of criminal actions were kept by the Clerk of the Crown. His files, called naturally enough the Prothonotary Files, are in Classes **Wales 13** (pre 1660) and **P** (post 1660). The documents on these files are not generally of

Caerfyrrdin yn y rholiau atgofio adferiadau (Remembrance Roll of Recoveries) (Dosbarth Wales 5/1-61).

Cyfrifoldeb y Protonotari, sef prif glerc y llys, oedd cadw cofnodion achosion siifil (cyfrifoldeb Clerc y Goron oedd cadw cofnodion achosion troseddol). Ffeiliau'r Protonotari y gelwir ei ffeiliau, yn ddiogion naturiol (Dosbarthiadau Wales 13 (cyn 1660) a P (ar ôl 1660)). Dogfennau digon dibwys eu cynnwys i ymchwilwyr heddiw a geir yn gyffredinol yn y ffeiliau hyn, gyda rhai eithriadau, yn arbennig yr 'achau herio' a phapurau yn ymwneud ag achosion o athrod.

Lluniwyd ach herio gan yr erlynydd i ddangos ei fod ef (neu fod ei wraig) yn perthyn hyd at y bedwaredd genhedlaeth i'r siryf i ddethol rheithgor. Fe allai'r erlynydd herio'r crwner hefyd ar ôl herio'r siryf, ac mewn achos felly byddai'r llys yn penodi elizors, sef etholwyr annibynnol, i ddewis rheithgor. Y rheswm am i'r erlynydd ddatgan ei berthynas i'r siryf oedd hyn: os na fyddai'n gwneud hynny roedd modd i'r diffynnydd herio'r rheithgor yn ei chyfanwydd (jury array) yn nes ymlaen, a phetai ei her yn llwyddiannus byddai'r rheithgor yn cael ei gollwng ac fe fyddai'n rhaid i'r erlynydd ail-ddechrau yr achos o issue unwaith eto (gweler Rice Vaughan, Practia Walliae (Llundain, 1672), tt 38-48). Mantais i'r erlynydd, felly, oedd llunio ach herio, er mwyn arbed amser ac arian.

Clywid achosion o athrod naill ai yn y llysoedd seciwlar neu yn y llysoedd eglwysig (union eiriau'r athrod a oedd yn penderfynu pa lys a wrandawai ar achosion o'r fath, ynghyd â'r ateb i'r cwestiwn a oedd yr athrod yn debygol o arwain at darfu'r heddwch ai peidio). Os oedd achos o athrod yn dod o flaen llys eglwysig roedd modd symud yr

much value, with a few exceptions. Two such exceptions will be noted here: the 'challenge pedigrees' and papers relating to cases of slander.

A challenge pedigree was drawn up by the plaintiff to prove that he (or his wife) was related in the fourth degree in consanguinity to the sheriff (or his wife): the sheriff being normally responsible for empanelling the jury. Such a pedigree would be drawn up in order to request the court to appoint the coroner instead of the sheriff to select a jury. The plaintiff could also challenge the coroner after he had successfully challenged the sheriff, and if his challenge to the coroner was also successful the court would appoint elizors or independent electors to choose a jury. Why did the plaintiff declare his relationship to the sheriff? The answer is that if the plaintiff did not declare his relationship the plaintiff could challenge the jury array further on in the proceeding, and if his challenge was successful the jury would be quashed and the plaintiff would have to re-commence proceedings from issue once again (see Rice Vaughan, Practia Walliae (London, 1672, pp 38-48). It was therefore in the plaintiff's interest to draw up a challenge pedigree, to save both time and money.

Cases of slander could be heard before either the secular or the ecclesiastical courts (which court heard a particular case depended on the exact wording of the slander and whether the slander was liable to lead to a breach of the peace or not). It was possible, however, to remove cases of slander from the ecclesiastical to the secular courts by means of a writ of prohibition. When such a writ had been moved the writ and the papers relating to the case would be filed on the Prothonotary's File.

achos i'r llysoedd seciwlar drwy ddefnyddio gwrit gwaharddiad (writ of prohibition). Ar achlysuron o'r fath byddai'r gwrit, ynghyd â'r papurau yn ymwned â'r achos, yn cael eu cadw ymhliith Ffeiliau'r Protonotari.

ACHOSION TROSEDDOL (ACHOSION Y GORON)

Prif gofnod ochr droseddol y llys yw'r Ffeiliau Carchar (gaol files) (yn Nosbarth **Wales 4**), er mai'r enw mwyaf priodol arnynt yw'r un a ddefnyddid ar gylchdaith Gogledd Cymru, sef Calendrau, neu Ffeiliau, Clerc y Goron. Cyn troi at gynnwys y ffeiliau dylid nodi mai'r achosion mwyaf difrifol yn unig a wrandewid yn Llys y Sesiwn Fawr; byddai'r achosion llai difrifol yn mynd gerbron Llys y Sesiwn Chwarter.

Ceir amrywiaeth o ddogfennau yn y Ffeiliau Carchar, ond y rhai pwysicaf yn unig a nodir yma. Fel arfer bydd pob ffeil yn cynnwys rhestr (calendr yw'r gair technegol) o garcharorion a oedd yn disgwyli sefyll eu prawf. Arferid argraffu calendrau o tua diwedd yddeunawfed ganrif ymlaen. Bydd y calendr yn enwi'r carcharorion ac yn nodi natur y drosedd a phwy oedd wedi eu traddodi i'r carchar. Yn ddigon aml bydd Clerc y Goron wedi ychwanegu'r ddedfryd, a'r gosb os cafwyd y carcharor yn euog. Mae'r calendr mewn gwirionedd yn gweithredu fel mynegai i'r Ffeil Carchar. Gwybodaeth werthfawr ychwanegol a geir yn y calendrau diweddarach yw manylion am garcharorion a oedd wedi eu dedfrydu gan y Sesiwn Fawr neu'r Sesiwn Chwarter i dymor yn y carchar neu'r House of Correction. Nodir yn y calendrau enwau'r carcharorion hyn, natur y drosedd a'u cosb, a phryd a chan ba lys y'u dedfrydwyd. Dylid cofio na fydd y calendrau diweddarach yn cynnwys enwau y

CRIMINAL (OR CROWN) ACTIONS

The main record of the criminal side of the court is the Gaol Files (in Class **Wales 4**), though the most appropriate name for them is the one used on the North Wales circuit: Calendars, or Files, of the Clerk of the Crown. Before turning to the files themselves it should be noted that only serious offences (felonies) came before the court of Great Sessions; minor offences were heard by the court of Quarter Sessions.

A variety of documents are included in the Gaol Files, but only the most important will be dealt with here. Normally the file will contain a calendar of prisoners waiting to stand trial. The calendars were usually printed from the late eighteenth century onwards. Included on the calendar are the names of the prisoners, the nature of their offences, who committed the prisoners to gaol and, quite often, the Clerk of the Crown will have added the verdict and, where appropriate, the sentence. The calendar in effect serves as an index to the file. Later calendars also include lists of prisoners serving terms of imprisonment in the county gaol or the House of Correction to which they had been sentenced by the Great Sessions or the Quarter Sessions. These later calendars give the prisoner's name, the offence, the sentence, and when and at which court the case was tried. Later calendars do not, however, give the names of those awaiting trial who had been released on bail. The earlier calendars, it should be noted, are often extremely difficult to read.

Indictments against the accused were also kept on the Gaol File. The indictment gives the prisoner's name and status or calling, his parish of residence, when and where the



GALAR GERDDU sef Hanes Llofruddiaeth JESSE ROBERTS, Mai 2fed, 1853,
gerllaw Roe wen, Sir Gaernarfon, am yr hyn yr eueg-browyd John Roberts,
ac y dienyyddwyd Awst 10fed, 1853. Cenir ar Ffyniau'r Iwerddon.

Y CYMRY hoff earedig, rai didig yma dewch,
Rhwe destya pradd Alunad, ar ganaeth yma gewch;
Bu'leni yn Sir Gaernarfon, rhwng drist echrhydion dro,
Llofruddiaeth a gylawnwyd, er arwyd ger llaw Roe.

Un Jess Roberts ydoedd, mae'n llydan goedd y gwir,
Bydd cof o'r dlanwau chwefor, gadd hlaww ddydiadau hir,
Mif wylth gan pum deg a thairbwyd, am hyn mawr sbrwyddi sat,
Fe'i saethwyd gan ei elyn, yr eilfed dydd o Fai.

A gynn am Haels a Phowdwr, a wneuth y llofrudd hwn,

A chan gymddylog hefyd, fe gadof fenthyg gwn,
Gas dwyedd ei fod i'n gwybod, Am Ysgyflor iawn,

Yr ael i chwilio am dani, a hela trwy'r prydnewn.

'Rol cael y gwn yn ebyrwydd, y llofrudd aeth o'r lle,
I ddf Tad Jesse Roberts, can'i teulu yn yfed tea,

Fe huddodd Jesse i'w ganlyn, i'r mynydd longeyn llon,
Tas esgus lladd gwahingod, heb onfi brad ger bron,

'Roedd Jesse a'n blentyn, mor addifynn ac erioed,
I helpu atwareu Ysgol, wrth real hardd fe'i rhoed,
O fachgen un at bymthog, synwyrol gwylged lawu,
Roedd argoed rhiswedd a'm, 'n blodeuo a deg mewu dawn.

'Roedd Watch ymhoedid Jesse, y noswaith hynd hon,
Ef prawd roes iddo ei benthyg, fel profwyd hyn ger bron,
Mewu ethaf mynydd unig, O tua'n filieng drefn,
Trwy'i ben a'ysgywyd saethwyd, e'n gelan o'r tu cefn.

'Rol dwyn ei Watch a'f fywyd, fe hyrddiodd cyn pen hir,
Ef gorff i gerigys profydd, mae'n galed dywend y gwir;

Rhwng cerig mawr echrhydion, ei guddio'n union wnaeth,
I bentre Roe gwnant dylchwel, yn dawel yno daeth,

Fe aeth drwy Gonwy dranoch, fel mae gwybodaeth bur,
Ac hefyd i Aberglas, i weithiau'r Watch mae'n wir,
Pawb oedd yn dechreu dychrynn, am hyn mewn brynn a bro,

Aeth rhai at Gering Pryfylid, fe weiyd yoed wael,
Af gorph mewn ille cudiadig, cyl rhwng y ceng gaed.

Dan swyddog aeth o Gonwy, ni'r rai hyrwy favur,
Cyn dal yr erchyll fradur, a wnaeth y Mwrdwr mawr,

Cwest Crwner dores yn sydyn, i'w erbyn hyn sydd wir,
Cadd fydd i'r Gaol hyd Sessiwn, Caernarfon cyn pen hir.

A'r Sessiwn daeth y tystion, nor llwynion yn eu lle,
Fel lling mewn lling mewn cadwyn, bawb yn ei erbyn E,
Ll'r ydoedd iawn dystiolaeth, ysywaith mater syn,
Gwnyd Jury benderyniad, iawn eglurhad ar hyu.

A'r Jury sent o'r neillid, i'w caog farfau fo,
A'r Judge gyhoeddai ddedryd, ofnafelyr drymlydd dro,
I farw ar y croghben, yn llwyr rhwng nen a llawr,
Dydd Mercher Awst y degled, o'r chwarter ymhweliad mawr.

Ttryw trial bur'u carcharor, tan boen yn codi ei ben,
Dyrafachai ei olygon, yn union na'r nen:
Rwydd dill ei ymddangosiad, tra parai'r profiad prudd,
Fel un fa'n arobaethio, am byth gael rhodio'n rhyllyd.

Ur leiddaonol fe'i cyrchiwyd, hyd dydd y ddedryd ddu
Llo caffod gan y Ficer, cymgorion cyson en:

Rhroed drud bythefnos iddo, i ddywys weddio ar Dduw,
Ttryw Grisiau am faddfe ei feiau, tra hydida yma yn byw.

Dyfeisidion wedi ei drial, rwy storu ddyfyl ddyrys,
Ar wladwr o'i gwn ddogiadaeth, rwy beth ofnadiwy bwys,
Mi ledlais Jesse Roberts am gyflog trostdio fe,
Er mwyn i fachgen gwnaw, yn'r Ysgol hanuw ei le.

Swyddogion aent i'w moifyn, a'r dyn twy ddyfhyd
diddeth,
I wyoel y carcharor, tra fewn i'r carchar caeth,

Cadd William Evans uno, ei giriio yn etihad glân
O flan gwy'r mawr Caernarfon, wr hoylun heb wahân.

Holl seiri trof Caernarfon, rhaid dyweud y gwir ar go'dd,
Ni wnat y rhai a mor'i croghben, am arian mewnu modd,
Dyfurdirai oedd y seiri, a'i gwnaeth cawn nodi yn awr,
A dienyddwr cyrraedd, o Loegr daeth i lawr.

O flan y gwyr car'dd seyll, ofnafwyd erchyll awr,
Fe gasglodd i Gaernarfon, rwy dyrfa anferthol fawr
Er mwyn cyflawni'r gyfraith, John Roberts, yno roed,
I farw ar y croc bren, yn dair ar hugain oed.

Boed hyn o drol trwy'r gwledydd, er rhifydd i bob rhwy
Rhag coledd llywbrau'r gelyn, heb onfi dyn am Duw.
Yr Arglwydd a'n gwaredo, fel byddo ei waith ym ben,
Na wender y fel weithred, dynimel pawb Amen.

rhai a oedd i sefyll eu prawf ond a oedd wedi eu rhyddhau ar fechniæth. Rhaid nodi hefyd fod y calendrau cynharach yn aml yn anodd iawn eu darllen.

Cedwid y ditiau (cyhuddiadau) yn erbyn y troseddwr hefyd yn y Ffeiliau Carchar. Mae'r ditiau yn enwi'r troseddwr, yn nodi ei statws neu ei alwedigaeth, y plwyf yr oedd yn byw ynddo, pryd ac ym mha le y digwyddodd y drosedd, natur y drosedd ac enw'r sawl a oedd wedi dioddef. Yn aml bydd un o glercod y llys wedi ychwanegu ple y carcharor, y ddedfryd, ac, os cafwyd ef yn euog, y gosb. Rhaid bod yn ofalus iawn wrth ddefnyddio'r ditiau, fodd bynnag, oherwydd am resymau nad oes neb eto yn eu deall yn iawn y mae rhai o'r manylion a geir ynddynt weithiau yn hollo anghywir, yn arbennig enw'r plwyf lle'r oedd y carcharor yn byw, ei statws neu ei alwedigaeth, a dyddiad y drosedd.

Gellir cywiro'r camgymeriadau hyn i raddau drwy ddefnyddio ymrwymiadau (recognizances), sydd hefyd yn cael eu cadw yn y Ffeiliau Carchar. Pwrpas ymrwymiadau oedd sicrhau bod yr erlynydd a'r tystion yn ymddangos yn y llys i erlyn ac i ddwyn tystiolaeth yn erbyn y carcharor, a hefyd sicrhau presenoldeb y sawl a gyhuddwyd yn y llys os oedd wedi ei ryddhau ar fechniæth. Pwysigrwydd yr ymrwymiadau yw bod y wybodaeth a geir ynddynt yn ffeithiol gywir.

Y dogfennau mwyaf diddorol yn y ffeiliau yw'r rheini y ceir ynddynt dystiolaeth ysgrifenedig (**ni chofnodwyd tystiolaeth llafar gerbron y llys**). Mae'r dogfennau hyn yn rhoi darlun byw iawn o fywyd bob dydd pobl gyffredin, rhywbeth nes car mewn odid un math arall o ddogfen. Yn eironig iawn dyma'r union gofnodion sydd gan amlaf wedi eu dinistrio gan nad cofnodion y llys oeddynt - a bod yn gyfreithiol gywir. Fe'u

offence took place, what the offence was, and the name of the victim. Often a clerk of the court will have added the prisoner's plea, the verdict, and, where applicable, the sentence. Readers should, however, be extremely careful when using indictments because – for reasons still not fully understood – details contained on them are sometimes completely incorrect, especially the prisoner's parish of residence, his status or occupation and the date when the offence took place.

Some of these errors can be eliminated by using recognizances, which are also kept on the Gaol Files. Recognizances were bonds to ensure the presence of both prosecutor and witnesses at the next sessions of the court, to prosecute and give evidence against the accused. They were also used in similar fashion with those accused of an offence who had been released on bail. The importance of the recognizance lies in the fact that the information they contain is factually correct.

The most interesting documents in the files are the written depositions of witnesses (**oral testimony before the court was not recorded**). The depositions give circumstantial evidence and incidental information and they provide cameos of everyday life virtually unmatched by any other type of document. Ironically, it is this type of document which, more often than not, has been destroyed. There was no obligation to preserve the depositions because they were not, strictly speaking, records of the court. They were taken before justices of the peace in the early stages of a prosecution, sometimes well before the actual trial took place.

Other interesting documents included in the files are coroner's inquests. These give very interesting information about such things as

lluniwyd gan ynaden heddwch ar ddechrau erlyniad, weithiau ymhell cyn i'r llys eistedd.

Dogfennau defnyddiol eraill a geir yn y ffeiliau yw ymchwiliadau rheithgor y crwner (y cwest). Ceir dystiolaeth ddiddorol iawn yn yr rhain am bethau megis damweiniau ar y môr, damweiniau diwydiannol angheul ac achosion o hunanladdiad.

Y mae'r llyfrau cofnodion a'r llyfrau gorchmynion y cyfeiriwyd atynt yn yr adran flaenorol yn cynnwys gwybodaeth am droseddwyr hefyd. Ceir yn llyfrau gorchmynion rhai cylchdeithiau orchmynion ffurfiol i gosbi carcharorion a oedd wedi eu dyfarnu yn euog, gan gynnwys gorchmynion i'w dienyddio ac, ar ôl 1718, i'w halltudio. Yn y llyfrau cofnodion hefyd ceir manylion am ddedfryd a chosb, ond rhaid pwysleisio bod amrywiaeth mawr yn y wybodaeth a geir yn y llyfrau yma, nid yn unig ar wahanol adegau ond hefyd yn y gwahanol gylchdeithiau.

Gellir defnyddio'r llyfrau gorchmynion a'r llyfrau cofnodion fel mynegeion i'r Ffeiliau Carchar, ond at y diben yma y mae '**Llyfrau'r Goron**' a'r '**Llyfrau Duon**' yn llawer mwy defnyddiol. Yn anffodus am Sir Flint yn unig y mae 'Llyfrau'r Goron' ar gael (Dosbarth **Wales 14/68-70**, ynghyd â chyfrol strae, Llsgr. NLW 6298D), a dwy gyfrol yn yr Archifdy Gwladol: Chester 21/7-8) ac y mae bylchau rhwng 1542-63, 1667-1707 a 1757-1790. Yn yr un modd y mae'r '**Llyfrau Duon**' (Dosbarth **Wales 28/31-36**) yn ymwneud â dosbarth yn rhestru carcharorion, ac yn nodi natur y drosedd, ac weithiau y ddedfryd a'r gosb.

Mynegai defnyddiol arall i'r Ffeiliau Carchar yw'r rholiau calendr (calendar rolls) (Dosbarth **Wales 7**), ond mae'r rhain wedi eu cyfngu i siroedd Maesyfed, 1555-69;

shipwrecks, industrial accidents involving fatalities and cases of suicide.

The order books and minute books referred to in the previous section also contain some information about criminals. In some circuits the order books contain formal orders to punish convicted offenders, including executions and, after 1718, transportations. The minute books also contain details about verdicts and sentences, but it must be emphasised that the amount of information about crimes and criminals given in these volumes is very uneven, not only over time but also between circuits.

It is possible to use the order and minute books as rough indexes to the Gaol Files, but for this purpose the **Crown Books** and '**Black Books**' are far more convenient. Unfortunately, Crown Books are only to be found for Flintshire (Class **Wales 14/68-70**, together with a stray volume, NLW MSS 6298D, and two volumes in the Public Record Office: Chester 21/7-8), with gaps for the years 1542-63, 1667-1707 and 1757-90. Similarly the **Black Books** (Class **Wales 28/31-6**) cover only the Brecon circuit and only from 1726 until 1830. Both classes contain names of prisoners and note the offence and, sometimes, the verdict and sentence. Copies of Wales 14/68-70 and 28/31-6 are available on the open shelves in the catalogue room.

The calendar rolls (Class **Wales 7**) should also be used as indexes to the gaol files, but these are restricted to the counties of Radnor, 1555-69; Glamorgan, 1555-1601; Cardigan, 1542-1602 and Pembrokeshire, 1542-1674.

Morgannwg, 1555-1601; Aberteifi, 1542-1602 a Phenfro, 1542-1674.

OCHR ECWITI

Er bod gan Lys y Sesiwn Fawr yr hawl i wrando achosion ecwiti o'r cychwyn cyntaf, ychydig iawn o achosion a ddaeth gerbron y llys cyn diwedd yr ail ganrif ar bymtheg, gan fod y mwyafrif llethol o achwynwyr yn mynd â'u hachos naill at Gyngor Cymru a'r Gororau yn Llwydlo neu at Lys Siawnsri yn Llundain. Yn 1689, sef y flwyddyn y diddymwyd Cyngor Cymru a'r Gororau, y mae'r cofnodion yn dechrau, ac nid yw cofnodion ecwiti cylchdaith Caer yn dechrau tan 1730.

Ochr ecwiti oedd y rhan leiaf pwysig o waith y llys, a barnu with nifer yr achosion a wrandawyd. Cyffraith gwlad (sef common law Lloegr) a weinyddid yn yr achosion sifil a'r achosion troseddol. Yr oedd rhai achosion, fodd bynnag, yr oedd wedi dod yn arfer eu gwrandio yn ôl egwyddorion wedi'u seilio ar fwriad yn hytrach na llythyren y gyfraith. Achosion oedd y rhain yn ymneud â materion fel cytundebau priodas, cytundebau llafar, ewyllysiau, morgeisi ac ymddiriedolaethau. Dyma faes llys ecwiti. Y mae llawer mwy o'r achosion hyn, o'u cymharu ag achosion sifil, ag yn ymneud ag anghytundebau teuluol ac o'r herwydd, gallai'r cofnodion fod o fudd i achyddwyr.

Dechreuwyd achos ecwiti gan fil achwyn (bill of complaint), sef datganiad o achos yr achwynwr yn erbyn y diffynnydd. Dilynwyd y bil achwyn gan atebiad y diffynnydd, a gellid dilyn yr atebiad gan wrthdystiolaeth (replication) yr achwynwr a gwrthateb (rejoinder) y diffynnydd. Yr oedd modd mynd ymhellach ar hyd y llwybr yma.

EQUITY CAUSES

Although the Court of Great Sessions had a jurisdiction in equity from the very beginning the number of causes heard before the court was very small indeed until the end of the seventeenth century. The overwhelming majority of equity causes were heard either at the Court of the Council of Wales and the Marches sitting in Ludlow or before the Court of Chancery in London. The equity records of the Court of Great Sessions do not begin until 1689, the year the Council of Wales and the Marches was abolished, and the records for the Chester circuit do not begin until 1730.

To judge from the number of cases brought before the court, the equity side was the least important part of its work. In both civil and criminal actions it was English common law that was administered, but there were some matters which had come to be considered according to principles based on the spirit rather than the letter of the law. These included disputes over marriage settlements, oral agreements, wills, mortgages, and trusts. Such was the jurisdiction of a court of equity. A high proportion of equity causes, as compared to civil actions, relate to family disputes; the records may, therefore, prove useful to genealogists.

A cause in equity was begun by a bill of complaint, that is, a statement of the plaintiff's case against the defendant. The bill would then be followed by the defendant's answer, which could, in turn, be followed by the complainant's replication and the defendant's rejoinder. It was possible to go even further along this road. Taken together all these documents were pleadings. After the pleading had finished the court would commission

Gyda'i gilydd fe elwid y dogfennau yma yn pledion (pleadings). Wedi i'r pledio orffen byddai'r llys yn comisiynu pobl i holi tystion. Byddai'r ddwy ochr yn llunio cwestiynau syml i'w gofyn i'r tystion, sef pobl y mae'n debyg eu bod yn gyfarwydd â rhai agweddau ar yr achos. Gelwid y cwestiynau yma yn gwestiynebau (interrogatories) a'r atebion iddynt yn dystiolaethau ar lw (depositions). Y mae holl bledion, cwestiynebau a thystiolaethau ar lw wedi eu ffeilio gyda'i gilydd (Dosbarthiadau).

Wales 11-12) ac yn wahanol i'r rhoi lai pledion a Ffeiliau'r Carchar maent wedi eu trefnu yn ôl cylchdaith ac nid yn ôl y sir. Mae'n bwysig cofio hefyd i gofnodion ochr ecwiti y llys gael eu rhannu cyn iddynt gyrraedd y Llyfrgell Genedlaethol yn gofnodion ar femrwn (Wales 11) a chofnodion ar bapur (Wales 12) a gall felly fod **cofnodion yn y ddaau ddosbarth yn ymwnedud â'r un achos.**

Nid oes dim diben mynd yn syth at y cofnodion i chwilio am achos arbennig.
Dylid yn gyntaf chwilio'r llyfrau bil (Dosbarth **IND.17529, 17531-3, 17565-6, 17573-4**). Y mae'r rhain yn fynegeion rhagorol oherwydd eu bod yn cofnodi'r dyddiad y derbynwyd pob bil achwyn. Y mae rhai llyfrau gorchmynion ochr ecwiti (Dosbarth **Wales 10**) yn cynnwys dyfarniadau (decrees), ond fe gofnodir y dyfarniadau yn y bennaf yn y llyfrau dyfarniadau (decree books) (eto yn Nosbarth **Wales 10**).

persons to examine witnesses. The two sides in the dispute would draw up simple questions to be administered to witnesses; the witnesses, apparently, were persons familiar with some aspects of the dispute. These questions were called interrogatories and depositions have been filed together (Class **Wales 11-12**). Unlike the plea rolls and gaol files they have been arranged according to circuit and not by county. It is important to note that the records of the equity side of the Great Sessions were divided before they came to the National Library of Wales into parchment records (Wales 11) and paper records (Wales 12), and it is possible therefore that there are **records in both classes relating to the same cause.**

It is pointless to go directly to these records to search for information relating to the particular cause. Readers should first of all consult the bill books (Class **IND.17529, 17531-3, 17565-6, 17573-4**). These are excellent indexes to the pleadings because they note the date of receipt of every bill of complaint. A number of the equity side order books (in Class **Wales 10**) contain decrees of the court, but most of the decrees can be found in the decree books (again in Class **Wales 10**).

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