

LIFE IN MONTGOMERYSHIRE DURING THE TUDOR AND STUART PERIODS¹

Introduction

On 16 December 1598, John ap Hugh of Churchstoke was examined before John Pryce, a Justice of the Peace, concerning the theft of a purse containing £5 and about two or three shillings, which he had taken out of the breeches of Richard Arneway on 5 December, at Newtown. It was an offence for which he could be hanged, if found to be guilty. This, in itself, is not remarkable: he was not the first person to be examined as a pickpocket and, certainly, not the last. But what distinguishes this examination is that it records the presence of a camel in Newtown. This must have created a sensation at the time and would have attracted a lot of interest which, in turn, presented an opportunity for a pick-purse to operate. The camel was kept in the house or backside of John David ap Rees. John ap Hugh, the alleged pick-purse, said that he was in the house where the camel was, once in the morning of 5 December, when there were few or no people there, and about two o'clock in the afternoon with Lucy Lewis. He said that he went up on the camel and continued upon it the most part of his being in the room where the camel was. He was accused of leaning upon the backs of Richard Arneway and David Lloyd ap John Wyn and so handled their breeches whilst being in the room where the camel was, which he denied. What became of John ap Hugh? The Court records reveal that no one came to prosecute him and so, after a proclamation in court, he was allowed to go free.

This provides an excellent illustration of the incidental detail which can be found in the examinations and depositions contained in the Gaol Files. My *Calendar of Criminal Proceedings in the Montgomeryshire Court of Great Sessions 1581-1590* is the result of nearly twenty five years of work, and has only been made possible by the support of the National Library of Wales, which has generously undertaken its publication. If it were not for the National Library of Wales none of the Gaol Files for the county of Montgomery would have been published. We, therefore, owe a great debt of gratitude to that national institution and I wish to express my personal thanks to the members of its staff, who have made this all possible.²

It is highly unlikely that the criminal proceedings of other Welsh counties will be published in the same way and to the same extent. Sadly, because of problems with funding, the National Library is not able to undertake the publication of further volumes of criminal proceedings in the Montgomeryshire Court of Great Sessions. The current economic situation has resulted in there not being sufficient funds available.

Considerable effort has gone into the preparation of the volumes for publication, especially in checking the entries and compilation of the various indexes. A lot of work has already been done in preparing draft calendars for the Gaol Files for the period 1591-1620. The current status in the publication of the volumes is as follows:

1541-1570	published
1571-1580	published
1581-1590	published
1591-1595	published (privately)
1596-1600	in draft, checked and indexing is in progress
1601-1605	in draft, checking commenced. Not indexed

1606-1610	in draft, not checked nor indexed
1611-1615	in draft, not checked nor indexed
1616-1620	in draft, not checked nor indexed
1650-1660	published

Hopefully, the volume for 1596–1600 will be published towards the end of 2011 and the drafting of the volume for the period 1616-1620 has been completed. In effect, this means that 65 years out of the 290 years of the court’s existence have been published and 25 years are in draft form. To ensure that all of this work is not lost, arrangements are in place for the draft volumes to be published in due course. For costs reasons, only ten copies of the subsequent volumes will be published privately.

It is on these records, which provide a wealth of contemporary incidental detail about life, social conduct and behaviour, that I have largely drawn on material for this article

Records of the Great Sessions

Montgomeryshire is fortunate in that the records of its Court of Great Sessions are good for the 290 years existence of the court. It has the greatest surviving number of Plea Rolls of any of the Welsh courts (566 out of a possible 580). Also, at least 458 Gaol Files have survived. It was the original intention that the Plea Rolls should provide the formal record of all the court proceedings and this was certainly the case for the earliest courts of Great Sessions. However, it is apparent that the court clerks did not have sufficient time to complete entering all the criminal proceedings on the Plea Rolls and so they retained the bundle of papers which comprised the criminal proceedings. These bundles of papers are now known as the Gaol Files.

The Plea Rolls became dedicated to recording civil matters only (i.e. disputes between individuals); the earliest Plea Rolls do, however, record criminal proceedings (i.e. between the state and individuals). The last time a Plea Roll was used to record a complete criminal trial was for the Great Sessions held at Poole on 5 September 1575, and the last time any criminal proceeding was enrolled on a Plea Roll was for the Great Sessions held at Poole on 7 October 1583. There is no Gaol File for the Sessions held at Machynlleth on 15 July 1575, because the criminal proceedings were fully enrolled on the Plea Roll and so the Gaol File itself would have been destroyed at that time. Some of the papers and documents relating to criminal proceedings were also filed amongst the Prothonotary Papers. When all of these various categories of records are taken together there is a very significant survival rate for the records of criminal proceedings. However, it does mean having to go through Plea Rolls, Gaol Files and Prothonotary Papers to abstract the information.

The best surviving Gaol File records are those on the Brecon Circuit, as follows:

Breconshire	484
Glamorganshire	497
Radnorshire	502

The worst surviving Gaol File records are on the North Wales circuit, as follows:

Anglesey	56
Caernarfonshire	68
Merionethshire	56

It is very fortunate that the court clerks did not have the time to enrol the criminal proceedings on the Plea Rolls as that has meant the survival of records which would otherwise have been destroyed. Significant amongst such fortunate survivals are the depositions and examinations, lists of jurors, petitions, and recognizances (bail bonds or bonds to prosecute/give evidence). So all in all, Montgomeryshire has done well in preserving its court records. But the problem is one of accessing the data contained in them. The only indexes which exist are Docket Rolls which index files of writs of civil actions, and they are not easy to use. As for the Gaol Files themselves, there are no indexes and there are no available means to look for particular details and information.

It is recognised that the Gaol Files provide one of the greatest untapped sources of records from which to quarry information. Researchers have only been able to dip into the files to search for material relevant to their researches by laboriously reading through each of the files. The Gaol Files are important as they provide an insight into life in Montgomeryshire from Tudor times (the reign of Henry VIII) to the early nineteenth century (the reign of William IV). Particularly important are the depositions and examinations. However, the files become significantly smaller following the restoration of the monarchy in 1660, and from 1733 onwards are entirely in English. The reason for the reduction in size of the Gaol Files is that more and more criminal actions were heard before the Quarter Sessions. Indeed the growth of work in the Quarter Sessions, among other reasons, ultimately led to the demise of the Great Sessions.

For this article I have drawn largely on material contained in the newly published volumes.

The Jurisdiction of the Court

A Court of Great Sessions was established in each county of Wales, except Monmouthshire, by Act of Parliament in 1542. The twelve courts so established were grouped into circuits. Montgomeryshire, together with Denbighshire and Flintshire, formed what became known as the Chester circuit. The other circuits were:

North Wales	Anglesey, Merionethshire, Caernarfonshire
Brecon	Breconshire, Radnorshire, Glamorganshire
Carmarthen	Carmarthenshire, Pembrokeshire, Cardiganshire

The Council in the Marches of Wales, which by the end of the Tudor period had settled at Ludlow, regulated the conduct of the courts.

Monmouthshire was attached to the Oxford circuit and thus regulated by the central courts at Westminster. There were two reasons for this. First, if it had been attached to one of the Welsh circuits it would have created a circuit with four instead of three counties, thereby creating an unbalanced state. Second, the travel distance for the inhabitants of Monmouthshire to the central courts at Westminster was considered to be reasonable, unlike for the rest of Wales.

Extent of jurisdiction

The jurisdiction of each Court of Great Sessions was coincident or coterminous with the boundary of the county. This would, on the face of it, create problems in the administration of justice because the offender only needed to cross the border into the neighbouring county to be outside the jurisdiction of the Court; and if the offence was committed in a neighbouring county, it was also outside the court's jurisdiction. There appears to be some evidence that felons took advantage of this situation in that there is a greater incidence of felonies in the

parishes of Llangurig, Darowen and Llanwrin than in other parts of the county. In reality, crossing from one jurisdiction to another did not mean that felons escaped apprehension. The Council in the Marches of Wales, whose jurisdiction extended over all the Welsh counties, was able to remedy this situation and give directions for offenders to be brought before the Council, which would then commit them to the appropriate Court of Great Sessions or even to one of the English Assize Courts.

An example of this is the prosecution of Lewis ap John of Llangurig who, I believe, was the most notorious outlaw in the county. He headed up a gang which operated on the Cardiganshire, Radnorshire, Breconshire and Montgomeryshire borders over a period of ten years, stealing sheep, cattle and horses and murdering and maiming people, as well as obtaining monies by extortion. Lewis ap John was indicted twenty nine times at the Great Sessions held at Poole in June 1619 and found guilty on sixteen of the charges. He was sentenced to be hanged. In one of the depositions, he is described as a tall man wearing a frieze jerkin and cloth breeches. An indication of his notoriety is provided in the evidence of Howell Williams of Llanddewi Abergwesyn, co. Brecon, taken at Ludlow on 9 December 1618 before the king's Council in the Marches of Wales concerning the murder of his father by Lewis ap John of Llangurig and others.

The Examinant, Howell Williams, was asked how and in what manner his father was killed and murdered. He said that he, together with his father and Rees William Howell, his brother, upon or about 20th September last was five years, went into a common or mountain called 'Bulche Mayes Nant' to guide and heed certain cattle and beasts, which his father had in his keeping and charge for fear any of the same should be stolen in respect it was the eve of the fair to be held at Builth, co. Brecon. As he and his brother were amongst the cattle, he and Morgan David Morgan, being in company of Lewis ap John, did hear Lewis ap John say, 'Go amongst the cattle of William Howell Lloyd and find out two kine, the one coloured black with a white foot and the other red with a white tail', saying that the same two kine were the fattest kine between that place and Llangurig. Howell Williams answered by saying that he, Morgan David Morgan, had not need to give away his father's kine for that he had given away four kine belonging to his father twelve months before. Then Lewis ap John demand of him whose son he was and he answered he was the son of William Howell Lloyd. Then Lewis ap John said, 'I shall know anon whose son thou art', and upon that Lewis ap John, with a forest bill struck at his head and he ran away from Lewis ap John. His brother said and wished Lewis ap John and his company to let alone the cattle and do what they would with other men's cattle. Lewis ap John with his forest bill struck at this Examinant's leg and did with the bill cut off his left foot, whereupon his father came to the place, being in the night time and moonlight, and cried out and asked Lewis ap John and his company what they did mean by using his sons in such sort. Lewis ap John answered and said that his father should be worse used than his sons and with that Evan ap Rees ap Harry, one of the company of Lewis ap John, with a staff, struck his father down to the ground, and being upon the ground Lewis ap John with his forest bill did cut the neck of his father from one ear to the other whereupon his father then done by Lewis ap John and his company his father presently died. His brother took hold of Evan ap Rees ap Harry and upon that Lewis ap John struck at him and with his bill broke his brother's arm in two pieces and withal broke this Examinant's right shoulder and this Examinant and his said brother were left there as dead. Lewis ap John and his company then took and drove away five of the beasts and certain sheep. Morgan David, one of the company of Lewis ap John, at their departure away demanded of Lewis ap John what this Examinant was and Lewis ap John answered that Morgan had not need to care who this Examinant was, showing Morgan David his cut off foot, calling it this Examinant's hoof, and saying further that this Examinant should not the morrow after be a witness or give evidence against Morgan David or any of them.

There were two adjustments to the extent of jurisdiction of the Montgomeryshire Court of Great Sessions during the Tudor period. The first of these relates to the hundred of Clun, which was attached to the newly created county of Montgomery in 1536, in accordance with the provisions of the Acts of Union. For reasons unknown, the hundred of Clun was transferred to co. Salop on 25 March 1546 by virtue of the Arundel Jointure Act of 1545. The transfer may simply have been on the grounds that the Earls of Arundel, who already possessed the hundred of Oswestry, which had been attached to co. Salop by the Acts of Union, wished to have all of their border property subject to the jurisdiction of one legal system. The second change was a requirement that all the ancient borough towns, namely Machynlleth, Llanidloes, Caersws, Newtown, Llanfyllin, Welshpool and Montgomery, should return presentments into the Great Sessions and especially any indictments or presentments of felony over which their own borough courts did not have jurisdiction. At the Great Sessions held at Welshpool on 26 June 1562, the bailiff and burgesses of the borough of Montgomery returned into that Court letters patent granted to them on 15 February 1562 whereby, amongst other privileges, the bailiff and burgesses of the borough of Montgomery could try cases of felony. Thereafter, the borough of Montgomery never made any returns into the Court of Great Sessions and became in effect a county borough.

Location

The first Court of Great Sessions was held in Montgomery town on 12 September 1541 before Sir Nicholas Hare, kt., Chief Justice, where it continued to be held for the first five years of the court's existence. It can be seen from the surviving records of the Tudor period that the Court was held at the following locations:

Welshpool	65	Newtown	9	Machynlleth	1
Montgomery	39	Llanidloes	2	Llanfyllin	1

The court was never held at Caersws. Generally, after 1571, Welshpool became the principal place for the holding of the Courts of Great Sessions.

Constables of the Peace

Montgomeryshire has about 304 townships, each of which had a constable appointed annually at the Court Leet (the manorial court). Additionally, two chief constables were appointed at the Great Sessions for each hundred in the county. There were therefore eighteen chief constables and 304 petty constables in the county whose duty was to uphold the law by helping track down offenders and provide information to the Justices of the Peace. It was thus a society dominated by informers, ever watchful to ensure that no one gained at the expense of others.

Families associated with the Administration of Justice

Rapacious landowners, acts of intimidation, coercion and corrupt practices dominated the Tudor period. The administration of justice within the new county relied on the diligence of the newly appointed Justices of the Peace and coroners who were largely drawn from prominent and well-established families within the county. Some of them became involved in such practices whereas others tried to curb them. The majority of the Justices of the Peace and coroners can trace their ancestry back to one of four ancient families, namely:

1. Sir Griffith Vaughan of Broniarth, in the parish of Guilsfield, from whom such families as the Lloyds of Leighton and Marrington are descended.

2. Howell ap Griffith ap Jenkin, from whom the Vaughans of Llwydiarth, Llanfihangel-yng-Ngwynfa are descended.
3. David ap Eignion Lloyd, from whom the Pryce family of Newtown Hall are descended.
4. Evan Lloyd Blayney, from whom the Blayneys of Tregynon are descended

It is, perhaps, no accident that the first sheriff of Montgomeryshire, Humffrey Lloyd of Leighton, was a direct descendant of Sir Griffith Vaughan. A fifth family would join the ranks of the above and would become pre-eminent in the county, namely the Herberts.

It is important to recognize the importance of these families from the outset for they became powerful and influential in regulating conduct and behaviour in the county. Rivalries existed between them as to who should exert most influence on the population. Factional fighting occurred, which in some instances resulted in tragic consequences: the Vaughan family of Llwydiarth, particularly, became bitter rivals of the Herberts, who were regarded as unwelcome newcomers.

The Grey family, who held the barony of Powis and other manors within the county until 1578, when they sold them to the Herberts, played no direct part in the administration of justice. As for the Crown lordships, they were farmed out to courtiers who treated them as a source of income and their lords did not become directly involved in the administration of justice unless it affected them in some way.

Disputes between the Vaughan and Herbert families and their supporters

Richard Herbert recorded in February 1603 that Owen Vaughan of Llwydiarth endeavoured 'by all means possible to injure, oppress and endanger him to the often hazard of his life upon an ancient and inveterate hatred to him and the whole name and family of Herberts'. There is no doubt that the disputes between the ancient and well-established Vaughan family of Llwydiarth and the Herberts had a major influence on life in significant parts of the county. As early as 1572, John Owen Vaughan, Owen Vaughan's father, also a J.P. of the county, was accused of taking a witness's examination 'to be written further and otherwise than was said and deposed unto him'. It was a society that was almost tribal in its conduct and behaviour, depending on patronage and protection. The Vaughan family, their retainers and followers, did not welcome the arrival of the Herberts, and John Owen Vaughan who was assiduously supported by his brother, Howell Vaughan of Coed-talog, Llanerfyl, and later his son, Owen Vaughan, went out of their way to undermine their activities.

Dispute with Edward Grey, Lord of Powis

It was not only the Herberts who suffered from the Vaughans. Edward Grey, lord of Powis found that the trust and confidence which he had placed in John Owen Vaughan was betrayed. In July 1575 Edward Grey, who intended to sell his estate in Montgomeryshire (which he did in 1578 to Edward Herbert) ordered a complete survey to be carried out of all his manors and lordships. He appointed Sir John Throckmorton, kt., as the commissioner for the survey together with John Pryce of Eglwysegl, co. Denbigh (Commissioner of the Council in the Marches of Wales), Edward Herbert, John Pryce of Newtown, Griffith Lloyd ap Edmund, John Owen Vaughan and Francis Kynwellmersh as assistants. On 22 August 1575 Sir John Throckmorton and his assistant commissioners met at Mathrafal to continue with the survey, which they had successfully completed elsewhere. There, John Owen Vaughan with his accomplices did 'attempt and put in exercise what possible devices and drift they might to the let and hindrance of the said survey'. Evidently the tenants within the barony of Powis had

made, of late, great enclosures out of the common lands. Vaughan, who was a great beneficiary of these wrongful enclosures, intended to keep and hold them by way of suborning the 'simple people'. To disrupt the survey, Howell Vaughan assaulted Edward Herbert and John Pryce of Newtown.

Afterwards, out of spiteful hatred and malice, Vaughan and his followers set in practice amongst their friends in those parts of Montgomeryshire where most of their dwellings were and elsewhere, 'to levy and make a common purse to maintain and support him against Edward Grey, and dealt very earnestly to bring the same to their desired effect'. At the instigation of Vaughan, proclamations were allegedly made at the same time in all the parish churches throughout the barony of Powis (to the number of seventeen or more) that 'if ever they would rise, rise then'. Such rebellious words could have caused an insurrection if it were not for the provident dealing and circumspection of diverse Justices of the Peace.

In the town of Llanfyllin, Vaughan and his followers in a very riotous and violent manner displaced the lawful bailiffs and, without any authority or right, appointed others to please their own friends. Francis Kynwellmersh, Edward Grey's brother-in-law, went to Llanfyllin but was forced to leave by the multitude, weaponed with long staves, halberds, mortise pikes, forest bills and spears. A number of them were also wearing armour. In Welsh, they shouted out to Kynwellmersh, 'Why is he not taken and thrown down a pair of stairs or his neck some way broken?'

The Burning of the House of David ap Cadwaladr

During the night of 4 January 1588 the house of David ap Cadwaladr in the township of Cefnleisiog was burnt. John Griffith John, a labourer, was accused of the arson, found guilty and hanged. What unfolds from this event is that John Griffith John was but a pawn and an innocent party in the continuing dispute between Vaughan and the Pryce family of Llanfyllin, supporters of the Herberts. Indeed Edward Pryce of Llanfyllin Hall, the son of John Pryce of Eglwyseg, co. Denbigh, had married Katherine Herbert, the sister of Richard Herbert of Llysyn, the J.P., whose statement against Owen Vaughan is quoted above.

There was no love lost between John Owen Vaughan and David ap Cadwaladr who, with his wife, Syna, had borne great malice and hatred towards him as a result of disputes over land. A plot was allegedly hatched between David ap Cadwaladr and Edward Pryce to publish and affirm that John Griffith John, a very simple and innocent man and 'a wellwiller' of John Owen Vaughan, had burnt the house. Pryce is alleged to have offered large and liberal rewards to John Griffith John if he confessed to the arson and that John Owen Vaughan procured him so to do. In evidence presented to the court, David ap Cadwaladr declared upon oath that he knew John Griffith John had burnt his house by reason that 'Jesus Christ had wrought perfect knowledge thereof in his heart'. His wife, Syna, also declared that 'she had received notice and assured knowledge in her sleep in bed'. John Griffith John was sentenced on this and other evidence to be hanged. The bailiff of the hundred of Newtown was appointed to lead John Griffith John from the gaol to the place of execution and, thinking him to be a bad person, asked him about the burning of the house. He found him to be harmless, as it seemed, and persuaded him to confess the same and advised him to forgive all men. It was normal practice for the condemned to forgive their accusers in the hope that they would receive salvation of their souls and be admitted to heaven and not sent to hell.

When John Griffith John was on the ladder with the halter about his neck, he openly protested that he was innocent and guiltless and with great oaths wished that he should never see God in the face if he did burn the said house or knew who had burned the same and that his soul and body should never receive any rest. He protested that he knew that he was presently to appear before the tribunal sent of God where he was sure to receive a juster judgement than he received of men, and with vehemence of spirit averred that as he hoped to be saved by the precious blood of Jesus Christ for he was not guilty of the offence for which he was about to suffer death.

John Griffith John was in fact innocent. David ap Roger, the son-in-law of David ap Cadwaladr, who had failed to wrest certain deeds and writings from his father-in-law, which would have enabled him to sell certain lands, had committed the arson. What became of David ap Roger? He managed to escape justice by becoming a soldier amongst a number appointed for co. Salop into the Queen's service in Ireland.

Hangings did not involve a purpose built gallows: it was a simple affair comprising two ladders leaning against the bough of a tree. Up one would go the hangman and up the other the condemned person. After fixing the halter around the condemned man's neck, the hangman would descend his ladder and twist the ladder of the condemned man so that he would fall off it and be hanged.

The Death of Thomas Pryce

Following the burning of the house of David ap Cadwaladr, tensions between the Vaughan and Pryce families and their followers were running high. It would have only taken a small incident to create an explosive situation and this is precisely what happened. Some six weeks later, on 17 February 1588, an affray broke out in the streets of Llanfyllin which ultimately led to the death of Thomas Pryce, the brother of Edward Pryce.

A letter dated 28 February 1588 from the Council in the Marches of Wales to the coroners of the county directed them to stay proceedings on the grounds that 'the friends of Pryce, greatly aggravating the cause against Vaughan have secretly confederated with William Whittingham, gent., one of the coroners of the county, who is servant to Edward Herbert, esq.' Edward Herbert's daughter, Catherine, had married Edward Pryce. In this instance, the Vaughans resorted to the courts to ensure that the matter would be dealt with in an impartial manner.

William Bynner of Llanfyllin, aged about 35, was one of many witnesses who described what happened. He said that he was in his own house playing at cards and, hearing a brawl upon the street, went to the door and saw one party (John Griffith and Thomas Griffith) going on the one side of the Booth Hall and the other party (David ap Ieuan ap John and Ieuan ap David ap John ap Hugh) going on the other side. About the stairs of the Booth Hall they met and there fought. Both parties were injured and, in particular, one of them was wounded on his head and upon his hand and was maimed by having three of his fingers cut. He was struck down to the ground and when he was carried into his house, he was heard crying and sobbing, 'I am killed, I am killed. Is there anybody that will take my part? Where is the bailiff, Cadwaladr Vaughan, and my cousin, William Vaughan?' His wife and children raised an outcry and it was then reported, incorrectly, that he was slain. Upon hearing this, Vaughan went to the house of John Griffith in Llanfyllin, to deal with the assailant (a relative of the Pryce family) who had injured one of his cousins. Because the door was shut against him, William Vaughan demanded, 'Open the door villains,' and then thrust his sword under the door, but in so doing, thrust it through the leg of Thomas Pryce. Pryce died shortly after from the wound he had received.

The matter went to trial. After each side had presented evidence, the Justices of the Great Sessions delivered for law that the said fact was but manslaughter and not murder. William Vaughan was convicted of manslaughter. He successfully claimed benefit of clergy and was discharged after having been branded in the thumb. Benefit of clergy was a legal fiction, for if a convicted person could read a certain passage from Psalm 51 in the Bible, it would be proved that he was a cleric and subject to canon law rather than common law, for in canon law there is no death penalty. The passage concerned is:

Have mercy upon me, O God, according to thy loving kindness: according unto the multitude of thy tender mercies blot out my transgressions. Wash me thoroughly from mine iniquity, and cleanse me from my sin.

William Vaughan was to appear again in court, having been involved on 4 August 1591 in an affray at Rhysnant, Llandrinio.

The Assault and Injuring of Richard Herbert

Eight months later, on 28 October 1588, Richard Herbert was in the parish church of Llanerfyl undertaking a commission issued by the Council in the Marches of Wales, when Howell Vaughan of Coed-talog and others entered with the intent to disrupt proceedings. One of their company was Oliver ap David ap Rees, for whom the Vaughan family had provided sanctuary. He was recognised by Richard Herbert as a notorious thief and felon. In trying to arrest Oliver ap David, Richard Herbert was assaulted and received a grievous blow from John Lloyd to his head, some ten inches long, which broke his skull and caused the great effusion of his blood. Richard Herbert survived the injury. All those involved in the assault and affray were presented at the next Great Sessions where they were bound to keep the peace for at least a year and a day. Thereafter, they were released from their bonds. If Richard Herbert had died before a year and a day had passed, his assailants would have been charged with murder or homicide. It is a part of common law which is still valid to this day.

The event was to further inflame already hostile relations between the Vaughan, Herbert and Pryce families. The effect on the inhabitants is best summarised in a number of petitions to the Justices of the Great Sessions.

In the first, John ap Rees of Llanfair complained that on 18 May 1590 three persons (John ap Owen David Lloyd, Edward ap Owen, John ap Humffrey Goch) whom he described as being wild and wilful and disordered persons, common affray makers and infringers of the Queen's Peace, and who conceived malice, came to his house, and in revenge broke the door and began and made an assault and affray upon him in his house. They would have done further mischief if he had not better defended himself whereby he was put in great fear of his life. He was not able to go about his necessary business without danger of his life, for that the persons are friends and adherents of John Owen Vaughan, esq., and some of them parties to the affray committed against Richard Herbert, esq. As no J.P. of the county would take order for binding the offenders to the peace, albeit he several times requested the same upon oath for the safety of life and goods, he sought remedy through the court.

In the second petition, Humffrey Lloyd of Llanfair Caereinion, gent., complained against five persons (James David Lloyd, David Lloyd James, John ap Owen David Lloyd, Cadwaladr ap Owen, Thomas James and Rees ap Ieuan) who had conceived some causeless displeasure

towards him, he being a quiet man. They had several times before assaulted him in the parish church as elsewhere and still continued their malice towards him. They daily lay in wait to murder or maim him and had given out in words and speeches to perform upon him their wicked purpose for redress of which he had resorted to the J.P.s of this county to have security of the peace for the safeguard of his life. He said that two of the defendants were desperate and unruly persons and were present at the hurting of Mr Richard Herbert, esq. The same persons would not appear under any process before Mr Herbert nor his friends, neither would Mr Vaughan on the other side, in respect that they were his friends offer to them any molestation. By this means they lived lawlessly and thought that they might do what they pleased. He, too, sought remedy through the court.

So here is clear evidence from the petitions submitted to the Court of the protection provided by Vaughan to his followers.

There is no doubt that Owen Vaughan followed in the same footsteps as his father, John Owen Vaughan, and perpetuated the hatred against the Herberts and their followers. As if to demonstrate his power and influence he completely disrupted a general muster of soldiers held at Llanerfyl in June 1602. Vaughan appeared with over a hundred light, unknown fugitive persons armed with bows, arrows, bills, pike staves marching three and three in a rank, some before and some behind, himself in the middle, in warlike manner, like the head or captain of a tumultuous company. Those persons who had assembled at the general muster fearing that in so dangerous a time and so great a concourse of people, much harm or mischief might ensue, were forced to depart suddenly. Vaughan protected all his followers and when another muster for service in Ireland was held at Welshpool he procured his uncle, Cadwaladr Vaughan, a man described by Richard Herbert as very insolent and of disordered behaviour, to rescue Evan Jones and others who had been pressed to the muster by the constables of the hundreds.

As if to repeat the disorders perpetrated in the governance of the borough of Llanfyllin in 1575 by his father John Owen Vaughan, Owen Vaughan, on hearing that Richard Herbert, the steward for Edward Herbert of the barony of Powis, had come to Llanfyllin on 18 October 1602, to choose new bailiffs and a recorder for the governance of the town of Llanfyllin, went with 'three hundred lewd and disordered persons'. There, against the will of the steward, bailiffs and recorder Vaughan made his own bailiffs in scorn and derision, ministering an oath without lawful authority. Richard Herbert was forced to leave the town hall. This bitterness and hatred continued for many decades in the seventeenth century with further internecine fighting. The effects of the bitter rivalries must have been profound throughout the county. The fear of which side to support, together with the effects of coercion, must have left a great sense of insecurity for ordinary people.

Richard Herbert claimed that Owen Vaughan was 'a maintainer of outlaws and persons suspect of many notorious and exorbitant offences with which kind of people the same country doth greatly abound and is in a manner overflown, so much so that within the last five years [1598–1602] at least forty Englishmen's houses have been broken into in the night time and cattle to the value of £2,000 at least stolen from the mountains and commons, yet none of the tenants, servants or friends of Owen Vaughan have had their cattle stolen or their house broken into in the night time.' Indeed the intimidation and coercion in the hundreds of Llanfyllin and Mathrafal where the Vaughan family were most influential evidently discouraged settlement by English families in these hundreds. Vaughan's patronage and protection were nonetheless very effective.

Liabilities for Theft of Horses, Cattle and Sheep

Enshrined in clause 106 of the Act of Parliament of 1541 which established the Courts of Great Sessions is one of the old Welsh laws or customs. It is as follows:

If any goods or chattels be stolen within the limits of any of the said shires of Wales, that then upon suit thereupon had and made, the track shall be followed from township to township, or lordship to lordship, according to the laws and customs in that behalf hitherto used in Wales, upon such penalty and danger as heretofore hath been accustomed.

The application of this provision in the Act of 1541 was open to abuse such as fraud, deceit and perjury. In 1570 the Council in the Marches of Wales received a petition from the knights and burgesses of the towns and the twelve shires of Wales ‘humbly desiring that the pursuit and following of tracks in Wales now by certain wilful, subtle and evil disposed persons abused to the vexation and undoing of great numbers of honest true men’, might be reformed and reduced to the plain meaning of the statute made for tracks in 1541. The Council issued an Order confirming that the tracks were to be followed from commote to commote and also confirmed certain rules in respect of the submission of a Bill of Complaint. In particular, it was to be the owner of the cattle or his keeper that had to submit the Bill and to trace the track to the point where it was lost, and the Complainant was to call but one person of the place where the track was lost to answer to the complaint.

However, by an Order of the Council in the Marches of Wales dated 17 November 1572, three exceptions were made to this Order allowing tracks to be traced from parish to parish within the hundreds of Caerphilly and Llantrisant in co. Glamorgan and parish to parish in the hundred of Chirk in co. Denbigh; and yet a further Order was made by the Council on 1 April 1587 to permit the tracing of tracks from parish to parish in the hundred of Neath, co. Glamorgan. On 25 October 1591 a petition was submitted to the Great Sessions held at Welshpool requesting that the Order of the Court be amended as follows: that the tracks should be followed from hundred to hundred rather than commote to commote; and that the wealthiest inhabitants should bear the greatest cost lest the poorer inhabitants become totally impoverished. The petition was signed by all of the J.P.s and major landowners in the county. It was not, however, endorsed by the Justices, which indicates that it was not accepted. Nevertheless, it is proof that this provision of the 1541 Act was being used within the Montgomeryshire Court of Great Sessions.

Sedition

The state of the realm during Tudor times was not always entirely secure. Toleration of Roman Catholicism ended in 1580 through the fear of plots and rebellions, and it was for this reason that Mary Queen of Scots was beheaded in 1587. In 1586 there was the failed Babington Plot against the Crown and in 1588 the Spanish Armada sailed against England. War in Ireland was another factor. It is thus not surprising that any careless and seditious talk was dealt with swiftly and harshly. Informers played their part in ensuring that those in authority knew what was happening.

For example, on 12 June 1590 Hugh Morris of Criggion, labourer, informed Reynald Williams in the hearing of Thomas Williams, a J.P., and William Cleyton, gent., that Elizabeth Bedo of Criggion, widow, ‘did publish and give out that there was a new king made of the realm of

England'. After examining a number of witnesses, including Elizabeth Bedo herself, Reynald Williams reported to the Court that he had committed Elizabeth Bedo to prison and added:

Albeit the words are not capital which for my own part I take not upon me to judge, but do refer it to your worships' judgement, nor yet if they fall not directly within the danger of other statutes and for other reasons, nevertheless, because the woman is a common spreader of rumour:

- For the time was such that the beacons were watched and the time dangerous.
- For that the places where she used to frequent are fraught full with store of idle and seditious people.
- For that it is intolerable in a commonwealth that base people of her sort should babble of such high states.
- And lastly because she had before times found great favours at my hands in sundry matters of very bad quality, as petty larcenies, keeping of thieves in her cottage, and such like, her great age deserving some favour and her fair words promising amendment, which now I found not. I thought therefore meet in good discretion to commit her, which I suppose your worships will think too little punishment for her. Nevertheless, I humbly desire your worships in respect of her age to extenuate her further punishment.

Elizabeth Bedo was sentenced to be whipped five times.

Service in Ireland

There were those who were willing to serve in Ireland and those who were not. The courts would often order convicts to serve in the Queen's army in Ireland whilst others escaped justice by going to Ireland. Rees Goch of Builth Wells, examined by John Pryce at Newtown on 9 January 1574 concerning a burglary committed in Newtown the night before, said that he was in an alehouse in Kerry, within two miles of Newtown, on the previous Thursday, 7 January, where he lost 10s. in gambling. He pawned his dagger for 18d. He said that he meant to go to Ireland to serve, but seeing he had lost his money he was driven to return homewards. On the other hand, James Warter of Trewern, high constable of the hundred of Cawrse, reported to the J.P.s on 18 May 1602 that he went to the house of David ap Roger of Hope to search for two of David's sons to be employed in service for Ireland. He said that he had a warrant or precept directed to him for their apprehension and others on Sunday night, 16 May 1602. He went to the house of David ap Roger about midnight of that day and upon his coming there knocked at the door of the house and called to David and told him that he must open the door so that he could come in to search the house. David asked him for what cause, to which he said that he had a warrant for his sons to come to the muster. James Warter and the sheriff's servant, Mr Juckes, entered the house and searched it but could not find them there at which time and place David uttered these words or the like in effect: 'My house is as true and honest than his house for I have neither banditry or thievery in my house as he [Thomas Juckes] has had in his house'. Upon this, James Warter charged David in her Majesty's name that he should bring, send or warn his two sons to be at the town of Poole at the muster there to be held on the following Tuesday, 18 May 1602. What David ap Roger had said about the house of Thomas Juckes was true because as a J.P., Juckes would examine bandits and thieves in his house before committing them to gaol!

Among those sentenced to serve in Ireland were Lewis ap William ap Morris, a pauper, who was reprieved by the court but ordered to be sent to Ireland; John Corbett, also a pauper, indicted in July 1580 and pardoned, but sent in the Queen's service to Ireland; and John ap Ieuan ap David Lloyd of Llanbryn-mair, who was sent to serve in Ireland even though no one came to prosecute him in the court.

There were also those who, having served in Ireland, returned home and, being in a state of destitution, embarked upon a career of crime. James Rodes, a shoemaker of Leicester who lived there with his father, came to Newtown. On 14 June 1581, being one of a number of suspected persons, he was taken at Newtown Fair for cutting several purses there the day before. He said that he served in Ireland as a soldier for about a year and a half. Unknown to James Rodes, the J.P.s had been forewarned that a gang of pick-purses had been roaming the country: he was convicted and imprisoned along with the other members of the gang.

When Morgan ap Hugh was taken with others and examined at Poole on 22 October 1600 for a variety of crimes, he said that since the previous August he with others had gone from Bristol to Ireland, being neither pressed nor hired to serve for any other. They had landed at Dublin where he had continued in that city and thereabouts without any pay or service. At his going from home towards Bristol he had about three or four shillings in his purse, which were bestowed upon him by his father, mother and sister. For his passage to Ireland he paid nothing. He said that he did not know who was the leader of the soldiers in whose company he went over to Ireland and during his continuance there he was relieved by soldiers and others of mere devotion, being but a poor boy. At his return about midsummer, he had landed at a place called 'Nant y glo', which others called the coal pits, near to the city of Chester and for his passage he had not any money to pay but had the same freely given to him in respect of his poverty. He said that he did not know who was the master or governor of the ship nor who came over in his company but said that there were some English men and some Welsh men, but what country men or of what parts they were he did not know. After his landing he continued about St. Winifred's Well until about three weeks before the time of his apprehension but how long the same was he did not know and he lived by begging. From there he went to Llangurig to the house of Richard Morris but what way he travelled, and where he lodged in the night time he did not know, but he said that he was formerly acquainted with the said Richard Morris who retained him in his service, not agreeing any wages or certain time of his staying with him. He said that upon the Tuesday morning next before his apprehension he was in the company of the said Richard Morris at 'Ysteddfa Curig' within the confines of co. Cardigan and Montgomery where they met five others, in whose company he travelled that day and all that night, Wednesday and Wednesday night, upon the mountains without any meat not knowing where or upon what business they so travelled and until Thursday that he and the rest were apprehended. He said that upon the said Wednesday afternoon he was at a certain house, which he thought to be the house of Edward Wyn, gent., for some meat. He confessed that he and his then company feigned themselves to be servants of Owen Vaughan, esq., of mere purpose that he and they might be the better relieved and favoured. So here is another example of the influence of the Vaughan family in that these offenders thought it to their advantage to claim Vaughan's patronage.

The raising of money to fund the sending of soldiers to Ireland was not popular. When warrants and orders were issued on 11 September 1584 for Robert ap Owen to collect several sums of money from the inhabitants within the hamlet of Rhos-goch and Mulsop, to raise an army for war in Ireland, Richard Lingham of Mulsop refused to pay his assessment of 3d., and so Robert dutifully on 6 October 1584 distrained Richard Lingham of a pale, which Richard refused to hand over. Similarly, Hugh Whateley of Rhos-goch refused to pay his assessment of 2d., and was distrained of a hatchet, which he too refused to hand over.

Many of those involved in the quarrel between the Vaughans and Herberts found that serving in Ireland was a means of evading justice. At the Great Sessions held at Welshpool commencing Monday 14 July 1595 John ap John of Llanfihangel-yng-Ngwynfa submitted a petition showing that he, being tenant of Sir Edward Herbert deceased, of certain lands called Coed y Farchoel in Llanfihangel, being lands recovered by the said Sir Edward against John Owen Vaughan, esq., heretofore had his barn and corn and hay to the value of £40, being far and sunder, burned with two fires in one night as he thought, in his conscience, by two persons, one of whom had lately gone to Ireland and since about six weeks past had had certain of his beasts and cattle to the value of 20 marks killed upon the premises.

It was not always the case that those who evaded attending the court got away with it. Richard ap David of Llanwrin was bound by recognizance in £20 to attend the Great Sessions and when he did not because he was in Ireland, the court ordered his sureties to be sued. This was also the case for Rees ap Richard of Trefeglwys.

There were also those who deserted. On 10 May 1598, David ap Lewis of Llangynyw was retained in the service of the Queen for his press money of one shilling to serve the Queen as a soldier in Ireland against injustices and rebellions under the conditions and retention of Captain Skipwyth, but a month later, on 8 June 1598, without licence of his captain, he went absent without leave to the township of Llangynyw as a bad example to others. The Justices ordered that he should remain a prisoner.

Rights and Privileges of the Boroughs and Market Towns

The boroughs and towns jealously guarded their rights and privileges and those that dared to infringe or usurp the liberties would find themselves having to answer before the borough or town courts. That is where the majority of cases would have been heard. Notwithstanding this, each of the boroughs and towns was required to make a return into the Great Sessions of any outstanding presentments and especially felonies, the latter of which they had no jurisdiction to determine, save for the borough of Montgomery after 1562.

The right for the bailiffs of the borough of Poole to try felonies was granted by charter in 1617, but, unlike Montgomery, this did not mean that it became a county borough. The first Recorder of the Borough Court was Richard Lewkenor, the Chief Justice of the Great Sessions. It is fortunate that these returns were made, for the survival of the records of the borough and town courts is extremely poor. The records provide an insight into how the boroughs and towns maintained law and order.

There are many cases of individuals being presented to the Court for infringing and usurping the liberties of the towns and boroughs. A typical example is that of William Coyd of Shrewsbury, a shoemaker who on 20 March 1554 came to Newtown with shoes, sandals, clogs and laces which he offered for sale to the great damage of the burgesses and bailiffs of Newtown contrary to the liberties and burgesses of the same. He was fined 12d. What is of particular interest is that this indictment recites that the burgesses and bailiffs of Newtown were granted their rights by Richard Plantagenet, Duke of York, Earl of March and Lord of Wigmore and Clare, by letters patent dated 18 July 1334: the rights to be enjoyed by them were to be similar to those enjoyed by the city of Hereford. At the Sessions held on 19 May 1571 at Welshpool Joan Tiler, the wife of Roger Tiler, was presented for infringing the liberties of the burgesses of Welshpool by making and selling candles, not being licensed by the burgesses to do so.

Edward ap Lewis of Garth, labourer, was indicted for not serving an apprenticeship in that he during the month of February 1574 and at diverse other times before and after, at Garth, undertook the art and mystery of the weaver's craft. He was fined. Likewise David Haughton alias Goch of Trefnant Fawr, yeoman, on 20 April 1573, and from that date until the holding of the inquiry, for the space of sixty months practised the art and craft of a butcher, contrary to the statute.

Prosecutions for forestalling (persons who sold their goods and wares outside the town so as to avoid paying tolls) were common. Some fifteen persons were prosecuted for milling measures of oats for persons unknown on 10 October 1571 and other days after, at Cyfronnydd, not being admitted common baggers of corn and grain, according to the form of the statute 5 Edward 6 made and provided in that behalf, and by their hands forestalled them by the way, outside of the market contrary to the statute. The same persons were presented again for committing the same offence on 20 March 1579 and at several times before and after, at 'Melyn y Ryde', where they sold a thousand measures of oats to persons unknown whom they forestalled outside the liberties of the town of Poole by the way, to the great loss of Edward George, Toll Keeper of Poole Town and Peter Lloyd and William Morris, sergeants at the mace. Another example is that of Rees ap Morris who was presented at the Sessions held at Newtown on 9 August 1563 as a common forestaller of the market in buying raw hides at the town's end before they were brought into the market and to the accustomed purchasing place.

Leisure Pursuits, Illegal Games and Gambling

The records indicate pursuits such as: fishing, shooting wildfowl, playing bowls, playing tennis, football, hunting rabbits and hares with hounds, archery, gambling by playing picture cards and dice.

Real tennis was played. Evidence from the records indicates for certain that there were tennis cabins at Llanfyllin, Welshpool and Newtown. Humffrey Piers of Poole, yeoman, was presented by the Jurors for the Towns and Boroughs because on 1 May 1551, and from that time until he was presented, he kept by his house a cabin 'and le tenys play' contrary to the statute. Similarly, the wife of John Hervey of Newtown, spinster, was presented because she on 1 May 1551 at Newtown, kept 'le tenys play' in her house until the time of her presentment.

Bowling was another favourite pastime. Hugh ap Ieuan ap John Chwith of Poole, yeoman, was presented because on 1 May 1551, and from that time until his presentation, he kept in his garden a 'bowlyng aley' with bowls to play, contrary to the statute. Howell ap Thomas of Caersws together with Ralph Smith and Griffith Parks were presented at the June 1573 Sessions for illegally playing bowls at Caersws.

Archery competitions were held. Such a competition was held at Dolgadfan on Sunday afternoon, 23 June 1577, to shoot at a target twelve score paces away. Rudderch ap John shot his arrow, but tragically it missed the target and by a misfortune hit one of his neighbours, Thomas ap David who was standing above the target, under his left ear, thereby causing his instant death.

The earliest recorded game of football in Montgomeryshire is noted as incidental detail in the gaol files, when Morgan Thomas of the town of Machynlleth was examined at Machynlleth on 21 December 1601 before Matthew Herbert and Morris Owen, Justices of the Peace, concerning the felonious breaking and robbing of the house of Richard Thomas and the taking away of

18s.6d. contained in a bladder on 28 November 1601, being a Sunday at the time of divine service. He said that he spent that afternoon at football.

There is another recorded game of football when Robert ap Morris ap Howell Thomas was examined at Llanfyllin on 6 April 1603 before Owen Vaughan and William Penrhyn, J.P.s over a burglarily done and committed upon Sunday night, 3 April 1603. When he was asked where he lay upon Sunday night and in whose company, he said that he lay in bed with his wife in his house in Henfach and that Andrew, his brother, lay in the same chamber. His father and mother lay in another chamber within the house. He kept his bed until about an hour within day of the next morning. He denied that he committed the burglary and robbery or that he was privy or consenting to it. He was asked where and how he came to have a scar on his hand. He said that he had it by the cleaving of stakes on the previous Monday morning. He was asked how and by what means his jerkin wanted a skirt. He said that the same was rent and torn at playing football upon the Monday next after New Year's Day, but by whom he could not remember, but said that he took up the skirt from the ground and then demanded who had rent it, but had no answer, and what became of the skirt he knew not. It seems football was as rough then as it is today!

Finally, the evidence of a harpist. The playing of the harp was not just for entertainment; it was also a means of calling up persons in the morning. On 3 May 1600 Jenkin ap Sir David of Llanidloes, yeoman, aged about fifty years, was called before the coroner to give evidence concerning the death of Hugh Prydydd who was found dead in the River Severn near the town of Llanidloes on 2 May about four o'clock in the morning. He said that he was a harper and was in the company of several persons at the house of Lewis Meredydd John in the town of Llanidloes in the night time on 1 May 1600, making merry. It was, of course May Day when all servants offered themselves for employment. He said that he remained in the same house until the break of day and then went out alone to the house of John ap Rees and played with his harp 'hwntus up' and then played at the houses of James ap Rees, David Jenkins and David ap John one after the other and afterwards went to the house of Morris ap Ieuan Gethyn. He said that it was broad daylight before he ended his playing at the house of John ap Rees.

Conclusion

The above are merely glimpses of certain aspects of life in Tudor and Stuart Montgomeryshire derived from the Great Sessions records. There is much more detail in the records which is equally interesting and informative. There is no doubt in my mind that the internecine fighting between the Vaughans and Herberts had a major influence on the society of a great part of the county. There was also constant fear of being pressed into service in Ireland. Society was heavily regulated as can be seen from the way in which the towns and boroughs jealously guarded their rights and privileges. Informers were everywhere. I leave you to form your own views on whether or not it was a better society than today's.

MURRAY CHAPMAN

¹ Based on the author's lecture to members of the Montgomeryshire Genealogical Society at Newtown on 2 October 2010 to mark the launch of his *Calendar of Criminal Proceedings in the Montgomeryshire Court of Great Sessions 1581–1590*.

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