

OLD  
WELSH CHIPS

JANUARY TO DECEMBER, 1888.

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BY EDWIN POOLE,

OF BRECON,

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BIOGRAPHY OF BRECKNOCKSHIRE.")

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Old Welsh Chips.

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A WELSH SQUIRE UNJUSTLY IMPRISONED  
FOR EIGHT YEARS.

LEGAL TYRANNY TWO HUNDRED YEARS AGO.

THE WRONG MAN ARRESTED.

The following petitions, two of them to the House of Commons and one to the House of Lords, tell an almost incredible tale of legal conspiracy and wrong-doing. The petitioner alleges that he was twice imprisoned as the wrong defendant in Chancery Court proceedings for contempt. The petitioner was Edward Games, of Cui, parish of Llanveigan, Breconshire, gent., and he avows that he was wrongfully imprisoned for another of the same name—Edward Games, of Tregare, parish of Llanfrynach, county Brecknock. The petitioner alleges that in fear of the consequences attaching for the first wrongful imprisonment, the parties implicated and the officers of the Court brought about the second and longer confinement. We cannot say whether the petitioner ever succeeded in getting out of the Fleet Prison, as we have no evidence before us to prove whether the petitions were successful or not. By the persistency with which the poor Squire of Cui petitions, we should be inclined to think he had to stay in "durance vile" all his life. In this number we append the first petition, which very concisely gives the history of the whole transactions:—

To the Honble. the Knights, Citizens, and Burgesses in this  
Present Parliament assembled.

The Complaint and Humble Petition of EDWARD GAMES,  
of Cuy, gent., against

The Rt. Honble. Simon Lord Harcourt, Baron of Stanton-  
Harcourt, late Lord High Chancellour of Great Britain,  
and Sir John Trevor, Knight, late Master of the Rolls.

Sheweth,—

That there being of late in the County of Brecon, of the  
same name, one Edward Games of Tregare, gent., and your  
Petitioner, Games of Cuy; as also one John Watters, Esq., the  
Father, and John Watters, his Son, of the Town of Brecon; and  
that there being two Bills exhibited in the High Court of  
Chancery.

One by Sarah Powell, Widow, and the said John Watters  
the Father, Plaintiffs, against the said Games of Tregare,  
amongst others, Defendant—distinctly from your Petitioner, as  
appears by the Bill filed the 8rd of February, 1693, being a Bill  
for Perpetuating of Testimony, and that costs were given in this  
cause against the said Games of Tregare, for Motions made  
about Commissions, one obtained upon Manifest Perjury, and  
directed to other Commissioners than the Court had expressly  
ordered, and both for that they had been issued out and executed  
unknown to the Defendants.

The other by John Watters, Esq., the Son, together with  
the said Sarah, Plaintiffs, long after his said Father's decease,  
against both the said Games of Tregare (in this last Bill stiled  
Edward Games of Tregare, Esq., for that he was by that time  
made Justice of the Peace) and your Petitioner, Edward Games  
of Cuy, Gent., among others, Defendants, as appears by the Bill  
filed the 21st of December, 1702, and that this Bill was for  
Discovery of Writings, and of a quite different Purport, and  
against different Parties, and not filed till nine years after the  
former; and being fully answered by your Petitioner, was

dismissed with costs to the Defendant, and your Petitioner  
Games of Cuy. *Vide* the Order of Dismission.

And your Petitioner further represents to your Honours,  
That there were two Commitments of your Petitioner on account  
of the said Cause, wherein the said Powell and Watters the  
Father were the Plaintiffs. But neither the said Watters the  
Son, nor your Petitioner, a Party as aforesaid, and that the first  
Commitment of your Petitioner was procured by the said Watters  
the Son's taking advantage of his Identity with that of his  
Father to suggest himself to be the Plaintiff in his deceased  
Father's stead, and of your Petitioner's Identity with Games of  
Tregare to suggest him to be the Defendant instead of the said  
Games of Tregare, and his procuring of the said Bill of 1702 to  
be read instead of the Bill of 1693, and one Ellis Roberts to  
swear that he did believe your Petitioner to be the Defendant;  
whereas at the same time the said false Oath was made to  
beguile the said Court to the said first Commitment of your  
Petitioner, both he and his Clerk in Court knew the said Oath to  
be false, and that your Petitioner was not the Defendant, and  
that the said costs were taxed in the said Cause of 1693, and not  
in the Cause of 1702.

That your Petitioner's complaint therefore is against the  
Lord Harcourt, and late Master of the Rolls, for the last  
Commitment.

For that the Master of the Rolls before the last Arrest and  
Commitment of your Petitioner actually to Prison, finding your  
Petitioner insisting that it was Games of Tregare and not your  
Petitioner that was the Defendant in the Cause in which the  
costs were taxed, and that your Petitioner therefore after he had  
been discharged of his first Imprisonment upon the Return of  
his *Habeus Corpus* sued out of the Queen's Bench; had com-  
menced his Action at Law, and was near his Tryal of the same  
against the said Watters for his said conspiracy and practice in  
procuring of the said first Imprisonment of your Petitioner, and  
for £3000 Damages he had thereby sustained, including 18

months false Imprisonment and other consequences thereof, Did advise an Accommodation with your Petitioner, which taking no effect, did soon after commit your Petitioner a second time to Prison, and was so severe against your Petitioner, that he would suffer neither his evidence, though Testimonies of Record of the Court, to be Read, nor in any wise admit him to make his Defence, and to prove that he was not the Defendant, or to shew that there was neither a valid Oath or Cause in Court to justify the Commitment. Whereas your Petitioner, with most humble submission to your Honours, doth insist that by the Statute of the 9th Henry 3, cap. 29, 5 Edw. 3, cap. 9, no man shall be imprisoned without positive Oath, and not then without being admitted to Answer, and to make his Defence; and Answer no man can, where neither his Counsel nor himself can be heard, nor his Evidence read in Court.

And against the Lord Harcourt first, for not expressing in the Warrant, as it is by Law required, the cause of the commitment of your Petitioner, fully, certainly, and truly (as was for not paying costs for another of his name).

And secondly, for Denying your Petitioner the Benefit of the Writs of *Habeus Corpus*, and *Idemptitate nominis*, which being Writs of Right, and your Petitioner thereby Relievable, were not in a Civil Cause, upon surmise of a Contempt, or any such Pretence, to be denied: nor is any man to depart from the King's Court without Relief (*vide* 13 Edw. I., cap. 50).

And thirdly, for his Lordship's granting an Injunction, where no such Injunction as was granted, *nor none other*, by Law, did lie, as appears by divers Acts, and Concurrent Petitions of Parliament, and the Articles against Cardinal Woolsey; and for granting the same after your Petitioner had served Witnesses, and was within One Day of his Tryal, thereby keeping your Petitioner from proceeding to Judgment, for Security of his Damages, and from proving that the said Watters was neither a Plaintiff nor your Petitioner a Defendant in the said Cause in which the said costs were taxed, and the said Watters own

Complaint of the vast Expense of £3000 that he had been at, and his own Confession and Saying, that it was in favour of the said Games of Tregare (who had been formerly damnified £40 besides his Confinement by another prosecution of the said Watters, upon another false Oath made by one Lewis Philips, who afterwards had been found guilty of the perjury) Whereas in Truth it was for fear he should take his action against him the said Watters for that Prosecution, but more particularly designedly to destroy your Petitioner in his Person to prevent his Discovery of the perjury and other ill practices against the said Games of Tregare in the said Cause of 1693.

And fourthly, for his Lordship's continuing of your Petitioner Imprisoned, and the said Injunction a foot, after the Motion of the 21st December, 1711, and notwithstanding at that Motion the Deposition of one Ellis Roberts, by which he swore only to his Belief, and all other the false suggestions insisted upon on the said Watters behalf, were so manifestly disproved by the report of Sir Richard Holford, that the said Lord Harcourt himself declared, That it was apparent that your Petitioner was not the Defendant. Nevertheless, and although his Lordship was informed that the real Defendant Games of Tregare was then living, and that it was evident by the said report, Certificate and Order of Dismission, that the Bill of 1693, which was the Cause in which the costs had been taxed, had been filed nine years before the Bill of 1702, and that the last was dismissed with costs to your Petitioner, and that there was neither valid Oath, nor Cause in Court to justify the Commitment, or to support the said Injunction, Yet could not his Lordship be prevailed upon to Dissolve the said Injunction, nor to Grant your Petitioner the said Writ of Indemnity; but to delay your Petitioner, referred the matter, though long before reported, as aforesaid, to be *de novo* certified of Mr. Fellows, one of the present Masters of the said Court; and upon a subsequent Motion, made the 7th day of February following, on the behalf of the said Watters, to discharge the said Order of Reference to

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the said Mr. Fellows; not only admitted the said false Oath and dismissed Bill, that appeared to be false and dismissed as aforesaid, to be given in Evidence against your Petitioner, but was so intemperately violent, that he would suffer neither the Honble. Sir William Whitlock, and Sir Francis Page, and Mr. Kettleby, your Petitioner's Counsel, and the same that was upon the former Motion, nor your Petitioner to object to the Illegality of the said Practice, and Falsity of the said Oath and Evidence, nor would he then permit your Petitioner's Evidence, nor ever since, any Petition of your Petitioner's for the said Writs of Right to be Read in Court, nor suffer him to insist. That there was not any Oath made that the said Watters was intituled to the said costs, nor publish Commissions that are in that Court, and undeniable Evidence in your Petitioner's case, as by his Affidavit appears; nor admit your Petitioner to show how there was incerted in the Order, £45 6s. 8d., subsequent costs, without serving your Petitioner, or having any Report of the same as your Petitioner ever knew of, but instantly discharged his said own Order of the 21st December before: And continued your Petitioner Imprisoned, and the said Injunction a foot, so as your Petitioner could neither secure his Damages by proceeding to Judgment against the said Watters in his life-time, nor prove that he was not the Defendant to obtain his Liberty: Which severity being observed, your Petitioner could never since have any Counsel to be concerned for him; nor would other Courts, your Petitioner applyd himself unto, grant him any Relief, but insisted that they could not examine your Petitioner's case upon a *Habeus Corpus*, which your Petitioner humbly conceives to be expressly contrary to both the Resolutions of Parliament, in the Third and Fourth of Car. I., and the *Habeus Corpus* Act.

Wherefore, and for that your Petitioner has failed of Relief from other Courts, and for Five Years and Nine Months last past has remained, and still doth remain Imprisoned in the Fleet Prison, to the irreparable Destruction of his health, and to the utter Ruin of his Estate and Family, defeated of his said

£3000 Damages, by the death of the said Watters, before Judgment obtained against him, by reason of the granting and illegally continuing a foot of the said Injunction, unless relieved by the justice of this Honourable House, so eminently intrusted to secure the Liberties and Persons of the Subjects from being Destroyed by an undue Administration of the Laws, and the violent proceedings of such as are in judicial authority, and above the reach of the ordinary Courts of Justice. For which several Reasons, and for that it is evident to your Honours, that your Petitioner is Relievable by Parliament only, for that the said Watters being dead as aforesaid, no other Court can oblige the said Lord Harcourt to make good the said £3000 Damages for the first 18 Months, and for the Satisfaction for his last Five Years and Nine Months wrong Imprisonment.

May it therefore please your Honours, in this unexampled oppressive and wilful Violation of the Right of the Subject, to exert your Jurisdiction, and in such a special manner as your Honours in your great wisdom and justice shall think fit, to oblige the said Lord Harcourt to make good the same; and moreover to order forthwith the Publication of the said Commissions in the said Court, and in your Petitioner's Affidavit mentioned, that the latent Cause that occasioned the said Watters proceedings against your Petitioner may be made apparent to your Honours. And further, that your Petitioner may be instantly admitted to his Liberty, to solicit his Cause, and personally to attend the Proof of the Allegations of his Petition, to answer all evasive Arguments that may now be devised to excuse the said Proceedings, for that no Counsel for fear of disobliging the said Court Will, and for uncertainty of what may be offered Can be instructed to answer the same; and that your Honours will be pleased to grant your Petitioner, reduced by this last long Imprisonment, the Benefit of the Act made the 4th H. 7, cap 12, and Summons to serve Witnesses.

And your Petitioner shall ever pray, etc.

EDWARD GAMES.

(To be continued).

I am sure it would give the readers of *Old Welsh Chips* much pleasure to see James Howel's translations of our Welsh Proverbs into English published in your columns. They are really magnificent: his pith and quaintness has admirably described the ingredients of an exquisite Proverb to be—Sense, Shortness, and Salt.

MORGANIA.

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### THE FALSE IMPRISONMENT OF A BRECONSHIRE SQUIRE 200 YEARS AGO.

(pp. 217—223).

We do not think it will be needful to give the text of the two succeeding petitions in this incredible case. The second petition was addressed to the House of Lords, the wrongfully-detained Squire again fully setting forth the extraordinary nature of the conspiracy that he averred he was the victim of. The Petitioner again avers that the real defendant in all the proceedings was Edward Games, of Tregare. And, he observes, that although he himself—Edward Games, of Cui—had previously wrongfully suffered, still “that he had been before discharged by “His Honour the Master of the Rolls of a confinement upon the “same account, was upon the 29th November, 1707, imprisoned “in Her Majesty's Prison of the Fleet, for non-payment of the “said costs” [the costs accruing in the first wrongful action against Edward Games, of Cui, instead of Edward Games, of Tregare].

The Petitioner, after setting forth his reasons why he should be set at liberty, proceeds: “Your Petitioner . . . has now “Remained Fifteen Months a second time most wrongfully “Imprisoned.” The Petitioner sets forth that the reason why he was now imprisoned was “for fear the said Edward Games, “of Tregare, the Real Defendant, should take his Action of Con-

“spiry and False Imprisonment . . . for Prosecuting of him “also upon another False affidavit . . . besides his Confinement.”

The Petition to the Lords seemed to have no effect whatever, and after the lapse of several years this unfortunate Breconshire Squire petitioned the House of Commons again. The following are the mournful explanations why he petitions again:—“That “your Petitioner, in despite of all Law, remaining still Im- “prisoned, is therefore constrained again for Relief, most humbly “to beseech your Honours to take his deplorable case into your “most serious consideration; for that your Petitioner, besides “his first Wrong Imprisonment of Eighteen Months, has now “suffered a further Imprisonment of no less than Six Years and “Seven Months, by a second illegal and wilfully Arbitrary Com- “mitment of the Court of Chancery.” Whether the Petitioner died in the Fleet, or was liberated, we have no records to prove. The tale these petitions tell is a sad one, at any rate, and would form the ground-work of a very realistic “true tale.”

THE EDITOR.

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### THE NATIONAL EISTEDDFOD AT BRECON.

It will be well to place on permanent record, through the medium of *Old Welsh Chips*, the following account of the Gorsedd, held in the town of Brecon, on July 10th last:—

The Eisteddfod of 1889 was proclaimed in accordance with ancient rites from the Maen Llog of the Gorsedd by the Arch-druid Clwydfardd, assisted by the Archdeacon of Llandaff, Hwfa Mon, Nathan Dyfed, Dewi Wyn o Essylt, Watcyn Wyn, Dewi Mon, Tudno, and other bards, on Tuesday, the 10th of July, 1888, at “Clos-y-Castell Aberhonddu,” within what is now the ruins of the Castle of Bernard Newmarch at Brecon. The ceremony was conducted with all the pomp and grandeur of ancient days.