

Questions to be asked to witnesses in 3 parts on the path of Thomas Hollingworth, John Carrington, John Taylor and Thomas Norton, defendants.

1a Do you know the complainant Thomas Gilbert & the defendants Thomas Hollingworth, John Taylor & Thomas Norton Esq? He has known all the parties mentioned in the interrogatory except Norton, who he does not know. [1]

1b How long have you known them or any of them? Between 20 and 50 years i.e. since childhood

2a Do you know Spondon in Derbyshire? He has known the Manor or Lordship of Spondon , but does not know it is in possession of the Duchy of Lancaster at Tutbury in Staffordshire.

2b How long have you known the same Manor or Lordship late parcel of the possessions of the Duchy of Lancaster belonging to the honour of Tutbury in Staffordshire? Between 50 and 70 years

3a What demesne lands are there lying in Spondon or Duchy of Lancaster's lands? He does not know any lands in Spondon called demesne lands but he does know there 2 flats lying in several fields of Spondon called Queen's land in the time of the Queen or now King's land and now by common report Thomas Gilbert, the relator or the complainant, now holds both flats. One of these flats lies in a field belonging to Synderlands containing 3 acres by estimation called Cherry Leys adjacent to the old water near Synderlands named after one Cherry who farmed this land.. The other flat lying in Brookfield Spondon towards Lockoe of arable on Brookfield called Lousy Grave containing 7 acres by estimation. These Leys are worth 40 shillings per annum. There is one Flatt lying in Borrowwash field, next to Borrowwash on a furlong adjacent to Dallysich and another Flatt lying in Brookfield. He knows another piece of King's land called Faukers Baulk Leys a little piece of meadow lying in the holme mouths adjacent to the old water that he does not know the size of any of these. He knows one in Burrow field called Easterdale .All the time he can remember these have been demesne lands belonging to Spondon manor. He does not know any other Kings or demesne lands.

3b What & how many farms of the demesne lands in Spondon have you known? He has also heard that there is also a cottage where Widow Harrison dwells and another small dwelling house adjoining it that he has heard was demesne lands but he cannot answer whether this was so or not.

3c Have they or any of them common of pasture on the freeholder's lands in Spondon in right of the common?

4a Have the freeholders in Spondon, do you remember, used to have common of pasture themselves & the irt freeholders for all their cattle kept on their freehold lands unfortunately as well as themselves their land of the plt sometimes the king's demesne all times of the year as in & through all the common fields apportioned so long as they be unenclosed when the fields are fallow and when they are sown from the corn till & ploughed the same fit to be sown again? He has known one freeholder Robert Dakin, farmer, late of Borrowwash deceased, that occupied the Flatt in Borrowwash field part of the

King's land (the east demesne land). Since Robert Dakin's death, Henry Clark, farmer, late of Borrowash, deceased occupied both these flats in right for this land after him John Hibberd of Spondon, the Elder and one stint (that he can now remember before they came into the possession of Mr Gilbert, the complainant) as common of pasture of King's land but he does not know whether this was in the right of the demesne lands. He knows Henry Lockoe and Lawrence Taylor, boy deceased, now tenants of these 2 flats. The other 2 pieces of land called Faukers Baulk Leys and a little piece of meadow were in the occupation of one Fouch Styles and after him in the occupation of Hugh Cotton of Spondon.[2]

4b Have the freeholders all the time used to have common in all the fields in Spondon? The farmers, tenements and other inhabitants of the King's land (excepting Mr Gilbert) have had common of pasture in Spondon without stints as entitlement for lands they have held there.[3] As far as he can remember, Mr Newton, Thomas Newton, his son, Robert Newton the son of Thomas were all bailiffs for the manor of Spondon for both Queen Elizabeth and the King.[1] He believes they farmed for the Lords of the King or Queen. Mr Gilbert was tenant of both Leys until about 5 or 6 years ago, at which time the complainant had them himself.[4] Chercy, and after him Shiles, held part of the manor of Spondon under the Newtons.[3] He does not know that the farmers of the King's lands had have common of pasture nor let-out upon the freeholders' lands in right of demesne in Spondon.[4]

5a Have the freeholders in Spondon at their wills & pleasures taken in closes of the common arable fields in Spondon? For the last 50 years, He has or as long as he can remember that the freeholders of Spondon had common of pasture for themselves, tenants and their farmers for all manner of cattle kept upon their freehold, the arable land sometimes called the King's demesne belonging to plaintiff's or complainant's farm on Dallysich throughout all the Town fields in Spondon at commonable times of the year, so long as they were unenclosed or semi-closed, as well as the fields fallow when the corn was cut or harvested especially from the time that the corn was cut until it was sown again, except for some new cottages lately erected who have no right of common here.[2] They have not been used as common. He knows nothing to the contrary [2] in through and out of the relator's arable land found time. [2] The King's land as in and through all the common fields in Spondon is so large as they are now unenclosed. [3] They also had use of the arable lands belonging to the plaintiffs' within Spondon within the common fields from when they were fallow or had their corn harvested until they were sown again so long as they were not enclosed.[2]

5b Have any other freeholders of Spondon Common in their enclosures after they were enclosed? He does not know any other freeholders of Spondon that had common within the Ley grounds after they were enclosed but some of the freeholders of Spondon have usually taken-in and enclose their own land or closes out of the arable common fields of Spondon for their own use at their pleasure but he does not know whether the own their lands are owned by exchange and have enjoyed them without interruption. [1] All the time before, the freeholders used to have common in all the fields of Spondon at commonable times of the year.[2] Other enclosures followed and after these enclosures none of the other freeholders nor their tenants of Spondon had common rights in any of these closes, only those who have enclosed them were able to use them. [2] He has never known or heard that it was otherwise for the last 2 years. He believes this was at their own decision keeping them several. [1]

6a Do you know ley grounds lying in Spondon called Brunswood & hades ley grounds the rig & furrow? He knows grounds in Spondon called Brunswood and Goodwych Leys. [1] All of Brunswood and Goodwych Leys lye Rig and furrow except some Shanks, baulks and siches or watery places always places unfit for tillage[2]] Goodwych Leys has been used for tillage and lies rigg and furrow except some lands that lye unfit for tillage.[2]

6b Does it manifestly appear that the ley ground have been accordingly for corn? It appears that these grounds have been anciently fallow yet he has seen the most part of Goodwych Leys and one Flatt in Brunswood Leys sown with corn and wheat.[2] He has got corn from Goodwich Leys himself as did his master before him.[4] He really believes that Brunswood has also been cut.[4]

7a Do all or the most part of the freeholders in Spondon know their own lands in the ley and Brunswood & Goodwich? He strongly believes that all or most of the freeholders of Spondon do own their own land lying within Goodwich and Brunswood Leys as used by their farmers because he has seen them tether their cattle there. [1] He concedes the rates to be true because he was stopped for feeding his oxen on the Leys when he let them on to the grass to fatten them up. [3] Further to this he does not answer

7b Is it for all or most part known to what farms most ley in the said ground & Goodwich do belong (except out by containing about half an acre in Goodwich & one common baulk & some other of one acre in Brunswood)? For the most part, it is known which farms belonging to Brunswood and Goodwych Leys. [2] Many of the lands are there are marked out ready.

8a Do you know the half acre in Goodwich & the said common baulk & common ground in Brunswood & one acre in Burrow field called ley sicke & one piece here-to-ford parcel of the brook field called rough close nook & one notice in Spondon called the kirke pingle? He does know the half acre in Goodwich Leys, the common baulk in Brunswood Leys, which is reputed anciently to be common land, the parcel of ground in Burrow field in a field next to Borrowwash called Ley Sick Pingle, where the owner is not known, a piece of Brookfield called Rough Close Nook and one-piece within the a little spot or Pingle Leys land in Spondon Meadows called Kirke Pingle.[1] The rent of Kirk Pingle went to keeping the clerk keeper.[6] and also a parcel of ground in Burrow field Brunswood Leys called Dallysich that he has heard is common land.

8b Have the Inhabitants in Spondon usually tethered their horses on the said ?and other grounds? all the time he can remember, he has known the inhabitants of Spondon, , rich and poor men and others , every day in the morning, at common of all times tether their horses and cattle upon parcels of Ley land called Rough Close Nook (accounted as common ground) Ley Sick (except Kirk Pingle as this was always enclosed that was enjoyed by the clerk keeper.) [6] before they were enclosed except for Leys in Goodwich Leys as he does not know how it has been used and except the Ley sick, has sometimes been used as common and sometimes let by the churchwardens of Spondon for the use of their church and at other times they have given their rents for use of the town of Spondon.[3] The inhabitants of Spondon have usually tethered their horses on the common baulk in Brunswood Leys.[2]

8c How long have you known them use to tether their horses upon the said grounds? All the time he can remember, For the last 50 years.

8d Whose have they left alone do you remember?

8e What has taken the & profits thereof by all the time? All the time he can remember these grounds have been reputed to belong to the inhabitants of Spondon who have taken the profits from it. Money from Kirk Pingle used to go towards the wages for clerk keep of Spondon. [5] Further to this he does not answer

9a Does the half acre ley in Goodwich and the common baulk & common ground to be parcel of the several tenements in Spondon?

9b How long have you known them so reputed? He cannot answer this question. [1] He cannot answer more than he has already done.

10a Did the Relator before he purchased his Majesties demesne lands in Spondon or any other of his demesne lands in Spondon even wish to put any cattle in the open time into the Brunswood or into any of the fields or common grounds in Spondon in right of the demesnes? He does now know that the relator, Mr Gilbert , before he purchased his majesties farmer's land in Spondon, or any of them have ring farmers, used to put cattle onto Goodrich and Brunswood or onto any common grounds or fields of Spondon, in the open time, in right of the King's demesne.[1]

10b Do cottagers in Spondon unto use to put any cattle in the open time in to the said Brunswood or into any of the fields or common grounds in Spondon in right of the demesne? He was present when the freeholders, husbandman, cottagers others in Spondon (for any King news to the contrary) agreed that Goodrich and Brunswood Leys should be enclosed to make them a beast pasture.[2] He really believes that the cottages also agreed because they have a Couse gate there for 11 shillings from Mayday until Candlemas.[4] Further to this he does not answer.

11a Do you know the closes in the Lordship of Spondon belonging to the Defendant Thomas Hollingworth lying therein? He does know many of the ancient enclosures or closes in Spondon now belonging to the defendant Thomas Hollingworth and the lands viz: two closes in Goodwich Leys, one close in Brunswood Leys.

11b How long have they known them & any of them and most them have been enjoyed the time of your remembrance & time out of mind? All the time he can remember?

11c remembered heard by the said Thomas Hollingworth [under] whom that they claimeth as their freehold or Inhabitancy? He does not know how long Thomas Hollingworth and those under him claimed the freehold or inhabitancy.[1] Since the enclosure of the demesne he has heard that Thomas

Hollingworth has held and enjoyed the demesne closes for himself and those under him as he has quietly for his Majesty, and he has not heard anything to the contrary He concedes their freeholders inheritance.[4]

12a Do you know the close in Spondon belonging to the said Defendants John Taylor lands lying therein? He does not know any particular that John Taylor, defendant claims in Spondon, but his ancestors have enjoyed the same.[1] He knows the closes in Spondon belonging to the defendant John Taylor, and some others that have been taken and enclosed.[1]

12b How long have you known them & any of them whether have them? been enjoyed time of yo[u]r remembrance & time out of mind? They have been enclosed beyond his memory.

12c as you have heard by the said John Taylor that under whom he claimed the freehold inhabitation? John Taylor and those from whom have horses and ponies as their freehold or inheritance. [2]

13a Do you know the closes in Spondon belonging to the defendants John Carrington and the lands lying therein? He knows some closes belonging to the defendant John Carrington, the defendant viz: one close in Brunswode Leys, one close in Goodwyche Leys, which belongs to John Carrington, and one of his own freehold land. He has now heard that John Carrington has enjoyed these closes quietly and peaceably all the time he can remember.

13b How long have you known them & any of them whether have them? been enjoyed time of yo[u]r remembrance & time out of mind? He has known them to have been enclosed for 12 years. [1]The closes were taken in about 10 or 12 years ago and one of them 16 years ago. [2]

13c as you have heard [John] Carrington and those under whom he Claimed as those freehold or inhabitation? he has heard that John Carrington and his descendants have enjoyed these 2 enclosures quietly for any King, ever since, as well as the ancient enclosures as there freehold and inheritance all the time he can remember.[3]he has not heard anything to the contrary.

14a Have the defendants and others the freeholders in Spondon and to have and there farmers & tenants usually all the time of your interest and past heard cut grubbed and got gorse and thrones on Spondon Moor and Spondon waste or beast pasture to spend in their several tenements in Spondon? He has known well all the freeholders or defendants (except Norton) who is a poor man for 60 years and more, the defendants' estates, the freeholders, their tenants and farmers have anciently/usually until now grubbed out and cut thorns and gorse during winter, [?] on Spondon Moor or Spondon Waste or beast pasture (denuded them according to the limits of each man's beast stint on the pasture) but of late at their pleasure anytime they wanted all the time that he can remember. [1]. 40 years ago he did cut gorse and thrones from here in the right of his father was a freeholder in Spondon.[2] or beast pasture to spend in their several tenements in Spondon.[1] The defendants encroached the land of the freeholders.

14b and to scour and dig pits there? There have been and now are pits in the waste but he does not know who dug them. [2] There was an ancient, at least 60 years old, a watering pit called vicar pits, in Spondon Waste which the freeholders and inhabitants of Spondon . About 12 years ago he was hired amongst others to do a new pit at the nether end of Spondon Waste at the other end of the sit or shack and was enclosed.[3] which used to be scoured when needed.[2]for a watering pit for their cattle.[3] He has scoured some of them himself.[3]

14c How long have you known the same? All the time that he can remember the other pits have been scoured. [4] For the last 50 years. About 15 years ago there was a new pit made in the nether end of Spondon Waste but there were already other watering pits before he can remember. [4]

14d Whether doth the lane called the peaste let Rig & furrow and hath so been by all the time of mind? All or most of Spondon Waste now lies in ridge and furrow except shanks until they were fallow and a small parcel lying in the last pit was made on Spondon Waste, and has done as long as he can remember. [3]The inhabitants of Spondon have had pasturing rights on Spondon Moor all the time that he can remember. [6]

14e Hath had the pasturing feedent & profit of the said ground called Spondon waste all the time aforesaid declare what you have heard? Spondon Moor is common in Spondon and Ockbrook and Spondon Waste as belonging to Spondon the ancient freeholders and their tenants and cottagers which have had stints on Spondon Waste had the use and profit of all the time he can remember or for the last 50 years.[4] except for the right of the inhabitants of Ockbrook on Spondon Moor.[7] The inhabitants of Spondon have been using pits and pasturing on Spondon Moor and Spondon Waste.[6] Likewise the inhabitants of Spondon have usually had pasturage and profit from Spondon Waste and Spondon Moor.[6]

15 Do the defendants Thomas Hollingworth one John Carrington have paid homage to Sir Henry Agard, knight demanded of the honour of Tutbury or to the several lands which they hold in Spondon declare what you know herein? He said that the defendants Thomas Hollingsworth and John Carrington pay homage have paid this last 2 years at the court leet.[4]to Henry Agard, knight, or his deputy, which was demanded about 20 years' arrears respite money for the honorary of Tutbury for their lands in Spondon, for which he and the defendants complained about.[2] He knows this to be true because he pays homage in annual for lands that he holds in Spondon.[2] Also (in right of his son, Richard? For homage of one vill as Sir Henry Agard's deputy demanded and received by him. [3]

16a Did you hear the said defendants Thomas Hollingworth and John Taylor or any of them at any time and when deny to serve at any court baron which the said Thomas Gilbert did used to be held for the said manor of Spondon? About 12 years ago, or about 3 or 4 years ago, the court Barron used to be kept by the complainant, Mr Gilbert for the Manor of Spondon.[1] Thomas Hollingsworth and John Taylor deny appearing and serving at any court Barron at Spondon.[2] at the court leet with the relator, was required by Mr Chadwick, the Steward for the Manor of Spondon called the jury for the court Barron to be held and swore Thomas Hollingworth and John Taylor to serve on the jury together with John Carrington.[2] at this court Barron for a year but

They refused to serve out voting the steward as it was contrary to their custom[3] until the steward said that they were already sworn to the court and entered John Taylor to serve at the time, promised him that it be no prejudice to them for the time to come that he would not be paid any right. Upon this promise, he did then serve. [1]

16b what one of the said defendants Thomas Hollingworth and John Taylor then use to the steward that court declare the truth?

17a Do you know a ground in Spondon called the waste that the freeholders rent and beast pastures within the said waste? He knows Spondon Waste. The beast gates are parts of their several tenements and freeholders land. [2].Likewise the soil of Spondon Waste belongs to the freeholders of Spondon according to the rate of their beast gate as part of their several tenements, but this right has been reputed.

17b Whether beast pastures parcel of the several tenements? He wrongly believes that the freeholders and tenants of Spondon have certain beast gates or pastures within Spondon Waste. [1] All the time he can remember / He has credibly heard that only ancient freeholders and cottagers in Spondon have beast gates there and everyone knows how many beast gates he has through their right of their Lordship in the court. [2] He believes that the beast pastures are part of their several tenements because his wife rented 3 beast gates belonging to a tenant. [3] and that the soil of the waste belongs to the freeholders proportionate to the number of beast gates they hold as part of the several tenements because he enjoyed these 3 beast gates that he had in the right of his wife until his son sold them.[4]

17c Whether doth the said of the said waste belong in Spondon according to the rate of their beast gates as parcel of their several tenements they heard reputed owners thereof report what you know herein? He really believes that the soil of the waste have belonged to the freeholders tenants and inhabitants of Spondon as part of the several tenements to the rate of their beast gates as part of their tenements so have been reputed owners for the reigning King, for 50 years and upwards.[3] This his has never been reputed since the time that he can remember.[4]He really believes this to be true because his father, who died about 40 years ago was keeper of Spondon Waste for the inhabitants of Spondon.[4] His father was a freeholder in Spondon and this was true then and has been all the time he can remember.[4] He has now heard that many of the freeholders were troubled in the use of these beast gates.[5] All the time that he can remember the freeholders have been denied the use of Spondon Waste.[6]

18a Whether did you know that heretofore one of the bailiffs of the manor of Spondon and Chaddesden to the late famous Majesty Queen Elizabeth I did enclose and endeavour to keep enclosed a piece of ground aforesaid called Ley Sick piece as part of her Majesties waste in Spondon most of the D?th heard when and how have ? to hold the same // One Henry Locko and old Mr Robert Newton deceased senior bailiff to the late Queen Elizabeth, of the manor of Spondon and Chaddesden since the Queen's time, enclosed or caused to be enclosed, and endeavoured to keep enclosed a piece of ground in Spondon field called Dallysich, lying in Borrowash field called Ley Sick, part of her Majesty's Spondon Waste in,[1] but Humphrey Brownell who dwelt in Spondon Parsonage and John Newton, freeholder of Spondon, two of the inhabitants of Spondon were brought up from London and cast open Ley Sick.

(but he had credibly heard) said little when they arrived[1] but presently has been thrown open again by one of Mr Brandreth's sons and John Newton of Spondon .[1]

18b When and whether do you know did the Inhabitants of Spondon aforesaid? About 40 years ago.

18c whether do you know that there hath been paid a penny a beast for endie ? Since the casting open of these enclosures the inhabitants of Spondon have enjoyed and kept them. [2] Since this Dallysich has been kept open and enjoyed by the inhabitants of Spondon.[2]

19a Do you know that there hath been paid a penny a beast for any beast? The stint of the beast gates in Spondon Waste anciently consisted of 274 beast gates. [1] All the time that he can remember each beast gate cost one penny in the waste.

19b Have you known the same paid & to whom hath it been paid and time out of mind? All the time he can remember 20 shillings of which have been paid to the King or Queen's bailiff of which there has been 17 shillings 6d paid to Thomas Gilbert, and 3 shillings 3d to Henry Gilbert, his son and the rest was disposed to the waste Reeves who gathered a penny a stint for any beast gate in Spondon Waste [2] the rents and made sure that the waste were not out stinted.[3] Lately the number of stints were drawn to half of as they were in the past now paying two pence a beast gate.[4] As best as he can remember, for 3 years Thomas Gilbert has refused to receive these 17 shillings and 6d.[2]

20 Do you have a Tennant or Servant? He is tenant at will to the complainant, Mr Gilbert for two parcels of land in Chaddesden at the value of 11d per annum. [1] He has no other dependency at all upon the complainants'. [2]