Charles the second by ye grace of God of England Scotland France and Ireland King defender of the Faith et To [the] hand of William Agard Esq

yeom[an] George Gregson Bicham Broby and John Turton gent and to every of them greeting whereas matter dependeth interregatorie before

the mother and Come all of or Duchie of Lanc[aste]r into Duchie Chamber att o[?] palace of West[minste]r between Attorney General of our

dutchie afore said by instucon of Henry Gilbert Esq pl[aintiff] and Francis Brecknock John Carrington William Hollingworth John

Hollingworth and others before wherein these pl[ain]t[I]f[f]s are pceeded & growne to full & p[er]fect issunosby ye pleadings there remayning of record appareth

now willing to bee ascertained the truth of the s[ai]d matter and trusting in yo[u]r wisdoms & discrecons will & require you att tyme & place tymes places by you to bee

bymitted to rest before you or any two or more of you by virtue hereof the s[ai]d pl[iantif]fs and def[enden]ts & all such other p[er]son & p[er]sons as to you or any two or more of you shall soone

meet to inquire of the truth thereof as well by view, oath, evidence, p[r]ambulacon, examinacon of witnesses as by all other good wayes and means as to you shall seeme best

and to examine upon oath allsuch witnesses as shall bee placed other come before you as well on the p[ar]te of ye s[ai]d Compl[ain]t. as on the Def[endan]ts upon such Interrogatories as by

either pa[rt]ie shall bee exlinted & brought unto you touching the s[ai]d matter and the Cercumstances thereof And thereupon of y[ou]r facts doings and proceedings

herein Wee will and inquire you or any two or more of you by y[ou]r writings inclosed under y[ou]r seales together with these other Letters & all Interragatoriews

Depositions & examinacons hereby taken some Ingrossed into pasture to Certifie or s[ai]d Chancells and Councell of our s[ai]d Duchie on or

Duchie Chamber att ?Wes Afore us s[ai]d Cro Acrz next Coming Not faultering hereof us wee to use you Provided ?aswindes that the s[ai]d

retuts in all give unto the said Def[endan]ts or one of their Comas fourteene days warning of tyme of the execncon of this our Com

hiecon att or said palace of Westm[inster] under the seale of our s[ai]d Duchie the Eighteenth day of July in ye fifteenth yeare of ye raigne

Gerard

The ereacon of that Com[I]sson appears

by certain sotcdals hereunto Summon[ed]

Cha[rle]s Agard

Jo[seph] Herton

Geo[rge] Gregson

2

Interrogatories to be Adm[ini]st[e]red unto Witnesses to be produced on the parte and behalfe of

John Heath Esq his Ma[ges]ties Attorney generall of his Ma[ges]ties Highnesse Dutchie of Lancaster At and by the

Relacon of Henry Gilbert Esq Compl[ainan]t against Francis Brecknocke John Carrington William Hollingworth

Nicolas Beale John Piggin Robert Soare John Walker Francis Radford Raph Bradocke Lawrence Foxe

Thomas Bowes William Ollerenshawe John Kidson the younger ~~and~~ Robert Locboe als Johnson

Richard Cross gen John Hollinworth

and others defend[an]ts

1 Imp[rim]es: Doe you knowe the Relator and Defend[an]ts in this Caise or any of them, And howe longe have

you knowne them or any of them.

2 Item did you knowe Henry Gilbert Esq deceased father of the Relator. And how longe is it since his decease

And did you knowe Thomas Gilbert Esq Grandfather of the said Relator and how longe is it since the decease of

the said Thomas Gilbert

3 Item doe you knowe the Mannor or Lor[dshi]p of Spondon in the County of Derby, and how longe have you knowne

ye same or dwelt in the same Mannor or Lor[dshi]p And doe you knowe, and how longe have you knowne a p[ar]cell of

grounde there Comonly called the Kings Waste or Spondon Waste, And another p[ar]cell of grounde there Called

Spondon Moore And how many Acres of grounde doth the said grounde Called Spondon Moore Containe as you doe

believe And whether is the same p[ar]cell of grounde Called Spondon Waste inclosed, how longe hath it beene inclosed

how is Abounded and abuttalled And how many acres of same doe believe it does Containe

4 Item are you Tenente of the said p[ar]cell of grounde Called the Waste or Spondon Waste or the Kings Waste in

Spondon aforesaid or any part there of and how much and what Rent pay you yearley for the same And what

Lease or Terme of yeares Grannte howe you mssd same And usee made the land use Terme or Grannte

5 Item What is the yearely Rent which you for your p[ar]rt pay for the Land Kings Waste And at what tyme or tymes

or dayes in the year is your said Rent due to be paid by your Lease or Grannte And whether doe you pay or barter

you paid the same Rent to the King or his Bayliffe of the Mannor of Spondon aforesaid at the said tymes

accordingly as it ought to be paid And how may yeares have you paid the same Rent Express the truth at

Large And whether the King or his Bayliffe did appoint unto you to gather the same

6 Item Whether doe you believe or knowe that any of the Freeholders or Inhabitants of Spondon

or any other persons whoe have no stints in the ground called Spondon Waste in the Lande ought to

have any cattle sheep or any other goods upon the same waste in the winter tyme

**[two lines crossed out]**

7 Item What money or other thing and how much have you given or pr offered to give towards your maintenance

of the Snites now in question ag[ainst] the plt And whoe did move you soe to doe or threaten you if you counted

not And whoe alsoby name doth Contribute or promise to Contribute And by what Sesson or rate are you tenged

for Smh payment or Contribution

8 Item Whether doth the said parcell of grounde Called Spondon Waste lye Ridge and furrow or

Ridge and Reame in all or most of the places of it, which are fitt for tillage And doe you not ferily knowe

that it hath beene formerly occupied as arable Land And whoe was then the owner of it, or whoe doe you

believe did then owne the Soile of it when it was plowed And what Tenn[an]ts did then occupie it and how

Whether as Freeholders Coppiholders Lease holders or Tennants at Will Declare what you knowe have heard

or doe believe

9 Item Whoe Converted the said Waste from arable to pasture, and how longe Since, and to whoe inclosed

the Tennants pay their Rents when ye same was arable, and what rents And whether doe you believe that they

pay the same Rents now it is Inclosed

10 Item Whether have those p[er]sons whoe now Claime Com[m]on of pasture in the said grounde Called Spondon

Waste in the same Farmes in Spondon w[hi]ch those p[er]sons had whoe enioyed and occupied the said Waste foundly

when it was arable

11 Item What manner of Comon doe the Inhabitants of Spondon now Cla[i]me in the said Waste, & at what

tymes , And whether have all ye Freeholders in Spondon Comon in ye sonne or ought to have, and whoe hindered them

and what proportion of Beast gates and Stints doe they Claime to their houses and Farmes

12 Item Whether doe not some of the Inhabitants of Spondon Claymed and enioy Comon or Comon of

pasture in or upon the said Waste in respect of their houses or Cottages, w[hi]ch have not any Comon Spondon

Moore or other Comonable places in Spondon for ye said houses, and whoe are they. Name the p[er]sons and houses

13 Item Doe those Inhabitants of Spondon which Claime Comon of pasture in the said Waste keepe and so

observed the former Custome of putting in their Cattell into ye said Waste, at ye same dayes and in the same

proporcon that others have done, have they not altered their usuall dayes and their usuall Stints And doe

they not hinder those that have but one Stint from putting any beast upon the Waste unlesse they take another

Stint to it, and have they not made a Late Order amongst themselves to put but one beast in for Two Stints

14 Item Is there not a great Marle pitt in ye said Waste And doe you not believe that the said Waste hath beene

used in tillage by the great use of the said Marle pitt And doe you not believe that the said Waste hath beene

plowed and that borne and grasse did grow upon the same And doe you believe that any of the Ancesters

p[re]decessors or Forefathers of those Inhabitants or those cohed then enioyed those Farmes and Estates in Spondon

which these Inhabitants now holde did put any beast or other Cattell in or upon the said Waste to pasture

there Loose at Whitsontide when borne and graine was growing upon the premises or part thereof

Declare what you know thinke or doe believe therein

15 Item Have you not heard or doe you not believe that ye Ancient Freeholders of Spondon have ing much

arable Land in the fieldes did desire Leave of f the Kings Bayliffe of ye said Mannor to enclose the said Waste &

make a Beast pasture of the Land, paying to his Ma[ges]tie use as much as a Beast gate was then worth upon the

grounde And doe you not thinke and believe that these Tenants or Freeholders held it when it was

Will before inclosure, Doe you not believe they were soe after, If not, Declare how they Came to be

otherwise

16 Item Whether doe you not Claime any Comons within Spondon or Comon of pasture or other prossons

or Upon the said Waste, and how much, and for what, respecte of your house or Farmestead or

otherwise And what became of this Comon of pasture which you now Claime in this Waste, when

Corne and graine was growing there And whether doe you not believe that your Ancestors and

those whose Estates you now have in Spondon did reap or enioy the proffitt of the Corne or graine

or p[ar]te thereof which did growe upon the said Waste when it was used in tillage, in Liew of the Comon of

pasture which you Claime therein now it is enclosed

17 Item doe you know the grounde within the Mannor of Spondon Called the Kings Waste or

Spondon Waste, or the Waste And doth not the said Waste lye adioyning to the great Moore Comonly

Called Spondon Moore on the East, and adioyning to the aforesaid Brunswood Leas on the West And is

not the said Waste now inclosed on the North and South side with other mans Closes & hedges

18 Item Are you not of sindred or neere allyame to moste or some of the def[endan]ts and which of them

by name And doe you not dwell within the Mannor of Spondon or Claime some tythe or Interest

in the same

Cha[rles] Agard

Jo Heston [?] Geo[rge] Gregson

Deposicons of witnesses bitweene John Heath

Esq pl[ainti]thand Francis Brecknock and

others Def[endan]te wt no alay Dutchy

our Gilbert

but on the 23 Nov 1663 by Mr Tho[mas] Benbie who

rent it from one of the Comds Jur

3

AnP[ar]te Dispossicions of witnesses Taken at Derby in the County of Derbythe Six and Twentieth dae of

October in the fifteenth Reigne of our most Gracious Sovereign Son

Charles the second by the Grace of God of England Scotland France and Ireland

King Defend[o]r of the faith pt By virtue of the Comission issueing forth of his Mag[est]ies

Duchie Chamber at Westminster to us Charles Agard Esq George Gregson and

John Turston gent and one Richard Brookes gent Directed for the examination

of witnesses in a matter there Depoundinge in barjauce before his Mag[est]ies Iheuceed

and Comenced of the said Dutchy between his said Mag[est]ies Attoraeysend all by

relacon of Henry Gilbert Esq pl[ain]t and Francis Brecknocke John Carrington

William Hollingworth John Hollingworth & others Defend[en]ts on the p[ar]t of the

said reset

Ann Spior of Spondon in the County of Derby widd[ow] Aged four score years and upwards

sworne & examined

1 To the first Interrogatory this Deponent saith that shee knoweth the relator and

the Defendants in the Interrogatory named

2 To the second Interrogatory this Deponent saith that shee knoweth

relators Father and his Grandfather in the Interrogatory named And that they are both

Dead divers years since

3 17 To the third and seventeenth Interrogatories this Deponent saith that shee

knoweth the Mannor and Lordshipp of Spondon in the Interrogatory named and hath known

the same from Infancy shouff have bin borne there hee this Deponent [s] father

saith that she knoweth Spondon Waste and Spondon Moore in the Interrogatories

named and hath known them for the space three score and ten years And that Deponent

saith that thesaid waste ground called Spondon Waste is inclosed and so as did about And that

it hath bin enclosed all the tyme of this Deponents and more And that hee hath heard it

reported that it hath bin enclosed for three hundred years And that it is boauded and butts

upon the Comon ground Called Spondon Moore or the East Spondon Leyes or the West

And upon some of the Lands of the relator Henry Gilbert, and upon the Defendants Crosse

And one Reyaold Johnson North and South

6 To the sixth Interrogatory this Deponent saith that hee doth really believe

that not any of the freeholders or Inhabitants of Spondon nor any other osous who have

had stints in the Ground Called Spondon Waste in the Interrogatory named in the farmers

ought to have any Cattle sheep or other goods soe there in the Winter And the reason

of their said beliefe as, for that twr husband about two and twenty or six and Twenty

years agoe and before the late Tronbles Tended the said grounds called Spondon Waste

by the appointment of Thomas Gilbert Esquire Grandfather to the said relator who had

possession thereof for some three years before and that this Deponents said beast and where

any Cattle sheep or other goods of such p[er]sons not have any stints in the said or tyme there

were upon the said Waste in the Winter tyme after Allshallowtide had either Inraded there

further impounded them and was adadrtroubled soe doeing:

13 To the thirteenth Interrogatory this Deponent saith that hee doth very well

newe where that the Inhabitants of Spondon from the first of her remembrance

did use to putt in their Cattle unto Spondon Waste in the Interrogatory named upon

Whitsunday and alwast or about Twenty years agoe they putt them in on Winsun Eve And

nowe of late will not paitt any to putt in their Cattle untill Monday witson week

And that lately the Inhabitants of Spondon whoe thay are Cowu or the said Waste will not

suffer any to putt ae a beaste for one stint except they take another stint to it

Thomas Wright of Spondon in the Countie of Derby yeoman aged three score

two years or Thereabouts sworne and examined

1 2 To the first and second Interrogatories this Deponent saith that he knoweth the relator and the Defentants

In the Interrogatory named and did know Thomas Gilbert and Henry Gilbert father and grandfather of the

relator deceased

3 17 To the third and seventeenth interrogatories this deponent saith That hee knoweth the Lordshipp

and Mannor of Spondon in the interrogatories undutoed and the grounds called Spondon waste and Spondon

Moore like wise therein named And saith that the said ground called Spondon waste is feaced about

and hath bin all the tyme of this deponents memory and butteth and bonndeth upon Spondon Moore on

the East and Brunswood Leys on the Weast and upon other lands of the relators and other the

Inhabitants of Spondon on the North and South

8 To the eighth interrogatory this deponent saith that [the] said parte of the ground called

Spondon waste in the interrogatory named doth apparently lye Ridge and Furrow and doth verily

follow that it hath bin forondly occupied and used as arable Land But when and whoe

then were the owners or occupiers or under what tilthe this deponent knoweth not

11 To the eleventh interrogatory this deponent saith that the Inhabitants of Spondon

w[hi]ch have noe stints in the ground Called Spondon waste doe Clayme to have Comon of pasture upon

the said ground called Spondon waste but what sort of comon or by what right hee this deponent

cannot tell but this deponent hand nite noe stints there hath putt his sheep upon Spondon Moore w[hi]ch

have strayed onto the said Ground Called Spondon Waste soe gapps lye mye open from

Allhallowstide till Caud huas And this deponent further saith that durers Inhabitants and

Freeholders of Spondon whoe have noe stint in the said ground are not permitted by them that

have stints to putt their Cattel there but what proporcon of stints belongs to each house this

deponent knoweth not

12 To the twelfth interrogatory this deponent saith that the Viccar of Spondon for that one braige

and one Thomas Hall who have noe Comon in Spondon Moore or in any other common belonging to

Spondon aforesaid appertaining to their houses Claime and doe enjoye stints in Spondon waste in the

Interrogatory named

13 To the thirteenth interrogatory this deponent saith That ?good? soe longe as this

deponent [fold in document] the inhabitants of Spondon used to putt a these Cattell into the goround

called Spondon Waste upon Whitsuntide and nowe of late on the Moud are in Witsun week ?

that for many? the said inhabitants did put into the said grounds one beast for one stint

14 To the fourteenth interrogatory this deponent saith That later? on in the ground? called

Spondon waste as the interrogatory named a very great pitt w[hi]ch this deponent thinketh

was a Marllpitt And that there is as the said grounds Rigg and Red of ground? doth coace And

it was plowed for Corne for this deponent doth not Contaesed what also it should bee plowed

for

William Dowman of Spondon in the Countie of Derby husband[man] Aged three score

and four years or thereabouts sworne and examined

1 2 To the first and second interrogatoreys this Deponent saith that he knoweth the Relator and Defentants

And did knowe Master Thomas Gilbert and Mr Henry Gilbert the s[ai]d relators Father and Grandfather

and that they are both dead dwars yeares since

3 17 To the third and seventeenth interrogatoreys this deponent saith that hee knoweth the Lordshipp

and Mannor of Spondon in the interrogatory acoed And doth also knoweth Spondon Moore in

the interrogatorys likewise named to bee a great piece of ground but have freely Acres it is

this Deponent knoweth not And knoweth also that ground in the interrogatories named called

Spondon waste And that it is bounded on the aforesaid ground called Spondon Moore on the East on

Brunswood Leas on the west And upon same? of the land of the relator Henry Gilbert And ~~apportioned~~

of other lands of the Inhabitants of Spondon aforesaid on the North and South

4 To the fourth interrogatory this Deponent saith that hee is Tennant from year to year

to a Adinge in Spondon to No hich those belongeth eight stints on the waste called Spondon waste

in the interrogatory named And hath paid yearly for the same one penny for each stint

5 To the fifth interrogatory this Deponent saith that the Rent of one penny a stint for each stint in

Spondon Closes both bee always Due to bee paid in Witsun Week and that this Deponent hath paid

the said rent for Thirty yeares last past to the Kings Baliffs or officers

8 To the eighth interrogatory this Deponent saith That the Ground Called Spondon waste in the

Interrogatory named Lyeth for the most part Ridge and Reave which hee this Deponent beleiveth hath

formely bee used as Arable land but who was the occupiers or under what Tilth this Deponent

knoweth not But doth believe the soyle was the Kings

Cha[les] Agard

Jo Seston

Geo[rge] Gregson

9 To the Nineth Interrogatory this Deponent saith That hee believeth the same Rent is paid now

for Spondon Waste in the interrogatory named as was paid when it was Arable Land But whose

converted it or when it was Converted from Arable land to pasture this Deponent knoweth not

11 To the Eleventh interrogatory this Deponent saith that All Inhabitants of Spondon

Doe Claime Comon of pasture on Spondon Waste from Allhallowtide till Candellmasse And

from Candellmasse till Whitsuntide it is usually Hay[e]d And from Whitsuntide they one by who

have stints doe eate it till Allhallowtide And that this Deponent doth believe that the In[habitants]

of Spondon doe claime to their sev[er]all houses above two hundred and therefore stints in the

ground Called Spondon Waste

12 To the Tweleth interrogatory this deponent saith that the viccar of Spondon for ?

two benge and one Thomas Hall whoe have Noe Comon in Spondon Mo[o]re or any other comon

in Spondon belonging to their houses doe clayme and enjoyee daclo of them one stint other

ground Called Spondon Waste

13 To the thirteenth interrogatory this Deponent saith that the Inhabitants of Spondon ?

in this Deponants Time have altered the Time of brea Kings the pasture called Spondon waste

twice which was first done by the older of Mr Moreton then vicar who threatened the in habitants

to Cite them to the Court if they alt[e]red not the daie because the inhabitants usually quarrelled

at the breaking up of the pasture w[hi]ch hee caused to bee altered from Whitsuntide to WhitsunEnd

And afterwards it was altered from Saturdaie to Mondaye in Whitsun Week and soe ~~he~~ it hath

contained ever since

14 To the fourteenth interrogatory this Deponent saith that in the ground in the interrogatory Named

called Spondon waste there is a very great pitt w[hi]ch is called the Dry pitt w[hi]ch this Deponent saith

anay howe bee a Marllpitt And this Deponent saith that amvil of the said ground lyeth Rigg

and Reave And doth contes soe it was used in tillage for some yeares And this Deponent

doth believe that who it was soade ? is ? chores ? the inhabitants and forbeares to putt on

their Cattle

Thomas Hall of Spondon in the County of Derby Yeoman Aged fifty five yeares or

thereabouts sworne and examined

1 2 To the first and second interrogatorys this Deponent saith that he knoweth the relator and Deffendants

on the Interrogatory Named And did know Thomas Gilbert and Henry Gilbert Father and Grandfather

of the Relator And that they are both dead long since

3 17 To the third and seventeenth interrogatories this Deponent saith that hee knoweth the Lordshipp and

Mannor of Spondon and the ground called Spondon Waste w[hi]ch hee hath heard also by the name

of the Kings waste And bee likewise knoweth a great piece of ground Called Spondon Moore and

in the Interrogatory named and further saith that the said ground Called the Kings Waste or Spondon

Waste is enclosed with a fence o[r] hath soe bin for thirty yeares w[hi]ch is all the tyme that this Deponent

hath knowen the same And that the said ground Called the Kings Waste or Spondon Waste

Butteth and boundeth upon the aforesaid ground called Spondon Moore on the East Brunswood

Leys on the West and upon other lands of the Relator and of the Inhabitants of Spondon on the

North and South

4 5 To the fourth and fifth Interrogatories this Deponent saith that hee hath for the space

of thirty yeares last past bee Tennant to Charles Cotton Esq to the ground in the Interrogatory named Called the

Kings Waste or Spondon Waste for one stint belonging to the house where hee liveth And that lyeth

about six and ads hs saite had this deponent two ry a lease of the same for three years And he

bee payeth yearly for the same to the keeper of the ground one penny And that the said rent

as soe this deponent beleiveth is payable at Whitsuntide but gathered soad tyaws after

6 To the sixth Interrogatory this Deponent saith That he doth believe that not any of

the Freeholders or Inhabitants of Spondon ought to have any goods upon the ground in the Interrogatory

named Called Kings Waste or Spondon Waste in the Winter who have noe stints there in the

that in the Winter time gapps being open Cattle mayle & some tymes doe goe into it

7 To the seventh Interrogatory this Deponent saith hee hath by order and directcon of his lease

paid to Mr Crose of Spondon one of the Defendants six shillings or more for and towards the maintenance

of the saites a tie the Relator And that Daides other Inhabitants of Spondon have Contributed to the

same And that they usually raise their moadys for the promateinge and prosecatainge the said fields by

Twelve pence a stint as this Deponent both buecoraiedes And after which rate this Deponent himselfe

pay[e]d

12 To the Twelfth Interrogatory this Deponent saith That the vicar of Spondon for the tyme

beinge and this deponent have each of them have one stint in the ground called Kings Waste or Spondon

waste And yet have noe Comon in Spondon Moor or other Comons belonging to Spondon aforesayd

belonging to their respective beasts

13 To the thirteenth Interrogatory this deponent saith that hee doth not remember everth

that clayme stints in the ground Called Kings waste or Spondon waste in the Interrogatory named putt

into the said ground on any other daie save Mondaiye in Whitsuntide And that bee having but one

stint s[h]ould neav[e]r put one beaste in Except hee take another stint to his it being the gage during

this deponents tyme there

14 To the fourteenth Interrogatory this Deponent saith that in the ground in the Interrogatory

named called Kings waste or Spondon waste there is sev[er]al pitts but one of them is a great

pitt w[hi]ch hee saith probably neay have bin a Marlpitt And that there is in the said ground Ridge

and Reave w[hi]ch oppressly showeth that it hath bin Tilled And that if Cowe was ever upon

the said waste this deponent beleiveth the Inhabitants forber to putt in their cattle

Richard Knowles of Spondon in the County of Derby husbandman Aged threescore

years or thereabouts sworne and examined

1 2 To the first and second Interrogatories this deponent saith that hee knoweth the Relator and the

Defendants in the Interrogatories named And Did knowe Mr Thomas Gilbert and Mr Henry Gilbert father

Grandfather of the Relator whoe died longe since

3 17 To the third and seventeenth Interrogatories this Deponent saith that hee knoweth the Lordshipp and

Mannor of Spondon in the Interrogatories named and the grounds called Kings waste or Spondon waste

as allsoe the grounds called Spondon Moore likewise in the Interrogatories named during all the tyme of

his memory and saith that the ground called Kings waste or Spondon waste is feaced about And

butteth and boundeth upon Spondon Moore on the East and Brunswood Leas on the West and

upon other lands of the Relator and Inhabitants of Spondon on the North and South

6 To the sixth Interrogatory this deponent saith that at the beginning of this Deponent s

Tyme or soe longe since hee remember those Inhabitants of Spondon who had noe beast

gates or stints in the ground called Kings waste or Spondon waste in the Summer tyme had

common here in the winter but that it was eaten only by those who had stints or beast gates

belonging to their houses and had the profits thereof in the summer And that hee hath knowen

plows presented at the Court Leet at Spondon for getting gorse or thorns or the one of bin

upon the said ground called Kings waste but that some tyme since about some forty years agoe

this Deponent hath known when the gapps have layen open scaie Cattle of some of the Inhabitants

of Spondon that had noe stints there in Summer have gott into the said ground And this

Deponent saith that four or five and twenty years agoe hee this Deponent did rent the said

ground called Kings waste or Spondon waste for the winter pasture thereof and did quietly

age the same

8 To the eighth Interrogatory this Deponent saith that the ground no in the Interrogatory

named called Kings waste or Spondon waste lyeth Ridge and Reave And that all of it that

hath bin possible to bee plowed hath bin plowed and hee doth verily beleive sowed and occupied

as arable land, but whoe was then the occupiers of it or Tennants to it this Deponent

knoweth not

1. To the the eleventh Interrogatory this Deponent saith that the Inhabitants of

Spondon was formerly have had no stints in the ground called Kings Waste or Spondon

Waste did not claime any comon of pasture upon the said ground in the rents, but about

forty years ago and since they hear for the west parte

1. To the thirteenth Interrogatory this Deponant saith that hee hath known the inhabitants

of Spondon that have had and claymed stints in the ground in the Interrogatory named

called Kings Waste putt in their Cattle unto the said waste some tyme on Whitsunday some

tymes on Whitsun Eve and after on Whitsun Mondaye ; And that formerly the sayd inhabitants

did putt onto the said ground one beast for one stint , but had of late they have altered it

to two stints for one beast and will not permit any to putt in one beast for one stint

Cha[rle]s Agard 14

Jo[seph] Surton

Geo[rge] Gregson

4

1. To the Fourteenth Interr[ogatory] this Deponent saith that there is in the ground called Kings Waste or

Spondon Waste a really great Marlepitt and the reason which indureth this Depo[ne]nt to be leive it to

bee a Marlpitt is because in the Fields adjoining to I there is other Marlpitts like it And hee

hath for further Confirmatcon putt in his Staff into the side of the said pitt in the Kings Waste and

found it to bee Marle And And this deponent doth verily Believe the aforesaid ground called Kings waste

hath formerly bin held in tillage And that when Corn was there growing hee doth beleive the

inhabitantsof Spondon forbore at Whitsuntide to putt in their cattle

16 To the sixteenth Interrogatory this Deponent saith that som[e] of the Inhabitants of Spondon whoe

have stints in the ground called Kings waste or Spondon Waste in the Interrogatory named have told

this Deponent that hee had noe right of Comon there And that if hee did putt in his cattle there

they would impound themWhere upon hee forbore

18 To the Eighteenth Interrogatory this Deponent saith that hee is not of kinne either to the

Relator or any of the Defendants and that hee was borne in Spondon And there lived all the tyme

of his life

Thomas Foearson of Ockbrooke in the County of Derby joyner aged forty seaven years

or thereabouts sworne and examined

1 2 To the first and second Interrogatories this Deponent saith that hee knoweth the Relator and the Defend[an]ts

and hath knowne them orthe most of them above twenty years And did know Mr Thomas Gilbert

and Mr Henry Gilbert Father and Grandfather of the said Relator whoe are long since dead

3 17 To the third and seventeenth Interrogatories this Deponent saith that hee knoweth the Lordshipp

and Mannor of Spondon and the ground called the Kings waste or Spondon waste in the Interr[ogatories]

named And doth know the ground called Spondon Moore in the Interrogatory likewise named

And hath knowen all the said grounds above twenty years last past but what Acres of ground

the said grounds or any of them are of hee this Deponent knoweth not

13 To the thirteenth Interrogatory this Deponent saith that the Inhabitants of Spondon

whoe have stints in the ground in the Interrogatory named called Kings waste or Spondon

waste doe nowe use to putt in to the said waste on Whitun Mondaye But this deponent saith that hee

this deponent having for seven or eight years last past taken of the Relator two stints in

the said grounds called the Kings waste hee this Deponent told William Hollingworth one of

the Defendants a little before Whitsunday last that hee would putt into the said ground on

Whitson Mondaye And did accordingly bring two beasts for two stints And that the sayd William

Hollingworth answered this Deponent and sayd that if hee this Deponent did putt them in

hee the sayd William Hollingworth would impound them but after some opposicon made

by the sayd William Hollingworth the sayd deponent did putt them into the sayd waste

William Hetherlkey of Ockbrooke in the County of Derby Laborer Aged thirty

and six years and upwards sworne and examined

1 2 To the first and second Interr[ogatories] this Depon[en]t saith that hee knoweth the Relator and

the Defend[an]ts and did know Mr Henry Gilbert the father of the Relator

3 To the third Interr[ogatory] this Depon[en]t saith hee knoweth the Lordshipp and Mannor of

Spondon and the great Moore called Spondon Moore and the ground called Kings waste or Spondon

Waste ~~brought hollingworth to the said ground called upon Whitsun Monday ?~~

~~Cattleworth?~~ And hath known them all the tyme of his memory being hee was borne w[i]thin

halfe a myle of them and there hath to utumed all his tyme b ut knoweth not how many

acres the said grounds are

13 To the thirteenth Interr[ogatory] this Depon[en]t saith that hee took this last Summer of

Mr Gilbert the Relator a Cowe gate in the ground called the Kings Waste or Spondon Waste

and brought his Cow to putt her into the said ground on Mondaye in Whitsun week last w[i]th

as the usuall said then lose now to putt into the said ground And that hee was opposed by

three of the Defend[an]ts Mr Brecnook William Hollingworth and John Hollingworth

whoe refused to lett this Depon[en]ts Cow goe into the said waste except this Depon[en]t would

give Mr Brecnook thirteen pence w[hi]ch this Depon[en]t did paye And this Depon[en]t saith that

the said Mr Brecnook told this Depon[en]t that Mr Gilbert had putt in more beasts into

the said grounds than hee had stints w[hi]ch being related to the said Mr Gilbert by this

depon[en]t hee told this depon[en]t that hee had not putt in more beasts than hee had stints

and that what hee had sett this Depon[en]t hee would uphold it to him

William Fox of Spondon in the County of Derby husbandman fifty Two years

or thereabouts sworne and examined

1 2 To the first and second Interr[ogatory]this Depon[en]t saith that hee knoweth the Relator and all the Defend[ant]s

and did know Mr Thomas Gilbert Grandfather to the Relator and Mr Henry Gilbert Father, to the Relator deceased

3 17 To the third and seventeenth Interrogatory this Depon[en]t saith that hee knoweth a great piece of ground in the

Interr[ogatory] named called Spondon Moore contayning by estimacon three or four hundred Acres And doth know the

peece of ground likewise mentioned in the Interr[ogatory] called the Kings waste, some tymes the waste, and most courouly

Spondon waste, contayning as this Depon[en]t beleves betreipt fourscore and a hundred And w[hi]ch waste is

bounded on the East w[i]th Spondon Moore foresayd, on the west w[i]th a pasture called Brunswood Leas and w[i]th

Mr Gilbert the Relators and John Lockoes land, on the North, And that of the Defend[an]ts Cross and Hadson of

the South

4 5 To the fourth and fifth Interr[ogatory] this Depon[en]t saith that hee is tenant at will to the Relator for eight

SLm es? In the Ground in the Interr[ogatory] named called the Kings waste or the waste and hath paid for the same

To the said Relator hee had place of each that And this Depon[en]t saith that hee hath paid one penny for each stint to the keeper of the said ground for the Lord of the Mannor

w[hi]ch is ~~usually~~ one penny ought to bee accordingly payd at Whitsuntide, And that this Depon[en]t hath oft[en] accordingly

paid it

6 To the sixth Interr[ogatory ] this Depon[ant] saith that hee Doth verily believe that those Freeholders or

Inhabitants of Spondon named other persons what so are whoe have noe stints in the said ground called the Kings

Waste or Spondon waste in the Interr[ogatory] ought to have any Com[m]on or other profits upon the same ground as Has

Winter whether did this Depon[en]t One know any such p[er]sons putt any cattle upon the said grounds but saith

that some tymes in the gowter the gapps lye waye open some Cattle may have strayed out of other grounds into

the said waste, who this Depon[en]t coucesory to have bin Trespassors

8 To the Eighth Interr[ogatory] thisd Depon[en]t saith that it is apparently seen that the greatest part of the ground

called the Kings waste or Spondon waste in the Interr[ogatory] named lyeth Ridge and Reyve and this Depon[en]t verily

beleiveth that it hath bin formerly plowed and occupied as arable land but whoe was then the occupiers

or owners thereof this Depon[en]t knoweth not

11 To the eleventh Interr[ogatory] this Deponent saith that there is many Inhabitants and Freeholders in

Spondon in the Interr[ogatory] named that have noe com[m]on in the ground called the waste as this Depon[en]t verily

Hath? Said?, And that the other Inhabitants and Freeholders in Spondon aforesaid have beast gates and

stints in the said waste, but what particular proporcons they have this Depon[en]t knoweth not

12 To the twelvth Interr[ogatory] this Depon[en]t saith that some of the Inhabitants of Spondon (Vizt the Vicar

for the tyme being and one Thomas Hall whoe have either of them one stint in the ground called the waste

in the Interr[ogatory] named belonginge to their houses and have noe Com[m]ons in the ground called Spondon Moore

Cha[rles] Agard

Geo[rge] Gregson Jo[hn] Surson

13 To the thirteenth Interr[ogatory] this Depon[en]t saith that formerly at the beginning of his laevery

The Freeholders and Inhabitants of Spondon whoe had stints in the ground in the Interrr[ogatory] named

called the Kings waste or Spondon waste did use to putt their Cattle unto the said waste on Whitsuntide

And since that have allowed the said to Moadair in Witson week, And this Depon[en]t verily believeth

that the beginning of his tyme the said Inhabitants and Freeholders did use to putt unto the

said waste one beast gate for one stint And about forty years ago and since till the last year they have

used to putt in one beate for two stints and for the last year one beast for one stint

14 To the fourteenth Interr[ogatory] this Depon[en]t saith that there is in the Kings waste or Loadey

waste in the Interr[ogatory named a very great pitt w[hi]ch this Depon[en]t verily believeth hath bin a Marlpitt

w[hi]ch hee the rather believeth because hee knoweth other pitts like it in the adjoining grounds

that are Marlpitts And this Depon[en]t doth verily believeth the said waste hath bin plowed and

used in Tillage And that when Corar was there growing the Inhabitants and Freeholders

of Spondon forere to putt their Cattle onto the same ground

William Walker of Spondon in the County of Derby blacksmith aged forty nine

years or thereabouts sworne and examined

1 2 To the first and second Interr[ogatories] this Depon[en]t saith that hee knoweth the Relator and the

Defend[an]ts And did know one Thomas Gilbert and Mr Henry Gilbert the Relaters Father and

Grandfather who are nowe both dead

7 To the seventh Interrr[ogatory] this Depon[en]t saith that hee being a Freeholder in Spondon in the County

of Derby and have age the stints in the ground called Spondon waste in the Inter[ogatory] named belonging

to his Freehold Mr Brecknock William Hollingworth and Mr Cross three of the Defend[an][ts came

to this Depon[en]t hee sev[er]all tymes and each tyme unto him that thirty shillings wage Did for him to pay

Towards the charges in saith w[i]th the Relator about the aforesaid waste, And this Depo[en]t

was content they should at toice shopp the sum of three pounds for and towards the charges

aforesaid w[hi]ch Act this Depon[en]t saith hee did afterwards much Lament

Cha[rles] Agard

Jo[hn] Surson

Geo[rge] Gregson

Interogatories to bee Administered to witnesses to bee Pu[g]red out

P[ar]te & be half of Francis Brecknock John Carington William Hollingworth John

Holligworth John Piggen Francis Radford John Walker Ralf Braddock Robert Soare

Hnoson William Ollenshaw Nicholas Hole Lawrence Flax & Richard Crose def[fendant]s at the signs

of John Heath Esq His Majestys Attorney generall of his highness Dutchy of Lancaster at &

by the relacon of Henry Gilbert Esq Compl[ainan]t

Imprimis Doe you knowe the Relator Henry Gilbert Esq ad the d[e]f[fendan]ts or any of them or how many of

themAnd how long have you knowne them or any of them

1. Doe you knowe the Place in Question , called Spondon Waste in the parish of Spondon in the County of Derby

How long have you knowne the same? hath not the same ground beene used or injoyed depastured & eat[e]n

all the time of y[ou]r remembrance by the Cattleof the FreeholdersInhabitants of Spondon aforesaid Have

not the said Freeholders & Inhabitants yearly all the time of yor knowlege putt their Cattle according totheir

sev[er]al proporcons, into the said ground called Spondon Waste at Whitsunday usually kept them there if

they pleased until Allhallows day following? Was not the same ground used to be throwne open upon

Allhallowsday and so lye comon for all manner of Cattle whatsoe in until Cantlemas as following? And was

not the same ground upon Candlemass day allwaies used to be hayed & femed and soe to lye fresh not to

be eaten or depastured againe w[it]h any Cattle untill Whitsuntide Hath this not beene the constant usage

& custome for depasturing the said ground by the said Freeholders and Inhabitants of Spondon aforesaid during

the time of god remembrance Declare what you knowe herein

3 If any Cattle of any ones whomsoever have by chance broken into the said ground between Candlemass &

Whitsuntide; Have not the same beene impounded by the Inhabitants of Spondon. Have you at any time

knowne any of the Relators Amestens Cattle gott into the same ground between the tymes aforesaid? Have the

same been impounded by whome? By whose appoyntm[en]t & direction were they impounded? Was not satisfaction

given or promised for the said Cattle soe trespassing as afores[ai]d? And hath not promise beene made not to

trespass soe againe? By whom was such promise made, and satisfaction given or promised? Declare y[ou]r knowledge

& all you knowe concerning this thing

4 Hath the Relator Mr Gilbert a peece of ground, called by the name of Deaven acres that

lyes next adjoyning to the place in Question?Hath his Father, or Ancestors ordered & appointed you

make up the Name yt divides betweene such ground and the ground in Question? Hath the said Relator

father bid you make up the said farm it belonging then to him to make it? Declare upon what accomxt

& for what reason you were soe required to make up the said farm Has and if Relators fx and father wryanting of it then for bringing

as made out for [the] place in question through his fence yt lyes next to the place in question , Declare the expressions he used upon that occasion

5 Have you knowne the said ground called Spondon Waste broken by the said Freeholders Inhabitants

of Spondon at any other time besides Whitsonday? If yea, then declare the reason and cause thereof was

it not because men dirst not upon the Sabeth day goe about such business

imploym[en]ts

6 Did you knowe the ground in Question called Spondon waste door enjoyed by the said Relator or by any of his

Ancestors? If yea then by whom & how long time have you knowne the same soe enjoyed? And how long

since is it since the same ground was enjoyed by any of the Relators Ancestors or by the said Relator himself?

they that soe enjoyed it of the said Relators Ancestors how came they into the possesson thereof was it not

recorded by the said Relators Grandfather from the Inhabitants of Spondon & soe thereupon was enjoyed by

him for some time Did not the Freeholders or some of ye Inhabitants of the said second recover the said ground

againe by Land about twenty years since? And since then all along quietly enjoyed the same untill of late

that ye said Relator and the said Inhabitants fell to stints at Larve againe Declare what you positively

knowe to each particular in this Interrogatory

7 Were you present & hearing at a Tryalt had betweene one Mr Brecknock (one of the def[endan]ts & the said Relator

about two tise moneths since concerning the said Mr Brecknocks clayming common of pasture in the said place

in Question for Inelne Beatsor in liene of two Beasts one Mare or one Gelding as belonging to a horse & lands

in Spondon wherein ye s[ai]d Mr Brecknock now lives? Did not a verdict pase for the said Mr Brecknock there

upon after a faire & full hearing of Testimonies on both sides? Declare the sev[er]all passages that happened at the

said teyall according to y[ou]r best knowledge & what proofs were made out on both sides so far as you recant

8 After the breaking of the place in Question at Whitsontide might not the said Freeholders & Inhabitants of

Spondon hay the same againe by a generall consent if they pleased at any time for a greater or lesser time as they

could agree before Allhallowe day according to the goodness or badness of the said pasture? But if any Freeholder or

Inhabitant of Spondon having right of Comon in the said place dissented might he not use his

Comon in the same place from Whitsuntideuntill Allhallowtide if he pleased? Declare what you

knowe concerning this Interrogatory

9 Doth any Freeholder or Inhabitant of ye s[ai]d Towne of Spondon that hath right in nthe said place

in Question pay yearly for any stence or Beats gate a penny to the Lord of the Mannor of Spondon is the

same paid at a certain day or at any time in the year as the sev[er]all persons are mett w[it]h all or spoken to

for it?

10 Did you doth knowe more paid than a penny a stint or Beast gate if yea declare when any other rate was

paid whether when the said Mr Gilberts Relators Grandather held the place in Question or when the

Inhabitants of Spondon enjoyed it Declare the truth hereof

11 Did you see the Deed or Deeds writing or writings now showed unto you signed sealed and delivered or sealed and

delivered or signed by whom is yo[u]r name subscribed there unto as a witness? Or doe you believe or know the

hand of those whose names are subscribed thereunto as witness or witnesses to be their proper hand

writing

Cha[rles] Agard

Jo[hn] Surson

Geo[rge] Gregson

12 Whether is the writing or writings now produced unto you a true Coppy of such Record or Records

Deed or Deeds writing or writings whereof it is produced as a Coppy as Have you examined the same

with such originall deed or deeds writing or writings when and where did you examine ye same

and with whom and where did you leave such originall Deed or writing after you had examined the

same And where is the same originall now as you knowe or believe?

13 Hath the def[endan]t Mr Brecknock twelve stints or Beast gates in the said place in Question as

belonging to ye Messuage & land thereto belonging in Spondon aforesaid whereupon ye s[ai]d Mr Brecknock

now liveth

14 Have all the rest of the def[endan]ts certaine stints or Beast gates in the said place in Question as belonging to

their sev[er]all Messuages and lands thereto belonging in Spondon aforesaid? How many stints have

any one of these def[endan]ts in the said place in Question? Declare ye truth of what you knowe therein

And whether their sev[er]all Ancestors have not usually had & enjoyed ye same?

15 Have you seene the exemplificacon of a verdict & Inditon wherein Mr Brecknock one of the now

def[endan]t is pl[aintan]t what are the pleadings in that acton Declare what you know here in

Cha[rles] Agard

Jo[hn] Surston

Geo[rge] Gregson

6

the ple[a] of the Def[fendan]ts

Ann Spyor? of Spondon in the County of Derby Widdow formerly sworne and Examined

On the Courgts part & now sworn & Examined on the Defendants p[ar]te saith as followeth

6 To the sixth Interr[ogatory] this Depon[en]t saith that about Twenty years ago shee Knew the ground

called Spondon waste in the Interr[ogatory] an cascoed enjoyed by Mr Thomas Gilbert grandfather

to the Relator for the space of three or four yeares or something more and that shee beleiveth

here recovered the same of the Inhabitants of Spondon by Law & that the same hath beene stinted

recovered by the said Inhabitants & enjoyed by the said Inhabitants saving the said three or

Foure yeares interragacon

Henry Cook of Quarndon in the County of Leicester Nayler aged three score yeares or there abouts

sworne & examined

1 To the first Interr[ogatory] [this] Dep[onen]t saith hee knoweth the Relator Henry Gilbert in the Interrr[ogatory named & likewise

the Def[fendan]ts & hath known them for many yeares last past he this Depo[nen]tbeing born in Spondon in the

County of Derby

2 to the second Interrogatory this Depon[en]t saith that hee doth know of a place in question called Spondon waste in the

Interr[ogatory] menconed & that the same sev[er]all the time of this Depon[en]ts remembrance hath beene used ocupied

depastured & eaten by the Cattle of the Freeholders & Inhabitants of Spondon aforesaid & that the said

Freeholders & inhabitants have yearely for all the tyme of this Depon[en]ts knowedge putt in their

Cattle according to their sev[er]all P[or]cons into the said ground called Spondon Waste on Witnsunday

& usually kept them there (if they pleased) untill Allhallow day following & that be farm Around

used to bee throwne open upon Allhallowsday as afores[ai]d soe lye comon for all Cattle whatsoever (but

this Depo[nen]t never knew any Stoned horse putt thereon) until Candelmas dayFollowing & that the same

ground aloayes used to bee hayed & Fenced & soe to lye Fregh & not to bee eaten with any Cattle until

Witsuntide without interruptcon & this hath beene the whaye to this Dep[onen]ts knowledge

3 To the third Interr[ogatory] this Dep[onen]t saith that hee above fortie yeares since hath known some of the Cattle

of Mr Thomas Gilbert grandfather to the Relator break out of this ground called LockoeWood

into the said Spondon Waste between Candlemas & Whit Sunday and hath also known the same

Cattle impounded by the inhabitants & Freeholders of Spondon aforesaid or by there appointm[en]t And that

satissfacton was prused for the same by Richard Farner servant to the said Mr Thomas Gilbert who

was by him sent to release the said Cattle as the said Farner then declared And further saith

that the fence through w[hi]ch the said Cattle broke into the said Spondon waste was repaired

by the said Mr Thomas Gilberts appoint[men]t & panise made that he should not trespass any more

8 To the Eighth Interr[ogatory] this Dep[onen]t saith that after the breaking of the pace in question at Whitsuntide

yearly as afores[ai]d the Freeholders and inhabitants of Spondon might by generall consent hay the

same for greater or lesser time before Allhollowtide if they pleased but if any Freeholders or inhabit[an]ts

having common there discented hee might use his common from Whitsuntide to Allhallowtide if hee pleased

9 To the nineth Interr[ogatory] this Dep[onen]t saith that every Freeholder or inhabitant of Spondon aforesaid

having right to stints or beast gates in Spondon Waste afores[ai]d ought and usually have payed to

the Lord of [the] Mannor of Spondon aforesaid yearly for every stint or beast gate one penny & that the

same hath been usually payed as the p[er]sons have been mett with that ought to pay the same

William Marshall of Ilkeston in the County of Derby Nailor aged three score yeares or there abouts sworne

and examined

1 To the first Interr[ogatory] this Dep[onen]t saith he knoweth Henry Gilbert in the Interr[ogatory] named & likewise knoweth the def[endan]ts

2 To the second Interr[ogatory] this Dep[onen]t saith that hee knoweth the place called Spondon Waste in the Interr[ogatory] menconed & saith

that the same ground hath for all the time of his remembrance been used depastured & Eaten by the Cattle of the

Inhabitants & freeholders of Spondon aforesaid & that the said freeholders & Inhabitants have yearly during the time

of his knowledge put in their Cattle according to their sev[er]al Porcons into the said ground called Spondon Waste on

Whit Sunday & usually kept them their if they pleased untill allhallowsday following & that the same ground to

Bee throwne open upon Allhallowsday & lye common for all Cattle untill Candlemas day following & from Candlemas

day till Whitsontide the same used to lye fresh & not to bee Eaten or depastured w[i]th Cattle & this Dep[onen]t saith that this

hath beene the usuage during the time of his knowledge & further saith hee hath beene some time out of the said

Town of Spondon but hath heard the day of putting in Cattle hath beene lately altered but knoweth it not nor the

reason of it

3 To the third Interr[ogatory] this Dep[onen]t saith that there was certaine Cattle of Mr Thomas Gilberts the Relators grandfather

broke into the said ground Called Spondon Waste & that the same were impounded by the Freeholders & inhabitants

of Spondon about fortie or fiftie yeares since as this Dep[onen]t conteines & this Dep[onen]t being then a boy did assist the said

Inhabitants in driving the said Cattle to the pound at Spondon aforesaid & saith that one Thomas Potam fortt

to the said Mr Thomas Gilbert came to release the said Cattle but the said Inhabitants refused to it noe leave that

the said Potam should take away all the said Cattle untill Richard Larner another servant of Mr Thomas Gilbert

came to release them whereupon the said Larner did come & take away the rest of the Cattle but what was payed

for the trespass or what punishes were made hee this Dep[onen]t knoweth not but saith the said Larner gave to this Dep[onen]t

one penny pease & the like to each of the boyes that helpt to impound the said Cattle being eight in number as this dep[onen]t remembers

remembered

Cha[rles] Agard

Jo[seph] Surston

Geo[rge] Gregson

8 To the Eighth Interr[ogatory] this Dep[onen]t saith that the Inhabitants & Freeholders of Spondon aforesaid might if

generall consent & at their pleasure hay the said ground called Spondon Waste for any time more or

lesse before Allhallowday according to the goodnesse or badnesse of the pasture but if any Freeholder or

Inhabitants having right to any stints or beast gates did dissent & disag[?] such p[er]son or p[er]sons might

use his or there commons during the said time which Whitsuntide till Allhallowday yearly

9 To the ninth Interr[ogatory] this Dep[onen]t saith that hee hath alwayes heard & verily beleeveth that every

Freeholder & Inhabitant of the said towne of Spondon that hath right in the said Spondon Waste doe

yearly pay to the Lord of the said Mannor for every stint or beast gate one penny & further saith

that hee hath paid to the keep of the said Spondon Waste who usually gathered the said money) nine

pence for nine ~~stints~~ or beast gates there of this Dep[onen]ts fathers but never heard the same was to

bee payed at any certaine day or time

Thomas Lockoe of Quarndon in the county of Leiceter Basket maker aged Fiftie five yeares or

thereabouts sworne & Examined

1 To the First Interr[ogatory] this Dep[onen]t saith hee hath seene Hen[ry] Gilbert Esqu[ire] in the Interr[ogatory] named & likewise

knoweth all the def[endan]ts

2 To the second Interr[ogatory] this dep[onen]t saith that hee knoweth the ground called Spondon Waste in the Interr[ogatory]

menconed & hath known it for all the time of his remembrance hee this Dep[onen]tbeing borne in Spondon

aforesaid & that the same ground hath beene depastured & Eaten by the Cattle of the Inhabitants and

freeholders of Spondon aforesaid & that the said freeholders & Inhabitants did yearly putt there

Cattle into the said ground according to there severall Porcons on Whit Sunday & not other day

that hee knoweth of & usually kept them there till Allhallowday Following & that the said ground

used to bee throwne open & lye common for all the Cattle of the inhabitants of Spondon aforesaid

untill Candlemas day following & upon Candlemas day to bee hayed & free from Cattle untill

Whitsunday following at Whitsuntide they used to putt in their Cattle againe

3 4 To the third & fourth Interr[ogatory] this Dep[onen]t saith that about fortie yeares since hee hath sev[er]all

times known severall Cattle of Mr Thomas Gilbert grandfather to the relator break into the

said ground called Spondon Waste out of a ground of the said Mr Thomas Gilbert called

Lockoe Wood & that the keeper of the said ground called Spondon Waste who was serv[en]t to the

Freeholders & Inhabitants there did by there appointm[en]t bringe the said cattle to the pound

in Spondon & that one Richard Lander serv[en]t to the said Mr Thomas Gilbert did by his said M:

this Lander release the said Cattle & did give satysfacon for the trespass by paym[en]t of money but

how much this Dep[onen]t knoweth not & hath known frequent paises made by the said cparson[?]

never to trespass againe & that they were verry carefull in repairing the fence to to prevente the

like trespassed And this Depon[en]t further saith that hee this Dep[onen]t about fortie years since

goeing with a wounded mare out of Spondon Waste through the fence into Locko wood &

soe to the house of the said Mr Gilbert hee the said Mr Thomas Gilbert asked him which

way around this Dep[onen]t answered out of the Waste into Locko Wood & hee asking this

Dep[onen]t whether hee had made upp the fence & this Dep[onen]t telling him not verry well all the said

Mr Gilbert told this Dep[onen]t hee would send his serv[en]ts to make good the said fence to prevent his

cattle getting into & trespassing in the said Spondon Waste because the Inhabitants of Spondon

was his very loving neighbours

8 To the eighth Interr[ogatory] this Dep[onen]t saith that after the putting in of the cattle as aforesaid

into the said Spondon Waste at Whitsuntide yearly the said Freeholders & inhabitants

there by a generall consent might at their pleasures Hay the same & keep it free from

Cattle for any time or tymes before AllHallowday but if any p[er]son or p[er]sons having right

to any stints or beast gates therein did desent or disagree hee or they might use his or

there common therein from Whitsunday till AllHallowday if hee or they soe pleased

9 To the ninth Intrerr[ogatory] this Dep[onen]tsaith that ev[e]ry Freeholder opr Inhabitant of the Towne of

Spondon ought & usually have payed yearly to the keep of the said Spondon Waste for

the use of the Lord of the Mannor for every beast gate or stints one penny & that the same

hath been usually gathered between Whitsontide & the time of keeping micklemas

Court there but this Dep[onen]t doth not knowe or ever heard of any certaine day for payment

of the same

Robert Lockoe of Quarndon in the county of Leicester Basquett maker aged fifty too yeares

or there abouts sworne & Examined

1 To the first Interr[ogatory] this Dep[onen]t saith that he knoweth Henry Gilbert Esq in the Interr[ogatory] named

& likewise doth know all the Def[endan]ts

2 To the second Interr[ogatory] this Dep[onen]t saith that hee knoweth the ground called Spondon Wastein the

Interr[ogatory] named being borne att Spondon (but never heard it called by the name of the Kings

Waste) & saith that hee hath knowne as long as this Dep[onen]tcan remember the Freeholders

& Inhabitants of Spondon aforesaid to eate & depasture the same ground with their Cattle

yearly from Whitsunday till AllHallowday according to their sev[er]all Porcons & that upon

All Hallowday the same ground used to bee throwne open & soe to lye as Comon for all Cattle

of all the~~ir~~ inhabitants of Spondon whether the had Stints therein in the Liner or noe

from AllHallowday unto Candlemas day next following you Candlemas day the same to bee

hayed & free from Cattle untill Whit Sunday next following

5 To the fifth Interr[ogatory] this Dep[onen]t saith that hee hath knowne the Freeholders & Inhabitants

of Spondon putt in their cattle into the said ground on Monday in Whit Sunday week &

not on Whit Sunday but in the reason of that was because one Mr Morton formerly vicor

of Spondon aforesaid did tell the Inhabitants that the Sabbeth day was verry

inconcenient for such business there being many times disputes at the breaking

the said Spondon Waste which did indispose & vufitt them for the sacc[ram]t which was

some times administered on that day And did therefore desire them to forebear the

putting in their Cattle till the next day which accordingly they did

8 To the eighth Interr[ogatory] this Dep[onen]t saith that after the putting in cattle into the said

ground Whitsuntide yearly the Freeholders & Inhabitants might by agreement

consent haythe same for any time or times before AllHallowday following but if

any of the said Inhabitants having stints or beast gates there did disagree such

p[er]son or p[er]sons might eate his or their Comon till AllHallowday following

13 To the thirteenth Interr[ogatory] this Dep[onen]t saith that the def[endan]t Francis Brecknock hath

Twelve x stences orbeast gates in the said Spondon Waste belonging to a Messuage

& Lands in Spondon aforesaid wherein hee now liveth

14 to the Fourteenth Interr[ogatory] this depon[en]t saith that all the Dep[onen]ts have certaine stences or beast

gates in the said Spondon waste belonging to their sev[er]all messuages & lands in Spondon aforesaid

but the certaine number of the said stences hee this Depon[en]t knoweth not save only that he

dost Richard Crosse hath thirtie stences or beast gates there

Cha[arles] Agard

Jo[hn] Surston 20 Geo[rge] Gregson

On the Deffendants

7

Richard Lockoe of Spondon in the county of Derby widdower aged three score yeares or

thereabouts sworne & examined

1 To the first Iterr[ogatory] this Depon[en]t saith hee knoweth the Relators Henry Gilbert Esq[ui]re alsoe all the

Def[fentant]s hath long knowne them having lived all his time in Spondon aforesaid

2 To the second Interr[ogatory] this Depon[en]t saith that he knoweth the ground called Spondon Waste in the Interr[ogatory]

named and hath knowne the same all the time of his remembrance & that the same hath beene depastured & Eaten

yearely by the Cattle of the freeholders & Inhabitants of Spondon aforesaid according to their sev[er]all apporcons

from Whitsunday untill AllHallowday then next following And further saith that the same ground

used to be throwne open upon AllHallowday & soe to lye as common for all cattle (Except stoned horses)

belonging to all the inhabitants of Spondon aforesaid untill Candlemas day then next following

& thento bee hayed & kept free from Cattle untill Whit Sunday next after

5 To the fifth Interr[ogatory] this Depon[en]t saith that hee hath heard but doth not knowe that of late there

hath beene cattle put by the Inhabitants of Spondon aforesaid into the said ground upon Monday

in WhitSunday week And there uson thereof as this Depon[en]t hath beene credibly informed & verily

beleiveth was that one Richard Fox & great John Lockoe of Spondon aforesaid quarrelling &

falling out about putting Cattle into the said Spondon Waste one Mr Morton formerly vicar

of Spondon aforesaid did disswade the said Inhabitants & Freeholders from putting their

Cattle into the said ground any more on the Sabbeth day because it did unsitt them for the

Sacram[en]t which was often administered on that day & threat nod upon refusal to Cite them into

the Bishops Court whereupon the said day was alt[e]red from Whit Sunday till Monday following

9 To the ningth Interr[ogatory] this Depon[en]t saith that there is due & hath beene yearly payed to the king

of the said Waste for the use of the Lord of the Mannor as this Depon[en]t couceires from the

Freeholders & Inhabitants of Spondon aforesaid one penny for every stint or beast gate

there & this Depon[en]t doth not know or ever heard that the same was to bee payed at any certaine

day but as the p[er]sons were mett with from whom it was due

Robert Stenson of Spondon in the county of Derby Towe Dresser aged Fifty years or

thereabouts sworne & examined

1 To the first Interr[ogatory] this Depo[en]t saith that hee doth know Henry Gilbert Esq[ui]r[e] in the Interr[ogatory]

knoweth all the def[endan]ts

2 To the second Interr[ogatory] this Depon[en]t saith that hee doth know the ground in the Interr[ogatory]

named called Spondon Waste in the County aforesaid & hath known the same for all

the time of his remembrance And verily beeleeveth that the Freeholders & Inhabitants

of Spondon aforesaid have according to their severall Porcons put their cattle into the

same yearly upon Whit Sunday to Eate & depasture the same untill AllHallowday then

next following And that upon AllHallowday yearly the said ground used to bee thrown

open & Comon for all the Cattle of all the Inhabitants of Spondon aforesaid untill

Candlemas day then next following & upon the said Candlemas day yearly to be hayed

& continue from Cattle untill Whit Sunday then next following

3 To the third Interr[ogatory this Depon[en]t saith that sev[er]all tymes hee hath knowne the Cattle of

Henry Gilbert Es[qui]r[e] father of the Relator breake out of a ground of his called the seaven

Acres into the said Spondon Waste & thgis depon[en]t being then keep of the said ground & soe

continued for tenn yeares did by the appointm[en]t of the Freeholders & inhabitants of Spondon

impound the said Cattle as oft[en] as they soe trespassed at Spondon aforesaid & this Depont

further saith that some of the servants of the said Mr Gilbert father to the Relator (whose

names hee cannot certainly remember did come to release the said cattle & gave this

depon[en]t two pence for impounding the same every time hee soe impounded them And futher

this depon[en]t saith that his said servants did repaire the said fence to p[re]vent the like

trespasses & pinised there endeavours that they should not breake in againe

5 To the Fifth Interr[ogatory] this Depon[en]t saith that the freeholders & Inhabitants aforesaid have

put in their cattle into the said Waste upon Monday in Whit Sunday weekebut thecause

thereof was as this def[endan]t hath heard & verryly beeleeve that one Mr Morton who was

the vicar of Spondon aforesaid seeing that that practise kept his parishioners from devine

service & often occasioned quarrels & disputes hee thereupon prevailed with them to desist

from their former custome & put them in on Whitson Monday threatening to have them

cited into the Bishopes courte if they would not forbeare the same

8 To the eighth Interr[ogatory] this Depon[en]t saith that after their putting in of their cattle into the

said Spondon Waste at Whitsuntide ass aforesaid the Freeholders & inhabitants there might

hay the same at anytime or times at their pleasure according to the goodness or badness

of the pasture before Allhallowday but if any p[er]son or p[er]sons did disayred hee or they might

eate & use this or their Porcons for all the time betwixt Whitsuntide & AllHallowtide

if hee or they pleased

10 To the tenth Interr[ogatory] this Depon[en]t saith that hee was keep of the said ground called Spondon

Waste about tenn or Eleven yeares & gathered of the Freeholders & Inhabitants of

Spondon aforesaid openly one penny for every stence or beast gate in the said Spondon

Waste & never know more than a penny payed for a stence or beast gate

13 To the thirteenth Interrr[ogatory] this Depon[en]t saith that the defendan]t Mr Brecknock had twelve stences

or beast gates belonging to the messuage & Lands whereupon hee now liveth

14 To the Fourteenth Interr[ogatory] this Depon[en]t saith that all the defendan]ts have certain Stences or

beast gates in the said ground called Spondon Waste as belonging to their severall

messuages & lands in Spondon aforesaid & Lticulerly hee saith that William Hollingworth

hath sixteene stences John Hollingworth hath twelve stences John Piggenhath nine stences

Francis Radford eight stentes John Walker six stences Ralph Braddock Four stences

Cha[arles] Agard

Jo[hn] Surston

Geo[rge] Gregson

Robert Loare seaven stences John Hudson Five stences William Allenenshaw

four stences Lawrence Fox Four stences & Richard Crosse hath thirty stences

which as this Depon[en]t doth remember & verily beleeves are the sev[er]all Porcons & numb[e]r

of the stences & beast gates belonging to the said defend[an]ts And further this depon[en]t saith

hee doth not certainly know what stences or beast gates John Carrington one of

def[endan]ts hath or claymeth

Christopher Burton of Spondon in the county of Derby Thacker aged Fif[ty][?]

yeares or thereabouts sworne & examined

2 3 To the second and third Interr[pogatory] this Depon[en]t saith that hee doth know the ground called

Spondon Waste in the Interr[ogatory] menconed & hath beene formerly keep of the same for the

space of three or Four yeares & that during the time that hee soe looked to the said

ground some of the Ewes & lambs of Mr Henry Gilbert father to the Relator gott out of

his ground into the said Spondon Waste & the lambes being verry young hee this Depon[en]t

did not impound the same but putt them againe into the said Mr Gilberts ground and

one Burrowes then sent to the said Mr Henry Gilbert promised to make the fence & to give

this Depon[en]t satisfaccon

4 To the fourth Interr[ogatory] this Deponent saith that hee tooke of Mr Henry Gilbert the

Relators father A peece of ground called by the name of seaven Acres adjoining

to Spondon Waste afor all & these are betweene the said seven Acres & Spondon

Waste being out of repaire the said Mr Gilbert gave him order to cutt trouse with

the said seaven Acres to repaire the same

13 14 To the thirteenth & fourteenth Interr[ogatories] this Derpon[en]t saith that Mr Brecknock one of the

Defend[an]ts hath Twelve beast gates or stintes in the said ground called Spondon Waste

belonging to his said messuage in Spondon aforesaid & further saith that John

Hollingworth hath twelve stences or beast gates & Mr Crosse Thirty stences or beast gates

likewise there belonging to their Messuage & Lands in Spondon aforesaid & verily

believes Mr Henry Hollingworth hath sixteen stences or beast gates& also saith that al the

cesh of the Defend[an]ts have severall stences or beast gates ~~there~~ in the said Waste

belonging to there severall Messuages & Lands in Spondon aforesaid but the severall

numbers hee this Depon[en]t knoweth not

Henry Brecknock the younger of Barton under Needwood in the County of Stafford

gentleman aged Thirtie five yeares or thereabouts sworne & Examined

1 To the first Interr[ogatory] this Depon[en]t saith that hee knoweth Henry Gilbert Esq[ire] in the Interr[ogatory]

menco[n]ed & likewise knoweth all the Defend[an]ts

7 To the seaventh Interr[ogatory] this Depon[en]t saith that hee was present & hearing of the triall

betwixt Mr Brecknock one of the Defend[an]ts & the Relator at the Assizes held at Derby

in summer was Twelve monthes in which action the said Mr Brecknock this Deponents father

one pl[aintan]t did prescribe that the said Mr Brecknock all those whose estate hee had were accustomed

yearly & every year time out of mind to have Comon of pasture in the place in

question for Twelve beasts or instead of any two of the aforesaid beasts one Mare

or gelding Ley out Cowehaut in & upon a certaine Messuage & certaine Lands thereto

belonging in Spondon in the County of Derby from the vigell of the feast of Pentecost

untill the first of November then next following p common of pasture for all comon arable

Cattle in the s[ai]d peece of ground upon the said first day of November & from then untill

the second of February then next following & that the said peece of pasture time out

of minde from the first of February untill the Feast of ye Pentecost was to lye freeh and

not to bee depastured at which said tryall A verdict did passé for the pl[aintan]t after a faire and

full hearing of Testimonyes on both sides but for more certainty hee this Depon[en]t

refers him selfe to the Record in the said Action

15 To the fifteenth Interr[ogatory] this Depon[en]t saith that hee hath since in exemplification of a virdict

& judgement wherein the now defend[an]t Mr Brecknock is pl[ainti]f and one Atkinson & Here were

the Defend[an]ts one of which defend[an]ts vizt Atkinson as appears by ye said Exemplification

dyed before Ishew joyned and the other defend[an]t (to wit) George Horne as baihliffe of Mr Henry

Gilbert father to this Relator did well acknowledge the taking of the Mare complayned

of by the said pl[aintan]t and this depon[en]t saith Ishew? was joined between the said plainen]ts in Trinity

Denmo Cictavo Carod prin And as for the pleadings & other matters in the said

Exemplification concerned hee this Depon[en]t refers him selfe to the said Exemplification

Cha[arles] Agard

Jo[hn] Surston

Geo[rge] Gregson