

1 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
2 yeom[an] George Gregson Bicham Broby and John Turton gent and to every of them greeting whereas matter dependeth interregatorie before
3 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
4 dutchie afore said by instucon of Henry Gilbert Esq pl[aintiff] and Francis Brecknock John Carrington William Hollingworth John
5 Hollingworth and others before wherein these pl[ain]t[iff]s are pceeded & growne to full & p[er]fect issunosby ye pleadings there remayning of record appareth
6 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
7 to bee
8 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
9 any two or more of you shall soone
10 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
11 shall seeme best
12 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
13 upon such Interrogatories as by
14 either pa[rt]ie shall bee exlnted & brought unto you touching the s[ai]d matter and the Cercumstances thereof And thereupon of y[ou]r facts doings and
15 proceedings
16 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
17 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
18 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
19 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
20 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

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Gerard

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The ereacon of that Com[li]sson appears

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by certain sotcdals hereunto Summon[ed]

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Cha[rle]s Agard

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Jo[seph] Hertton

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Geo[rge] Gregson

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30 Interrogatories to be Adm[ini]st[er]ed unto Witnesses to be produced on the parte and behalfe of

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

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

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

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

35 Richard Cross gen John Hollinworth

36 and others defend[an]ts

37 1 Imp[rim]es: Doe you knowe the Relator and Defend[an]ts in this Caise or any of them, And howe longe have
38 you knowne them or any of them.

39 2 Item did you knowe Henry Gilbert Esq deceased father of the Relator. And how longe is it since his decease
40 And did you knowe Thomas Gilbert Esq Grandfather of the said Relator and how longe is it since the decease of
41 the said Thomas Gilbert

42 3 Item doe you knowe the Mannor or Lor[dshi]p of Spondon in the County of Derby, and how longe have you knowne
43 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
44 grounde there Comonly called the Kings Waste or Spondon Waste, And another p[ar]cell of grounde there Called
45 Spondon Moore And how many Acres of grounde doth the said grounde Called Spondon Moore Containe as you doe
46 believe And whether is the same p[ar]cell of grounde Called Spondon Waste inclosed, how longe hath it beene inclosed

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

48 4 Item are you Tenente of the said p[ar]cell of grounde Called the Waste or Spondon Waste or the Kings Waste in

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

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

51 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

52 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

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

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

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

56 6 Item Whether doe you believe or knowe that any of the Freeholders or Inhabitants of Spondon

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

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

59 **[two lines crossed out]**

60 7 Item What money or other thing and how much have you given or pr offered to give towards your maintenance

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

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

63 for Smh payment or Contribution

64 8 Item Whether doth the said parcell of grounde Called Spondon Waste lye Ridge and furrow or

65 Ridge and Reame in all or most of the places of it, which are fitt for tillage And doe you not ferily knowe
66 that it hath beene formerly occupied as arable Land And whoe was then the owner of it, or whoe doe you
67 believe did then owne the Soile of it when it was plowed And what Tenn[an]ts did then occupie it and how
68 Whether as Freeholders Coppiholders Lease holders or Tennants at Will Declare what you knowe have heard
69 or doe believe

70 9 Item Whoe Converted the said Waste from arable to pasture, and how longe Since, and to whoe inclosed
71 the Tennants pay their Rents when ye same was arable, and what rents And whether doe you believe that they
72 pay the same Rents now it is Inclosed

73 10 Item Whether have those p[er]sons whoe now Claime Com[m]on of pasture in the said groundes Called Spondon
74 Waste in the same Farmes in Spondon w[hi]ch those p[er]sons had whoe enjoyed and occupied the said Waste foundly
75 when it was arable

76 11 Item What manner of Comon doe the Inhabitants of Spondon now Cla[i]me in the said Waste, & at what
77 tymes , And whether have all ye Freeholders in Spondon Comon in ye sonne or ought to have, and whoe hindered them
78 and what proportion of Beast gates and Stints doe they Claime to their houses and Farmes

79 12 Item Whether doe not some of the Inhabitants of Spondon Claymed and enioy Comon or Comon of
80 pasture in or upon the said Waste in respect of their houses or Cottages, w[hi]ch have not any Comon Spondon
81 Moore or other Comonable places in Spondon for ye said houses, and whoe are they. Name the p[er]sons and houses

82 13 Item Doe those Inhabitants of Spondon which Claime Comon of pasture in the said Waste keepe and so

83 observed the former Custome of putting in their Cattell into ye said Waste, at ye same dayes and in the same
84 proporcon that others have done, have they not altered their usuall dayes and their usuall Stints And doe
85 they not hinder those that have but one Stint from putting any beast upon the Waste unlesse they take another
86 Stint to it, and have they not made a Late Order amongst themselves to put but one beast in for Two Stints
87 14 Item Is there not a great Marle pitt in ye said Waste And doe you not believe that the said Waste hath beene
88 used in tillage by the great use of the said Marle pitt And doe you not believe that the said Waste hath beene
89 plowed and that borne and grasse did grow upon the same And doe you believe that any of the Ancesters
90 p[re]decessors or Forefathers of those Inhabitants or those cohed then enioyed those Farmes and Estates in Spondon
91 which these Inhabitants now holde did put any beast or other Cattell in or upon the said Waste to pasture
92 there Loose at Whitsontide when borne and graine was growing upon the premises or part thereof
93 Declare what you know thinke or doe believe therein
94 15 Item Have you not heard or doe you not believe that ye Ancient Freeholders of Spondon have ing much
95 arable Land in the fieldes did desire Leave of f the Kings Bayliffe of ye said Mannor to enclose the said Waste &
96 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
97 groundes And doe you not thinke and believe that these Tenants or Freeholders held it when it was
98 Will before inclosure, Doe you not believe they were soe after, If not, Declare how they Came to be
99 otherwise
100 16 Item Whether doe you not Claime any Comons within Spondon or Comon of pasture or other prossons

101 or Upon the said Waste, and how much, and for what, respecte of your house or Farmestead or
102 otherwise And what became of this Comon of pasture which you now Claime in this Waste, when
103 Corne and graine was growing there And whether doe you not believe that your Ancestors and
104 those whose Estates you now have in Spondon did reap or enioy the proffitt of the Corne or graine
105 or p[ar]te thereof which did growe upon the said Waste when it was used in tillage, in Liew of the Comon of
106 pasture which you Claime therein now it is enclosed

107 17 Item doe you know the grounde within the Mannor of Spondon Called the Kings Waste or
108 Spondon Waste, or the Waste And doth not the said Waste lye adioyning to the great Moore Comonly
109 Called Spondon Moore on the East, and adioyning to the aforesaid Brunswood Leas on the West And is
110 not the said Waste now inclosed on the North and South side with other mans Closes & hedges

111 18 Item Are you not of sindred or neere allyame to moste or some of the def[endan]ts and which of them
112 by name And doe you not dwell within the Mannor of Spondon or Claime some tythe or Interest
113 in the same

114 Cha[rles] Agard

115 Jo Heston [?] Geo[rge] Gregson

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117 Deposicons of witnesses bitweene John Heath
118 Esq pl[ainti]thand Francis Brecknock and
119 others Def[endan]te wt no alay Dutchy
120 our Gilbert
121 but on the 23 Nov 1663 by Mr Tho[mas] Benbie who
122 rent it from one of the Comds Jur
123

124 3

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

126 October in the fifteenth Reigne of our most Gracious Sovereign Son

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

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

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

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

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

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

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

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

135 said reset

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

137 sworne & examined

138 1 To the first Interrogatory this Deponent saith that shee knoweth the relator and

139 the Defendants in the Interrogatory named

140 2 To the second Interrogatory this Deponent saith that shee knoweth

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

142 Dead divers years since

143 3 17 To the third and seventeenth Interrogatories this Deponent saith that shee

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

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

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

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

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

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

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

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

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

153 And one Reyaold Johnson North and South

154 6 To the sixth Interrogatory this Deponent saith that hee doth really believe

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

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

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

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

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

160 by the appointment of Thomas Gilbert Esquire Grandfather to the said relator who had
161 possession thereof for some three years before and that this Deponents said beast and where
162 any Cattle sheep or other goods of such p[er]sons not have any stints in the said or tyme there
163 were upon the said Waste in the Winter tyme after Allshallowtide had either Inraded there
164 further impounded them and was adadrtroubled soe doing:

165 13 To the thirteenth Interrogatory this Deponent saith that hee doth very well
166 newe where that the Inhabitants of Spondon from the first of her remembrance
167 did use to putt in their Cattle unto Spondon Waste in the Interrogatory named upon
168 Whitsunday and alwast or about Twenty years agoe they putt them in on Winsun Eve And
169 nowe of late will not paitt any to putt in their Cattle untill Monday witson week
170 And that lately the Inhabitants of Spondon whoe thay are Cowu or the said Waste will not
171 suffer any to putt ae a beaste for one stint except they take another stint to it
172 Thomas Wright of Spondon in the Countie of Derby yeoman aged three score
173 two years or Thereabouts sworne and examined

174 1 2 To the first and second Interrogatories this Deponent saith that he knoweth the relator and the Defentants
175 In the Interrogatory named and did know Thomas Gilbert and Henry Gilbert father and grandfather of the
176 relator deceased

177 3 17 To the third and seventeenth interrogatories this deponent saith That hee knoweth the Lordshipp

178 and Mannor of Spondon in the interrogatories undutoed and the grounds called Spondon waste and Spondon
179 Moore like wise therein named And saith that the said ground called Spondon waste is feaced about
180 and hath bin all the tyme of this deponents memory and butteth and bonndeth upon Spondon Moore on
181 the East and Brunswood Leys on the Weast and upon other lands of the relators and other the
182 Inhabitants of Spondon on the North and South

183 8 To the eighth interrogatory this deponent saith that [the] said parte of the ground called
184 Spondon waste in the interrogatory named doth apparently lye Ridge and Furrow and doth verily
185 follow that it hath bin forondly occupied and used as arable Land But when and whoe
186 then were the owners or occupiers or under what tilthe this deponent knoweth not

187 11 To the eleventh interrogatory this deponent saith that the Inhabitants of Spondon
188 w[hi]ch have noe stints in the ground Called Spondon waste doe Clayme to have Comon of pasture upon
189 the said ground called Spondon waste but what sort of comon or by what right hee this deponent
190 cannot tell but this deponent hand nite noe stints there hath putt his sheep upon Spondon Moore w[hi]ch
191 have strayed onto the said Ground Called Spondon Waste soe gapps lye mye open from
192 Allhallowstide till Caud huas And this deponent further saith that durers Inhabitants and
193 Freeholders of Spondon whoe have noe stint in the said ground are not permitted by them that
194 have stints to putt their Cattel there but what proporcon of stints belongs to each house this
195 deponent knoweth not

196 12 To the twelfth interrogatory this deponent saith that the Viccar of Spondon for that one braige
197 and one Thomas Hall who have noe Comon in Spondon Moore or in any other common belonging to
198 Spondon aforesaid appertaining to their houses Claime and doe enjoye stints in Spondon waste in the
199 Interrogatory named

200 13 To the thirteenth interrogatory this deponent saith That ?good? soe longe as this
201 deponent [fold in document] the inhabitants of Spondon used to putt a these Cattell into the goround
202 called Spondon Waste upon Whitsuntide and nowe of late on the Moud are in Witsun week ?
203 that for many? the said inhabitants did put into the said grounds one beast for one stint

204 14 To the fourteenth interrogatory this deponent saith That later? on in the ground? called
205 Spondon waste as the interrogatory named a very great pitt w[hi]ch this deponent thinketh
206 was a Marllpitt And that there is as the said grounds Rigg and Red of ground? doth coace And
207 it was plowed for Corne for this deponent doth not Contaesed what also it should bee plowed
208 for

209 William Dowman of Spondon in the Countie of Derby husband[man] Aged three score
210 and four years or thereabouts sworne and examined

211 1 2 To the first and second interrogatoreys this Deponent saith that he knoweth the Relator and Defentants
212 And did knowe Master Thomas Gilbert and Mr Henry Gilbert the s[ai]d relators Father and Grandfather
213 and that they are both dead dwars yeares since

214 3 17 To the third and seventeenth interrogatores this deponent saith that hee knoweth the Lordshipp
215 and Mannor of Spondon in the interrogatory aforesaid And doth also knoweth Spondon Moore in
216 the interrogatory likewise named to bee a great piece of ground but have freely Acres it is
217 this Deponent knoweth not And knoweth also that ground in the interrogatories named called
218 Spondon waste And that it is bounded on the aforesaid ground called Spondon Moore on the East on
219 Brunswode Leas on the west And upon same? of the land of the relator Henry Gilbert And ~~apportioned~~
220 of other lands of the Inhabitants of Spondon aforesaid on the North and South

221 4 To the fourth interrogatory this Deponent saith that hee is Tennant from year to year
222 to a Ading in Spondon to No which those belongeth eight stints on the waste called Spondon waste
223 in the interrogatory named And hath paid yearly for the same one penny for each stint

224 5 To the fifth interrogatory this Deponent saith that the Rent of one penny a stint for each stint in
225 Spondon Closes both bee always Due to bee paid in Witsun Week and that this Deponent hath paid
226 the said rent for Thirty yeares last past to the Kings Baliffs or officers

227 8 To the eighth interrogatory this Deponent saith That the Ground Called Spondon waste in the
228 Interrogatory named Lyeth for the most part Ridge and Reave which hee this Deponent beleiveth hath
229 formerly bee used as Arable land but who was the occupiers or under what Tith this Deponent
230 knoweth not But doth believe the soyle was the Kings

231 Cha[les] Agard

232 Jo Seston

233 Geo[rge] Gregson

234

235 9 To the Nineth Interrogatory this Deponent saith That hee believeth the same Rent is paid now
236 for Spondon Waste in the interrogatory named as was paid when it was Arable Land But whose
237 converted it or when it was Converted from Arable land to pasture this Deponent knoweth not

238 11 To the Eleventh interrogatory this Deponent saith that All Inhabitants of Spondon
239 Doe Claime Comon of pasture on Spondon Waste from Allhallowtide till Candellmasse And
240 from Candellmasse till Whitsuntide it is usually Hay[e]d And from Whitsuntide they one by who
241 have stints doe eate it till Allhallowtide And that this Deponent doth believe that the In[habitants]
242 of Spondon doe claime to their sev[er]all houses above two hundred and therefore stints in the
243 ground Called Spondon Waste

244 12 To the Tweleth interrogatory this deponent saith that the viccar of Spondon for ?
245 two benge and one Thomas Hall whoe have Noe Comon in Spondon Mo[o]re or any other comon
246 in Spondon belonging to their houses doe clayme and enjoyee daclo of them one stint other
247 ground Called Spondon Waste

248 13 To the thirteenth interrogatory this Deponent saith that the Inhabitants of Spondon ?
249 in this Deponants Time have altered the Time of brea Kings the pasture called Spondon waste
250 twice which was first done by the older of Mr Moreton then vicar who threatened the in habitants
251 to Cite them to the Court if they alt[e]red not the daie because the inhabitants usually quarrelled
252 at the breaking up of the pasture w[hi]ch hee caused to bee altered from Whitsuntide to WhitsunEnd

253 And afterwards it was altered from Saturdaie to Mondaye in Whitsun Week and soe he it hath
254 contained ever since

255 14 To the fourteenth interrogatory this Deponent saith that in the ground in the interrogatory Named
256 called Spondon waste there is a very great pitt w[hi]ch is called the Dry pitt w[hi]ch this Deponent saith
257 anay howe bee a Marllpitt And this Deponent saith that amvil of the said ground lyeth Rigg
258 and Reave And doth contes soe it was used in tillage for some yeares And this Deponent
259 doth believe that who it was soade ? is ? chores ? the inhabitants and forbeares to putt on
260 their Cattle

261 Thomas Hall of Spondon in the County of Derby Yeoman Aged fifty five yeares or
262 thereabouts sworne and examined

263 1 2 To the first and second interrogatorys this Deponent saith that he knoweth the relator and Deffendants
264 on the Interrogatory Named And did know Thomas Gilbert and Henry Gilbert Father and Grandfather
265 of the Relator And that they are both dead long since

266 3 17 To the third and seventeenth interrogatories this Deponent saith that hee knoweth the Lordshipp and
267 Mannor of Spondon and the ground called Spondon Waste w[hi]ch hee hath heard also by the name
268 of the Kings waste And bee likewise knoweth a great piece of ground Called Spondon Moore and
269 in the Interrogatory named and further saith that the said ground Called the Kings Waste or Spondon
270 Waste is enclosed with a fence o[r] hath soe bin for thirty yeares w[hi]ch is all the tyme that this Deponent

271 hath knowen the same And that the said ground Called the Kings Waste or Spondon Waste
272 Butteth and boundeth upon the aforesaid ground called Spondon Moore on the East Brunswood
273 Leys on the West and upon other lands of the Relator and of the Inhabitants of Spondon on the
274 North and South
275 4 5 To the fourth and fifth Interrogatories this Deponent saith that hee hath for the space
276 of thirty yeares last past bee Tennant to Charles Cotton Esq to the ground in the Interrogatory named Called the
277 Kings Waste or Spondon Waste for one stint belonging to the house where hee liveth And that lyeth
278 about six and ads hs saite had this deponent two ry a lease of the same for three years And he
279 bee payeth yearly for the same to the keeper of the ground one penny And that the said rent
280 as soe this deponent beleiveth is payable at Whitsuntide but gathered soad tyaws after
281 6 To the sixth Interrogatory this Deponent saith That he doth believe that not any of
282 the Freeholders or Inhabitants of Spondon ought to have any goods upon the ground in the Interrogatory
283 named Called Kings Waste or Spondon Waste in the Winter who have noe stints there in the
284 that in the Winter time gapps being open Cattle mayle & some tymes doe goe into it
285 7 To the seventh Interrogatory this Deponent saith hee hath by order and directcon of his lease
286 paid to Mr Crose of Spondon one of the Defendants six shillings or more for and towards the maintenance
287 of the saites a tie the Relator And that Daides other Inhabitants of Spondon have Contributed to the
288 same And that they usually raise their moadys for the promateinge and prosecatainge the said fields by

289 Twelve pence a stint as this Deponent both buecoraiedes And after which rate this Deponent himselfe
290 pay[e]d

291 12 To the Twelfth Interrogatory this Deponent saith That the vicar of Spondon for the tyme
292 beinge and this deponent have each of them have one stint in the ground called Kings Waste or Spondon
293 waste And yet have noe Comon in Spondon Moor or other Comons belonging to Spondon aforesayd
294 belonging to their respective beasts

295 13 To the thirteenth Interrogatory this deponent saith that hee doth not remember everth
296 that clayme stints in the ground Called Kings waste or Spondon waste in the Interrogatory named putt
297 into the said ground on any other daie save Mondaiye in Whitsuntide And that bee having but one
298 stint s[h]ould neav[e]r put one beaste in Except hee take another stint to his it being the gage during
299 this deponents tyme there

300 14 To the fourteenth Interrogatory this Deponent saith that in the ground in the Interrogatory
301 named called Kings waste or Spondon waste there is sev[er]al pitts but one of them is a great
302 pitt w[hi]ch hee saith probably neay have bin a Marlpitt And that there is in the said ground Ridge
303 and Reave w[hi]ch oppressly showeth that it hath bin Tilled And that if Cowe was ever upon
304 the said waste this deponent beleiveth the Inhabitants forber to putt in their cattle
305 Richard Knowles of Spondon in the County of Derby husbandman Aged threescore
306 years or thereabouts sworne and examined

307 1 2 To the first and second Interrogatories this deponent saith that hee knoweth the Relator and the
308 Defendants in the Interrogatories named And Did knowe Mr Thomas Gilbert and Mr Henry Gilbert father
309 Grandfather of the Relator whoe died longe since

310 3 17 To the third and seventeenth Interrogatories this Deponent saith that hee knoweth the Lordshipp and
311 Mannor of Spondon in the Interrogatories named and the grounds called Kings waste or Spondon waste
312 as allsoe the grounds called Spondon Moore likewise in the Interrogatories named during all the tyme of
313 his memory and saith that the ground called Kings waste or Spondon waste is feaced about And
314 butteth and boundeth upon Spondon Moore on the East and Brunswood Leas on the West and
315 upon other lands of the Relator and Inhabitants of Spondon on the North and South

316 6 To the sixth Interrogatory this deponent saith that at the beginning of this Deponent s
317 Tyme or soe longe since hee remember those Inhabitants of Spondon who had noe beast
318 gates or stints in the ground called Kings waste or Spondon waste in the Summer tyme had
319 common here in the winter but that it was eaten only by those who had stints or beast gates
320 belonging to their houses and had the profits thereof in the summer And that hee hath knowen
321 plows presented at the Court Leet at Spondon for getting gorse or thorns or the one of bin
322 upon the said ground called Kings waste but that some tyme since about some forty years agoe
323 this Deponent hath known when the gapps have layen open scaie Cattle of some of the Inhabitants
324 of Spondon that had noe stints there in Summer have gott into the said ground And this

325 Deponent saith that four or five and twenty years agoe hee this Deponent did rent the said
326 ground called Kings waste or Spondon waste for the winter pasture thereof and did quietly
327 age the same

328 8 To the eighth Interrogatory this Deponent saith that the ground no in the Interrogatory
329 named called Kings waste or Spondon waste lyeth Ridge and Reave And that all of it that
330 hath bin possible to bee plowed hath bin plowed and hee doth verily beleive sowed and occupied
331 as arable land, but whoe was then the occupiers of it or Tennants to it this Deponent
332 knoweth not

333 11 To the the eleventh Interrogatory this Deponent saith that the Inhabitants of
334 Spondon was formerly have had no stints in the ground called Kings Waste or Spondon
335 Waste did not claime any comon of pasture upon the said ground in the rents, but about
336 forty years ago and since they hear for the west parte

337 12 To the thirteenth Interrogatory this Deponant saith that hee hath known the inhabitants
338 of Spondon that have had and claymed stints in the ground in the Interrogatory named
339 called Kings Waste putt in their Cattle unto the said waste some tyme on Whitsunday some
340 tymes on Whitsun Eve and after on Whitsun Mondaye ; And that formerly the sayd inhabitants
341 did putt onto the said ground one beast for one stint , but had of late they have altered it
342 to two stints for one beast and will not permit any to putt in one beast for one stint

343	Cha[rle]s Agard 14
344	Jo[seph] Surton
345	Geo[rge] Gregson
346	

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348 13 To the Fourteenth Interr[ogatory] this Deponent saith that there is in the ground called Kings Waste or
349 Spondon Waste a really great Marlepitt and the reason which indureth this Depo[ne]nt to be leive it to
350 bee a Marlpitt is because in the Fields adjoining to I there is other Marlpitts like it And hee
351 hath for further Confirmatcon putt in his Staff into the side of the said pitt in the Kings Waste and
352 found it to bee Marle And And this deponent doth verily Believe the aforesaid ground called Kings waste
353 hath formerly bin held in tillage And that when Corn was there growing hee doth beleive the
354 inhabitantsof Spondon forbore at Whitsuntide to putt in their cattle

355 16 To the sixteenth Interrogatory this Deponent saith that som[e] of the Inhabitants of Spondon whoe
356 have stints in the ground called Kings waste or Spondon Waste in the Interrogatory named have told
357 this Deponent that hee had noe right of Comon there And that if hee did putt in his cattle there
358 they would impound themWhere upon hee forbore

359 18 To the Eighteenth Interrogatory this Deponent saith that hee is not of kinne either to the
360 Relator or any of the Defendants and that hee was borne in Spondon And there lived all the tyme
361 of his life

362 Thomas Foearson of Ockbrooke in the County of Derby joyner aged forty seaven years
363 or thereabouts sworne and examined

364 1 2 To the first and second Interrogatories this Deponent saith that hee knoweth the Relator and the Defend[an]ts

365 and hath knowne them or the most of them above twenty years And did know Mr Thomas Gilbert
366 and Mr Henry Gilbert Father and Grandfather of the said Relator whoe are long since dead
367 3 17 To the third and seventeenth Interrogatories this Deponent saith that hee knoweth the Lordshipp
368 and Mannor of Spondon and the ground called the Kings waste or Spondon waste in the Interr[ogatories]
369 named And doth know the ground called Spondon Moore in the Interrogatory likewise named
370 And hath knowen all the said grounds above twenty years last past but what Acres of ground
371 the said grounds or any of them are of hee this Deponent knoweth not
372 13 To the thirteenth Interrogatory this Deponent saith that the Inhabitants of Spondon
373 whoe have stints in the ground in the Interrogatory named called Kings waste or Spondon
374 waste doe nowe use to putt in to the said waste on Whitun Mondaye But this deponent saith that hee
375 this deponent having for seven or eight years last past taken of the Relator two stints in
376 the said grounds called the Kings waste hee this Deponent told William Hollingworth one of
377 the Defendants a little before Whitsunday last that hee would putt into the said ground on
378 Whitson Mondaye And did accordingly bring two beasts for two stints And that the sayd William
379 Hollingworth answered this Deponent and sayd that if hee this Deponent did putt them in
380 hee the sayd William Hollingworth would impound them but after some opposicon made
381 by the sayd William Hollingworth the sayd deponent did putt them into the sayd waste
382 William Hetherlkey of Ockbrooke in the County of Derby Laborer Aged thirty

383 and six years and upwards sworne and examined

384 1 2 To the first and second Interr[ogatories] this Depon[en]t saith that hee knoweth the Relator and

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

386 3 To the third Interr[ogatory] this Depon[en]t saith hee knoweth the Lordshipp and Mannor of

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

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

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

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

391 acres the said grounds are

392 13 To the thirteenth Interr[ogatory] this Depon[en]t saith that hee took this last Summer of

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

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

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

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

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

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

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

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

401 depon[en]t hee told this depon[en]t that hee had not putt in more beasts than hee had stints
402 and that what hee had sett this Depon[en]t hee would uphold it to him
403 William Fox of Spondon in the County of Derby husbandman fifty Two years
404 or thereabouts sworne and examined
405 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
406 and did know Mr Thomas Gilbert Grandfather to the Relator and Mr Henry Gilbert Father, to the Relator deceased
407 3 17 To the third and seventeenth Interrogatory this Depon[en]t saith that hee knoweth a great piece of ground in the
408 Interr[ogatory] named called Spondon Moore contayning by estimacon three or four hundred Acres And doth know the
409 peece of ground likewise mentioned in the Interr[ogatory] called the Kings waste, some tymes the waste, and most courouly
410 Spondon waste, contayning as this Depon[en]t beleves betreipt fourscore and a hundred And w[hi]ch waste is
411 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
412 Mr Gilbert the Relators and John Lockoes land, on the North, And that of the Defend[an]ts Cross and Hadson of
413 the South
414 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
415 SLm es? In the Ground in the Interr[ogatory] named called the Kings waste or the waste and hath paid for the same
416 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
417 the Lord of the Mannor
418 w[hi]ch is usually one penny ought to bee accordingly payd at Whitsuntide, And that this Depon[en]t hath oft[en] accordingly

419 paid it

420 6 To the sixth Interr[ogatory] this Depon[ant] saith that hee Doth verily believe that those Freeholders or
421 Inhabitants of Spondon named other persons what so are whoe have noe stints in the said ground called the Kings
422 Waste or Spondon waste in the Interr[ogatory] ought to have any Com[m]on or other profits upon the same ground as Has
423 Winter whether did this Depon[en]t One know any such p[er]sons putt any cattle upon the said grounds but saith
424 that some tymes in the gowter the gapps lye waye open some Cattle may have strayed out of other grounds into
425 the said waste, who this Depon[en]t coucesory to have bin Trespassors

426 8 To the Eighth Interr[ogatory] thisd Depon[en]t saith that it is apparently seen that the greatest part of the ground
427 called the Kings waste or Spondon waste in the Interr[ogatory] named lyeth Ridge and Reyve and this Depon[en]t verily
428 beleiveth that it hath bin formerly plowed and occupied as arable land but whoe was then the occupiers
429 or owners thereof this Depon[en]t knoweth not

430 11 To the eleventh Interr[ogatory] this Deponent saith that there is many Inhabitants and Freeholders in
431 Spondon in the Interr[ogatory] named that have noe com[m]on in the ground called the waste as this Depon[en]t verily
432 Hath? Said?, And that the other Inhabitants and Freeholders in Spondon aforesaid have beast gates and
433 stints in the said waste, but what particular proporcons they have this Depon[en]t knoweth not

434 12 To the twelvth Interr[ogatory] this Depon[en]t saith that some of the Inhabitants of Spondon (Vizt the Vicar
435 for the tyme being and one Thomas Hall whoe have either of them one stint in the ground called the waste
436 in the Interr[ogatory] named belonginge to their houses and have noe Com[m]ons in the ground called Spondon Moore

437

Cha[rles] Agard

438

Geo[rge] Gregson Jo[hn] Surson

439

440 13 To the thirteenth Interr[ogatory] this Depon[en]t saith that formerly at the beginning of his laevery
441 The Freeholders and Inhabitants of Spondon whoe had stints in the ground in the Interr[ogatory] named
442 called the Kings waste or Spondon waste did use to putt their Cattle unto the said waste on Whitsuntide
443 And since that have allowed the said to Moadair in Witson week, And this Depon[en]t verily believeth
444 that the beginning of his tyme the said Inhabitants and Freeholders did use to putt unto the
445 said waste one beast gate for one stint And about forty years ago and since till the last year they have
446 used to putt in one beate for two stints and for the last year one beast for one stint

447 14 To the fourteenth Interr[ogatory] this Depon[en]t saith that there is in the Kings waste or Loady
448 waste in the Interr[ogatory] named a very great pitt w[hi]ch this Depon[en]t verily believeth hath bin a Marlpitt
449 w[hi]ch hee the rather believeth because hee knoweth other pitts like it in the adjoining grounds
450 that are Marlpitts And this Depon[en]t doth verily believeth the said waste hath bin plowed and
451 used in Tillage And that when Corar was there growing the Inhabitants and Freeholders
452 of Spondon forere to putt their Cattle onto the same ground

453 William Walker of Spondon in the County of Derby blacksmith aged forty nine
454 years or thereabouts sworne and examined

455 1 2 To the first and second Interr[ogatories] this Depon[en]t saith that hee knoweth the Relator and the
456 Defend[an]ts And did know one Thomas Gilbert and Mr Henry Gilbert the Relaters Father and
457 Grandfather who are nowe both dead

458 7 To the seventh Interr[ogatory] this Depon[en]t saith that hee being a Freeholder in Spondon in the County
459 of Derby and have age the stints in the ground called Spondon waste in the Inter[ogatory] named belonging
460 to his Freehold Mr Brecknock William Hollingworth and Mr Cross three of the Defend[an]ts came
461 to this Depon[en]t hee sev[er]all tymes and each tyme unto him that thirty shillings wage Did for him to pay
462 Towards the charges in saith w[i]th the Relator about the aforesaid waste, And this Depo[en]t
463 was content they should at toice shopp the sum of three pounds for and towards the charges
464 aforesaid w[hi]ch Act this Depon[en]t saith hee did afterwards much Lament

465 Cha[rles] Agard

466 Jo[hn] Surson

467 Geo[rge] Gregson

468

469 Interrogatories to bee Administered to witnesses to bee Pu[g]red out
470 P[ar]te & be half of Francis Brecknock John Carington William Hollingworth John
471 Holligworth John Piggen Francis Radford John Walker Ralf Braddock Robert Soare
472 Hnoson William Ollenshaw Nicholas Hole Lawrence Flax & Richard Crose def[fendant]s at the signs
473 of John Heath Esq His Majestys Attorney generall of his highness Dutchy of Lancaster at &
474 by the relacon of Henry Gilbert Esq Compl[ainan]t
475 Imprimis Doe you knowe the Relator Henry Gilbert Esq ad the d[e]f[fendan]ts or any of them or how many of
476 themAnd how long have you knowne them or any of them
477 2 Doe you knowe the Place in Question , called Spondon Waste in the parish of Spondon in the County of Derby
478 How long have you knowne the same? hath not the same ground beene used or injoyed depastured & eat[e]n
479 all the time of y[ou]r remembrance by the Cattleof the FreeholdersInhabitants of Spondon aforesaid Have
480 not the said Freeholders & Inhabitants yearly all the time of yor knowlege putt their Cattle according totheir
481 sev[er]al proporcons, into the said ground called Spondon Waste at Whitsunday usually kept them there if
482 they pleased until Allhallows day following? Was not the same ground used to be throwne open upon
483 Allhallowsdays and so lye comon for all manner of Cattle whatsoe in until Cantlemas as following? And was
484 not the same ground upon Candlemass day allwaies used to be hayed & femed and soe to lye fresh not to
485 be eaten or depastured againe w[ith] any Cattle untill Whitsuntide Hath this not beene the constant usage
486 & custome for depasturing the said ground by the said Freeholders and Inhabitants of Spondon aforesaid during

487 the time of god remembrance Declare what you knowe herein

488 3 If any Cattle of any ones whomsoever have by chance broken into the said ground between Candlemass &
489 Whitsuntide; Have not the same beene impounded by the Inhabitants of Spondon. Have you at any time
490 knowne any of the Relators Amestens Cattle gott into the same ground between the tymes aforesaid? Have the
491 same been impounded by whome? By whose appoyntm[en]t & direction were they impounded? Was not satisfaction
492 given or promised for the said Cattle soe trespassing as afores[ai]d? And hath not promise beene made not to
493 trespass soe againe? By whom was such promise made, and satisfaction given or promised? Declare y[ou]r knowledge
494 & all you knowe concerning this thing

495 4 Hath the Relator Mr Gilbert a peece of ground, called by the name of Deaven acres that
496 lyes next adjoyning to the place in Question? Hath his Father, or Ancestors ordered & appointed you
497 make up the Name yt divides betweene such ground and the ground in Question? Hath the said Relator
498 father bid you make up the said farm it belonging then to him to make it? Declare upon what accomxt
499 & 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
500 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

501 5 Have you knowne the said ground called Spondon Waste broken by the said Freeholders Inhabitants
502 of Spondon at any other time besides Whitsontday? If yea, then declare the reason and cause thereof was
503 it not because men dirst not upon the Sabeth day goe about such business
504 imploym[en]ts

505 6 Did you knowe the ground in Question called Spondon waste door enjoyed by the said Relator or by any of his
506 Ancestors? If yea then by whom & how long time have you knowne the same soe enjoyed? And how long
507 since is it since the same ground was enjoyed by any of the Relators Ancestors or by the said Relator himself?
508 they that soe enjoyed it of the said Relators Ancestors how came they into the possession thereof was it not
509 recorded by the said Relators Grandfather from the Inhabitants of Spondon & soe thereupon was enjoyed by
510 him for some time Did not the Freeholders or some of ye Inhabitants of the said second recover the said ground
511 againe by Land about twenty years since? And since then all along quietly enjoyed the same untill of late
512 that ye said Relator and the said Inhabitants fell to stints at Larve againe Declare what you positively
513 knowe to each particular in this Interrogatory

514 7 Were you present & hearing at a Tryalt had betweene one Mr Brecknock (one of the def[endan]ts & the said Relator
515 about two tise moneths since concerning the said Mr Brecknocks clayming common of pasture in the said place
516 in Question for Inelne Beatsor in liene of two Beasts one Mare or one Gelding as belonging to a horse & lands
517 in Spondon wherein ye s[ai]d Mr Brecknock now lives? Did not a verdict pase for the said Mr Brecknock there
518 upon after a faire & full hearing of Testimonies on both sides? Declare the sev[er]all passages that happened at the
519 said teyall according to y[ou]r best knowledge & what proofs were made out on both sides so far as you recant

520 8 After the breaking of the place in Question at Whitsontide might not the said Freeholders & Inhabitants of
521 Spondon hay the same againe by a generall consent if they pleased at any time for a greater or lesser time as they
522 could agree before Allhallowe day according to the goodness or badness of the said pasture? But if any Freeholder or

523 Inhabitant of Spondon having right of Comon in the said place dissented might he not use his
524 Comon in the same place from Whitsuntideuntill Allhallowtide if he pleased? Declare what you
525 knowe concerning this Interrogatory

526 9 Doth any Freeholder or Inhabitant of ye s[ai]d Towne of Spondon that hath right in nthe said place
527 in Question pay yearly for any stence or Beats gate a penny to the Lord of the Mannor of Spondon is the
528 same paid at a certain day or at any time in the year as the sev[er]all persons are mett w[ith] all or spoken to
529 for it?

530 10 Did you doth knowe more paid than a penny a stint or Beast gate if yea declare when any other rate was
531 paid whether when the said Mr Gilberts Relators Grandather held the place in Question or when the
532 Inhabitants of Spondon enjoyed it Declare the truth hereof

533 11 Did you see the Deed or Deeds writing or writings now showed unto you signed sealed and delivered or sealed and
534 delivered or signed by whom is yo[u]r name subscribed there unto as a witness? Or doe you believe or know the
535 hand of those whose names are subscribed thereunto as witness or witnesses to be their proper hand
536 writing

537 Cha[rles] Agard
538 Jo[hn] Surson
539 Geo[rge] Gregson
540

541 12 Whether is the writing or writings now produced unto you a true Coppy of such Record or Records
542 Deed or Deeds writing or writings whereof it is produced as a Coppy as Have you examined the same
543 with such originall deed or deeds writing or writings when and where did you examine ye same
544 and with whom and where did you leave such originall Deed or writing after you had examined the
545 same And where is the same originall now as you knowe or believe?
546 13 Hath the def[endan]t Mr Brecknock twelve stints or Beast gates in the said place in Question as
547 belonging to ye Messuage & land thereto belonging in Spondon aforesaid whereupon ye s[ai]d Mr Brecknock
548 now liveth
549 14 Have all the rest of the def[endan]ts certaine stints or Beast gates in the said place in Question as belonging to
550 their sev[er]all Messuages and lands thereto belonging in Spondon aforesaid? How many stints have
551 any one of these def[endan]ts in the said place in Question? Declare ye truth of what you knowe therein
552 And whether their sev[er]all Ancestors have not usually had & enjoyed ye same?
553 15 Have you seene the exemplificacon of a verdict & Inditon wherein Mr Brecknock one of the now
554 def[endan]t is pl[aintan]t what are the pleadings in that acton Declare what you know here in

555 Cha[rles] Agard
556 Jo[hn] Surston
557 Geo[rge] Gregson
558

559
560 the ple[a] of the Def[fendan]ts
561 Ann Spyor? of Spondon in the County of Derby Widdow formerly sworne and Examined
562 On the Courgts part & now sworn & Examined on the Defendants p[ar]te saith as followeth
563 6 To the sixth Interr[ogatory] this Depon[en]t saith that about Twenty years ago shee Knew the ground
564 called Spondon waste in the Interr[ogatory] an cascoed enjoyed by Mr Thomas Gilbert grandfather
565 to the Relator for the space of three or four yeares or something more and that shee beleiveth
566 here recovered the same of the Inhabitants of Spondon by Law & that the same hath beene stinted
567 recovered by the said Inhabitants & enjoyed by the said Inhabitants saving the said three or
568 Foure yeares interr[ogatory]
569 Henry Cook of Quarndon in the County of Leicester Nayler aged three score yeares or there abouts
570 sworne & examined
571 1 To the first Interr[ogatory] [this] Dep[onen]t saith hee knoweth the Relator Henry Gilbert in the Interr[ogatory] named & likewise
572 the Def[fendan]ts & hath known them for many yeares last past he this Depo[nen]t being born in Spondon in the
573 County of Derby
574 2 to the second Interrogatory this Depon[en]t saith that hee doth know of a place in question called Spondon waste in the
575 Interr[ogatory] menconed & that the same sev[er]all the time of this Depon[en]ts remembrance hath beene used ocupied
576 depastured & eaten by the Cattle of the Freeholders & Inhabitants of Spondon aforesaid & that the said

577 Freeholders & inhabitants have yearely for all the tyme of this Depon[en]ts knowledge putt in their
578 Cattle according to their sev[er]all P[or]cons into the said ground called Spondon Waste on Witsunday
579 & usually kept them there (if they pleased) untill Allhallow day following & that be farm Around
580 used to bee throwne open upon Allhallowsday as afores[ai]d soe lye comon for all Cattle whatsoever (but
581 this Depo[nen]t never knew any Stoned horse putt thereon) until Candemas dayFollowing & that the same
582 ground aloayes used to bee hayed & Fenced & soe to lye Fregh & not to bee eaten with any Cattle until
583 Witsuntide without interruptcon & this hath beene the whaye to this Dep[onen]ts knowledge

584 3 To the third Interr[ogatory] this Dep[onen]t saith that hee above fortie yeares since hath known some of the Cattle
585 of Mr Thomas Gilbert grandfather to the Relator break out of this ground called LockoeWood
586 into the said Spondon Waste between Candlemas & Whit Sunday and hath also known the same
587 Cattle impounded by the inhabitants & Freeholders of Spondon aforesaid or by there appointm[en]t And that
588 satissfacton was prused for the same by Richard Farner servant to the said Mr Thomas Gilbert who
589 was by him sent to release the said Cattle as the said Farner then declared And further saith
590 that the fence through w[hi]ch the said Cattle broke into the said Spondon waste was repaired
591 by the said Mr Thomas Gilberts appoint[men]t & panise made that he should not trespass any more

592 8 To the Eighth Interr[ogatory] this Dep[onen]t saith that after the breaking of the pace in question at Whitsuntide
593 yearly as afores[ai]d the Freeholders and inhabitants of Spondon might by generall consent hay the
594 same for greater or lesser time before Allhollowtide if they pleased but if any Freeholders or inhabit[an]ts

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

596 9 To the nineth Interr[ogatory] this Dep[onen]t saith that every Freeholder or inhabitant of Spondon aforesaid

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

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

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

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

601 and examined

602 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

603 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

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

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

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

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

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

609 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

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

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

612 reason of it

613 3 To the third Interr[ogatory] this Dep[onen]t saith that there was certaine Cattle of Mr Thomas Gilberts the Relators grandfather
614 broke into the said ground Called Spondon Waste & that the same were impounded by the Freeholders & inhabitants
615 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
616 Inhabitants in driving the said Cattle to the pound at Spondon aforesaid & saith that one Thomas Potam fortt
617 to the said Mr Thomas Gilbert came to release the said Cattle but the said Inhabitants refused to it noe leave that
618 the said Potam should take away all the said Cattle untill Richard Larner another servant of Mr Thomas Gilbert
619 came to release them whereupon the said Larner did come & take away the rest of the Cattle but what was payed
620 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
621 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
622 remembered
623 Cha[rles] Agard
624 Jo[seph] Surston
625 Geo[rge] Gregson
626

627 8 To the Eighth Interr[ogatory] this Dep[onen]t saith that the Inhabitants & Freeholders of Spondon aforesaid might if
628 generall consent & at their pleasure hay the said ground called Spondon Waste for any time more or
629 lesse before Allhallowday according to the goodnesse or badnesse of the pasture but if any Freeholder or
630 Inhabitants having right to any stints or beast gates did dissent & disag[?] such p[er]son or p[er]sons might
631 use his or there commons during the said time which Whitsuntide till Allhallowday yearly

632 9 To the ninth Interr[ogatory] this Dep[onen]t saith that hee hath alwayes heard & verily beleeveth that every
633 Freeholder & Inhabitant of the said towne of Spondon that hath right in the said Spondon Waste doe
634 yearly pay to the Lord of the said Mannor for every stint or beast gate one penny & further saith
635 that hee hath paid to the keep of the said Spondon Waste who usually gathered the said money) nine
636 pence for nine ~~stints~~ or beast gates there of this Dep[onen]ts fathers but never heard the same was to
637 bee payed at any certaine day or time

638 Thomas Lockoe of Quarndon in the county of Leicester Basket maker aged Fiftie five yeares or
639 thereabouts sworne & Examined

640 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
641 knoweth all the def[endan]ts

642 2 To the second Interr[ogatory] this dep[onen]t saith that hee knoweth the ground called Spondon Waste in the Interr[ogatory]
643 menconed & hath known it for all the time of his remembrance hee this Dep[onen]tbeing borne in Spondon
644 aforesaid & that the same ground hath beene depastured & Eaten by the Cattle of the Inhabitants and

645 freeholders of Spondon aforesaid & that the said freeholders & Inhabitants did yearly putt there
646 Cattle into the said ground according to there severall Porcons on Whit Sunday & not other day
647 that hee knoweth of & usually kept them there till Allhallowday Following & that the said ground
648 used to bee throwne open & lye common for all the Cattle of the inhabitants of Spondon aforesaid
649 untill Candlemas day following & upon Candlemas day to bee hayed & free from Cattle untill
650 Whitsunday following at Whitsuntide they used to putt in their Cattle againe
651 3 4 To the third & fourth Interr[ogatory] this Dep[onen]t saith that about fortie yeares since hee hath sev[er]all
652 times known severall Cattle of Mr Thomas Gilbert grandfather to the relator break into the
653 said ground called Spondon Waste out of a ground of the said Mr Thomas Gilbert called
654 Lockoe Wood & that the keeper of the said ground called Spondon Waste who was serv[en]t to the
655 Freeholders & Inhabitants there did by there appointm[en]t bringe the said cattle to the pound
656 in Spondon & that one Richard Lander serv[en]t to the said Mr Thomas Gilbert did by his said M:
657 this Lander release the said Cattle & did give satysfacon for the trespass by paym[en]t of money but
658 how much this Dep[onen]t knoweth not & hath known frequent paises made by the said cparson[?]
659 never to trespass againe & that they were verry carefull in repairing the fence to to prevente the
660 like trespassed And this Depon[en]t further saith that hee this Dep[onen]t about fortie years since
661 goeing with a wounded mare out of Spondon Waste through the fence into Locko wood &
662 soe to the house of the said Mr Gilbert hee the said Mr Thomas Gilbert asked him which

663 way around this Dep[onen]t answered out of the Waste into Locko Wood & hee asking this
664 Dep[onen]t whether hee had made upp the fence & this Dep[onen]t telling him not verry well all the said
665 Mr Gilbert told this Dep[onen]t hee would send his serv[en]ts to make good the said fence to prevent his
666 cattle getting into & trespassing in the said Spondon Waste because the Inhabitants of Spondon
667 was his very loving neighbours

668 8 To the eighth Interr[ogatory] this Dep[onen]t saith that after the putting in of the cattle as aforesaid
669 into the said Spondon Waste at Whitsuntide yearly the said Freeholders & inhabitants
670 there by a generall consent might at their pleasures Hay the same & keep it free from
671 Cattle for any time or tymes before AllHallowday but if any p[er]son or p[er]sons having right
672 to any stints or beast gates therein did desent or disagree hee or they might use his or
673 there common therein from Whitsunday till AllHallowday if hee or they soe pleased

674 9 To the ninth Intrerr[ogatory] this Dep[onen]tsaith that ev[e]ry Freeholder opr Inhabitant of the Towne of
675 Spondon ought & usually have payed yearly to the keep of the said Spondon Waste for
676 the use of the Lord of the Mannor for every beast gate or stints one penny & that the same
677 hath been usually gathered between Whitsontide & the time of keeping micklemas
678 Court there but this Dep[onen]t doth not knowe or ever heard of any certaine day for payment
679 of the same

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

681 or there abouts sworne & Examined

682 1 To the first Interr[ogatory] this Dep[onen]t saith that he knoweth Henry Gilbert Esq in the Interr[ogatory] named
683 & likewise doth know all the Def[endan]ts

684 2 To the second Interr[ogatory] this Dep[onen]t saith that hee knoweth the ground called Spondon Wastein the
685 Interr[ogatory] named being borne att Spondon (but never heard it called by the name of the Kings
686 Waste) & saith that hee hath knowne as long as this Dep[onen]t can remember the Freeholders
687 & Inhabitants of Spondon aforesaid to eate & depasture the same ground with their Cattle
688 yearly from Whitsunday till AllHallowday according to their sev[er]all Porcons & that upon
689 All Hallowday the same ground used to bee throwne open & soe to lye as Comon for all Cattle
690 of all their inhabitants of Spondon whether the had Stints therein in the Liner or noe
691 from AllHallowday unto Candlemas day next following you Candlemas day the same to bee
692 hayed & free from Cattle untill Whit Sunday next following

693 5 To the fifth Interr[ogatory] this Dep[onen]t saith that hee hath knowne the Freeholders & Inhabitants
694 of Spondon putt in their cattle into the said ground on Monday in Whit Sunday week &
695 not on Whit Sunday but in the reason of that was because one Mr Morton formerly vicor
696 of Spondon aforesaid did tell the Inhabitants that the Sabbeth day was verry
697 inconcienient for such business there being many times disputes at the breaking
698 the said Spondon Waste which did indispose & vufitt them for the sacc[ram]t which was

699 some times administered on that day And did therefore desire them to forebear the
700 putting in their Cattle till the next day which accordingly they did
701 8 To the eighth Interr[ogatory] this Dep[onen]t saith that after the putting in cattle into the said
702 ground Whitsuntide yearly the Freeholders & Inhabitants might by agreement
703 consent haythe same for any time or times before AllHallowday following but if
704 any of the said Inhabitants having stints or beast gates there did disagree such
705 p[er]son or p[er]sons might eate his or their Comon till AllHallowday following
706 13 To the thirteenth Interr[ogatory] this Dep[onen]t saith that the def[endan]t Francis Brecknock hath
707 Twelve x stences orbeast gates in the said Spondon Waste belonging to a Messuage
708 & Lands in Spondon aforesaid wherein hee now liveth
709 14 to the Fourteenth Interr[ogatory] this depon[en]t saith that all the Dep[onen]ts have certaine stences or beast
710 gates in the said Spondon waste belonging to their sev[er]all messuages & lands in Spondon aforesaid
711 but the certaine number of the said stences hee this Depon[en]t knoweth not save only that he
712 dost Richard Crosse hath thirtie stences or beast gates there

713 Cha[arles] Agard

714 Jo[h]n Surston 20 Geo[rge] Gregson

715

716 On the Deffendants

717 7

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

719 thereabouts sworne & examined

720 1 To the first Iterr[ogatory] this Depon[en]t saith hee knoweth the Relators Henry Gilbert Esq[ui]re alsoe all the

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

722 2 To the second Interr[ogatory] this Depon[en]t saith that he knoweth the ground called Spondon Waste in the Interr[ogatory]

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

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

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

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

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

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

729 5 To the fifth Interr[ogatory] this Depon[en]t saith that hee hath heard but doth not knowe that of late there

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

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

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

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

734 of Spondon aforesaid did dissuade the said Inhabitants & Freeholders from putting their
735 Cattle into the said ground any more on the Sabbath day because it did unsitt them for the
736 Sacram[en]t which was often administered on that day & threat nod upon refusal to Cite them into
737 the Bishops Court whereupon the said day was alt[e]red from Whit Sunday till Monday following
738 9 To the nighth Interr[ogatory] this Depon[en]t saith that there is due & hath beene yearly payed to the king
739 of the said Waste for the use of the Lord of the Mannor as this Depon[en]t couceires from the
740 Freeholders & Inhabitants of Spondon aforesaid one penny for every stint or beast gate
741 there & this Depon[en]t doth not know or ever heard that the same was to bee payed at any certaine
742 day but as the p[er]sons were mett with from whom it was due
743 Robert Stenson of Spondon in the county of Derby Towe Dresser aged Fifty years or
744 thereabouts sworne & examined
745 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]
746 knoweth all the def[endan]ts
747 2 To the second Interr[ogatory] this Depon[en]t saith that hee doth know the ground in the Interr[ogatory]
748 named called Spondon Waste in the County aforesaid & hath known the same for all
749 the time of his remembrance And verily beeleeveeth that the Freeholders & Inhabitants
750 of Spondon aforesaid have according to their severall Porcons put their cattle into the
751 same yearly upon Whit Sunday to Eate & depasture the same untill AllHallowday then

752 next following And that upon AllHallowday yearly the said ground used to bee thrown
753 open & Comon for all the Cattle of all the Inhabitants of Spondon aforesaid untill
754 Candlemas day then next following & upon the said Candlemas day yearly to be hayed
755 & continue from Cattle untill Whit Sunday then next following
756 3 To the third Interr[ogatory this Depon[en]t saith that sev[er]all tymes hee hath knowne the Cattle of
757 Henry Gilbert Es[qui]r[e] father of the Relator breake out of a ground of his called the seaven
758 Acres into the said Spondon Waste & thgis depon[en]t being then keep of the said ground & soe
759 continued for tenn yeares did by the appointm[en]t of the Freeholders & inhabitants of Spondon
760 impound the said Cattle as oft[en] as they soe trespassed at Spondon aforesaid & this Depont
761 further saith that some of the servants of the said Mr Gilbert father to the Relator (whose
762 names hee cannot certainly remember did come to release the said cattle & gave this
763 depon[en]t two pence for impounding the same every time hee soe impounded them And futher
764 this depon[en]t saith that his said servants did repaire the said fence to p[re]vent the like
765 trespasses & pinised there endeavours that they should not breake in againe
766 5 To the Fifth Interr[ogatory] this Depon[en]t saith that the freeholders & Inhabitants aforesaid have
767 put in their cattle into the said Waste upon Monday in Whit Sunday weekebut thecause
768 thereof was as this def[endan]t hath heard & verryly beeleeve that one Mr Morton who was
769 the vicar of Spondon aforesaid seeing that that practise kept his parishioners from devine

770 service & often occasioned quarrels & disputes hee thereupon prevailed with them to desist
771 from their former custome & put them in on Whitson Monday threatening to have them
772 cited into the Bishopes courte if they would not forbear the same

773 8 To the eighth Interr[ogatory] this Depon[en]t saith that after their putting in of their cattle into the
774 said Spondon Waste at Whitsuntide ass aforesaid the Freeholders & inhabitants there might
775 hay the same at anytime or times at their pleasure according to the goodness or badness
776 of the pasture before Allhallowday but if any p[er]son or p[er]sons did disayred hee or they might
777 eate & use this or their Porcons for all the time betwixt Whitsuntide & AllHallowtide
778 if hee or they pleased

779 10 To the tenth Interr[ogatory] this Depon[en]t saith that hee was keep of the said ground called Spondon
780 Waste about tenn or Eleven yeares & gathered of the Freeholders & Inhabitants of
781 Spondon aforesaid openly one penny for every stence or beast gate in the said Spondon
782 Waste & never know more than a penny payed for a stence or beast gate

783 13 To the thirteenth Interrr[ogatory] this Depon[en]t saith that the defendan]t Mr Brecknock had twelve stences
784 or beast gates belonging to the messuage & Lands whereupon hee now liveth

785 14 To the Fourteenth Interr[ogatory] this Depon[en]t saith that all the defendan]ts have certain Stences or
786 beast gates in the said ground called Spondon Waste as belonging to their severall
787 messuages & lands in Spondon aforesaid & Lticularly hee saith that William Hollingworth

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

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

790 Cha[arles] Agard

791 Jo[hɪn] Surston

792 Geo[rge] Gregson

793

794 Robert Loare seaven stences John Hudson Five stences William Allenenshaw
795 four stences Lawrence Fox Four stences & Richard Crosse hath thirty stences
796 which as this Depon[en]t doth remember & verily beleeves are the sev[er]all Porcons & numb[e]r
797 of the stences & beast gates belonging to the said defend[an]ts And further this depon[en]t saith
798 hee doth not certainly know what stences or beast gates John Carrington one of
799 def[endan]ts hath or claymeth
800 Christopher Burton of Spondon in the county of Derby Thacker aged Fif[ty][?]
801 yeaes or thereabouts sworne & examined
802 2 3 To the second and third Interr[pogatory] this Depon[en]t saith that hee doth know the ground called
803 Spondon Waste in the Interr[ogatory] menconed & hath beene formerly keep of the same for the
804 space of three or Four yeaes & that during the time that hee soe looked to the said
805 ground some of the Ewes & lambs of Mr Henry Gilbert father to the Relator gott out of
806 his ground into the said Spondon Waste & the lambes being verry young hee this Depon[en]t
807 did not impound the same but putt them againe into the said Mr Gilberts ground and
808 one Burrowes then sent to the said Mr Henry Gilbert promised to make the fence & to give
809 this Depon[en]t satisfaccon
810 4 To the fourth Interr[ogatory] this Deponent saith that hee tooke of Mr Henry Gilbert the
811 Relators father A peece of ground called by the name of seaven Acres adjoining

812 to Spondon Waste afor all & these are betweenne the said seven Acres & Spondon
813 Waste being out of repaire the said Mr Gilbert gave him order to cutt trouse with
814 the said seaven Acres to repaire the same

815 13 14 To the thirteenth & fourteenth Interr[ogatories] this Derpon[en]t saith that Mr Brecknock one of the
816 Defend[an]ts hath Twelve beast gates or stintes in the said ground called Spondon Waste
817 belonging to his said messuage in Spondon aforesaid & further saith that John
818 Hollingworth hath twelve stences or beast gates & Mr Crosse Thirty stences or beast gates
819 likewise there belonging to their Messuage & Lands in Spondon aforesaid & verily
820 believes Mr Henry Hollingworth hath sixteen stences or beast gates& also saith that al the
821 cesh of the Defend[an]ts have severall stences or beast gates there in the said Waste
822 belonging to there severall Messuages & Lands in Spondon aforesaid but the severall
823 numbers hee this Depon[en]t knoweth not

824 Henry Brecknock the younger of Barton under Needwood in the County of Stafford
825 gentleman aged Thirtie five yeares or thereabouts sworne & Examined

826 1 To the first Interr[ogatory] this Depon[en]t saith that hee knoweth Henry Gilbert Esq[ire] in the Interr[ogatory]
827 menco[n]ed & likewise knoweth all the Defend[an]ts

828 7 To the seaventh Interr[ogatory] this Depon[en]t saith that hee was present & hearing of the triall
829 betwixt Mr Brecknock one of the Defend[an]ts & the Relator at the Assizes held at Derby

830 in summer was Twelve monthes in which action the said Mr Brecknock this Deponents father
831 one pl[aintan]t did prescribe that the said Mr Brecknock all those whose estate hee had were accustomed
832 yearly & every year time out of mind to have Comon of pasture in the place in
833 question for Twelve beasts or instead of any two of the aforesaid beasts one Mare
834 or gelding Ley out Cowehaut in & upon a certaine Messuage & certaine Lands thereto
835 belonging in Spondon in the County of Derby from the vigell of the feast of Pentecost
836 untill the first of November then next following p common of pasture for all comon arable
837 Cattle in the s[ai]d peece of ground upon the said first day of November & from then untill
838 the second of February then next following & that the said peece of pasture time out
839 of minde from the first of February untill the Feast of ye Pentecost was to lye freeh and
840 not to bee depastured at which said tryall A verdict did passé for the pl[aintan]t after a faire and
841 full hearing of Testimonyes on both sides but for more certainty hee this Depon[en]t
842 refers him selfe to the Record in the said Action
843 15 To the fifteenth Interr[ogatory] this Depon[en]t saith that hee hath since in exemplification of a virdict
844 & judgement wherein the now defend[an]t Mr Brecknock is pl[ainti]f and one Atkinson & Here were
845 the Defend[an]ts one of which defend[an]ts vizt Atkinson as appears by ye said Exemplification
846 dyed before Ishew joyned and the other defend[an]t (to wit) George Horne as baihliffe of Mr Henry
847 Gilbert father to this Relator did well acknowledge the taking of the Mare complayned

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

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

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

851 Cha[arles] Agard

852 Jo[hn] Surston

853 Geo[rge] Gregson