

Charles I commissioned Thomas Clayton, John Osborne, Richard Brandreth and Robert Hope commissioned to set and divide the greetings and witnesses to defend them before our Chancellor to determine the cause of the damage of land in the Duchy chamber at the Palace of Westminster between Thomas Gilbert and Thomas Hollingworth.¹

Pleading to ascertain the truth of the matter at a time and place convenient the relator and defendants to meet and enquire this matter by oath of witnesses that can be procured.²

To exchange these witnesses to set the boundaries of the Manor of Spondon, the wastes and to appoint a surveyor to survey and plot the lands in person.³

The proceedings enclosed under your seals together with other persons and dispositions to be sewed into the ground by our Chancellor of the Duchy of Lancaster in our Duchy Chamber at the next Hallard.⁴

The relator will always give the defenders 14 days' notice.⁵

Sealed 13 June 1633

¹ preamble lines 13 – 17

² preamble lines 18 – 23

³ preamble lines 23 – 29

⁴ preamble lines 29 – 33

⁵ preamble lines 34 – 35

the provisions of witnesses taken at Derby 11 September 1633 before Thomas Annieton, John Osborne, Richard Brandreth and Robert Hope (mass commission of his Highness's court of Duchy Chambers for the examination of witnesses, Sir Edward Moseley, knight, his Attorney General of the Duchy Chamber, Thomas Gilbert, plaintiff against Thomas Hollingworth, John Carrington and other defendants).⁶

James Ollerenshaw of Spondon, yeoman aged 47 years, sworn and examined⁷

1. He has lived in Spondon about 18 years.⁸
 - a) He knows most parts of Spondon and is able to distinguish one man's land from another.⁹
 - b) He knows the extent of the manor.¹⁰
 - c) He knows Spondon Waste.¹¹
3. Brunswood and Goodwyche are both enclosed by ring hedges, bordered by a little brook.¹² In Brunswood there is one ley of common always ground between Locko Lane end and another piece of common ground called Filmark baulk and another piece of ground called Dalle Sick in Brunswood.¹³ The lands lying between Brunswood and Goodwyche on both sides of the brook the poor of Spondon have suffered to obtain food from the common as well as their cattle but believes this not to be common land.¹⁴
6. Since he came to live at Spondon, there have been to enclosures made from Brunswood and Goodwyche, one from Brunswood that John Carrington took in and the other from Goodwyche taken in by Richard Taylor but does not remember how long either of them have been enclosed.¹⁵
31. Henry Clark, deceased was tenant to the King's land in Spondon, which the plaintiff credibly heard being both freeholder and tenant.¹⁶
32. He is a freeholder in Spondon as owner of lands worth 10d per annum, which he bought from Richard Clark deceased.¹⁷

⁶ folio 1 lines 38 – 47

⁷ folio 1 lines 47 – 49

⁸ folio 1 lines 50 – 51

⁹ folio 1 lines 51 – 53

¹⁰ folio 1 line 53

¹¹ folio 1 lines 53 – 54

¹² folio 1 lines 55 – 56

¹³ folio 1 lines 56 – 60

¹⁴ folio 1 lines 60 – 63

¹⁵ folio 1 lines 64 – 70

¹⁶ folio 1 lines 71 – 75

¹⁷ folio 1 lines 76 – 77

a) He is not of any alliance or kindred of the defendants to any of his knowledge.¹⁸

Richard Osborne formerly sworn and examined for the defendants' now for the plaintiffs'¹⁹

1. He has known Spondon for 60 years, but now lives within the Manor.²⁰

a) He knows Spondon Waste but now knows it as King's waste²¹

12. Many years about Michaelmas time, Spondon Waste would lie open for most part of the winter with gaps together with Brunswood and Goodwych, but whether as common or negligence, he does not know.²²

32. John, servant to Thomas Hollingworth, one of the defendants' married one of the deponent's kinswoman but does not know any other kindred or alliance that he is to any other defendants. He has never lived in Spondon and not claim anything there.²³

Christopher Cambell formerly sworn for the defendants' now for the plaintiffs'²⁴

12. Spondon Waste has lain open in winter with gaps cast open by passengers until spring when they were made up again. It is a thorough fare for easement and believes that it has been kept enclosed all times of the year.²⁵

32. He is a freeholder in Spondon of a piece of meadow but claims no right of common. There is some alliance between himself and Thomas Hollingworth's wife, one of the defendants' but he will not express what the kindred is on oath.²⁶

John Draycott of Loscoe, gent aged 72, sworn and examined.²⁷

1. He has known Spondon for 30 years.²⁸

22. He remembers John Carrington had many times served at Spondon's manor court.²⁹ Thomas Hollingworth has also served there, or been immersed for his defendant when he did not appear. Him then referred to the court rolls of Spondon Manor.³⁰

¹⁸ folio 1 lines 78 – 79

¹⁹ folio 1 lines 80 – 81

²⁰ folio 1 lines 82 – 84

²¹ folio 1 lines 84 – 86

²² folio 1 lines 87 – 90

²³ folio 1 lines 91 – 94

²⁴ folio 1 line 95

²⁵ folio 1 lines 96 – 100

²⁶ folio 1 lines 101 – 104

²⁷ folio 1 lines 105 – 106

²⁸ folio 1 lines 107 – 109

²⁹ folio 1 lines 110 – 111

³⁰ folio 1 lines 112 – 114

25. He was deputy steward of Spondon manor under the right honourable William, late Earl of Ifenbrook for many years where he kept the courts.³¹ The court rolls were written on parchment and now showed the court his own handwriting.³²

36. He cannot answer any more than he has done.³³

Thomas Dawson of Spondon, freeholder and weaver in the parish of Chaddesden, aged 42, sworn and examined.³⁴

2. He knows well the arable fields in Spondon called Brook Field, and also adjoining Leys called Goodwich Leys and Brunswood Leys that he has known all the time he can remember as he was born in Spondon.³⁵ Goodwych Leys and Brunswood Leys have all the time he can remember until the 11 or 12 years ago used in common with Brook Field in the fallow year.³⁶ Brook field has been sown with corn, then after harvest the inhabitants of Spondon as well as cottages have put their cattle onto Brunswood and Goodwych Leys without any stint, in pounding or interruption until about 10 or 12 years ago.³⁷ William Bennet, then the servant to the Earl of Chesterfield, was the cause of the enclosure of Brunswood and Goodwych Leys by consent of the freeholders. He then stinted these Leys amongst the freeholders by the acre. Since the enclosure, the poor cottages of Spondon have been debarred of common for their cattle here.³⁸
3. The highway in Goodwych Leys from Brookfield gate to Locko Lane end is enclosed within Goodwich Leys. Because it is an ancient highway he concludes it to be common.³⁹ A piece of ground called Dalle Sick lies in the nether end of Brunswood Leys. In the lanes end of Dalle Sick is waste or common that no one claims that he knows of.⁴⁰ In Brunswood Leys there another piece of ground called Common Ley and a piece of ley in Goodwych to him's knowledge until lately has been owned by the clerk keeper of Spondon.⁴¹ In Goodwych there is a little close by Brook Ford on both sides of the brook used as common within his memory; but he believes that these are not common but heads belonging to these Leys.⁴²
4. Within his memory, the heads, belonging to several closes not used or belonging to Thomas Tomlinson, John Widowson, and Richard Knowles lay outside their closes for the plaintiff and his enclosures highway from Locko to Spondon church but later, the heads were enclosed with hedges and ditches.⁴³ The enclosures of the plaintiff and the highway to Spondon church go through one or two other closes, one the inheritance of Richard Knowles and the other

³¹ folio 1 lines 115 – 117

³² folio 1 lines 118 – 119

³³ folio 1 line 120

³⁴ folio 1 lines 122 – 124

³⁵ folio 1 lines 125 – 129

³⁶ folio 1 lines 130 – 131

³⁷ folio 1 lines 132 – 136

³⁸ folio 1 lines 137 – 142

³⁹ folio 1 lines 143 – 146

⁴⁰ folio 1 lines 146 – 148

⁴¹ folio 1 lines 149 – 152

⁴² folio 1 lines 153 – 157

⁴³ folio 1 lines 158 – 163

belonging to Hibbard and Thomas Tomlinson.⁴⁴ Richard Knowles set up a gate across the highway.⁴⁵

8. About 30 years ago, John Norton, then a freeholder in Spondon, accompanied by the poor inhabitants of Spondon, cast open Rough Close, then in the tenure of Mr Birch, then vicar of Spondon that Mr Birch was enclosing.⁴⁶ Norton and the rest also cast open Borrowood Close, and many other pieces of ground in Spondon.⁴⁷ Many of them were later committed to prison by the Lady Stanhopes.⁴⁸ The inhabitants of Spondon have ever since, until recently, received the rents and profits from Rough Close Nook that the plaintiff now demands the rent from them.⁴⁹ Now Rough Close Nook lies open and in common.⁵⁰ Mr Birch was the longest tenant of Rough Close Nook that he can remember.⁵¹ After Mr Birch, Richard Norton and after him.... were tenants of Rough Close Nook.⁵² For many years the rents has been 20 shillings per annum.⁵³
10. He cannot answer.⁵⁴
11. He cannot answer.⁵⁵
14. He cannot answer any more than he has already.⁵⁶ There are high ways, one across the said Brunswood and Goodwyche Leys that he did not know whether they were by the consent of the King or not.⁵⁷
15. He cannot answer any more than he has already.⁵⁸ ⁵⁹ The poor people tethered their cattle on grounds lying either side of the brook from Brookfield gate to Locko Lane End.⁶⁰ He has kept horses here as have others.⁶¹
17. He does not know for certain, whether Pit Hades in Brookfield is common ground.⁶² He also says that the path goes through Pit Hades that contains common. The poor cottages use this land as common at commonable times.⁶³ Some length of Pit Hades has now been encroached upon and ploughed by those who own lands adjacent to it, but he does not know their names.⁶⁴

⁴⁴ folio 1 lines 163 – 166

⁴⁵ folio 1 lines 166 – 167

⁴⁶ folio 1 lines 168 – 173

⁴⁷ folio 1 lines 173 – 175

⁴⁸ folio 1 lines 175 – 176

⁴⁹ folio 1 lines 177 – 179

⁵⁰ folio 1 lines 179 – 180

⁵¹ folio 1 lines 180 – 182

⁵² folio 1 lines 182 – 183

⁵³ folio 1 lines 183 – 184

⁵⁴ folio 1 line 185

⁵⁵ folio 1 line 185

⁵⁶ folio 1 line 186

⁵⁷ folio 1 lines 187 – 190

⁵⁸ folio 1 – folio 2 lines 189 – 193 missing words

⁵⁹ folio 1 lines 191 – 195

⁶⁰ folio 2 lines 197 – 199

⁶¹ folio 2 lines 199 – 200

⁶² folio 2 lines 201 – 202

⁶³ folio 2 lines 204 – 207

⁶⁴ folio 2 lines 207 – 210

20. He has credibly heard that the churchwardens keep accounts of their receipts from rents from the common ground in Spondon.⁶⁵
21. Within the last 20 years there have been 17 or 18 several enclosures within Spondon made by part exchange between freeholders, or with other men but does not know whether the King consented or not.⁶⁶
22. The freeholders did not allow the keeping of goats or large flocks of sheep, horses or cattle on the arable fields, waste or common grounds as they formerly did to the detriment of their poor neighbours.⁶⁷
27. For many years the common and waste ground lay dispersed within Brunswode and Goodwyche Leys are now hedged and taken in using a ring fence from other men's land that adjoining it.⁶⁸ Brunswode and Goodwyche Leys were enclosed with a ring hedge about 10 or 12 years ago.⁶⁹ Since this time, they have enjoyed this land as their own, and kept out the poor for nothing.⁷⁰ He has credibly heard when the land was first taken in they allowed the poor by abating of their apportion of Joyst.⁷¹
28. He knows Spondon Waste.⁷² The Waste lies adjoining to Spondon Moor to the east and Brunswode Leys to the West, except a little pingle belonging to Eaton's farm from which profits go to the soke of Elvaston church or the Elvaston poor.⁷³ The waste is now enclosed on the North and South sides with other men's hedges for beyond his memory.⁷⁴
30. He has credibly heard that the one and a half acre backside to the housouais Croft are in the tenancy or copyhold of Thomas Widdowson of Spondon.⁷⁵ There are two pieces of land in Spondon Field called Burrow Field called Hersim and Noaser gate containing about 1 acre of land.⁷⁶ Since his earliest memories, John Russell, keeper of the waste, is allowed this land by the inhabitants of Spondon for roughly 10 shillings yearly unless the fields lie fallow.⁷⁷ There are also two roods of arable land in the occupation of Gracia Taylor for which she pays 12d yearly to the churchwardens of Spondon for the town's safe.⁷⁸ There is also a little pingle in Spondon Meadows adjoining Swes Lane called the Church Pingle worth 3 shillings 4 d. ⁷⁹£1 4 shillings is allowed to the Clerk Keeper of Spondon for his wages.⁸⁰ This pingle contains about four parts of

⁶⁵ folio 2 lines 207 – 210

⁶⁶ folio 2 lines 211 – 215

⁶⁷ folio 2 lines 216 – 220

⁶⁸ folio 2 lines 221 – 224

⁶⁹ folio 2 lines 224 – 227

⁷⁰ folio 2 lines 227 – 228

⁷¹ folio 2 lines 228 – 230

⁷² folio 2 lines 231 – 232

⁷³ folio 2 lines 233 – 236

⁷⁴ folio 2 lines 236 – 238

⁷⁵ folio 2 lines 239 – 241

⁷⁶ folio 2 lines 242 – 244

⁷⁷ folio 2 lines 244 – 247

⁷⁸ folio 2 lines 247 – 250

⁷⁹ folio 2 lines 250 – 251

⁸⁰ folio 2 lines 251 – 252

a rood of land.⁸¹ A small parcel of ground lying in a man's close called the Rooke bearing hay worth 5 d, which has usually gone to the Clerk Keeper of Spondon.⁸² One common ley in a close at Synder lands containing about half an acre and butting on . This is this the oul water in the occupation of John Hibbard the younger with the yearly rent of five shillings paid to the churchwardens of Spondon.⁸³ For the towns use, one baulk called Alytree and arable butting against Anklin hedge and the brook in the occupation of John Walker, containing about three roods or an acre.⁸⁴ A third part there, having been ploughed. The middle of this has lately been enclosed, lying in field and hedges at the yearly rent of six shillings and 8d.⁸⁵ This field is not fallowed.⁸⁶ John Walker, the Clerk Keeper, has more money for his wages.⁸⁷ there is also a piece of ground called Loxseers Piece containing about an acre lying in Burrow Field..... And at other times 26 shillings and 8d per annum to the town's safe.⁸⁸ He also said that all parcels of land (other than copyhold) are accounted as being used as common land by the tenants of Spondon, but he has never heard that the form were concealed lands.⁸⁹

31. Henry Clark, deceased was for many years tenant of two flatts of the Kings land in Spondon, now in common occupation that then had cattle as other farmers had in the common fields of Spondon.⁹⁰

34. It is custom on Spondon's Waste, that two of the tenants or freeholders have gathered the King's rent for the Waste.⁹¹ His father, about 21 years ago, collected the waste rents, at the same time, the stint rent was for about a shilling per beast.⁹² Since enclosure, the inhabitants of Spondon have halved their apportion of cattle. The stint rent is now to shillings for every beast.⁹³ He was appointed by his father, to receive the stinted rent according to the rote or rental.⁹⁴ I showed him his own handwriting and paid the owner Thomas Gilbert being then the King's Valaine there for his majesties use.⁹⁵

Robert Rowland of Chaddesden, yeoman aged 34, sworn and examined.⁹⁶

9. To his cost the Croft nominated in the Court Roll, he now knows, engrossed and dated 27 March 1632 were appointed and sworn by the then steward of the manor of Spondon, for allotting pieces of common land for highways in Brunswood and Goodwych Leys.⁹⁷ At this court, it was said by old men given to him. Then, after questioning, touching the highways and common

⁸¹ folio 2 lines 252 – 253

⁸² folio 2 lines 253 – 255

⁸³ folio 2 lines 255 – 258

⁸⁴ folio 3 lines 258 – 263

⁸⁵ folio 3 lines 263 – 265

⁸⁶ folio 3 line 265

⁸⁷ folio 3 lines 266 – 267

⁸⁸ folio 3 lines 267 – 270

⁸⁹ folio 3 lines 270 – 272

⁹⁰ folio 3 lines 273 – 276

⁹¹ folio 3 lines 277 – 279

⁹² folio 3 lines 280 – 282

⁹³ folio 3 lines 282 – 284

⁹⁴ folio 3 lines 285 – 286

⁹⁵ folio 3 lines 287 – 289

⁹⁶ folio 3 lines 290 – 291

⁹⁷ folio 3 lines 292 – 296

grounds, not certain what he and his fellow questioners there meant, so he refers himself to their yard it comprised in the court roll showed him not now able to change his memory with its particulars.⁹⁸

24. The farmers on the King's land in Chaddesden, within the manor of Spondon, have, within his memory, been owners or farmers of other lands besides the King's and have had common without stint in the fields there, but he does not know whether this is the King's and of not .⁹⁹

John Johnson of Spondon, yeoman, aged 66, sworn and examined

1. He knows for the most part, the manor of Spondon having known it for 40 years.¹⁰⁰ He knows Spondon Waste.¹⁰¹
10. Being a freeholder in Spondon, he has heard of seven beast gates in Spondon Waste but in recent times the inhabitants of divided this ground to half the stint. It was surcharged, and the same paid for every beast depastured a penny to the King for the time being.¹⁰² He now has any lease or grant, in the form of years, in beast pastures, paid by anyone and has not heard of any other person being concerned to be part of his freehold.¹⁰³
11. The yearly rent that he pays to his Majesty's bailiff for his beast gates in Spondon Waste is seven pence, paid at or about Whitsuntide yearly for the King's use.¹⁰⁴ He gathers the waste rents for the pasture by agreement of the inhabitants of Spondon amongst themselves.¹⁰⁵
14. Brunswood and Goodwych Leys within his memory, lay open to arable field called Brookfield, and have been used in common by the freeholders, tenants and poor cottages with their cattle from when the harvest has been gathered until the field has been sown again with corn.¹⁰⁶ Recently Brunswood and Goodwych Leys have been enclosed.¹⁰⁷ He thinks that William Bonnit, late servant to the right honourable Earl of Chesterfield, was partly the cause of this enclosure.¹⁰⁸ Any inhabitants of Spondon that claim any right or interest in Goodwych and Brunswood have enclosed it.¹⁰⁹ To the best of his knowledge the poor cottages of Spondon, ever since enclosure, have been debarred of their common. He does not know whether it was the King or his farmer's that benefited from these enclosures.¹¹⁰ There is a highway through Brunswood and Goodwych Leys.¹¹¹ He has heard of common land lying in Brunswood.¹¹²

⁹⁸ folio 3 lines 297 – 302

⁹⁹ folio 3 lines 319 – 324

¹⁰⁰ folio 3 lines 328 – 329

¹⁰¹ folio 3 line 330

¹⁰² folio 3 lines 331 – 335

¹⁰³ folio 3 lines 335 – 337

¹⁰⁴ folio 3 lines 338 – 341

¹⁰⁵ folio 3 lines 341 – 343

¹⁰⁶ folio 3 lines 344 – 348

¹⁰⁷ folio 3 lines 348 – 349

¹⁰⁸ folio 3 lines 349 – 351

¹⁰⁹ folio 3 lines 351 – 352

¹¹⁰ folio 3 lines 352 – 355

¹¹¹ folio 3 lines 356 – 357

¹¹² folio 3 line 357

18. Thomas Hollingworth, one of the King's defendants, asked him what he would give towards the maintenance of this suite, he answered that he would give nothing because he had given this land to his son, so it concerned his son and not him.¹¹³ Neither in 10th hath he contributed anything towards this suite, nor has he raised or lowered any contribution.¹¹⁴

22. He has no answer to this question.¹¹⁵

32. He is closer to John Taylor, one of the defendants, that lives in Spondon occupying and enjoying his freehold there as he is himself.¹¹⁶

William Coup, formerly sworn in the defendants' part now in the plaintiffs' part.¹¹⁷

1. He knows the manor of this Spondon since he has been living in Spondon for threescore years.¹¹⁸

2. He knows the arable fields in Spondon called Brookfield, and those adjoining it called Goodwych Leys and Brunswood Leys.¹¹⁹ He has known these since he can remember.¹²⁰ Brunswood and Goodwych Leys were usually eaten within Brookfield in a fallow year before they were enclosed.¹²¹ With Brook Field they were sown with corn. After the corn was harvested the inhabitants and cottages of Spondon put their cattle on Brunswood and Goodwych Leys without any stint until they were enclosed.¹²² Goodwych and Brunswood Leys were enclosed by a number of inhabitants of Spondon, but he does not know how long it has been since they were enclosed.¹²³ The poor cottages since enclosure have been debarred from their common on Brunswood and Goodwych Leys.¹²⁴

15. All the time that he remembers there has been a common baulk on Brunswood Leys where poor people have tethered and kept their animals until it was enclosed.¹²⁵ This common baulk lies in Brookfield between Goodwych and Brunswood Leys.¹²⁶ There is a common ley at Silmarsh Baulk End in Brook Field Gate.¹²⁷ As long as he can remember, the ground lying by the brook along from Brookfield Gate to Nether Locko Lane End has been used as common ground for the poor cottages to tether their animals upon, until it was enclosed but he does not know if it is common ground.¹²⁸ A piece of ground called Dalle Sick lying in Brunswood Leys has always been used as

¹¹³ folio 3 lines 358 – 361

¹¹⁴ folio 3 lines 361 – 362

¹¹⁵ folio 3 line 363

¹¹⁶ folio 3 lines 364 – 366

¹¹⁷ folio 3 line 367

¹¹⁸ folio 3 lines 368 – 370

¹¹⁹ folio 3 lines 371 – 373

¹²⁰ folio 3 line 373

¹²¹ folio 3 lines 374 – 375

¹²² folio 3 lines 375 – 377

¹²³ folio 3 lines 377 – 379

¹²⁴ folio 3 lines 379 – 381

¹²⁵ folio 3 lines 382 – 384

¹²⁶ folio 3 lines 384 – 385

¹²⁷ folio 3 lines 385 – 386

¹²⁸ folio 3 lines 386 – 389

waste ground but does not know whether it is waste or not.¹²⁹ He has kept a cow on this common in summertime as others have done.¹³⁰

17. As long as he can remember there has been a piece of land in Brook field called Pike Hades, formerly used as common by me.¹³¹ A great part of Pike Hades is now ploughed or encroached upon by several acres of several peoples' of lands ends that butt upon it for 20 yards in length, but does not remember those who encroached upon Pike Hades.¹³²

John Lossell of Spondon, labourer aged 50 sworn and examined.¹³³

1. He knows the manor of Spondon as he was born there and has lived there ever since.¹³⁴ He knows Spondon Waste.¹³⁵
5. He has kept a cow along with some cottages and other poor men of Spondon by sufferance and good will of the freeholders of Spondon on land leading from Brook Field Gate to Locko Lane End, but does not remember anyone's name other than his own that has kept them there.¹³⁶ The cottages and other poor people of Spondon do not now put any cattle onto Brunswood or Goodwich Leys, nor have they done this for 20 years to his knowledge.¹³⁷ Further to this he does not answer.¹³⁸
13. One day, about three or four years ago, he did grub in Spondon Waste for 5 d for a days' work but who set him on and paid his wages or on whose consent, he does not remember how in grubbing up thorns, he dug the soil of the waste.¹³⁹ About the same time Henry Richard did appoint Thomas Widowson and paid them either 18 d or 20 d.¹⁴⁰
14. Since he can remember until recently Brunswood Leys and Goodwych Leys have been enclosed. Only last year, have they been used and eaten with Brook Field by the poor and cottages of Spondon's cattle when the harvest has been gathered.¹⁴¹ These are now sown or kept several again.¹⁴² Further to this he does not answer.¹⁴³

¹²⁹ folio 3 lines 390 – 391

¹³⁰ folio 3 lines 392 – 393

¹³¹ folio 3 lines 394 – 396

¹³² folio 3 lines 396 – 399

¹³³ folio 3 lines 400 – 401

¹³⁴ folio 3 lines 402 – 403

¹³⁵ folio 3 line 403

¹³⁶ folio 3 lines 404 – 407

¹³⁷ folio 3 lines 407 – 410

¹³⁸ folio 3 line 410

¹³⁹ folio 3 – folio 4 lines 411 – 416

¹⁴⁰ folio 4 lines 416 – 418

¹⁴¹ folio 4 lines 419 – 422

¹⁴² folio 4 lines 419 – 423

¹⁴³ folio 4 line 423

27. The poor have been kept out of Brunswood Leys and Goodwych Leys ever since they were enclosed.¹⁴⁴ These Leys are now filled with cattle but he does not know whether any allowance is given to the cottages.¹⁴⁵

Henry Dickens of Spondon, labourer aged 58, sworn and examined.¹⁴⁶

1. He knows the Manor of Spondon because he was born there and has known it since childhood.¹⁴⁷ He knows Spondon Waste.¹⁴⁸
13. About 36 years ago, Thomas Hollingworth, John Taylor, John Carrington and Robert Moirigh and other inhabitants of Spondon that he does not remember hired him, Richard Robinson, Thomas and some others, he does not remember, to grub up thorns on the waste.¹⁴⁹ They grubbed up thorns there many days but does not remember how many.¹⁵⁰ They had five pence a day and some thorns for their wages.¹⁵¹ Mainly thorns were to have been sold so that others could be paid for grubbing more thorns, but most of them were stolen and carried away before they were pulled.¹⁵² They were forbidden to grub thorns near Moirigh's farm, Mr Thomas Gilbert, where with him, were asked to quit by the neighbours of Spondon, they would maintain them and bad in grubbing up these thorns they were breaking up the soil of Spondon Waste.¹⁵³ About this time he and John Russell were hired by Thomas Widowson to cut down and square an oak growing on the waste to plot the passage of the brook.¹⁵⁴ Thomas Widowson paid 20d for their labour and he took all the remains of the tree.¹⁵⁵
14. Brunswood Leys and Goodwych Leys have been all the time he can remember until about 10 or 11 years ago, when they were enclosed, lay open to Spondon arable field, fallow Brookfield for in common for the benefit of cattle owned by freeholders, tenants and poor cottages of Spondon from when the harvest has been gathered until it had been sown again.¹⁵⁶ To his best remembrance, William Bennett, deceased, late servant to the Earl of Chesterfield, was the chief clause of this enclosure together with other freeholders of Spondon.¹⁵⁷ He had heard that Bennett then expressed himself that the poor of Spondon should not be hindered nor wronged by these enclosures, those served, should be someone's for their cattle at the rate of five shillings a beast, but he paid nine shillings for each beast, the first or second day after they were enclosed.¹⁵⁸ They have been 10 shillings of these so that the poor who have no ground within the common, are hindered there he never paid.¹⁵⁹ Either the King or any of the farmers were

¹⁴⁴ folio 4 lines 424 – 425

¹⁴⁵ folio 4 lines 425 – 427

¹⁴⁶ folio 4 lines 428 – 429

¹⁴⁷ folio 4 lines 430 – 431

¹⁴⁸ folio 4 lines 431 – 432

¹⁴⁹ folio 4 lines 433 – 437

¹⁵⁰ folio 4 lines 437 – 438

¹⁵¹ folio 4 lines 438 – 439

¹⁵² folio 4 lines 439 – 440

¹⁵³ folio 4 lines 441 – 444

¹⁵⁴ folio 4 lines 444 – 447

¹⁵⁵ folio 4 lines 447 – 448

¹⁵⁶ folio 4 lines 449 – 454

¹⁵⁷ folio 4 lines 454 – 455

¹⁵⁸ folio 4 lines 456 – 460

¹⁵⁹ folio 4 lines 460 – 461

consenting to such enclosures.¹⁶⁰ There are two ways enclosed within these enclosures.¹⁶¹ One, unusual highway, by common report, used by men for away.¹⁶² By common and credible report there is a piece of ground lying by the brook, side-shooting upon Brunswood that is common ground.¹⁶³ There is a common baulk called Sillimart baulk adjoining Brunswood Leys lying in Brookfield.¹⁶⁴

27. Brunswood Leys and Goodwych Leys were before he can remember, enclosed to the east, west and north and some part of the south with two or three small pingles.¹⁶⁵ When they were have belonging enclosed the inhabitants of Spondon only supplied the descent on the south part.¹⁶⁶ The common baulk called Sillimart baulk lies in Brookfield, intermingling amongst other men's lands which, by common report was not common ground. In the bottom of Brunswood intermixed within but not enclosed or several.¹⁶⁷ The freeholders have had all the benefits of the land to themselves prior rotor keeping out all others and inhabitants of Spondon do not have any lands within Goodwich or Brunswood.¹⁶⁸ Further to this he does not answer.¹⁶⁹

Grattan Taylor of Spondon, yeoman aged 79, sworn and examined.¹⁷⁰

1. He knows the Manor of Spondon having known it for 70 years, being born there.¹⁷¹
2. He knows the arable field in Spondon called Brookfield.¹⁷² He also knows the leys adjoining Brookfield called Goodwych and Brunswood Leys, having known them since he can remember.¹⁷³ All this time Goodwych Leys and Brunswood Leys have been used as common together with Brookfield in the fallow year until Brookfield has been sown with corn when it was harvested until about 12 years ago when Goodwych and Brunswood Leys were enclosed.¹⁷⁴ Until these enclosures, Goodwych and Brunswood Leys were used as common.¹⁷⁵¹⁷⁶
10. He is not tenant of Spondon Waste but is content to be a freeholder and yet he and other freeholders within Spondon that have beast gates there pay a penny a beast gate yearly.¹⁷⁷ Any beast gates belonging to all farmers pay the King's bailiff 16 or 17 shillings, but him does not challenge anything on Spondon Waste by lease or grant from any man, but as a freeholder within Spondon.

¹⁶⁰ folio 4 lines 461 – 462

¹⁶¹ folio 4 lines 462 – 463

¹⁶² folio 4 lines 463 – 464

¹⁶³ folio 4 lines 464 – 466

¹⁶⁴ folio 4 lines 466 – 467

¹⁶⁵ folio 4 lines 468 – 470

¹⁶⁶ folio 4 lines 470 – 471

¹⁶⁷ folio 4 lines 472 – 474

¹⁶⁸ folio 4 lines 475 – 477

¹⁶⁹ folio 4 line 477

¹⁷⁰ folio 4 lines 478 – 479

¹⁷¹ folio 4 lines 480 – 481

¹⁷² folio 4 line 482

¹⁷³ folio 4 lines 483 – 485

¹⁷⁴ folio 4 lines 485 – 488

¹⁷⁵ folio 4 lines 491

¹⁷⁶ folio 4 lines 491 – 493 have missing words

¹⁷⁷ folio 4 lines 495 – 498

12. He has paid one penny a beast gate on Spondon Waste for 50 years.¹⁷⁸ For the last 10 years or so, these freeholders that have beast gates on Spondon Waste have had their stints reduced by half and now pay 2d a beast gate.¹⁷⁹ After Spondon Waste has been used by the freeholders and their sub-tenants. It has lain open by making gaps in hedges yearly from Markmas until Candlemas when the gaps were made up again.¹⁸⁰ This has happened all the time he can remember.¹⁸¹ It is now kept seeded at all times of the year.¹⁸²
20. When he was a boy it was commonly known amongst the inhabitants of Spondon that the piece of ground in Spondon, called Deysick was given to Spondon to keep its bull, but he has not known, heard or read any evidence concerning land given to the church, town or inhabitants of Spondon.¹⁸³
21. He cannot be certain of the number of several closes in Spondon manor, but he thinks there are not less than 80 or 100 closes in Borrowwash and Spondon.¹⁸⁴ All Spondon and Borrowwash meadows lay open when he was a boy.¹⁸⁵ He has had his own occupation of two closes in Spondon that were enclosed about 60 years ago and the others about 30 years ago.¹⁸⁶ Many of the other enclosures have been made by exchanging land, one freeholder with another, or their tenants.¹⁸⁷ He does not think that these enclosures were made by consent of the King as Lord of the Manor or any of his deputies.¹⁸⁸
30. He has heard it reported that the house that Thomas Widdowson now lives is copyhold.¹⁸⁹ He does not know any concealed lands in the manor of Spondon.¹⁹⁰
32. He is John Taylor's father, one of the defendants and a freeholder in Spondon but not kindred to any other defendants to his knowledge.¹⁹¹
34. Two households eventually gather the King's rent for Spondon Waste.¹⁹² He has gathered this rent once or twice himself.¹⁹³ They gathered the rent by tenure.¹⁹⁴ For his part, he paid his rent to Mr Robert Newton, then being the late Queen's bailiff for Spondon.¹⁹⁵ He does not depose any further.¹⁹⁶

¹⁷⁸ folio 4 lines 502 – 503

¹⁷⁹ folio 4 lines 503 – 505

¹⁸⁰ folio 4 lines 506 – 508

¹⁸¹ folio 4 lines 508 – 509

¹⁸² folio 4 line 509

¹⁸³ folio 4 lines 510 – 513

¹⁸⁴ folio 4 lines 514 – 516

¹⁸⁵ folio 4 lines 516 – 517

¹⁸⁶ folio 4 lines 517 – 518

¹⁸⁷ folio 4 lines 519 – 520

¹⁸⁸ folio 4 lines 520 – 521

¹⁸⁹ folio 4 lines 522 – 523

¹⁹⁰ folio 4 lines 523 – 524

¹⁹¹ folio 4 lines 525 – 526

¹⁹² folio 4 lines 527 – 528

¹⁹³ folio 4 line 528

¹⁹⁴ folio 4 lines 528 – 529

¹⁹⁵ folio 4 lines 529 – 530

¹⁹⁶ folio 4 line 530

William Lockoe of Ilkeston, formerly sworn and examined on the defendants' part now sworn and examined on the complainants' part.¹⁹⁷

1. He knows most part of the Manor of Spondon.¹⁹⁸ He was born and brought up in Spondon until the age of 12 years old when he went to live in Dale Moor, Ilkeston, and other places four or 5 miles away from here.¹⁹⁹
12. He remembers that Brunswood Leys have lain open for the winter season.²⁰⁰ He is not kindred or any alliance to any of the defendants that he knows of except John Lockoe, a freeholder of Spondon is his nephew.²⁰¹

John Stanley of Spondon, labourer 80 years old or more, sworn and examined.²⁰²

1. He knows the Manor or Lordship of Spondon being bred and born there and living there all his life time.²⁰³
2. He knows well Brook field in Spondon and has known the pounds adjoining Brookfield, and also Brunswood Leys and Goodwych Leys all the time he can remember.²⁰⁴ These fields remained open and unenclosed with Brookfield being fallow, all of them being used as common.²⁰⁵ The fields were all sown with corn together and used as common when the corn was cut and carried away.²⁰⁶ About 8 or 10 years ago these grounds were enclosed and the inhabitants of Spondon as well as the cottages did not put their cattle on Goodwych Leys and Brunswood Leys without any stint.²⁰⁷..... There are about 30.²⁰⁸ He has been Pinder of Spondon for 40 years so that he knows the principles to be true.²¹⁰
3. All the time that he can remember there were, until they were enclosed, cottages and or ground used as common.²¹¹ He does not believe that there was, lying in Brunswood and Goodwych Leys by the Brookside (from Brookfield gate to near Lockoe Lane end).²¹² By credible means, in either Goodwych or Brunswood Leys, land which has gone to the clerk keeper of Spondon, for all towards his wages.²¹³ There is another piece of land in Brunswood, lying after the water side, called Dallysich, that has been used as common ground but is hades to the lands

¹⁹⁷ folio 4 lines 531 – 532

¹⁹⁸ folio 4 line 533

¹⁹⁹ folio 4 lines 534 – 535

²⁰⁰ folio 4 lines 536 – 537

²⁰¹ folio 4 lines 538 – 539

²⁰² folio 4 lines 540 – 541

²⁰³ folio 4 lines 542 – 543

²⁰⁴ folio 4 lines 544 – 546

²⁰⁵ folio 4 lines 546 – 547

²⁰⁶ folio 4 lines 547 – 548

²⁰⁷ folio 4 lines 548 – 551

²⁰⁸ folio 4 lines 551 – 552. These lines do not make much sense

²⁰⁹ folio 4 line 553

²¹⁰ folio 4 lines 553 – 554

²¹¹ folio 4 lines 555 – 556

²¹² folio 4 lines 556 – 560

²¹³ folio 5 lines 560 – 561

ends and two other pieces of ground of the same nature in Brookfield called Fillimarke baulk and Allesbray baulk.²¹⁴

5. He knows the husbandmen, cottages and other poor inhabitants of Spondon that keep their cattle upon these grounds.²¹⁵ Other people had nothing to do with Goodwych Leys and Brunswood Leys since they were enclosed.²¹⁶ Further to this, he does not answer any more.²¹⁷
6. All the time that he can remember, there has been 10 several closes taken in from Brunswood Leys.²¹⁸ These are: one of John Carrington's, two of Richard Knowles, two of John Chelmswood, one of Thomas Hollingsworth's, another of Thomas Bowes, one of Elizabeth Carrington's, one of Richard Theacles, of Chaddesden, another of John Walker's, and another close of Thomas Wright's.²¹⁹ There is also a close called Rough Close Nook, formerly used as common and now is used as enclosed land for about 40 years, except one silion, one hates, and another of John Carrington's, which of been enclosed about 12 or 16 years ago.²²⁰
17. Ever since he can remember, a piece of ground called Pike fields, in Spondon Brook field, has been used as common.²²¹ A gate there has been ploughed away by the owners' lands butting against it.²²² There is also a common baulk called Lousy Grave baulk, in a field that begins at Brunswood gate butting against the length of Spondon town, but he does not know where they are that ploughed Pike Hades.²²³
21. There are above 100 closes in Spondon.²²⁴
26. Some of the hedges that have been used as common, lying by the Brook field sides, lie enclosed within John Carrington's close, some in Richard Knowle's close some in Thomas Hollingsworth's close, some in Thomas Bowes close, and some in Elizabeth Carrington's close.²²⁵ The person who enclosed Elizabeth Carrington's close called the leaders of those who tethered their horses used as common in this close before it was enclosed.²²⁶ After it was enclosed they were not allowed to tether their horses.²²⁷
28. He knows Spondon Waste which lies to the east to Spondon Moor, to the west Brunswood Leys, and on the north and south sides land which had been enclosed before he can remember.²²⁸

²¹⁴ folio 5 lines 561 – 564

²¹⁵ folio 5 lines 565 – 566

²¹⁶ folio 5 lines 566 – 567

²¹⁷ folio 5 line 567

²¹⁸ folio 5 lines 568 – 569

²¹⁹ folio 5 lines 569 – 571

²²⁰ folio 5 lines 571 – 574

²²¹ folio 5 lines 575 – 576

²²² folio 5 lines 576 – 577

²²³ folio 5 lines 577 – 579

²²⁴ folio 5 lines 580 – 581

²²⁵ folio 5 lines 582 – 585

²²⁶ folio 5 lines 585 – 587

²²⁷ folio 5 line 587

²²⁸ folio 5 lines 588 – 590

Ralph Coope, formerly sworn on the defendants' part now on the plaintiffs' part.²²⁹

32. He is not any kindred or has no alliance to the defendants but he does dwell in Chaddesden and although he has writes in Spondon he does not claim anything.²³⁰

Thomas Wright of Spondon, husbandman aged 40, sworn and examined.²³¹

1. He knows the manor of Spondon being born and brought up there.²³² He also knows Spondon Waste.²³³
2. He knows the arable field in Spondon called Brook field well.²³⁴ He also has known Goodwych Leys and Brunswood Leys for 30 years.²³⁵ He says that Goodwych Leys and Brunswood Leys have, since he can remember, been common with Brook field each fallow year until it was enclosed about 12 years ago.²³⁶ Goodwych Leys and Brunswood Leys together with Brookfield was sewn corn.²³⁷ After harvest as being gathered in, and the inhabitants of Spondon as well as cottages, have put their cattle onto Brunswood and Goodwych Leys without any stint, impounding or interruption until they were enclosed.²³⁸ William Bennett, deceased, was the cause of the enclosing of Brunswood and Goodwych Leys, since which time the inhabitants of Spondon have been kept from using Brunswood and Goodwych Leys.²³⁹
5. He has kept and seen other cottages keep cattle upon the hades, common ground lying within Goodwich and Brunswood Leys along by the brook side, from Brookfield gate onto Locko Lane end.²⁴⁰ The cottages are, of late, barred from using the common ground by the enclosing of Brunswood and Goodwych Leys together with one enclosure made by Claire Shaw and another by John Carrington.²⁴¹ He has heard by common and credible report, that the jury is at the court of Spondon manor claimed that any of the poor cottages of Spondon that put cattle onto Brunswood or Goodwich Leys should be given mercy.²⁴²
7. A piece of common ground lying beyond or near Brunswood Leys, called Brunswood Rough Close Nook, that used to be in the occupation of him, is now in the occupation of Richard Knowles.²⁴³ He rented Rough Close Nook from the town of Spondon, by their general consent, for 20 shillings per annum for a length of three or four years.²⁴⁴ They were paid to the churchwardens of

²²⁹ folio 5 lines 592 – 593

²³⁰ folio 5 lines 594 – 596

²³¹ folio 5 lines 597 – 598

²³² folio 5 lines 599 – 600

²³³ folio 5 line 600 – 601

²³⁴ folio 5 line 602

²³⁵ folio 5 lines 603 – 605

²³⁶ folio 5 lines 605 – 607

²³⁷ folio 5 lines 607 – 608

²³⁸ folio 5 lines 608 – 610

²³⁹ folio 5 lines 611 – 613

²⁴⁰ folio 5 lines 614 – 616

²⁴¹ folio 5 lines 616 – 618

²⁴² folio 5 lines 618 – 620

²⁴³ folio 5 lines 621 – 623

²⁴⁴ folio 5 lines 623 – 624

Spondon for the present, but in late times, they were paid to the pacey keeper and used by the rest of Spondon.²⁴⁵ He farmed this close for 10 or 11 years together.²⁴⁶

8. He now remembers, Mr Birch, late vicar of Spondon, deceased enclosed Rough Close Nook about 20 years ago.²⁴⁷ The inhabitants of Spondon have received the rents from Rough Close Nook since, until two or three years ago, when this close was opened to common use.²⁴⁸ Elizabeth Carrington, complainant that farmed the close before him, when he took it for the rent of 20 shillings payable to Spondon.²⁴⁹ When he farmed Rough Close, he paid 10 shillings, for part of his rent to the pacey keeper, who was appointed by the inhabitants of Spondon.²⁵⁰ Richard Knowles does not pay rent for this close but keeps a bastard child for this town instead.²⁵¹
9. He, about March, along with Francis Cockayne, General William Score, John Dockoe and others, who he does not remember, for 20 months was sworn and appointed by the Steward to mowing and setting forth the highways and other pieces of common ground in Brunswood and Goodwyth Leys.²⁵² This information was given in evidence from referring to the court rolls now showed to him for his examination.²⁵³
16. He cannot depose other than his answers to the eight preceding questions.²⁵⁴
32. He is a freeholder and cottager in Spondon and is chosen to be juryman to John Carrington, one of the defendants.²⁵⁵

Richard Woodhouse of Spondon, basket maker, age 60 years old, sworn and examined.²⁵⁶

1. He knows Spondon manor and has dwelt there for 40 years.²⁵⁷ He knows Spondon Waste.²⁵⁸
10. He is tenant at will to Richard Taudem of Spondon, yeoman of a messuage in Spondon and 100 acres of land where he has five stints or beast gates on Spondon Waste.²⁵⁹
11. He pays a penny a stint or beast gate paid yearly to the complainant, Mr Gilbert as bailiff challenging the right of the King.²⁶⁰ He does not conceive that he any more rent for his beast pastures other than a penny a piece for each.²⁶¹ This rent is paid yearly to the manor at

²⁴⁵ folio 5 lines 624 – 626

²⁴⁶ folio 5 lines 626 – 627

²⁴⁷ folio 5 lines 628 – 629

²⁴⁸ folio 5 lines 629 – 631

²⁴⁹ folio 5 lines 631 – 633

²⁵⁰ folio 5 lines 634 – 635

²⁵¹ folio 5 lines 636 – 637

²⁵² folio 5 lines 638 – 641

²⁵³ folio 5 lines 641 – 643

²⁵⁴ folio 5 lines 644 – 645

²⁵⁵ folio 5 lines 646 – 647

²⁵⁶ folio 5 lines 648 – 649

²⁵⁷ folio 5 lines 650 – 651

²⁵⁸ folio 5 lines 651 – 652

²⁵⁹ folio 5 lines 653 – 655

²⁶⁰ folio 5 lines 655 – 657

²⁶¹ folio 5 lines 657 – 659

Whitsuntide when they put their beasts on the Spondon Waste.²⁶² He has paid the same for 22 years.²⁶³in the past he was one of the waste Reeves for gathering..... from Spondon Waste and paid 17 shillings 4 d to Mr Gilbert the complainant ²⁶⁴

12. Spondon Waste was common when gaps were made in the winter months.²⁶⁵ Further to this he does not answer.²⁶⁶
14. He has not given any money towards this side in question nor has he been offered any money for work on the common baulk.²⁶⁷ He does not know any that do contribute.²⁶⁸
32. He is not of any kindred or alliance to any of the defendants.²⁶⁹ He lives in Spondon and claims some interest there because of his tenancy.²⁷⁰
33. The work or rental of Spondon Waste, now showed to him during his examination, he believes, was the same rental that was, or is used for organising it.²⁷¹

Thomas Widdowson of Spondon, Yeoman aged 64 years, sworn and examined.²⁷²

1. He knows the manor of Spondon since he was born there and has known it all the time he can remember.²⁷³ He knows Spondon Waste.²⁷⁴
2. He knows well the arable field in Spondon called Brook field, Goodwych Leys and Brunswood Leys that adjoin it together with all things within the manor of Spondon, having known it for 50 years.²⁷⁵ Brunswood Leys and Goodwych Leys have, the time he can remember, until about 11 or 12 years ago when they were enclosed, been common together with Brookfield in the fallow year from the time the harvest has been gathered until they were sown again with corn.²⁷⁶ The inhabitants of Spondon in general as well as the cottages, until the enclosures were allowed to put their cattle onto Brunswood and Goodwych Leys without any stint, impounding or interruption.²⁷⁷ To his understanding, Mr William Bennett, deceased, was the chief cause of the enclosures.²⁷⁸ The poor cottages of Spondon, who have always used Goodwych and Brunswood Leys, have since the enclosures been barred from using them.²⁷⁹

²⁶² folio 5 lines 659 – 660

²⁶³ folio 5 lines 660 – 661

²⁶⁴ folio 5 lines 661 – 663

²⁶⁵ folio 6 lines 666 – 667

²⁶⁶ folio 6 line 668

²⁶⁷ folio 6 lines 669 – 671

²⁶⁸ folio 6 lines 671 – 672

²⁶⁹ folio 6 lines 673 – 674

²⁷⁰ folio 6 lines 674 – 675

²⁷¹ folio 6 lines 676 – 678

²⁷² folio 6 lines 679 – 680

²⁷³ folio 6 lines 681 – 682

²⁷⁴ folio 6 line 683

²⁷⁵ folio 6 lines 684 – 686

²⁷⁶ folio 6 lines 687 – 691

²⁷⁷ folio 6 lines 691 – 693

²⁷⁸ folio 6 lines 694 – 695

²⁷⁹ folio 6 lines 695 – 697

3. There is a certain piece of ground, formerly common, lying in Brunswood and Goodwych Leys on either side the brook, leading from Brook field gate onto, or near, Locko Lane end, which has for 50 years, until about 12 years ago been used as common ground.²⁸⁰ There are five little pingles lying near to Locko Lane end, which have common ground lying within them.²⁸¹ The names of these Pingles have been entered in the manor court for their enclosure and hired people were paid to cast them open in a limited time.²⁸² There is another half an acre lying in the middle of Brunswood Leys which he knows to have been used as common.²⁸³
5. He did know that the cottages and other inhabitants of Spondon kept and tethered their cattle on the common ground lying within Goodrich and Brunswood Leys by the brook sides between Brookfield gate until Locko Lane end or the close in the occupation of William Drakelow.²⁸⁴ Hades were used as common but really are to be used for entry to moor lands abutting it.²⁸⁵ The poor inhabitants were forced to use them, as now they use in other fields.²⁸⁶ He was one of the jury at the county held for the manor of Spondon in October, 20 year of the late James I reign upon penalty of £5 for land for stint in Brunswood and Goodwych Leys.²⁸⁷
6. In recent years there have been land enclosed from Brunswood and Goodwych Leys.²⁸⁸ These closes were viz: one close in the tenure of John Carrington, another in the tenure of James Olerenshaw, another in the tenure of Richard Knowles, another in the tenure of Elizabeth Carrington and another in the tenure of Thomas Bowes.²⁸⁹ There are other ancient enclosures taken from Brunswood and Goodwych Leys viz: one close in the tenure of John Carrington, another in the tenure of John Noakes, three more closes in the tenure of both Richard Knowles and John Widdowson, another in the tenure of Thomas Tomlinson, another in the tenure of Gratian Taylor, another in the tenure of James Osmaston, another in the tenure of John Hildsardson.²⁹⁰ This last batch of enclosures are mixed with ground within Spondon Waste.²⁹¹
7. There is a piece of common ground called Rough Close Nook and Rough Close on the other side of Brunswood Leys late in the occupation of Thomas Wright of Spondon.²⁹² Thomas Wright farmed this land for a yearly rent of 20 shillings payable to the inhabitants of Spondon.²⁹³ Part of this rent would for peacekeeping and part for the town cross.²⁹⁴ Thomas Wright held this land for many years, but he does not rent it now.²⁹⁵

²⁸⁰ folio 6 line 698 – 701

²⁸¹ folio 6 lines 701 – 702

²⁸² folio 6 lines 702 – 704

²⁸³ folio 6 lines 704 – 706

²⁸⁴ folio 6 lines 707 – 710

²⁸⁵ folio 6 lines 710 – 712

²⁸⁶ folio 6 lines 712 – 713

²⁸⁷ folio 6 lines 713 – 716

²⁸⁸ folio 6 lines 717 – 718

²⁸⁹ folio 6 lines 718 – 720

²⁹⁰ folio 6 lines 720 – 725

²⁹¹ folio 6 lines 725 – 726

²⁹² folio 6 lines 727 – 729

²⁹³ folio 6 lines 729 – 730

²⁹⁴ folio 6 lines 730 – 731

²⁹⁵ folio 6 lines 731 – 732

8. Mr Birch, late curate of Spondon, deceased enclosed Rough Close Nook by consent of the inhabitants about 70 years ago.²⁹⁶ The inhabitants of Spondon have received the rent ever since until about the last year but one, when the enclosure was laid open and used as common.²⁹⁷ This last year they have used it for the maintenance of a bastard.²⁹⁸ The rent of this close is 20 shillings per annum.²⁹⁹
9. He was one of the jury for the manor of Spondon held on 27 March 1632 when the steward set forth the highways across the common ground in Brunswood and Goodwych Leys, which accordingly took place.³⁰⁰ The court roll was now shown to him where he had written at the time of his examination.³⁰¹
10. He holds three stints in Spondon Waste that he plays 5 d rent yearly.³⁰² These were amongst the lands of Mr Brecknock of Spondon, another together, in the right of his wife that he uses to pay the rent for these stints that allowed him to put his cattle on Spondon Waste.³⁰³ He has paid these rents for the waste, along with others with dues from the manor of Spondon, who gathered this money and paid it to the King's bailiff.³⁰⁴ The last year but one, he was one of the people used for gathering the rent for the waste.³⁰⁵ When he had gathered it Mr Gilbert, the complainant, refused to receive it.³⁰⁶
11. For 60 years he paid his rent for five stints to tether his cattle for the use of the King for all time.³⁰⁷ He has credibly heard that the gathering of this waste rent as being by agreement of the freeholders of Spondon amongst themselves.³⁰⁸
12. Spondon Waste has lain open together with Spondon Moor and Brunswood Leys for many years about Michaelmas time until the Candlemas following and until about 10 or 11 years ago when Brunswood Leys was enclosed.³⁰⁹ Since this time it has been kept in severalty.³¹⁰
13. It is three years since he, being the overseer of Spondon Waste, finding that there was a need for a bridge over the brook through Goodrich and Brunswood Leys.³¹¹ He did use the inhabitants of Spondon to build a bridge in the churchyard and appointed William Coope and John Bossell to install the bridge on Spondon Waste which was done accordingly.³¹² He paid them for falling,

²⁹⁶ folio 6 line 733 – 734

²⁹⁷ folio 6 lines 736 – 737

²⁹⁸ folio 6 line 737

²⁹⁹ folio 6 line 738

³⁰⁰ folio 6 lines 739 – 741

³⁰¹ folio 6 lines 742 – 743

³⁰² folio 6 lines 744 – 746

³⁰³ folio 6 lines 746 – 748

³⁰⁴ folio 6 lines 748 – 750

³⁰⁵ folio 6 lines 750 – 751

³⁰⁶ folio 6 lines 751 – 752

³⁰⁷ folio 6 lines 752 – 754

³⁰⁸ folio 6 lines 754 – 755

³⁰⁹ folio 6 lines 756 – 758

³¹⁰ folio 6 lines 758 – 759

³¹¹ folio 6 lines 760 – 761

³¹² folio 6 lines 761 – 765

squaring and making the bridge 20 d.³¹³ About three years ago, some poor men of Spondon were asked, in the winter time to grub-up thrones from the Spondon Waste by the freeholders for their own benefit.³¹⁴ He believes that the poor men did this task for two or three days, until they were prohibited by the complainant, Mr Gilbert and since this time, none have been grubbed-up.³¹⁵ These poor men broke up the soil of the waste by this grubbing-up.³¹⁶

14. Brunswood Leys and Goodwych Leys ever since he can remember, have lain open to Brook field and has been used as common to feed freeholders, tenants and poor cottages cattle.³¹⁷ This has been taking place yearly until about 11 or 12 years ago when Brunswood and Goodwych Leys were enclosed by those who have an interest in the land.³¹⁸ Since then, the poor cottages of Spondon have had no access to common.³¹⁹ He does not know whether the King has any right to farm the grounds, therefore, he does not think their consent was needed.³²⁰ There are two or three high ways leading from Brunswood and Goodwych Leys where the inhabitants of Spondon have enclosed that he has already told this court about.³²¹
15. A piece of common ground called Dalle Sick, on or near Brunswood Leys, has since he can remember being used as common ground until about 11 or 12 years ago when it was enclosed.³²² He, together with the poor cottages and other inhabitants of Spondon have kept their cattle as much as they needed.³²³ He did not answer any further to this question other than what he has already answered.³²⁴
17. A piece of ground lying in Brookfield called Pike Hades has since he can remember, been used as common but he really believes, in his conscience, that Pike Hades are not common, but belong to several lands abutting to it , to which he claims no interest.³²⁵ The greater part of the Pike Hades has been ploughed away by those that have lands abutting upon it.³²⁶ He does not think that they have done anything wrong by ploughing up Pike Hades as this is conceived as their own land.³²⁷ He does not answer any more to this question.³²⁸
18. He was asked by John Taylor and John Carrington for commitment in time and contribution to maintaining a suit against the complainant, which he refused to do.³²⁹ He has heard that many of

³¹³ folio 6 lines 765 – 766

³¹⁴ folio 6 lines 766 – 767

³¹⁵ folio 6 lines 767 – 769

³¹⁶ folio 6 lines 769 – 770

³¹⁷ folio 6 lines 771 – 773

³¹⁸ folio 6 lines 773 – 776

³¹⁹ folio 6 lines 776 – 777

³²⁰ folio 6 lines 777 – 778

³²¹ folio 6 lines 779 – 781

³²² folio 6 lines 782 – 784

³²³ folio 6 lines 784 – 785

³²⁴ folio 6 lines 785 – 786

³²⁵ folio 6 lines 787 – 789

³²⁶ folio 6 lines 790 – 791

³²⁷ folio 6 lines 791 – 792

³²⁸ folio 6 lines 792 – 793

³²⁹ folio 6 line 794 – folio 7 lines 797 – 798

the inhabitants of Spondon do contribute to this but to what extent he does not know nor does he answer any more to this question.³³⁰

20. He does not answer this question.³³¹
21. He does not know how many enclosures there are in the manor of Spondon that there are many closes that have been taken-in and enclosed from Brookfield where he has enclosed part of an acre to make a watering place for his close called Wigger.³³² These enclosures in Spondon were as far as he can remember, largely taken place by exchanging lands between freeholders.³³³ He does not think that the King being Lord of Spondon manor gave anyone his consent for these enclosures because it was not required.³³⁴
22. Those who have enclosed their land and hold it in severalty in Spondon keep as many stints for sheep, horses or cattle in the field, waste and common ground that the poor neighbours who farm the waste.³³⁵
26. He cannot answer this question other than what he has already answered in previous questions.³³⁶
27. All the common or waste ground lying in Brunswood and Goodwych Leys is not enclosed from other men's grounds but from those adjoining to them.³³⁷ The waste ground lying by the brook now called Brookfield gate is not enclosed from Thomas Hollingsworth's, or other men's lands, but lies intermixed.³³⁸ Since enclosing it with a ring hedge they have taken away many other men's livelihood keeping cattle there.³³⁹ He does not answer any more than he has already answered to this question.³⁴⁰
28. He knows Spondon Waste adjoining to Spondon Moor on the east side, and Brunswood Leys on the west.³⁴¹ The waste is enclosed to its north and south with other mens' lands.³⁴²
29. He was one of the jurors, amongst others at the court held for Spondon for the late King James about April, 14 James I, when Robert Knowles, in the absence of winter fodder, harvested some from the wood on Spondon Waste to feed his cattle.³⁴³ He was tried for doing this by the inhabitants concerned with these woods.³⁴⁴

³³⁰ folio 7 lines 798 – 800

³³¹ folio 7 line 801

³³² folio 7 lines 802 – 805

³³³ folio 7 lines 805 – 807

³³⁴ folio 7 lines 808 – 809

³³⁵ folio 7 lines 810 – 813

³³⁶ folio 7 lines 814 – 815

³³⁷ folio 7 lines 816 – 818

³³⁸ folio 7 lines 818 – 820

³³⁹ folio 7 lines 820 – 821

³⁴⁰ folio 7 lines 821 – 822

³⁴¹ folio 7 lines 823 – 825

³⁴² folio 7 line 825

³⁴³ folio 7 lines 826 – 830

³⁴⁴ folio 7 lines 830 – 831

30. He has a house in Spondon with a croft at the back-side, which is copyhold land for which he pays to the King 20 d yearly.³⁴⁵ Further to this he does not answer.³⁴⁶
31. He is copyholder, a freeholder and an inhabitant within Spondon.³⁴⁷ He has appointed himself.³⁴⁸ Thomas Hollingsworth, one of the defendants married his kin, freeman.³⁴⁹ John Carrington, another of the defendants is consenting to him.³⁵⁰
34. He has twice been asked to collect the rent for the town of Spondon Waste.³⁵¹ The first year he collected rent he gave 17 shillings and 6 d to Thomas Gilbert, the complainant and three shillings and 4 d for another part of the waste rent to the Earl of Chesterfield officers for the Earl's use.³⁵² The last time he was the waste keeper, he would have pay 1 d rent and give it to Thomas Gilbert, the complainant, but he refused to collect it.³⁵³ This was formally imposed and he paid three shillings 4 d to Henry Gilbert, his son, due to him by purchase from the Earl of Chesterfield who recognised this.³⁵⁴ He was shown a rental note to help him remember being illiterate.³⁵⁵

Hammond Noble of Derby, gent aged 50 years, sworn and examined.³⁵⁶

30. About the years 1629 and 1630 he was requested by Thomas Gilbert, the complainant, to keep court for the manor of Spondon and Chaddesden as steward.³⁵⁷ He kept to several courts for Thomas Gilbert.³⁵⁸ He was shown the court rolls written on paper at the time of his examination; one containing two sheets of paper, and the other containing seven sheets in his own hand as well as his signature.³⁵⁹

John Lockoe of Spondon called John of the Gate, yeoman aged 60 years, sworn and examined.³⁶⁰

1. He knows the manor or Lordship of Spondon as he was born and lives there.³⁶¹ He knows Spondon Waste.³⁶²
2. He knows Brookfield in Spondon and the adjoining Goodwych and Brunswood Leys, having known all the farms for 40 years.³⁶³ All the time he can remember until they were enclosed, Brunswood and Goodwych Leys were used as common together with Brookfield in the fallow

³⁴⁵ folio 7 lines 832 – 833

³⁴⁶ folio 7 lines 833 – 834

³⁴⁷ folio 7 lines 835 – 836

³⁴⁸ folio 7 lines 836

³⁴⁹ folio 7 lines 836 – 837

³⁵⁰ folio 7 lines 837 – 838

³⁵¹ folio 7 lines 839 – 841

³⁵² folio 7 lines 841 – 843

³⁵³ folio 7 lines 843 – 845

³⁵⁴ folio 7 lines 845 – 847

³⁵⁵ folio 7 lines 848 – 849

³⁵⁶ folio 7 lines 851 – 852

³⁵⁷ folio 7 lines 853 – 855

³⁵⁸ folio 7 lines 855 – 856

³⁵⁹ folio 7 lines 856 – 860

³⁶⁰ folio 7 lines 861 – 862

³⁶¹ folio 7 lines 863 – 864

³⁶² folio 7 lines 864 – 865

³⁶³ folio 7 lines 866 – 869

year.³⁶⁴ Between when Brookfield was sown with corn and then after harvest was taken in until it was summer again.³⁶⁵ The inhabitants of Spondon as well as the cottages used at these times of the year to put their cattle onto Brunswood and Goodwych Leys until they were enclosed about 10 or 12 years ago as he remembered.³⁶⁶ William Bennett was the first to enclose.³⁶⁷ The poor cottages there have since been debarred from any common here.³⁶⁸

5. He has been with many of the inhabitants of Spondon, tethering and keeping cattle on the ground mentioned in the question, but he does not know whether it is common ground.³⁶⁹ The poor cottages of Spondon have been excluded of using the common for keeping their cattle ever since they were enclosed.³⁷⁰ He does not answer any more for this question.³⁷¹
9. He, amongst others, was one of a jury held at the court for the manor of Spondon in March 1632.³⁷² He was appointed by the then steward of the court for setting forth of highways and common ground in Brunswood and Goodwych Leys.³⁷³ He was named in particular in the court rolls, as one of the jury, as well as others, on common ground and was able to refer to his verdict in the court rolls at the time of his examination.³⁷⁴
10. He holds eight beast gates or stints on Spondon Waste for which she pays 1 d beast gate yearly.³⁷⁵ He concedes this to be his 20th year taking up this inheritance.³⁷⁶
11. He pays 8 d yearly about Whitsuntide for his stints on Spondon Waste.³⁷⁷ This has usually been gathered by the waste keepers and paid by them for the time being to his Majesty's bailiff of Spondon manor.³⁷⁸ He has paid this rent for his stint ever since he has had his estate.³⁷⁹
12. He has paid the stinted rent of 8 d and his son for the waste rent for 30 years.³⁸⁰ Spondon Waste has many years lain open to the common called Spondon Moor and Brunswood Leys from Michaelmas until about the following Candlemas until about 12 years ago.³⁸¹ Since that time it has lain open in winter between Martinmas and Christmas.³⁸² The ancient way as been for it to lie open in the winter season from about Michaelmas until Candlemas.³⁸³

³⁶⁴ folio 7 lines 869 – 871

³⁶⁵ folio 7 lines 871 – 872

³⁶⁶ folio 7 lines 872 – 875

³⁶⁷ folio 7 lines 875 – 876

³⁶⁸ folio 7 lines 876 – 877

³⁶⁹ folio 7 lines 878 – 880

³⁷⁰ folio 7 lines 880 – 882

³⁷¹ folio 7 line 882

³⁷² folio 7 lines 883 – 884

³⁷³ folio 7 lines 884 – 886

³⁷⁴ folio 7 lines 886 – 889

³⁷⁵ folio 7 lines 890 – 891

³⁷⁶ folio 7 lines 892 – 893

³⁷⁷ folio 7 lines 894 – 895

³⁷⁸ folio 7 lines 895 – 897

³⁷⁹ folio 7 lines 897 – 898

³⁸⁰ folio 7 lines 899 – 900

³⁸¹ folio 7 lines 901 – 903

³⁸² folio 7 lines 903 – 904

³⁸³ folio 7 lines 904 – 905

14. Brunswood and Goodwych Leys, have since he can remember, until they were enclosed, lain open to Brookfield in Spondon when Brookfield was fallow and was used as common by the freeholders', tenants' and poor cottages' cattle.³⁸⁴ At other times, it was common from when the harvest has been gathered until Brookfield was sown again.³⁸⁵ Brunswood and Goodwych Leys were enclosed by the inhabitants of Spondon that had land there about 12 or 14 years ago.³⁸⁶ Since this time the cottages and poor of Spondon have no common to keep their cattle as they formerly would have done.³⁸⁷
17. A piece of ground lying in Brookfield, Spondon, called Pike Hades has been used as common all the time he can remember.³⁸⁸ Many poor cottages and inhabitants of Spondon have kept and tethered their cattle there.³⁸⁹ A great part of Pike Hades, of late years, has been ploughed away by those who have lands adjacent to it, but he cannot name them.³⁹⁰
20. He does not answer this question.³⁹¹
23. He has served at a court held for the manor of Spondon.³⁹² He thinks that Thomas Hollingworth and John Carrington have formerly done this service too.³⁹³
27. A piece of common lying in Brunswood and Goodwych Leys, lies intermixed with other men's lands as formerly they did and were not enclosed or several from Brunswood Leys.³⁹⁴ The common ground by the brook, now called Brookfield gate is not enclosed from Thomas Hollingworth's or anyone else's lands, but lies intermixed with other men's lands as it formerly did.³⁹⁵ Brunswood and Goodwych Leys, together with all several pieces of waste and common ground were enclosed with a ring hedge or fence by the inhabitants of Spondon about 12 years ago.³⁹⁶ Since this time the plaintiffs' have enjoyed their enclosures and no poor have had any use of them, except for their money.³⁹⁷ He does not answer any more to this question.³⁹⁸
28. He knows Spondon Waste that, to the east, lies adjoining to Spondon Moor and Brunswood Leys to the west and to the north and south is mixed with other mens' closes.³⁹⁹
29.He was a juror amongst other at the court held for the manor of Spondon about April 1616, when Lord Knowles, in the question mentioned was tried for cutting rough bower wood from

³⁸⁴ folio 7 lines 906 – 909

³⁸⁵ folio 7 lines 909 – 910

³⁸⁶ folio 7 lines 911 – 912

³⁸⁷ folio 7 lines 913 – 914

³⁸⁸ folio 7 lines 915 – 917

³⁸⁹ folio 7 lines 917 – 918

³⁹⁰ folio 7 lines 918 – 920

³⁹¹ folio 7 line 921

³⁹² folio 7 lines 922 – 923

³⁹³ folio 7 lines 923 – 924

³⁹⁴ folio 7 lines 925 – 927

³⁹⁵ folio 7 lines 927 – 929

³⁹⁶ folio 7 lines 929 – folio 8 lines 933 – 934

³⁹⁷ folio 8 lines 935 – 936

³⁹⁸ folio 8 line 936

³⁹⁹ folio 8 lines 937 – 939

Spondon Waste to feed his cattle in winter.⁴⁰⁰ He refers himself to the court roll that was showed to him at the time of his examination.⁴⁰¹

32. He is kindred to John Carrington, one of the defendants' and is a freeholder and lives in Spondon.⁴⁰²
34. To the best of his knowledge, he did not take part as the waste keeper of Spondon to collect the rent and therefore cannot answer this question.⁴⁰³

John Whiteley of Lockoe, servant to the complainant Thomas Gilbert, aged 33, sworn and examined.⁴⁰⁴

13. About three years ago, he attended his master collecting rent for Spondon Waste where they found vicar John Ronneth and Norton grubbing thorns upon the waste.⁴⁰⁵ They affirmed that they were appointed to do this by Hollingworth, Carrington and Taylor.⁴⁰⁶ In the question, they acknowledged that they were grubbing thorns for three days.⁴⁰⁷ By grubbing thorns, they broke the soil of the waste ground and he heard his master admonish them and afterwards, ask him to stop grubbing thorns any more, which he did accordingly.⁴⁰⁸ He did not answer any further.⁴⁰⁹
19. For 12 months from about Martlemas after harvest was gathered, he was given the job of keeping 100 of Gilbert's sheep on common ground in Goodwych and Brunswode Leys by the brook side now called Brookfield gate.⁴¹⁰ Here and there by keeping these sheep, the defendants' Thomas Hollingworth, John Carrington, John Taylor and Thomas Norton took these sheep by force, driving them to Chaddesden pound where they impounded them in a dirty lane (not the usual place) and the sheep were soiled and hurt by being kept tethered in this pound.⁴¹¹
33. The defendant, Thomas Hollingworth, is a man who, of late, has caused a lot of trouble amongst his neighbours in Spondon.⁴¹² He thinks that the cause of these suites were raised for William Hollingworth, son of Thomas Hollingsworth, before Mr Gilbert's sheep were impounded.⁴¹³ They told him that they would first impound them at Spondon and afterwards drive them for fixed terms so far.⁴¹⁴ He does not answer any further.⁴¹⁵

⁴⁰⁰ folio 8 lines 940 – 943

⁴⁰¹ folio 8 lines 944 – 945

⁴⁰² folio 8 lines 946 – 947

⁴⁰³ folio 8 lines 948 – 950

⁴⁰⁴ folio 8 lines 951 – 952

⁴⁰⁵ folio 8 lines 953 – 955

⁴⁰⁶ folio 8 lines 955 – 956

⁴⁰⁷ folio 8 lines 956 – 957

⁴⁰⁸ folio 8 lines 957 – 961

⁴⁰⁹ folio 8 line 961

⁴¹⁰ folio 8 lines 962 – 965

⁴¹¹ folio 8 lines 965 – 970

⁴¹² folio 8 lines 971 – 972

⁴¹³ folio 8 lines 972 – 974

⁴¹⁴ folio 8 lines 975 – 976

⁴¹⁵ folio 8 line 976

[signed] Thomas Clayton, John Osborne, Richard Brandreth and Robert Hope.⁴¹⁶

Edward Barton of Draycott, husbandmen, aged 56, sworn and examined.⁴¹⁷

21. He says that these enclosures in Spondon between Chaddesden and Tickardell were enclosed before he can remember, but there are other enclosures in Spondon in Borrowash and from Tickardell to Clstordall and also most of the closes below the road between Nottingham and Derby towards the Derwent were taken within his memory.⁴¹⁸ A close of Mr Brecknock's, lying on the road from Derby to Nottingham at Borrowash was enclosed before he can remember.⁴¹⁹ He does not know either the number of closes enclosed before he can remember or since he can remember.⁴²⁰ If he had been called upon, he could have distinguished the ancient enclosures from the latter.⁴²¹

William Jordan of Kegworth, Leicestershire, gent aged 65, sworn and examined.⁴²²

35. He has been a practised surveyor for 40 years.⁴²³ He has been directed by the complainants' now Commissioners' by virtue of his highways commission directed from this noble court.⁴²⁴ He began to survey Spondon, its wastes, Spondon Moor, and other parcels and limits in September 1632 until 24 October 1632 and made into a map which was shown to the relator, Mr Gilbert.⁴²⁵ He asked the inhabitants of Spondon twice to show him the boundaries of Spondon but none of them came to assist him.⁴²⁶ Mr Gilbert himself rode with him and showed him the fields, wastes, commons and boundaries of Spondon, but was not with him when he measured any part of Spondon.⁴²⁷ He was assisted in surveying and measuring of Spondon by the plaintiffs' Richard Vallons, Robbie Sadler, Francis Bott and Philip Gilbert.⁴²⁸ The map was presented to the Commissioners.⁴²⁹ It was measured by him to his best judgement and skill partly by chaining and the rest by pacing, but he was interrupted by William Hollingsworth and Francis Brecknock of Spondon.⁴³⁰ This way he measured by chain Spondon Moor, Spondon Waste, Brunswood Leys and Brunswood closes, Goodwyche Leys and Goodwyche closes and the circumference of Brookfield.⁴³¹ He measured Brookfield closes, the field next to Derby and the field next to Borrowash by verae and pacing only so he cannot be absolutely exact with his judgement and skill sussing-out the limits and bounds and numbers of closes contained in them.⁴³² In the course of making this map and survey he has dealt plainly and squarely, to the best of his knowledge,

⁴¹⁶ folio 8 lines 977 – 980

⁴¹⁷ folio 8 lines 982 – 983

⁴¹⁸ folio 8 lines 984 – 988

⁴¹⁹ folio 8 lines 989 – 990

⁴²⁰ folio 8 lines 991 – 992

⁴²¹ folio 8 lines 992 – 994

⁴²² folio 8 lines 995 – 996

⁴²³ folio 8 lines 997 – 998

⁴²⁴ folio 8 lines 998 – 1000

⁴²⁵ folio 8 lines 1000 – 1005

⁴²⁶ folio 8 lines 1006 – 1007

⁴²⁷ folio 8 lines 1008 – 1010

⁴²⁸ folio 8 lines 1010 – 1012

⁴²⁹ folio 8 lines 1012 – 1013

⁴³⁰ folio 8 lines 1013 – 1017

⁴³¹ folio 8 lines 1017 – 1020

⁴³² folio 8 lines 1021 – 1024

according to the map enclosed and subscribed by the commissioners' which he humbly prays he can favour this honourable court by preparing the case as has been accustomed before.⁴³³

[signed] Thomas Clayton, Joseph Osborne, and Richard Brandreth.⁴³⁴

Interrogatories to be administered to witnesses to be produced on the and part and behalf of Sir Edward Mosely knight his Majesties Attorney General of his highness Duchy of Lancaster, by or Relation of Thomas Gilbert Esquires Complainant⁴³⁵

Against Thomas Hollingsworth John Carrington John Taylor Thomas Norton and other defendants⁴³⁶

1. Do you know Spondon in Derbyshire?⁴³⁷
 - a) How long have you known or dwelt in Spondon?⁴³⁸
 - b) Do you know a parcel of ground called the Kings Waste or Spondon Waste?⁴³⁹
2. Do you know an arable field in Spondon called Goodwich Leys or Brunswood Leys?⁴⁴⁰
 - a) How long have you known the same or any of them?⁴⁴¹
 - b) How long have Brunswood Leys and Goodwich Leys been in common with Brook field in the fallow year?⁴⁴²
 - c) After Brook Field has been harvested of its corn have the Inhabitants of Spondon and the Cottagers put their cattle into Brunswood and Goodwich Leys without any impounding or interruption until about ten or twelve years ago when the said Leys were inclosed?⁴⁴³
 - d) Who inclosed or caused the said Leys to be inclosed?⁴⁴⁴
 - e) Have the Cottiers been ever since inclosing been barred and kept from the use of the common?⁴⁴⁵

⁴³³ folio 8 lines 1025 – 1029

⁴³⁴ folio 8 lines 1031 – 1033

⁴³⁵ folio 10 lines 1126 – 1129

⁴³⁶ folio 10 lines 1130 – 1131

⁴³⁷ folio 10 line 1132

⁴³⁸ folio 10 lines 1132 – 1133

⁴³⁹ folio 10 lines 1133 – 1134

⁴⁴⁰ folio 10 lines 1135 – 1136

⁴⁴¹ folio 10 line 1136

⁴⁴² folio 10 lines 1136 – 1139

⁴⁴³ folio 10 lines 1139 – 1142

⁴⁴⁴ folio 10 lines 1142 – 1143

⁴⁴⁵ folio 10 lines 1143 – 1144

3. Are there some pieces of common or Waste ground inclosed lying in Brunswood and Goodwich Leys lying by the Brook side that leads from the Brookfield Gate or Brook Ford towards Locko Lane End?⁴⁴⁶
 - a) What other pieces of common or Waste ground are there on Brunswood and Goodwich Leys do you know?⁴⁴⁷
 - b) Name the particular places and names of such common ground there?⁴⁴⁸
4. Do some of the inhabitants of Spondon and who stopped-up and Inclosed with hedges and ditches the ancient Church highway leading over Goodwich Leys that the plaintiff and his ancestors have used for all time from his house at Locko to Spondon Church?⁴⁴⁹
 - a) Have they likewise inclosed into their several closes some of the common ground at the Brook Side?⁴⁵⁰
 - b) Who now hold the same grounds and any at is the Exbush through!⁴⁵¹
5. Have you kept or seen cattle kept by Cottiers and other poor men on the common being in Goodwich and Brunswood lying by the Brook Side from the place called Brook Field Gate leading to or near Locko Lane End or the close now in the occupation of William Drakelow?⁴⁵²
 - a) Name what cottiers and how many poor people you have seen keep their kin on the said common ground⁴⁵³
 - b) Are the poor Cottiers now barred from eating the common and by whom?⁴⁵⁴
 - c) Is there a punishment made by the Jurors that a court held for the Manor of Spondon, so that poor Cottiers and those that have no lands in Goodwich and Brunswood should be subjected to if they put any cattle there and how poor the Jurors that sth such said payer?⁴⁵⁵
6. How many closes are there now Inclosed or kept in severalty on Brunswood and Goodwich Leys?⁴⁵⁶
 - a) How long have they been Inclosed and by whom?⁴⁵⁷
 - b) Who now hold the closes?⁴⁵⁸

⁴⁴⁶ folio 10 lines 1145 – 1147

⁴⁴⁷ folio 10 lines 1147 – 1148

⁴⁴⁸ folio 10 lines 1148 – 1149

⁴⁴⁹ folio 10 lines 1150 – 1152

⁴⁵⁰ folio 10 lines 1152 – 1153

⁴⁵¹ folio 10 lines 1153 – 1154

⁴⁵² folio 10 lines 1155 – 1157

⁴⁵³ folio 10 lines 1157 – 1158

⁴⁵⁴ folio 10 lines 1158 – 1159

⁴⁵⁵ folio 10 lines 1159 – 1161

⁴⁵⁶ folio 10 lines 1162 – 1163

⁴⁵⁷ folio 10 line 1163

⁴⁵⁸ folio 10 line 1163

7. Is there a piece of common ground lying in Brunswood Leys called Rough Close Nook or lying at the Rough Close Nook End lately in the occupation of Thomas Wright of Spondon?⁴⁵⁹
 - a) From whom did he take the same or what yearly rent did he pay for the same?⁴⁶⁰
 - b) Did he pay rent to the Inhabitants of Spondon or for their use and to what use, and by their appointment?⁴⁶¹
 - c) How long did he hold this close?⁴⁶²
8. Did the Inhabitants of Spondon or someone of their appointment or procurement Inclose the close called the Rough Close Nook above twenty years ago?⁴⁶³
 - a) Have they or some by their appointment for them received the rents and profits of the close ever since; until about two or three years ago that the plaintiff demanded the rent for the close?⁴⁶⁴
 - b) Have the Inhabitants since the plaintiff demanded the rent; let the close lye open and be eaten in Common?⁴⁶⁵
 - c) How long is it since the close was first Inclosed?⁴⁶⁶
 - d) Who were the tenants there before Thomas Wright occupied the same?⁴⁶⁷
 - e) What rents for the use of the town of Spondon or the close pay fifteen shillings (being part of the Rent of the close) to the peace keeper of the fields of Spondon?⁴⁶⁸
 - f) By whose appointment did you pay the same?⁴⁶⁹
9. Were you among others and where by name empanelled in a Jury at a court held for the Manor of Spondon 27th March 1632, appointed by the steward of the Manor of Spondon for the setting forth of high ways and other pieces of common ground on Brunswood and Goodwich Leys?⁴⁷⁰
 - a) What are the names of the several parcels of common ground there that were then given in evidence to you and the rest of the Jury, upon oath?⁴⁷¹
 - b) Is this verdict now showed to you; the verdict you then found upon such your evidence?⁴⁷²

⁴⁵⁹ folio 10 lines 1164 – 1165

⁴⁶⁰ folio 10 lines 1165 – 1166

⁴⁶¹ folio 10 lines 1166 – 1167

⁴⁶² folio 10 line 1167

⁴⁶³ folio 10 lines 1168 – 1169

⁴⁶⁴ folio 10 lines 1169 – 1171

⁴⁶⁵ folio 10 lines 1171 – 1172

⁴⁶⁶ folio 10 lines 1172 – 1173

⁴⁶⁷ folio 10 line 1173

⁴⁶⁸ folio 10 lines 1173 – 1176

⁴⁶⁹ folio 10 line 1176

⁴⁷⁰ folio 10 lines 1177 – 1180

⁴⁷¹ folio 10 lines 1180 – 1181

⁴⁷² folio 10 lines 1181 – 1182

10. Are you tenant of a parcel of ground called the Waste or Spondon Waste or the King's Waste in Spondon or any part thereof?⁴⁷³
- a) How much, and what rent was paid or you paid yearly for the same?⁴⁷⁴
 - b) What lease or term of years, or grant have you in the same?⁴⁷⁵
 - c) Who made the lease term or grant?⁴⁷⁶
11. What is the yearly rent which you pay for the King's Waste?⁴⁷⁷
- a) What times or fines or days in the year is your rent due to be paid by your lease or grant?⁴⁷⁸
 - b) Do you pay or have you paid the same rent to the King or his Bailiff of the Manor of Spondon for his use at the times accordingly as it ought to be paid?⁴⁷⁹
 - c) How many years have you paid the same rent xxerst the twiheall lasgue?⁴⁸⁰
 - d) Did the king or his Bailiff appoint you to gather the same?⁴⁸¹
12. Have you paid the rent for the King's Waste for twenty thirty or forty years which you now pay?⁴⁸²
- a) Has the waste lain open to the Common called Spondon Moor and Brunswode Leys many years about Michaelmas time and most part of winter till now of late years?⁴⁸³
 - b) How long is it since it lay open in winter?⁴⁸⁴
 - c) How many years have you known the Waste to have been kept in several all the year?⁴⁸⁵
13. Did Thomas Hollingworth John Carrington and John Taylor (three of the defendants) or any of them about two or three years ago bid hire, or agree with you to grub up thorns in the Waste, or which of them, or who did bid or agree with you so to do?⁴⁸⁶
- a) How many days or how long time did you so grub thorns in the Wastes and what wages or money had you for the same?⁴⁸⁷

⁴⁷³ folio 10 lines 1183 – 1184

⁴⁷⁴ folio 10 line 1184

⁴⁷⁵ folio 10 lines 1184 – 1185

⁴⁷⁶ folio 10 line 1185

⁴⁷⁷ folio 10 line 1186

⁴⁷⁸ folio 10 lines 1186 – 1187

⁴⁷⁹ folio 10 lines 1187 – 1189

⁴⁸⁰ folio 10 line 1189

⁴⁸¹ folio 10 line 1190

⁴⁸² folio 10 lines 1191 – 1192

⁴⁸³ folio 10 lines 1192 – 1193

⁴⁸⁴ folio 10 lines 1193 – 1194

⁴⁸⁵ folio 10 lines 1194 – 1195

⁴⁸⁶ folio 10 lines 1196 – 1199

⁴⁸⁷ folio 10 lines 1199 – 1200

- b) Who by name paid you the same wages?⁴⁸⁸
 - c) Did you break up the soil of the said Waste by grubbing till you were forbidden by the plaintiff or his servants?⁴⁸⁹
 - d) Who did grub thorns then here with you?⁴⁹⁰
 - e) Did you about the said time cut fell down and square the great oak then growing in the said Waste?⁴⁹¹
 - f) Who did then help you to cut the same tree?⁴⁹²
 - g) Did you receive twenty pence for cutting and squaring the oak?⁴⁹³
 - h) Who hired you so-to-do?⁴⁹⁴
 - i) Who paid you the money for that labour, and where have the thorns been grubbed from?⁴⁹⁵
14. Have Brunswood Leys and Goodwich Leys lain open to the arable field called Brook Field in Spondon and been used and eaten in common (by cattle of the freeholders, tenants, and poor cottiers) as long as you can remember with the said field when harvest had been Inned (till the same had been sown with corn and laid several again until about ten or eleven years ago?⁴⁹⁶
- a) Who did Inclose Brunswood and Goodwich from the Brookfield Leys?⁴⁹⁷
 - b) When was it inclosed?⁴⁹⁸
 - c) Have the poor cottiers been ever since hindered and barred from the use of the common ground there, which they had before such Inclosure?⁴⁹⁹
 - d) Did the King or his farmer or any for him give consent to Inclose the same?⁵⁰⁰
 - e) Are there two or three high ways going over the Brunswood and Goodwich Leys which the Inhabitants of Spondon have Inclosed within the same?⁵⁰¹
 - f) Likewise many pieces of waste ground within the same?⁵⁰²

⁴⁸⁸ folio 10 line 1200

⁴⁸⁹ folio 10 lines 1200 – 1201

⁴⁹⁰ folio 10 line 1202

⁴⁹¹ folio 10 lines 1202 – 1203

⁴⁹² folio 10 line 1203

⁴⁹³ folio 10 lines 1203 – 1204

⁴⁹⁴ folio 10 line 1204

⁴⁹⁵ folio 10 lines 1204 – 1205

⁴⁹⁶ folio 10 lines 1206 – 1209

⁴⁹⁷ folio 10 lines 1209 – 1210

⁴⁹⁸ folio 10 line 1210

⁴⁹⁹ folio 10 lines 1210 – 1211

⁵⁰⁰ folio 10 line 1212

⁵⁰¹ folio 10 lines 1212 – 1214

⁵⁰² folio 10 line 1214

15. Are there many pieces of common waste and common pieces of grounds Inclosed within the Brunswood and Goodwich Leys by the Inhabitants of Spondon where poor cottiers have formerly, as long as you remember, used to tether their kin, till about ten or eleven years ago when it was inclosed?⁵⁰³
- a) Name the pieces of Waste common ground or describe them how and where they lie?⁵⁰⁴
 - b) Has that ground lying by the brook along or in a place now called the Brook Field Gate to or very not near to nether Locko Lane End been accounted and used as Waste common for the poor cottiers to tie their kin upon, for as long as you remember till it was inclosed?⁵⁰⁵
 - c) Has a piece of ground Dallisitch lying in Brunswood Leys borne likewise accounted and used as waste or common ground?⁵⁰⁶
 - d) Have you kept or tied one cow on the common pieces in the summer time and seen many other poor people likewise do so?⁵⁰⁷
16. Do you know a piece of ground called the Rough Close Nook now Inclosed (lying next to a Wood of the plaintiff's) in the occupation of Mr John Byrch late Vicar of Spondon deceased and since his death in the occupation of Thomas Wright of Spondon?⁵⁰⁸
- a) What yearly Rent did Mr Byrch and Thomas Wright or other of them pay the same to the constables of Spondon for their times being or to whom also and to whose use did they pay the same?⁵⁰⁹
 - b) Was the ground called Rough Close Nook a parcel of Brunswood as before it was inclosed?⁵¹⁰
 - c) Who has or does since said ground?⁵¹¹
17. Is a piece of ground lying in Brook field of Spondon called Pike hades common ground?⁵¹²
- a) Have many such people and cottiers fed to brethren or eat the same with their cattle in your memory common ground at such times as the same was commonable?⁵¹³
 - b) Is the great part of the hades now encroached upon and ploughed away by those who have lands shooting upon the same?⁵¹⁴

⁵⁰³ folio 10 lines 1215 – 1217

⁵⁰⁴ folio 10 lines 1217 – 1218

⁵⁰⁵ folio 10 lines 1218 – 1221

⁵⁰⁶ folio 10 lines 1221 – 1222

⁵⁰⁷ folio 10 lines 1222 – 1223

⁵⁰⁸ folio 9 lines 1036 – 1038

⁵⁰⁹ folio 9 lines 1038 – 1039

⁵¹⁰ folio 9 lines 1039 – 1040

⁵¹¹ folio 9 lines 1040 – 1041

⁵¹² folio 9 line 1042

⁵¹³ folio 9 lines 1042 – 1044

⁵¹⁴ folio 9 lines 1044 – 1045

- c) Name those men that have their lands shooting on the said the hades which have encroached with their ploughs?⁵¹⁵
 - d) How far in length they have encroached or ploughed up the hades within your memory?⁵¹⁶
 - e) What have you heard and believe in your conscience concerning the same?⁵¹⁷
18. What money for other things and how much have you given or proffered to give toward maintenance of the suite now in question against the plov?⁵¹⁸
- a) Who did move you to do so and or there eaten you if you would not?⁵¹⁹
 - b) Who else by does contribute or promise to contribute?⁵²⁰
 - c) By what assessment or rate are you taxed for such payment or Contribution?⁵²¹
19. Did you keep the plaintiff's sheep on the ground lying by the brook side near to the brook side gate in Goodwich and Brunswood at such time as Thomas Hollingsworth John Carrington John Taylor and one Norton came here to you and took them from you and drove them to the pinfold?⁵²²
- a) Was it after harvest, and the Corn was taken inside in the Brook field in Spondon?⁵²³
20. What evidence or writings have you known seen or heard read, which mentioned or concerned any lands? ⁵²⁴
- a) What name is given to any use or uses to the church or town or inhabitants of Spondon?⁵²⁵
 - b) Who hath read the same?⁵²⁶
 - c) Who had them or has them now in keeping?⁵²⁷
 - d) Were they or some of them taken out of the coffer or chest standing in Spondon church?⁵²⁸
21. How many Inclosures do you know are now within the manor of Spondon?⁵²⁹

⁵¹⁵ folio 9 lines 1045 – 1046

⁵¹⁶ folio 9 lines 1046 – 1047

⁵¹⁷ folio 9 lines 1047 – 1048

⁵¹⁸ folio 9 lines 1049 – 1050

⁵¹⁹ folio 9 line 1050

⁵²⁰ folio 9 lines 1050 – 1051

⁵²¹ folio 9 lines 1051 – 1052

⁵²² folio 9 lines 1053 – 1055

⁵²³ folio 9 lines 1055 – 1056

⁵²⁴ folio 9 line 1057

⁵²⁵ folio 9 lines 1057 – 1058

⁵²⁶ folio 9 line 1058

⁵²⁷ folio 9 lines 1058 – 1059

⁵²⁸ folio 9 lines 1059 – 1060

⁵²⁹ folio 9 line 1061

- a) How in any of them do you hold in your occupation? ⁵³⁰
 - b) How long is it since they were Inclosed? ⁵³¹
 - c) Are the closes most or all of them taken in by exchanging of lands, one freeholder with another, and with other mens' tenants? ⁵³²
 - d) Did the King being Lord of the Manor or any other for him give consent to such Inclosures or any of them? ⁵³³
22. Have not and do not the freeholders and farmers of Spondon that have Inclosed their lands and keep them in severalty do so keep their stocks of sheep horses and cattle in the arable fields and wastes and common grounds as formerly they did where by their poor neighbours are much appreciate? ⁵³⁴
23. Have you many times seen John Carrington and Thomas Hollingworth with others the Inhabitants of Spondon serve as Jurors at the Court held for the Manor of Spondon and have you sometimes served on the same Jury with them? ⁵³⁵
24. Have the tenants of the kings demesnes or lands within the Manor had and used common for their horses and cattle in the arable fields and wastes and other comonable places within the manor as other freeholders and farmers there have had crossed, whether the truth? ⁵³⁶
25. Were you Steward or Deputy Steward for the Manor of Spondon for the time being at such time and times when these Courts mentioned in these Court rolls now showed to you were held in and for the Manor of Spondon? ⁵³⁷
- a) Is your name subscribed under the said court rolls, and Estreytes of your own handwriting or by your appointment so subscribed? ⁵³⁸
26. Is there the some of the waste or common ground by the brook side on Brunswood taken in and Inclosed into the closes of John Carrington's, and a close in the occupation of James Olerenshaw, and in some other Closes shooting upon the brook there, that divides Brunswood Leys from Goodwich Leys? ⁵³⁹
- a) How many closes shooting upon the brook are there, that have some of the Common or Waste grounds in them where many poor men have long since kept their kin? ⁵⁴⁰

⁵³⁰ folio 9 lines 1061 – 1062

⁵³¹ folio 9 line 1062

⁵³² folio 9 lines 1062 – 1063

⁵³³ folio 9 lines 1063 – 1064

⁵³⁴ folio 9 lines 1065 – 1067

⁵³⁵ folio 9 lines 1068 – 1070

⁵³⁶ folio 9 lines 1071 – 1073

⁵³⁷ folio 9 lines 1074 – 1075

⁵³⁸ folio 9 lines 1075 – 1077

⁵³⁹ folio 9 lines 1078 – 1080

⁵⁴⁰ folio 9 lines 1080 – 1082

- b) Who does now hold the closes and common grounds in severalty?⁵⁴¹
27. Are all the pieces of Common grounds or Waste grounds lying on Brunswood and Goodwich Leys hedged and taken in in severalty from other men's grounds that lye adjoining to them as other men have Inclosed their lands there?⁵⁴²
- a) Is the Waste or common ground by the brook side near the brook field gate inclosed from Thomas Hollingsworth or other men's lands, there; or lye intermixed among other men's lands there?⁵⁴³
- b) Were the Brunswood and Goodwich Leys with all the several pieces of Waste and Common ground lying within them taken in and Inclosed with a ring hedge by the inhabitants of Spondon about ten or twelve years ago?⁵⁴⁴
- c) Since which time have they enjoyed the said Waste grounds, and kept out the poor, and taken money for the Waste grounds together with their own lands there, by leasing of beasts there and converting the money for Joytinge the said Cattle to their own use?⁵⁴⁵
28. Do you know the ground within the Manor of Spondon called the King's Waste or Spondon Waste or the Waste?⁵⁴⁶
- a) Doth the Waste lye adjoining to the great moor commonly called Spondon Moor on the East, and adjoining to the Brunswood Leys on the West?⁵⁴⁷
- b) Is the Waste now Inclosed on the North and South side with other men's closes and hedges?⁵⁴⁸
29. Were you one of the Jury (among others) at the Court held for the king for his Manor of Spondon the 3rd April in the 14th year of King James over England when Robert Knowles was amechied[?] for cutting wood in the Waste for the feeding his beasts in Winter?⁵⁴⁹
30. What copyhold lands do you know or have heard are within the Manor of Spondon?⁵⁵⁰
- a) Who holds the same?⁵⁵¹
- b) What lands do you know or have heard that are concealed within the Manor and whose occupation are they now in, Except old and able? The four sath? their time? crbor? Coaback Or butter for now or yet Can⁵⁵²

⁵⁴¹ folio 9 line 1082

⁵⁴² folio 9 lines 1083 – 1085

⁵⁴³ folio 9 lines 1085 – 1086

⁵⁴⁴ folio 9 lines 1086 – 1089

⁵⁴⁵ folio 9 lines 1089 – 1091

⁵⁴⁶ folio 9 lines 1092 – 1093

⁵⁴⁷ folio 9 lines 1093 – 1094

⁵⁴⁸ folio 9 lines 1094 – 1095

⁵⁴⁹ folio 9 lines 1096 – 1098

⁵⁵⁰ folio 9 line 1099

⁵⁵¹ folio 9 line 1100

⁵⁵² folio 9 lines 1100 – 1102

31. Was Henry Clarke deceased tenant to the king's lands in Spondon for many years which now the plaintiff has in his occupation?⁵⁵³
- a) Has Henry Clarke kept cattle and sheep on the common and fields of Spondon as other farmers had?⁵⁵⁴
32. Are you of kindred or near alliance to most or some of the defendants and which of them?⁵⁵⁵
- a) Do you dwell within the Manor of Spondon or claim some title or interest in the same?⁵⁵⁶
33. Is Thomas Hollingworth a man that hath raised many troubles and variance in Spondon and his neighbours has caused such suites and troubles in Spondon as were not before her twice raised?⁵⁵⁷
34. Have you gathered the King's Rent from the Waste of Spondon how many years have you gathered the same?⁵⁵⁸
- a) Who appointed you to gather the Rent and whom ⁵⁵⁹
- b) Did you pay the same?⁵⁶⁰
- c) Is this note or Rental now showed to you the note or Rental by which you gathered the same rent of the king's Waste?⁵⁶¹
35. Are you a practised surveyor? ⁵⁶²
- a) If yes, have you lately and when surveyed or set forth the boundaries of the Manor of Spondon, and the Wastes there, or part or such part and so much thereof?⁵⁶³
- b) What is or are the extents contents and abuttals thereof, or of such part or such part and so much thereof?⁵⁶⁴
- c) By whom were you directed or assisted therein?⁵⁶⁵
- d) Is the survey or plot now delivered by you to the Commissioners, a true survey and plot to the best of your art and skill?⁵⁶⁶

⁵⁵³ folio 9 lines 1103 – 1104

⁵⁵⁴ folio 9 lines 1105 – 1106

⁵⁵⁵ folio 9 line 1107

⁵⁵⁶ folio 9 line 1108

⁵⁵⁷ folio 9 lines 1109 – 1110

⁵⁵⁸ folio 9 line 1111

⁵⁵⁹ folio 9 line 1112

⁵⁶⁰ folio 9 line 1112

⁵⁶¹ folio 9 lines 1112 – 1114

⁵⁶² folio 9 line 1115

⁵⁶³ folio 9 lines 1115 – 1116

⁵⁶⁴ folio 9 line 1017

⁵⁶⁵ folio 9 line 1118

⁵⁶⁶ folio 9 lines 1118 – 1119

36. What other matter or thing do you know that may be anayleable to the plaintiff in this suite?⁵⁶⁷

signed Thomas Clayton, Joseph Osborne, Robert Hope, Richard Brandreth

⁵⁶⁷ folio 9 line 1120

Richard Osborne of Ockbrook, Derbyshire, yeoman aged 51, sworn and examined ⁵⁶⁸

15. He has known well all the defendants (except Norton) who is a poor man for 60 years and more, that the freeholders, their tenants and farmers have usually cut gorse on Spondon Moor or Spondon Waste or beast pasture at their pleasure. ⁵⁶⁹ As long as he can remember, there have been and now are pits in the waste but he does not know who dug them. ⁵⁷⁰ All or most of Spondon Waste now lies in ridge and furrow and has done as long as he can remember. ⁵⁷¹ Spondon Moor is common in Spondon and Ockbrook and Spondon Waste as belonging to Spondon the freeholders and their tenants all the time he can remember. ⁵⁷²
18. He knows Spondon Waste and wrongly believes that the freeholders and tenants of Spondon have beast pastures within Spondon Waste. ⁵⁷³ The beast gates are parts of their several tenements and freeholders land. ⁵⁷⁴ He really believes that the soil of the waste have belonged to the freeholders and tenants of Spondon as long as he can remember. ⁵⁷⁵

Christopher Colombell of Ockbrook, Derbyshire, yeoman aged 72, sworn and examined. ⁵⁷⁶

1. He has known all the parties mentioned in the interrogatory for 20 years, except Norton, who he does not know. ⁵⁷⁷
2. He has known the Manor or Lordship of Spondon for 60 years, but does not know it is in possession of the Duchy of Lancaster at Tutbury in Staffordshire. ⁵⁷⁸
3. He does not know any lands in Spondon called demesne lands but he does know there are lands lying in several fields of Spondon called Queen's land in the time of the Queen or now King's land and now by common report Thomas Gilbert, the relator, now holds the same. ⁵⁷⁹
4. Henry Clarke late of Borrowash, deceased occupied the King's land but he does not know if he had right of common upon the freeholders lands in Spondon in right for this this land. ⁵⁸⁰
5. He has known as long as he can remember that the freeholders of Spondon have used the common for themselves and their farmers for all manner of cattle kept upon their freehold, especially from the time that the corn was cut until it was sown again. ⁵⁸¹ In through and out of

⁵⁶⁸ folio 11 (7 (2) lines 1226 – 1227

⁵⁶⁹ folio 11 (7 (2) lines 1228 – 1232

⁵⁷⁰ folio 11 (7 (2) lines 1233 – 1235

⁵⁷¹ folio 11 (7 (2) lines 1235 – 1237

⁵⁷² folio 11 (7 (2) lines 1237 – 1240

⁵⁷³ folio 11 (7 (2) lines 1241 – 1243

⁵⁷⁴ folio 11 (7 (2) lines 1243 – 1244

⁵⁷⁵ folio 11 (7 (2) lines 1244 – 1247

⁵⁷⁶ folio 11 (7 (2) lines 1248 – 1249

⁵⁷⁷ folio 11 (7 (2) lines 1250 – 1252

⁵⁷⁸ folio 11 (7 (2) lines 1253 – 1257

⁵⁷⁹ folio 11 (7 (2) lines 1258 – 1262

⁵⁸⁰ folio 11 (7 (2) lines 1263 – 1266

⁵⁸¹ folio 11 (7 (2) lines 1267 – 1272

the relator's arable land found time.⁵⁸² The King's land as in and through all the common fields in Spondon so large as they are now unenclosed.⁵⁸³

6. The freeholders of Spondon have usually taken-in closes out of the common fields of Spondon at their pleasure but he does not know whether the own their lands are owned by exchange.⁵⁸⁴ None of the freeholders of Spondon have common these closes after they were enclosed.⁵⁸⁵
11. He does now know that the relator, before he purchased his majesties land in Spondon, used to put cattle onto Goodrich and Brunswood or onto any common grounds or fields of Spondon in right of the King's lands.⁵⁸⁶ The freeholders and others in Spondon (for any King news to the contrary) agree that Goodrich and Brunswood should be enclosed to make them a beast pasture.⁵⁸⁷
15. He defends the freeholders (except Norton), whose estates, farmers and tenants have usually cut thorns and gorse on Spondon Waste and Spondon Moor all the time that he can remember anytime they wanted.⁵⁸⁸ 40 years ago he did cut gorse and thrones from here in the right of his father was a freeholder in Spondon.⁵⁸⁹ There was an ancient watering pit in Spondon Waste which the freeholders and inhabitants of Spondon used to scour and the dug another watering pit in Spondon Waste at the other end of the sit or shack and was enclosed.⁵⁹⁰ He has known the first pit for 60 years.⁵⁹¹ He now remembers that the other pit was dug about 12 years ago.⁵⁹² He said that Spondon Waste lies rig and furrow except shanks until they were fallow, all the time he can remember.⁵⁹³ The freeholders and tenants of Spondon had the use and profit of Spondon Moor and Spondon Waste all the time he can remember, except for the right of the inhabitants of Ockbrook on Spondon Moor.⁵⁹⁴
8. He knows Spondon Waste and that only freeholders have certain beasts pasture at there through their right of their Lordship in the court.⁵⁹⁵ Likewise the soil of Spondon Waste belongs to the freeholders of Spondon according to the rate of their beast gate as part of their several tenements, but this right has been reputed.⁵⁹⁶

James Ollershaw, freeholder, sworn and examined for the relations' part and now on the defendants' part.⁵⁹⁷

⁵⁸² folio 11 (7 (2) line 1272

⁵⁸³ folio 11 (7 (2) lines 1273 – 1274

⁵⁸⁴ folio 11 (7 (2) lines 1275 – 1277

⁵⁸⁵ folio 11 (7 (2) lines 1278 – 1279

⁵⁸⁶ folio 11 (7 (2) lines 1280 – 1284

⁵⁸⁷ folio 11 (7 (2) lines 1284 – 1286

⁵⁸⁸ folio 11 (7 (2) lines 1287 – 1291

⁵⁸⁹ folio 11 (7 (2) lines 1291 – 1293

⁵⁹⁰ folio 11 (7 (2) lines 1293 – 1296

⁵⁹¹ folio 11 (7 (2) line 1296

⁵⁹² folio 11 (7 (2) line 1297

⁵⁹³ folio 11 (7 (2) lines 1297 – 1299

⁵⁹⁴ folio 11 (7 (2) lines 1300 – 1303

⁵⁹⁵ folio 12 lines 1306 – 1308

⁵⁹⁶ folio 12 lines 1309 – 1312

⁵⁹⁷ folio 12 lines 1313 – 1314

16. He said that the defendants Thomas Hollingsworth and John Carrington have paid this last 2 years to Henry Agard, knight, or his deputy, which was demanded for their lands in Spondon, but he does not know what farms these are for certain, or whether it is for respite of homage or not.⁵⁹⁸ About 2 years ago, Sir Henry Agard's deputy demanded about 20 years' arrears of this payment for which he and the defendants complained about.⁵⁹⁹
17. About 12 years ago, Thomas Hollingsworth at the court leet with the relator was required by the Steward for the Manor of Spondon to serve this court Barron for a year but he refused to do this until the Steward promised him that he would not be paid any right. Upon this promise, he did then serve.⁶⁰⁰

Edward Newton of Chaddesden, yeoman aged 62 or thereabouts, sworn and examined.⁶⁰¹

1. He has known all parties in the interrogating named since their childhood except Norton.⁶⁰²
2. He has known Spondon for 50 years and has heard that Spondon has been in the possession of the Duchy of Lancaster belonging to the Lordship of Tutbury in Staffordshire.⁶⁰³
4. He knows no demesne lands in Spondon and therefore cannot answer any more on this question.⁶⁰⁴
5. For the last 50 years, the freeholders of Spondon have usually had common of pasture for themselves and their farmers to keep cattle on their freeholds throughout all the fields in Spondon at commonable times of the year and has never known or heard that it was otherwise for the last 2 years.
6. He knows and has seen the freeholders of Spondon take in and enclose their own land out of the arable fields of Spondon. He believes this was at their own decision keeping them several.⁶⁰⁵ They have not been used as common. He knows nothing to the contrary⁶⁰⁶
7. He knows grounds in Spondon called Brunswood and Goodwych Leys.⁶⁰⁷ These lie rig and furrow and believes that some shanks and places unfit for tillage yet he has seen corn sown on Goodwych Leys.⁶⁰⁸
18. He knows Spondon Waste.⁶⁰⁹ He has credibly heard that any of the freeholders in Spondon have beast gates there and everyone knows how many beast gates he has.⁶¹⁰ He believes that the beast pastures are part of their several tenements and that the soil of the waste belongs to the

⁵⁹⁸ folio 12 lines 1315 – 1318

⁵⁹⁹ folio 12 lines 1318 – 1321

⁶⁰⁰ folio 12 lines 1322 – 1327

⁶⁰¹ folio 12 lines 1328 – 1329

⁶⁰² folio 12 lines 1330 – 1332

⁶⁰³ folio 12 lines 1333 – 1337

⁶⁰⁴ folio 12 lines 1338 – 1339

⁶⁰⁵ folio 12 lines 1346 – 1352

⁶⁰⁶ folio 12 lines 1340 – 1345

⁶⁰⁷ folio 12 lines 1346 – 1355

⁶⁰⁸ folio 12 lines 1355 – 1358

⁶⁰⁹ folio 12 lines 1359 – 1360

⁶¹⁰ folio 12 lines 1360 – 1362

freeholders proportionate to the number of beast gates they hold.⁶¹¹ T this his has never been reputed since the time that he can remember.⁶¹²

William Drakley of Spondon, husbandman aged 84, sworn and examined.⁶¹³

1. He has known all the parties since his childhood.⁶¹⁴
2. He has known the Manor of Spondon for 70 years.⁶¹⁵ He does not know whether Spondon belongs to the Duchy of Lancaster under the Lordship of Tutbury.⁶¹⁶
3. There are 2 flats lying in Spondon known by the name of King's lands or demesne lands.⁶¹⁷ One of these flats lies in a field belonging to Synderlands containing 3 acres by estimation.⁶¹⁸ The other flat lying in Brookfield Spondon towards Lockoe called Lousy Grave containing 7 acres by estimation.⁶¹⁹
4. He knows Henry Lockoe and Lawrence Taylor, boy deceased, now tenants of these 2 flats.⁶²⁰ he knows Henry Clarke was tenant to one of these flats and one stint (that he can now remember) came into the possession of Mr Gilbert.⁶²¹, tenements and other inhabitants (excepting Mr Gilbert) have had common of pasture in Spondon without stints as entitlement for lands they have held there.⁶²²
5. As long as he can remember the freeholders of Spondon used to have common of pasture for themselves and their farmers for their cattle, kept on their freehold lands throughout the arable lands belonging to the plaintiff called the Kings Domaine as well as all the Town fields of Spondon at all times of the year so long as they were unenclosed and the fields fallow or harvested until they were sown again.⁶²³ All the time he can remember the freeholders used to have common throughout all the fields of Spondon at commonable times.⁶²⁴
6. The freeholders of Spondon used to take in and enclose their own lands from the common arable fields.⁶²⁵ Other enclosures followed and ever since the freeholders of Spondon have not been able to use common in these enclosures.⁶²⁶

⁶¹¹ folio 12 lines 1362 – 1365

⁶¹² folio 12 lines 1365 – 1366

⁶¹³ folio 12 lines 1367 – 1368

⁶¹⁴ folio 12 lines 1369 – 1370

⁶¹⁵ folio 12 lines 1371 – 1373

⁶¹⁶ folio 12 lines 1373 – 1374

⁶¹⁷ folio 12 lines 1375 – 1377

⁶¹⁸ folio 12 lines 1377 – 1378

⁶¹⁹ folio 12 lines 1378 – 1380

⁶²⁰ folio 12 lines 1381 – 1382

⁶²¹ folio 12 lines 1382 – 1384

⁶²² folio 12 lines 1384 – 1386

⁶²³ folio 13 lines 1388 – 1393

⁶²⁴ folio 13 lines 1393 – 1395

⁶²⁵ folio 13 lines 1396 – 1397

⁶²⁶ folio 13 lines 1398 – 1399

7. He knows Brunswood and Goodwych Leys in Spondon.⁶²⁷ All of Brunswood and Goodwych Leys lye Rig and furrow except some Shanks always places unfit for tillage.⁶²⁸ This ground appears in the past to have been tilled and sown with corn.⁶²⁹ He has seen the most part of Goodwych Leys and one Flatt in Brunswood Leys sown with corn.⁶³⁰
8. He strongly believes that some of the freeholders of Spondon do own their own land within Goodwich and Brunswood Leys as used by their farmers.⁶³¹ Further to this he does not answer.⁶³²
9. He does know the half acre in Goodwich Leys, the common baulk in Brunswood Leys, the parcel of ground in Burrow field called Ley Sick, a piece of Brookfield called Rough Close Nook and one-piece within the Meadows of Spondon called Kirke Pingle.⁶³³ All the time he can remember, he has known the inhabitants of Spondon, poor men and others tether their horses upon this ground (except Church Pingle).⁶³⁴
10. He cannot answer this question.⁶³⁵
11. He did not know the relator before he purchased his majesties demesne or any other of the King's farmers land in Spondon.⁶³⁶ The owner put in his cattle onto Goodwych and Brunswood Leys or any of the common fields during the open time in right of his demesne.⁶³⁷ He really believes that the husbandman in Spondon agreed that Brunswood and Goodwych Leys should be enclosed.⁶³⁸ He really believes that the cottages also agreed because they have a Couse gate there for 11 shillings from Mayday until Candlemas.⁶³⁹
12. He does know the closes in Spondon now belonging to the defendant Thomas Hollingworth and the lands viz: two closes in Goodwich Leys, one close in Brunswood Leys, but he does not know how long Thomas Hollingworth and those under him claimed the freehold or inhabitancy.⁶⁴⁰
13. He knows some closes belonging to the defendant John Carrington viz: one close in Brunswood Leys, one close in Goodwych Leys, which belongs to John Carrington, and one of his own freehold land which he has known to have been enclosed for 12 years.⁶⁴¹
14. He cannot certainly answer this question.⁶⁴²

⁶²⁷ folio 13 lines 1400 – 1401

⁶²⁸ folio 13 lines 1401 – 1402

⁶²⁹ folio 13 lines 1402 – 1403

⁶³⁰ folio 13 lines 1403 – 1405

⁶³¹ folio 13 lines 1406 – 1408

⁶³² folio 13 line 1408

⁶³³ folio 13 lines 1409 – 1412

⁶³⁴ folio 13 lines 1412 – 1415

⁶³⁵ folio 13 line 1416

⁶³⁶ folio 13 lines 1417 – 1419

⁶³⁷ folio 13 lines 1419 – 1420

⁶³⁸ folio 13 lines 1421 – 1422

⁶³⁹ folio 13 lines 1422 – 1424

⁶⁴⁰ folio 13 lines 1425 – 1428

⁶⁴¹ folio 13 lines 1429 – 1432

⁶⁴² folio 13 line 1433

15. All the time that he can remember the defendants' estates and their farmers and tenants and other freeholders in Spondon grubbed out gorse on Spondon Moor and gorse and thorns on Spondon Waste or beast pasture to spend in their several tenements in Spondon.⁶⁴³ He has scoured out pits for watering places in Spondon Moor and Spondon Waste.⁶⁴⁴ About 12 years ago he was hired amongst others to do a new pit at the nether end of Spondon Waste for a watering place for their cattle.⁶⁴⁵ All the time that he can remember the other pits have been scoured.⁶⁴⁶ All the time he can remember Spondon Waste has lain Rig and furrow.⁶⁴⁷ The inhabitants of Spondon have been using pits and pasturing on Spondon Moor and Spondon Waste.⁶⁴⁸ The inhabitants of Ockbrook use Spondon Moor as common.⁶⁴⁹
18. He knows Spondon Waste.⁶⁵⁰ Every freeholder within Spondon has beast pastures within Spondon Waste as part of their several tenements.⁶⁵¹ He really believes that the soil of the waste belongs to the freeholders of Spondon according to the rate of their beast gate as part of the several tenements.⁶⁵² The freeholders and others have had beast gates that have been reputed owners for the reigning King, but he has heard to the contrary.⁶⁵³
19. About 40 years ago, Robert Newton senior bailiff to the late Queen Elizabeth, of the Manor of Spondon and Chaddesden enclosed and endeavoured to keep enclosed a piece of ground in Spondon field called Dallysich, part of Spondon Waste, but Humphrey Brownell and John Newton, two of the inhabitants of Spondon were brought up from London, (but he had credibly heard) said little when they arrived.⁶⁵⁴ Since the casting open of these enclosures. The inhabitants of Spondon have enjoyed and kept them.⁶⁵⁵
20. The stint of the beast gates in Spondon Waste anciently consisted of 274 beast gates.⁶⁵⁶ All the time that he can remember each beast gate cost one penny in the waste, 20 shillings of which have been paid to the King or Queen's bailiff and the rest was disposed to those that gathered it, the waste Reeves.⁶⁵⁷ The waste Reeves gathered the rents and made sure that the waste were not out stinted.⁶⁵⁸ Lately the number of stints were drawn to half of as they were in the past now paying two pence a beast gate.⁶⁵⁹

⁶⁴³ folio 13 lines 1434 – 1437

⁶⁴⁴ folio 13 lines 1438 – 1439

⁶⁴⁵ folio 13 lines 1439 – 1441

⁶⁴⁶ folio 13 line 1441

⁶⁴⁷ folio 13 lines 1442 – 1443

⁶⁴⁸ folio 13 lines 1443 – 1444

⁶⁴⁹ folio 13 lines 1444 – 1445

⁶⁵⁰ folio 13 lines 1446 – 1447

⁶⁵¹ folio 13 lines 1447 – 1448

⁶⁵² folio 13 lines 1448 – 1450

⁶⁵³ folio 13 lines 1450 – 1452

⁶⁵⁴ folio 13 lines 1453 – 1458

⁶⁵⁵ folio 13 lines 1458 – 1459

⁶⁵⁶ folio 13 lines 1460 – 1461

⁶⁵⁷ folio 13 lines 1461 – 1463

⁶⁵⁸ folio 13 line 1464

⁶⁵⁹ folio 13, 1464 – 1466

Robert Rowland, formerly sworn on the plaintiffs' part now on the defendants' part.⁶⁶⁰

21. He is tenant at will to the complainant, Mr Gilbert for two parcels of land in Chaddesden at the value of 11d per annum.⁶⁶¹ He has no other dependency at all upon the complainants'.⁶⁶²

Michael Sarkson of Spondon, Wheelwright aged 67, sworn and examined.⁶⁶³

1. He knows one person named in the questions? Some of them for 50 years.⁶⁶⁴
2. He has known Spondon for 50 years.⁶⁶⁵
3. There were 2 Flatts, arable land belonging to the King in Spondon field and one Flatt lying in Borrowwash field, and another Flatt lying in Brookfield but he does not know their particulars; and another parcel of land called Cherry Leys adjacent to the old water near Synderlands named after one Cherry who farmed this land.⁶⁶⁶ These Leys are worth 40 shillings per annum.⁶⁶⁷
4. He has known Robert Dakin, late of Borrowwash deceased, that occupied the Flatt in Borrowwash field part of the King's land.⁶⁶⁸ Since Robert Dakin's death, Henry Clarke, now deceased, was the farmer of both Flatts belonging to the King.⁶⁶⁹ Both Flatts are now in the occupation of Mr Gilbert, the complainant.⁶⁷⁰ He was tenant of both Leys until about 5 or 6 years ago, at which time the complainant had them himself.⁶⁷¹ The farmers of the King's land did not have common of pasture upon the freeholders land in Spondon in right of the demesne lands for any King he knows of.⁶⁷²
5. All the time he can remember the freeholders of Spondon used to have common of pasture for themselves and their farmers to keep their cattle on their freehold lands.⁶⁷³ They also had use of the arable lands belonging to the plaintiffs' within Spondon within the common fields from when they were fallow or had their corn harvested until they were sown again so long as they were not enclosed.⁶⁷⁴
6. At will the freeholders of Spondon have taken in and enclosed certain closes of their own within the arable fields of Spondon and have enjoyed them without interruption.⁶⁷⁵

⁶⁶⁰ folio 13 line 1467

⁶⁶¹ folio 13 lines 1468 – 1469

⁶⁶² folio 13 lines 1469 – 1470

⁶⁶³ folio 14 lines 1472 – 1473

⁶⁶⁴ folio 14 lines 1474 – 1475

⁶⁶⁵ folio 14 lines 1476 – 1478

⁶⁶⁶ folio 14 lines 1479 – 1483

⁶⁶⁷ folio 14 lines 1483 – 1484

⁶⁶⁸ folio 14 lines 1485 – 1486

⁶⁶⁹ folio 14 lines 1486 – 1487

⁶⁷⁰ folio 14 lines 1487 – 1488

⁶⁷¹ folio 14 lines 1488 – 1490

⁶⁷² folio 14 lines 1490 – 1492

⁶⁷³ folio 14 lines 1493 – 1495

⁶⁷⁴ folio 14 lines 1495 – 1498

⁶⁷⁵ folio 14 lines 1499 – 1501

7. He knows Brunswood and Goodwych Leys in Spondon.⁶⁷⁶ Brunswood and Goodwych Leys lye in rigg and furrow except some shanks and places unfit for tillage.⁶⁷⁷ He really believes that Brunswood and Goodwych Leys have been sown with corn.⁶⁷⁸ He has got corn from Goodwich Leys himself as did his master before him.⁶⁷⁹
8. He really believes that all or most freeholders in Spondon do know their own lands in Goodwych and Brunswood Leys because he has seen them tether their cattle there.⁶⁸⁰
9. He knows a piece of ground in Burrow field called Dallysich and one-piece in Brook field called Rough Close Nook.⁶⁸¹ He does not know Ley Sick Pingle, the half-acre in Goodwych Leys, nor the common baulk in Brunswood Leys.⁶⁸² For the last 50 years, he has known that every day in the morning, the inhabitants of Spondon as well as the poor have tethered their horses on the common ground and at other times they have given their rents for use of the town of Spondon.⁶⁸³
10. He cannot answer more than he has already done.⁶⁸⁴
11. The relator, Mr Gilbert before, he purchased his majesties demesne lands in Spondon, nor any other of the King's farmers never put their cattle in either Goodwych or Brunswood Leys in the open time or any of the common fields in Spondon in right of the demesne lands.⁶⁸⁵ He has not known or heard of any difference between the freeholders and cottagers about taking in or enclosing the grounds called Brunswood Leys or Goodwich Leys.⁶⁸⁶
12. He does not know the closes in Spondon belonging to Thomas Hollingworth, but he has heard that Thomas Hollingworth has enjoyed these closes as he has quietly for any King, and he has not heard anything to the contrary.⁶⁸⁷
13. He does not know, in particular the closes belonging to John Carrington, the defendant in Spondon but he has heard that John Carrington and his descendants have enjoyed these quietly for any King, and he has not heard anything to the contrary.⁶⁸⁸
14. He does not know any particular that John Taylor, defendant claims in Spondon, but his ancestors have enjoyed the same.⁶⁸⁹
15. For the last 50 years the defendants and other freeholders of Spondon have cut, grubbed and got gorse from Spondon Moore and Spondon Waste; and thorns from Spondon Waste for use in

⁶⁷⁶ folio 14 lines 1502 – 1503

⁶⁷⁷ folio 14 lines 1503 – 1504

⁶⁷⁸ folio 14 lines 1504 – 1505

⁶⁷⁹ folio 14 lines 1505 – 1506

⁶⁸⁰ folio 14 lines 1507 – 1510

⁶⁸¹ folio 14 lines 1511 – 1512

⁶⁸² folio 14 lines 1512 – 1513

⁶⁸³ folio 14 lines 1513 – 1518

⁶⁸⁴ folio 14 line 1519

⁶⁸⁵ folio 14 lines 1520 – 1524

⁶⁸⁶ folio 14 lines 1525 – 1527

⁶⁸⁷ folio 14 lines 1528 – 1530. There are some missing words

⁶⁸⁸ folio 14 lines 1531 – 1533

⁶⁸⁹ folio 14 lines 1534 – 1536

their several tenements.⁶⁹⁰ They used to scour the watering pits on Spondon Moor called vicar pits and another pit on Spondon Waste which used to be scoured when needed.⁶⁹¹ Spondon Waste lies rigg [and furrow] except for a small parcel lying in the pit on Spondon Waste.⁶⁹² For the last 50 years the inhabitants of Spondon have had the benefit and profits of Spondon Waste and Spondon Moor.⁶⁹³

18. He knows Spondon Waste.⁶⁹⁴ Every freeholder in Spondon has certain beast gates within Spondon Waste as part of their several tenements.⁶⁹⁵ He really believes that Spondon Waste belongs to the freeholders and inhabitants of Spondon according to the rate of their beast gates as part of their tenements and so have been reputed owners of them for 50 years and upwards.⁶⁹⁶

William Coupe of Chaddesden, labourer, aged 90 or thereabouts, sworn and examined.⁶⁹⁷

18. He does know Spondon Waste and that certain beast gates lie within Spondon Waste or beast pasture.⁶⁹⁸ He really believes that these beast pastures are part of the freeholders several tenements.⁶⁹⁹ All the time he can remember this has been so and that the soil of Spondon Waste belongs to the freeholders of Spondon as part of the several tenements.⁷⁰⁰ He really believes this to be true because his father, who died about 40 years ago was keeper of Spondon Waste for the inhabitants of Spondon.⁷⁰¹

Richard Cheadle of Chaddesden, yeoman aged 40, sworn and examined.⁷⁰²

17. About 3 or 4 years ago the court Barron used to be kept by the complainant, Mr Gilbert for the Manor of Spondon.⁷⁰³ He heard that the defendants Thomas Hollingworth and John Taylor deny appearing and serving at any court Barron at Spondon.⁷⁰⁴ The then steward persuaded them to serve and promised the defendants, him and others that it be no prejudice to them for the Tyme to come if they would serve at the time, so they did serve at the court Barron.⁷⁰⁵

John Hollingworth of Spondon, yeoman aged 52, sworn and examined.⁷⁰⁶

⁶⁹⁰ folio 14 lines 1537 – 1540

⁶⁹¹ folio 14 lines 1540 – 1542

⁶⁹² folio 14 lines 1542 – 1544

⁶⁹³ folio 14 lines 1544 – 1546

⁶⁹⁴ folio 14 lines 1547 – 1548

⁶⁹⁵ folio 14 lines 1548 – 1549

⁶⁹⁶ folio 14 lines 1549 – 1551

⁶⁹⁷ folio 15 (3 (2) lines 1553 – 1554

⁶⁹⁸ folio 15 (3 (2) lines 1555 – 1557

⁶⁹⁹ folio 15 (3 (2) lines 1557 – 1558

⁷⁰⁰ folio 15 (3 (2) lines 1558 – 1560

⁷⁰¹ folio 15 (3 (2) lines 1561 – 1562

⁷⁰² folio 15 (3 (2) line 1563

⁷⁰³ folio 15 (3 (2) lines 1564 – 1565

⁷⁰⁴ folio 15 (3 (2) lines 1566 – 1567

⁷⁰⁵ folio 15 (3 (2) lines 1567 – 1570

⁷⁰⁶ folio 15 (3 (2) lines 1571 – 1572

16. Thomas Hollingworth and John Carrington pay homage to Sir Henry Agard all his deputy for the honorary of Tutbury for their several lands they have in Spondon.⁷⁰⁷ He knows this to be true because he pays homage in annual for lands that he holds in Spondon.⁷⁰⁸ Also (in right of his son, Richard? For homage off one vill as Sir Henry a guard deputy demanded and received by him.⁷⁰⁹ Now he remembers that at one time there was 20 years arrears of this respite money held for the names of ? About 2 years ago at the court Leet.⁷¹⁰
17. He was at a court leet where the defendants Thomas Hollingworth and John Taylor appeared.⁷¹¹ Mr Chadwick, the then steward of the court Leet called the jury for the court Barron to be held and swore Thomas Hollingworth and John Taylor to serve on the jury together with John Carrington.⁷¹² They refused to serve out voting the steward as it was contrary to their custom.⁷¹³ The steward said that they were already sworn to the court and entered John Taylor to serve at the time, saying that it would not prejudice against them.⁷¹⁴
20. All the time he can remember. He has paid the waste Reeves of Spondon a penny a stint for any beast gate in Spondon Waste from which there has been 17 shillings 6d paid to Thomas Gilbert, and 3 shillings 3d to Henry Gilbert, his son and the rest to the waste Reeves who gathered these stints.⁷¹⁵ |As best as he can remember, for 3 years Thomas Gilbert has refused to receive these 17 shillings and 6d.⁷¹⁶

Richard Knowles of Spondon, yeoman aged 60 sworn and examined.⁷¹⁷

1. He has known all the parties in the interrogatory named because he was born and dwells in Spondon except Norton that he has known since childhood, all the time he can remember.⁷¹⁸
2. He has known Spondon all the time he can remember, but he does not know that this is part of the Duchy of Lancaster belonging to the honour of Tutbury in Staffordshire.⁷¹⁹
3. He knows 2 flatts of arable land called the Kings land; one lying in Brookfield called Lousey Grave the other in the field next to Borrowash on a furlong adjacent to Dallysich.⁷²⁰ He knows another piece of King's land called Faukers Baulk Leys adjacent to the old water that he does not know the size of any of these.⁷²¹

⁷⁰⁷ folio 15 (3 (2) lines 1573 – 1575

⁷⁰⁸ folio 15(3 (2) lines 1575 – 1576

⁷⁰⁹ folio 15 (3 (2) lines 1576 – 1578. These lines are unintelligible

⁷¹⁰ folio 15 (3 (2) lines 1578 – 1580. These lines are partly unintelligible

⁷¹¹ folio 15 (3 (2) lines 1581 – 1582

⁷¹² folio 15 (3 (2) lines 1582 – 1585

⁷¹³ folio 15 (3 (2) lines 1585 – 1587. These lines are partly unintelligible

⁷¹⁴ folio 15 (3 (2) lines 1588 – 1591

⁷¹⁵ folio 15 (3 (2) lines 1592 – 1595

⁷¹⁶ folio 15 (3 (2) lines 1595 – 1597

⁷¹⁷ folio 15 (3 (2) lines 1598 – 1599

⁷¹⁸ folio 15 (3 (2) lines 1600 – 1602

⁷¹⁹ folio 15 (3 (2) lines 1603 – 1605

⁷²⁰ folio 15 (3 (2) lines 1606 – 1608

⁷²¹ folio 15 (3 (2) lines 1608 – 1610

4. He knows Henry Clark, farmer of 2 flatts of ground in Spondon, who used to have common of pasture on the freeholders lands in Spondon, but he does not know whether this was in the right of the demesne lands.⁷²²
5. All the time that he can remember the freeholders, farmers and tenants have usually had common of pasture where they have kept their cattle on the King's demesne when the fields were fallow, as well as on the plaintiff's farm on Dallysich common field between when the corn was cut and harvested until the fields were sown again.⁷²³
6. The freeholders of Spondon have taken in closes for their own lands out of the common arable fields in Spondon for their own use.⁷²⁴ He does not know any other freeholders of Spondon that had common within the Ley grounds after they were enclosed.⁷²⁵
7. All of Goodwych and Brunswood Leys in Spondon lie Rig and furrow except some shanks and siches or watery places that are not arable and on fit for tillage.⁷²⁶ It appears that these grounds have been anciently fallow.⁷²⁷ He has seen some parts of Goodwych Leys sown with corn and wheat.⁷²⁸
8. He believes that most of the freeholders of Spondon know their own land lying within Brunswood and Goodwych Leys.⁷²⁹ For the most part, it is known which farms belonging to Brunswood and Goodwych Leys.⁷³⁰ Many of the lands are there are marked out ready.⁷³¹
9. He knows Rough Close Nook in Brookfield well.⁷³² He has heard that there is a Ley Leys where the owner is not known.⁷³³ He has also heard that there is commonly in Brunswood Leys.⁷³⁴ He knows the piece of ground in a field next to Borrowwash called Ley Sick.⁷³⁵ He knows a little spot or Pingle Leys land in Spondon Meadows called Kirk Pingle.⁷³⁶ The rent of Kirk Pingle went to keeping the clerk keeper.⁷³⁷ The inhabitants of Spondon, rich and poor all the time he can remember, used to tether their horses and cattle upon these Leys at common of all times before they were enclosed, except for Leys in Goodwych Leys as he does not know how it has been used; and except the sick, which has been sometimes used as common and sometimes used for the town.⁷³⁸

⁷²² folio 15 (3 (2) lines 1611 – 1613

⁷²³ folio 15 (3 (2) lines 1614 – 1618

⁷²⁴ folio 15 (3 (2) lines 1619 – 1620

⁷²⁵ folio 15 (3 (2) lines 1621 – 1622

⁷²⁶ folio 15 (3 (2) lines 1623 – 1627

⁷²⁷ folio 16 lines 1627 – 1628

⁷²⁸ folio 16 lines 1628 – 1629

⁷²⁹ folio 16 lines 1630 – 1632

⁷³⁰ folio 16 lines 1632 – 1633

⁷³¹ folio 16 lines 1633 – 1634

⁷³² folio 16 lines 1635 – 1636

⁷³³ folio 16 lines 1636 – 1637

⁷³⁴ folio 16 lines 1637 – 1638

⁷³⁵ folio 16 lines 1638 – 1639

⁷³⁶ folio 16 lines 1639 – 1640

⁷³⁷ folio 16 lines 1640 – 1641

⁷³⁸ folio 16 lines 1641 – 1645

10. He does not answer this question again because he has already answered it.⁷³⁹
11. The relator, Mr Gilbert, or any of them have ring farmers of his demesne lands in Spondon before he purchased his majesties demesne lands they used to put their cattle in the open time onto Goodwych and Brunswood Leys or any of the field or common ground in Spondon.⁷⁴⁰ He was present and it hear when the freeholders and cottagers agreed that Goodwych and Brunswood Leys were to be enclosed.⁷⁴¹
12. He knows many of the closes in Spondon belonging to the defendant Thomas Hollingworth.⁷⁴² All the time he can remember, Thomas Hollingworth has held and occupied the ancient enclosures.⁷⁴³ Since the enclosure of the demesne he knows to the contrary that Hollingworth has held the demesne for himself and those under him for his Majesty.⁷⁴⁴ He concedes their freeholders inheritance.⁷⁴⁵
13. He knows the closes belonging to the defendant John Carrington in Spondon.⁷⁴⁶ The closes were taken in about 10 or 12 years ago and one of them 16 years ago.⁷⁴⁷ John Carrington has quietly enjoyed these 2 enclosures ever since, as well as the ancient enclosures as there freehold and inheritance all the time he can remember.⁷⁴⁸
14. He knows the closes in Spondon belonging to the defendant John Taylor, which have been enclosed beyond his memory and some others that have been taken and enclosed.⁷⁴⁹ John Taylor and those from whom have horses and ponies as their freehold or inheritance.⁷⁵⁰
15. The defendants encroached the land of the freeholders, the tenants and farmers in Spondon whose estates have usually, during winter, [?] All the time he can remember⁷⁵¹ He has heard that they have anciently grubbed out and got gorse from Spondon Moor (until now they have cut and got gorse for their use from Spondon Waste or the beast pasture). Lordship gone in their so what the tenants about was time and have denuded them according to the limits of each man's beast stint on the pasture, but of late they have cut and grubbed them at their pleasure.⁷⁵² He has been scouring the pits for watering places both in the nether end of Spondon Moor and Spondon Waste.⁷⁵³ About 15 years ago there was a new pit made in the nether end of Spondon Waste but there were already other watering pits before he can remember.⁷⁵⁴

⁷³⁹ folio 16 line 1646

⁷⁴⁰ folio 16 lines 1647 – 1650

⁷⁴¹ folio 16 lines 1651 – 1653

⁷⁴² folio 16 lines 1654 – 1655

⁷⁴³ folio 16 lines 1655 – 1656

⁷⁴⁴ folio 16 lines 1657 – 1658. These lines are partly illegible

⁷⁴⁵ folio 16 lines 1658 – 1659. These lines are partly illegible

⁷⁴⁶ folio 16 lines 1660 – 1661

⁷⁴⁷ folio 16 lines 1661 – 1662

⁷⁴⁸ folio 16 lines 1662 – 1664

⁷⁴⁹ folio 16 lines 1665 – 1667

⁷⁵⁰ folio 16 lines 1668 – 1669. These lines are partly illegible

⁷⁵¹ folio 16 lines 1670 – 1672. These lines are partly illegible

⁷⁵² folio 16 lines 1672 – 1676. These lines do not make sense entirely

⁷⁵³ folio 16 lines 1676 – 1677

⁷⁵⁴ folio 16 lines 1677 – 1679

Spondon Waste lies rig and furrow except where the last pit was made.⁷⁵⁵ The inhabitants of Spondon have had pasturing rights on Spondon Moor all the time that he can remember.⁷⁵⁶ All the time he can remember the ancient freeholders, tenants and cottagers of Spondon, which have had stints on Spondon Waste have had pasturing rights on Spondon Waste.⁷⁵⁷

18. He knows Spondon Waste.⁷⁵⁸ Only ancient freeholders and cottagers in Spondon have beast pasture on waste.⁷⁵⁹ He knows the beast pastures are part of Spondon, tenements.⁷⁶⁰ The soil of Spondon Waste belongs to the freeholders of Spondon according to the rate of their beast gate as part of their tenements.⁷⁶¹
19. He has heard that Mr Newton, the then Bailiff , for the manor of Spondon and Chaddesden for the late Queen Elizabeth since the Queen's time, has enclosed a piece of ground called Dallysich lying in Borrowash field but presently has been thrown open again by one of Mr Brandreth's sons and John Newton of Spondon .⁷⁶² Dallysich has since been held open and enjoyed by the inhabitants of Spondon.⁷⁶³

William Locko of Ilkeston, Butcher aged 80, sworn and examined.⁷⁶⁴

18. He knows Spondon Waste.⁷⁶⁵ Every one of the ancient freeholders in Spondon has certain beast pastures within Spondon Waste belonging to their several tenements.⁷⁶⁶ He concedes that the soil of Spondon Waste belongs to the freeholders of Spondon and their tenants.⁷⁶⁷ His father was a freeholder in Spondon and this was true then and has been all the time he can remember.⁷⁶⁸

Thomas Bamford of Chaddesden, yeoman aged 67, sworn and examined.⁷⁶⁹

Interrogatories to be administered to Witnesses to be produced in three parts on behalf of Thomas Hollingworth John Carrington John Taylor and Thomas Norton defendants against Thomas Gilbert Esq Jusonmacon in the name of Edward Moseley be held in a Riks Attorney of the Duchy of Lancaster plt

1. He has known the complainant, Mr Gilbert, and most of the defendants except Norton (who he has only seen.) all the time he can remember.⁷⁷⁰

⁷⁵⁵ folio 16 lines 1679 – 1681

⁷⁵⁶ folio 16 lines 1681 – 1682

⁷⁵⁷ folio 16 lines 1682 – 1685

⁷⁵⁸ folio 16 line 1686

⁷⁵⁹ folio 16 lines 1687 – 1688

⁷⁶⁰ folio 16 line 1688

⁷⁶¹ folio 16 lines 1688 – 1691

⁷⁶² folio 16 lines 1692 – 1696

⁷⁶³ folio 16 lines 1696 – 1697

⁷⁶⁴ folio 17 (4 (2) lines 1699 – 1700

⁷⁶⁵ folio 17(4 (2) lines 1701 – 1702

⁷⁶⁶ folio 17 (4 (2) lines 1702 – 1704

⁷⁶⁷ folio 17 (4 (2) lines 1704 – 1705

⁷⁶⁸ folio 17 (4 (2) lines 1706 – 1707

⁷⁶⁹ folio 17(4 (2) lines 1708 – 1709

⁷⁷⁰ folio 17 (4 (2) lines 1710 – 1712

2. He has known the manor of Spondon for more than 50 years.⁷⁷¹ He has now heard to the contrary that the manor is part of the possessions of the Duchy of Lancaster in the honour of Tutbury.⁷⁷²
4. As far as he can remember, Mr Newton, Thomas Newton, his son, Robert Newton the son of Thomas were all bailiffs for the manor of Spondon for both Queen Elizabeth and the King.⁷⁷³ He believes they farmed for the Lords of the King or Queen.⁷⁷⁴ Chersey, and after him Shiles, held part of the manor of Spondon under the Newtons'.⁷⁷⁵ He does not know that the farmers of the King's lands had common of pasture on the freeholders' lands in right of demesne.⁷⁷⁶
5. All the time he can remember the freeholders of Spondon used to have common of pasture for themselves, their tenants and farmers for all their cattle kept on their arable lands of the plaintiff, sometimes the King's demesne at all commonable times of the year.⁷⁷⁷ they also had common in all the fields of Spondon so long as they were semi-closed, as well as the fallow fields from when the corn was cut and harvested until they were sown again except for some new cottages lately erected who have no right of common here.⁷⁷⁸
6. The freeholders of Spondon have taken in many closes of their own lands from the arable fields of Spondon.⁷⁷⁹ He does not think that any other freeholder of Spondon have had common in any of the enclosed lands since they were enclosed.⁷⁸⁰
7. He knows Brunswode and Goodwyche Leys in Spondon.⁷⁸¹ Brunswode and Goodwyche Leys lye rigg and furrow (except for some shanks and baulks).⁷⁸² Brunswode and Goodwyche Leys have been anciently tilled because he has seen corn growing on part of Goodwyche Leys.⁷⁸³
18. He knows Spondon Waste.⁷⁸⁴ He knows that the ancient freeholders in Spondon have certain beast gates within Spondon Waste.⁷⁸⁵ He usually thinks that these beast gates belonging to their several tenants because his wife rented 3 beast gates belonging to a tenant.⁷⁸⁶ He really thinks that the soil of the Spondon Waste belongs to the freeholders as part of their several tenements because he enjoyed these 3 beast gates that he had in the right of his wife until his son sold them.⁷⁸⁷ He has now heard that many of the freeholders were troubled in the use of these beast

⁷⁷¹ folio 17 (4 (2) lines 1713 – 1715

⁷⁷² folio 17 (4 (2) lines 1715 – 1716

⁷⁷³ folio 17 (4 (2) lines 1717 – 1719

⁷⁷⁴ folio 17 (4 (2) line 1719

⁷⁷⁵ folio 17 (4 (2) lines 1719 – 1720

⁷⁷⁶ folio 17 (4 (2) lines 1720 – 1722

⁷⁷⁷ folio 17 (4 (2) lines 1723 – 1726

⁷⁷⁸ folio 17 (4 (2) lines 1726 – 1729

⁷⁷⁹ folio 17 (4 (2) lines 1730 – 1731

⁷⁸⁰ folio 17 (4 (2) lines 1731 – 1732

⁷⁸¹ folio 17 (4 (2) lines 1733 – 1734

⁷⁸² folio 17 (4 (2) line 1734

⁷⁸³ folio 17 (4 (2) lines 1734 – 1735

⁷⁸⁴ folio 17 (4 (2) line 1736

⁷⁸⁵ folio 17 (4 (2) lines 1736 – 1737

⁷⁸⁶ folio 17 (4 (2) lines 1737 – 1739

⁷⁸⁷ folio 17 (4 (2) lines 1739 – 1741

gates.⁷⁸⁸ All the time that he can remember the freeholders have been denied the use of Spondon Waste.⁷⁸⁹

Ralph Cooper of Chaddesden, tailor aged 77, sworn and examined.⁷⁹⁰

1. He has known Mr Gilbert and all the defendants since their youth.⁷⁹¹
2. He has known the manor of Spondon for 60 years.⁷⁹² He really believes that Spondon is a part of the Duchy of Lancaster belonging to Tutbury, Staffordshire.⁷⁹³
3. He knows 2 flatts of arable ground; one in Burrow field called Easterdale, and the other in Brookfield called Lousy Grave.⁷⁹⁴ All the time he can remember these have been demesne lands belonging to Spondon manor.⁷⁹⁵ He does not know any other Kings or demesne lands.⁷⁹⁶
4. He knows one freeholder of Spondon, called Daykne of Borrowash; after him one Henry Clerk, both deceased who were farmers of the east demesne land.⁷⁹⁷ He does not know if these farmers of the demesne lands had any right of common through the freeholders of Spondon.⁷⁹⁸
5. All the time he can remember the freeholders of Spondon and their farmers had common of pasture for all their cattle upon their freehold lands and throughout the common fields of Spondon as well as throughout the demesne arable lands and the common fields of Spondon so long as they were not enclosed from the time the corn was caught and harvested until it was sown again.⁷⁹⁹ All the time before, the freeholders used to have common in all the fields of Spondon at commonable times of the year.⁸⁰⁰
6. Some of the freeholders of Spondon have taken in closes of their own land from the common arable fields of Spondon.⁸⁰¹ After these enclosures the other freeholders did not have common within these closes, only those who have enclosed them were able to use them.⁸⁰²
7. He knows Brunswood and Goodwych Leys.⁸⁰³ Goodwych Leys has been used for tillage and lies rigg and furrow except some lands that lye unfit for tillage.⁸⁰⁴ He has seen corn growing on part of Goodwych Leys and has got corn there himself.⁸⁰⁵ He really believes that Brunswood has also

⁷⁸⁸ folio 17 (4 (2) lines 1741 – 1742

⁷⁸⁹ folio 17 (4 (2) lines 1742 – 1743

⁷⁹⁰ folio 17 (4 (2) lines 1744 – 1745

⁷⁹¹ folio 17 (4 (2) lines 1746 – 1747

⁷⁹² folio 17 (4 (2) lines 1748 – 1750

⁷⁹³ folio 17 (4 (2) lines 1750 – 1751

⁷⁹⁴ folio 17 (4 (2) lines 1752 – 1754

⁷⁹⁵ folio 17 (4 (2) lines 1754 – 1755

⁷⁹⁶ folio 17 (4 (2) lines 1755 – 1756

⁷⁹⁷ folio 17 (4 (2) lines 1757 – 1759

⁷⁹⁸ folio 17 (4 (2) lines 1759 – 1762

⁷⁹⁹ folio 17 (4 (2) lines 1763 – 1769

⁸⁰⁰ folio 17 (4 (2) lines 1769 – 1771

⁸⁰¹ folio 17 (4 (2) lines 1772 – 1774

⁸⁰² folio 17 (4 (2)/folio 18 lines 1774 – 1778

⁸⁰³ folio 18 lines 1779 – 1780

⁸⁰⁴ folio 18 lines 1780 – 1782

⁸⁰⁵ folio 18 lines 1783 – 1784

been cut.⁸⁰⁶ he does not know the half acre in Goodwyche Leys, nor the common baulk, nor the common ground in Brunswode Leys, but knows well the piece of ground in Burrow field called Ley Sick; a piece of ground in Brookfield called Rough Close Nook and a piece of ground within Spondon Meadow called Kirk Pingle.⁸⁰⁷ All the time he can remember the inhabitants of Spondon have tethered their horses and kept their cattle upon parcels of land called Rough Close Nook Ley Sick but Kirk Pingle was always enclosed that was enjoyed by the clerk keeper.⁸⁰⁸ All the time he can remember these grounds have been reputed to belong to the inhabitants of Spondon who have taken the profits from it.⁸⁰⁹

10. He does not answer this question.⁸¹⁰

11. The relator Mr Gilbert before he purchased his majesties demesne land in Spondon did not put his cattle as common and Goodwyche and Brunswode Leys in any open time in right of his majesties demesne lands.⁸¹¹ He does not know how the freeholders and cottagers of Spondon agreed on enclosing Brunswode and Goodwyche Leys, but it seems they did agree as they have enclosed them and enjoyed them accordingly.⁸¹²

15. All the time he can remember and time out of mind, he has heard, the defendants and other freeholders of Spondon, including their farmers and tenants on their estates, have usually grubbed up cut, and got gorse and thorns from Spondon Waste, Spondon Moor, or the beasts pasture to use in their several tenements.⁸¹³ For 60 years he has known the inhabitants of Spondon to scour – out pits for watering places for their cattle on Spondon Moor and Spondon Waste.⁸¹⁴ He has scoured some of them himself.⁸¹⁵ There was one pit lately dug for watering place at the nether end of Spondon Waste.⁸¹⁶ Spondon Waste lies for the most part Ridge and furrow and has done all the time he can remember.⁸¹⁷ Likewise the inhabitants of Spondon have usually had pasturage and profit from Spondon Waste and Spondon Moor.⁸¹⁸

18. He knows Spondon Waste and that all the ancient freeholders of Spondon have certain beast pastures there.⁸¹⁹ These beast pastures, for anything he knows all has heard to the contrary, belong to the freeholders of Spondon according to the rate of their beast gates of their several tenements.⁸²⁰ All the time he can remember the freeholders have been reputed owners of these beast gates.⁸²¹

⁸⁰⁶ folio 18 lines 1784 – 1785

⁸⁰⁷ folio 18 lines 1785 – 1789

⁸⁰⁸ folio 18 lines 1789 – 1793

⁸⁰⁹ folio 18 lines 1793 – 1795

⁸¹⁰ folio 18 lines 1796

⁸¹¹ folio 18 lines 1797 – 1801

⁸¹² folio 18 lines 1801 – 1804

⁸¹³ folio 18 lines 1805 – 1810

⁸¹⁴ folio 18 lines 1810 – 1813

⁸¹⁵ folio 18 lines 1813 – 1814

⁸¹⁶ folio 18 lines 1814 – 1815

⁸¹⁷ folio 18 lines 1815 – 1817

⁸¹⁸ folio 18 lines 1817 – 1820

⁸¹⁹ folio 18 lines 1821 – 1823

⁸²⁰ folio 18 lines 1823 – 1827

⁸²¹ folio 18 lines 1827 – 1828

19. About 40 years ago old Mr Roote Newton, deceased bailiff to the late Queen Elizabeth for her manor of Spondon and Chaddesden, enclosed or caused to be enclosed, a piece of ground in Spondon called Ley Sick, part of her Majesty's waste in Spondon.⁸²² He endeavour to keep Ley Sick enclosed but one Mr John Newton, freeholder of Spondon, and one Humphrey Brownell, who dwelt in Spondon. Parsonage cast open Ley Sick and since this has been kept open and enjoyed by the inhabitants of Spondon.⁸²³

Signed Thomas Clayton, Joseph Osborne, Richard Brandreth, Robert Hope⁸²⁴

Francis Smalley of Chaddesden, labourer, aged 50 sworn and examined.⁸²⁵

1. He has known Mr Gilbert, the complainant and the defendants for 40 years.⁸²⁶
2. He has known Spondon for 40 years.⁸²⁷ Spondon has been commonly taken to be a part of the possessions of the Duchy of Lancaster belonging to the honour of Tutbury in Staffordshire.⁸²⁸
3. There are 2 flats in Spondon, which he has heard called the King's lands, one lying on Lousy Grave Flatt on Spondon Brookfield, and the other lying on Esterdale Flatt.⁸²⁹ He has also heard that there is also a cottage where Widow Harrison dwells and another small dwelling house adjoining it that he has heard was demesne lands but he cannot answer whether this was so or not.⁸³⁰ There is part of a close called Faukers Baulk Leys and a little piece of meadow lying in the holme mouths in Spondon which he has heard were the King's lands.⁸³¹
4. He knows one Henry clerk of Borrowash, deceased held and formed the 2 flatts and after him John Hibberd of Spondon, the Elder before they came to Mr Gilbert, the complainant.⁸³² The other 2 pieces of land called Faukers Baulk Leys and a little piece of meadow were in the occupation of one Fouch Styles and after him in the occupation of Hugh Cotton of Spondon.⁸³³ He does not know nor has he heard that any of these people have held these demesne lands had right of common on freeholders land in Spondon nor let – out any common in Spondon in right of these demesne lands.⁸³⁴
5. all the time that he can remember the freeholders of Spondon used to have common of pasture for themselves and their farmers to keep all manner of cattle on the freeholders lands as well as throughout the arable land of the complainant, the King's demesne lands and throughout all the common lands of Spondon at common of all times of the year so long as they were unenclosed

⁸²² folio 18 lines 1829 – 1832

⁸²³ folio 18 lines 1832 – 1837

⁸²⁴ folio 18 lines 1838 – 1842

⁸²⁵ folio 19 lines 1843 – 1844

⁸²⁶ folio 19 lines 1845 – 1846

⁸²⁷ folio 19 lines 1847 – 1848

⁸²⁸ folio 19 lines 1848 – 1850

⁸²⁹ folio 19 lines 1851 – 1853

⁸³⁰ folio 19 lines 1853 – 1856

⁸³¹ folio 19 lines 1856 – 1858

⁸³² folio 19 lines 1859 – 1861

⁸³³ folio 19 lines 1861 – 1863

⁸³⁴ folio 19 lines 1863 – 1866

when the fields were fallow from harvest time until the corn was sown again.⁸³⁵ All the time he can remember, the freeholders of Spondon and their tenants used to have common in all the fields of Spondon at common of all times.⁸³⁶

6. The freeholders of Spondon used to enclose their own lands from the common arable fields of Spondon.⁸³⁷ The other freeholders in Spondon nor their tenants did not have common rights in any of the enclosures after they were enclosed.⁸³⁸
7. He knows Brunswood and Goodwych Leys in Spondon.⁸³⁹ Brunswood and Goodwych Leys lye Ridge and furrow except some Shanks unfit for tillage so that it appears that Goodwych and Brunswood Leys have been anciently tilled and used for growing corn.⁸⁴⁰ On part of Goodwych Leys on the furlong shooting upon Brooksich he has many times sewn and harvested corn and also mowed grass, tethered horses and cattle on the hades of the lands belonging to the messuage with his father and others in Spondon.⁸⁴¹ If anyone else tether their horses or cattle on the hade's (other than those to whom they belonged) it was only on sufferance.⁸⁴² 20 years ago his father was bailiff in Spondon to lady Margaret Stanhope.⁸⁴³ When the inhabitants of Spondon were ordered to attend the manor court in Spondon that no one should tether their cattle on any other ground, Goodwych Leys Brunswood Leys all Brooksich hade's or any other field in Spondon, not their own, on pain of 3 shillings 4d.⁸⁴⁴ He gathered his father's fines from when people tied their cattle on other people's land.⁸⁴⁵
8. All or most part of the freeholders of Spondon know their own lands within Brunswood and Goodwych Leys.⁸⁴⁶ He thinks that it is known which farm that any Lee within Goodwich Leys and Brunswood Leys belong.⁸⁴⁷ He concedes the rates to be true because he was stopped for feeding his oxen on the Leys when he let them on to the grass to fatten them up.⁸⁴⁸ He has heard that there is a Ley or baulk in Brunswood Leys, which is reputed anciently to be common land and also a parcel of ground in Brunswood Leys called Dallysich that he has heard is common land.⁸⁴⁹
9. He does not know the half acre in Goodwych Leys mentioned in the question, but does no the common baulk in Brunswood Leys and one piece of ground in Burrow field called Ley Sick, a piece of ground called Rough Close Nook, parcel of the Brookfield, and one piece called Kirk Pingle lying within the Meadows in Spondon.⁸⁵⁰ All the time he can remember the inhabitants of

⁸³⁵ folio 19 lines 1867 – 1872

⁸³⁶ folio 19 lines 1872 – 1874

⁸³⁷ folio 19 lines 1875 – 1876

⁸³⁸ folio 19 lines 1876 – 1878

⁸³⁹ folio 19 lines 1877 – 1878

⁸⁴⁰ folio 19 lines 1878 – 1880

⁸⁴¹ folio 19 lines 1880 – 1884

⁸⁴² folio 19 lines 1884 – 1885

⁸⁴³ folio 19 lines 1885 – 1886

⁸⁴⁴ folio 19 lines 1887 – 1890

⁸⁴⁵ folio 19 lines 1890 – 1891

⁸⁴⁶ folio 19 lines 1892 – 1893

⁸⁴⁷ folio 19 lines 1894 – 1895

⁸⁴⁸ folio 19 lines 1895 – 1896

⁸⁴⁹ folio 19 lines 1896 – 1899

⁸⁵⁰ folio 19 lines 1900 – 1904

Spondon have usually tethered their horses on the common baulk in Brunswood Leys.⁸⁵¹ Ley Sick has sometimes been used as common and sometimes let by the churchwardens of Spondon for the use of their church.⁸⁵² He has heard that Rough Close Nook has been accounted as common ground but does not now remember the use of it.⁸⁵³ Money from Kirk Pingle used to go towards the wages for clerk keep of Spondon.⁸⁵⁴ Further to this he does not answer.⁸⁵⁵

11. He now knows that the relator, Mr Gilbert before he purchased his majesties demesne lands in Spondon or any other farming of the demesne, used to put cattle in commonable times on to Goodwyche and Brunswood Leys or to any other common grounds or fields in Spondon in right of the demesne lands.⁸⁵⁶ Further to this he does not answer.⁸⁵⁷

12. He cannot certainly answer this question.⁸⁵⁸

13. He knows the closes in Spondon belonging to the defendant John Carrington.⁸⁵⁹ He has now heard that John Carrington has enjoyed these closes quietly and peaceably all the time he can remember.⁸⁶⁰

14.

19. He has heard one Henry Locko..... Mr Newton of Chaddesden..... To keep enclosed one piece of ground in Spondon called Ley Sick..... Henry Locko Mr Newton.⁸⁶¹

[signed] Thomas Clayton, John Osborne, Richard Brandreth and Robert Hope.⁸⁶²

Questions to be asked to witnesses in 3 parts on the path of Thomas Hollingworth, John Carrington, John Taylor and Thomas Norton, defendants.⁸⁶³

1. Do you know the complainant Thomas Gilbert and the defendants Thomas Hollingworth, John Taylor and Thomas Norton Esq?⁸⁶⁴

a) How long have you known them or any of them?⁸⁶⁵

2. Do you know Spondon in Derbyshire?⁸⁶⁶

⁸⁵¹ folio 19 lines 1904 – 1905

⁸⁵² folio 19 lines 1905 – 1907

⁸⁵³ folio 19 lines 1907 – 1908

⁸⁵⁴ folio 19 lines 1909 – 1910

⁸⁵⁵ folio 19 line 1910

⁸⁵⁶ folio 19 lines 1912 – 1916

⁸⁵⁷ folio 19 line 1916

⁸⁵⁸ folio 19 line 1917

⁸⁵⁹ folio 19 lines 1918 – 1919

⁸⁶⁰ folio 19 1919 – 1920

⁸⁶¹ folio 20 lines 1921 – 1936. These lines are only partially legible and need to be read at the National Archive

⁸⁶² folio 20 lines 1934 – 1936

⁸⁶³ folio 21 lines 1938 – 1939

⁸⁶⁴ folio 21 lines 1942 – 1943

⁸⁶⁵ folio 21 line 1943

⁸⁶⁶ folio 21 lines 1944

- a) How long have you known this Manor or Lordship lately part of the possessions of the Duchy of Lancaster belonging to the honour of Tutbury in Staffordshire?⁸⁶⁷
3. What demesne lands are there lying in Spondon or Duchy of Lancaster's lands?⁸⁶⁸
4. What and how many farms of the demesne lands in Spondon have you known?⁸⁶⁹
 - a) Have they or any of them common of pasture on the freeholders' lands in Spondon in right of the common?⁸⁷⁰
5. Do you remember if the freeholders in Spondon, used to have common of pasture themselves?⁸⁷¹
 - a) Have the freeholders for all their cattle kept on their freehold lands unfortunately as well as themselves their land of the complainant sometimes the king's demesne all times of the year as in and through all the common fields apportioned so long as they be unenclosed when the fields are fallow and when they are sown from the corn till and ploughed the same fit to be sown again?⁸⁷²
6. Have the freeholders in Spondon taken in closes of common arable fields at their wills and pleasures in Spondon?⁸⁷³
 - a) Have any other freeholders of Spondon Common in their enclosures after they were enclosed?⁸⁷⁴
7. Do you know ley grounds lying in Spondon called Brunswood and hades ley grounds the rig and furrow?⁸⁷⁵
 - a) Does it manifestly appear that the ley ground has been accordingly farmed?⁸⁷⁶
8. Do all or the most part of the freeholders in Spondon know their own lands in the ley and Brunswood and Goodwich Leys?⁸⁷⁷
 - a) Is it for all or most part known to what farms most ley in the said ground and Goodwich do belong (except out by containing about half an acre in Goodwich and one common baulk and some other of one acre in Brunswood)?⁸⁷⁸

⁸⁶⁷ folio 21 lines 1944 – 1945

⁸⁶⁸ folio 21 lines 1946 – 1947

⁸⁶⁹ folio 21 line 1948

⁸⁷⁰ folio 21 lines 1948 – 1950

⁸⁷¹ folio 21 lines 1951 – 1952

⁸⁷² folio 21 lines 1952 – 1956

⁸⁷³ folio 21 lines 1957 – 1958

⁸⁷⁴ folio 21 lines 1958 – 1959

⁸⁷⁵ folio 21 lines 1960 – 1961

⁸⁷⁶ folio 21 lines 1961 – 1962

⁸⁷⁷ folio 21 lines 1963 – 1964

⁸⁷⁸ folio 21 lines 1964 – 1966

9. Do you know the half acre in Goodwich and the said common baulk and common ground in Brunswood and one acre in Burrow field called Ley Sick and one piece here-to-ford parcel of the brook field called Rough Close Nook and one notice in Spondon called the kirke pingle?⁸⁷⁹
 - a) Have the Inhabitants in Spondon usually tethered their horses on the common baulk and in Brunswood Leys and other grounds?⁸⁸⁰
 - b) How long have you known them use to tether their horses upon these grounds?⁸⁸¹
 - c) Whose have they left alone do you remember?⁸⁸²
 - d) What has taken the profits all the time?⁸⁸³
10. Does the half acre ley in Goodwich and the common baulk and common ground part of the several tenements in Spondon?⁸⁸⁴
 - a) How long have you known them so reputed?⁸⁸⁵
11. Did the Relator before he purchased his Majesties demesne lands in Spondon or any other of his demesne lands in Spondon even wish to put any cattle in the open time into the Brunswood or into any of the fields or common grounds in Spondon in right of the demesnes?⁸⁸⁶
 - a) Do cottagers in Spondon unto use to put any cattle in the open time in to the Brunswood or into any of the fields or common grounds in Spondon in right of the demesnes?⁸⁸⁷
12. Do you know the closes in the Lordship of Spondon belonging to the Defendant Thomas Gilbert lying therein?⁸⁸⁸
 - a) How long have they known them and any of them and most them have all the time of your remembrance and time out of mind as you remembered heard by the said Thomas Hollingworth whom that they claim as their freehold or Inhabitancy?⁸⁸⁹
13. Do you know the close in Spondon belonging to the said defendants John Taylor lands lying there?⁸⁹⁰

⁸⁷⁹ folio 21 lines 1967 – 1969

⁸⁸⁰ folio 21 lines 1969 – 1970

⁸⁸¹ folio 21 line 1970

⁸⁸² folio 21 lines 1970 – 1971

⁸⁸³ folio 21 line 1971

⁸⁸⁴ folio 21 lines 1972 – 1973

⁸⁸⁵ folio 21 line 1973

⁸⁸⁶ folio 21 lines 1974 – 1976

⁸⁸⁷ folio 21 lines 1976 – 1977

⁸⁸⁸ folio 21 lines 1978 – 1979

⁸⁸⁹ folio 21 lines 1979 – 1981

⁸⁹⁰ folio 21 lines 1982 – 1983

- a) How long have you known them and any of them whether have the all the time of yo[u]r remembrance and time out of mind as you have heard by the said John Taylor under whom he claimed the freehold inhabitancy?⁸⁹¹
14. Do you know the closes in Spondon belonging to the defendants and the lands lying there?⁸⁹²
- a) How long have you known them and any of them have been enjoyed all the time of your remembrance and time out of mind as you have John Taylor and those under whom he Claimed as those freehold or inhabitancy?⁸⁹³
15. Have the defendants and others the freeholders in Spondon and to have and there farmers and tenants usually all the time of your interest and past heard cut grubbed and got gorse and thrones on Spondon Moor and Spondon [waste] or the beasts pasture to spend in their several tenements in Spondon and to scour – out pits there?⁸⁹⁴
- a) How long have you known the same?⁸⁹⁵
- b) Whether doth the land called Spondon Waste or the beast pasture let Rig and furrow and hath so been by all the time of your remembrance hath had the pasturage and profit of the said ground called Spondon Waste all the time aforesaid declare what you have heard.⁸⁹⁶
16. Do the defendants Thomas Hollingworth one John Carrington have paid homage to Sir Henry Agard, knight demanded of the honour of Tutbury or to the several lands which they hold in Spondon declare what you know herein?⁸⁹⁷
17. Did you hear the said defendants Thomas Hollingworth and John Taylor or any of them at any time and when deny to serve at any court baron which the said Thomas Gilbert did used to be held for the said manor of Spondon what one of the said defendants Thomas Hollingworth and John Taylor then use to the steward that court declare the truth?⁸⁹⁸
18. Do you know a ground in Spondon called the waste that the freeholders rent and beast pastures within the said waste?⁸⁹⁹
- a) Whether beast pastures parcel of the several tenements?⁹⁰⁰
- b) Whether doth the said of the said waste belong in Spondon according to the rate of their beast gates as parcel of their several tenements they heard reputed owners thereof report what you know herein?⁹⁰¹

⁸⁹¹ folio 21 lines 1983 – 1985

⁸⁹² folio 21 lines 1986 – 1987

⁸⁹³ folio 21 lines 1987 – 1989

⁸⁹⁴ folio 21 lines 1990 – 1994

⁸⁹⁵ folio 21 line 1994

⁸⁹⁶ folio 21 lines 1994 – 1997

⁸⁹⁷ folio 21 lines 1998 – 2000

⁸⁹⁸ folio 21 lines 2001 – 2005

⁸⁹⁹ folio 21 lines 2006 – 2007

⁹⁰⁰ folio 21 lines 2007 – 2008

⁹⁰¹ folio 21 lines 2008 – 2010

19. Whether did you know that heretofore one of the bailiffs of the manor of Spondon and Chaddesden to the late famous Majesty Queen Elizabeth I did enclose and endeavour to keep enclosed a piece of ground aforesaid called Ley Sick piece as part of her Majesties waste in Spondon most of the Dth heard when and how have ? to hold the same //⁹⁰²

a) When and whether do you know did the Inhabitants of Spondon aforesaid?⁹⁰³

20. Do you know that there hath been paid a penny a beast for any beast?⁹⁰⁴

a) have you known the same paid?⁹⁰⁵

b) To whom hath you paid the same time out of mind?⁹⁰⁶

21. Do you have a tenant or servant?⁹⁰⁷

⁹⁰² folio 21 lines 2011 – 2014

⁹⁰³ folio 21 lines 2014 – 2015

⁹⁰⁴ folio 21 line 2016

⁹⁰⁵ folio 21 line 2017

⁹⁰⁶ folio 21 line 2017 – 2018

⁹⁰⁷ folio 21 line 2019