

**Depositions in action for trespass brought
by Henry Furniss against Robert Eyre.**

By CHARLES E. B. BOWLES.

D. vj. **H**ENRY Furniss, Pl^t } In action de Tresp^s
1611. Robert Eyre, Df^t }

Instruccons for the Pl^t Counsell

The Pl setteth forth that the def^t the last daie of March 9^o Jacobi wth force and armes his close called Wallheade at Abney did breake & enter & (a) 30 pearce) (30 perch) of stonne wall of the said Henryes in the said close did cast downe and overthrow the hedges of the said close did likewise pull downe to the damage of 20^l

The Def^t justifieth the breakeinge and pullinge downe of the said fence for that the place called Wallhead is p^rcell of a certen More or Wast called Abney More & that def^t is seised of a messuage & 30^{tie} acres of land 20 acres of meadow & 40^{tie} acres of pasture wth the appurtenances in Offerton als Awferton & that he & his ancestors have had co^mon upon Abney More for all maⁿor of cattall as appen^t to the said messuage in Offerton & for that the Pl^t had enclosed the said place the Def^t Justifyeth the puttinge down thereof for the useinge of the said co^mon

To this the Pl^t replyeth & saith that the def^t did pull downe the same of his owne wronge— & soe a^{ft} yssue

coimon as coimoners because of vicinage yet have they been all amerced as appeareth by the ancient Court Rolls viz:

In an old Court Roll at a Court held at Abney for that manor the Inbahitants of great Hucklowe Bradwall Offerton (beinge the place in question Brough Shalton were amerced for^s trespassings upon Abney coimon

37 H^v At an other Court held at Abney 37 H^v 8 Robert Glossop & Ralphe Bockinge of the freeholders in Offerton were then amerced for trespassings upon Abney coimon

Nota. The Defend^t challengeth coimon upon Abney more for all manor of cattell belonginge to his message in Offerton first that is a question whether the def^t hath D. vi. a message theire or onlie a cottage & his cattell hath beene questioned for usinge of Offerton coimon by the freeholders of Offertoñ Witnes Ralphe Bockinge

Nota. Offerton is a manor of it selfe & now in the tenure of Henrie Cavendishe Esq^r & the meares & boundes thereof are well known & severed from Abney & the def^t & the rest of the freeholders in Offerton pay Cheeffe Rent to M^r Cavendish

Nota. Francis Bradshawe now Lord of the Manor of Abney did amongst his evidence fynd a note bearinge date 29^o die July 1594 of the sayinge of Peter Bagshawe concerninge the meares of Abney wherein he saith that the Inhabitance (of) Offerton Shatton & Brough have been amerced 40^{tie} yeares agoe for gettinge turves upon Abney Coimon

Nota. that Abney wast hath been measured & coneyneth above 800 acres of coimon & the place in question is not an acree & will hardlie grease a calfe for the quantitie of the Coimon George Wood