

Derbyshire Elizabethan Depositions, and a Proof of Coming of Age of A.D. 1300.

BY J. CHARLES COX, LL.D., F.S.A.

WHEN our good friend the Editor gave me timely notice that he would be glad of a contribution from my pen to this the 39th annual volume of a Society which I had no small share in founding, I of course readily assented. My intention at that time was to put together a collection of the most interesting of all mediæval Inquisitions know as Proofs of Age. To my surprise after a long and careful search among the Inquisition Calendars from Henry III. to Henry VII. I have so far failed to find more than a single inquisition of this kind pertaining to Derbyshire, namely one taken at Ashbourne in the year 1300. Should others be found I hope to give them, in an English dress, in the volume for 1917.

Andrew son & heir of Andrew de Baukevill.

Writ to the escheator to take the Proof of age of the said Andrew, whose lands, etc., are in the wardship of Ermetrude de Baukevill, 13 April, 28 Edward I. (1300).

Proof of Age made at Ashburne on Monday before the Annunciation, 29 Edward I.

William de Paumer of Etwall, aged 44 & more, says that the said Andrew was born in Radburne, & baptized in the church of St. Andrew there 4 April, 5 Edward I., which he recollects because in the February before a son was born to him, who was 24 in February last, & on the day of the Invention of the Holy Cross following, Lady Ermetrude, mother of the same Andrew, was purified at Radburne, & he was present at the feast.

William del Barnes, of Burnaston, aged nearly 50, agrees, & recollects because William his father died at the feast of the Ascension after the birth, 24 years ago last Ascension day.

Adam de Radburne, aged 46 & more, agrees, & recollects because at the feast of St. George after, a daughter Amice was born to him, who was 23 at the said feast last past.

Adam Kyde of Radburne, aged 45 and more, agrees, says that the said Andrew was born at the feast of St. Ambrose, 24 years ago next April, & this he recollects because at that time he was in the service of Master John de Weston, then rector of Radburne, & he & Sarra his wife were present at the said Ermetrude's feast when she was purified.

John son of Robert de Radburne, aged 40 & more, agrees, adding that the said Andrew was born in the chamber of Henry de Chaundos knight, brother of the said Ermetrude at Radburne, & he was then in the said Henry's service.

Robert de Weston, the younger, aged 40 & more, agrees, & recollects because the Eyre of John de Vallibus was 30 years ago, & the said Andrew was then 3 years of age.

William de Trusley, of Langley, aged 40 & more, agrees, & it is sufficiently evident to him because he has a daughter Margery born at the feast of the Circumcision before the said Andrew's birth, who was 4 at that feast last.

William de Brassington of Langley, aged nearly 50, agrees, for the said Andrew was 3 years of age & more at the time of the abovesaid Eyre 20 years ago, when certains friends of his had much to do before the justices.

Robert de Aula of Mackworth, aged 50, agrees, & recollects for the same reason.

Walter Truccok of Burnaston, aged 50 & more, agrees, & recollects because a year before the birth of the said Andrew he married one Isabel, now 25 years ago.

William Crin, aged 50, agrees, & recollects because he has a daughter Helen born at the feast of St. Nicholas next before the said Andrew, who was 24 at that feast last.

Adam, son of Robert de Warton, aged —, & more, agrees, & recollects because he & his friends had much to do before the justices in Eyre 20 years ago, & the said Andrew was then aged 3 years.

C. Edward I., File 98 (22).

My attention was next called to the considerable series at the Public Record Office of Exchequer Depositions of

Elizabeth's long reign, as set out in English in connection with Special Commissions. They have of late years been calendared and arranged under counties in a book at the P. R. O., so that they can now be readily referred to; they number upwards of forty, and, if given *in extenso*, are far too voluminous to be set forth at length. One only is given at full length, in order that the nature of the whole proceedings, of Interrogatories and Depositions, can be followed. The case selected for full treatment is that relating to certain Guild Lands at Chesterfield pertaining to "the Brethren of the Guild of our Lord Jesus Christ and of the Holy Cross in the north of the church of All Saints, Chesterfield" (see Derbyshire Arch. Society's *Journal*, vol. viii, 162, or *Churches of Derbyshire*, vol i., under Chesterfield).

Certain extracts are given from the more important of the other Elizabethan Depositions, and summaries of the contents of the remainder.

I. A Special Commission was appointed on 13th February, 1576, and Depositions were taken on 2nd May, at Burton-on-Trent, as to a Mill at Repton, late belonging to the priory of Repton, called the Town Mill of Repton. The Depositions were taken before Ralph Sacheverell, William Agarde and John Skerington.

In reply to eleven interrogatories:—

John Abell of Willington in ye county of Derby, yeoman, of the age of lxxi yeares or there about sworne & examined, To y^e First Interr. deposeth & sayth that he knoweth a milne called y^e towne milne lyinge att Repton in y^e county of Derby, now occupied by Godfrey Poole his servant to y^e use of y^e sayd Godfrey.

Itm to y^e second Interr. he sayth y^t he remembereth very well y^e puttinge downe of y^e late monastery of Repton.

Itm to y^e thirde Interr. he saythe y^t he knewe one Thomas Howithe who occupied y^e sayd milne att y^e tyme of ye dissolution of y^e sayd pryory by y^e puttinge in of Sir John Yonge then prior.

To y^e Fourth Interr. he sayth y^t he knewe one James Toone w^{ch} was occupyer of y^e sayd milne before y^e sayd Thomas Howyth.

And that y^e said James did occupye & enjoye y^e same all y^e tyme of his remembrance as tenant to y^e Prior & covenant of Repton aforesayd, before y^e dyssolution thereof.

To y^e v & vjth Interr. he sayth that he knewe one William Dethick of Newall Esquyre wch was Baylyff to y^e Prince immediately after y^e dissolution of ye sayde Pryory. And that he doth well remember since y^t y^e said William Dethick by virtue of his Bayliweke did sett & let y^e said milne to one John Toone who occupied y^e same to ye Princes use untill such tyme as one Gilbert Thacker gent late of Repton aforesayd tooke y^e same by lease for xxj yeares of y^e Prince, wch sayd Gilbert & his assigns have occupied y^e same duringe y^e life of y^e said Gilbert. And one Godfrey Poole w^{ch} hath occupied y^e same who maryed y^e wyfe of y^e said Gilbert & held y^e same by force thereof untill thend of y^e said lease. But he never knew any other than y^e Prior & Convent y^t did set ye sayd milne or joyned in y^e settinge of y^e said milne with y^e Prior & Convent durringe y^e continuance of y^e said house of Repton.

To ye vii & viij Interr. he sayth y^t he doth well remember y^t before y^e dyssolution of y^e Priory this milne now in question stode of it self without any building other than y^e bare milne, untill y^e fornamed Thomas Howith tenant to y^e said pryor did build & sett up for his owne use a Bay or two of buildinge by lycense of y^e said Prior. And did inhabit & dwell in ye same. But he never knewe anye landes meddows pastures or other grounds belongynge to ye sayd milne, and of other rents than y^e rent that onely for y^e milne he knewe of none.

To ye ixth & xth Interr. he cannot depose.

To ye xith Interr. he sayth as before he hath deposed.

Depositions to the like effect were added by John Pratt of Repton, husbandman, 70 ; Byron Bishop of Repton, husbandman, 70 ; Elizabeth Belcher of Bretby, wife of Thomas Belcher, 70 ; John Gamble of Repton, husbandman, 60 ; and others.

II. A Special Commission was appointed on 12th February, 1581, and Depositions were taken at Derby on 13th April, as to the carriage of coals through Kiddesley Park and Denby lordship, in a dispute between Sir John Zouche and Henry Sacheverell ; the depositions concern the lordships of Codnor, Heanor, Smalley, Morley, Locko, and Aldecar Park.

The Depositions were taken before George Chaworth and John Harpur, Esquires, and John Bowne and Richard Cooke, gentlemen. The interrogatories on behalf of Sir John Zouche, the plaintiff numbered 14; and those on behalf of Henry Sacheverell, the defendant, numbered 15.

The first witness on behalf of the plaintiff was :—

Thomas Brownelowe of Duffelde in the Countie of Derby Farmer of the age of lxxvij yeres or thereabouts sworne & examined. To the first Interr. he sayeth that he knoweth the Lordshippe of Codnor & Heynor, & the Lordshippe of Smalley, Kiddesley, & Morley mentioned in the Interr.

Item to the seconde, he saythe that he knoweth that Sir John Zouche & his father hath gotten coales in the Lordshippes of Loscowe & Heynor by the space of fittie yeres.

Item to the iiith he saith that he knoweth that there hathe benne a common & Free passage of olde tyme used from the saide Lordshipp of Codnor & other places & Townes to the same adjoyneng unto the Towne of Derby throughe & over the severall Lordshippes of Kiddesley, Morley, & Smalley aforesaid, & so from Darbie to the saide Lordshippe & other the places before-named, & whiche saide ways hathe commonly bene used all the tyme of his remembrance, & so as he also hathe heard it was before his tyme used.

Item to the iiijth he saith that the saide waye was then so used for all manner of persons with their Cartes & Carriages as well for coales as every other thinges whatsoever, and that the saide olde waye went first betwene Kiddesley Parke & Denbye Lordshippe. In one place the said waye went over a piece of grounde of M^r Henry Sacheverell of the Lordshipp of Kiddesley & so from hence to Kiddesley Lane, & so by the saide Lane to Smalley & so to Morley, & so throughe the saide Lordshippe of Morley.

Item. to the vth Interr. he sayeth the saide olde waye hath bene stopped & taken awaye abowte xxx^{te} yeres & was then stopped by an agreement made betwene S^r Henry Sacheverell & M^r George Zouche Esquyere by the mediation of Thomas Powtrell of West Halam Esquyer in consideration that Sir Henry Sacheverell might have a take into his owne parke of Kiddersley the saide highwaye and twoo Closes belongong to Johnsons farme & thereby enlarge the saide Parke.

Item to the sixte Interr. he sayeth that there hath bene an other newe waye used before the stopping up of the saide olde waye for cartes & all other Cariages from the Lordshippes of Heynor & Codnor to the Townshipp of Derby & other Townes adjoynnyng thereunto from the saide Lordshippes of Kiddlesley & Smalley & Morley and that there were trees felled for the enlarging of the waye.

The rest chiefly illegible.

The other witnesses on the plaintiffs part were John Brownslowe, Alderman of the town of Nottingham, 63; Henry Houghton of Horsley Woodhouse, yeoman, 63; John Bent of Langley, husbandman, 75; Thomas Johnson, of Langley, 73; Robert Freinoodde of Eastwayte, Notts, 82; William Johnson, of Milnehaye, in the parish of Heanor, husbandman, 66; Humfrey Badcock, of Derby, 74; Nicholas Collyer of Allestree, husbandman, 60; Roger Collyer of Allestree, husbandman, 50; John Rowten of Smalley, yeoman, 60; Nicholas Lant of Heanor, husbandman, 64; William Ashmore of Duffield, 60; Robert Ashmore of Duffield, 72; and Richard Clarke of Heanor, "Sythe Smith," 70.

The first of about an equal number of witnesses on behalf of the defendant, Henry Sachevell, was:—

Thomas Willmott of Beeston in the Countie of Notts husbandman of the age of Fourescore & Foure yeres or thereabouts husbandman sworne & examined deposeth & saith onelie to the first and fifth Interrogation:—

To the first Interrogative he saith he knoweth the complainment & defendant.

To the vth he saith that he well remembereth that there were certan coales paid to S^r Henry Sacheverell for his good will & license to passe throughe Kiddlesley with waines & cartes from the groundes in Codnor to the Towne of Derby & other places thereabouts by the Auncestors of S^r John Zouche, well he knoweth to be true for that in this yere the deponeth for the most parte of twentie yere was one of them that carried the same from Codnor pitts to Morley Hall with divers other bourne waines of Morley & Smalley & one of Horsley parish.

III. A Special Commission was appointed on 28th November, 1581, and Depositions were taken on 15th January, as to the custom of the working of lead mines in Derbyshire, with particular reference to the use of a wire sieve, in the mines of the High Peak and Wirksworth. Sir John Zouche and others were the complainants and John Manners, Sir Godfrey Fuljambe, Paul Tracy and others the defendants.

IV. In 1552 there was another dispute between Sir John Zouche and Paul Tracy as to the lead mines in Derbyshire, and the way of smelting the ore; a commission was appointed and depositions taken.

V. A Special Commission was appointed on 19th June, 1583, and Depositions were taken at Rotherham on 20th August, as to a beck called Norbeck, in the parish of Eckington, and a corn mill there, which were possibly to the injury of Her Majesty's mills and iron smithies on the same stream. The complainants were Henry Lord Hunsden and others, the defendants were James Lynacre, Esquire and James Stannyforth. The interrogatories on behalf of Lord Hunsden were 16 in number, the first witness was :—

John Bromelye of Mosborough in the Countye of Derby yeoman of the age of threescore & seven yeares or thereaboutes sworne examined deposeth & saith :—

To the 1 interrogacione he saithe he knoweth the brooke mention in the said interrogative.

To the 2 interr. he saith that James Lynnaker one of the defendants hathe erectyd a water corne mylle within the manor of Eckingtone aboute a yeare or more by paste uppon the broke called Norbeck.

To the 3 interr. he saithe that the sayd water corne mylne nere bye erectyd by the sayd James Lynnaker is distant from the queens ma^{ties} mylne & from Smythys by estimacion a myle or ther aboutes as this deponent thinketh.

To the 4 interr. he saithe y^t the sayd James Lynnaker hathe caused to be made a great heade or banke of earthe & stones uppon the sayd water or broke whereupon the newlie erectyd

mylne dothe stand, whereby there is a great dam of water gathering of & stayed.

To the 5 interr. he saithe that the queens ma^{tie} hathe one tenement & certen groundes thereto belonginge parte whereof doth adjoyne to the water callyd Norbecke when the sayd dam is newlie erectyd & made.

To the 6 interr. he saithe that parte of her ma^{ties} groundes belonginge to the sayd tenement are ower flown dyvers tymes by gatheringe and stayinge of the waters within the sayd damme so made by the sayd J. L.

To the 7 interr. he saithe that the sayd J. L. hathe attached his newly erectyd dam hear unto one parcell of grounde called the Holme adjoyninge to the sayd brok & water.

To the 8 interr. this examinant cannot depose.

To the 9 interr. he saithe that by reason of the makinge of the newe dam & erectynge of the sayd milne wherein the water is or may be retayned & kept sometymes by the space of three weekes together in some season & the occupyers & farmers of her ma^{ties} sayd Iron Smythies and corne mylne cannot take the benefitt of the streame of water as heartofore hathe bene accustomed.

To the 10 interr. he saithe that he knowethe her ma^{ties} farmers, tenants, & occupiers to be greatly prejudiced & hynderyd by the stayinge & keepinge of the water.

To the 11 interr. he saithe he dothe not knowe any mentyon of Iron Smythies to be there but by shoue of certain heapes of Synders lyinge near unto the broke where the newe erectyd mylne dothe stande.

To the 12 interr. he saithe there is within the manor of Eckington & dyvers others great heapes of Synders wch by appearance never went by water but by fote or horse as this deponent verely thinketh for that there is not anye adjoyninge water to the sayd heapes of Cynders.

To the 13 interr. he saithe that the capitall messuage callyd Plumley is within the manor of Eckington & is holden of the sayd manor by knight's service, & this he knoweth to be true for that George Lynmaker, grandfather to the sayd James Lynmaker one of the defendants, dyd confesse to this deponed and William Greves & others in Eckingtone churche beinge of the jury at the entry of Leonard Dakers that he dyd hold this sayd capitall messuage of Plumley & other landes of the manor of Eckingtone aforesaid by the fourthe part of a knight's fee, And the lyke this examinant hathe sworne in dyvers court rouses & other witnesses [It is

obvious that this was a case of a manor court being held in the nave of a church ; a by no means infrequent occurrence].

To the 14 interr. he saithe that he hathe knowen the most part of his lyfetyme that all the owners, farmers, & occupiers of the sayd house of Plumley hathe usyt & bene accustomed to grynd all ther corne & grayne wch they grew uppon the sayd tenement at her sayd ma^{ties} mylnes within the sayd manor of Eckington, unto nowe of late that James Lynmaker one of the defendants, hathe withdrawn their sute from the queenes ma^{ties} sayd mylnes & hathe grounde Anie corne at the newe erectyd mylne.

To the 15 interr. he saith he cannot depose further.

To the 16th interr. he can not depose.

VI. A Special Commission was issued on the 19 June, 1583, and depositions taken at Chesterfield on 11th September, in a dispute as to tithes of a close in Scarcliffe called Dane Ward and the rectory of Bolsover and Scarcliffe late parcel of the monastery of Derby, between Humphrey Smythe and Francis Leake.

VII. A Special Commission was appointed and depositions heard at Spondon, on October, 1584, as to a dispute between Thomas Baile and William Gilbert concerning the mansion house and lands at Nether Locko and the tithes of the same, sometime held by Richard Byard.

VIII. A Special Commission was issued on 12th February, 1586, and depositions heard at Chesterfield, on 28th March, with reference to a dispute between George Earl of Shrewsbury and Nicholas Clarke, Robert Clarke, Godfrey Clarke and Thomas Clarke, as to right and title to Guild Lands in Chesterfield ; whether they were bound by the Crown (Philip and Mary) to Ralphe Clarke, alderman and the burgesses of Chesterfield, by whom, as alleged, it was assigned to the plaintiff.

IX. A Special Commission was issued on 1st November 1588, and depositions were taken at Alfreton on 14th January, as to the right and title of the Crown to lands and tenements lately granted by the Queen to Thomas Shotton by Letters Patent, of 29th July, 29th Elizabeth, whether

the said lands were left for "superstitious uses," &c., to find priests to say mass in the parish church of Darley, and in the chapel of Smalley, called St. Peter's Chapel.

The commissioners to hear the depositions were Robert Saperton Esquire, William Pitt, and William Savile, gentlemen. The interrogatories number 12, and are quite legible, and set forth in full the details of the lands and tenements both at Derby and Smalley then in dispute. The property at Darley was alleged to have been given by Agnes wife of Thomas Colembell "to find for ever one or more Stipendary Pryste or Prystes called morrowe massepristes within the parish church of Darley."

The evidence of John Foster, yeoman, of Smalley is chiefly illegible and also is much of that of Richard Ashtun of Smalley, yeoman, aged 60, etc.

In the *History of Smalley* (1905), by the late Rev. Charles Kerry (once editor of this *Journal*), the dedication of the chapel is given as St. John Baptist; but there is other evidence besides these depositions to show that the old dedication was St. Peter.

X. A Special Commission was appointed on 2nd November, 1588, and depositions taken at Alfreton on 8th January, touching an information of intrusion into lands in Derbyshire, at Shirland, Egstow, Tupton, Higham, and Swaythwick, alleged to be chantry lands, and hence pertaining to the Crown. The Attorney General appeared as plaintiff, and defendants were John Revell and John Kitchin.

XI. A Special Commission was issued on 25th of November, 1596, and depositions taken on 30th January at Norton, on behalf of the Attorney General, against Jerom Rawlinson, Anthony Blyth, Thomas Bullock, and Henry Shent, as to a parcel of land in Norton, called muryee lands, and a windmill standing upon the same, and also a parcel of the said murrie land called "The Heardings," said to have been purchased by defendant

Rawlinson of Anthony Babington, attainted of high treason ; whether the windmill was fixed in the soil, and so made part of the freehold of inheritance, or made to be removable at pleasure of Babington into Lincolnshire. The commissioners were John Claye and John Woodward, gentlemen. The Interrogatories on behalf of the Queen were fifteen in number.

The first deponent was William Rollinson of Little Norton, brother to the said James Rollinson, one of the defendants.

To the first Interr : he saith that he knoweth the said defendants & every of them, & he knoweth a close or parcell of lande called Morryceland & the wynd mylns standing there on mentioned in the said Interrogationes.

Item to the second Interr. he saithe that the said parcell of land called Morryce lande was no parcell of the messuage or tenement called Harding now occupied reynted or taken as any parte or parcell thereof until aboute syxe or seven yeres last past, at wch tyme the said messuage or tenement with the appurtenances called Harding & the said morryce landes were by severall names dymised by Indenture for terme of dyvers yeres to the said Thomas Rollinson of the said defendants by Anthonye Babington mentioned in the sayd Interr. their lord & owner thereof. Syth one the makinge of the sayd Iease the said Babington sould the heriditaments thereof to the said Thomas Rollinson 2 his heirs for ever by the severall names of the Harding & Morryce landes as this deponent thinketh.

Item to the third & fourthe Interr. he saithe, that the said Milne was not sould by the first conveyance & agreement as he verelie thinketh, for that he was presnt after the conclusion of the said bargayne & Sale of the said premises betwixte the parties, At wch tyme one Maister Stephenson havinge drawne the boke in paper, gave the same to the said parties at wch tyme he asked the said Babington whether he would leave a sufficient waie reserved in the said boke to the said wyndmilne or no? who answered that he would take the roade of the said Rollinson from his Servants for his waie to his said windemilne for otherwise it would make the boke too large, for peradventure I will give hit to hym.

It. to the fifthe & sixth Interr, he saith & verelie thinketh that the milner of the said wyndmilne was servant to the said Babington

& not to the said Jherom Rollinson after the purchase of the said premises & so contynued duringe the life of the said Babington, for this deponent was credible enformed by the said milner & dyvers others that the said Jherom Rollinson hyred & placed the said Milner in the milne as servant unto the said Babington, & also promised to the said Milner to do his good will to procure the said Babington to make a lease unto the said Milner for terme of elyven yeres.

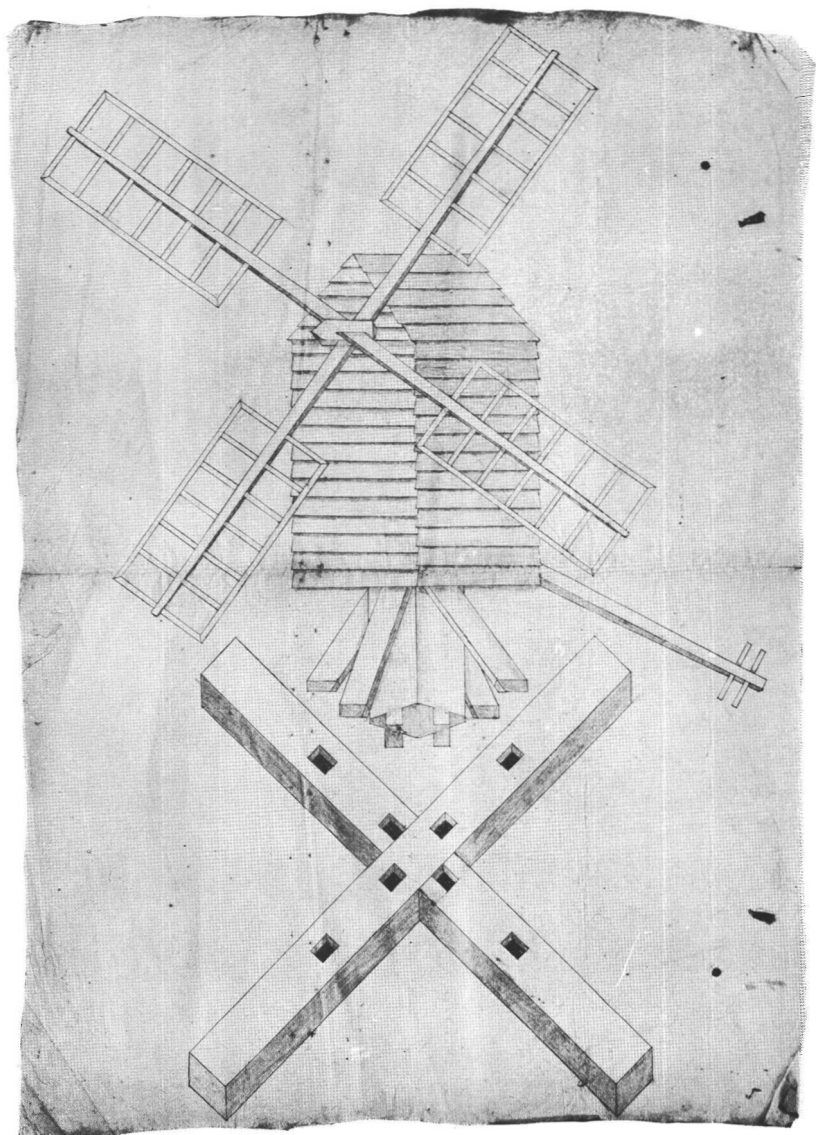
It. to the seventh Interr. he saithe that the said Jherom Rollinson did bringe & delyver unto certan commissioners sittinge at Worksworthe & appoynted for the Queens Ma^{tie} shortlie after the examination of the said Babington an Inventorie of dyvers goods and Implements then beinge or remayninge in the said milne: And about one yere after the said Rollinson did make a bargyne and agremente for the said Wyndmilne & Implements with William Haynes & Henrie Butler, or with one of them, who had authoritie under Sir Walter Rawley knight to make Sale of the Queenes Ma^{ties} right & interest therin: And that he the said Jerom Rollinson did promise to paie to the said Haynes & Butler or to the one of them eleven poundes in money havinge goode assurances from the Queenes ma^{tie} for the same milne.

It. to the eight Interr. he saithe that the wyndmilne was erected set up & builded by the said Anthony Babington upon the said parcell of lande called Morryce landes upon two greate mayne peces of tymber or wodde, the one beinge crosse over the other: The mayne pryncipalle poste whiche beareth the said milne up fixe up on frames unto the same two peces of woodd. And the same mayne & principall post is not set into the grounde, as he thinketh.

It. to the ninthe Interr. he saithe that the two pece of tymber whiche do so lye crosse are xxi^{te} fote in lengthe and a fote & a halfe in thickenes a pece or there aboutes, as he thinketh, And that the said two peces of tymber, the more halfe of the thickness thereof lye in the grounde & the other a lofte & are not covered with earthe.

It. to the tenth Interr. he saithe that the said two peces of tymber lyinge crosse & bearing the said milne as is aforesaid do seme to his knowledge to lye deaper in the earth than the dyd at the Ereccion of the said milne, But weather they be sunke with the weight of the said milne, or castinge the smithe he knoweth not.

It. to the eleventhe, twelthe, & thirteenth Interr. he cannot depose.



PLAN OF SMALL POST-MILL, STANDING AT NORTON, 1596.

TO FACE P. 195.

It. to the fourteenth the Interr. he saithe that the foundation of the said milne is accordinge to a platteform to hym showed & to the said interrogationes answered.

It. to the fifteenth & last Interr. he saithe that the said Jherom Rollinson or his assigns never had nor toke any profets of the said Milne from the tyme of the purchase of the said Morrice landes untill such tyme as he bargayned with the said Haynes & Butler for the Queenes ma^{ties} assizes as aforesayd, whiche was a yere & an halfe after the execution of the said Babington or there aboutes to his knowledge.

To much the like effect deposed John Lane of Dronfield, carpenter, 70; Godfrey Atkyn of Hymsworthe, yeoman, 45; John Weynewright of Jordanthorpe, brother-in-law of the said Jherom Rollinson, scythemaker, 40; Lawrence Crokes of Ecclesall, milnewright, 40; John Roden of Sheffield, milnewright, 30; Thomas Swift of Bryncliffe, milnewright, 50; and John Parker of Norton, gentleman, 58. Mr. Parker and others added that the mill could be readily moved without digging of the soil.

We are glad to be able to give an illustration of the plan or "platform" of this small windmill, especially as the old post-mills are so rapidly disappearing. At least seven have vanished from Derbyshire within our recollection.

XII. EXCHEQUER DEPOSITIONS.

28 Eliz: Easter. No. 26. Derby,

Interrogations to be mynistred to wytnesses produced on the ptie and behalf of George Earl of Shrewisburie playntiff against Nicholas Clarke Robert Clarke and Thomas Clarke defendante.

1. Inprimis whether doo you knowe the playntiff and defendants yea or no.
2. Itm whether doo you knowe certayne messuage landes tenem^{te} and heredytamente in Chesterfeld in the Countie of Derby whiche are or heretofore were comonly called the Guilde landes yea or no.
3. Item whether doo you knowe or have creadably harde that the late King Phillip and Queen Marye did lease the same messuage landes tenüte and hereditame'te to Raufe Clarke

- then Alderman and to the burgesses of Chesterfeld aforesaid for sundery yeares wherof manye are yet enduring or no.
4. Itm whether do yoⁿ knowe or have you creadably hard that the Alderman and Burgesses of Chesterfeld aforesaid or some of them did graunte and assigne and vnto the said Earle of Shrowisbury nowe playntiff the said messuage Landes tenemente and hereditamente by their conveyance in wryting yea or no.
 5. Itm what money or other consideraçon dyd the said Earle geue to the said Alderman and Burgesses of the said Towne of Chesterfeld for and in respect of the said assignment to yoⁿ knowledge or as you have creadibly harde.
 6. Itm whether was the said Nicholas Clarke one of theis Defendaunte Si^vaunte to the said Earle at the tyme or before the graunt and assignment so made to the said Earle by the said Alderman and Burgesses yea or no? whether was he put in trust to travayle and goo aboute the procuring of the said graunte and assignement from the said Alderman and Burgesses to the said Earle of the said premisses yea or no? or what doo you knowe touching the same?
 7. Itm whether did the said Nicholas Clarke move the Alderman and Burgesses of Chesterfeld that his sone Robert Clarke mighte deale for the obteinyng of their liberties and pswaded them to make him a letter of Attorney whereby he mighte be authorized to deale for them therin And whether did they make any suche yea or no?
 8. Itm whether was the same wryting a br'ef of attorney onely whiche he pronounced & published to a br'ef of attorney or a br'ef of attorney and an assignment together And whether did the Alderman and Burgesses then present understand it to be onely a br'ef of attorney and made to no other ende or purpose as you knowe or have creadably hard yea or no?
 9. Itm was it either the intent or meanyng of the said Alderman and Burgesses to make a a (*sic*) graunt or assignement of the said Guylde landes to the said Robert Clarke or but onely a br'ef of attorney And whether was the same wryting reade as a graunt and assignement or but as a br'ef of attorney onely as you knowe or have hard yea or no?
 10. Itm whether do you knowe or have you creadably harde that the said Nicholas Clarke vnder the collo^r and pretence of the said wryting did fraudulently gett and pcure a newe lease of the said Guilde landes to the said Robert Clarke Godfray and Thomas Clarke yea or no?

11. Itm whether do you knowe or have creadably harde that the said Nicholas Clarke after this lease so disceitefully obteyned and gotten to his three sones did ympudently and falsely declare to the Inhabitante of Chest^{er}feld that the Earle of Shrowisbury had forfeited the olde lease of the Guilde landes for non payment of his rent And whether did he also declare vnto them that he had taken a newe lease of the same for the lyves of his said Sones yea or no?
12. Itm whether did the same Inhabitante of Chesterfeld so hearing him, murmure at the same speches and repyne at his proceedinge and whether dyd any of the Burgesses utter any speaches of dislyking and what speaches were as you knowe or remember?
13. Itm whether do you knowe or have you creadably hard that the said Nicholas Clarke was a cheif procurer of the said Earle of Shrowisbury to accept of the originall lease assigned to the said Earle as is aforesaide which by division and disagreement of the Inhabitante of Chesterfeld was lyke to have bene lost?
14. Itm whether do you know or have you eñ creadably hard that there hathe bene any purchase had or made or any landes solde by the supposed corporacõn of Chesterfeld by the name of the Alderman and Burgesses of Chesterfeld inhabiting in the same Towne to yo^u remembrance yea or no? or any accoñ brought by them or against them by that name, or have the said Alderman and burgesses any chrõ whereby they are incorporated yea or no?
15. Itm whether do you knowe or have you creadably hard that the said Nicholas Clarke at any assembly withe the Alderman and Burgesses of the said Towne or elles where did speake or vtter theis wordes following or the like in effect viz. : Maisters, this it is, you have bene long in hande wth me aboute yo^u liberties and nowe the greatist pte of my busynes being dispatched I am at better leasure to follow the same sute for you then I was before And I thinke it nowe a good tyme for you to deale therin Because my Lord the Earle of Shrowisbury waxeth olde and sykelye and is nowe out of creadytt with the Queene and her Counsayle yea or no?

Ex pt quer.

Deposicõs of witnesses taken at Chesterfelde the xxvijth Daye of M'che in the xxvij^o yeare of the Raigne of oure souaigne lady Elizabeth by the

grace of god quene of Englande, franncce and Irelande Defendor of the faith &c. Before Edmunde Stephenson George Nedhame Rycharde Ogle and William Barton gentlemen by virtewe of her maiesties Comission to them derected for the examination of witnesses in a matter dependinge in her maiesties Courte of the exchequer Betwene the Right honorable George Erle of Shrowsbury pt and Nicholas Clarke Roberte Clarke Thomas Clarke and Godfrey Clarke defendante.

1. Thomaſ Newtoñe of Chesterfelde in the Countie of Derby and one of the burgesses of the said Towne of the Age of fyfthe syxe yeres or there aboute sworne and Examyned deposethe and saithe to the ffurst Interrogatorie he saithe that he knoweth the pties playntiff and defendante.
2. Item to the second Interr. he saithe that he knowethe the Lande Teñte and heredytamente called the gyld lande mencyoned in the said Interr.
3. Item to the Thryd Interr. he saithe that he dothe knowe That the late Kynge Phillip and Quene Marye dyd lease the same messuage of Lande Tenement and heredytamente to one Rawff Clarke then Alderman: and to the Burgesses of Chasterfeld aforesaid for the Terme of ffourescore and Neyneteyne yeres whereof many of them are yett to Come.
4. Item to the forthe Interr. he saithe that he hathe harde Credibly Reported that the alderman and Certayne of the burgesses of Chesterfeld aforesaide to the nvmer of eighte or nyne did by their Conveyance in wrytinge graunte and assigne over to the said Erle the saide messuage of lande teñte and hereditamente & Delyved to the officers of the saide Erle that is to saie Maister Robte Shakerlaye and Nicholas Clarke one of the Defendante the letters patente soe thereof to them made by and from the saide late kynge Phillip and quene Mary.
5. Item to the fyfte Interr. he saithe that he hathe Credibly harde Reported that the said Erle of Shrowsbury in respecte of the said assignment did paie vnto dyvers of the saide Burgesses of the saide towne of Chesterfeld of Certayne severall somes of mony and namlye unto one Thomas Lufe abowte the some of eighte pounce and to one Rauffe Edmonsone aboute the some of twentie markes And also the said Erle did make to dyvers other of the said Burgesses sefall leasses of sefall pcells of the same lande for dyvers

- yeares not yet expired of wiche burgesses the saide Nicholas Clarke was one.
6. Item to the sixte Interr. he saithe that the saide Nycholas Clarke mencyned in this inter at the tyme of the graunte and Assigment soe made to the saide Erle by the saide alderman and burgesses was servante to the saide Erle and that he the saide Nycholas togeather wth one Mr Sutton and the said M^r Shakerley weare putt intruste to travell and goe aboute the pcureinge of the saide graunte and assignment from the said Alderman and Burgesses to the said Erle.
 7. Item to the seventh Interr' he saithe that the saide Nicholas Clarke did move the alderman and Burgesses of the saide towne of Chesterfeld that his sonne Rōbte mighte deale for the obtayninge of their liberties and pswaded them to make hym a letter of attorney whereby he mighte be Awthorised to deale for them therein and that they made vnto hym a letter of Attorney accordinglye.
 8. Item. to the eighte Interr' he saithe that he was p'sent in the Revestrey of the pische Church of Chesterfeld at soche tyme as the Alderman and burgesses of the saide towne did seale and delyū to the handes of the saide Nicholas Clarke a writinge to the use of his sonne Rōbte Clarke and that the same was then p'ncouned and published to be a letter of attorney onely and not an Assigment but wheather the saide writinge was a letter of attorney and an Assigment of their interestes also he knowethe not and he further saithe that as he verely thinckethe that non of the burgesses then p'sent did thincke or vnderstand that the saide writinge was made to any other ende or purpose but for a letter of attorney onely Excepte Thomas Bolsover then Alderman of the saide towne of Chesterfelde.
 9. Item to the nynthe Interr he saithe that it was the onely intente and meaneinge of the saide Alderman and Burgesses to make vnto the saide Rōbte Clarke a letter of Attorney and not to make to hym any graunte or assignment of their intereste in the saide lande And further to this Interr' he can not depose then he hathe before to the eighte Interr' deposed.
 10. Item to the tenth Interr he saithe that the saide Nycholas Clarke by the Color and p'tence of the said writinge did afterward gett and pcure anewe lease of the saide gylde lande from the queenes maiestie that nowe is to the saide

Robert Godfrey and Thomas Clarke three of the saide defendante.

11. Item to the eleventhe Interr he saithe that after soche tyme as he the saide Nicholas Clarke had gotten the saide lease so his saide three sonnes he toulde hym this deponent in the howse of Thomas Bolsoñ that the said Erle of Shrowesbury had forfeited the oulde lease of the saide gylde landes for non payment of his Rente abowte fyve or sixe yeares then laste paste and he then showed forthe before this deponent and others the newe lease w^{ch} he then had taken for his three sonnes.
12. Item to the twelvethe Interr' he saithe that dyvers of the Inhabitañte of the saide towne of Chesterfeld heareinge that the saide Nicholas Clarke had taken the saide newe lease to the vse of his saide three sonnes as aforesaid they did mvrmer at the saide speeches and Repyned at his pcedinge therein but the Certayntie of their speeches they then vsed towards hym he nowe Remembrethe not.
13. Item to the thertenthe Interr' he saithe he Can not further depose otherwyse therifñ then before he hathe deposed to the sixte interrog.
14. Item to the fowretenthe Interr' he saithe he never knewe nor harde that there hathe bene any purchase had or made or any landes sould by the supposed Corporaçon mencyoned in this Interr' by the name of Alderman and burgesses of Chesterfelde neither haithe he knowne an accoñ brought by them or against them by that name but he saithe that the saide Alderman and burgesses have a Charter but ffrom whome or to what effecte he knowethe not.
15. Item to the fyfteenthe Interr' he saithe that the saide Nicholas Clarke did in the Companye of the Aldermān and Certayne Burgesses of the saide towñe whereof this deponent was one speake and vtter these wordes followeinge or the lyke in effecte videlt maisters thus it is youe have bene lounge in hande wth me aboute youre liberties and nowe the graiterte parte of my busynes beinge dispatched I am at better leysure to followe the same sute for youe then I was before and I thincke it nowe a good tyme for youe to deale therein because my lorde the Erle of Shrowsbury waxethe oulde and sicklie and as I thincke he is not nowe in soe good Creditt wth the Councell as he was before.
[Signed.] Edmñde Stephenson. George Nedh^um. Richard Ogle. William Barton.

[Other witnesses were :—]

Richard Asshe, of Chesterfeld, tanner, aged 74 years.
 William Clarke, of Chesterfeld, tanner, aged 36 years.
 Robert Worthe, of Chesterfelde, yeoman, aged 68 years.
 John Worthe, of Chesterfelde [], aged 66 years.
 Thomas Bosevyle, of Chesterfelde, dyer, aged 60 years.

Interrogatories to be minystred to the wytnesses to be pduced on the behalf of Nicholas Clarke Roßt Clarke Godfrey Clarke and Thomas Clarke, Defendante at the sute of the Righte hoñable George Erle of Shrewisburie Compleyn^{nt}.

1. Inprimis whether doe you knowe the Right hoñable the Erle of Shrewisburie Compleyn^{nt} & Nicholas Clarke Roßt Clarke Godfrey Clarke & Thomas Clarke defendante yea or noe ?
2. Item whether doe you knowe or have credible herde that one Thomas Sutton & Roßt Shakerley esquieres being of Counçell or towards the saed Erle did in the fourthe yeare of her ma^{ties} Raigne at sondrie tymes & especially one tyme at Dronfeld in Derbyshire ernstlie travell & laboure in the name of the said Erle to & wth the Alderman & Burgesses of Chesterfeld, (there being) to thend they shold have assigned & sett over to the said Erle their interest & terme of & in certen lande & tente called the Guild landz in Chesterfeld yea or noe ?
3. Item whether doe you knowe or have credible herde that the said Thomas Sutton & Roßt Shakerley or one of them, then or at other tymes pswaded the said Burgesses that the said Erle did not desyre the lease of the Guildz for his pryvate coñmoditie but for pservaçon therof from forfeitures & from other damages w^{ch} mighte happen by meanes of their disagreement as by suffering the same to come to the hande of other gentlemen as namlie S^r ffrauce Leeke yea or noe.
4. Item whether doe you knowe or have credible herde that (notwthstanding all theis pswasions) did not the Burgesses there at Dronfeld assembled denye to sett over their interest unto the said Erle yea or noe.
5. Item whether doe you knowe or verelie think that the greater nomber & most substanciall parte of the said Burgesses did at all tymes afterwardz contynewe vnwilling to sett over their interest of the said Guild landz to the said Erle yea or noe.

6. Item whether doe you knowe or verelie think that some of the said Erle his servante afterwardz that is to saye in September in the same fourth yeare of her ma^{tes} Raigne did offer or tender to twelve of the said Burgesses A certain instrument or wryting sealed by the said Erle conteyning A graunte of Annuitie of sixe pounce thyrtene shillinge & foure pence to be payde yerlie to them for the terme of certain yeares w^{te} a recytall that the same was graunted in consideration of an Assignement of the lease of the said Guild landz to the said Erle yea or noe.
7. Item whether doe you knowe or have credible herde that the said twelve Burgesses were earnestlie laboured by certain the officers or svantz of the said Erle to have accepted the said graunte of Annuitie & to have sealed the Counterpane therof & if yea then howe manie of the said twelve Burgesses did seale the said Counterpane & howe manie of them denyed or refused to seale the same to yo^r knowledg or as you have credible herde.
8. Item whether was the more pte of all y^e burgesses of the said towne greatelie offended & displeased when they vnderstode howe the Erle of Shrewisbury had gotten the custodie of the Guild lease into his handz from the towne & that some of the Burgesses has sealed the Counterpane of the said graunte of Annuitie.
9. Item whether are the Rente of the moste pte of the Guild lande & ten^{te} also of some pore Cottages whervnto noe lande belong & wherin sondrie pore folke lyving ptelie of Almes doe dwell verie hardelie & moche improved & enhaunced by the officers of the said Erle synce they have had dealing therin yea or noe.
10. Item whether doe you knowe or have credible herde that manie of the Burgesses there have founde them selves greatlie grieved at sondrie tymes wth in seven yeares last past not onlie because the officers of the said Erle delte so hardlie wth the tenⁿte & occupiers of sondrie Cottagers and other tenⁿts of the Guild lands in emproving the Rente therof so highlie but also because the said officers did also deale verie hardlie agaynst the said Burgesses by hyndring them from enjoyeing of sondrie liberties w^{ch} they had vsed tyme oute mynde yea or noe.
11. Item whether have the Alderman & Burgesses of the Borough of Chesterfeld bene reputed & takyn tyme oute of mynde

for a corporacon & have vsed a Coñon seale therwth to seale sondrie conveyances Instruementz & wrytinge to yo^r knowledg or as you doe think yea or noe.

12. Item whether did sondrie of the Burgesses of Chesterfeld at sefall tymes wthin three yeares last past requyre the said Nicholas Clarke to deale for them & to vse Councell & advyse for the libtres & profytts of the said towne before he obteyned a lease of the Guild lands to his sonnes yea or noe.
13. Item whether did the said Nicholas Clarke afterwardz that is to saye in or aboute the sixteenth daie of Januarie in the xxvjth yeare of her ma^{ties} Raigne shewe & Reade or cause to be Redd vnto the Aldermanne & Burgesses then assembled togythers being then in number about xxxij Burgesses A certen instrument or wryting engrossed in pchment & at that tyme said vnto them that if they wold seale the same wryting wth their coñen seale & delyver the same & referr all to his discrecon that then he wolde pmyse & coven^{nt} wth them that his sonne Robt Clarke should not onlie deale for them touching their liberties but also shold p^ure them a better coñoditie forth or by Reason of the Guild lande then before that tyme they had receyved naming further that phappes it shold be tenne poundz by yeare phappes twentie markes by yeare & if it shold prove more then they shold have more cause to gyve him thanke or vsed soch lyke speches to the lyke effect & if he the said Nicholas Clarke so said then whether did he not also will them to pardon or spare him from telling them by what meanes or w^{ch} waye he wold goe aboute to doe it as you knowe remember or doe think.
14. Item whether were the said xxxij Burgesses w^{ch} were p^rsent at the same meting & at the shewing & Reading of the said wryting of the greatest Credyte & estimacon of all the number of Burgesse as you think yea or no.
15. Item whether were you Thomas Bolsover Alderman of Chesterfeld then yea or noe & if yea then whether did the said Nicholas Clarke before the tyme of those speches & Reading of the said wryting vnto the said Burgesses delyf or send vnto you a certen wryting in paper sealed & signed by the said Nicholas Clarke by & in w^{ch} wryting the said Nicholas Clarke coven^{nted} wth the Alderman & Burgesses there that if the said Alderman & Burgesses wold aucthoryse Robt Clarke his sonne to deal for them in their liberties &

also if they wolde assigne & sett over to him all their interest in the said Guild lande that then his said sonne Robt Clarke shold not onlie doe his best in confyrming or enlarging of their libtities but also shold pcare to them A better comoditie forth or by Reason of the Guild lande then before that tyme they had receyved or to the lyke in effecte.

16. Item whether did the Alderman & all those Burgesses w^{ch} were psent at the Reading of the said instrument engrossed in pchement & at the hearing of those speches w^{ch} the said Nicholas Clarke then vttered imediatelie thervpon seale the said wryting wth their comen seale yea or noe & if yea then howe manie of the said Burgesses coulde wryte Reade & whether did not some such as could Reade then pvse the same at their pleasure wth out anie denyall or hynderance of the said Nicholas Clarke yea or noe.
17. Item whether have you latelie sene & Redd or herd Redd the aforsaid instrument sealed wth the comen seale yea or noe.
18. Item whether doth the same wryting conteyne aswell A letter of Attorney to the said Robt Clarke to deale for the Burgesses for their liberties as also an assignement to the said Robt Clarke of all their interest & terme of & in certen lande called the Guild lande to yo^r knowledg or as you verelie think yea or noe.
19. Item howe manie inhabitante of Chesterfeld being knowne or called Burgesses were then lyving to yo^r knowledg or as you verelie think.
20. Item by whome [are ?] the Burgesses appoynted nominated or Chosen & in what maner as you think or have herde by credible report.
21. Item whether doth the Corporacoⁿ consist of a certen number of Burgesses or els of so manie Burgesses as are Chosen & are lyving to yo^r knowledg as you have herde.
22. Item whether did the said Nicholas Clarke declare vnto the Burgesses psent at the sealing of the said wryting wth the Comen seale that he ment that his said sonne shold Surrender that interest in the Guild lande into her ma^ties hands & there vpon shold take a newe lease yea or noe.
23. Item whether did the said Nicholas Clarke shortly after his said sonne Robt Clarke had surrendered the interest or terme of the guild lande & had obteyned a newe lease for three lyves at her ma^ties hands shewe the same lease to A great number of Burgesses assembled & then shewed them the

cause of the hyding or conceyling of his purpose in surrendring the former interest & taking of A newe lease alledging that he durst not shewe his purpose vnto them lest some of them shold have bewrayed his Councell & therby he & they shold phappes have bene pvented by the meane or [pcurem^t] of the said Erle.

24. Item whether have the Alderman & the greatest & best number of the Burgesses synce they vnderstood the meaning & purpose of the said Nicholas Clarke in concealing that his devyse from the multitud well allowed & comēded his dealing therin yea or noe.
25. Item whether was their a composicon & Agreement made betwixte the said Nicholas Clarke & the said Alderman & Burgesses shortly after the shewing of the said newe lease to paie yerlie to the said Aldman & Burgesses & their Successors during the said lease & so long as the pmisses maie be enjoyed by verteux of the same lease xxvjth xiiijth iiiij^d yea or noe.
26. Item whether have the S^vvante or officers of the said Erle not onlic pcured dyⁿ of the tenⁿtz & occupiers of the said Guild lande synce the said lease obteyned for three lyves to paie their Rentz to the vse of the said Erle but also have expelled dyⁿ other tenⁿtz from the possession & occupacon of dyⁿ pcell of the same landz & have takyn the pfytte therof & occupied the same to the vse of the said Erle w^{ch} before were occupied by tenⁿte.
27. Item whether doe you knowe that William Dickonson Richard Robertz Arthur Barker & Antonie Latham or some of them being bayliffe s^vvante or dealers to or for the said Erle did vnder p^tence of a rent res^ved to the said Erle for pte of the said Guild lande enter into the se^lll houses of Thomas Bolsover Steven Rogers John Woodward & George Trowte being occupyers of pcell of the said Guild landz in Chesterfeld & there tooke dyⁿ & of their wares goodes & Chattels & carried the same awaye & yet doe deteyne the same yea or noe.
28. Item whether doe you knowe or have crediblie herde that wthin two yeares last past a great number of Cattel have bene sodenlie putt into some of the sayd Guild grounde in the name of the said Erle & there forcibly kepte wth dyⁿ psons well weaponed to the entent to destroye the grasse there growing & whether have the same psons w^{ch} so kepte

- the Cattell or anie others made any Rescusse or hyndered anie pson or psons from impounding anie Cattel so kepte or otherwyse takyn in the said Guyld grounde yea or noe.
29. Item whether doe you knowe or have credible herde that wthin twoe yeares last past there hath bene dy^{vs}s distresses lawfully impounded on the behalf of the sonnes of the said Nicholas Clarke in a Co^men pounce at Newbold for doing damage in the said Guild lande & that the same pounce hath bene dy^{vs}s tymes forcible broken in the nighte tyme & the same distresses taykn forth & secretly conveyed awaye yea or noe.
30. Item whether were you William Kingston & John Ruselowe wthin a yeaere last past appoynted to attend & did watch the Co^men pounce at Newbold to the end to knowe the names of soch psons as had vsed to breyke the pounce & as shold take forth the distresse & that was then & there impounded for doing damage in a pcell of the said Guild ground yea or noe.
31. Item whether doe you knowe that one Justyne Staley Antonie Hobson Antonie Latham & Edward Brigge or some of them did not onlie forcible breyke the lock & Iron Cheyne of the said Co^men pounce at newbold & toke forth the said distresse w^{ch} was there lawfully impounded but also wth long staves & other weapons did cruellie assalt beate wounde & hurte you the said William Kingston & John Purselowe then being in quyet maner watching and attending the dystresse there impounded yea or noe.
32. Item whether did the said Anthony Latham bayliff to the said Erle of Shrewisburie at the tyme of the said Assalte made & after that he had striken you at his' pleasure vse dy^{vs}s imperious speches to you the said Kingston and Purselowe or eyther of you sayeing that he wold make you like Rascalles & knaves to Crowche & knele to him and whether did the said Latham saye to the said Brigge one of his company theis wordz folowing that is to saye stryke them or els I will stryke thee.
33. Item whether was not you William Kingston so sore hurte & brused at the tyme of the said assalt by the said Latham Brigge Hobson & Staley or some of them that you yo^r self did think that you shold not have escaped yo^r hurte w^ts lyfe & thervppon was openly prayed for by the pyshioner^h in the Churche of the pishe wherin you dwell yea or noe.
34. Item whether doe you knowe that the said Justyne Staley

- aſs John Juſtice wthin twoe yeares laſt paſt did Chase & beate one mare of one Rafe Penyſtons being in pcell of the ſaid Guild ground in ſoch wyſe that blode came oute of her noſe yea or noe.
35. Item whether doe you knowe that the ſaid Juſtynne Staley aſs John Juſtice wth in twoe yeares laſt paſt did ſore Chase the ſhepe of one John Dobb in pcell of the ſame guild groundz wherby one of the ſame ſhepe was almoſt drowned yea or noe.
36. Item whether doe you knowe that the ſaid Juſtynne Staley & one William Knulton wthin ij yeares laſt paſt did wth doggz chase & byte the ſhepe of the ſaid Nicholas Clarke as well in pcell of the ſaid Guild gronde as alſo in the hyd or Comen waye as therby it was lykelye the ſaid ſhepe ſhould be in danger to dye by meanes therof yea or noe.
37. Item whether doe you knowe that the ſaid Antony Latham baylyf of Cheſterfeld Richard Hardman & Thomas Newton Conſtables there or anie of them did wthin one yeare laſt paſt by colo^r of their offices & wth out other lawfull aucthoritie enter into a houſe pcell of the ſaid Guildz lande & fynding there dyſs houſehold goodes & implementz of one Robt Flecher a verie pore man whoe dwelt therin did Rigorouslie & wthout mercie Caſte the ſame goodes & implementz oute of the dores & ſo forced him ſhortly after to leave & forſake his poſſeſſion of the ſaid houſe.
38. Item whether have you herde that anie pſon or pſons being towardz the ſaid Erle have reported that the ſaid Erle by his officers or S^vantz wold ſhortly enter into all or the moſt pte of the ground pcell of the ſaid guild landz & wold ſodenlie thruſt oute the tenⁿtz & occupyers therof & take all ſoch Corne & haye as ſhould growe vpon the ground by force yea or noe.
39. Item whether was the ſaid Nicholas Clarke ſervant to the ſaid Erle & did weyre his Cloth at the tyme when the letters Pattente for the guild landz were delyved to the ſaid Erle & before yea or noe & if noe then when was the ſaid Nicholas Clarke retheyned into the ſaid Erles ſervice & how Doe you knowe the ſame to be trewe.

Ex part defend

1. Thomas Bolſover of Chafterfeld in the countye of Darbye marcer and one of the Burgesses there of the age of threſcore yeres or thereaboute ſworne and Examyned depoſethe and

- saythe to the ffurst Interr' that he knowethe the Compleyn^{nt} and the Defendante.
2. Item to the second Interr he saythe that he hathe hard by Report that the said Robert Shakerley and Thomas Sutton mencyoned in the same Interr aboute the tyme mencyoned in the said Interr dyd Travell for the said Erle withe the Alderman and Burgesses of Chasterfeld for the tyme beinge Accordinge as yt ys mencyoned in the said Interr and to and for the intent and purpose lykewyse mencyoned in the said Interr.
 3. Item to the Thyrd Interr he saieth that he haithe hard by credyble Report that the said M^r Sutton and M^r Shakerley pswaded the said Burgesses that the said Erle dyd not desyer the Leasse of the said guylde lande for his pivate Co^modytie But for the pservacoⁿ thereof from forfeitures and other daungers whiche myght happen by me^ans of their Dys-agreement as by Sufferinge the same to come to the hande of other gentlement as Namely S^r ffraunces Leeke.
 4. Item to the fourthe Interr he saithe that he haithe hard lykewyse by credyble Report that notwithstandinge the said pswa^çons of the said M^r Sutton and M^r Shakerley at the tyme and place aforesaid to the said Burgesses so made the same Burgesses then and there assembled dyd denye to sett over their Interesse of in and the same Lande to the said Erle.
 5. Item to the vth Interr he saithe that he knowethe that the greater number of the said Burgesses dyde at all tymes aftur the said Mocyon had at Dronfeld contynewe vnwyllinge to sett over their interest of the said gyld Lande to the said Erle.
 6. Item to the vjth Interr he saithe that he doth knowe that afterwarde videlt in September in the said fourth yere of the quenes maiestyes Reigne some of the Servaunte of the said Erle whereof the said M^r Shakerley was one as he nowe Remembereth dyd offer and delyver to Twelve of the said Burgesses a certen instrument or wrytinge sealed and Sygnd vnder the hand of the said Erle conteynyng a graunt of an Anuytie of syxe pounce Thyrtayne shillinge and foure pens to be paid yerely vnto them for the terme of certen yeres withe a Recytail therein conteyned that yt was graunted in consyderacon of an Assignement of the Leasse of the gyld Lande to the said Erle.
 7. Item to the vijth he cannot depose.

8. Item to the viiijth Interr he saithe that he knowethe that the most part of the said Burgesses were greatly offended and dyspleased when they vnderstode howe the said Erle had gotten the Custodye of the said guyld Lease into his hande from the said Towne And further to this Interr he cannot depose.
9. Item to the ixth Interr he saithe that the Rente of the most part of the guyld Lande and Teñte and also of some poore coteles pcell of the said guyld Lande where vnto no Lande doe belong and wherein sondery pore folke lyvinge partly of Almes doe dwell be muche ymproved and inhaunced by the offycers of the said Erle syns they had dealinge herein.
10. Item to the xth Interr he saithe that he dothe knowe that many of the said Burgesses have founde themselves greatly greaved witheyn seaven yeres nowe last past (*sic*) because the offycers of the said Erle have delt so hardly withe the Tenⁿte and occupyers of sondery Cotage and other Tenemente of the said guyld Lande in ymprovinge the Rente thereof so highly and also because the said offycers dyd deale hardly Agaynst the said Burgesses by hynderinge them from Inioyninge of sondery Lyberties w^{ch} they had vsed to tyme oute of mynde.
11. Item to the xjth Interr he saithe that the Alderman and Burgesses of the Burrowghe of Chasterfeld have bene Reputed and taken by all the tyme of his Remembraunce beinge aboute fortye yeres for a corporacan and have vsed a comon seale by all the same tyme therewithe to seale sondery Conveyaunces instrumente or wrytinge.
12. Item to the xij Interr he saithe that he knowethe that dyvers of the Burgesses of the said Towne of Chasterfeld at sefall tymes witheyn three yeres last past dyd Requyre the said Nycholas Clarke to deale for them and to vse counsell and advyse for the Lyberties and pffytte of the said Towne before he obtayned a leasse of the said guyld Lande to his sonnes.
13. Item to the xij Interr he saith that the said Nycholas Clarke aboute the tyme mencyoned in this Interr dyd shewe forthe and Reade out this Deponent then beinge Alderman of the said Towne and certen Burgesses then assembled together beinge thyrtye and Twoe in nomber a certen instrument or wrytinge ingrossed in pchement and after the Reading thereof sayed yf they wold seale the same withe

their comon seale and delyver the same and Referred all to his dyscressyon That then he wold pmesse and Coven^{unt} withe them Acordinge and in suche manor and sort as is mencyoned in this Interr And further he saithe that the said Nycholas Clarke dyd then will and Requyre them to pdone hym from tellinge them by what meanes or whyche waye he wold goe aboute to doe yt.

14. Item to the xiiijth Interr he saith that the said xxxijth Burgesses w^{ch} were p^sent at the same metinge and at the shewinge and Readinge of the said wrytinge mencyoned in the xiiijth Interr were of the greatest credyte and Estimacon of all the Burgesses wthein the said Towne of Chasterfeld.
15. Item to the xvth Interr he saithe that he this Deponent at the tyme mencyoned in the xiiijth Interr was Alderman of Chasterfeld and that the said Nycholas Clarke before the tyme of the speches and Readinge of the said wrytinge mencyoned in the same xiiijth Interr dyd send vnto this Deponent a certen wrytinge in Paper sealed and signed by the said Nicholas Clarke by and in whiche wrytinge the said Nycholas Coven^{nted} withe the Alderman and Burgesses there to this effect that yf [the ?] said Alderman and Burgesses wold Aucthoryse Robert Clarke his sonne to deale for them in their lyberties And also yf they wold Assigne and sett over to hym all their interest in the said guylde Lande That then his said sone Robert Clarke shuld not onely doe his best in confyrmyng or inlarginge of their lyberties but also shuld pcure vnto them a better Co^modytie forthe or by Reasone of the said guylde Lande then before that tyme they had Receyved.
16. Item to the xvjth Interr he saithe that he this Deponent beinge then Alderman and all thos Burgesses whiche were p^sent at the Readinge of the said instrument [ingrossed ? in p^{ch}ement mencyoned in the xiiijth interr And at the hearinge of those speches whiche the said Nycholas then vttered ymmedyately therevpon dyd seale the same wrytinge withe their co^mon seale And he saith that fyfteyne or syxteyn of the said xxxij Burgesses w^{ch} were then p^sent cold wryte Reade and that some of them dyd Reade and pvse the same wrytinge or instruement beinge in Englyshe And devysed by the said Nycholas Clarke And also dyd wrytt their name vpon the same wrytinge or Instruement.
- 17 & 18. Item to the xvijth and xviiith Interr he saithe that he

this Deponent dyde witheyn fouretheyne dayes last past see and here Rede the same Instruement sealed withe their Comon seale as ys aforesaid And that the same Instruement or wrytinge conteynethe Aswell a letter of Attorney to the said Robert Clarke to deale for their lyberties As also an Assignement of all their interest and Terme of and in the said gyld Lands.

19. Item to the xixth Interr he saithe that at the same tyme mencyoned in the xij Interr there were aboute the number of fortie Inhabytante of Chasterfeld whiche were called or knowen Burgesses then lyvinge.
20. Item to the xxth Interr he saithe that the Burgesses of Chasterfeld have byne heretofore vsually Elect and chosen by the Jurye comenly called the Burgesse quest at the greate leate holden at Chasterfeld aforesaid.
21. Item to the xxjth Interr he saithe that the said Corporacōn dothe not consist vpon any certen number of Burgesses But some tyme they have byne in number more and some tyme lesse.
22. Item to the xxijth Interr he saithe that he this Deponent dyd not heare the said Nycholas Clare Declare vnto the Burgesses psent at the sealinge of the said wrytinge withe the comon seale that he ment that his said sonne shuld surrender that interest in the guylde Lande into her maiesties hande And therevpon shuld take a newe leasse thereof.
23. Item to the xxijth Interr he saithe that the said Nycholas Clarke shortly after that his said sone Robert Clarke had Surrendered the interest or Terme in the guylde Lande and had obteyned a newe leasse for three lyves at her maiesties hande dyd shewe the same leasse to this Deponent and a greate number of other Burgesses Assembled together And then shewed them the cause of the hydinge or concealinge of his purpose in Surrenderinge the former interest and takinge of a newe leasse Aledginge that he durst shew (*sic*) his purpose vnto them least some of them shold have bewrayed his counsell And thereby he or they shuld phappes have bene pvented by the means or pcurement of the said Erle.
24. Item to the xxiiith Interr he saithe that he this Deponent being Alderman of the said Towne and the greatest and best number of the burgesses of the said Towne synce they vnderstoode the meanyng and purpose of the said Nycholas Clarke in consealinge his said devyse from the multytude dyd well Allowe and comende his Dealinge therein.

25. Item to the xxvth Interr he saithe that shortly after the obteynynge and shewinge forthe of the said newe lease There was a composycon and Agreement made Betweyne the said Nycholas Clarke and this Deponent then Alderman and other the Burgesses of the said Towne That the said Nycholas Clarke or some of his said sonnes shold paye yerely to the Alderman and Burgesses of the said Towne and their Successors duringe the contynuaunce of the said newe Lease xxvyth xij^s iij^d.
26. Item to the xxvjth Interr he saithe that the Servaunte and offycers of the said Erle have synce the newe lease for three lyeffe obteyned p^cured Dyvers (*sic*) and occupyors of sefall p^celles of the said guyld Lande to paye theyr Rente to the said Erle and also have Expelled Dyvers other Tenⁿte from the possessyon and occupacon (*sic*) of dyvers p^celles of the same Lande and have taken the p^ffette thereof and have occupied the same to the vse of the same Erle whiche before were occupied by the Tenante.
27. Item to the xxvijth Interr he saithe That Willm Dycconson Richard Roberts Arthur Barker and Anthony Latham beinge Baylyffe or Servante (*sic*) to the said Erle dyd shortly aftur the said newe lease obteyned enter into the sefall howses of this deponent Stephen Rogers John Woddward and George Troute beinge p^cell of the said guyld Lande aforesaid and then p^tendinge Rente to be Dewe for the same howses vnto the said Erle dyd take Dyvers of their wares goode and cattalles and caryed the same awaye and yet do deteyne the same.
28. Item to the xxviiith Interr he sayethe that he knowethe that witheyn Two yeres last past there hath bene at sefall tymes great nombers of cattall videlt some tyme Twentye some tyme fortye and some tymes fewer a number put into some of the sayd guyld Lande in the name of the said Erle And there have bene kepte by dyvers p^sons weaponed withe longe pyked staves and other weapons to the intent to eate and spoyle the grasse then there growinge And that he hath hard by credyble Report that the same p^sons that so kept the same cattell have withestode and lett suche p^sons as Attempted to dryve awaye or ympounde the same cattell so by them there kept.
29. Item to the xxixth Interr he saithe that he haithe hath hard by Report that witheyn Twoe yeres last past Dyvers

Dystresses have byne taken on the behalff of the sonnes of the said Nycholas Clarke and ympounded in a comen pounce at Newbold for damage doynge in pcell of the said gyld Lande and that afterward the same pounce have bene Dyvers tymes Broken in the Nyght season And the same Dystresses taken forthe and secretly conveyed Awaye And to the rest of th ynterrogatories he cannot depose.

[Signed] Edmūd Stephenson George Nedh^m Richard Ogle William Barton.

[Other witnesses were :—]

John Chaworth, of Chesterfeld, Bocher and Burgesse aged 70 years.

Godfrey Heathcote, of Chesterfeld, Brasyer, aged 26 years.

John Purselowe, of Chesterfeld, laborer, aged 20 years.

XIII. There was a Special Commission appointed in 1589, and depositions taken at Morley on 15th January, as to St. Peter's Chapel, Smalley, and the chapel garthe adjoining, whether the lands were given for "superstitious uses" and hence forfeited to the Crown. William Rishton was plaintiff, and Thomas Wilcockson and William Ryley defendants. Mention is made of Christopher North, parson of Morley.

XIV. An important Commission was appointed on 12th February, 1591, and depositions taken at Belper on 14th of April, as to debts and property of Anthony Babington, assesed for high treason, especially as to the manor of Wigwell. Barnard Wakefield was plaintiff, and Henry Wigley, Henry Butler, John Clay, and George Statham defendants.

A further Commission, with the same plaintiff and defendants (XV.) on the like subject, in 1592, and depositions taken at Derby on 1st April.

XVI. In 1591 a Special Commission was appointed, and depositions taken at Derby on 11th September, as to a messuage and garden in Friar Gate, Derby, parcel of the lately dissolved nunnery of Kingsmead.

XVII. A Special Commission was appointed in 1592, and depositions taken at Derby on 27th March to enquire as to the churches of All Saints', St. Michael, St. Alkmund, and St. Werburgh, whether they are accounted parish churches, and also touching the Chapel of St. Mary, standing on Derby Bridge. They were to enquire whether a commission was issued in the reign of Edward VI. as to lands given in Derby for "superstitious uses." Ralph Bentley and Thomas Campion, late bailiffs of Derby, were the plaintiffs, and William Buckley defendant. A further Commission (XIX). as to lands given for repairs of the same churches was issued in 1595.

XVIII. In 1594 there was a Commission issued and depositions taken as to cottages and lands in Allestree.

XX. In June, 1595, there was a Commission appointed and depositions taken at Derby as to whom the sign of "The Angel in the House," in Derby town belonged, and also another house occupied by John Godbyhere.

Numbers XX., and XXV., XV., XVI., and XXVII., relate to Commissions and Depositions relative to Gilbert Thacker and lands etc., in the town of Repton, with many references to the late priory.

XXI. In 1596, Depositions were taken at Bolsover, as to the manors of Scarcliffe and Palterton, formerly pertaining to Darley Abbey.

In the same year a Commission was appointed and depositions taken at Heynor, as to the manor of Sandiacre. formerly parcel of the monastery of Darley.

XXIII. A Special Commission was issued and depositions taken at Stony Middleton, in 1597-7, as to title of property in Stony Middleton and Hassop, whether they were possessions devoted to "superstitious uses," or whether they were parcel of the possessions of the Earl of Shrewsbury, and used for the support of divine service.

In the last years of Elizabeth, subsequent to 1597, there were twelve Special Commissions each followed by

depositions concerning questions at issue as to property at Bolsover, Mackworth, Birchover (2), Locko, Derby (2), Eckington, Kingsmead (2), and Brassington.

After a hasty survey of these Depositions, the only one, as it seems to us, of first importance is that which is concerned with exemption from the Derby tolls, claimed by these parts of the county which were members of the Duchy of Lancaster.

A Special Commission was appointed on 24th June, 1601, and depositions were taken on 22nd September, at Derby, in a case between the Bailiffs and Burgesses of the town of Derby plaintiffs, and John Brockshaw, Edward Garland, and others H.M. tenants and inhabitants of Melbourne, of the Frith of Duffield and Duchy of Lancaster, defendants, whether defendants are liable to pay toll in the town of Derby. The contention also involved the towns of Ashbourne and Wirksworth, and the hundred of Appletree, as parcels of the Duchy of Lancaster. The commissioners were Sir John Bentley and Richard Harpur, Esquires. The interrogatories on both sides numbered seven, but the deponents were numerous, and the whole extended to 16 membranés most of which are fairly legible.

Thomas Williamott of Butterley in the county of Derby, yeoman, aged thirtie three yeares or thereabouts Sworne & Examined.

1. To the first Interr he sayth that he knoweth not the newe baylifes of Derby nor those the weare the last yeare but he knoweth John Brockshawe one of the defendants & the Queenes maner & frith or fee of Duffield, & that he knoweth the townes of Ashbourne & Wirksworth & some parte of the hundred Appletree, all such he hathe knowen by the space of twentie yeares.
2. To the Second Interr hee sayth that he well knowe that Frayday hathe beene commonly reputed & used for the m'kett day weekly in Derby & hee doth knowe that three faires have beene yearley vsed & holden within the same towne & premisses thereof, videlizt Uppon Frayday in

Easter weeke, Frayday in Whitsuso weke, & uppon St. James Day the apostle, & that Easter faire hath beene usually kept for Cattle above Conasten Hill, the horse faire in the Holms, & for sheep, Swyne & other Cattle & for butter & stalles they have been usually kept in the acustomed M^rkett place.

3. To thirde Interr he saithe that he aboute eight yeares agoe did for three or foure yeares aboute that tyme use the m^rketts & faires of Derby with Cattle & sheepe for John Brockshawe and of the defendants, & that in all that tyme hee never knewe the said John Brockshawe to pay any tolle for any Cattell that he sould or bought.

To the 4, 5, & 6, & 7 Interr he cannot certainly depose.

The following also deposed :—

Raphe Underwood of Wilborn in the county of Leicester, husbandman, aged 70.

William Bradshaw of Duffield, aged 67.

———— Smyth of Hasleland, laborer, aged 40.

William Kirkman of Hemington in the county of Leicester, husbandman, aged 53.

Robert Winkley of Belper, husbandman, 60.

William Fisher of Normanton, yeoman, 10.

William Smyth of Chellaston, yeoman, 66.

Robert Mellor of Idrighay, yeoman, 66.

Thomas Abbott of Melbourne, linen Mafer, 47.

Raphe Bamble of Idrighay, yeoman, 53.

Thomas Hudson, of Duffield labourer, 60.

John Green of Morley, grocer, 59.

Michael Pegge of Brailsford, drover, 60, depose much to the same effect, stating that only those paid to toll from the Duchy of Lancaster were simple folk, but knew not of the charter or grant ; while others yielded to threats.

To the 12 Interr on behalf of the Bailiffs & Burgesses the following witnesses deposed :—

John Stainsby, of Stainsby House, yeoman, 60.

Richard Alsoppe, Vintner, of Derby, 90.

William Moss of Derby, draper, 85.

Henry Yorke of Derby, ironmonger, 88.

Edward Willimott of Derby, draper, 57.

Edward Hawbanck of Derby, tailer 67, stating that every foreigner & stranger paid the Derby market & fair tolls, except they were by grace omitted on the score of poverty ; but of late years there had been some resistance by drovers & others.