

Ingleborough boundaries - M.J.Slater

PRO DL 5/24 3 Jas. I Trin. - 7 Jas. I Trin. 10460

Records of the Court of Duchy Chamber
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[X]ofer Proctor et al de Selsyde [querentes] Rymington et al [te]nentes de Astwick def[enden]tes.

Wheras by a former order or decree of this Courte taken at the heareing of the Courte the feedinge and pasturage wthin the boundaryes in the said order or decree taken in the terme of.... last were ordered wth the pties untill the deftes should obteyne a verdict at the comon lawe agaynst some of the tenannts of Selsyde And where the cause hath not yet received tryall as was intended by this Court it would have since (?) done in and by the default and negligence of the tenanntes of Selsyde as this Court is informed And this courte is further informed by the tenanntes of Astwick that the waste wthin the boundaries in question and the wasts of the mannor of Astwick cleelye not severed or devided the one from the other And that by meanes therof the cattell of the tenanntes of Astwick wch are putt uppon their wasts will some tymes of them selves rayk (*stray*) over into the wasts in question And that the tenanntes of Selsyde or their servanntes or others by their comandemt doe Impound the same cattell and therby multiplicite of suites are like to growe And further yt is informed that they doe chase dogg and hunt wth doggs and otherwise the same cattell and therby killed some and hurt manye and likewyse have turned and cast grate stones into the high wayes and lanes wthin the same boundaries wherby the said tenanntes of Astwick cannot passe wth carriages for their necessarye carriege of their turbarye wch dysorderlye and violent dealeinges this courte doth much mislike the said Informacons be trewe And therfor yt is ordered by this Court for a quietnes be had betwene them untill a tryall be had at the comon lawe that yf the deffts goods or cattell beinge not willingly putt into the grounds wthin the boundaries in question but shall of themselves rake over unto the same that the neyther the said pties nor anye of their servanntes nor any by their appoyntmt shall hunte impound dogg or hunt wth doggs the said cattell of the tenanntes of Astwick rakenge over unto the said grounds in question And the Councell of both pties have further tyme to agree uppon the pleadinges for triall of the title of Comon untill C[ommemo]r[ati]o ani[ma]r[um] next comeinge And the said deffts are not to cast any more Stones into any wayes or lanes to the hindrance of carriage of turves but that the said tenanntes of Astwick maye have and carrye their turves, as heretofore they have done And lastlye yt is ordered that the said tenanntes of Astwick may take forth an Attachmt agaynst those that have either killed or hurt anye of their cattell or anyed the passageing aforesaid to the(m) that uppon their apparance such punishm[en]t may be upheld uppon them as their severall offences shall deserve.

(the next quarto is dated July 1605) {Cro anirm - All Soul's Day 2nd November}

Termino Michaelis A^o RR Jacobi

Inter tenentes de Selsyde [querentes] et tenentes de Astwick def[enden]tes

It is this daye ordered in the presence of the Councell learned of both pties that the Tenanntes of Astwick may take theire remadye at the Comon lawe for such damages & Costs as are geven to them as the comon lawe uppon the last verdict geven in the cause And that this Court doth think fitt & soe order that a newe tryall be had at the Comon lawe uppon the like yssue as the former was, agaynst such tryall fewer or more of the Jury that shall trye the same yssue shall have the viewe of the powndes in variance And untill a tryall be hadd the usage of the comon wthin the boundares in question both for the feedinge and turbary to be used by both pties as it is limyted by former orders of this Court taken before the same verdict And as the tryall shall fall out soe the possession to be further established by the authorityes of this Court for this courte doth intend that this tryall shalbe finall And yf either ptie shall use any fryvolouse or unnecessarye delaye in the said tryall then this Courte uppon Informacon therof will take further order therin And lastly it is ordered by this Courte that this order be not expounded or restored to priudice the title of either ptie at the tryall of the said Courte at the Comon lawe.

(next item dated novembri 1606)

Inter tenentes de Selsyde [querentes] et t[e]n]en]ts de Astwick def[enden]tes

Forasmuch as the pls moved this Courte that wheras this matter came to hearinge at their suite and was ordered to a tryall at the Comon lawe wch as this Courte is informed was not soe provided in as the Justices of nisi prius tooke order for that soe manye of the Jurors had not the veiwe of the platiff as was by them appoynted wherupon they moved this Courte for a newe triall wch was ordered to be in such sorte as the former was wth the pls conceived might be preiudiciall to the kings majs title yf the same should passe agaynst them, and yet the boundares of the mores and wastes of the said twoe Lordshippes should not therby come in question wch yf it should fall out for the Complis might doe them litle good And therefore desired to have the matter heard agayne uppon the former proofes or ells to be lefte at libertie to take such Courte as they should be advised to by councell agaynst the defs And for that the Court did not think fitt to heare the matter agayne And therin (?) therfor that mr Shuttleworth whome the title concerned on the defs behalf was wthin age and cometh not to full age till about ij yeares next ensuenge durenge whose nonage the Court thought it not fitt to determyne the matter of the said 2 bounders It is therefore ordered uppon the pls....in the presence of the defs Councell that the Iniunction grannted in this Courte for the Complis shalbe dissolved and either ptie to take their remedye as by their Councell they shalbe advysed at Comon lawe

Jo: Breegrave

Xophar [procurator]

