

Court of Duchy Chamber re Crown Lands and Estates

TNA DL5/27 10460

11 James I (Hillary term) to 16 James I Trinity term

Inter Edw. mosley .. ex ... Thome Procter et al(ia) tenentes manorij de Newby quer(entes) et Thome Ingleby gen(erosus) Willm Rychardson Willm Rawson et al. Tenent(es) de manor de Clapham def(enden)tes

Whereas the def(enden)tes and div(er)s others tenants and Inhabitants within The mannor of Clapham were to appeare this tearme in this Co(ur)t to Annsweare an Informacon exhibited against them and div(er)s other Tenanntes and Inhabitants of Clapham and Awstwick on the behalf of his ma(jesti)e and of the pl(aintiffs) and the rest of his ma(jesti)es tenanntes of Newby and Selsyde in the Countye of Yorke for their wrongfull entering unto and inclosing of the wastes and moores of Newby and Selsyde beinge his ma(jesti)es Inheritance within the boundaries thereof And have not onlie inclosed all their owne Commons and wastes belonging to the said mannor of Clapham where his ma(jesti)es said tenanntes of Newby and Selsyde have tyme out of mynde of man had and used Common of pasture by reason of virenage for all their Cattell Commonable use and throughout the said Commons and wastes of Clapham but have alsoe inclosed and taken up a grate parte of the said mores and wastes Belonging to his ma(jesti)es said tenanntes of Nuby and Selsyde in div(er)s partes thereof and which doe lye within the boundaries of Newby and Selsyde and doe solelie belonge to his ma(jesti)es said tenanntes within the said mannor of Newby in respect of their Anncyent Customary tenentes which they hould of his ma(jest)ie by sertayne rents and services as by the said Informacon appeareth Nowe for that this Co(ur)t is this daie Informed by mr Procter of Councell With the said Com(plainant)es that the said parties have since the said Informacon exhibited mett upon the said wastes and Commons soe by the said def(enden)tes and the rest of the Inhabitants of Clapham wrongfully inclosed as is alledged And for that the said Controversie is only for and in regard of the extent of the lymitts and boundaries of and upon the wastes & Commons between the said mannor of Newby and the mannor of Clapham and Awstwick which doe next adioyne thereunto as the said Compl(ainant)s and def(enden)tes have likewise ioyntlie certified this Court. It is ordered at the request of both the said parties that a Commission out of this Court be awarded to John Dalton esquire John Bannester James Sill (*should be Hill*) Thomas Preston John Banckes & William Lawson gent six five fower or three of them to perambulate and vewe the said boundaries between the said mannors of Newby and Clapham soe farr as the same doe adioyne or are pretended to adioyne and thereof to Informe themselves by vewe survey perambulacon examinacon of witnesses upon oath Impannelled of a Jurye or Juries or by any other good meanes which they in their discrecons shall think fit and after such vewe and notice thereof taken to determine and end the said Controversie between the said tenanntes of Newby and Clapham yf they can and then to certifie his Court what end is made to the end the same maye appeare of record And yf they cannot determine and end the same controversie then to certifie the extent of the said boundarye soe neare as they can to this Co(ur)t in C(ommemo)r(ati)o a(n)i(m)ar(um) (*All Saints day, 2 November*) next And alsoe to certifie this Court in whose default it shalbe that the same Controversie cannot be determined yf they doe not nor cannot determine the same And upon the retorne of their certificatt this

Co(ur)t order & decree the same or els the said def(enden)tes shall have a dedimus potestatem ('*we have given the power*' – i.e. *to appoint an attorney*) in michelm(a)s Terme to take their Answers in the Countrey ... october(?) hillar(y) next

Edw. mosley