

[These papers are the record of evidence, depositions, collected at Blaydon and Newcastle in April and in October 1690 by commissioners appointed by the Exchequer Court in London. This is the April collection; October's are in the document TNA E134/2Wand M/Mich26. Both sets form part of a case brought by Sir William Blackett against Sir Thomas Tempest. Blackett alleged that Tempest, of Stella Hall, had been imposing illegal tolls on the carriage of lead from Dukesfield and other mills along the Lead Road east of Greenside down to the staithes at Stella and Blaydon, and on the carriage of other goods on the same stretch of road.

As in all such cases the depositions take the form of a series of questions put by both sides in the dispute – interrogatories and counter-interrogatories – to witnesses, or deponents, called to give statements to the commissioners. The witnesses were mostly ordinary people working as carriers with their horses along the Lead Road.

The lack of simple indexes to the voluminous decrees and orders of the court means that the outcome of the case has not been traced. However, later evidence suggests that Tempest won. The surviving Blackett account books, starting in 1729, record an annual payment of £1-5s-0d to Lord Widdrington for 'wayleave through Stella freehold' chargeable to the lead mills. The 4th Baron Widdrington had acquired the Stella Hall estate through his marriage to Sir Thomas Tempest's grand-daughter.

The interrogatories, counter-interrogatories and depositions are given here in the order in which they are presented amongst the Exchequer Court papers. The Latin preamble is omitted. A guide to Exchequer Court procedure can be found at:
<http://www.nationalarchives.gov.uk/records/research-guides/equity-court-of-exchequer.htm>]

Interrogatories to be Adm[inister]ed to witnesses to be p[ro]duced sworne & Exam[in]ed on the part & behalfe of their Matyes [Majesty's] Attorney Generall on behalfe of their Matyes Sr William Blackett Barrt [Baronet] and the Inhabitants of the County Pallatine of Durham, ag[ains]t Sr Thomas Tempest Barrt Deft [defendant].

Imps[er]. Doe you know Sr William Blackett in the pleadings ment[i]oned, Did you know Sr William Blackett deceased father of the said Sr William Blackett; Doe you know Sr Thomas Tempest the Def[endan]t the truth Declare.

2: Item Doe you know there is an highway att all times of the yeare for all the Kings and Queens Subjects to goe with their horses Carts Waines Waggons and other Carriages from the Towne of Hedley in the County of Northumberland to the Hamlett of Bladon Bladon Staithes & Leadhills in the County Pallatine aforesaid Through what Closes or p[ar]cells of Grounds doth the same Way lye Dothe the same lye way through certaine Closes or grounds called the Bogg als [alias] Blackmire the peth & the peth head in the said County, hath the said way been used as an high way through the said Closes dureing the time of your remembrance for all Waines Waggons Carts &

Carriages; For how many yeares have you knowne the said way to be soe used, what you know speake and the truthe herein Declare.

3: Item Did you know the said highway to have been att any time repaired by the said Sr Thomas Tempest or any of those under whome the said Sr Thomas Tempest claimes the Lands Through w[hi]ch the said high way lyes, Doe you know or remember who it was that inclosed the Lands upon one or both sides of the said high way, what you know speake and the truth declare.

4: Item Did ever you know any Waines or Wagons stopt in their passing the said high way, or did you know any p[er]son or p[er]sons whatsoever ask leave to goe the said high way with their Waines Carriages or horses, or pay any sume of money or other recompence for using the said Way with their Waines horses or Carriages Doe you know any p[er]son who had occat[i]on to use the said high way with his Waines Wagons or horses, Did you use the said Way your selfe frequently with Carts Waines Waggons or horses. Were you ever stopt in passing with your Waines or other Carriages over the said Way, or did you ever ask leave to goe the said Way of any p[er]son whatsoever or pay any sume of money or other recompence to any p[er]son for using the said Way, how many yeares is it since you first went the said Way with your Waines horses or other Carriages, what you know speake and the truth herein declare, and what you know about the paymt of four pence p[er] Tunne or any other sume att the Lead hill or Bladon Bankes aforesaid, and what is the sume paid for & to whome; is it for the said Way leave or not Declare:

5: Item Doe you know any other matter cause or thing materiall or effectuall on the comp[lainan]t's behalfe if you doe the same speake and declare att large.#

Ro: Shaftoe

Depositions of witnesses produced Sworne and Examined upon certaine Interreys [interrogatories] exhibited on the part and behalfe of their Maties [Majesties] Attorney General in the behalf of their Matie & Sr William Blackett Barrt [baronet] and the inhabitants of the County Palatine of Durham complts [complainants] against Sr Thomas tempest Barrt Deft [defendant] taken att the house of Michaell Robinson of Blaydon Staithes in the County of Durham the second day of Aprill in the second yeare of reigne of our Sovereigne Lord and Lady King Wiliam and Queen Mary of England &c Anno Die 1690. By virtue of a Comission issued forth of their said Maties Court of Exchequer att Westminster [obscured] <Frederick Newton> John Pickells John Emmerson and Thomas Gofton Gent or any two or more of them directed:

William Robson of Burne Milne in the County of Northumberland Milner ages sixty three yeares or thereabouts Sworne and Examined

1 To the First Interry this Depont saith he knows Sr William Blackett in the pleadings named, and did know St William Blackett Dec[ease]d Father of the said William Blackett, and hath severall times seen the Deft Sr Thomas Tempest

2 To the second Interry saith that he very well knows that there hath beene for these Forty yeares last past to the knowledge of his Depont a high way or passage att all times in the yeares for all the King and <Queen's subjects> To goe with the horses Carts waines or any other Carriages from the Towne of Hedley, Blackhall, Mickley and other places in the Counties of Northumberland and Durham unto the hamlett of Blaydon Blaydon Staithes [word obscured] in the County palatine of Durham and saith the said high way or passage lyes in and through certain Closes or Grounds called the Bogg als [alias] Blackmire the peth head and the Peth in the said County of Durham and soe <knows> Towne and Blaydon Lead Hills; and from there <co.....ed> downe by the water to the Towne of Newcastle; and this Depont knows very well that a great many persons have used the said way for their carrying and leading of lead [word obscured] Commodities; and this Depont hath severall times and often ledd and brought wood Latts and other things by carts and often Carriages along and through the said way and passage in the Grounds aforesaid unto Blaydon [word obscured] there delivered Such wood and other Comodities to Robert Chamber George Stoker, Ralph Stoker and other watermen to be brought and carryed by water from there to Newcastle; and alsoe saith he knows that for these [obscure] last past the said way and passage in and through the said Grounds hath been used for leading and Carrying of Lead from Blackhall and other places in the Countye of Northumberland

4 To the fourth Interry this Depont saith that he himselfe att severall times hath comed along with the Carriages by and through the said Common high way and passage aforesaid and never was stopt, nor never knew or heard anyOther stopt in their Carriages aforesaid; and saith that neither he this Depont himselfe nor any other person or persons that he knows or ever heard of ever asked to goe the said <high> way with said Carriages as aforesaid of the said Sr Thomas Tempest or any other whom he clames under; Butt such way & passage hath been suffered without any interruption of the said of the said Sr Thomas Tempest or any other <on the behalfe> or by the order of the said Sr Thomas Tempest nor <did> Satisfaction of and for the said way and passage and saith that neither the said Sr Thomas Tempest nor any other that he knows or ever heard off ever made or demanded any payment or satisfaction for the for the said way and <beleives the>said way hath Frequently beene made use of to the knowledge of the said Sr Thomas Tempest; and this Depont alsoe saith that there hath beene Fower pence P[er] Fother paid for the lying placeing & lying of wood in and near the said Grounds called East and West lead hills to and for the use of the owners & Farmers of the said East and West leadhills, Butt nothing paid for wayleave through the said Grounds in question that this Depont knowes or ever heard of.

William Suretis of Whittonstall in the County of Northumberland yeom aged seaventy Fower yeares or thereabouts Sworne and Examined

1 To the First Interry he saithe he knowes Sr William Blacket in the pleadings named and did know Sr Wm Blacket dect Father of the said Sr William Blackett, and he alsoe knows Sr Thomas Tempest Bart the Deft,

2 3 & 4 To the second & Third and Fourth Interrys thes Depont saith he very well knows that there hath beene for these Forty Five last past or thereabouts a high way or Free passage att all times in the yeare for all the King & QueenSubjects to goe or travell with horses Carts waines and other carriages from Blackhall Mill, Hedley Downe in the County of Northumberland, Hexhamshire, Mugglesworth als Muggleswirk and other places both inthe Counties of Northumberland and Durham, unto the Hamett of Blaydon and Blaydon Leadhills in the Countie of Durham and saith the said high way or passage lyes and comes through the several parcells ofGround in Stella called the Bogg als Blackmires and soe to the Pethhad and from thence Downe the Peth and soe to Blaydon & Stella Leadhills where all persons that had occasion that way landed or laid their Lead to be Carryed from thence by wherrys or Boates to Newcastle ond other placesin the River of Tine, and his Depont saith that <ab>out Eight yeares since the said Sr Thomas Tempest or some by his ordersCutting the Trees then standing in the Peth, itt obstructed and hinderd the goeing and passage of the said Carriages Downe the said Peth, and for that reason the Carriages could not goe the said way;upon which the said Sr Thomas Tempest gave liberty to the to pass and got througha parcell of Ground called the East Field adjoyneing or lying neare the Peth, till such times as the Peth was rydded andand made fitt for Carriages, and when this said Peth was rydded the Carriages came their antient [ancient] way and passage along and by the Peth to the said Leadhills and Blaydon; and saith he did see the Lands on either syde theHigh way att Stella inclosed; Butt hath heard and verily believes they were inclosed by the owners and Farmers of Stella, and this Depont saith that for these Forty Five yeares past he this Depont never knew nor heard of anyStopp of any waines or Carriages in and through the said high way or pasage, nor never knew any person or persons whatsoever ask leave to goe Downe the said Bogg or Blackmires, and Peth to the Leadhills aforesaid; eitherOf the said Sr Thomas Tempest or any other that this Depont knows or ever heard of; nor did this Depont nor any other that he knowes or heard of paid any sume or sumes of money to the said Sr Thomas Tempest or any o [2-3 words obscured] <satisf>action for the said high way for such Carriages as aforesaid in the Grounds aforesaid, save only Fower pence p[er] Fother for laying and placeing of wood in or upon the said Lead hills in or neare Blaydon, and <unclear> satisfaction for way leave, butt for Bankeage only for laying wood and other comodities upon; Butt what<ever> was or is paid for laying and placing of Lead upon thes aid Lead hills this Depont knowes nott.

Edward Ward of Mugglesworth Parke yeom aged <Eig>hty years or thereabouts Sworne and examined.

2 & 4 To the Second and Fourth interrys this Depont saith that he very well knowes that there hath been for these sixth Eight years past or thereabouts a high way or Free passage att all times and seasons of the yeare for all the King and Queens subjects to goe or Travel with horses Carts Waines or other Carriages <fr>om Hedley Downe in the County of Northumberland, Dotland Parke wood, Muggleworth Parke and severall other places in the Counties of Nrthumberland and Durham unto the Hamlet of Blaydon and Blaydon Lead hills in the County of Durham; and saith the said high way or passage lyes and goes through the several <.....> of Ground in the Lordpp [Lordship] of Stella called the Bogg or Blackmires, and from the<nce> along the Peth head, and from thence downe the Peth a soe to Blaydon Leadhills; where all persons that used and came through that way had Liberty to lay and place wood Lead or any other Comoditie att the Lead hills aforesaid for their con<ve>niency of conveying and getting the same Carryeid by water with Wherries and Boats downe to Newcastle or any place in the River of Tine; And this Depont Saith that for the said time of his remembrance of the said high way being Sixty Eight years since he this Depont who hath often used the said High way himself with Carriages, neither he this Depont nor any other that he knowes or heard off was ever stoppt or hindered in the said way, now ever paid any sume or sumes of money to the said Sr Thomas Tempest or [word obscured] other in satisfaction of their using the said way and passage through the said Grounds through the Blackmires Peth head Peth and the said high way to the Leadhills, nor for laying or leading Timber upon the said Lead hills that he knowes off; nor this Depont now any other that he knowes or heard off; did ever ask leave for their Carriages and using the said high way; of the said Sr Thomass Tempest or any other, Butt saith that Eight pence for every Fother or Load of wood that was carried from the said Lead hills to the Towne of Newcastle, to the watermen that carryed the same, was paid for Landing the same Goods upon the said Lead hills, and not for way leave or passage through the said Grounds in Question.

William Suretis of Woodhead in the County of Northumberland Gent aged seaventy one yeares or thereabouts Sworne and Examined

2 & 4 To the Second and Fourth Interrys this Deponts saith the he very well knowes there hath been for these Fifty years last past or thereabout a common high way and Free passage att all times of the yeare for all the king & queen subjects to goe and pass [word obscured] <Carriages> from Hedley Towne in the County of Northumberland and many other places in the County's of Northumberland and Durham for leading and Carrying Lead wood Slates or any other Commodity that either this Depont or any other the King and Queens subjects had occasion to Lead or Carry to the Hamlett of Blaydon and Blaydon Leadhills in the county of Durham, and saith the said high way lyes and goes in and through the several parcells of Ground in the Lordpp [Lordship]

of Stella called the Bog gals the Blackmires and from thence along the Peth head and from thence downe to the said Lead hills att Blaydon, ant this Depont bothe him selfe and by his servants hath very often used the said way through the said Ground with his Carriages for Leading of Timber Lead Slates and Stone Flaggs, and saith that neither he this Depont nor any other that he knowes or ever heard of was ever Stopt or hindered in the passage of the said common high way, nor did he this Depont or any other that he knows of ask leave or pay or give any Recompence or Satisfaccion for useing the said common high way, to the said Sr Thomas Tempest his Ancestors or any other Owner or Owners of the Grounds of Stella, nor did he ever heare or know of any satisfaccion Demanded for the said way leave, saving for the laying or palceing of the said Timber upon the said Lead hills, the Carpenters who brought the wood paid two pance p[er] Footer and Fower pence p[er] <Tun> for Bankroome to the Owners and Farmers of the Leadhills, and the same was not paid in satisfaccion of way leave through the said high way and passage, Butt onely for laying and placeing the said wood upon the said Lead hills, from whence such wood and Lead was taken away by water in Boats and Whirryes and Carried to Newcastle or elsewhere in the river Tine

3 To the Third Interry this Depont saith that the Bankes on Each syde of the Peth sometimes falling in and obstructing or hindering the carriers to come that way, the Carriages came through a certaine parcell of Ground called the East Feild near or adjoyning the said high way, untill the said Peth or Common high way was rydded and made ready for Carriages, Butt whether they asked or had leave from the said Sr Thomas Tempest to come along and through the said East Feild with their Carriages or paid any satisfaccion for such their leading through the East Feild untill the common high way was fitted & rydded or who repaired the Hedges and Grounds lying on each syde the said Common high way this Depont doth not know.

Roger Newton of Mickley in the County of Northumberland yeom aged seaventy three yeares or thereabouts Sworne and Examined.

2 & 4 To the Second and Fouoerth Interrys this depont saith that there hath been for this Fifty Eight yeares or thereabouts a comon high way used from Mickley Chipchase Muggleworth and other places as occation rquires for allThe King ans Queens subjects both in the County of Northumberland and Durham att all times in the yeares for leading and carrying with horses waines Carts and other carriages, both wood Lead Timber and other ComoditiesIn and through the Lands and Grounds of Stella called the Bogg als the Blackmires and soe to the Peth head and Downe the peth to Blaydon Leadhills adjoyneing upon the River of Tine, and soe from thence conveyed Downe by water toNewcastle or elsewhere upon the River of Tine, and he this Depont amongst many others hath often used the said Comon high way for carrying of Timber Lead and other Comondities Dureing the time aforesaid, and this DepontNor any other that he knowes or ever heard of was never att any time Stopt in the useing & Enjoying of the said comon high way nor did ever he this Depont or any other that he knows or

ever heard of pay any Recompence or Satisfaction for the using of the Comon high way above mentioned to the said Sr Thomas Tempest or any other Owners of the said p[re]misses; save Fower pence p[er] Fother or waineload that was paid for Bankleave Only; for liberty for laying and placing of wood Lead Barke and such like comodities to the wherryemen or watrmen who sometimes farmed the said Leadhills or others the owners or the said Lead hills, and this Deponent saith that about Fower or Five yeares since the Depont comeing with his draught the Lands and Grounds of Stella aforesaid to the Leadhills aforesaid and meeting with the Deft Sr Thomas Tempest before he came at the Peth head & the Said Deft Sr Thomas Tempest asked the Depont which way he went with his draught, aand told him that if he went through the Eastfeild that then this Depont should pay for his passage that way <damaged> this Depont rplying that th<ey> Would not goe that wey but Downe the Peth, the said Sr Thomas Tempest bid him goe that way and never hindered him or asked him any thing for his passage Downe the Peth.

3 To the Third Interry this Depont saith that he hath heard and verily beleives that the Lands and Grounds lying on either syde of the Peth of Comon high way wa first Hedged and inclosed by the said Sr Thomas Tempest his tenn<ents> or Farmers Of the p[re]misses, but who repaired the said Comon high way this depont knowes not.

John Swinbourne of Blackhall in the County of Northumberland yeom aged Eighty Three yeares or thereabouts Sworne and Examined

2 & 4 To the Second and Fourth Interrys this deponent saith that there hath beene for this fifty yeares last past and upwards a Comon high way used from Hedley, Blackhall and hexhamshire and other partes in the counties of Northumberland and Durham as occasion required, for all the king and queenes subjects att all times in the yeare for leading and carrying with horses carts waines and other carriages with both wood Timber & other Comodities in & through the lands & grounds of Stella called the Bogg als [alias] the Blackmires and soe to the Peth head and from there downe the Peth to Blaydon staithe or leadhills lying upon the River of Tine and so from there conveyed downe by water to Newcastle & Elsewhere in the River of Tine. And he this Dept [deponent] amongst many others hath often used the said Comon high way in question for Conveying Lead Timber & other Goods for the time of fifty years and upwards, and this depon^t nor any other that he knows or ever heard off was never att any time stopt in the using and occupying the said Comon high way nor did ever he this depon^t or any other that he knows or ever heard ask leave or pay or give any Recompence or Satisfaction for the said way in question to the said Sr Thomas Tempest or his Ancestors or any other person he claimes under for the usage of the said Comon high way above mentioned, and this depon^t saith that neither he nor any other that used the said Comon high way in question, dureing the said time was ever stopt hindered or disturbed by the said Sr Thomas Tempest or his Ancestors or any other person the said Sr Thomas Tempest claimes under in using the said High way, but onely once about

Fowerteene or sixteen yeares since by a Servant of Sr Thomas Tempest and then it happened that he this depon^t and one Tho: Mills going with their carriages and draughts into the East Feild adjoining on the said Comon high way, by reason the ground called the Peth head was stoppt upp as unpassable by the falling downe of Trees, and the Falling or <running> together of the Ground, and the said Sr Thomas Tempest's servant that soe made that stop demanded satisfaction for their comeing through the said East Field: but the said Thomas Mills replyed that they must use that way until the Peth was cleared or rudded of the trees and Earth and [word/words obscured] their Carriages as formerly itt hath beene.

Thomas Lawson of Whittingstall in the County of Northumberland <yeom aged thirty> Five yeares Sworne and Examined

2 & 4 To the second and Fowerth Interr[ogator]ys this Depont saith that he knowes there has beene for these Twenty Three yeares past or thereabouts a Com[m]on high way used from Hedley, Blackhall, Dukesfeild, Water <meetings and> Severall other places in the County of Northumberland as occasion required for all the King and Queens people and subjects att all times in the yeare for leading and Carrying with Carts Waines Horses and other Carriages wood Lead and other Com[m]odities in and through the Grounds of Stella called the Bogg alls [alias] the Blackmires, from thence to the Peth head, and from thence Downe the Ground called the Peth to Bladon Staithes <...> Bladon Leadhills adjoyneing on the River of Tine to be carried by water in Boates or Wherryes to Newcastle & other places on the said River of Tine; and this depont saith that Dureing his remembrance <of the> said high way in question, neither he this Depont no any other that he knows or heard of was ever att any time or times Stopt or hindered with their Carts and other Carriages in useing and Enjoying the said Com[m]on high way; and he this Depont and others, have Severall times beene with their Carriages in the said Com[m]on high way when they have mett with the said Sr Thomas Tempest himselfe; and he never Demanded any recompence or satisfaction for such their useing the said way, nor never offered to stop them in the useing thereof; this Depont saith that neither he nor any other he knowes or heard off did ever att any time or times whatsoever aske leave or paid the said Sr Thomas Tempest or and other he Clames under any recompence or satisfaction for useing the said Com[m]on high way.

3 To the Third Interr[ogator]y this Depont saith he knowes the said Sr Thomas Tempest or some byh is order repaired the said Com[m]on high way and Peth aforesaid For this Deponant saith that about Tenn or Twelve yeares since this Depont with many others with their waines or Carriages comeing to the said Peth head they found the same stopt upp and blocked by the Falling Downe of some trees the lying upon the said high way, upon which the Depont and one of his Companions went to the said Sr Thomas Tempest and acquainted him they could not for that reason pass through the Peth with their Carriages and he the said Sr Thomas Tempest then ordered

them to goe with their Carriages through the East Feild adjoining to the said Com[m]on way in question to the said Bladon Lead hills untill sich time as the said Peth was by him rydded & made passable for Carriages, which was soe done in some short time after.

Ralph Stephenson of Newlands in the County of Northumberland yeom aged seaventy two yeares or thereaboutes Sworne and Examined.

2 & 4 To the Second and Fowerth Interrys this Depont saith that there hath beene for these sixty yeares last past or thereabout a com[m]on high way or free passage used from Hedley, Chopwell, Hexhamshire <Muggles> worth parke, and Severall other places both in the Countyes of Northumberland and Durham, as occation requires for all the King and Queen's subjects att all times in the yeare for leading and Carrying <with horses> Carts waines and other Carriages both wood Lead Timber and other Comodities in and through the Lands and Grounds of Stella called the Bogg als [alias] the Blackmires and soe to the Peth head and from thence to the Peth and soe to Baydon and Blaydon Staith or Leadhills adjoining the River of Tine, to be Conveyed from thence by water in Boats or wherryes to Newcastle and other places upon the River of Tine; and he this Depont among many other have oftentimes used the said Com[m]on high way for carrying of Lead Timber or any other Com[m]odities During the time aforesaid, both in the time of Sr Thomas Tempest Grandfather of Sr Thomas Tempest the Deft, Sr Richard Tempest Father of the Said Deft Sr Thomas Tempest, and of the said Sr Thomas Tempest himselfe, and they and every of them have oftentimes beene upon the said high way in Question when this Depont and many others have been with their Carts and Carriages goeing & passing the said Com[m]on high way in the Grounds above mentioned; and neither this Depont nor any other that he knows or heard of was ever stopt in the using of the said way either by te said old Sr Thomas Tempest the said Sr Richard Tempest or the Deft Sr Thomas Tempest through all privy & knowing <hereunto;> and niether this Deponent nor any other that he knows or heard of did ever att any times ask for leave to goe the said high way with such Carriages nor paied any Sumes of money in recompence or satisfaction for soe using the said Com[m]on way, neither in the time of the said Sr Thomas Tempest the Defts Grandfather, his Father, or of the said Deft himselfe or any of them, that he ever knew or hear off, and saith it is Sixty yeares or thereaboutes since he first used the said Com[m]on high way, and this Depont and many others have frequently used the same way, through the Grounds aforesaid for Leading & carrying Timber Lead or any other comodity to the said Blaydon Staithes or Lead hills there; and hath Carryed Timber & Lead upon the said Lead hills or Baydon Staithes untill within Three yeares last past or thereaboutes.

William Rennison of Hedley in the County of Northumberland aged Fifty yeares and upwards Sworne and Examined.

2 & 4 To the second and Fowerth Interr[ogator]ys this Depont saith that there hath beene for these Forty yeares last past and upwards to his certaine knowledge and remembrance a Com[m]on high way or Free passage from Hedley Blackhall, Dukesfeild and all other places in the Counties of Northumberland and Durham as occasion required for all the King and Queens Subjects att all times in the yeare for leading and Carrying with horses Carts waines & other Carriages Lead Timber or any other Com[m]odities in and through the Lands and Grounds of Stella called the Bogg als the Blackmires and soe to the Peth head, and from thence to the Peth, and soe Downe the Peth to the two Leadhills or Staithes Called the East and west Lead hills, the one lyeing within the Grounds of Stella, the other within the Grounds of Blaydon, and this Depont with many others have laied and placed the Timber wood or any other Comodity they brought through the said high way upon the said Staithes or Lead hills, sometimes att one place and sometimes att another, as there was roome and Conveiniency to be carryed from thence by water in Boates or Wherryes to Newcastle and other places upon the River of Tine; and this Depont with many other have ofentimes used and frequented the said com[m]on high way and now in question; for leading Lead Timber and wood or any other Comodities Dureing the time aforesaid, and neither this Deponent nor any other that he knowes or heard off was ever stopr in the using the said Com[m]on high way nor this Depont nor any other that he knowes or heard off did ever att any time or times ask leave to goe the said high way with such Carriages, nor paid any sum[m]e or sum[m]es of money in satisfaction of their soe using the said Com[m]on high way; and saith itt is above forty yeares Since he this Depont and many others used the said high way through the Grounds aforesaid for leading and Carrying Timber Lead or any other Com[m]odities upon or to the said Staithes or Leadhills, and to the Day this Depont Leads Timber & Lead to the said Leadhills or Staites, Butt within these Two Or Three yeares last past the Peth not being passable for Carraiges this Depont and the rest of the Carriages have used the said East Feild and brought their Carriages that way to the said leadhills.

William Greene of Hedley in the County of Northumberland yeom aged Seaventy Fower or therabouts Sworne and Examined.

2 & 4 To the Second and Fowerth Interr[ogator]yes this Depont saith that ever since he this Depont hath beene able or Capable to goe with a draught or Carriage, ehich hathe beene this sixty yeares or thereabouts he this Depont and all other his Maties [Majesties] Subjects both within the counties of Northumberland and Durham and Elsewhere as they had occasion had used and Enjoyed a Com[m]on high way for Carts & Carraiges of Lead wood and suchlike Com[m]odities as occasion required from Hedley or anywhere Else in the Counties of Northumberland and Durham unto and through the Land and Grounds of Stella called the Bogg als the Blackmires and soe from thence to the Peth head Downe the Peth to the two Lead hills, the one lying in Stella Grounds and the other lying in Blaydon Grounds and there landed their Carriage on either of the said Lead hills, from whence it was carryed by water either to newcasle

or elsewhere in the River of Tine, and this Depont and the whole Countrey that had occasion used and Enjoyed the said Com[m]on high way as aforesaid both in the time of the said Sr Thomas Tempest Decd [Deseased] Grandfather of the said Deft Sr Thomas Tempest, and alsoe in the time of Sr Richard Tempest the Defts Father, and in the time of the said Deft himself, and they and every of them have often seen the Depont and the rest of the Country use the said Com[m]on high way with Carts waines and Carriages as aforesaid, yett did not they or any of them stopp or hinder this Depont or any other in the use or Enjoyment of the said Com[m]on high way that this Depont knowes or ever heard off, though they and every of them did soe see them making use of the said Com[m]on high way as aforesaid; nor did they or any of them Dureing all the time aforesaid Demand and Satisfaction for the using of the said Com[m]on high way neither from this Depont or any other that he knowes or ever heard off aske leave or pay any Satisfaction whetsoever to the Deft or any other under whom he Clames for using of the said Com[m]on high way Saveing what was paid by the Owners of the Lead or wood who imployed this Depont and the rest of the Carriages for Bankroome for the laying and placing their comodities upon the lead hills aforesaid, but nothing was ever paid for the said way leave that this Depont knowes or ever heard off; and this Depont saith that the said anncient Com[m]on high way Downe the Peth as aforesaid haveing for these Two or three yeares last pat become impassable for Carriages for want of rydding and reparaing; the said Deft Sr Thomas Tempest hath permitted the Carriages to Come and pass through a parcell of his Ground there unto adjoyneing called the East Feild, but hath heard and beleives that he caused most of the Carriages to pay for such their passage through the East feild.

Cuthbert Suretis of Whittingstall in the County of Northumberland yeom ages Seaventy yeares and upwards Sworne and Examined.

2 & 4 To the second and Fowerth Interr[ogator]ys this Depont saith that he this Depont and the whole Country round for this Forty Five yeares and upwards to the knowledge of this Depont untill within these Two or Three yeares last past or thereaboutesh ave had used and Enjoyed a Com[m]on high way with horses waines Carts and Carriages for the leading and Carrying of Lead wood Timber and such like Com[m]odities from Hedley and elsewhere to the Lead hills in Stella and Blaydon called the East & west Lead hills where they laid & Landed their Carriages, from whence itt was carryed and Conveyed by water to Newcastle or any where else upon the River of Tine, and Sr Thomas Tempest Deft the said Defts Grandfather, Sr Richard Tempest the Defts Father and the Deft himselfe have all of them seen this Depont and the rest of the Country Carriages frequently goe along and pass the said Com[m]on high way with their Carriages aforesaid yett did not they or any of them obstruct or hinder this Depont or Demand Satisfaction from this Depont or any other using or Enjoying the said high way for the use or Enjoyment thereof that this Depont knowes or ever heard of; <...> did this Depont or any other that he knowes ever heard of ever ask leave or pay any satisfaction to the Deft Sr Thomas Tempest or any Clameing

under him, for the using of the said Com[m]on high way, save what the owners of the said wood Lead and such like Com[m]odities paid to the owners or Farmers of the said <respecti o?> Leadhills, for Bankroome for such Goods, but never was any thing paid for way leave to the said Leadhills that this Depont knowes or ever heard off, and this Depont saith that the antient Com[m]on high way through the Peth for about these Three yeares last past having become impassable for want of repairing, the draughts and Carraiges goe through a parcell of Ground belonging the said Deft called the East Feild adjoining to the Peth, for which passage through the East Feild the Deft causes Satisfaction to be made by the owners of the Goods to him the said Deft.

Ralph Dodd of Bywell in the County of Northumberland yeom aged Sixty Eight yeares or thereabouts Sworne and Examined.

2 & 4 To the Second and Fowerth Interrys this Depont saith that he this Depont and the whole Country round for these Forty yeares since and upwards to the knowledge of this Depont have used and Enjoyed a Comon high way way with horses Carts waines & Carriages for leading & Carrying of Lead Timber & other Comodities from Hedely and Elsewhere in the Counties of Northumberland & Durham, as the County lyes and occasion requires unto and through the Lands and Grounds of Stella called Stella Gate the Bogg als the Blackmires to the Peth head, and soe Downe the Peth to the Leadhills in Stella and Blaydon called the East and West Leadhills where they laid & Landed their Carriages, from whence itt was carried by water to Newcastle or elsewhere upon the River of Tine, without being stopt or hindered with their Carriages in the said high way by the said Sr Thomas tempest or any other that he knowes or ever heard off; and this Depont saith that neither he this Depont nor any other that he knowes or ever heard off, Did ever ask leave or pay any sume of money or any other satisfaction to the said Sr Thomas Tempest or any other person whatsoever Clameing under him for the using of the said Com[m]on high way, save what the owners of the wood & Lead and such other Comodities paid to the owners or Farmers of the said two Severall Lead hills or Staithes for the Bankeroome of such Goods But never was any recompence or payment paid or given for way leave to the said Lead hills that this Depont knowes or ever heard off.

Robert Lumley of Angewood in the County of Northumberland yeom aged Seaventy five yeares or thereabouts Sworne and Examined.

2 & 4 To the Second and Fowerth and last Interr[ogator]ys this Deponent saith that he this Depont and the whole Countrey and People round for these sixty yeares since or thereabouts to the knowledge of this Depont have used and Enjoyed a Com[m]on high way with Carts waines & other Carriages for the Leading and Carrying f Lead and other Comodities from Hedley, Angewood and round the Country in the Counties of Northumberland & Durham, as the Country lyes and occation requires unto and through the Lands and Grounds of Stella called Stella Gate, the Bogg als the Blackmires

to the Peth head and soe Downe the Peth to the Lead hills in Stella and Blaydon called the East and West Leadhills, where they layed & unloaed their Carriages, from whence itt was carried by water to Newcastle or elsewhere on the River of Tine, and Sr Thomas Tempest Deft the Deft's Grandfather, Sr Richard Tempest the defts's Father and the Deft himselfe have all of them often seen this Depont and the rest of the Countrey carriages frequently goe and pass the said com[m]on high way with their Carraiges aforesaid, yett did not they or any of them obstruct or hinder this Depont or Demand any Satisfaction from this Depont or any other using the said high way.

[words obscured] <Common high way> [words obscured] this Depon or any other that he knowes or ever heard off ask leave or pay any <satisfaction> [words obscured] <Tempest> or any other clameing under him for the using the said Com[m]on high way; and this Depnt further saith that upwards of sixty yeares agoe he hath Credibly heard that one <old Wm.> Boutflowers Carts Waines and Carriages comeing and using the said high way in question, and Entering or Comeing into Stella Gate Entering into the said way this Depont hath heard that the said Bourtflower's Carriage were Stopt by the said Def[endan]ts Grandfather, upon which the said Wm. Boutflower came with his servants and entered the said Stella gate and Sett in all the Carriages upon which this Depont saith he hath heard that the said Def[endan]ts Grandfather Com[m]enced a suite against the said Wm Boutflower which came to a Tryall att Law betwixt them, wherein a verdict went for the said Wm Boutflower, as this Depont hath heard, and ever since that time the Depont saith the Said Com[m]on high way hath been used & Enjoyed for all Carriages without being Stopt or interrupted that he knowes or ever heard of untill of late.

John Willey of Kipper lin in the County of Northumberland yeom aged Eighty yeares and upwards Sworne and Examined.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that for these sixty yeares past this Depont and the Countrey and the people round, to the knowledge of this deponent, have used and Enjoyed a Com[m]on high way or Free passage for their Horses Carts waines and other Carriages for the Leading and Carrying of Lead Timber and other Com[m]odities from Hedley Dukehall Blackhall and many other places round about the Counties of Northumberland and Durham as the Countrey lyes and occasion requires unto and through the Lands and Grounds of Stella gate, the Bogg als [alias] the Blackmires, from thence to the Peth-head and thence Downe the Peth to the Leadhills att or within Stella and Blaydon Grounds called the East and West Leadhills; where they unloaded their Carriages to be conveyed thence by water to Newcastle or elsewhere on the River of Tine; and saith that Sr Thomas Tempest Decd the deft's Grandfather, Sr Richard Tempest the Deft's father and the Deft himself have all of them often seen this Deponts Father this Depont and the rest of the Countrey Carriages frequently goe and pass the said Com[m]on high way with their Carriages as aforesaid; yett did not they or any of them obstruct or hinder this Depont or Demand any paymt

or satisfaction from this Depont or any other using or going the said Com[m]on high way that this Depont knowes or ever heard off, nor did this Depont or any other that he knowes or ever heard off ask leave or pay or make any Satisfaction to the said Deft Sr Thomas Tempest's Grandfather, his Father Sr Richard Tempest or to the said Def[endan]t Sr Thomas Tempest himselfe or any other Clameing under them or any of them for the use and Enjoyment of the said Com[m]on high way.

John Willey of Hedley-Hill in the County of Northumberland yeom aged Seaventy yeares or thereaboutes Sworne and Examined.

2 & 4 To the Second and fowerth Inerr[ogator]ys this Depont saith he very well knowes and remembers that these Forty Fower yeares past or thereaboutes this Depont himselfe and other people and inhabitants round about the Counties of Northumberland and Durham have used and Enjoyed a Com[m]on high way and free passage for their Horses Carts waines and other Carriages for the leading and Carrying of Timber Lead and other Com[m]odities from Hedley Blackhall and many other places in the severall Counties of Northumberland and Durham; as the Country lyes and occasions required unto and through the land and Grounds of Stella, called Stella gate thence Downe the Peth to the Leadhills in Stella and Blaydon Grounds called the East and West Staithes or Leadhills; where they unload their Carriages to be thence Conveyed by water Downe to Newcastle; and saith that neither he this Depont nor any using the said Com[m]on high way with their Carriages as aforesaid, did at any time or times whensoever ask leave <...> any Sume or Sum[m]es of money or any other Satisfaction to the said Sr Thomas Tempest or any Clameing under him for the using and Enjoymt of the said Com[m]on high way with their Carriages as aforesaid Nor this Depont nor any other that he knowes or ever heard of was never att any time or times Stopt or obstructed in their using the said Com[m]on high way now in Dispute.

Richard Browne of Whittingstall in the County of Northumberland yeom aged Seaventy Five yeares or thereaboutes Sworne and Examined.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that both the this Depont and the whole Countrey round about as well in Northumberland and as Durham for these Sixty yeares last past or thereaboutes untill <of> late have had used and Enjoyed a Com[m]on high way for the leading and carrying with Horses waines Carts or other Carriages Lead wood Timber and Such like Goods and Comodities from Hedley Detland and other places both in the County's of Northumberland and Durham, where they tooke upp their Loading unto and through certaine Lands and Grounds in Stella called Stella gate the the Bogg al[ia]s Blackmires and soe to the Peth-head Downe the Peth to the Two Leadhills called Stella and Blaydon Leadhills or the East and West Leadhill, where they landed and laid their Loadings on each and either of the said Leadhills from whence itt was conveyed by water to Newcastle or elsewhere upon the River of Tine; and this he this Depont and the rest of the Countrey did both in

the time of Sr Thomas Tempest and Sr Richard Tempest the Deft's GrandFather and Father, and in the time of the Deft himselfe, and they and every of them have seen this Depont and the rest of the Carriages lead and Drive their Carriages along the said high way; yett did not they or any of them Stopp or hinder or Demand any Satisfaction from this Depont or any other that he knowes or ever heard off for the makeing use of the said Com[m]on high way with their Carriages as aforesaid nor did he this Depont or any other that he knowes or ever heard off makeing use of the said Com[m]on high way with their Carriages as aforesaid ever ask leave or pay or make any recompence or Satisfaction to the Deft Sr Thomas Tempest or any under whom he clames for the useing and Enjoying of the said com[m]on high way as aforesaid that he knowes or ever heard of.

Thomas Walker of Muggleswick in the County of Durham yeom aged Sixty yeares or thereaboutes Sworne and Examined.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Deponent saith that both he this Depont and the whole Countrey round about as well in Northumberloand as Durham for these Forty Three yeares past or thereaboutes untill of late yeares have had used and Enjoyed a Com[m]on high way for the Leading and Carrying with Horses waines Carts and other Carriages Lead wood Timber and such like Goods and Comodities from Hedley Muggleswick Hexhamshire and other places both in the Counties of Northumberland and Durham, where they tooke upp their Loadings unto and through certaine Lands and Grounds in Stella called Stella Gate, the Bogg al[ia]s Blackmire and soe to the Peth head Downe the Peth to the Two Lead hills called Stella and Blaydon Lead hills, from whence itt was Conveyed on water to Newcastle or elsewhere on the river of Tine; and saith that niether he this Depont nor any other useing the said Com[m]on high way with their Carriages as aforesaid dureing the said time of Forty Three yeares Did ever att any time or times aske or seek leave nor ever paid or gave any Sum[m]e or Sum[m]es of money or any other satisfaction to the said Sr Thomas Tempest or any other whome he clames under; for useing and Enjoying the said Com[m]on high way that this Depont knowes or ever heard of; Nor Doth this Depont know or ever hear of any Demand made by the said Sr Thomas Tempest or any for him, or by any other person or persons whomsoever of any paymt or Satisfacation to be made or given for such useing and Enjoying the said Com[m]on high way from this Deponent or any other people or Inhabitants in either the said Counties of Northumberland and Durham or elsewhere in the Countrey round about the said way in Question.

George Hawdon of Parksyde in Allendale in the County of Northumberland yeom aged Fifty Eight yeares or thereaboutes Sworne and Examined.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Deponent saith that for these Forty Fower yeares or thereaboutes there hath to the knowledge of this Depont beene a

com[m]on high way for all their Ma[jes]ties subjects for leading carrying and Conveying of Lead Timber and all <.....> burthensome Goods & Comodities With Horses Carts and Carriages from the Towne of Hedley in Northumberland and other places both in the Counties of Northumberland and Durham as there was occasion for the inhabitants to make use off in through and along the Lands and Grounds of Stella called Stella Gate, the Bogg al[ia]s the Blackmire, and soe to the Peth head and Downe the Peth to the two Leadhills called Stella & Blaydon Leadhills, where they laid Downe & Landed their Goods to be from the said Two Lead hills or Lead Bankes carryed or taken away by water to Newcastle and other places on the River of Tine; and this Depont saith that he hath knowne Goods and Comodities frequently Duering the said time of Forty Fower yeares brought by water from Newcastle both to Stella and Blaydon Leadhills, and landed and left upon the said Hills, and the same good from thence carryed over along and through the said Com[m]on high way into the the Counties of Northumberland Durham and Aleston Moore in Cumberland Carlisle Cockermouth Workington Whitehaven and Diverse other places in the Counties of Cumberland & Westmorland where the said Goods were Designed & intended for, <by> Horses Carts and Carriages, and did never hear of any Stopp made or any Satisfaction Demanded or paid for using the said Com[m]on high way by or to any person whosoever, Butt saith that there was paid to the Boatmen for Wharfage for laying and Landing the said Goods upon the said Leadhills or Leadbankes Some Small Sum[m]e of money for that matter; Butt there was never any thing paid for <.....> use of the said Com[m]on high way either to the said Sr Thomas Tempest or any other whom he Clames under; that this Depont knowes or ever heard off; and this Depont can the better Depose herein for that he hath Dureing the time aforesaid been a Trader To & from Newcastle and hath made use of the said Com[m]on high way for the Carrying and Conveying of many quantities of Goods with Horses waines and Carriages as aforesaid; and was never stopt or hindered in using and frequenting the said high way with such Carriages, nor never paid any thing for the same.

John Ellison of high-Feild in the County of Northumberland yeom aged Sixty Five yeares or thereaboutes Sworne and Examined.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that he his Depont and the whole inhabitants within the County of Northumberland and Durham, who had occasion to make use of the Com[m]on high way hereafter mentioned have for these Forty yeares last past untill of late ledd and Carryed Lead wood Timber and such like Comodities with Carts and other Carriages, from such place and places in Northumberland & Durham where they tooke upp their Loadings, unto and through the Lands and Grounds of Stella called Stella Gate, the Bogg al[ia]s the Blackmires, and soe to the Peth head and Downe the Peth to the Two Leadhills att Stella and Blaydon, where they Landed their Loadings for conveying by water to Newcastle; and he this Depont nor any other using or Enjoying the said Com[m]on high way was never att any time Dureing all the time aforesaid Stopped or Disturbed in the Enjoying

of the said Com[m]on high way by the Deft or any other that this Depont knowes or ever heard off; nor did this Depont or any other making use of the said Com[m]on high way ever aske leave or pay any Satisfaction for such wayleave to the Deft: or any under whome he Clames that this Depont knowes or ever heard off; but this Depont hath heard that the owners of such Lead, Wood and such like Comodities paid some Small thing for bankroome for laying and placing such Goods upon the Leadhills, but never any thing was paid that this Depont knowes or ever heard off for way leave, but onely for Bankroome as aforesaid.

Hugh Coatesworth of Allendale in the County of Northumberland Gent aged Sixty Five yeares or thereaboutes Sworne and Examined Deposeth as followeth.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that for these Forty Nine yeares or thereaboutes there hath to the knowledge of this Depont beene a Com[m]on high way for all their Ma[jes]ties Subjects for leading Carrying and Conveying Lead & Timber and such like Comodities with Horses waines and Carts & Carriages from Hedley and other places both in Northumberland and Durham as occasion required in and through the Lands & Grounds of Stella called Stella gate the Bogg al[ia]s the Blackmires, and soe to the Peth head and Downe the Peth to the Two Leadhills, where they laid and Landed their Goods <for> Conveying by water to Newcastle; and this Depont saith that he hath knowne Goods and Comodities Frequently Dureing the time aforesaid brought by water from Newcastle both to Stella and to Blaydon Leadhills, and there laid and Landed upon the said Leadhills, and from thence carryed and Conveyed by & through the Com[m]on high way above mentioned into the County of Nothumberland Durham Alestone Moore in Cumberland Carlise Cockermouth Peareth [Penrith?] Workington Whitehaven and alsoe into Ireland and Elsewhere; where the Goods were Designed with Horses Carts & Carriages, <....> this Depont did never hear of any Stopp made or any Satisfaction Demanded or paid for the using of the said Com[m]on high way by or to any person or persons whatsoever; but saith that ther was paid for a wharfeage, for the Landing laying and placing of Goods in & upon the said Leadhills Some Small Summe of money but [word obscured] any thing paid for makeing use of the said Com[m]on high way either to the Deft or any other under whom he Clames that this Depont [word obscured] to all the perticulars aforesaid for that he hath been a Trader to and from Newcastle, and hath made use of of the Com[m]on high way ab [rest of word obscured] <and Conveying> <Goods> with Horses waines and Carraiges as aforesaid, and was never interrupted in the usueing of the said high way nor never paid any thing [word obscured]

Anthony E<ltri>ngham of Hedley in the County of Northumberland yeom aged Seaventy Nine yeares or thereaboutes Sworne and Examined

2 & 3 To the Second and Third Interr[ogator]ys this Depont saith that these Sixty yeares by past or upwards, this Depont very well knowes there hath beene a Free

passage or high way att all times in th yeaere for the King and Queen's subjects to goe with their Horses Carts waines and other Carriages from the Towne of Hedley in the Interr[ogator]y named, and from othr places aswell in Northumberland as in the County of Durham to Blaaydon Towne & to the East and West Lead hills att Blaydon & Stella in the County of Durham, for Carrying & Leading of Wood Lead and Slates, and such like Goods & Comodities through certaine Lands and Grounds in Stella called the Bogg als the Blackmires the Peth & Peth head in Question Downe to the said Lead hills, to be from the said Staithes or Leadhills carryed & conveyed by water in Boates or wherrys Downe to Newcastle & other places adjoyning on the River of Tine, and this Depont hath often Dureing the time aforesaid used the said way, and hath alsoe brought & carryed from Blaydon into the Country Tarr and such other Com[m]odities which came fr<om New>castle and Landed att the Lead Hills, which was carryed into the Countrey as occasion required through the way aforesaid; and saith that neither he this Depont nor any other that [he] ever heard or knowes of was att any time or times whatsoever Stopt or obstructed in the using and Enjoyment of the said way in question, with such carriages as aforesaid; But saith he hath heard that there has beene some Satisfaction given for Landing & grounding the said Goods, but how much was paid or to whom this Depont knowes not.

William Jobling of Prudoe in the County of Northumberland yeom aged Eighty yeares or thereabouts Sworne and Examined Deposeth as followeth.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that for these Sixty yeares last past or thereabouts, this Depont knowes there has beene a com[m]on high way for leading and carrying of Timber and [word(s) obscured] from Hedley and Elsewhere in the County's of Northumberland with horses waines Carts & Carriages in and through certaine Lands & Grounds of Stella called the Bogg al[ia]s Blackmire the Peth head and the Peth to the Two Lead hills att Stella and Blaydon, which Goods were from thence conveyed by water Downe to Newcastle and Elsewhere <upon> the River of Tine and he this <Depont and the Countrey [word obscured] .. hath> frequently <Dureing> [word(s) obscured]

Common high way with Carts and Carriages both in the Defts Fathers time and in his Grandfather's time, both which he this Depont very well knew, nor was he this Depont nor any other that this Depont knowes or ever [word obscured] obstructed or interrupted in the using and Enjoymt of the said way, nor did he this Depont or any other that this Depont knowes or ever heard of pay any thing for the said way & p[ri]viledge save Three pence a Foother for Groundage or wharfage of the Goods brought & laid upon the said Lead hills as aforesaid.

William Ran of Bentforthsyde in the County of Durham yeom aged Sixty yeares or thereabouts

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that for these Forty yeares last past or thereaboutes this Depont knowes there hath been a Com[m]on high way for leading and carrying of Timber & all such Com[m]odities from Hedley Newbigin Hexhamshire and other places both in the County's of Northumberland and Durham with Horses Carts waines and Carriages in and through certaine lands and Grounds of Stella called the Peth head and Peth & soe Downe the said Com[m]on high way to the Two Leadhill att Stella and Blaydon, which were from thence carryed and Conveyed by water to Newcastle and other places on the River of Tine and this Depont and the inhabitants in the Country round hath Frequently Dureing the time aforesaid used the said com[m]on high way with Cart and Carriage, and saith that niether he this Depont nor any other that he knowes or ever heard of was never Stopt or hindered or and Satisfaction Demanded of this Depont nor any other for using the said Com[m]on high way with such carriages, either by the Deft Sr Thomas Tempest or any other on his behalfe, save onely Fower pence <a Tunne> & for the Bankroome or wharfeage for laying & placing the Timber upon the said Stella and Blaydon Staithes or Leadhills; and the same Satisfaction was paid and given for Bankage and wharfeage only, and not for wayleave; to one Widow Barnes Robert Chambers Robert Procter <the> respective Farmers of the said Leadhills; and further saith that about Thirty yeares Since, and for Some yeares since that time he this Depont hath brought and Carryed wood by waines in Land Carriages from Swalwell lying <to the East> Downe the River of Time from Blaydon upp to Blaydon Towne, and soe upp the Peth and Peth head being the grounds in question through Stella gate for the Grand Lense Colliery without being Stopt, or paying any <recompence or> Satisfaction for using & Enjoying the said Com[m]on high way, to the said Sr Thomas Tempest or any other person that he knowes or ever heard off.

William Stephenson of Chopwell Low Carrs in the County of Durham aged Seaventy yeares and upward Sworne and Examined.

2 3 & 4 To the Second Third and Fowerth Interr[ogator]ys this Depont saith he this Depont and the rest of the Countrey both in the Countyes of Durham and Northumberland for about Sixty yeares last past to the knowledge of this Depont both <from> Hexhaamshire Mugglewick Hedley and Elsewhere as occasion requires, had used and Enjoyed a Com[m]on high way for Leading and Carrying of Timber Barke and such like Com[m]odities with Horses waines Carts and Carriages in and through Stella gate formerly called the Moores gate through the Bogg or Blackmires in and through the Peth head and Downe the Peth to the Two Leadhills att Stella and Blaydon called the East and West Leadhills, both in the time of the Defts GrandFather, and alsoe in the Defts Father's time from which leadhills the said Goods were conveyed by water Downe to Newcastle or elsewhere upon the River of Tine; and this Depont saith that the Defts Grandfather Frequently seen this Depont and the rest of the Country round about use and Enjoy the said Com[m]on high way with waines and Carriages as aforesaid; yett did not his Grandfather or Father or any other that this Depont knowes or <has>

heard off Stopp or hinder this Depont or any other that he ever heard off in the using and Enjoying of the said Com[m]on high way as aforesaid; nor never Demanded any Satisfaction for the Enjoyment thereof either from this Depont or any other that he ever heard of, nor was any thing ever paid for the said High way and previledge aforesaid, save what was paid for bankleave & liberty of laying and placing the Goods upon the said Leadhills to Reynoldson & Chambers and the Farmers of the said Leadhills.

Thomas Eltringham of the Hall yards in the County of Northumberland yeom aged Fifty Seaven yeares or thereabouts Sworne and Examined Deposeth as followeth.

To the second Third Fowerth and last Interr[ogator]ys this Depont saith that he this Depont and the inhabitants of the both the County of Northumberland and Durham as occasion required for about Forty yeares last past and upwards untill of late had and Enjoyed a Com[m]on high way for leading and Carrying of Timber Barke Slates and such like Com[m]odities with Horses waines Carts and Carriages from Hedley and Elsewhere in Northumberland and Durham as occasion offered to Stella gate and soe to by the Bogg or Blackmires along Stella Peth head Downe the Peth to the two Lead Hills att Stella and Blaydon, where as they pleased they Landed their Goods, from whence they were conveyed by water to Newcastle or Elsewhere upon the river of Tine, and this Depont nor any other that ever he heard off was never interrupted in the Enjoyment of the said Com[m]on high way nor was ever any Satisfaction Demanded therefore that <ever this> Depont heard off, save what was paid for Bankleave for laying of the Goods upon the said Leadhills; and this Depont further saith that he this Depont and Severall others att Severall times Dureing the time aforesaid hath ledd & carried in waines and Carriages in through and along the Com[m]on high way aforesaid, Spiles breastes and such like short timber into and through Blaydon Towne and for Eastwards away Downe to Swalwell from Blaydon and was never Stopt nor hindered in going to Swallwell with Carriages as aforesaid by and through the Com[m]on high way aforesaid now was ever any Satisfaction Demanded therefore from this Depont or any other that he ever heard off.

Stephen Thompson of Mickley in the County of Northumberland yeom aged Fifty Three yeares or thereabouts Sworne and Examined Deposeth as followeth.

To the Second Third Fowerth and last Interr[ogator]ys this Depont saith that he this Depont for others and the whole Countrey round for about Forty yeares last past to the knowledge of this Depont untill of late had used and Enjoyed a com[m]on high way for Leading and Carrying of wood Barke Slates Lead and such like Comodities with waines Carts Carriages, from Hedley Stifford Hexhamshire Mugglewicke and elsewhere both in the County of Northumberland & Durham to Stella gate and soe through Stella Grounds called the Bogg or Blackmires to the Peth head and Downe the Peth to the Two Leadhills att Stella and Blaydon, where they laid & Landed their Carriages from whence itt was conveyed by water to Newcastle and elsewhere upon

the river of Tine; and this Depont and Severall others to the knowledge of this Depont Dureing the time aforesaid hath alsoe taken and Carryed Dales and other Com[m]odities which came & were landed <att> Blaydon & Stella aforesaid by water from Newcastle aforesaid in along & through the Com[m]on high way aforesaid westward to Hexham and elsewhere in the Country; and this Depont and Severall others to the knowledge of this Depont Dureing the time aforesaid have used the Com[m]on high way aforesaid & in Leading & carrying with waines Carriages Spiles Breasts & such like short wood unto and through Blaydon Towne lying Eastward of Blaydon Leadhill, and soe Eastward away Downe to Swallowwell, and neither he this Depont nor any other he knowes or ever heard off was never stopt in the useage of the said Com[m]on high way; nor was ever any Satisfaction Demanded or given from this Depont or any other that he knowes or ever heard of for the useage and Enjoymt of the said Com[m]on high way; and this Depont saith that when any Stopp happened in the Peth by the <meeting> of Carriages, the empty carriage went alwaies a Syde a Small peice out of the way, and was not interrupted that this Depont knowes or ever heard off.

Nicholas Lavericke of Winlaton in the County of Durham aged Fifty yeares or thereabouts Sworne and Examined Deposeth as followeth.

2 3 & 4 To the Second Third and Fowerth Interr[ogator]ys this Depont saith that to his knowledge for about Fifty yeares last past untill of late there hath beene a Com[m]on high way for Carts & carriages by the Mooregate or Stellagate, by the Bogg or Blackmires to the Peth-head and soe Downe the Peth to the Two Lead hills att Stella and Blaydon; and this Depont hath often used the said Com[m]on way for Carrying of Sodds Stones & Coles Down to Blaydon aforesaid and Household Goods to Swallowwell, both lying eastwards from Stella, and saith that he this Depont nor any other that he knowes or ever heard of was ever Stopt or interrupted in the Enjoying of the said Com[m]on high way, nor was ever any Satisfaction paid or Demanded for using thereof as aforesaid from this Depont or any other using the same that this Dept knowes or ever heard off.

George Farbridge of Hedley in the County of Northumberland aged Forty yeares or thereabouts Sworne and Examined Deposeth as followeth.

2 3 4 & 5 To the Second Third Fowerth and Fifth Interr[ogator]ys this Depont saith that he this Depont and the Country round for about Thirty yeares last past to the knowledge of this Depont hath ledd and Carryed Timber Slates barke and such like Comodities from Hedley and Elsewhere as occasion offered both in Northumberland and Durham with waines Carts & Carriages in and through the Lands and Grounds of Stella called the Bogg or Black- mires to Stella Peth head Downe the Peth to the Two Leadhill att Stella and Blaydon, where they landed their Goods for carrying to Newcastle or elsewhere by water, and this Depont and Severall others to the

knowledge of this Depont Dureing the time aforesaid hath ledd and Carryed, wood Slate and such like com[m]odities, from hedley and other places with waines & Carriages, in along & through the Comon high way aforesaid over Blaydon burne to Blaydon and soe Eastwards to Swallwell and Whickham, and neither he this Depont nor any other that he knowes or ever heard off paid any thing for useage and Enjoymt of the said Com[m]on high way as aforesaid, nor was he this Depont nor any other that he knowes or ever heard off ever Stopt or hindered in the usage or injoymt of the said Com[m]on high way, by the Deft or any other under whome he Clames.

Christopher Bates of Prudhoe in the County of Northumberland yeom ages Fifty Five yeares or thereaboutes Sworne and Examined.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that he this Depont and the whole Countrey round both in the Countys of Northumberland and Durham for these Forty yeares by past to the knowledge of this Depont both from Hedley Towne Muggleswick park Black Hedley, Shilford Hexham Cooper house Wharnaley and Severall other places in the Countys of Northumberland and Durham held and Enjoyed a Common high way for leading and Carrying lead Timber Flaggs Slates and such like Goods with Waines & other Carriages in through and along the Lands and Grounds of stella called Mooregate or Stella gate, and soe along the Bogg or Blackmires, in and through the peth head and Peth to the Two Lead hills or Leadbankes called Stella and Blaydon Leadhill, to be from thence carried by water Downe to Newcastle and other Places on the River of Tine, and this Depont hath alsoe carried from the said Two Lead hills by Carts and Carriage in & through the said Com[m]on high way, Dales to Hexham and other places in the Countrey which <were> brought by water from Newcastle & placed upon the said Two Leadhills; and this Depont saith that neither he this Depont nor any other that he knowes or ever heard of was ever, or att any time Stopt or obstructed in the useing & Enjoying of the said Com[m]on high way as aforesaid, nor was there any Satisfaction or paymt Demanded for the useing & Enjoying the said Com[m]on high way of this Depont or any other that he knowes or ever heard off, Dureing all the said time of his knowledge & remembrance of the said high way, Save onely Two pence a Foother & Fower pence a Tunn, which was paid by this Depont and Severall others to his knowledge to one Douglas and others the Farmers of the said Two Lead hills, and the same was paid for Bankage or Wharfeage onely, and not for way leave and thes Depont alsoe saith that <about twenty yeares> Since, this Depont did Diverse and many times carry and Lead severall Loades or Foothers of hay from the hollins near hedley aforesaid in and through the said high way and soe Downe the said Ground called the Peth and soe over Blaydon Burne & through the Towne of Blaydon, and soe along Eastwards to Swallwell and from thence to Whickham, and was never Stopt or hindered in the said way nor paid no manner of Satisfaction for the same, and this Depont hath seene Severall others use the said Com[m]on way, and alsoe saith that when or att such time or times that this Depont carryed Goods to Swalwell or or Whckham or any other

places eastwards of Blaydon, and not land or placed upon the said Two Leadhills at Stella and Blaydon, this Depont nor any other that he knowes or ever heard off never paid nor gave any paymt or other recompence for using the said Com[m]on high way, nor was there any satisfaction Demanded that this Depont knowes or ever heard of, when the said Goods were not landed or laid upon the said Leadhills.

John Robson of Prudhoe in the County of Northumberland yeom aged Fifty Nine yeares or thereabouts Sworne and Examined.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that he & the whole Countrey round about for these forty yeares by past and upwards, to the knowledge of this Depont hath held & Enjoyed a com[m]on high way from Hedley Prudhoe the Ryding and many other places both in the Countyes of Northumberland & Durham for carrying and Leading with Carts waines & Carriages wood Lead Hay and such like Com[m]odities in & through the Lands & Grounds of Stella called moorgate or Stella gate, and soe along the Bogg or Blackmire from thence to the Peth & soe Downe the Peth to the Two Leadhills or Bankes called Stella and Blaydon Leadhill, to be conveyed from thence by water Downe to Newcastle and other places on the River of Tine, and this Depont alsoe saith that he hath severall times carried Dales Iron and other Goods from the said Two Leadhills by waines and Carriages to Hexham and other places in the Countrey which were Landed from Newcastle upon the said Lead hills; and alsoe saith that neither he this Depont nor any other that he knowes or ever heard off was ever Stopt or hindered in the using & Enjoying the said Com[m]on high way as aforesaid nor Did this Depont nor any other that he knowes or ever heard off aske Leave for using the said Com[m]on high way with waines and Carriages. nor Did this De[ont] nor any other that he knowes or ever heard of ever give or pay any Sum[m]e of money or any other Satisfaction for using the said com[m]on high way, Saveing what was paid to Christopher Taylor & others who then farmed the said Leadhills which was Fower pence a Tunn and Two pence a Footer, and the same was soe paid for Bankeage and Groundage onely and not for way leave, and this Dept alsoe saith that about Twenty yeares since this Depont Did Diverse and many times carry and Lead Severall Loads of Hay and wood & household goods from Prudhoe Hexham the Ryding & Severall other places in & through the said high way; and soe Downe the said ground called the Peth, and Soe over Blaydon Burne & through To[w]ne of Blaydon, and soe along Eastwards to Swallowwell, and from <thence> to Whickham, and neither this Depont nor any other was Stopt or hindered with such Carriages in & through the said high way that this Depont knowes or ever heard of; nor paid any Satisfaction for using or Enjoying the same way; and this Depont hath seene Severall others use the said Comon high way; and alsoe that when or att any time or times this Depont carryed or Ledd wood & such other Goods to Swallowwell or Whickham aforesaid by waines & Carriages in & through the said high way, and not left landed or placed upon the said Leadhills; this Depont nor any other that he knowes or ever heard of, Did ever pay any Sum[m]e of money or any other Satisfaction for wayleave, nor was

ever such satisfactin Demanded from this Depont or any other that soe used the said way with their Carriages; But what satisfaction was made was for bankeage att the said Lead hills onely & not otherwise.

Cuthbert Dryden of Prudhoe in the County of Northumberland yeom ages Fifty Fower yeares or thereabouts Sworn & Examined Deposeth as followeth.

2 4 & 5 To the Second Fowerth and Fifth Interr[ogator]ys this Depont saith that he this Depont and the whole inhabitants within the neighbouring parts of the County's of Northumberland & Durham as occasion was for above thes Thirty Eight yeares last or thereabouts to the knowledge of the Depont have had used & Enjoyed a Com[m]on high way for leading & carrying of Timber slates Lead & such like Com[m]odities with waines carts & Carriages from Hedley & other places both in Northumberland & Durham as occasion offered, in att the Moorgate or Stellagate & soe by the Bogg or Blackmires to the Peth or Peth head & soe Downe the Peth to the Two Leadhills called Stella & Blaydon Leadhills, and att other times as occasion required, in along & through the com[m]on high way aforesaid and Downe the Peth, and soe over Blaydon Burne Downe Eastwards to Blaydon Towne, and from thence to Swallwell, and this Depont saith that neither he this Depont nor any other that he knowes or ever heard of, was ever att any time dureing the time aforesaid Stopt or hindered in the usage & Enjoymt of the said Com[m]on high way in & through any the parts or places aforesaid nor was ever any Satisfaction Demanded or paid or leave asked for the usage thereof by this Depont or any other using the same, that this Depont knowes or ever heard off, but this Depont saith that when and soe often as they laid & landed their Goods in & upon the said Lead hills for Carrying by water for Newcastle then was Two pence a Footer & Fower pence a Tunn paid to the farmers of the said Leadhills for Liberty to lay & Land their Goods upon the said Leadhills, and was called Banke money or groundings, but never any thing was for using the the Com[m]on high way as aforesaid, and this Depont saith that when goods was brought in carriages along the said Com[m]on high way to Blaydon Swallwell or wickham, and Did not touch or land the same att the said Lead hills, then was not any Satisfaction paid or as much Demanded for the use of the said Com[m]on high way that this Depont knowes or ever heard off, though they used the same as aforesaid, and this Depont saith that both he this Depont & others have used the said Com[m]on high way with waines & carriages for leading & carrying of Iron Dales & such like Com[m]odities to Hexham & other places in the Countrey, which came and were brought by water from Newcastle & Landed att the said Leadhills.

John Man of Prudhoe in the County of Northumberland yeom aged Sixty five yeares or thereabouts Sworne & Examined

2 4 & 5 To the Second Fowerth and Fifth Interr[ogator]ys this Depont saith that he this Depont and all the people in or inhabitants within neighbouring places of the

Several Countys of Northumberland and Surham as occasion required for these Fifty yeares last past or upwards untill within these two or three yeares to the knowledge of this Depont have held and Enjoyed a com[m]on high way for leadeing Carrying of Great Timber Slates Lead and such like Com[m]odities with Carts waines & Carriages from Hedley Chipchase Edgewood Striford and Severall other places both in the said Contyes of Northumberland and Durham as they were Employed and occasion required in and through the way in question comeing with such Carryages in att the Moore gate or Stella gate and soe by the Bogg or Blackmyre to the Peth head and soe downe the Peth to the two Lead Hills called Stella and Blaydon Lead Hills and alsoe att other times and very often as occasion required this Depont and such inhabitants in the said County could have Gon and past with their Waines and Carriages in and through the said Com[m]on high way with Dales and other goods to Hexham & other places in the Country thereabouts which came & was brought upp by water from Newcastle and Landed att the said Lead hills and paid nothing att all for takeing away such Dales & other goods Landed upon the said Lead Hills and which were carried into the Country by such Carryages (the bankroome being paid before hee and they tooke them away by the person that owed the said goods) and saith that about three yeares since this Depont comeing to the Lead hill called the East hill att Blaydon with his Carriage with a Foother of Lead belonging to the Earl of Darwine Water then Sr Francis Radcliffe Downe the said ground called the Peth the said Peth was soe very badd by falling in of the ground or running together and soe much out of reparaire that this Depont was forced to rome forth of the said way in the Peth and goe with the Said Load or Foother of Lead through the East Feild adjoyneing to the said peth and was not Stopt or hindered nor paid any thing for Such this Deponts comeing through the said East Feild as aforesaid and Delivered the same Lead on Stella Lead Hill to George Dunn the the Defts Steward and this Depont saith that neither hee this Depont nor any other that hee knowes or ever heard off was ever att any time dureing this time aforesaid Stopt or hindered in the passage useage or Enjoyment of the Said com[m]on high way in or through the said way or grounds in question nor was ever any Sum[m] of money or any other satisfaction paid or given by this Depont or any other that this Depont knowes or ever heard off for leading and carrying the said Goods and Com[m]odities with the said Carriages in & through the said way in question, Saveing onely Fower pence a Tunn to the Farmers of the said Leadhills, which this Depont and others paid for Bankeage or Groundage for the said Goods upon the said Lead Bankes or Leadhills, and paymt was for Bankeage onely and not for way leave, and this Depont saith that the Deft Sr Thomas Tempest & Sr Richard Tempest his Father hath often seen and mett this Depont & others useing the said way in question, with their Carriages, yett never Stopt or caused them to be Stopt or hindered in comeing the said way with their Carriages as aforesaid, nor Demanded any Satisfaction for the same; and this Depont that both he this Depont and others that soe used & frequented the said way in question with their Carriages Did often & frquently in going forwards & backwards with their Carriages call att Robert Addyes house in Blaydon, the Deft's Grandfather's Steward, and called there for Drink to refresh themselves, and never heard any

Complaint made by the said Robert Addye this Deft's Grandfather's Steward for using & goeing the said way in question.

Edward Lumley of Prudhoe in the county of Northumberland yeom aged Sixty one yeares or thereabouts Sworne and Examined.

2 4 & 5 To the Second Fowerth and Fifth Interr[ogator]ys this Depont saith that he this Depont and the whole inhabitants within the neighbourring parts of the Countys of Northumberland & Durham as occasion requires for these Forty Five yeares past or thereabouts to the knowledge of this Depont hath held used and Enjoyed Com[m]on high way for Leading & carrying of great Timber, Slates Lead Flags & such like Comodities with waines Carts and Carriages from Hedley and many other places both in Northumberland and in Durham as occasion required, in att the Mooregate or Stellagate, and Soe by the Bogg or Blackmire to the Peth head and soe Downe the Peth to the Two Leadhills called Stella and Blaydon Leadhills and att Severall other tmes as occasion required in along & through the said Com[m]on high way aforesaid and Downe the Peth and soe over Blaydon Bourne Downe Eastwards To Blaydon Towne, and from thence to Swallwell east of Blaydon, and from thence to Whickham; and this Depont saith that neither he this Depont [word obscured] <other> he knowes or ever heard off was ever att any time dureing the time aforesaid Stopt aforesaid in the Stopping useing or Enjoying of the said Com[m]on high way in or through any the parts or places <aforesaid ...> was ever any Satisfacc[i]on Demanded or paid, or leave sought or asked for the useage therof by this Depont or any other useing the same that this Depont knowes or ever heard off But this Depont saith that when & so often as they layed and landed their Goods in & upon the said Leadhill on the west syde called Stella hill for carying by water to Newcastle, then was Two <pence per> footer and fower pence a Tunn paid to the Farmer of the said Leadhill, which was called Banck money or groundage, and when they landed Goods upon the East syde called Bladon Leadhills never paid any thing att all, and never was any thing paid for useing the said Com[m]on high way; and this Depont saith that when Goods was brought in carriages along the said Com[m]on high way to Blaydon or Swallwell or Whickham, and did not land the same goods att the said Leadhills, then there was not any Satisfacc[i]on paid or as much as Demanded for the use of the said Com[m]on high way, that this Depont knowes or ever heard of; though this Depont with many others soe used and passed the same way with their Carriages as aforesaid; and this Depont saith that both he this depont and others have used the said com[m]on high way with waines and Carriages for leading and carrying of Iron Dailes wain Scott Dailes and such other com[m]odities to Hexham and other places in the Country which came and were brought upp by water from Newcastle and Landed att the said Lead hills.

Richard Richardson of Blaydon in the County of Northumberland yeom aged Sixty Fower yeares or thereabouts Sworne & Examined Deposeth as followeth.

[word(s) obscured] Fowerth Interr[ogator]ys this saith that to his knowledge for about these Fify five yeares last past untill within [t]hese Two or three yeares there hath beene a Com[m]on high way for [word(s) obscured] <carrying> of wood Lead and such like Com[m]odities for all the King & Queenes Subjects and inhabitants round the Countrey in the Severall Countys of Northumberland and Durham [word(s) obscured] in & through the Lands & Grounds of Stella called the Bogg or Blackmires to Stella Peth head and soe Downe the Peth to the Two Leadhills att Stella and Blaydon, where they [word(s) obscured] <carrying to Newcastle> by water or elsewhere on the River of Tine; and this Depont hath Severall times seene great carriages goe or come through the Peth & way in question through Blaydon [word(s) obscured] Towne of Blaydon with Corfe Bowes and Corfe rodde, which this Depont hath heard and verily beleives went to and unloaded the same at Swallowwell & Whickham two Townes eastwards from <the> Towne of Blaydon; and this Depont saith that Dureing all the time aforesaid he never heard of any person or persons whatsoever using or Enjoying the said Com[m]on high way & now in [dis]pute with such Carriages as aforesaid, was ever Stopt hindered or obstructed in the useage or enjoyment of the said high way as aforesaid, Nor does this Depont know nor ever heard of [any] sum[m]e of money or other Satisfaction that was peid given or Demanded for the country people or inhabitants in the said Counties of Northumberland & Durham using or Enjoying the said Com[m]on high way with such their Carriages, Save onely Two pence a Footer & fower pence a Tunn that was paid for the Bankeage or Groundage of such Goods upon the said two Leadhills att Stella & Blaydon and the same was onely paied to them that farmed the said Leadhills for Bankeage or Goundeage onely, and not in Satisfaction or recompence for way leave; and this Depont can the better Depose and speak to the matters & perticulars aforesaid, for that he this Depont hath beene an inhabitant within the said Towne of Blaydon from the time of his infancy and Seene the said Carriages goe & pass the said way; and the same way in dispute hath beene alwayes reputed a Com[m]on way for all Carriages.

George Stokoe of Blaydon Towne in the County of Durham wherryman aged Seaventy yeares or therabouts Sworne and Examined Deposeth as followeth.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that he knowes that for these Sixty yeares last past and upwards untill with these Two or three yeares, there hath beene a Com[m]on high way for Carts waines and Carriages for the Leading and Carrying of great Timber Lead and such like comodities for all Inhabitants round the Countrey in the Counties of Northumberland & Durham held used and Enjoyed in and through the Lands & Grounds of Stella called the Bogg or Blackmires to the Peth head and soe Downe the Peth to the Two Leadhills att Stella & Blaydon where they Landed their Goods for Carrying by water in Boates or wherrys to Newcastle or elsewhere on the River of Tine; and this Depont saith that Dureing all the time of his knowledge or remembrance of the said high way and now in Dispute, he never knew or heard of any using or Enjoying the said Com[m]on high way with such their

Carriages as aforesaid Stopt or hindered in any the parts or places aforesaid, nor knowes nor never heard of any Satisfaction or recompence that was Demanded or paid for any useing or Enjoying the said Com[m]on high way with such waines & Carriages as aforesaid; But saith when and soe often as they layed and landed there Goods in and upon the said Leadhills for carrying by water to Newcastle then was Two pence a Footer and Fower pence a Tunn paid to the Farmers of the said Leadhills for Liberty to lay & Land their Goods in and upon the said Leadhills and was called Banckmoney or Groundage, But never anything was paid for using the said Com[m]on high way as aforesaid that this Depont knowes or ever heard off; and this Depont can the better speak & Depose to the matters & perticulars aforesaid for this Depont was borne and brought upp in Blaydon, and the same Com[m]on high way now in question hath <alwaies> since this Depont knew or rememberd any thing been <..t> reputed to have beene a Com[m]on high way for all manner of Carriages.

William Rowell of Winlton in the County of Durham aged Sixty one yeares or thereabouts Sworne & Examined Deposeth as followeth.

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith he very well knowes and remembers that for these Fifty yeares last past or thereabouts there hath beene com[m]on high way for Carts waines & Carriages for Carrying and Leading of <pe>at Timber Lead & such like Comodities for all Inhabitants round the Countrey in the severall Counties of Northumberland & Durham held used & Enjoyed in & through the Lands & Grounds of Stella called the Bogg or Blackmire to a place called the Peth head and soe Downe the Peth to the Two Lead hills att Stella and Blaydon <where> such Goods were Landed to be carried by water Downe to Newcastle Downe the River of Tine; And this Depont hath frequently and often seene the said Carriages goe pass & goe forward & Backwards with their Loadings of Goods in & through the said Com[m]on high way; And this Depont saith that Dureing all the time aforesaid he this Depont never knew of any that used or Enjoyed the said Com[m]on & now in question with their Carriages as aforesaid Stopt or hindered in any the parts or places aforesaid; nor <n>ever knew or heard of any Satisfaction or recompence that <was> Demanded or paid for any useing or Enjoying the said Com[m]on high way with such waines & carriages as aforesaid; But saith he hath heard that some Satisfaction or payment was paid by <any> that used such way as aforesaid <to the> Farmers that farmed or tooke the said Leadhills for Bankeage or Groundage for placing the said Goods upon the said Leadhills which is called Ban<keage> But saith that he hath Cridibly heard & verily beleives the same Satisfaction is given onely for Bankeage and not for way leave and this Depont can the better depose herein for he hath Dwelt & inhabited all his life time about a Mile Distant from Blaydon, and saith the same high way now in question, by all the people & inhabitants round the Countrey is reputed a Com[m]on high way for all people & <carriages>

Cuthbert Robinson of Winlaton in the County of Durham yeom ages Eighty yeares or thereaboutes Sworne & Examined

2 & 4 To the Second and Fowerth Interr[ogator]ys this Depont saith that to his knowledge for about these Fifty yeares last past untill of late there hath beebe a Com[m]onh igh way for cart and Carriages by the <Mooregate> or Stellagate and soe by the Bogg or Blackmire to the Peth head and soe Downe the Peth to the Two Leadhills att Stella and Blaydon and this Depont hath often used the said Common way for carrying & Leading of wood Lead & other Goods from Hedley, Mickley, Mugglewick and Severall other places in the counties of Northumberland & Durham to the said Leadhills att Stella & Blaydon; and saith that he this Depont nor any other that he knowes or ever heard of was ever Stopt or hindered in the useage and Enjoyment of the said Com[m]on high way, nor was ever any satisfaction paid or Demanded for useing thereof as aforesaid, from this Depont or any other using the same that this Depont knowes or ever heard of.

John Selby of Wheelebickes in the County of Northumberland yeom aged Sixty Six yeares or thereaboutes Sworne & examined Deposeth as followeth.

2 4 & 5 To the Second Fowerth and Fifth Interr[ogator]ys this Depont saith that for these Fifty yeares last past he this Depont and the whole Countrey round both of Northumberland and Durham as they had occasion, to the knowledge of this Depont had used and Enjoyed a Com[m]on high way for leading & carrying with waines Carts and Carriages wood Lead Timber Flaggs Slates and such like Comodities both from the two Leadhills called stella & Blaydon Leadhills, and alsoe Downe the Peth over Blaydon Burne Downe Eastwards to Blaydon Towne, and to Swallwell and whickham where they had occasion to goe with their Carriages; and this Deponet saith that neither he this depont nor any other that he knowes or ever heard of was ever Stopt or Disturbed in the usage and Enjoyment of the said Com[m]on high way; nor was ever any thing paid or Demanded for the useage thereof either from this Depont or any other using the said com[m]on high way in any the parts or places aforesaid that this Depont knowes or ever heard off; but this Depont saith that when they laid or landed their Carriages & Goods att either of the said Leadhillls, there was Two pence a Foother and Fower pence a Tunn paid for liberty to lay and place their Goods in and upon the said Leadhills and was called and paid as & for banckmoney for grounding of their Goods and not for way leave that this Depont knowes or ever heard off; and this Depont saith that when the Carriages went Eastward to Blaydon Towne Swallwell or whickham as aforesaid and did not touch or land their Goods att the said Leadhills, then was not any thing paid or as much as Demanded for the useing of the said Com[m]on high way, although they used the same aswell as well as when they landed their Carriages att the Leadhills aforesaid, and this Depont saith that to his this Depont's knowledge the said Com[m]on high way hath beene used for leading & Carrying of Planks Dales Iron and other Com[m]odities from the Leadhills and

Blaydon aforesaid to Hexham and other places in both Counties with waines carts carriages after they had beene brought & landed by water from Newcastle att Blaydon & the Leadhills aforesaid, and never interrupted nor paid any thing therefore save for Bankeage as aforesaid.

[3 & 5] To the third & last Interr[ogator]ys this Depont saith that when any Thurst or Stop happened that Carriages could not pass Downe the Peth then they went into the Defts Grounds either on the right hand or the left and were not interrupted or Disturbed therin; and saith that Robert and Thomas and the rest of the Farmers of the respective Leadhills Did usually reparaire the Peth.

Thomas Newton of Prudhoe in the County of Northumberland yeom aged sixty six Yeares or therabouts Sworne & Examined Desposeth as follweth.

2 4 & 5 To the Second Fowerth and Fifth Interr[ogator]ys this Depont saith that he this Depont and the whole neighbouring inhabitants both in the Countys of Northumberland & Durham for these Fifty yeares last past and upwards to the knowledge of this Depont untill of Late have had used & Enjoyed a Com[m]on high way for leading and Carrying of wood Lead Slates Flaggs and such like Comodities with waines Carts & Carriages from Hedley & other places both in Northumberland & Durham where they had & tooke upp their Carriages in by along & through the Mooregate to the Bogg or Blackmires and from thence to the Peth head Downe the Peth to the Two Leadhills att Bladon & Stella, and alsoe in along & through the said Com[m]on high way over Blaydon Burne Swallwell & whickham and also knowes that dureing the time aforesaid the said com[m]on high way hath been used & imployed for leading & Carrying of Dales Iron & such like Com[m]odities brought & Landed by water att Blaydon Stella & the Leadhills aforesaid in along & through the Com[m]on high way aforesaid to Hexham & other Places where they carryed & landed their Goods in the respective Countys aforesaid; and this Depont saith that though this Depont and the rest of the Countrey persons who drove & came along with their Carriages Did frequently and usually call and Drink att the Dwelling house of William Raine and Robert Addy the respective Stewards of the Deft and his ancestors att Stella aforesaid both in their goeing and comeing with their Load on Carriages to & from Blaydon & Stella and the Leadhills aforesaid, and though they the said Raine & Addy Did very well know of the Country's using the Com[m]on high way with loaden Carriages as aforesaid; yett Did not they or either of them or any other that he knowes or ever heard off Stopp or hinder this Dept or any other using the said Com[m]on high way with Carriages as aforesaid, nor was any thing paid or as much as Demanded for the useage thereof, from this Depont or any other that this Depont knowes or ever heard off; But this Depont sath that when they laid & landed their Goods in & upon either of the leadhills aforesaid then was Two pence a Foother Fower pence a Tunn paid for liberty to lay & land their Goods in & upon the said Leadhills in order to convey the same either by water to Newcastle or by land into the Countrey, as the

Goods were appointed to goe, but when the Carriaged Did not touch & land their Goods att either of the said Leadhills, but went Directly from the Peth over Bladon Burne, Eastward to Bladon Towne, and soe to Swallwell or whickham then was not any Satisfaction paid or Demanded for the useage of the said Com[m]on high way; or any Stopp made for the use thereof either to this Depont or any other useing the same that this Deponent knowes or ever heard of; though they used the same aswell as when they went to the said Leadhills.

3 & 5 To the Third and Fifth Interr[ogator]ys this Depont saith that when any Stopp happened that Carraiges would not pass Downe the Peth by Fall of Trees bankes or otherwise, then the Carriages <went> on either side of the Peth, without interruption that he knowes or ever heard of untill repaired & made passable, and this Depont hath seen men workeing and repaireing the<.. Peth> makeing itt passable, but att whose charges this Depont knowes not.

Michael Robinson of Blaydon Staithes in the County of Durham Gent aged Thirty Six yeares or thereaboutes Sworne & Examined Deposeth as followeth.

2 3 & 5 To the Second Third and Fifth Interry's this Depont sath that about these Fowerteene yeares last past untill within these Three yeares or thereaboutes to the knowledge of this Depont there hath beene a Com[m]on high way had used and Enjoyed both by the Inhabitants of the County of Northumberland and Durham, for leading and Carrying of wood Timber flaggs Slates and other Comodities with waines Carts and Carriages from Hedley and all other neighbouring parts bothe in Northumberland and Durham in along and through the Lands & Grounds of Stella called <the> Bogg or Blackmire, and from thence to the Peth head Downe the Peth to the Two Leadhills att Blaydon & Stella called Blaydon & Stella Leadhills, and alsoe in along and through the Com[m]on high way aforesaid, from the foot of the Peth over Blaydon Burne and soe Eastwards to Blaydon Towne and Swallwell; and this Depont saith that in all the time aforesaid there was never Stopp made or any thing paid or Satisfaction Demanded for any person useing the Com[m]on high way with Carts & Carriages as aforesaid that this Depont knowes or ever heard of untill about two or three yeares since that the Informt Sr William Blackett haveing great occasion for his Lead which all along Dureing the time aforesaid, and some considerable time before as he as he hath heard, hath been brought and carryed in & along the Peth & Com[m]on high way aforesaid, this Depont saith that about the time last mentioned the said informant haveing sudden occasion for his Lead aforesaid, and this Dep[onen]t by the said Sr William's order acquainting George Dunn the Defts Steward with his Ma[er] [Master] Sr Williams occasion for his Lead, and that the Deft would be pleased to take care for the repaireing of the Peth in order for the bringing in of the Lead, but this Depont saith that the Deft either neglecting or refusing to amend and repaire the said Peth and Com[m]on high way; he this Depont by the said Sr William's order sett on workemen to repaire the same, for which this Depont and workemen were Indicted,

but some weekes afterwards the said Deft or some by his order as the Depont beleives repaired the same, <But this Depont> saith that some yeares before that, the Peth was often impassable, and for about three yeares together the Deft permitted the Carriage to pass through his grounds called the East Feild without paying any thing that this Depont heard of, untill by Degrees the Deft by one meanes or other caused or gott the Carriage first to pay Six Pence p[er] waine and then by Degrees raised them up to Three shillings or thereabouts P[er] waine Some more & Some Lesse, the way through the East Feild being easy and the Peth being impassable, and the Deft refusing to reparaire the same, and indicting others who Sett upon to reparaire the same, but though the said Deft Sr Thomas Did insist and cause the Countrey to pay such as aforesaid; yett did the said Sr Thomas Tempest by George Dunn his servant profer to lett the Informant Sr William Blackett have & Enjoy all he Lead and other Carriages in and along the said East Feild or other his Grounds Gratis without paying any thing for the Same, So as the informant Sr William would rest Satisfied therewith, and leave the Deft to take Satisfacc[i]on and payment of the other inhabitants of the Country who used that way, as both this Deponts Ma[er] Sr William Blackett and the said George Dunn the Def[endan]ts Steward, and one Cuthbert Procter reputed Farmer with the said George Dunn of Stella or the west Lead hills Informed this Depont to that or the like effect; the said Cuthbert Procter further informeing this Depont that in their lease of the way leave Downe the said East Feild which he said they had lately taken, the Carriages of the <.....> Blackett was Excepted from the Paymt for caomeing Downe the said East Feild or to that effect; and this Depont saith that the said Peth is soe much out of reparaire now, that Corpse or Dead Bodies though the Com[m]on high way from Blaydon to their parish church cannott without great trouble be <carried> in and along the said Peth but must be forced to goe through the other Grounds of the Deft or which the people accompanying the same must either have leave of the Deft or Trespasse; <and> this Depont further saith that for such Goods as came & were landed by water from Newcastle, or by Carriages out of the Countrey in & upon either of the said Leadhills the Sume of Two pence a Foother and Fower pence a Tunn was paid for liberty to lay & land goods in & upon the said Leadhill, & was called Bankemoney or groundage, but never for way leave that this Depont knowes or ever heard of; and this Depont further saith that he this Depont for & on behalfe of the said Informant Sr William hath for some yeares received the said Banckleave or groundage money from such as came and laid Lead and other goods in and upon the said Bladon or East Hill and knowes not nor never heard of any paymt or Satisfaction made by any using the said Com[m]on high way and soe laying & paying for their Goods lying in & upon the said East hill to this Depont as aforesaid, nor Doth he know or Did he ever heare of any paymt made or Satisfaction Demanded from such who used the said Common high way Downe to Bladon Towne Swallowell or whickham who Did not touch & Land their Goods att the said Lead hills though they used the same as aforesaid; and this Depont further saith that about Nine or Tenn yeares since the said Peth being impassable by the fall of the Trees or roots of Trees into the same, the persons who came with Carriages came to this Depont and Desired this Depont to goe along with them to the

Deft to obtain leave of him for comeing through his other Grounds, who accordingly on the behalfe of his Ma[er] went along with them, upon which the said Deft hung or opened a gate att the east Feild, and gave them leave to goe with their Carriages through the same untill such time as the peth was repaired & made passable by the Deft; and this Depont can the better depose to all the particulars aforesaid for that he this Depont for about these Fowerteene yeares last past been Steward and Servant to the informant Sr William Blackett for his Lands Colemines & Estate within the Mannor of Winlaton and Blaydon aforesaid, and Dureing all the time aforesaid hath lived att Bladon Staithes within Twelve Score or lesse of Stella Leadhill.

John Lumley of Mickley in the County of Northumberland yeom aged Thirty Six yeares or thereabouts Sworne & Examined Deposeth as followeth.

2 & 4 To the Second and Fowerth Interr[ogator]y's this Depont saith that for about these Tenn yeares last past he has with waines & Carriages used the Com[m]on high way for Leading & carryng of wood Timber & other Goods in along & through the Lands & Grounds of Stella called the Bogg or Blackmire to the Peth head and soe Downe the Peth to the Two Leadhills att Stella & Bladon, and saith that about Fower yeares since coming with his carriage by the East feild gate to the Peth head to goe to the Leadhills, and meeting with the Def[endan]t Sr Thomas the said Def[endan]t to this Depont that he this Depont had not seene the said Def[endan]t, that he this Depont would have gone through the East Feild, and told this Depont the he could not pass with his Carriage Downe the East Feild by reason the Peth was fallen in & soe impassable or to that effect and soe advised him and told him this Depont it was better for him to pay; to which this Depont reply'd that Three Shillings or halfe a Crowne was to much or to that purpose, and that he therefore had brought instruments to rydd the way and make itt passable, whereupon the Def[endan]t Did not hinder him to pass Downe the Peth, nor Did aske him any thing therefore, and about the same Season George Dunn the Def[endan]ts steward came to this Depont and would have Stopt his Carriage p[er]tending he came Downe the East Feild, but perceiveing him to have come Downe the Peth peaceably permitted him to pass to Bladon Hill without interruption.

Cross Interrogatoryes to be adm[inister]d to Witnesses p[ro]duced and exami[n]ed on the part and behalfe of Sr Thomas Tempest Barr[onet]t Def[endan]t at th[e] Suite of there Mat[jest]yes Attorney generall Sr William Blackett and others Comp[...]

Doe you know the way in quest[i]on w[hi]ch leads from Hedley in Northumberland to Bladon and Bladon Leadhills in the County of Durham. how oth the Same way lye, Doe you know the Lands & Grounds called the Bogge al[ia]s the Blackmires in the pleadings menc[i]oned Doe you know any money and what money paid for comeing the High way from Hedley along the peth head and downe the peth Doe not <Those>

that pay leave the high [wa]y w[hi]ch leads to Bladon & goe <through> the Defts grounds to <the Village of Blaydon> & by whome and to whome, & when was th[e] same paid, were you p[re]sent when the same was paid, and did you see the same paid, was the same paid for comeing from Headley aforesaid along the Kings high way now in quic[i]on to Bladon or Bladon hills or Some other way , and what way and to what place, Was not the money you speake of paid warfage or for laying & landing Some Wood Lead Coles Corne or other goods or comodity att the Said Leadhills or one of them. and which of them, or for takeing the Same away from the Said Leadhills or one of them, is it not called Banke money or warfage money, What you know or beleive here about Declare.

Are you a Farmer or Tennt of or to any of the wayes lands or grounds of Sr Thomas Tempest And of what way lands and Grounds or to any claiming from or under him, or whose Tennt are you and what doe you Farme and what Agreement have you made thereabout.

Cross Deposicons taken upon Interr[agator]yes [word(s) obscured] to the witnesses formerly produced Sworne and Examined on on the part & behalfe of SSr Thomas Tempest Barrtt Deft, and now p[ro]duced Sworne & Reexamined on the part and behalfe of thei Mat[jes]ties Attorney Generall, Sr William Blackett Barrt and others Complts taken at the house of Michaell Robinson of Blaydon in the County of Durham, the Second Dayof April in the Second yeare of the reign of our Sovereign Lord and Lady King William and Queene Mary by the grace of God of England & Defend[er] of the Faith &c Anno<..> D[omi]ni 1690. By virtue of Com[m]ysion issued forth of their said Ma[jes]ties Court of Excheq[uer] att Westm[inster] To Frederick Newton, John Pickells John Em[m]erson & Thomas Gofton Gent or any Two or more of them directed.

William Rennison a witness formerly Sworne on the Defts part and now Cross Examined upon Interr[ogator]yes on the Complts part, Sworne & Examined saith as followeth.

This Depont saith that he is a Tennant & Farmer of a Cottage house in Stella, which he holds under the Deft Sr Thomas Tempest for which he payes the yearly Rent of Six shillings.

Thomas Lowrey a witness first Sworne & Examined on the part of the Deft, and now Sworne & Examined on the part of the Complts Deposeth as followeth.

1 To the First Inter[ogator]y this Deont saith he knowes the Com[m]on high way leading from Hedley in Northumberland to the Lands in Stella called the Bogg or Blackmires and soe to the Peth head and Downe the Peth to th Leadhills and Bladon in the County of Durham, and saith that he knowes not nor Did he ever hear of any

money or satisfaction, paid for any Carriages to the two Leadhills or Bladon aforesaid but saith that John Clavering Esq[ui]re who is this Depon'ts Master for his way leave & Steathe roome in Stella grounds pays yearly Fifty Pounds p[er] annu[m] to the Deft halfe yearly.

George Lowrey a witness first Sworne & Examined on the part of the Deft, and now Sworne & Examined on the part of the Complts Deposeth as followeth.

1 To the First Inter[ogator]y this Deont saith he knowes the Complts high way leading from Hedley in Northumberland to the Lands & grounds in Stella called the Bogg or Blackmires and soe to the Peth head, and Downe the peth to th Leadhills and soe to Bladon in the County of Durham, and saith he knowes that Satisfaction was made for landing & laying Downe goods upon the said Two Leadhills that came through the said Com[m]on high way, and saith that Satisfaction was made and paid for Bankeage onely and was called Bankmoney, and saith these pay who leaave the Peth & Com[m]on high way leading to the Leadhills in Bladon Towne, and goes Downe through the Defts other grounds to Stella Coalestaithes; and saith that John Clavering Esq[ui]re to whom this Deponent is Staithman or Servaant, for his wayleave & Staithroome in the Defts grounds in stella payes to this Deponents knowledge to the said Deft; the Sum[m]e of Fifty Pounds a year by halfe yearly payments.

Capt et Jurat Die anno et Loro Supd[er]jict Cora nobis

Go: Em[er]son Fred: Newton John Pickells

Interrogatories Exhibited to be administered to the witnesses to be produced sworne and and Examined on the part and behalfe of Sr Thomas Tempest Baronet Defndant at the Suite of the Attorney generall of the <Relac[i]on os.> Blackett Baronett and other the Inhabitants of and within the County Palatine of Durham Informants.

Imprimis Doe you knowe the said Informant Sr William Blackett and said defendant Sr Thomas Tempest? And how long have you soe knowne them, or either of them? and did you from old Sr Willian Blackett the said Informants late Father, and Sr Richard Tempest the said defendant's late Father? and other and who besides? of the said defendant's Ancestors, in their severall lefetimes.

2: Doe you know the King's com[m]on high way, leading from Hedley in the County of Northumberland, unto the Towne of Newcastle upon Tine, for horses, Carts, waines, and other Carriages and how long have soe known the same, And did and doth the said way or King's high streete lead from Hedley aforesaid to Ryton wood side, and from thence to Winlato Mill, and from thence to Whickam, and from thence to Gateside, and thence to Newcastle aforesaid, And is that the <anntient> and nearest and most conveyent way for Carts, waines and other great Carriages, And have the

County constantly used that way with such said Carriages, as you know, have credibly heard or verily believe? who repaired the way above mentioned was the said frequently repayed by the parish of Ryton and how doe you knowe the same, <were> you any way, and when, and how concerned in the said parish? Declare the same with the reasons induceing you soe to depose.

3: Doe you knowe the way comeing from out of the said com[m]on high road or Streete, neare the said Ryton Woodside, which Leadeth to Bladon, and soe to Newcastle, through and along the Cobbyhold and Freehold ground of the said defendt, And did or doth it come through certain Closes or parcells of ground, of the sayd defend[an]ts called the Bogg als [alias] Black Myre, and soe along to the Peth and the Peth head to Bladon Towne; how long have you knowne that way through the said Lands and grounds; when you first knew it was it bridle way for the Country and anntiently used as a bridle way, and for <sack> and Seame onely to Bladon, and soe to Newcastle? And was it constantly and com[m]only reputed and looked upon as a Bridle way onely? and did you know one William Raine Who was <anntiently> <Steward> or Agent to the said Sr Richard Tempest, how long was he for And what ha<damaged>an at any time, and when, heard him say concerning the Bridle way Declare your full testimony herein.

4: Were the Gates through which the said Bridle way between Bladon and Newcastle upon Tine, little wicketts or narrow Gates, that onely a horse might with a Load on his back passe through, and nor Carts, waines or great Carriages did or could passe that way betweene Bladon and Newcastle. Speak your full testimony herein:

5: Doe you knowe Elliotte house and the Peth and Stella Field or Stella Eastfield, and how long have you knowne the same Did the said bridle way anntiently goe along to and from Elliotts aforesaid and soe along the Peth and soe along to Bladon Towne, and from Bladon to Newcastle aforesaid or how otherwise? Speak the whole truth.

6: Did and doe the Cobbyhold and Freehold Lands of the said defend[an]t lye on bothe sides of the sayd <Sack>, Seame and bridle way and of the Peth aforesaid, and did and doe the defend[an]ts said Lands goe on and continue unto Bladon aforesaid, or how farr, And doth the said BladonBurne, divide the severall Lordpps [Lordships] of Stella and Winlaton as you know, have credibly heard or verily believe.

7: Doe you knowe the defendant Lead hill comonly called or knowne by the name or names of Stella Lead hill or Bladan hil, and doe you alsoe know another Lead Hill now com[m]only Bladon Lead hill or the L<ow> Lead Hill in Winlaton Lordpp <Loarship> and how long have you soe known the same respect<ive>ly? And doth the said Low Lead hill now belong as well to the defend[an]t, as to the Informant Sr William Blacketts offices, Lords of Winlaton in Com[m]on as you know, have credibly heard or verjly believe.

8: Was the way in question made use of by the defend[an]ts Ancestors in the tyme onely for themselves and for their owne proper Waines Carts and Carriages for carrying of their the defend[an]ts Ancestors great <Loads> and Carriages be Waines and Carts through the Peth aforesaid into the said nowe defendants owne Lead Hill called Stella Lead Hill or was that way formerly (To witt) about Fifty yeares since or how long onely made use of for a Bridle or horsecarriage was to the said Lead hill or <otherwise> as you know, have credibly heard or veryly beleeves.

9: Did the Country or those that were desirous to make use of that way with their Carts Carryages to Bladon and Bladon Low hill aforesaid agree to pay Five pence p[er] Tunn for Bank Leave and way Leave and soe poport[i]onably? And was the same paid accordingly and by whome in particuler, and when, and to whom, and how often as you know, have credibly heard, or veryly doe beleve.

10: Was any stoppage made of any Carts or great Carriages for going the sayd way over Bladon Burne unto Bladon Low Lead hill aforesaid, and when, at what place and how often? And was any recompence made by such as were stopped for goeing & using the said way? & what recompence or satisfaction was made for the same, and when, and by whome, as you know, have credibly heard, or veryly beleve. Speake your full Testimony herein.

11. How long is the said Peth is the same six hundred yards long or therabouts, and might or may the same be made fitt for two waines or Carraiges to goe passt that way by one another as you know or veryly beleve.

12: Is there a way for Carts and Carriages through the said Stella Field to Bladon Low Lead Hill aforesaid and how long hath that way been soe made use of? Is the same a way of right or was or is the same used by Leave and sufferance and under a Composicon or payment made and paid to the defend[an]t for using and goeing that way with Carts and Carriages And what recompence or compensac[i]on did any and who by name and whenn agree to pay or did pay & caused to be payd for the same unto the defend[an]t or to his Order or use as you know have credibly heard or veryly beleve

13: Did old Sr William Blackett in his life time or some of his tenants or others employed under him or who by name take to Farme for some yeares and for how many as you know have credibly heard or veryly doe beleve as well the said defend[an]ts Lead hill called Stella Lead Hill as alsoe the said way or way Leave along the said Peth to the South Side of Bladon Burne aforesaid, unto the said Low lead hill held in com[m]on as aforesaid, and was the defendants said Lead hill and the sayd way Leave Farmed as aforesaid by and under a certaine yearely rent or Sume payable unto some of the defend[an]ts Ancestors and to whom by name alsoe unto the defend[an]t And did such Tenant or Farmer dureing the tyme and contynuance of that Lease and

Tacke permitt the said old Sr Wililliam Blackett and others to goe that way with their Carts waines and Carriages unto the defend[an]ts said Lead hill or to the sayd Low Lead hill over Bladon Burne aforesaid unto the said Lordpp [Lordship] of Winlaton where the said old Sr William Blackett had and the Informant Sr William hath an Estate in com[m]on together with the defendant and others as aforesaid.

14: Was any discourse as you know have credibly heard or veryly beleeeve with the said old Sr Williamd Blackett after the Expirac[i]on of the said Lease or Tacke or of any other since and when concerneing his the said old Sr William Blackett using that way (which is now the way in question) with waines Carts and Carriages over Bladon Burne unto the said Low Lead hill at Bladon and did the defendant finde fault with old Sr William for using that way and tell him that if he contynued to carry Lead that way he would stopp him, and what Answere did old Sr William then returne to the defend[sn]t did he declare and affirme unto the defendant That if the defend[an]t would suffer him to carry his Lead that way as formerly he had done dureing the said Lease and while it was in being He the said old Sr William would take it as a particuler kindnesse done to him selfe and that he neither did nor would desire to Lessen or p[re]judice the denfendants rights or Title to the sayd way Leave to Bladon aforesaid or whatother discourse or words was or were spoken or declared betweene them touching the same And did the Sayd old Sr William afterwards by p[er]mission and Leave onely as aforesaid contynue to use and was suffered by the defend[an]t to use the said way Declare what you know have credibly heard or veryly beleeeve, touching the matters contayned in this Interrogatory.

15: Who did Constantly or upon occasion repayre the said way through the Peth Did you ever know the Parishoners of Ryton anntiently at any tyme and when repayre the same by their com[m]on or other dayes worke or what can you Depose concerneing the same, Speak your reason induceing you soe to depose and were you at any time and when overseer of the said Ryton high wayes declare your full testimony therein

16: Did the defendant or those under whome the defendant claimeth his Estate repaire the same for their owne use, and for the use of those who would pay for way Leave and using the said way, untill of late the Informant Sr William Blackett or some by his order and at his charge as you know or beleeeve repaired part of the sayd way called the Peth or Bladon Peth for his Carts and Carriages, and did he cutt and digg or cause to be cutt and digged up the Freehold ground of the defendant, and did he soe doe or cause to be done without the notice and privety of the defendand or of the Parish of Ryton aforesaid as you know have credibly heard or veryly beleeeve.

17: Was an Indictment preferred and when at the Sessions of the Peace at Durham and found by Grand Jury there against those that did digg the defendants said Ground and Freehold in the p[re]cedent Interrogatory menc[i]oned by the order or directions of the said Informant Sr William and was the sayd Indictment removed by Certiorari by

or on behalfe of the persons indicted and afterwards not prosecuted by reason of the late King James Pardon that then came out as you know have credibly heard or veryly beleeve, And is this Coppy shown unto you at the time of your Examination a true Coppy of the said Indictment preferred and found and where did you examine the same.

18: Did Sr James Clavering Severall yeares and how many yeares since take to Farme Or had and hath he or any other and who by names Leave by Grant of the Defendants Ancestors to goe with waggons and Carriages out of the said Kings high Road and Streete in the said second Interrogatory menc[i]oned which are part of the way in question along the defendants Coppyholdd or other Lands And did and doth he by Leave and Grant by the defendants Ancestor[er]s goe along and contynue to goe with his Waggons and Carryjages from Ryton Wood Side downe along the defendants Coppyhold Lands and Graunds unto Elliotts house aforesaid? as knowe have credibly heard or veryly beleeve.

19: Are you a witnes to the Sealing and delivery of the Writings or Papers now to you produced at the time of you[er] Exmination or to any and which of them? Or doe you knowe the hand writing marks or Characters of any of the witnesses, written or sett to the Sealing and Delivery thereof; or of any and which of them; And are all or any and which of the said Witnesses dead or gone into places unknowne unto you; or unto the defendant? Or doe you knowe the hand writing of any of the Granto[er]s or Grantees in the said writings, or any and which of them named? Speak your full knowledge and Testimony herein?

20: What other matter or thing can you further Say or materially Depose touching the way or matters in question betweene the sayd Informant and Defendant for and on the bahalfe of the sayd defendant Declare the same at large, as alsoe your full and whole knowledge to every particular of the sayd Interrogatories.

Counter Interrogatoryes Exhibited to be administered to the Witnesses, to be p[ro]duced Sworne & Examined on the part & behalfe of Sr William Blackett Barrt & others Informants agt Sr Thomas Tempest Barrt Defendant.

1. Did you make use of the way in question, with Carts, Waines or great carriages? to the knowledge of the Deft or of those under whome the Deft claimeth; Or of their Tenants, over the said Bladon Burne, to Bladon low Hill or to the south side of the said Bladon Burne?

2. Did you drive or goe along, with such waine Carriage the said way; upon your owne score or account? Or upon the score & Account of some other P[er]sons & of whome by Name (that imployed or hired you, or willed you to goe that way; with

waines or great Carriages? And to whome did you deliver your Carriages or Loads & who tooke an account of the Same? Declare Your full testimony herein?

3. Iff you did not your selfe agree or pay for such waine or great Carriages goeing the s[ai]d way for Bankleave or way leave? Did the Lead Owners & Woodmongers, or those who imployed you, Or whose Lead, Timber wood or other things, you carried that way? and who by name? Agree and pay, or cause to be paid, & made satisfaction, & recompence for going along, and using the S[ai]d way with their great Carriages, and for bankleave & wayleave? And what did the Owners or reputed Owners, of those things, that were soe carried the said way, over Bladon Burne? pay or cause to be paid, for bankleave & way leave for the same Carriages? Did they pay, or cause to be paid Fower pence <or what other summe> p[er] tunn for such Bank leave & way leave, And when? And how often, did they pay the same & to whom? Or what other recompence or satisfaction was made for the same? As you knowe, have credibly heard? or verily beleive?

4. Did the said Informt Sr William Blackett or any of his servants or <Aqu..ts> or any on his behalf att any time & when? & how often, repaire part of the way in question? called the Peth or Bladon Peth for his Carts & Carriages, att his owne p[ro]per Costs & Charges; And did he cut or digg or cause to be cutt & digged upp the Freehold & grounds, of the Defendant? And did Hee soe doe? or cause the same to be done? without the notice or p[ri]vacy, of the Defendant, Or of the Parish or Parishioners of Ryton? As you know have credibly heard or verily beleive?

Ja: Mickleton

Depositions of Witnesses prduces Sworne and examined on the part and behalfe of Sr Thomas Tempest Baront Defendt at the Suite of the Attorney Generall of the Relac[i]on of Sr William Blackett Barrt and others the Inhabitants of and in the County of Durham Informants taken at Bladon in the said county the Second day of April in the Second year of the Reigne of our Sovereign Lord and Lady William and Mary by virtue of their said Majties comission out of the Court of Exchequer at Westminster To Frederick Newton John Pickells John Emmerson and Thomas Gofton Gentleman or any three or two of them Directed.

George Bell of Franks Close in the County of Durham Aged Fifty three yeares or thereabouts Sworne Examined deposeth as followeth:

9 To the Ninth Interrogatory this Depont Saith that this Depont for about thirty yeares last past He hath used to Lead Wood through the way in question to the Lead hills and in that time hath been often Stopt by the Defendts Steward or Servants from leading through the Peth foot or Way in question untill there was paid unto the said

Deft the Summe of four pence p[er] Tunn, for such wood as this Depont so Lead which said four pence p[er] Tunn as this Depont beleives was paid as well in recompence of Way leave as for placing and laying the said Wood or Timber upon the said Lead hills.

Robert Tempest of Thornley in the County of Durham Aged Sixty four yeares orthereabouts Sworne and Examined deposeth as followeth.

1:2 To the first and second Interr[ogatorie]s this Depont saith that he knows the parties in this Suite And saith he knowes the Kings high way for Horse Cart and Carriage which leads from Hedley in the Interr[ogator]y mentioned to Newcastle and hath soe known the Land for above forty yeares past, And saith that the said Highway which is and hath been the usuall and Com[m]on high way dureing all his knowledge leads from Hedley to Ryton Woodside thence on the South wast of Winlaton through a place called Stainpley Moss, and the Birks to Winlaton Milne thence to Whickham thence to Gateside and soe to Newcastle Which said is the Usuall and only way from Hedley aforesaid for Cartts and Carriages to Newcastle aforesaid and the way which had during all his knowledge beenUsed by the county for Cartt and Carriage, And saith that once part of the said High way wanting repairethis Depont threatned to p[er]sent the same whereupon the same as he really beleives was repaired be the Parish of Ryton.

3 To the third Inter[rogator]y this Depont saith that from and out of the said High way which leads from Hedley to Newcastle there is a way which leads to Bladon through a place called the Peth or Peth head which belongs to the Deft and is his Freehold or Coppyhold Land which he hath known the same this forty or fifty years which said way as he hath Credibly heard & beleives was only a Bridleway for Saik & Seame and not highway for Carriage But hath been made use of for Cartt & Carriage for Carrying and Conveying Lead & Wood and laying the Same on Stella Lead hills or Staiths by permission of the Defts Ancestors for about forty yeares And hath heard one William Raine who was Steward to Sr Richard Tempest the Defendts father declare That Sr Thomas father of the said Sr Richard would never Suffer any Cartt or Carriage to passe or goe through the said peth head and way in question without paying & makeing Satisfacc[i]on to him either of four pence p[er] fother or four pance p[er] Tunn, or some such rate or acknowledgement.

4 To the fourth Interr[ogator]y this Depont saith that the way that leads from Bladon to Newcastle is only a Bridle Narrow way for Saik and Seame, Such as noe Cart or Carriage can passe the Gate or Wicketts being soe Strait and Narrow that Cartt and Carriage cannot passe the same.

6 To the Sixth Interr[ogator]y he saith that the Freehold and Copyhold Lands of the deft lye on Both sides of the said Peth or Peth head and Bridle way And that the

said Defendts lands goe and Continue unto Bladon Burne which Devides the severall Lordshipps of Stella and Winlaton.

12 To the twelfth Interr[ogator]y this Depont saith that there is a way through a Feild of the Defendts Called East feild for Cartt and Carriage which leads to Bladon which as he beleives was made within these twelve yeares by the permission and Sufferance of the Deft And for which those that passe and Lead through the same doe make Some recompence and Satisfaction to the Deft.

15 To the fifteenth Interr[ogatory] he saith That he never knew or heard that the way in question through the Pethor Peth head twixt Ryton and Bladon was ever repaired or requiered to be repaired by any, from or by the Parish of Ryton in which Parish this Depont hath lived most of his life time.

Robert Surtees of Ryton in the County of Durham Gentleman Aged Sixty Yeares or thereabouts Sworne and Examined deposeth as followeth:

2 To the Second Interr this Depont saith that if there be any high way for Cartt and Carriage twixt Hedley and NewCastle it must be a way from Hedley to Ryton Woodside thence to Winlaton Milne thence to Whickham & thence to newcastle for that theres noe passage for Cartt or Carriage from Blaydon to Newcastle.

15 To the fifteenth this Depont saitht that knowes not nor does he beleive that at any time the parish of Ryton ever did reparaire or were required or Sought to reparaire the way in question through the Peth or Peth head belonging to the Deft though this Depont hath lived much of his life time in the said Parish.

Robert Tempest of Winlaton in the County of Durham Gentlem[an] Aged Seaventy one yeares or thereabouts Sworne & Examined Deposeth as followeth.

1 To the first Interr[ogator]y he saith he knows the Compl[ainan]t and Def[endan]t and Did know Sir Nicholas Tempest who was<word crossed out> the Defents Greatgrandfather And also knew Sir Thomas Tempest and S[ir] Richard Tempest Grandfather and father of the Defendt.

2 To the second Inter[rogator]y this Depont Saith That the High Street or kings high way for Cart and Carriage which leads from Hedley to Newcastle goes from Hedley to Ryton Woodside and from thence to Winlaton Mill from thence to Whickham and thence to Gateside and thence to Newcastle Which is and hath been the Usuall way for Cartt & Carriage which said way he hath knowne for about fifty yeares last past.

3 To the third Inter[rogator]y This Depont saith that he knows the way which leads out of the said kings Street from Ryton wood side to Bladon Which goes through the Freehold and Coppinghold Land of the Deft Called the Black Myres and the Peth or Peth head and hath soe known the Same for above the space of Sixty yeares Dureing all which time the said way soe leading to Bladon through the said Def[endan]ts Lands was alwaies Used and reputed a Bridle way and for Sack & Seame

4 To the fourth Inter[rogator]y this Depont saith that the way which Leads from Bladon to Newcastle called the Low Way is a Strait Narrow way through which Cartt and Carriage cannot passe But the Same is only a Brydle way and for Sack & Seame.

6 To the Sixth Inter[rogator]y this Depont saith that the said Brydle way which leads from Ryton Woodsideto Bladon goes through the Coppinghold and Freehold lands of the Deft which lyeon Both sides of the said Bridleway and saith that Bladon Burne Devides the Lord[shi]pps of Stella and Winlaton.

7 To the seaventh Inter[rogator]y he saith that he knows the Def[endan]ts Lead hill called Stella Leadhill and the hill called the Low leadhill which beongs now aswell to the Deft as to Sir William Blackett

8 To the Eighth Inter[rogator]y he saith he hath known the Def[endan]ts Ancestor goe with Carts and Carriages through the way in question to the Lead hills called Stella leadhills And hath also knowne other Carriages belonging to others come the Same way with Lead & Wood to the Said Stella Leadhills and the Lowleadhills or Bladonhills on the other side of Bladon Burne for which as he hath heard and beleives there was paid to the Def[endan]ts Ancestors for way leave and Bank leave or Bankroome four pence for Each Load or Tunn, That was brought through the said way in question.

12 To the twelfth Inter[rogator]y this Depont Saith that there is a way for Cartt and Carriage through a field Of the Defts Called the East feild which leads to Bladon Which the Def[endan]t of late yeares has Suffered for which he hath heard and verily Beleives those who use the Same pay and make Some Satisfaction to the Deft.

William Hobbs of Spenn in the County of Durham yeom Aged Sixty five yeares or thereabouts Sworne and Examined Saith as follweth;

1 To the first Inter[rogator]y he saith that he knows the parties in the suite and Did know Sr Richard Tempest the Def[endan]ts father.

2 To the second Inter[rogatory] he saith that there is a high way for Cartt and Carriage from Hedley to Newcastle as in the Inter[rogator]y is mentioned But he never See any Carriage goe that way from Hedley to Newcastle But hath seen them goe from other places thereabouts both in the County of Durham & Northumberland.

3 To the third Interr[ogator]y this Depont Saith that he knows the way in question Which goes through the Defts Freehold and Copyhold Land Called the Black Myres and the Peth or Peth head unto Bladon and hath known the Same for above fifty yeares and saith he knew One William Raine who was Steward to Sr Richard Tempest the Deft[endan]ts father And saith that he this Depont about Forty Five yeares since comeing along the said way in question with a Waine or Load of Corfe Rodde goeing to Bladon he was mett in the Peth or Peth head by the said William Raine who asked this Depont where he was carrying the said Carriage or Load of Rodds this Depont told him to the East side of Bladon burne whereupon he Stopt this Deponts Carriage and saide he would have him this Depont to pay for way leave and Demanded of this Depont two pence for the said Load or Carriage Saying that if the said Carriage had been unloaded on the West side of Bladon burne which belongs to the Deft that then he must have been paid two pence for way leave and two pence for bank roome, And this Depont saith that he paid Raine two pence for Way leave And that he hath heard his father say that Sr Thomas Tempest the Def[endan]ts father or his Servants had Stopt his this Deponts said fathers Draughts or Carriage from going or passing the Way in question in the Peth or Peth head and kept and Detained his Draught or Carriage untill he made some payment or Satisfaction for way leave through the said Peth or Peth head And hath also heard Severall others have been Stopped on the Same Account.

4:6 To the fourth and Sixth Inter[ogator]ys he saith that there is not nor ever was that he remembereth any high way for Cartt and Carriages from Bladon to Newcastle but only a Brydle way for Sack and Seame And saith the Copsyhold and Freehold land of the Def[endan]t lye on both sides of the way in question and and goe as far as Bladon and that Bladon Burne Devides the Lords[i]pps of Winlato & Stella.

11 To the Eleventh Inter[ogato]ry he saith that the way in question through the Peth is betwixt five and six hundred yards long And that one Waine or Carriage Cannot passe or goe by another But that in One place theres but Just roome for one Waine or Carriage to stand th[a]t another may passe by:

18 To the Eighteenth Inter[ogator]y he saith that Sr James Clavering on the Behalfe of Mr Clavering of Chapple Did take a Lease of part of the way in question of the Defts Ancestor which leads from Ryton Woodside towards Bladon and which leads to the Peth or Peth head which is about halfe a myle in length wherefore thereof Some yearly Rent paid And saith that theres noe way to come to the Peth or Peth head without comeing on and along the said way which the said Mr Clavering Farmes And this Depent hath seen the said Mr Claverings Servants when any Carriage other than his owne has come or gon on the said way which he Farmed and which is part of the way that went from Ryton woodside to the Peth or Peth head and thence to Bladon Stopp or take the Horses or Beasts in the said Carriage:

Issable Barnes of Stella in the County of Durham widow Aged Seaventy two yeares or thereabouts Sworne and Examined Deposeth as followeth:

1 To the first Inter[ogator]y this Depont saith she knows the parties in this suite and Did know Sr Thomas Tempest and Sr Richard Tempests Grandfather and father to the Defen[an]t.

3:4 To the third and fourth Inter[ogator]y she saith she knows the way in question which leads from Ryton wood to the Peth or Peth heah and thence to Bladon and knows Stella Leadhill and hath soe known the same dureing all the time she can remember haveing been borne and Bredd at Stella And saith that about Fifty yeares since Sr Thomas Tempest the Deft[endan]ts Grandfather Did severall times Stopp Severall waines and Carriages which were comeing through the way in question through the Peth or Peth head and Peth foot and hath Caused the same to be Stayed and unload what they Carryed whether Lead or wood or other thing at Stella Lead hill and pay for way leave and Bank roome four pence p[er] Tunn; A part of which said Stella Leadhill together with wayleave thereto which was the way in question this Deponts Grandfather his father and herselfe have for above fifty yeares Farmed and taken of the Def[endan]ts Ancestors and paid yearly for the said Bank roome and Way leave thereto through the Peth or Peth head beign the way in question the summe of four pounds And saith that she hath knowne One William Raine who was Steward to Sr Richard Tempest the Def[endan]ts father severall times stopp Waines and Carriages which were comeing through the way in question untill they made satisfaction to the said Sr Richard for comeing in and through the said way which came through the Peth or Peth head to Bladon hills on the East side of the Burne.

Richard Turner of Winlaton in the County of Durham yeom Aged forty yeares or thereabouts Sworne and Examined.

2 To the Second Inter[ogator]y this Depont saith that he knows the way which leads from Hedley to Newcastle in the Inter[ogato]ry mentions And hath heard this Deponts father say that the said way was the Com[m]on high way for Cartt and Carriage Betwixt Hedley and Newcastle.

4 To the fourth Inter[ogator]y he saith that there is noe way for Cart or Carriage But only a Bridleway from Bladon to Newcastle the way or passage betwixt the said places being Strait and Narrow.

Andrew Robson of Stella Westfeild in the County of Durham, aged Fifty Eight yeares or thereabouts Sworne & Examined.

7 To the Seaventh Inter[ogator]y This Depont said that he knows Stella Lead hill which is the Defts and hath soe knowne the same for about thirty yeares last and alsoe

knowes Bladon Lead hill or the Low Lead hill and hath soe knowne the Same for about Eighteen yeares last past

9:10:15 To the Ninth tenth & fifeenth Inter[ogator]y this Depont saith that about thirty yeares Since One Ralph Douglas and Robert Chambers farmed of the Defts father the Lead hill called Stella Lead hill and the way leave leading thereto through the Peth and once paid for the Same the Summe of three pounds a yeare which was afterwards raised to Four pounds a yeare And saith that those who brought Lead or Wood by Cartt or Carriage in and through the place called the Peth in question to the said Stella Leadhill paid four pence for Each foother or load for Way leave and Bank leave to the said Douglas and Chambers who Farmed the Same as aforesaid of the Def[endan]ts father And this Depont saith that he hath heard that about Eighteen yeares Since One Robert Addey who was the Def[endan]ts Steward made a Stopp of a Carriage which was comeing through the said way goeing over Bladon Burne to the Low Lead hill and the reason why he Deposeth that the said Chambers and Douglas farmed the said wayleave and Bankroome and paid such Rent for it is that he was <present> with the said robert Addy who was the Defts Steward And the said Chambers and Douglas when the said Rent was paid And heard them all owne and Declare that the Same Rent was for Way leave and Bank roome in and through the said Peth and to the said Stella Leadhill And he further saith that he knows that the said Douglas Whilst he Farmed the Way leave and Bank roome has repaired the said way which was through the said Peth

John Wilford of Stella in the County of Durham yeom Aged thirty Six yeares or therabouts Sworne and Examined.

9:10:15 To the Ninth Tenth & fifeenth Inter[ogator]y this Depont saith that he knows that about twenty yeares Since one Ralph Douglas and Robert Chambers Farmed of the Deft the way through the Peth now in question and the Leadhill called Stella Leadhill for which they paid about the yearly Rent of three pound ten shillings And saith that they were willing and Content to advance and pay a greater Rent for the same if the said Deft would Change or alter the said way which went through the said Peth The Same being sometimes to be repaired which this Depont saith the said Douglas and Chambers or one of them Whilst the farmed they Same used to repair, And saith he hath seen the said Douglas working and repairing the said way through the said Peth to the Def[endan]ts Leadhill called Stella Lead hill And this he can Depose for that he hath seen the said Douglas and Chambers pay their said Rent to Robert Addy the Defts Steward for the way leave and Bancke roome through the said Peth to the Defts Lead Banck And this Depo[ne]nt saith that about twenty two yeares since he was a servant to the said Robert Addy the Def[endan]ts Steward And then a Load or Carriage of Lead which which had come through the said way called the Peth and was passing over Bladon burne to the Low Leadhill the said Def[endan]t being then pres<ent> <cau>sed this Depont to Stop the said Load untill Satisfaction was made

for way leave [word(s) obscured] the said Peth and Banck leave And accordingly this Depont Did Stopp the said Carriage and [word(s) obscured] horses and Carried them to the Poundfold But whether any Satisfaction was [word(s) obscured] this Depont knows not

William Renison of Stella in the County of Durham yeom Aged Eight Six or thereabouts Sworne and Examined.

[3] To the third Interr[ogator]y this Depon[en]t Saith that he knows the way which comes from Ryton Woodside leads to Bladon through the Defts Grounds Called Blackmyres and soe to the Peth and Peth head to Bladon town And hath soe known the Same for about Sixty yeares last past And hath commonly heard th[a]t the Same was onely a Brydle way and never knew it Com[m]only used for Cart & Carriage But saith th[a]t about Sixty yeares Since there was a Gate at the Peth foot which as he beleives was made by the <order> of the Defendts Ancestors and to hinder Cart and Carriage Comeing through the said Peth which Gate soone after fell Downe And saith he remembers not that the Same was since sett up & hunge

7:9 To the Seaventh and Ninth Interrys this Depon[en]t Saith that he hath heard and Beleives that there was paid by those that Brought and Carryed Lead or Wood through the said Peth to Bladon or Stella Leadhill for way leave and banck roome to thase who Farmed the Same of this Defendt or his Ancesotors which were One Chambers and One Douglas four pence for every Tunn or Load which was Ledd through the said way:

10 To the Tenth Interr[ogator]y this Depont saith that about Sixty yeares since he was p[r]esent when Sr Thom[a]s Tempest the Defendts Grandfather Stopt the Cart or Carriage of One Mr Bootflower which was comeing through the said Way which goes through the said Peth to Bladon for the said Bootflower or those who had the said Carriage to give Satisfaction to the said Sr Thomas for Waylave through the said Peth But whether any Satisfaction or Agreemt was made for the same this Dep[one]nt knows not

Anthony Dobson of Bladon in the County of Durham Butcher Aged Seaventy Nine Yeares or thereaboutes Sworne and Examined Deposeth as followeth:

13 To the thirteenth Interr[ogator]y this Depont Saith that about forty yeares since when this Depont came to Live at Bladon one Robert Chambers and one Ralph Douglas as he really beleives farmed of Sr Richard Tempest the two Leadhills called Stella Leadhill and the Low Leadill But under what Rent or Condition they held the same this Depont knows not But saith that they had the possession of the said Leadhills for severall yeares after:

Thomas Lowry of Stella in the County of Durham Gente aged forty Six yeares or thereabouts Sworne and Examined:

3:18 To the third and Eighteenth Interr[ogator]y this Depon[en]t Saith that he knows a way for Cart and Carriage which leads from Ryton woodside through the Grounds of the Deft called the Bogg or Blackmyres and soe to the Peth or Peth head and thence to Bladon and hath soe known the Same for about thirty yeares last and Saith that Mr John Clavering by the Sufferance and Permission of One Hedworth and of the Deft hath a Waggon Way or Highway for Cart and Carriage to passe through their Grounds and Lands form Ryton Woodside aforesaid to near the Peth or Pethhead and then goe of from the Peth or way which goes to Bladon through other of the Def[endan]ts Grounds to Stella Staithes for which he the said Mr Clavering hath and doth pay a Rent or Acknowledgement And saith that way which the said Mr Clavering soe hath from the said Ryton Woodside to the said Peth head through the said Hedworth and Deftes Grounds is about a Myle in length and saith that there is noe other way for Cart or Carrriage to passe from the s[ai]d way which the said Mr Clavering has and holds of the said Hedworth and the Def[endan]t:

George Lowrey of Stella in the County of Durham yeom Aged Eighty yeares or thereabouts Sworne and Examined:

3:18 To the third and Eighteenth Interr[ogator]y this Depon[en]t Saith that he knows a way for Cart and Carriage which leads from Ryton Woodside through the Grounds of the Deft called the Bogg or Blackmyres and soe to the Peth or Peth head And hath so known the Same for about Sixty yeares last And saith that Mr John Clavering Doth Farm or pay Rent or Acknowledgement to the Def[endan]t for a Waggon Way or High Way for Cart or Carriage through the Defendan]ts Grounds aforesaid from Ryton woodside through the said Blackmyres towards the Peth or Peth head and thence goes or from the Peth or Pethhead or way which goes to Bladon through other of the Def[endan]ts Grounds to Stella Staithes And saith that the way which the said Mr Clavering soe Farmes or hate the said Mr clavering Farmes or hath be Permission from the Defendt through the said Grounds is about a Myle in length And that there is noe other way for Cart or Carriage to passe from Ryton Woodside to the Peth or Peth head but by passing or comeing on the said Grounds & way which the said Mr Clavering had and halds of the Def[endan]t.

Elizabeth Renison the wife or Wm renison of Stella in the County of Durham aged Sixty yeares of therabouts Sworne & Examined Deposeth:

7:13 To the Seaventh and thirteenth Interr[ogator]y this Depon[en]t Saith she knows Stella Leadhill and Bladon Leadhill or the Low Leadhill and hath soe known the same for about forty yeares And saith that about thirty three yeares since She hath heard One William Raine who was Steward to Sr Richard Tempest the Def[endan]ts father

Say and Declare that Robert Chambers and Ralph Douglas took and Farmed of his <Ma[er]> Stella Leadhill and paid therefore yearly forty Shillings and afterward four pounds And hath heard the said Chambers and Douglas Say the Same.

John Thompson of Ermynside in the County of Durham yeom Aged fifty three yeares or thereabouts Sworne and Examined Deposeth as followeth

3:10 To the third and tenth Interr[ogator]y this Depon[en]t Saith that about thirty Six yeares Since this Depont came through the way called the Peth now in question with a Waine Cart or Carriage of Stones to Stella Leadhill And on his returning found that the way through the said Peth was fallen & Shutt in Soe that this Depont with his Carriage Could not Conveiniently passe And thereupon went through a feild called the South feild which was the Defendts fathers where he mett one Willian Raine who was the Defendts fathers Steward who Stopped this Deponts Carriage and threatened to take the Same till satisfaction was made for way leave, this Depont acquainted him that he Could not passe through the said Peth it being fallen in The said William Raine told this Depont That none ought to passe through the said Peth with Carriages without makeing Some acknowledgement to his master, and said if he lived noe Carriage would passe through the said Peth without paying an Acknowledgement of two pence a waine:

Albert Silvertopp of Bladon in the County of Durham yeom Aged twenty one yeares or thereabouts Sworne and Examined Deposeth as followeth:

4 To the fourth Interr[ogator]y this Depon[en]t Saith That he knows the way which leads from Bladon to Newcastle And saith the Same is only a Bridle way and not a way for Cart and Carriage to pass by reason of Severall Small and Narrow wicketts And saith that about two yeares agoe there comeing four Waines or Carriages from Swalwell to Bladon laden with Waggon Wheels which is part of the Bridle way which leads betwixt Bladon & Newcastle hee this Depont being servant to George Dunn who is the Defts Steward by the said George Dunns order Did Stopp the said Carriage untill they paid acknowledgement for comeing that way being partly through the Defendts Grounds And thereupon this Depont rec[eive]d one penny of each Waine as an Acknowledgement for their passage or way leave

10 To the tenth Interr[ogator]y this Depon[en]t Saith that about three yeares come July next by the order of his said Master George Dunn, Steward to the Deft he this Depont stopd One Carriage or Waine Load of Wood which was going over Bladon burne to unload at Bladon Leadhill and Caused John Newton who brought the said Carriage to Bring and unload the Same at Stella Lead hill And Saith that about a year Since He this Depont Did likewise Stop another Cart or Carriage of on Thomas Bell loaden with Wood going over Bladon burne afores[ai]d to Bladon Leadhill and caused the Same to be unloaden at Stella Leadhill And saith that the Cause of his Stopping the

said Carriage was for to have Satisfaction for way leave through the Defts Grounds called the Eastfeild And for Banck roome att Stella Lead hill, whereupon the said Newton and Bell paid this Depont for the said way leave and Bankd leave four pence for Each Carriage for the Defts use:

17 To the Seaventeenth Interr[ogator]y this Depon[en]t Saith that about two yeares Since One Michaell Robinson John Edward Bulmer Pond and others who hee Beleives were Servants or Someway Concerned under Sr William Blackett or his Agents came to the Defts Grounds in the Peth and there Digged the Ground and mended part of the way through the Peth on which this Depont Endeavoured to hinder them, But they goeing on this Depont went to the Deft & acquainted him what they were Doeing, And he Sent his Servant to Discharge them, To whome the said Michaell Robinson Answered they would doe the Same if the Def[endan]t himselfe were p[r]esent And saith that the Def[endan]t Caused the said persons afterwards to be Indicted for the Same And Beleives the said Indictment was found by the Grand Jury:

Capt et Jurat die Anno et
Loco Supradict Coram nobis

Jo Em[m]erson Fred Newton John Pickells

[word(s) obscured] of Witnesses sworne & Examined on Counter Interrys Exhibited on the [word(s) obscured] the Deft Sr Thomas Tempest

William Robson a Witness Examined for the Informants and now for the Deftndt Deposeth That he hath <...> four pence P[er] tunn paid for Banck leave for laying Wood upon the tow Lead hills at or near Bladon B<...> never knew any Satisfaction given for way leave to the said Hills:

William Jobling a Witsesse Examined for the Complain[an]ts and now on Counter Interr[ogator]ys for the Def[endan]t Deposeth as followeth:

1:2:3 To the first second and third Iner[rogator]ys this Depont saith That he for himselfe and others hath freq[ue]ntly ledd & carryed timber and as he Beleives to the Deft <and> his Grandfathers knowledge to Both the Lead hills <in> the pleadings mentioned without any Interupc[i]on hee having often mett them when he was Leading <a>nd paid three pence for each footer or Load for Banck leave to One Chambers And <..>id who Farmed t<he> said two Lead hills

Capt et Jurat die Anno et Loco Supradict Coram nobis

John Pickells Jo Em[m]erson Fred Newton