

[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 October collection; April's are in the document TNA E134/2Wand M/Trin15. 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 staithe 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. However, it is possible that the papers have been resequenced at some point, for the depositions from witnesses examined on behalf of Tempest appear to be in answer to the second set of interrogatories rather than the first, and the two witnesses later recalled by Blackett are examined in answer to the first set of interrogatories given below. The page setting out the Counter Interrogatories appears to stand alone, for there are no accompanying witness depositions. 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].

Imp[rimis] Doe you know Sr William Blackett in the pleadings ment[i]oned, Did you know Sr William Blackett deceased father of the said Sr WilliamBlackett; 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 Waggones 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 Waggones 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 Waggones 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]'s behalfe if you doe the same speake and declare att large.

Ro: Shaftoe

Counter Interrogatories Exhibited on the part and behalfe of their Matyes [Majesty's] attorney Generall on behalf of their Matyes Sr Willian Blackett Barritt [Baronet] and the Inhabitants of the County Palatine of Durham Complts [complainants] against Sr Thomas Tempest Barritt to be administered to the defend[an]ts witnesses.

1 Was the acknowledgement which you speak of paid particularly & solely for the way leave downe the Peth, and the way clam'd by the Complts, or was itt paid for way leave through the defts in grounds & for staith roome att his staithe and how much is yearly paid for such wayleave and staithroome, Doe you know or beleive that the deft hath severall & how many hundred pounds a year for way leave through his grounds & staitheroome att his staithes or if you say such acknowledgmt was p[ar]ticularly & solely paid for the way leave clam'd by the Complt then did you see the same paid perticularly for this way leave and when & by & to whom & how much, and give and account how you come to know that such acknowledgmt was paid solely & perticularly for the way leave clamed by the Defts or whether you had the same only by hear say or how.

2 Did you see any acknowledgmt or satisfaction paid for wayleave through the Peth & the way clam'd by the the Complts and were you p[re]sent att the payment thereof or you had it onely by hear say or how; if you were p[re]sent when & were was itt; and who was p[re]sent besides your selfe, and by & to whom, and speak whether such satisfaction was paid solely & perticularly for way leave through the way clam'd by the Complt or for way leave through part of the Deft's other Grounds with part of this way leave clam'd by the Complt's yea or no, and speak the truth and your knowledge herein.

R Shafto

Depositions of witnesses produced sworne and examined on the part and behalfe of Sr Thomas Tempest Barront Defendt at the Suite of the Attorney General of the relacon [relation] of Sr William Blackett Barrt and other the Inhabitants of and within the County Pallatine of Durham Informants taken att Newcastle upon tine the thirteenth day of October in the second year of the reigne of our soveraigne Lord & Lady William and Mary by virtue of their Majties Comission Issued out of their Court of Exchequer att Westm[inster] to John Emmerson Thomas Gofton Frederick Newton and John Pickells Gents or any three or two of them directed:

William B[e]st of Ryton in the County of Durham yeom aged Fifty five yeares or thereaboutes sworne & Examined Deposeth as followeth:

2 To the second Interogatory Hee saith he hath heard severall in the parish of say that the high way for Cart & Carriage from Hedley to Newcastle lyese by Winlaton Mill:-

3:15 To the third and Fifteenth Interrys this depont saith he knows the way which leads from Ryton woodside to Bladon through the grounds of the deft [defendant] called the Black Myre and the peth or peth head and hath knowne the same for Forty yeares last past And saith that when he first knew the same, and for several yeares after

the said way from Rytonwoodside to Bladon was only used and reputed as a bridleway for sack and seame ['sack and seam': a horse carriage road] and not generally for many yeares used for Cart and Carriage, And saith that about thirty yeares since he comeing by the Peth or Peth head See the same fallen in soe as it was scarce passable, and see two men mending and repaireing the same who told this depont they were employed and paid for dooing the same by Sr Richard Tempest the defts father and saith that abot twenty four yeares since he this dependant was Overseer of the High Wayes within the Parish of Ryton aforesaid and continued soe for about seven yeares and neither in that time or in any time Else knew or heard that the said Parish did repaire or was charged with the repaireing of the said way Thorough Black Myre & the Peth or Pethhead which lead to Bladon:-

William Coulson of Crawkrook in the County of Northumberland yeoman aged thirty yeares or thereabouts sworn and Exaied [examined] deposeeth as followeth viz

2 To the second Intry [Interogatory] this depont saith that he knows a high way for Cart and Carriage which leads betwixt Hedley to Newcastle and hath known the same for fourteen yeares which said high way lead from Hedley aforesaid to Ryton woodside and thence to Winlaton Mill thence to Whickham and thence to Gateside and thence to Newcastle which he saith hath during all his knowledge been reputed to be the highway for Cart and Carriage betwixt Hedley and Newcastle but never used the same himself with carriage And saith that about three yeares since he was overseer of the highwayes within the Parish of Ryton and whilst he was soe the high way for Cart and Carriage which goes fom Crawkrook to Winlaton Mill aforesaid which is part of the highway to Newcastle was repaired by the parish only of Ryton aforesaid And saith that since the said [3-4 letters crossed out] way had been repaired by the the s[ai]d parish of Ryton:

15 To the fifteenth Intry this depont saith that whilst he was overseer of the parish of Ryton hee and the other overseer of the said parish received a Note from one Josiah Robinson brother to Michaell Robinson to summons the parishoners to come in with their waines to mend and repair the way through the peth or Bladon peth head And saith this Depont and the other overseer with several other came abot two yeares since to repair the same but were hindered and discharged by a by a servant of the deft's from meddling with the same way The deft's servant saying when there was Occasion the defendant would Cause the same to be repaired att his owne Charge:

Thomas Pratt of Bladon in the County of Durham yeom aged fifty seaven yeares or thereabouts Sworne & Exam[in]ed deposeeth as followeth etc:

1:7 To the first and seaventh Interys this Depont saith he knows the plif [plaintif] Sr William Blackett & knew his father and knows Deft and knows the Stella Leadhill

which belongs to the plif and hath so known the same for about fifty years And alsoe knowes Bladon Leadhill or the low Leadhill which was formerly a pann Cole Staith and hath soe knowne the same for about Fifty yeares:

10 To the tenth Inery this depon saith that about forty yeares since one Anthony Errington Farmer of Sir Richard Tempest the deft's father the way through Bladon Peth and Stella Lead hill and saith that the said Anthony Errington or his servants have severall times stopped & hindered Waines & Carriages from carrying wood and other things over Bladon Burne And Caused the same Carriages to unload at the said Stella Leadhill to pay him for way leave through the said peth and Bankroome on the said Stella Leadhill And this he cann the better Depose & knows to be true for he was servant to the said Anthony Errington And hath seen the same paid, And hath often heard the said Errington say that he Farmed As well the said way through Bladon Peth head as the said Stella Leadhill of the said Sr Richard Tempest:-

13 To the thirteenth Intry this Depont saith that about twenty four yeares since which was before Sr William Blackett the plt's [plaintif's] father was Concerned in Winlaton Lordpp [Lordship] Robert Chambers and Ralph Douglas farmers of Sr Richard Tempest the way through the peth head and Stella Leadhill under a certaine yearly rent and alsoe farmed or had the other Low Leadhill which now is in Comon betwixt the pltf & deft of the then Lord or Owner of Bladon Leadhill or Low Leadhill and saith that after Sr Wm Blackett the plt's father purchased his Estate in the Lordpp of Winlaton the said Robert Chambers who was Staithman and servt to the said Sr Willm Blackett Continued Farming of both the said Leadhills and then brought & ledd wood & lead in Waines and Carriages over Bladon burne to the Low Leadhill but whether they farmed the said Leadhills by the direction or order of the said Sr William he knows not but saith that before the said Sir William's purchase And said Chambers and Douglas farmeing the said hills hee never knew any Cartts or Carriages goe with wood or Lead or other things over Bladon burne to the Low leadhill but hath known lead Carryed over the said Burne by horse Loades.

William Tempest of Lumley Castle in the County of Durham Gent[leman] aged sixty yeares or thereabouts Sworne and Examined:

3:4 To the third and fourth Interys he saith he knows the way which leads from Ryton Woodside through the deft's land Called the peth or peth head to Stella Lead hill and hath soe known the said for forty yeares and saith the laine was then only reputed as a Brydleway and a Way for the use of the Deft's Ancestor And hath heard that Carriages hath been stopped by the def[endan]ts Ancestor or their servants till satisfaction was made for comeing that way:

William Snowball of Mickley in the County of Northumberland yeom ages forty two yeares or thereabouts Sworne & Examined:

12 To the twelfth Interrogatry this depont saith that for these Eight yeares last past he hath used a way with Cartt and Carriage through Stella East field to the Low Leadhill or Bladon Leadhill And hath paid to the deft for the way leave & liberty to passe through the said East field with his carriage as oft as he had occasion the yearly sume of three shillings.

Henry Liddell of Ryton woodside in the County of Durham yeom Aged fifty six yeares or thereabouts Sworne & Exam[in]ed deposeth as followeth:

3:7:10 To the third seaventh & tenth Intrys this Depont saith he knows the way W[hi]ch leads from Ryton woodside to Bladon and Stella Leadhill through the deft's Grounds called Black Myres and the peth or peth head and hath soe knowne the same for about forty six yeares during which time the said way was reputed only as a Brydle way or way of Leave and alsoe knows the defts Leadhill called Stella Leadhill & hath knowne the same this forty six yeares And saith he heard his father in Law Anthony Errington say That he Farmers of Sr Thomas Tempest the Deft's Grandfather the Leadhill Called Stella Leadhill And that he had several times stopt the Carriages & Cartts w[hi]ch had come through the said peth and were passing over Bladon burne And Caused them to pay for way leave & Banck roome through the said peth And for the said Stella Lead hill And this depont saith that he once see four pence paid for the unloading of a Fother of wood on the said Stella Lead hill which he beleives was paid aswell for the way leave through the said peth as for the Banck roome on the said Stella Leadhill.

13 To the thirteenth Intry he saith that nere forty yeares since One Chambers and Douglas farmed both Stella Lead hill & the Low Leadhill or Bladon Leadhill and then brought Cartt and Carriage with Wood and other things over Bladon burne to the Low Leadhill But saith that before this time they farmed both the said hills, He knows not nor heard that any Carriages or waines were Suffered to come over Bladon burne without makeing some satisfaction for Banckroome on the said Stalla Leadhill as alsoe as he beleives for way leave through the said peth to those who Farmed the Same of the Defts Ancestors.

Thomas Eltringham of Hallyards in the County of Northumberland yeom ages fifty fower yeares or thereabouts Sworne & Examined.

12 To the twelfth Inter this depont saith that about Eight yeares since that Depts comeing with a waine or Carriage through a parcell of Ground of the Defts called called Black Byars which is above twenty score yards of from the peth or Bladon peth head intending to goe through Stella East feild to Stella Lead hill was mett by the Deft and by him stoppd who asked this Depont if he paid any way leave for passing that way where upon the Depont told the Deft that he did pay to one Christopher Tayler a servant to the Deft this yearely sume of two shilling for the said way leave where upon

the Deft Suffered this Depont to passe with his carriage through the said Blackmyres and Stella Eastfeild

Roger Newton of Mickley in the County of Northumberland yeom aged twenty nine yeares or thereabouts Sworne & Examed.:

10 To the tenth Intry this Depont saith that about nine or ten yeares since this depont comeing with a load or foother of wood downe the peth or peth head was stopped at the said peth foot and hindered to goe with his said Carriage over Bladon burne to the Low Leadhill by One Christopher Tayler a Servant to the Deft untill this Depont made or came to an an Agreement for the said way whereupon this Depont agreed to pay the yearely sume of two Shillings & six pence to the Deft for liberty to passe with his Carriage through the said peth or through Stella Eastfeild tothe said Low Leadhill which said Summe this Depont pd accordingly one yeare.:

John Pratt of Stella in the County of Durham yeom ages forty two yeares or thereabouts Sworne and Examined:

7 To the seaventh Intry this Depont saith that he hath knowne the two severall Leadhills Called Stella Leadhill and Bladon Leadhill for this thirty yeares last past And that he hath heard that one Robert Chambers and Ralph Douglas did farme of Sr Richard Tempest father of the Deft both the said Hills called Stella Lead Hill and Bladon Low hill, and alsoe heard that the said Chambers and Douglas Did farme both the said Hills of this Deft, And did see the said Douglas receive money from severall p[er]sons for using the way from Winlato to Bladon West haugh And that he heard the said Chambers & Douglas farmed the said Leadhills Called Stella and Bladon Lead hills of the said Deft And did pay for the same four pounds P[er] Annum for liberty of Banckage or Wharfeage upon the said Leadhills.:

10 To the tenth Intry this Depont saith that he did see the said Ralph Douglas Stopp One waineload of Lead comeing over Bladon burne abot Eighteen yeares agoe or thereabouts and carryed the said waineload of Lead to Stella Leadhill, and forced the same to be unlaiden there But whether any recompence was made for such stoppage or laying the Lead upon the said Stella Leadhill this Depont knows not nor never heard of.

Thomas Jackson of Whickham in the County of Durham Gent[leman] aged thirty six years or therabouts Sworne & Examined.:

18 To the Eighteenth Intry this Depont saithe that he did very well know Thomas Jackson who was a witsesse to the Deed or Writing now produced to this depont att the at the time of his Examination begining with This Ind[entu]re witnesseth made the thirteenth of November in the fourteenth years of king Charles the second and Ending in the yeare One thousand six hundred Sixty two Made between Sir Richard Tempest

Barrrt of the the one part and Sr James Clavinging Barrrt thereing named of the other part
The said Thomas Jackson being his uncle and was very well acquainted with the said
Thomas Jacksons handwriting having read severall letters from from him And further
saith that the said Thomas Jackson dyed about thirteene yeares agoe at Tinemouth in the
County of Northumberland And that he was att the burial of the said Thomas Jackson
and the name Thomas Jackson subscribed as a witnessse to the said Deed or Writing as
he verily beleives is the proper hand Writing of the said Thomas Jackson But this
deponr saith that the other witnesses whose names are sett or subscribed to the said
deed to witt Wm <Dumoley> and Richard Renwick he did never know nor knows not
whether they be living or dead.

<Capt et Jurat die <...> Anno suf[er]d coram nob>

Jo Emson Thos Gofton Fred Newton John Pickell

Depositions of witnesses produced Sworne and Examined upon Interrys Exhibitted
on the part and behalfe of their Ma[jes]ties Attorney Generall on the behalfe of their
Ma[jes]ties Sr William Blackett Barrrt and the Inhabitancts of the County Palatine of
Durham Compts against Sr Thomas Tempest Barrrt Deft taken att the signe of the
Kings head in Newcastle upon Tine, the Thirteenth Day of October Anno D[omi]ni
1690. By order of their Maties Commicon [Commission] issueing out of their Maties
Court of Excheq att Westm[inster] To John Emmerson Thomas Gofton Frederick
Newton and John Pickells Gent or any two or more of them directed.

William Best a witnessse Sworne & Examined on the part of Deft now Sworne and
Examined on the part of the Complts Deposeth as followeth.

2 To the second Interry this Dept saith that he hath seen Waines & Carriages of the
Countray round about make use of and goe in and downe the Peth and com[m]on high
way now in dispute for these thirty yeares and upwards.

Thomas Eltringham a witnessse Sworne & Examined on the part of the Deft now
Sworne and Examined on the part of the Complts Deposeth as followeth.

2 & 4 To the second and Fowerth Interrys this Depont saith that for these forty yeares
and upwards he this Depont hath gone with waines and Carriages loaden with Timber
and other Goods & Com[m]odities from Hedley and elsewhere in Northumberland in
and through certain Land and Grounds of Stella called the Bogg or Blackmire to the
Peth head and soe to Downe the Peth to Bladon Leadhill, and soe from Bladon to
Swalwill Eastward above a Mile from Bladon and hath returned back the same way,
and was never interrupted or disturbed in the using and Enjoying of the said way
During all the time aforesaid, nor never paid any thing for the said way leave, but this
Depont saith that this Depont once comeing by the Blackmires with his loaden draught
to goe through the East Feild was stopt by the Deft from going that way untill he

satisfied the Deft that he paid Two shillings p[er] annu for his wayleave through the East Feild which he hath paid Eight yeares Since and choosed to pay it for the Ease and Conveniency of his Drought beasts, but never heard of any thing paid for way leave through the Peth.

Capt et Jurat Die Anno et Loco Supradict Coram nobis

Jo: Emson Tho: Gofton 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 generrall of the Relac[i]on of [William] Blackett Baronett and other the Inhabitants of and within the County Palatine of Durham Informants.

Imp[er]s 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 Winlaton 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 convenyent 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 beleeve? who repaired the way above mentioned was the said frequently repayred 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 [word obscured] 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 Eliotte 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 beleeve.

7: Doe you knowe the defendants 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 Low Lead Hill in Winlaton Lordshp and how long have you soe known the same respectively? 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 beleeve.

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 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 proportionably? 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 beleeve.

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 beleeve. 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 beleeve.

12: Is there a way for Carts and Carriages through the said Stella Field to Bladon Low Lead Hill? 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 aga<inst> <...> 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 beleeve

13: Did old Sr William Blackett in his life time or some of his tenants or others employed under him or who by name sake to Farme for some yeares and for how many as you know have credibly heard or veryly doe beleeve 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 beleeve 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 defendants 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 beleeve, 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 and did the defendant or those under whome the defendant claimeth his Estate reaire 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 beleeve 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 beleeve.

16: Was an Indictment preferrd and when at the Sessions of the Peace at Durham and found by Grand Jury there against those that did digg the defendats 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 <ab> 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 p[re]ferred and found and where did you examine the same.

17: 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 Grounds unto Elliotts house aforesaid? as knowe have credibly heard or veryly beleeve.

18: Are you a witness to the sealing and delivery of the Writings or Papers now to you produced at the time of your Examination or to any and which of them? Or do you know the hand writing marks or Characters of any of the witnesses, written or set 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 do you know the hand writing of any of the Grantors or Grantees in the said writings or and which named Speak your full knowledge and Testimony herein?

19: 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 behalfe of the sayd defendant Declare the same at large, as alsoe your full and whole knowledge to every particular of the sayd Interrogatories.

Ja Mickleton