

The 1st
Reply.

D29/82b

My Lord Dampden's answer.

Wherefore Lyddington may pretend to Common in Beaumont & cannot understand that Waldorff hath any stone at all being without the gambulation of the forest or tables in but by medium viam so lett it nor doo & conscious they two are intercommensurable nor hath Waldorff any ground within the rigg hedge of Beaumont, besides that part of Lyddington & Stone were never reputed Common further then their own woods & Bounds. And as we have heard one John Burcoild & Tho. Sofflorigg gent. that were & says say these 2 Townships have been driven & impounded for exceeding their own limits.

And whereas their cattle may suffer in dry Summers by want of water if they were restrained, it is answered that courtesy or favour is abused, & that begotten this false claim of Common throughout the Shire.

To say it would be no advantage to the Lord Dampden if they should be restrained to their own bounds, is no proof of their title, but a trivial allegation. For if it be any advantage to them to be brought to Common, it must consequently be an advantage to the Lord Dampden both in his Lord's Royalty of five Shires, & a molitor to those that are thorough Common to have Lydd: & Stone kept within their bounds, & not to have the Shire wrongfully burthened by them & their cattle where they have no right.

It is untrue that Wardley doo oppress all Common Law's number, or that they claim any other Common but within their own bounds, as Lydd: & Stone only should of right. And if any sure Jurors doo happen to be of the Lord Dampden hath power in law to redress all such abuses, besides the Forrest Lawes admit no Common Law's number, but restrains all Common to keep no more in Commonable times & places in Summer than they may reap & gotten upon their own Forrest ground with maintenance, & keep in winter.

As to the uncertainty shall arise by being restrained vs
those contrary, considering thore. Parishes bounds &
by mills are most certaine.

Now doct it begett title to say the charge of tyold brogs
will be equal to the benefitt w^{ch} is not usual but in
Common fields for plowaton of thore Dorne, & is in
favours of the Commoner not injudice.

Now is the worst Law so favours as to vox Common
for strapes, but for willfull trespassing, staffolding
& the like, w^{ch} in juste places as thore right extends
not to.

And to the sufferance they shall susteyne by want
of water, the favour granted them in cases of
necessity. they make sinister use therof, making
a surtye become an Authority, & therofore
high time that former favour were rightly
used & understood besides y^e may make ponds
or pits for water w^{ch} in y^e own prints

The ditring in the Road is done to serve y^e
y^e Dattle from trespassing for frequently
as otherwise beasts will doe, & in that regard
& for quietnes, it may be by the Ed Dampson
well approved of.

Lastly to the moritt of y^e poorable enjoynt although
I warrants not a title, the changes & troubles
of these times have gotten by entreatments & by
sufferances w^{ch} is not warrantable by the worst
Lawes yett if just a Common as y^e suspect y^e
neighbourly deportm^{nt} may deserve in point of
estraps or cause do voy Donage it will hardly be
denyed you. C. P. P. P.