

E112/364/118

[f.1] 24th year

George Duke of Buckingham late Lord of the Mannor of Winslow and owner of the Franchise of Marketts and faire in the Town of Winslow holden and to bee holden and of all the proffitts and rights herein after particularly mencioned and Anthony Earle of Shaftsbury Sir Thomas Osborne Barronett Sir Robert Morray knight and John Tillotson Doctor of Divinity now Lords of the said Mannor and owners of the same Franchises proffitts and rights in trust for the said Duke and his heires ... That whereas within the same Town of Winslow in a certaine place there called the markett place beinge part of the wast of the said mannor certaine weekly marketts and also certaine faires have continually from ancient time been used to bee holden att certaine dayes and times accustomed of which Mannor ... and also of which Marketts and faires the said Duke was seized and conveyed the same unto the said Earle ... and Sir John Treavor lately deceased and their heires and assignes in trust as aforesaid And whereas to the owner and owners of the said Mannor and Franchises of right belong and appertaine All and every the Tolle and Tolls shewpence Dutyes Customes proffitts Comoditys and advantages ... by reason of any Faikes and Marketts holden ... and of all houses Cottages Shedds Stalls Shambles boothes folds and penns erected & built upon the streets or wast ground within the said Mannor and the same wast ground and the placeinge and erectinge of Stalls ... upon the same ...

One William Giles of Winslow pretending that hee hath some right or Title to sett upp stalls ... by the Custome of the said Mannor or by some other custome ... albeit hee well knowes that the said Duke and those whose Estate hee had and his said Trustees now have ... have been in quiett possession and enjoyment of the said Tolls ... for very many yeares last passed before the late troubles and also since the happy restauration of his Majestie and \that the said Tolls and premisses/ dureinge all the time aforesaid have of right belonged to the said Duke ... yet the said William Giles by Colour of such or the like his said pretence or pretences from about the twenty sixth day of March in the twentieth yeare of his Majesties Raigne that now [1668] is to the twenty fourth day of March last past [1672] hath from time to time upon or against every faire day and markett day erected sett forth and placed severall stalls shedds and boothes in or neare the said Markett Place or upon the Streets and wast ground within the said Mannor upon faire dayes and markett dayes and hath himselfe sold severall wares upon some of the said Stalls and Boothes and Lett out others of them to other persons and refused and still refuseth to pay your orator any shewpence toll or other satisfaction ... or to make any Composition or agreement ... and likewise the said William Giles giveth out in Speeches that there is noe Tolle ... due ... for or by reason of any Stalls or boothes or any wares sold upon the same and hath incited stirred upp and persuaded severall other persons to forbear payinge any tolls ... informeing them that your said orators have <no> right or Title to any such Tolls ... and that the same doe properly belong to him the said William Giles and others who hold tenements within the said Mannor by reason of which feigned pretences of the said William Giles your said Orators \are much dampnified and in/ danger by Continuance of such false and sinister practices and by the Consequence thereof to loose the inheritance of the said rights and proffitts ...

[f.2] Answer of William Giles

... He beleeveth the sayd Duke now is or late was Lord of the \said/ Mannor of Winslowe ... & owner of the franchise ... But this Defendant sayth he knoweth nothing of the complainants Anthony Earle of Shaftsbury ... or of any of their now being Lords of the said mannor or owners of any franchises ... in trust for the sayd Duke ... And this Defendant beleeveth that the markett place in the Towne of Winslowe is parte \of the waste/ of the sayd Mannor & sayth that on every Thursday weekly (except

itt fall out to be a faire day or a day by Lawe prohibited to hold faires or marketts upon) thoroughout the yeare there hath continually from ancient tyme beene used to bee holden a markett & yearely upon the tenth day of August comonly called St Lawrence day (except the same day fall out & happen to bee on a day by Lawe alsoe prohibited to hold faires) there hath yearely from auncient tyme beene used to be holden in the sayd [Towne] a Faire & noe other faires or markets upon any other day or dayes to this Defendants knowledge or beleife

And this Defendant alsoe beleeveth that the sayd Duke was ... seised of the sayd Mannor ... & alsoe of the sayd Markett & Faire ... And this Defendant sayth that he beleeveth that to the [lords?] & owners of the sayd Mannor & faire & markett there of right belong & appertaine the Toll & Tolls for goods & chattells bought & sould therein from all persons not exempted shewpence [---] forraigner not exempted nor Tenant of nor inhabiting in the sayd Mannor & selling wares therein the which forraigner selling any wares in the sayd markett payeth or ought to pay every market day one penny for a shew penny & on every faire day twoe pence for shew pence unto the owner of the sayd faire & markett & alsoe stallage for all stalls duely sett up by the owner or owners of the sayd faire & markett on the waste of the sayd Mannor in the Towne aforesayd But this Defendant denyeth that to the owner or owners of the sayd Mannor & Franchises there of right doe belonge all the duties customes proffitts comodities & advantages whatsoever ... of all howses cottages shedds stalls shambles boothes foldes or pennes erected or build upon the streets or waste ground within the sayd Mannor Although this Defendant beleeveth that the waste ground of the sayd Mannor is the Lords of the sayd Mannor

And further this Defendant sayth that he hopes to prove that the Messuage & howse wherein this Defendant inhabiteth within the sayd Towne ... is an auncient Messuage & howse & \that/ the owners & possessors thereof for the tyme beinge have tyme out of mind had & ought to have the liberty & freedome of setting & placinge twoe rowes of stalls extending east ward & westward as farre as the front of the sayd dwelling howse extendeth with reasonable liberty & space for the persons resorting to the sayd markett & faire to passe betweene them within the now markett place held in the sayd Towne & takeing away the sayd stalls att the night of every day of the market & faire in the sayd Towne held as aforesayd for the which this Defendant & every owner & occupyer of the sayd howse ought to pay foure pence by the yeare to the Lord of the sayd Mannor ... & for the further evidence thereof this Defendant hopeth to produce auncient records to make out the same

And this Defendant sayth that he likewise claymeth a right to sett upp stalls or shedds or booths in the waste ground of the sayd Mannor before & according to the extent of the sayd howse in maner & forme aforesayd but this Defendant denyeth that he claymeth any right or title to sett upp any pennes or other priviledge save what is before & hereafter mencioned ...

And this Defendant sayth that he hath heard that the Complainant the Duke of Buckingham & his under Tenants for ~~about Twenty~~ severall yeares last past have claymed the Tolls & shew pence & some shambles stalls & boothes beinge proffitts of the sayd Faires & marketts ...

And this Defendant further saith \that/ he hath from tyme to tyme dureing the tyme in the Bill mencioned namely uppon every faire day or market day erected set forth & placed two & noe more or other rowes of stalls shedds or boothes in the sayd market place or upon the comon streete or waste round in the sayd Mannor extending eastward & westward as farre as the fronte of this Defendants dwelling howse with reasonable liberty & space for the persons resorting to the said markett & faire to passe betweene them as to him was very lawful & not otherwise

And this Defendant confesseth that he hath sold severall wares & goods but he cannot sett forth the particulers thereof & alsoe confesseth that he hath \sometimes/ lett out stalls & boothes to other persons as he conceiveth was Lawfull for him to doe But this Defendant sayth that for the same he yearely doth or of right ought to pay \to/ the Lord ... foure pence & noe more for the sayd liberty & freedom of erecting & every strainger or foreigner not tenant nor Resyant within the sayd Mannor using any of the sayd stalls sheds or boothes ought every market day to pay by custome to the owner of the sayd Mannor & market one penney for a shew penny & every Fayre day to the Lord ... Twoe pence which this Defendant hopeth have beene duely & truly payd accordingly

And this Defendant sayth that he beleeveth & hopes to prove that the sayd Duke \hath as fully & freely/ enjoyed the benefitt or proffitt of Faires & markets there held & kept as any his predecessors have \ever/ enjoyed the same And this Defendant denyeth that he ever gave or giveth out in speeches that there is no Toll shewpence or other proffitt of Faire or markt due to the Complainants for or by reason of any stalls or boothes or any wares sold upon the same & this Defendant denyeth that he hath incited stirred upp or perswaded any other persons to forbear paying any Toll ... And this Defendant denyeth that he ever informed any person that the Complainants or any of them have any [=no?] right or title to any such Tolls ...

But this Defendant sayth that he beleeveth that the use of the ground for pennis or Folds for sheepe in the market place for the same soe farr as the same are [*deletion*] paved with stone by the respective owners or occupiers of every howse in the \said/ sheepe markt of Winslowe aforesayd doth in right ... belong to the owners \or occupiers/ of the respective howses abutting upon the respective ground \used/ for pennis & folds & that the sayd owners & occupiers tyme out of minde have answered to the Lord ... foure pence & noe more of right as a compensacion or recompence for the same & therefore have soe enjoyed the same & of right ought so to doe

And this Defendant denyeth that by reason of any feigned pretences of this Defendant the Complainants are any what dampnified or in danger by any false or sinister practises of this Defendant or any consequence thereof which he disavoweth to loose the inheritance of any right or proffits due to them ... And this Defendant saith that he cannot certainly set forth the number of stalls he soe sett out for that upon scarcity of people resorting to the sayd markt or faire he converts twoe into one & upon plenty of people so resorting he converts sometimes one into twoe without encroachment of more ground

And this Defendant sayth as before he cannot tell what wares & goods have beene sold by this Defendant therein nor by him shewed in any markt or faire ... he haveing kept noe memoriall or remembrance thereof And this Defendant by reason of an accouted auntient[?] fame[?] delivered downe to posterity That the auntient market place of the sayd Towne of Winslowe was scited in the streete called the Great Horne Streete in which streete every man payeth of auntient custome & useage to the Lord of the sayd Mannor foure pence yearely for head silver or a fine [illegible] because as this Defendant is informed of the proffitt made by the sayd Auntient market place & every man dwelling contiguous to the present markt place tyme out of minde hath payd only one penny for head silver yearely & this Defendant beleeveth the cause or reason of this his priveledge of setting stalls & pennis as aforesayd was for a compensacion of the nuisance made to the howse of this Defendant by the mutacion of the sayd markt scite & thereby embarassing the accesse to this Defendants sayd howse and premisses[?] and this Defendant beleeveth att this Day no memory of man \can/ tell the originall cause thereof

And lastly this Defendant sayth that he is advised that the claymes [deletion] in the Complainants sayd Bill alledged are ... tryable att law & the Complainants have remedy att Lawe in case this Defendant hath uniuſtly used any of the libertyes ...

[Latin] The ſaid defendant was ſworn 27 Jan 24 Charles II [1673]