

Disputes and Enclosures.

'Sir Thomas Fairfax of Denton, afterwards Lord Fairfax, did on the occasion of some difference between himself and the inhabitants of Headley, call the most ancient freeholders and tenants of Newton and Toulstonto ascertain boundaries'. This was in about 1605, and the disagreement was resolved by all concerned riding around the disputed area '....from a bounder stone near to the Emcross up towards Headley to another bounder near Headley Lodge and so to Oglethorpe Moor'. The mason. Richard Burley of Bramham described how the people of Newton Kyme went to Wool Wha Gap then to Emcross so towards Headley Lodge and ye Windmill Nooke and so to Toulston Oxclose End'.

But Headley became involved in what must be one of the longest arguments of all time when the Great Boundary Dispute broke out in 1654. The two main contestants at that time were Sir Robert Barwick and Algernon, Earl of Northumberland. Sir Robert had bought the manor of Toulston in 1640 but he lived in York, (The estate soon returned to the Fairfax family by marriage). The Percy family was now much diminished in power but they still owned the manor of Tadcaster. The Earl complained that some encroachments had been made upon the wastes, but Sir Robert replied that he 'knew the history and aspects' of Toulston before he bought it.

The warrener's lodge, one of the major features of the complaint, had been in existence since 1616, the warren having been managed for the Fairfaxes by their tenant, Sir William Sheffield. (This may have been 'Wise Warren or it may have been Toulston Warren. House, near the Bramham

to Tadcaster road), The nub of the matter was, did this very lucrative warren lie in Newton Kyme parish or in Tadcaster? If in the latter, the Earl would be able to exercise his rights over it. He sent his steward Henry Favel, his bailiff William Moorefield and a score of men to dig up the burrows and so force Sir Robert to test the matter in court.

This soon came about and Sir Robert, it is said, 'prayed for a. fair trial'. However, the Earl brought forward sixteen. witnesses who all swore that the land had been part of Tadcaster since time immemorial. Barwick then produced twelve aged men who who swore exactly the opposite! The Judgement went in favour of Sir Robert but the boundary remained vague and disputed. Much of the evidence revolved around local land-marks, as Sir Robert explained;

...over thwart the said wastes of Toulston there doth lie a common highway leading directly from Headley Grange to the end of Rudgate Lane, which way is yearly much frequented by country people, especially in the summer season, both night and day, with carts and wains for carriage of coals from the coal-pitts in sundry places beyond Headley aforesaid, „¹,

One notable feature of the area was Headley Thorns; they are mentioned several times in descriptions of parish-boundary walks, William Bell, a. 76 year-old linen webster of Tadcaster, said that they 'first went to Stutton and so to Wingate Cross, and then came down Hesslewood Warren to the White Quarry, and thence to Headley Thorns and there set several marks upon the trees, and so to a hill called Earle One of

the major problems in defining the boundary was that the land was mainly open, undrained moorland. Some of it was probably still fairly well-wodded, as Headley had been described when first granted to Holy Trinity priory In Branham parish all the area in the triangle roughly bounded by Tadcaster Road, the Great North Road and the Leeds Turnpike (A64) was known as Headley Field. The legal enclosures here did not begin until 1805, when the Napoleonic Wars were pushing up prices and there was a demand for more land to come into production.

By now, the boundary dispute had broken out again. This time it arose when the commons of Tadcaster were enclosed in 1790, and the people of Newton Kyme parish were barred from using these lands, having been given small allotments instead. This greatly increased Tadcaster revenue as rates could now be levied on this land, but it was considered by those concerned to be a great injustice, Arbitration was arranged after public disturbances but by this time the Bramham enclosures were under way so the vicar there now claimed. some of the disputed land for his own parish, possibly to increase his income from tithes which would come from these extra acres. The Enclosure Commissioners were called in and in 1808 they made the final, simple judgement that the disputed lands should be 'divided into equal moieties'. And so the present-day boundaries of Tadcaster, Newton Kyme and Bramham were set, with a new wall marking them, (This is still to be seen, running parallel to the Bramham-Toulston road near Warren Hill.)

Branham Enclosure was, of course, extremely important to Headley. From old maps, it can be seen that part of the area was already divided into

what would now be recognised. as fields, some of which had almost certainly been 'taken in' illegally, as Nicholas Leake had done, The 'common' was a strictly controlled area where individuals had varying rights of grazing, collecting fire-wood etc. The most prized right was that of warren, i.e. the right to rear and catch rabbits. This was usually reserved for the lord of the manor and poaching could bring a heavy sentence, even transportation. Fight of warren had been one of the early causes of the Great Boundary Dispute.

Gascoigne and Lord Headley each disputed the other's rights on the wastes and commons but they finally settled rather than spend money on legal fees, especially as they admitted that they would do extremely well from enclosure, although. Lane-Fox would do even better. Lord Headley exchanged some parcels of land in order to consolidate his holdings in this part of the parish, and two fields on Spen Common Lane were allotted to the Vicar and Poor of Bramham. This meant that they could be let and the **income** used for charity; these fields were later referred to as glebe.

Prior to enclosure, all the land now comprising Spen Farm was common or waste known as 'The Spen'.¹ It was allotted to the Eamonson family, who were the largest land-owners in the parish after Lane--Fox and Lord Headley. (Mrs Eamonson was a Powell, one of Bramham's oldest families, and there is a plaque in memory of her and her husband in the church). It was only after this that arable farming began. at Spen and the buildings were erected, it is one of the few farms in the parish which has never been part of the Bramham Park estate.

The enclosures also brought new drains, ditches and roads, the minimum standards all being clearly set out:

40 feet wide: Tadcaster Road (i.e. from Branham to Tadcaster?)

30 feet wide: private roads.

24 feet wide: Headley Field Lane, Spen Common Lane,

For the first seven. years after enclosure no animals were to be kept in unfenced fields: not cattle, sheep nor asses. This was to protect the young shoots of the new quick-thorn hedges. The enclosure details were finalised in 1812 and the farms and landscape as we mainly see it today emerged, Thirty years later many people remembered the large crops of rape which had been grown in the first year 'after the Inclosure', especially on what had been Clifford Common, In 1841 Kr Eamonson, the owner of Spen Farm, was certain that 'I paid one twentieth of the produce of the sale of a crop of Rape grown after the inclosure to the vicar'

From the Enclosure Award:

'...one other private carriage-way or road of the breadth of 24 feet...the same is now staked or set out and herein called the Headley Field Road, branching out of an ancient lane called Booccliffe Lane at the west end of the said Headley Field at the north-west corner of an allotment to Charles Lord Headley .,,,at the north-east corner to an allotment- Jo Mark Rhodes in the said Headley

...also now staked out at 24 feet,-a private carriage-way and bridle road,,,Spen Common Road, branching out of the.-Great North. Road.