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| Title | Slingsby v Benson:Carmire |
| Date | 1629 |
| Source | Atkinson Papers |
| Prime Location | Harrogate Library |

F.N. 434. Slingsby v. Benson: Carmire. (1933 Oct. ca 12 to 26 & 30)

“Headland” 1629.

This information and these instructions relating to an Assize case in 1629 have one or two curious points of interest. In the first place the land in dispute can probably be rather narrowly located with a little trouble. The name Carmires survives in Carmires Avenue, east of Boroughbridge Road and in Dr. Thomson’s house in that road; while the name of Mr. Bray’s house, “Hedlands”, higher up the same road is probably derived from the “heade land” in dispute. In the next place the information probably discloses traces of an ancient open field cultivation in the smallness of the lots and the methods of cultivation. And in addition there is a connection between the land and Scriven which may have rather important implications.

1934 July 26. See R.N. 133, & F.N. 331.

Inter Henri Slingsby milit’ Querent et Thomam Sam defendant

(The land in question, from another copy).

Francis Slingsby esq. Was seized of a Tenemt in Screvin and above lx: years sence did grante the same to one James Peareson an olde servant of his: The said james Peareson by himself and his assignes did enjoye the same together with the land in Carremyre Knowle during his life, and died about 1^oof Kinge James.

After his death Peter Benson having bought all or a greate pte of the lande in Carremyre Knowle except this of Mr. Slingsby dexiered to be tenant to S. Henry Slingsby for his land in Carremyre Knowle and enjoyed it at a very easie rent for: 17: or : 18 yeares together, except an intermisson of one year.

In this time the said Benson buying all the rest of the land in the said flatt from towe laynes whear unto it laie open and did plante quicque and nourishe it to be a good hedge:

Havinge made a hedge he could not ploughe the lands quite thorough as was accustomed wantinge the helpe of the towe laynes wheare upon he then made a heade land and plowghed over the endes of his owne lands and the ends of some of Sr. Henry Slingsbies lands which laid between his the said Bensons lands.

Now he chalengethe all the heade lande havinge Cutt of the brethe of a lande from the lengthe of S Henry Slingsbies lands.

He had no lande by discente in that flatt and the whole flatt conteininge not above six or seaven acr' hath bought it of five or six sev' all p'sons at the leaste: he can not then possiblie have a heade land except he bought a heade land.

(From another copy:)

It is easelie to be discovered that there is rigge & furrow wheare the hedge standethe.

Inter Henri Slingsby milt querentem et Thomam Sam defendt'

To pve the trespass _____ Edmonde Birnande, Robert Foxton

To pve the enterie _____ Cristopher wayde, Francis Oddie

To pve that Peter Benson was Tenant to Sr. Henry Slingsby for the land in Caremyer Knowle from the first yeare of Kinge James for Eightene years or their abouts _____ Richard Andrewe younger

Francis Holmes

Robert Lightfoote

Thomas Kirkeman

John Roundell

Edm. Birnande

That before the 1: yeare of Kinge James when his land was in in the occupacion of one James Peareson as Tenant to Sr. Henry Sling: father and div's years after their was then noe heade land nor any hedge to hinder but they plowed thorowe on both sides into towe laynes _____ Richard Andrewe younger

rest

Francis Pickerd and all the

Above mentioned.

That Peter Benson had noe land by discente in Carremyer Knowle but hath bought it all of : 5 :or : 6 : sev' all p'sons and yet the whole flatt conteynes not above 6: or : 7: acr'
____Richard Andrewe younger

& all the reste above
Mentioned.

Francis Pickard.

That about 5: or 6: years sence he and his p'tners did sheare all Carremyer Knowle except Sr. Henry Slingsbyes to the ves of Peter Benson and did not then sheare that pte of the heade land nowe in question.

That Peter Benson beinge Tenant to Sr. H. Slingsby and having purchased the rest in Carrmyer Knowle did plant hedges and divided Carrmyre from the towe laynes and then made a heade land and after when Sr. Hen: Sling: had his land in his owne occupa: did desire leave to plowghe thorowe and had as much Corne delivered to his plowgheman by Sr. Henry Slingsbyes offeccr as would sowe kSr. Henryes pte of the heade land
_____ Edward Birnand : Sr. Henryes
plowghema is deade.

That in the bottome of the hedge, w'ch the defend't made when he was Tenant to the C'pl: of the lande in question, is playnelie to be seene the forrowe & Rigge of it & other lands of the defend't. All the witnesses above mentioned.

Endorsed: "The Case & a breefe of the witnesses."

On another copy the above endorsement is ssupplemented by the following which gives the date: "Remebranel touching Carremier at the Assises in lente A⁰: 4: Caroliaganiste Peter Bensons servant Tho: Sam."