

CHAPTER 14 - THE THIRDBORROW AND THE COMMON FINE

The Constables deputies

The Thirdborrows of the parish were the Constable's deputies and seem to have had their own specific responsibilities. For their origin we must take a brief look at the Frankpledge system which dates from the reign of Canute who required all males above the age of 12 to take an oath to observe the peace.

Every village or borough south of Yorkshire and east of Wales was divided into tithings-groups nominally of ten men-although actual numbers could range from four to thirty. In some parts of the country a man was formally adopted into a group which was personal and not territorial, a kind of family named after the Tithing man or Chief Pledge. In other parts a man was in a given tithing by virtue of the place of his dwelling. Whatever the local arrangement was, the tithing formed a body of collective guarantors for good conduct of each member, unless, like free tenants, domestic servants women and clergy, they were already guaranteed by lord, freehold, master, or order. Residence in a place for a year and a day was an obligatory qualification therefore vagrants could not be part of the system.

Purpose

The purpose of a View of Frankpledge was to see that all the tithings were full according to custom and to receive the 'cert-money' or 'tithing-pence' originally due from every member in the tithings. The Tithing-men, Chief Pledges, or as they were called latterly, Headborrows or Thirdborrows, were the men responsible for attending the Tourn or Leet to take the oath that their tithings were full and to pay over the "cert-money" or "common fine".

From what records remain we know that the thirdborrows of Stapleford attended the Peverel Court twice a year, a Easter and again at Michaelmas, there to take the oath, make customary payments then due, and to pay the two instalments of the Common Fine which amounted to 16s 6d whereof 4s 6d was paid at Easter and 12s at Michaelmas;they also presented those who had broken the laws which came within the jurisdiction of the Peverel Court.

The Common Fine

This Common Fine was the sum of the 'cert-money' or 'tithing-pence' originally due from everyone in the tithings, but from very early times it had been the custom in Stapleford for the Common Fine to be levied at a certain rate on all lands, not exempted therefrom, within the parish.

As far back as the mid-14th century there is mention of its payment: “the Lord William (de Grey) discharged the prior forever from (payment of) the common fine and sheriff’s aid for the two bovates of land”.¹ So runs an entry in the Newstead Cartulary of 1329-1359.

By the 16th century the exempted lands comprised 5 oxgangs of glebe and such other lands as paid Suit Fine to the Honour; these latter were the lands of the Hollingworths in their own occupation, 2 oxgangs of land belonging to Thomas Meyre and 1 oxgang of land in the tenure of Christopher Farrands (c1617) then part of “Miles Farm”, the property of John Hollingworth. In the 1580’s William Greasley also paid Suit Fine (see previous chapter) for land in Stapleford.

The Thirdborrows’ Allowance

Along with the Common Fine went the Thirdborrows’ Allowance, a sum of money amounting to 18d of which they were permitted to keep 12d at Easter and 6d at Michaelmas as remuneration for their labour in gathering up the Common Fine and paying it over at the respective Courts.

The manner in which the money was levied can be seen from the following lists, recited in a cause in 1617.

George George Storer-Thirdborrow, (died May 1615) gathered his portion of the common fine and Thirdborrows’ Allowance from: -

		Oxgangs
Thomas Tole for lands in his occupation	14d	4
Christopher Farrands for 2 oxgangs of land being the inheritance of Francis Hollingworth (Miles Farm)	7d	2
William Staley and Roger Clarke for lands in their own occupation	18d	5
18d (5 1/7)		1/7
And of Peter Martyn, Richard Tole, and John Steele being the tenants of 6 oxgangs now in the tenure of John Broadbent and his tenants (Peter Martyn, Richard Tole and John Steele were “long dead” by 1617, but their names were included to give verisimilitude to the deposition)	21d	6
And George Storer did pay for lands in his own occupation, being the inheritances of Francis Hollingworth (Storers Farm)	21d	6
	6s 9d	23
		1/7

¹ NLC 1329-1359

Mark Teverey-Thirdborrow (cousin of Gervase Teverey) gathered from: -

		Oxgangs
Gervase Teverey for land in is occupation	2s 9d	9 3/7
Richard Lockewe for lands in his occupation being the inheritance of Gervase Teverey	10 1/2 d	3
Mark Teverey for lands in his occupation being the inheritance of Gervase Teverey	10 1/2 d	
	<hr/> 4s 6d <hr/>	<hr/> 15 3/7 <hr/>

Peter Chambers-Thirdborrow, gathered from: -

		Oxgangs
Robert Treyse for lands in his occupation being the inheritance of Gervase Teverey	14d	4
William Gresley for his own free land (This would be in agreement with Thoroton but disagrees with the I.P.M.)	14d	4
John and Luke Fawkener for lands in their (joint) occupation, being the inheritance of Gervase Teverey	18d	5 1/7
Peter Chambers for lands in is own occupation, being the inheritance of Gervase Teverey	2s 11d	10
	<hr/> 6s 9d <hr/>	<hr/> 23 1/7 <hr/>

A grand total of 18s 0d

For each oxgang the payment was 3 1/2d -2 1/2d at Michaelmas and 1d at Easter. Based on this rate I have set out above, in parentheses, the number of oxgangs each contributor held: a total of 61 5/7 oxgangs chargeable to the Common Fine and Thirdborrows' Allowance of which total Gervase Teverey owned 34 4/7 oxgangs i.e.56 per cent.

Office arises from occupation of certain farms

Our thirdborrows, of whom there were four in number, were neither elected nor chosen but held their office by virtue of the fact that they dwelt in certain houses or farms in Stapleford and which, by ancient custom, were chargeable with the office thirdborrowship; such office being held for so long as they dwelt in that house. If it should so happen that a woman was the occupier of one of the designated abodes than she, too was eligible to serve or else find a deputy.

The following is a short list of thirdborrows compiled from what records are extant. The occupiers of what became known as “Miles farm,” the occupiers of what became known as “Storers Farm,” the occupiers of two farms/houses-names of which are unknown-the property of Gervase Teverey

1569-72 William Sidebotham, 1569-93 Roger Storer, 1569-74 Richard Walker, 1569-1589 Peter Chambers (father), 1585-c1610 Miles Farrand, 1593-? Agnes Storer, 1574-1588 William Walker, 1589-1628 Peter Chambers (son), c1610-? Christopher Farrand, ?-1615 George Storer, c1610- ? Christopher Farrand, 1615-1640 Luke Fawkener, c1615 Mart Teverey (grandfather of Dr. Robert Thoroton)

Deposition of the Exchequer 1617-

Broadbent refuses to pay Fines

Much of the information that we have concerning the Common Fine and Thirdborrows is contained in a Deposition of the Exchequer taken in 1617. Trouble had been brewing for some time and with the ever-assertive John Broadbent as the central figure. We have already seen that he and Gervase Teverey had been parties in a tithe cause in the ecclesiastical court at York in 1601 because Broadbent would not pay his tithes on 2 oxgangs of land which he held in addition to his glebe: about that time, he acquired four more oxgangs and for 17 years or thereabouts refused to pay his portion of the Common Fines and Thirdborrow Allowance amounting to 21d a year on the six oxgangs; neither would he suffer his tenants to pay it.

Steward distrains on Thirdborrows

Despite this unwillingness to pay his dues things had jogged along quite well until 1616 when, out of the blue, Sir Percival Willoughby, Steward of the Honour, distrained on the thirdborrows, Peter Chambers, Mark Teverey and Luke Fawkner, for the arrears in the Common Fine. This was just too much: Luke Fawkner had only been a thirdborrow since the end of November 1615 and Mark Teverey for no great length of time either, and as Luke was a close friend of Gervase Teverey and Mark a cousin, it was ever likely that G.T. should take up a stand alongside them in order to add his weight to their cause against his old protagonist; or perhaps it was because Broadbent had suggested that Gervase Teverey had invented or altered the ancient rate what out to be paid for every oxgang which was chargeable to the Common Fine.

The King orders an investigation

Protest was duly made and the King ordered the matter to be investigated. In pursuance of two writs inquiries were held in Nottingham on the 26th June 1617 and

on the 1st October of the same year at which eleven witnesses deposed on behalf of the plaintiffs, Gervase Tevere, Mark Tevere and Luke Fawkener, and only five for the defendants, Sir Percival Willoughby and John Broadbent. John Warburton, the perpetual curate of Stapleford, was the principal witness for the plaintiff and answered 24 of the 30 interrogatories. His testimony practically covered the whole issue, the others merely corroborating it and adding only minor details. Some of the witnesses deposed for both parties.

Collusion between Broadbent and Willoughby

It was quite obvious from the evidence given that Broadbent and Willoughby were in collusion in the matter. From the time of his denial to pay, the thirdborrows had gone to the Peverel Court twice yearly and paid over the Common Fine, less John Broadbent's contribution, amounting to 4s 0d at Easter and 10s 9d at Michaelmas, and on each occasion this had been accepted and nothing said about the default "because" as one deponent, John Leeming of Lenton, Bailiff to Sir Percival, said, "John Broadbent being so familiar with the officers of Sir Percival Willoughby at Wollaton it was imagined by them that he, John Broadbent, would have made payment thereof upon demand which, because it was but small, they did not often call upon him for it". George Storer, one of the thirdborrows, had even paid Broadbent's contribution for him thinking he would be repaid.

At one time the thirdborrows did endeavour to bring the recalcitrant to heel when they requested John Leeming to take a distress of his goods for default of payment, but John Broadbent served a process upon Leeming for the distress taken and because the thirdborrows would not bear the charges in the suit Leeming re-delivered them to JB.

1615 Acceptance of Common Fine refused because it did not contain Broadbent's part

George Storer died in May 1615 and with his death it appears that all the principals whose testimony would have given much weight to the thirdborrows cause had now departed this life, a point emphasised by several of the deponents for the plaintiffs. This was then an ideal time for Willoughby and Broadbent to act. At the Michaelmas Court of 1615 Sir Percival Willoughby's officers denied to receive that part of the Common Fine which was due because it was deficient in the sum of 6d which was John Broadbent's Michaelmas contribution, when requested to levy the whole 21d on John Broadbent, Sir Percival refused, saying that he was advised by his counsel that the payment was required of the thirdborrows who were charged with its collection.

1616 Distrain on the thirdborrows

In Lent of 1616 Leeming distrained on the thirdborrows for John Broadbent's part of the Common Fine then due as well as for the arrearage of 21d yearly for 17 years or so. Luke Fawkner was distrained of one piece of woollen cloth (rather this than his horse, for which he had need). The irony of this was that it was taken out of his house which he leased from Gervase Teverej and not from "Storers Farm" which had involved him in the thirdborrowship. Mark Teverej was distrained of one "coverlidde", and Peter Chambers of his horse.

Leeming had heard that the plaintiffs had a replevy but had not seen it himself, and anyway, he had been advised by Sir Percival Willoughby's counsel that a replevy would not lie in this case and that the distresses must be kept until payment was made of the money for which they were taken. Peter Chambers asserted that there was a replevien brought to Samuel Mason (who had the keeping of Nottingham Castle) for the replevy of the distresses, which Mason refused to act upon saying he would send to Sir Percival Willoughby to know his pleasure. That gentleman found very little "pleasure" in the situation and sternly informed Mason "that if he did deliver the distresses before the money for which the same was taken was paid, he (Sir P) would complain of him (Mason) to the King."

Peter Chambers and Luke Fawkner paid Leening 38s 3d to redeem the distresses. ²

From that time onwards practically nothing is known about the thirdborrow's activities except for an isolated mention in the Constables's Accounts: -

1667		
March 15	Spent that night with the thirdborrowa wee searcht for Colington sheepe	4d

At the time the Poll money was gathered in 1660, the Constable had three assistants for the purpose and whose names suggested that here were three of the four thirdborrows and that perhaps the original and ancient custom for appointment to this office still prevailed.

1660		
Nov 24	paid to Will. Attenborrow for 3 daies charges concerning ye poll money	3s 0d
	"paid to Francis Wilkinson p consimile	3s 0d
	"paid to Myles Farrand p. consimile	2s 0d

Miles Farrand was the son of Christopher Farrand who had occupied "Miles Farm", William Attenborrow was also a tenant of John Hollingworth and probably occupied

² PRO E 134-15 Jas I Mich 2 (Notts) and E 134-15 Jas I Trin 7 (Notts.) [E 134/15Jas1/Mich2] and [E 135/15Jas1/Trin7]

“Storers’ Farm”, William’s father, William, had been a tenant of the Tevereys as had been Roger Wilkinson, father of Francis.