

## Introduction

This source is an inquiry into the death of a mariner named Richard Astill, who was drowned in the Orwell estuary just outside Ipswich after a ship, the *John Evangelist* of Harwich, crashed into his oyster-boat.<sup>1</sup> The inquiry, taken in 1518, was written on a large roll – it is around fourteen feet long unfurled, consisting of six membranes stitched ‘Chancery-style’, head-to-tail – which contains the judicial commissions, proceedings, evidence, and final judgment in the case. The evidence is recorded as a series of eleven witness testimonies, six of which contain extensive testimony in English. These depositions allow an extraordinarily detailed insight into maritime space, as conceived by sixteenth-century mariners.

## The Death

On the first Thursday of Clean Lent – the 25<sup>th</sup> February 1518 – Richard and William were dragging for oysters in the waters off Harwich – probably at the mouth of the Orwell round the Shotley peninsula. Meanwhile, a ship called the *John Evangelist*, belonging to a wealthy local man named Edward Redde, was setting off from Harwich up the Orwell towards Ipswich. According to William Short, the two of them saw the ship when it was still some way off up the river (although Richard mistook it for a different ship), and made their way upstream to a place near Woolverstone. Here they cast their drag-nets again, and waited.

By all accounts, the weather that day was terrible. There was a great wind, blowing so hard that it was threatening to take the masts off ships. To make matters worse, just as the *John Evangelist* was coming up the river, the tide was falling to its lowest ebb. The Orwell, then as now, had a very wide tidal range. At low tide, the channel is narrow, and for a large ship like the *John Evangelist*, with a deep draught, there was little possibility for manouvering away from the centre without putting the ship in danger.

William and Richard hauled up their drag nets. At this point they could see *John Evangelist* at Pin Mill, less than a mile downstream. But then, in a curious detail, they gave a little ride to a minstrel who ‘desired to go on the water, sporting him for his pleasure’, and set him back to land at Woolverstone.<sup>2</sup> Then they rowed back out into the channel to drag yet again. By now the weather had become even worse, and the wind was blowing their boat over to one side. The *John Evangelist* was heading straight towards them, now only a short distance away. Richard and William could hear the mariners onboard shouting something to them, but the wind was too strong for them to make out the words.

Hugh Page, another witness, was in a boat further downstream nearer to the great ship, but he was able to row to safety, apparently with little difficulty. William Shorte then heard the mariners of the *John Evangelist* were shouting to he and Richard to get out of the way, and that they would reimburse them if they destroyed their drag nets. The larger ship was careering upstream in the strong winds, and could not change its course. William told Richard to cut the drag rope, which was anchoring their small boat crosswise in the middle of the river – he could not do it himself because Richard was at the same end as the rope.

But, as William put it, ‘Richard looked up and did nothing’.<sup>3</sup> At last he realized the danger and shouted to William for help. William looked around for his knife – Richard had taken it earlier to shill oysters – but now neither of them could find it. Paralyzed by fear, perhaps, Richard still made no move as the *John Evangelist* got closer. The anchor palm (the flat side of the pointed edges of the flukes) of the ship ‘took the said boat by the shrouds and so the same boat sank.’<sup>4</sup> Both of them were

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<sup>1</sup> Suffolk Record Office, Ipswich, SC18/40, henceforth referred to as ‘Astill Inquiry’.

<sup>2</sup> Astill Inquiry’, m. 3r.

<sup>3</sup> Ibid., m. 3r.

<sup>4</sup> Ibid., m 3r. ‘Shrouds’ are pieces of standing rigging that hold the mast. Because the boat was lying crosswise in the water (for which see below), the *John Evangelist* must have cut the hull in half and sunk the boat immediately.



than Astill, being about 50 at the time of the inquiry, his will reveals something of the household of a village fisherman of low- to middling-status by the end of his life. Thomas was able to leave his wife Alice a house, and make a fairly substantial donation of £1 to the church of Woolverstone for a new bell. He seems to have died without any children of his own: he gave a mark (two thirds of a pound) to each of John Freelove's unmarried sons.

Interestingly, he also left three people exactly the same bequest, probably in charitable alms: a ewe, a lamb, and a shilling. The first two recipients were named Robert Brook and John Cove, but the third, interestingly, was left to 'a lytyll mother', suggesting perhaps that he intended the gift to go to an unmarried or widowed woman. If this interpretation is correct, then it tells us something of how Branston – and perhaps other village fishermen – might have regarded their own status: not wealthy, certainly, but respectably distant from true poverty. One of the witnesses to Thomas's will was Nicholas Suell, one of the other Woolverstone fishermen who testified to the Astill inquiry in 1518. Rural communities in general were tight-knit in this period, and maritime communities – with their distinctive forms of expertise and working patterns – perhaps even more so.

At the other end of the social spectrum, the other major figure in the inquiry is Master Edward Redde, of whom we can say considerably more. He was a wealthy merchant of Harwich, who had married very strategically. In 1516, a rich Harwich shipowner named Thomas Wymbyll died, leaving a ship called *The John Evangelist* to his wife, Isolde (she may well have felt that the ship was hers anyway, given that it had once belonged to her father, John Woodlace). He left the rest of his ships to the town of Harwich, sold 'so that the town may be better maintained'. Isolde Wymbyll was now an extremely attractive marriage prospect. She had a son, Thomas, who was not of full age, and a ship and a considerable quantity of money and properties in Harwich.

Edward Redde married Isolde soon afterwards, and took possession of the full Woodlace and Wymbyll inheritance, much to the chagrin of her relatives. According to a lawsuit that they launched against him some years later, Redde had then sold off a lot of the ships and other goods – though not the *John Evangelist* – for the extraordinary sum of £100. Isolde had subsequently died, and Edward refused to give her relatives the portion that they claimed to be owed. Although the outcome of this dispute is unclear, Redde did not stay local. Soon after the Astill dispute, he was elected as an alderman of Norwich, and a few years later would become mayor of Norwich. This was an extremely important political position – he negotiated with Cardinal Wolsey who mediated a local political dispute there between the city and the cathedral priory. Evidently he was not a man to be trifled with.

### **The Legal Background to the Inquiry**

The inquiry was written by a notary public named William Neve.<sup>9</sup> This may be the same William Neve who taught grammar to the future archbishop of Canterbury, William Parker, in Norwich up until 1520;<sup>10</sup> perhaps the same man or a relation was a churchwarden of St. Stephen's parish in Ipswich in the mid-1530s.<sup>11</sup> The proceedings initiated from a commission handed down under the authority of Thomas, Earl of Surrey, then Admiral of England, Wales, Ireland, Gascony, and Aquitaine, through his sub-marshal, Robert Johnson.<sup>12</sup> In turn, Johnson sent letters of commission to Richard Stone, proctor general of the Consistory Court at Norwich, and Robert Naylor, 'legate', asking him to inquire into the death of Astill.<sup>13</sup> Stone accepted the commission and appointed Neve,

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<sup>9</sup> This information is recorded in an anonymous note attached to the roll.

<sup>10</sup> John Strype, *The Life and Acts of Matthew Parker* (4 vols., Oxford: The Clarendon Press, 1821), vol. I, p. 8. According to Strype, Neve was of a 'gentle and mild' disposition as a grammar teacher, and taught Parker at home.

<sup>11</sup> John Wodderspoon, *Memorials of the Ancient Town of Ipswich, in the County of Suffolk* (London: Longman, Brown, Green, and Longmans: 1850), p. 382.

<sup>12</sup> 'Astill Inquiry', m. 1r. (And for what follows).

<sup>13</sup> *Ibid.*, m. 1r. 'Ligato' is not certain, as the text is 'li[ ]ato', with a contraction mark. Presumably 'legate' here means something along the lines of 'factotum'. It could be that it is intended in the ablative, so that the greeting clause is extended *by means of* Robert Naylor, the Sub-marshal's man. One Robert Naylor was an alderman in

and they appeared before Johnson, who gave them a certificate of the mandate to cite Edward Redde, the owner of the *John Evangelist*.

Neve then met with James Hille, one of the two bailiffs of Ipswich, and asked him to pass on the citation to Redde to appear at the correct time and place; this transaction was witnessed by the dean of Rocklond (a small deanery outside Norwich). When Redde appeared, some articles were drawn up covering the basic events of Astill's death. Witnesses were assembled to provide testimony, and were examined individually by the court. A jury of 22 men was summoned and asked to give a verdict after hearing these testimonies, and an account of the death was drawn up.<sup>14</sup> The jury delivered a verdict, namely that Richard Astill's death resulted from his own negligence because he failed to move out of the way of the ship. This verdict was proclaimed publicly in the vicinity of Shotley. Edward Redde, as the proprietor of the ship, was formally absolved of responsibility and then on the 1<sup>st</sup> April 1518, William Neve compiled the roll that survives in the archives at Ipswich, which he inscribed with his elaborate mark of authentication.<sup>15</sup>

The judicial authority to hear *post mortem* inquisitions in the Middle Ages had traditionally been held the coroner since the early thirteenth century. Such inquisitions had two legal purposes: firstly, to make sure that murderers were held to account, and secondly, to judge and administer the 'deodand'.<sup>16</sup> In medieval law, a deodand was the object that was said to have 'moved towards' or caused the death of the victim (for example, the knife he was murdered with, or the rung of the ladder from which he fell). The jury of a coroner's inquest decided what object was deodand, before giving it a monetary value. The object itself, or the equivalent amount of money, was then forfeit to the crown.

In practice, the right to deodand was often subcontracted to other authorities.<sup>17</sup> Indeed, from the late fourteenth century, *post mortem* jurisdiction insofar as it affected maritime communities was exercised by the admiral. Two statutes introduced under Richard II to restrict the jurisdiction of the admiralty still obliged the courts to inquire into death and mayhem at sea and in tidal estuaries.<sup>18</sup> In a tract 'on the office of the admiralty' – *De Officio Admirallitatis* – translated out of French into Latin by Thomas Rowghton sometime during the reign of Henry VI, the last article (number 50) outlined this duty more fully:<sup>19</sup>

Item it is to be inquired whether anyone was murdered, drowned, or died on the sea because of any engines or artillery, anchor, cable, rope, or anything else pertaining to the ship, or by the motion of the ship; and of any such murder, drowning, or death, [the thing] is forfeit to the lord admiral, and ships or boats, if the drowning or death was caused by the motion of the same, are forfeit to the lord admiral.

This meant that a large variety of potentially hazardous objects that could be found aboard ships were liable to be forfeit to the admiral as deodand. Because the objects associated with shipping, and more importantly, the ships themselves, were often extremely expensive, the right of deodand ought to have been a valuable income for the admiralty jurisdiction. On the contrary, however, the few pieces of

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Norwich in 1543: Paul Ayris, 'The Rule of Thomas Cranmer in Diocese and Province', *Reformation and Renaissance Review*, 7:1 (2004), p. 79.

<sup>14</sup> In the first instance, a standard jury of 24 is mandated, but apparently only 22 men could be found. Cf. 'Astill Inquiry', m. 2r. [for the mandate] and m. 5r. [for the list of jurors].

<sup>15</sup> *Ibid.*, m. 6r. The mark is a cross, standing on a base, wherein are the words: 'Universe vie d[omi]ni m[isericord]ia et veritas' – the beginning of Psalm 24, which continues – 'requiritibus testamentum eius et testimonia eius'. (All the ways of the lord are mercy and truth, to those who seek his testament and testimonies.) A slightly ironic comment on his profession, perhaps.

<sup>16</sup> See R. F. Hunnisett, *The Medieval Coroner* (Cambridge: Cambridge University Press, 1961), p. 9; also in general Ch. 2, 'The Coroner's Inquest', pp. 9-36.

<sup>17</sup> Baker, *History of English Law*, pp. 387-8.

<sup>18</sup> Ward, *Medieval Shipmaster*, p. 42. The statute is 15 Ric. II, c. 3.

<sup>19</sup> *Black Book*, ed. Twiss, p. 242. The whole tract is pp. 221-242. Nothing is known of Rowghton; it has been postulated that he was a clerk in the Admiralty Office; his authorship is certain however, because he signed his work.

surviving evidence from admiralty courts in fifteenth-century East Anglia suggests that the *post mortem* jurisdiction possessed by the admiralty was not in fact applied very vigorously.

As early as the reign of King John, Ipswich had possessed coronal jurisdiction from the Crown, and records survive from the middle of the fourteenth century.<sup>20</sup> The borough was further granted admiralty jurisdiction by a charter of 1446, and this was clarified and ratified by charters of both Edward IV and Richard III.<sup>21</sup> Whilst it was certainly competent to hear *post mortem* inquisitions of mariners who died within its jurisdiction – which under the town’s admiralty jurisdiction included the Orwell estuary – there are only a few surviving records to show that Ipswich was indeed exercising this power.

All of these come from a court held in September 1513. The first recorded that William Orkneyman, on a voyage to Iceland on the *Andrew* of Ipswich, fell into the sea at ‘Somiderser’ and drowned; the second that John Jenewey in the *Anne* went overboard ‘in partibus Selond in alto mare’ – on the high sea near Zeeland.<sup>22</sup> These two cases were perhaps unusual in that both men were probably foreigners (from Orkney and Genoa respectively), and they died a long way from Ipswich, well beyond the geographical limits of the town’s jurisdiction. In neither case did the court attempt to identify a deodand.

The third case, however, is more interesting. This was an inquest into the death of John Paret, a mariner, who was in the *James*, bound for Iceland. However, he fell into the sea ‘within the precinct and jurisdiction of this court, that is at *Langer Point*’, after the oar in his right hand caught in the water and he was dragged in with it.<sup>23</sup> Langer Point is on the north side of the mouth of the Orwell’s estuary at Felixstowe – at the very limits of Ipswich’s admiralty jurisdiction, but considerably closer to the town. The fact that his death was said to be caused by the oar, though it was not given a monetary value, suggests the jury was thinking about deodand.

Yet the town admiralty courts were still interested in the cause of death. William Orkneyman was said to have fallen overboard *ob suam necligensiam*, ‘on account of his own negligence’, while for John Jenewey it was his ‘improvidence’ – his inability to see what was going to happen next.<sup>24</sup> Of course, it is impossible to know what actually happened in these cases, but it not implausible that either of these deaths could have been interpreted as falling under the specific provision made in the tract *De Officio Admirallitatis*, that declared ships forfeit if their ‘motion’ caused someone to fall overboard.<sup>25</sup>

The ‘mystery’ of why the admiralty courts did not present these ships – or any of the abovementioned items – as deodand is actually relatively straightforward: the juries who made up admiralty courts were composed of masters and mariners, who had a clear conflict of interest in preventing shipping equipment and ships themselves from going to the burghal franchise-holders. Firstly the jurors may have stood to gain personally from the testament of the deceased. As Sheila Sweetinburgh’s work on the wills of Kentish fishermen has shown, these seamen ‘seem to have used their bequests of fishing items to initiate complex relationships, which they hoped would ensure the future well-being of their family and community.’<sup>26</sup>

Secondly, in cases where the death actually took place at sea, the witnesses, whether merchants or mariners, had a direct stake in the profitability of the voyage. This would have been severely harmed

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<sup>20</sup> *Ipswich Borough Archives 1255-1835*, ed. David Allen (Woodbridge: The Boydell Press, 2000), pp. 84-5.

<sup>21</sup> *Ibid.*, p. 83.

<sup>22</sup> Suffolk Record Office, Ipswich, C/2/10/3/8, p. 394 [modern foliation].

<sup>23</sup> *Ibid.*, p. 394. ‘lengerpoynt’ must refer to the reach on the Felixstowe (northern) side of the Orwell estuary. It survives in the nearby ‘Langer Park’. It also bears a resemblance to ‘Landguard Point’, on which a fort with the same name was built in the sixteenth century.

<sup>24</sup> Suffolk Record Office, Ipswich, C/2/10/3/8, p. 394. In both of these cases the spelling errors are those of the scribe rather than mine.

<sup>25</sup> See above, pp. 23-4.

<sup>26</sup> Sweetinburgh, ‘Strategies of inheritance’, p. 104.

by the forfeit of a valuable deodand; although they may not have served on the jury itself, their (unrecorded) testimony was the only information the jury had at its disposal.<sup>27</sup> It is thus hardly surprising that deodands were not regularly collected from maritime communities. The judicial reliance on the specialist knowledge of shipmasters and mariners to account for deaths at sea came with the hitch that those same shipmasters and mariners were not disposed to surrender their goods to the admiralty.

In the case of Richard Astill, a deodand was identified during the proceedings. He had fastened a drag-rope – wrongly, according to a couple of the witnesses – to the middle of his boat. With the difficult weather conditions and with the tide reaching its lowest ebb, this rope had fixed his boat so that it lay crossways in the Orwell. Throughout the tribunal, witnesses repeatedly emphasized Richard’s own negligence as the cause of his death. But the rope was also given some share of the blame. The Admiral declined to collect on his prize: the jury said that the rope was ‘rotten’ and ‘of no value’.

### The Local Context

It is extremely unusual to find such an elaborate judicial inquisition from the Admiralty, and especially surprising given the humble circumstances of the deceased. The reason that the inquisition was taken – and that it was written out in such exhaustive detail – is probably related to local disputes between Ipswich and the royal officials of the Admiralty Court, which was enjoying a resurgence under Henry VIII.<sup>28</sup> At this time, Ipswich’s admiralty liberties were perceived to be vulnerable by the Admiralty Court. A memorandum in the town’s register book, dated from August 16<sup>th</sup> 1493, records that the Earl of Oxford, then serving as Admiral of England, sent a servant to arrest a Breton ship ‘in the port of Orwell inside the liberty of the same town’.

The bailiffs, in response to this breach of the town’s jurisdiction, sent the charter of their liberties to Hedingham Castle, where the Earl’s men read it and related its contents to the Earl, whose vernacular response is recorded: ‘commend me to the bailiffs of Ipswich and say to them I will be friendly to them in this point and in all others contained in your charter. And I will do for them as a burgess and as one of you.’ William Pekynham, the archdeacon of Suffolk who was perhaps present to mediate, said something to the same effect.<sup>29</sup> Though the Admiral was being ‘friendly’, it suggests that a generation before the Astill inquiry there was some latent tension between the central Admiralty Court and the admiralty jurisdiction exercised by the bailiffs of Ipswich. Clearly the town considered that the Earl’s words were worth writing down.

In the 1518 inquiry roll itself, references to the specific jurisdiction under which it was held are scant. The copy of the letters patent from the Lord Admiral mentions that once Richard Stone had accepted the mandate, ‘he determined to proceed from his jurisdiction in that part, near and according to all the forms and effects of the same commission.’<sup>30</sup> This is the only mention of any ‘jurisdiction’ in the whole document, which runs to over 8,000 words; it is also slightly unclear whose jurisdiction is being referred to.<sup>31</sup> Clearly, it was done with the knowledge of the bailiffs of Ipswich, one of whom was said to be present at the citation of Redde, but also later at the tribunal in Shotley.

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<sup>27</sup> Cf. local juries not finding thieves/murderers guilty. [Ref.?](#)

<sup>28</sup> [Ref. Marsden](#)

<sup>29</sup> British Library, Additional MS. 10358, fo. 39r. This entry was written after the majority of the book’s contents; fos. 38v. and 40r. are court sessions from 22 Edw. IV.

<sup>30</sup> Ibid., m. 1r. ‘...Et pro iurisdictione [sic] sua in ea p[ar]te atque iux[ta] et secundum omn[um] vim forma[m] et effectum ei[us]dem com[missionis] p[ro]cedend[um] fore decrevit...’

<sup>31</sup> The previous clause mentions the *prepotentissimi viri*, i.e. the Earl of Surrey, insofar as Stone is accepting a commission from him. The grammar of the clause above, in fn. 37., however, does suggest that the jurisdiction is now Stone’s (although it is of course invested in him by the Earl). There is another implied reference to jurisdiction: when the inquiry actually begins in earnest, the initial rubric notes that Edward Redde is brought before the court ‘out of our office, present before you by the commission of Thomas, Earl of Surrey, Order of the Garter, Great Admiral...or judge, competent in that part wherever he turns his attention’ [‘...ex officio

The final, and possibly most important piece of surviving evidence, is the set of letters patent issued by Henry VIII, confirming Ipswich's admiralty jurisdiction. This document is dated to the 3<sup>rd</sup> March 1519, that is to say, less than a year after the inquiry into Astill's death. Whilst its administrative function was to confirm the charter granted to the town by Edward IV, which has since been lost,<sup>32</sup> it also reiterated the traditional boundary of the jurisdiction at 'Polleshead', including the foreshore at high and low tides, and mentioning the right of wreck, the goods of suicides, and deodands.<sup>33</sup> Although this charter does not provide conclusive evidence as to earlier events, it seems likely, considering how quickly the burgesses sought to renew their admiralty charter, that the large-scale central inquiry had prompted them to renew the confirmation of their liberties. Though it is hard to understand why the royal Admiralty Court was able to hold the inquisition into Astill's death in the first place, it seems to have taken place within the context of these jurisdictional machinations. The bailiffs of Ipswich may well have resented the interference from outside, and sought a new charter accordingly.

But this took place within the context of more local drama, too. The shipowner Edward Redde, perhaps in league with the community of mariners on the Shotley peninsula, who provided the witnesses and the jury for the inquest, was clearly trying to avoid having to pay a deodand on his ship the *John Evangelist*.

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nostro p[rese]ns coram vobis domino com[m]iss[i]one...Thome cometis Surrei ordinis garterij militis magni admiralli...seu iudice alio In hac parte co[m]peten[ti] quocu[m]que verti p[re]tenditur...'. 'Astill Inquiry', m. 2r.

<sup>32</sup> If this charter had been lost by 1518 (but still was extant when it or a copy was shown to the Earl of Oxford in 1493), then it might help to explain why the Ipswich bailiffs were unable to mount a legal challenge to the Admiralty Court's imposition. But nonetheless, by the time the bailiffs were consulted, the inquiry had been mandated. This would mean that the Admiralty would have to have known that Ipswich lacked its charter: a stretch, but not totally implausible. If none of this is correct, it is puzzling why Ipswich did not simply demonstrate their charter to Surrey, as they had to the Earl of Oxford.

<sup>33</sup> Suffolk Record Office, Ipswich, C/1/1/20 [not inspected]. The summary is from *Ipswich Borough Archives*, ed. Allen, p. 8. I have been unable to locate 'Polleshead'; this place, written as 'Pollesheved', was the subject of a boundary inquisition ordered in 1380. Richard Waldegrave, one of the men ordered to carry out the commission (the other was John de Sutton, possibly the 3<sup>rd</sup> Baron Sutton of Dudley?), was a well-practiced Crown functionary who seemed to have some expertise in admiralty affairs. See his biography at: <http://www.historyofparliamentonline.org/volume/1386-1421/member/waldegrave-sir-richard-1338-1410> (Accessed 20th February 2013). What looks like a later copy of the boundary inquisition exists in the Register Book. See British Library, Additional MS. 10358, fo. 47r.