

1586 MAP OF BLAKENEY HAVEN AND PORT OF CLEY : Part II

By John Wright

In the previous issue of this Journal, Jonathan Hooton identified and described all the known copies of the 1586 map of Blakeney Haven – though the whereabouts of the original remain unknown.¹ He also noted that recent work by Dr Andy Wood of UEA had suggested that the map was drawn to provide evidence for a court case to decide whether the Manor of Wighton or the Manor of Cley had the rights of wreck and salvage on Stiffkey sands. This article outlines the nature of the case and presents some information contained in the evidence. The wealth of topographical detail will need to be considered in a separate article.

The Map

The 1586 map shows the five villages of Stiffkey, Morston, Blakeney, Wiveton and Cley but the main interest is clearly Blakeney Haven and its associated creeks and channels, sands and marshes. It can be argued that the map is a broadly accurate picture of the Harbour area at that time and that it was drawn by a competent surveyor. In which case, who commissioned it and why? The map itself provides some clues about who might have ordered it, for the Heydon arms are prominently displayed, but hitherto no plausible reason for its preparation has ever been established.

There are other questions, too. The map shows a man rabbiting on Thornham's Eye, and three people, two of them women, cockling on the West Meals. These activities are to be expected in these locations, but what of the two men fighting over the Freshes creek and the people breaking up a ship near the harbour entrance? Are these also typical activities or is there some particular reason for their presence on the map?

The Court Case

The existence of a dispute and subsequent court case over the right of wreck on Stiffkey Sands was discovered by Dr Wood while researching the records of the Duchy of Lancaster, which owned manors in several Norfolk villages, including Wighton. The court records relating to this case comprise two parchment rolls, and various references in the court books which recorded procedural decisions about the conduct of cases in progress at the time and final decisions about the issues in question. This material is in the Public Record Office at Kew.

The first roll contains three sections.²

The first of these is a Commission from Queen Elizabeth to Francis Wyndham, sitting with Edward Cooke, Richard Godfrey and Bartram Calthorpe, to hear both the plaintiffs and the defendants and their respective witnesses, and to reach a decision on the matter. The plaintiffs are Nathaniel Bacon and Robert Godfrey, and the defendants are Christopher Newgate, George Clark and John Thornton. All these gentlemen feature in the three volumes of Bacon Papers published by the Norfolk Record Society.³ Nathaniel Bacon, living at Stiffkey, had been made deputy steward of the Duchy of Lancaster in Norfolk in 1582. Christopher

Newgate was a Cley yeoman and shipowner. The case made by the plaintiffs was that the defendants were taking charge of wrecks and goods cast up on the sands *betwene a place called Stifkey goate on the west and blakney haven on the east which is oure freehold as parcell of our manor of Wighton parcell of oure Duchie of Lancaster.*

The second section consists of two lists of very specific questions (termed *interrogatories*), one to be put to Bacon's witnesses, and the other to Newgate's. There are 19 questions in the first list and 22 in the second.

The third section contains the answers (*depositions*) made by the two sets of witnesses. They are dated 22nd September 1586, just 14 days after the date of the Commission. Four witnesses appear on each side. The witnesses do not answer every question, and quite often even the 'answers' recorded are merely that *he deposeth not*, or else *he deposeth as x* (where x is a previous witness).

The **second roll** follows the same format as the first.⁴

A new Commission, dated 8th February 1587, is addressed to William Blennerhassett, Miles Hobart, John Walpole and Walter Haugh. All but the last appear in the Bacon Papers. The plaintiffs and defendants are as before, and so is the case to be answered. There follow 21 questions for witnesses on behalf of the Duchy and 24 for those put up by the defendants. This time there are five (different) witnesses for each side and their answers are made on 29th March 1587.

It is not clear why a second commission was needed, but is known to occur in cases where one party feels that the original commission was biased in some way. This may have happened in the present dispute.

The outcome of the case

Unfortunately, there is no satisfactory outcome to the case. The notes in the Order Book⁵ show that the action was initiated at common law but that the suit had been brought to the court of the Duchy of Lancaster in order to decide *whether her majesty's title might come in question uppon the tryall of the matter at the common lawe*. A note dated 7th July 1587 records the view of the Chancellor of the Court that it might and therefore it is ordered that the plaintiff *shall stave & not proceed in any accion at the common lawe against John Thorneton & other deffendants or any the other tenants or servants of Sir William Heydon untill the matter be harde and ordred in this courte*.

Various dates for the matter to be heard are then ordered – and postponed – until on 23rd November 1588 it is recorded that briefs of both parties shall be ready for a hearing on 1st February following, likewise *the platte of the sandes or landes in varyannce already made*. A *platte* was the usual term for a map or plan at that time, and it is virtually certain that the map referred to is the one now known as the 1586 map of Blakeney Haven.

Finally, on 3rd May 1589, the court hearing took place: the plaintiffs made their case (yet again) and the defendants replied (yet again) that the sand in question was part of Cley manor which had claimed all wrecks and other goods *tyme oute of mynde* without denial. After debating the matter, the court determined⁶ that because much of the evidence lay in ancient

records and local knowledge the issue should go to trial by common law and *the saide parties shalbe dismissed oute of this courte to that ende and purpose.*

So, three years later, the case is back where it started, and still unresolved. Furthermore, no civil court records appear to survive from this time so the decision, if any, may never be found – unless there is some reference to it in later manorial records.

Questions and Answers

The four sets of questions are similar but by no means identical. They cover two main concerns: firstly, the topography of the area (the names of features and the nature of recent changes) and, secondly, which manor has claimed wreckage and goods cast up and by what right. The questions are normally quite precise and are presented in the form of statements which the witnesses are invited to agree with.

The following question to be put to the plaintiff's witnesses exemplifies the 86 listed in the two enquiries:

Item do you know that ther is a creeke or watercourse lying by all ye south parte of the said sandes deviding the same sandes from Merston salte mershe yea or no. If so do you know or have credibly heard that the river or freshe water called Conyger Eae running from Stifkey hath ben conveyed or did runne from thence in by or through the same watercourse or creeke into Blakeney haven. Declare what you know or have hearde thereof and how you know or of whome you hearde the same.

Sometimes the questions for the plaintiff and those for the defendants appear to be contradictory. For example, Bacon (on behalf of Wighton manor) asks his witnesses: *Do you know that Blakeney Haven hath hertofore runne more eastwards into the sea than now it doth?* Newgate, on the other hand, asks his witnesses: *Do you know that the haven hath run oute to the sea more westerlie towards Stifkey Goate. If yes then how far west?*

It can be seen that the answers to each set of questions (by friendly witnesses) would form the outline of a case for one or other of the two sides. The case for Wighton is that the sands between Blakeney Haven and Stiffkey Goate are known as Stiffkey Sands and have always been part of Wighton manor. The inhabitants of Stiffkey have always gathered wrecks and goods there in their right as tenants of Wighton. There are examples of the goods so taken. The *cullior* or collector of Wighton has the right to *ryde into Blakney haven uppon a horse of xvij^{tene} hand hye with a speare of one and twenty foote of length and might gather for the mannor of Wyghton suche wrecks as he could touche with his spear*, according to witness Richard Manser of Stiffkey. Another witness, John Smith of Wighton says he has heard about the spear but *never knewe it put to use.*

At the second enquiry Edmund Wyet of Stiffkey confirms that Stiffkey sands belong to Wighton, tells of other goods taken up to Wighton, and says that the horse could be any tall gelding and the rider should carry a spear of 17 or 20 feet in length with which to touch any wreckage there happens to be.

Richard Manser says that port courts have been held, alternately at Stiffkey and Holkham, and he has heard, from someone whose name he does not remember, that Christopher Heydon was

[illegible]

recently fined ten shillings *for takinge away of a whale cast upp uppon the said sandes*. Robert Pull, of Morston, confirms that goods (vinegar and currants) have been taken to Wighton and he himself paid a fine to Robert Framingham, an officer of the manor of Wighton, for taking *a porposse cast uppe by the sea* on Stiffkey sands.

The defence for Cley manor is that, according to Simon Bright of Blakeney, the sands between Blakeney Haven and Stiffkey Goat are called the West Sands, or the West Meals, and that goods grounding there have been taken to Cley by Mr Coll, bailiff to lord Roos. James Alyson of Cley confirms that various ships have been wrecked or have grounded on the sands and that in every case the lord of the manor of Cley received either the goods or the monetary value. Other witnesses remember other ships that paid groundage to successive lords of the manor, Sir William Heydon and Sir Christopher Heydon. William Greve of Cley goes so far as to say that the sands in question are part of Cley, which he knows because he has gone on several perambulations of the town.

Most of the witnesses have something to say about the topography of the harbour. James Alyson, for example, says that there are two creeks in the marshes, one being Bower Creek and the other Eger Creek. Some of the features mentioned are portrayed on the 1586 map:

Stewkey Goate	Weast Hurde	(Ould) Muselescalpe
Blakeney Haven	Weaste Meales	The Fresh(es)
Benhaughe Streame	West Marsh	Bower (Creek)
Stewkey Mill		

In contrast, some names in the documents of 1586 and 1587 are not shown on the 1586 map:

Conyger Eae	Catsarse Beacon	Carwell Mill
Egar Creek	Cookes Stakes	Kettlescurse
Symper		

The sands at the centre of the dispute are named the West Meals on the map but are also referred to as the West Sands or Cley Sands by the witnesses appearing for the manor of Cley. The Wighton witnesses know them as Stiffkey Sands, the Queen's Sands, the King's Sands or the Duchy Sands.

Despite all the topographical detail which is given, little of it seems directly relevant to the issue. The east and west shifts in the harbour entrance could well be analogous to those which occur now: in the early 1990s the harbour mouth was well to the east of its present position. In which case, does the boundary between Blakeney and Stiffkey move with the channel or does it stay put? That issue can be detected in the questions put to the witnesses, which may also explain the interest in the changing course of the river Stiffkey. On the other hand, the location of Catsarse Beacon, for example, is difficult to relate to the issues under discussion. Though this beacon is not shown on the map in that form, it is highly likely that it is present under the name of Gatefare beacon.

A Judgement

As already mentioned, there is no known outcome to the case. However, the disinterested reader of the documents might well come to the conclusion that in theory the manor of Wighton probably did have manorial rights over Stiffkey sands, but that in practice it was the mariners of Cley and Blakeney who had taken nearly all the proceeds. During the previous 15

years no ship had been successfully claimed by Wighton whereas at least five had been taken for Cley. The ships came from Scotland, Boston, London, Flanders and Lowestoft. Wighton did manage to collect goods from a London ship some 20 years past, but in the 20 years or so before that Cley had dealt with ships from Lowestoft, Colchester, Flanders (two), Hull and Scotland, leaving just two unidentified ships to be mentioned by the Wighton witnesses. It is clear from the answers given by both sides that goods washed up on the West Sands (Stiffkey Sands) had not been reaching Wighton, no matter how far the cullior might reach with his spear.

A Final Twist

Going back to the first questions asked in this article, it can now be seen that the men fighting over the Freshes probably do represent the parties in the case, for one of the two belligerents stands on the very edge of the disputed sands.

And what of the ship being broken up on the West Sands? She is the *Thomas*, a Scottish ship owned by William Sowtherlay and Robert Anderson, of c.20 tons, wrecked on the West Sands just a stone's throw from the entrance to Blakeney Haven in February 1586. The crew survived. It appears from the questions that Stiffkey men put some of the goods (barrels of herrings) into a boat and took them round to Stiffkey Goat whereupon they lost them to a superior force of men from Blakeney or Cley. Subsequently one of the owners sold the wreck and the goods to William Heydon for £20.10/- (or £24 according to Robert Dowell of Cley). However, none of the witnesses for Wighton was prepared to testify how the goods came to be diverted to Cley.

Perhaps this was the last straw which led to the Duchy of Lancaster taking court action.

Notes

- 1 Jonathan Hooton, '1586 Map of Blakeney Haven and Port of Cley: Part I,' *Glaven Historian No. 1*, 1998.
- 2 Public Record Office (PRO) DL.4.28.40.
- 3 A.Hassell Smith and Gillian M.Baker, *The Papers of Nathaniel Bacon of Stiffkey*, in three volumes (1556-77, 1578-85, 1586-95), Norfolk Record Society, Vols 46, 49, 53.
- 4 PRO DL.4.28.41.
- 5 PRO DL.5.18.
- 6 PRO DL.5.19.