

Introduction

Despite a reduced population, perennial war, endemic piracy, shortage of bullion, recurring plague, sporadic famine, deteriorating climatic conditions and little or no encouragement from the crown, the English shipping industry not only survived, but in certain sectors prospered, in the hundred years between c.1350 and c.1450. During that period there was a marked change in the pattern of goods imported and exported, an increasing sophistication in the management of shipping, and an awakening interest in ship-ownership for both mercantile expansion and for capital investment. At the centre of the shipping industry was the shipmaster on whose ship-handling and commercial skills the viability of every overseas enterprise depended. To be successful, a shipmaster, necessarily endowed with the initiative, courage and physical strength to overcome the inherent *risica maris et gentium* of his profession, also had to have an extensive array of non-physical skills. Alone, in partnership or as an employee, he had to negotiate for cargoes at profitable freight rates, victual and maintain his ship, recruit and manage his crew, and navigate in all weathers through unmarked seas. This wide range of skills was mediated by a protean system of laws, contradictory political policies, a paucity of navigational instruments and unreliable equipment. Although there has been much research on English seaborne trade and commercial organisation in the late Middle Ages – encompassing the economic, legal, political and social dimensions of the subject – there has been no thorough or consolidated examination of the work of the medieval shipmaster.

Unfortunately there appears to be insufficient evidence to build a prosopographic portrait of a typical shipmaster, but while his origins, private life and views on the world around him remain largely opaque, occasional pieces of information indicate that he could be young or old, literate or illiterate, very skilled or less skilled, lucky or unlucky. This book takes as its central theme the expertise required of the men of the sea who prospered or failed by their acumen in business and lived or died by their decisions.

The legal background

During the period under examination, litigation was not uncommon at the bar of a court practising any one of the several codes of law available. Furthermore, it appears to have been increasing in frequency. Common law in medieval England was concerned primarily with property, and in the fourteenth century was ill-prepared to deal with commercial problems. Merchant law, on the other hand,

with a positive attitude towards trade, was equipped to serve the needs of the international commercial community. Although practised generally on the continent, in England it was found mainly in the courts of fairs and markets, and in port towns. Maritime law, distinct from the other codes, embodied rules for the conduct of ships and shipping and offered the quick and realistic decisions sought by transient shipmasters and freighting merchants; it too was practised in the courts of port towns. Through the fourteenth and fifteenth centuries the various law codes and their courts competed for business, competition which forced common law to recognise the requirements of commerce, the precepts of merchant law to become more generally recognised, and maritime law to acquire its own admiralty courts.

The commercial background

Most English ships were confined to coastwise sailing within the Bay of Biscay, English Channel, North Sea and Irish Sea during this period, while long-distance trade with southern Europe was handled largely by Italian shippers. Operations northward and eastward were restricted to Iceland and its stockfish trade, under the careful scrutiny of the Danish and Hanseatic authorities. The problems that beset England in the fourteenth and fifteenth centuries, and the industries whose pattern of imports and exports radically changed, have been thoroughly examined by generations of economic historians. Records of exactions levied on imported and exported commodities such as wool, woollens, wine and cloth provide information which, although not always complete nor continuous, have been used to give a measure of the movement of goods. Of all cargoes carried, wool, cloth and wine were of the greatest importance to merchants and shippers. It has been shown that as bulk wool exports steadily declined from an average of over 25,000 sacks per year in the 1350s, much of it handled by alien merchants, to c.6,000 in the 1450s, exports of cloth grew in the same period from fewer than 2,000 pieces per year to an average of over 35,000, the majority handled by English merchants. Although the combined export tonnage of raw wool and woollen cloth halved from c.4,200 tons in 1350 to c.2,300 tons in 1450, the added value of the cloth allowed the total value of those exports to double from about £250,000 to perhaps £500,000 per year.¹

The very different bulking characteristics and packaging requirements of cloth and wool prevent these tonnages being translated into comparable cargo volumes but the increase in cargo value allowed shipmasters to raise their freight rates and

¹ Based on 364lbs of wool per sack, 85lbs of cloth per piece, and average prices of £8 per sack of wool and £13 per piece of cloth. Because of wide variations, those prices and weights can be only approximations.

so improve the viability of the shipping industry. While English merchants and ships were gaining a larger share of the diminishing wool export business (after the negative effect of a royal embargo on the use of English ships between 1353 and 1357), they also held the larger share of the growing cloth export trade.

The customs records of wine imports from Gascony reveal a decline from a peak of c.20,000 tuns per year in the early fourteenth century to the smaller but still considerable volume of c.10,000 tuns per year in the middle of the fifteenth century. During that period an increasing number of the ships engaged in the wine trade were English, carrying wool and cloth out and bringing wine back. Other English ships took similar cargoes to Iberia and brought back oil and soap for the growing textile industry and iron for agriculture and domestic uses. The quantities of imported chemicals destined for the textile industry, alum from Asia Minor and Italy, dyestuffs from Castile and Toulouse and potash from Scandinavia, grew in volume commensurately with cloth production although those products were generally carried by foreign ships. Until early in the fourteenth century there was a small export of surplus salt from England, but increased requirements for the preservation of fish, particularly after the development of double salting and the decline of local salines, reversed the flow. Thereafter large quantities of salt were imported from Bourgneuf Bay, either directly in foreign ships or by transshipment from the Low Countries, sometimes in English vessels. Apart from the bulk cargoes discussed above, other goods shipped out of England included relatively low-volume cargoes of finished metal and pewter work and sporadic bulk loads of grain or beans in the years of good harvest.

The import from the Baltic of timber, naval stores, fish and fur was encouraged by the 1370 Treaty of Stralsund and continued until later in the century. Hanseatic opposition proved to be too strong however, although some English ships continued to trade well into the fifteenth century. By 1408 trading privileges had been secured by England with Norway, Sweden and Denmark and soon after, but for only a short period, with Iceland, where cloth, grain and other necessities were exchanged for stockfish. English attempts to trade in the Mediterranean during the first half of the fifteenth century failed and it was not until the next century that regular sailings were attempted.

Ships and shipping

Coastal shipping, the essential means of bulk transport before the construction of reliable roads, was complementary to the deep-sea fleet engaged in overseas trade; many cargoes were broken down and transhipped after arrival in England to be distributed around the coast. Ships of average size or larger could be deployed coastwise and deep-sea in a single season, sailing, for example, to Bordeaux for the October wine harvest and then reverting to fishing or coasting on their return.

The type of ship used by the English in the fourteenth and fifteenth centuries has been the subject of much debate. More than 60 names of ship-types have been found in English records between 1200 and 1520; many of these were undoubtedly boats, lighters and barges not engaged in off-shore work, and alternative and duplicated type-names were common. Early work on town seals and more recent work using customs accounts, court records and archaeological remains, has shown that many, perhaps most, of the overseas trading ships of the fourteenth century were 'cogs'. Those were the workhorses of the northern seas; they had flat bottoms of edge-buttressed planking and raised sides of clinker construction of overlapping planks, squared transoms and straight stem and stern posts. They were fitted initially with one mast carrying a large rectangular sail athwart the ship and, after about 1400, a mizzen mast with a fore and aft lateen sail. For defence, cogs could carry castles at the bow and stern and platforms at the mast-head and, when impressed for naval service, were used as military vessels. They could be fitted out specifically to carry bulk cargoes, barrels, sacks, bales or pallets, but when fully loaded they had a poor windward performance and were generally slow. The alternative design for commercial ships was the 'hulk', a double-ended ship of finer lines and curved stem and stern, with one mast again carrying a rectangular sail, later supplemented with a mizzen and lateen sail. Information about the hulk-type ship is based largely on iconography and is therefore very insecure, but their appearance indicates that they would have been able to sail faster and probably closer to the wind than cogs, but did not have the same carrying capacity nor could they be beached for cargo handling. It is now thought that there was a process of cross-fertilisation in the fourteenth and fifteenth centuries between cogs, hulks and perhaps other vessel types resulting overall in hybrids that were generally more effective. The introduction of a second, and later a third mast to cogs, hulks and cog-hulk hybrids allowed a split sail plan of a larger total area while the mizzen-rigged lateen sail improved the ship's windward performance. About the same time, clinker construction gave way to the carvel method of edge-buttressed planks, a construction method borrowed, as was the lateen sail, from the Mediterranean.

English ship sizes in the period 1327–1451 have been tabulated. Although there may have been a differing distribution of ship tonnages in the fleets working the several routes and markets, by dividing the total tonnage of impressed fleets by the number of ships involved, a steady rise in average size may be seen: 36 tons in 1359, 65 tons in 1409–10 and 100 tons in 1450. The hypothetical shipmaster whose life and work are studied in this book may be taken to have had an 'about average for deep-sea voyages' ship with a capacity of 80 ± 20 tons.

Except for a lead-line for sounding the depth and for sampling the seabed, a sand-glass for indicating a fixed time lapse and a primitive compass, the medieval northern shipmaster sailed without navigational instruments. For the literate who could afford them, sailing directions, or 'rutters', became available towards the end

INTRODUCTION

of the fourteenth or early in the fifteenth century but most shipmasters had to rely on their own experience and on what they had gleaned from other mariners. For the rest, it was a question of memory, skill, nerve and luck.

Organisation of the book

Chapter 1 examines the precepts of common, merchant and maritime law which were relevant to mercantile shipping, while chapter 2 recounts the rise and fall of the admirals' courts and their uncomfortable relationship with those of the port towns and the crown. In chapter 3, the position of the shipmaster as sole owner of his ship, as a member of a partnership or as an employee of the owners is examined. The increasingly complex clauses of the financial and business instruments available to the shipmaster, in particular the charter-parties which were, in effect, his service contracts, are discussed in chapter 4. Chapter 5 looks at the shipmaster's responsibilities on board his ship as an employer and as a supplier of transport services to merchants, and chapters 6 and 7 review the craft of the shipmaster at sea, looking at his methods of navigation, his skill and his use of meteorology as a seaman. The first three Appendices are new transcriptions and translations of the *Lex d'Oleron*, the *Inquisition of Queenborough* and relevant parts of the *Coutumier* of the island of Oléron; Appendices 4 and 5 are transcriptions and translations of the oldest known English charter-party and a tract by the physician Gilbertus Anglicus on avoiding and treating seasickness.

Sources

The development of law in England in the fourteenth century as the country recovered from the combined effects of the disastrous reign and murder of Edward II, the ravages of the Black Death and the expense of Edward III's war against France, is succinctly explained by Musson and Ormrod. To discover the attitudes of common, merchant and maritime laws towards commerce and business in general, and to establish the legal status of the shipmaster as sole owner, partner or employee, the published histories of law by recognised authorities were used. Those included works by Holdsworth and Baker on common law, Hanbury and Martin and Avery on equity, Pease and Chitty, Gross and Hall, Goode and Bateson on merchant and commercial law, and Cheshire and Fifoot on contract. That background information was expanded and illustrated by evidence from the calendared records of court proceedings of the Chancery Court, King's Bench and London mayoral and other aldermanic courts.²

² Anthony Musson and W.M. Ormrod, *The Evolution of English Justice: Law, Politics and Society in the Fourteenth Century*, British Studies Series (Basingstoke, 1999). W.S. Holdsworth,

The works of Twiss, Sandborn and Bémont were used as basic texts on maritime law, and the new transcriptions and translations of the codifications of maritime law printed here in the Appendices were sifted for information. Many records of litigation heard before admirals' courts were taken from Marsden's work, and of the proceedings concerning West Country shipping heard in the Chancery Court from Gardiner's calendar.³

Information about imports and exports in the fourteenth and fifteenth centuries is readily available in the published works of scholars analysing the records of the various trades and industries. These include Bolton and Hatcher for economic overviews, Carus Wilson and Coleman and Lloyd for wool and cloth, James for wine, Childs for Anglo-Castilian trade and Bridbury for salt.⁴

There is a paucity of information about medieval business methods but the works of Postan, Gras and others offer a good general description. Roger and the de Roovers offer more specialised information on accountancy, insurance, sales credit and partnership; those aspects of business are expanded here from evidence in records of court proceedings. The edited individual accounts of Maghfeld, de la Pole and the Celys give a more personal view of the methods of merchant practitioners, and analyses of surviving freighting agreements give insights into the business relationship between merchants and shipmasters.⁵

A History of English Law, 17 vols, ed. J. Burke et al. (London, 1903–72). J.H. Baker, *An Introduction to English Legal History* (3rd edn, London, 1990). Jill E. Martin, ed., *Hanbury and Martin: Modern Equity* (14th edn, London, 1993). Margaret E. Avery, 'The History of the Equitable Jurisdiction of Chancery before 1460', *BIHR* 42 (1969), pp. 129–44. Edward F. Cousins and Robert Anthony, eds, *Pease and Chitty's Law of Markets and Fairs*, ed. (4th edn, Croydon, 1993). *Select Cases Concerning the Law Merchant, 1239–1633*, ed. Charles Gross and Hubert Hall, 3 vols, Selden Society, 23, 46, 49 (London, 1908–32). R.M. Goode, *Commercial Law* (rev. edn, London, 1995). Mary Bateson, ed., *Borough Customs*, 2 vols Selden Society 8 and 21 (London, 1904–6). *Furniston's Law of Contract*, ed. Cheshire and Fifoot (13th edn, London, 1996).

³ *Monumenta Juridica, Black Book of the Admiralty*, ed. Sir Travers Twiss, 4 vols, Rolls Series 55 (London, 1871–76). Frederic Rockwell Sandborn, *Origins of the Early English Maritime and Commercial Law* (New York and London, 1930). Oleron and Coutumier. *Select Pleas in the Court of Admiralty, The Court of Admiral of the West, 1390–1404 and the High Court of Admiralty, 1527–1545*, ed. R.G. Marsden, 2 vols, Selden Society 6 and 15 (1892, 1894). *A Calendar of Early Chancery Proceedings Relating to West Country Shipping, 1388–1493*, ed. Dorothy M. Gardiner, Devon and Cornwall Record Society NS 21 (Exeter, 1976).

⁴ J.L. Bolton, *The Medieval English Economy, 1150–1500* (rev. edn, London, 1988). J. Hatcher, *Plague, Population and the English Economy, 1348–1530* (London, 1977). E.M. Carus Wilson and Olive Coleman, *England's Export Trade, 1275–1547* (Oxford, 1963). T.H. Lloyd, *The English Wool Trade in the Middle Ages* (Cambridge, 1977). M.K. James, *Studies in the Medieval Wine Trade* (Oxford, 1971). Wendy R. Childs, *Anglo-Castilian Trade in the Later Middle Ages* (Manchester, 1978). A.R. Bridbury, *England and the Salt Trade in the Later Middle Ages* (Oxford, 1955). Charles L. Cutting, *Fish Saving: A History of Fish Processing From Ancient to Modern Times* (London, 1955). E.M. Carus-Wilson, *Medieval Merchant Venturers* (Oxford, 1954).

⁵ M.M. Postan, *Medieval Trade and Finance* (Cambridge, 1973). N.S.B. Gras, 'Capitalism – Concepts and History', *Bulletin of the Business Historical Society*, XVI, 2 (1942). James Steven Roger, *The Early History of the Law of Bills and Notes* (Cambridge, 1995). R. de Roover, *L'Evolution de la lettre de change, XIVe–XVIIIe siècles*, Ecole pratiques des hautes études (Paris,

The seminal work on English medieval shipping is that by Burwash, written some 60 years ago. In that work navigation, conditions of employment, the types and sizes of ships and the *Lex d'Oleron* were examined in the light of the evidence then available. The present book extends Burwash's work on maritime law and examines in more detail navigation, the role of the shipmaster, seamanship and conditions on board the ship. It does not attempt to analyse types and sizes of hulls, ship construction and maintenance costs, nor the effectiveness of ship use, all of which have been examined variously by Friel, Hutchinson, Scammell, Unger and others.⁶

For detail of the history of navigation, sea-marks and navigational instruments, the works of Taylor, Waters, Naish and dos Reis were used. Analyses of the Low German and Middle English sailing directions by Sauer and the present author were used to assess the navigational information available to the northern medieval shipmaster.⁷

Most of what little is known about the personnel at sea and their recruitment and training has been collected by Kowaleski who prefaces her paper: 'the scarcity of notarial records, diaries, and admiralty courts for the period before 1500 have stymied efforts to analyze in much detail how seamen were recruited, employed and paid.' It has been possible to add something to her work: information about conditions at sea was gleaned from references to personnel in the codifications of maritime law, in contemporay accounts of life on board ship and in Middle English alliterative poetry, a genre characterised by accurate, if anach-

1953). Florence Edler de Roover, 'Early Examples of Marine Insurance', *Journal of Economic History*, 5, 2 (1945), pp. 183–4. F.W. Maitland, 'Trust and Corporation', in *Collected Papers* (Cambridge, 1911). H.A. Miskimin, 'Monetary Movements and Market Structure', *Journal of Economic History*, 24 (1964), pp. 170–90. M.K. James, 'Gilbert Maghfeld, a London Merchant of the Fourteenth Century', *EcHR*, 2nd series 8, 2 (1955–56), pp. 364–76. E.B. Fryde, 'The Wool Accounts of William de la Pole', in *Studies in Medieval Trade and Finance* (London, 1983). Alison Hanham, *The Celys and Their World, An English Family of the Fifteenth Century* (Cambridge, 1985).

⁶ Dorothy Burwash, *English Merchant Shipping, 1460–1540* (Toronto, 1947, reprint Newton Abbot, 1969). H.H. Brindley, 'Medieval Ships', *MM* 12 (1926), pp. 211–16 and 14 (1928), pp. 76–7. Richard W. Unger, *The Ship in the Medieval Economy, 600–1600* (London, 1980). Detlev Ellmers, 'The Cog as Cargo Carrier' and Timothy Runyan, 'The Cog as Warship', both in *Cogs, Caravels and Galleons, The Sailing Ship 1000–1650*, ed. Richard W. Unger (London, 1994). G.V. Scammell, 'English Merchant Shipping at the End of the Middle Ages. Some East Coast Evidence', *EcHR*, 2nd series 13, 3 (1961), pp. 327–41. Ian Friel, *The Good Ship* (London, 1995). Gillian Hutchinson, *Medieval Ships and Shipping* (London, 1994). Björn Landström, *Sailing Ships* (London, 1978).

⁷ E.G.R. Taylor, *The Haven-finding Art* (London, 1956). D.W. Waters, ed., *Rutters of the Sea* (London and New Haven, CT, 1967). John Naish, *Seamarks: Their History and Development* (London, 1985). António Estácio dos Reis, *Medir Estrelas* (Lisbon, 1997). Albert Sauer, ed., *Das Seebuch* (Hamburg, 1996). Facsimiles of the original text, transcriptions and translations into German and English by Albrecht Sauer and Robin Ward are available at www.dsm.museum/seebuch/_html. Robin Ward, 'The Earliest Known Sailing Directions in English', *Deutsches Schifffahrtsmuseumarchiv*, 27, pp. 49–92 (2004).

ronistic, detailed descriptive passages. Contemporary literature which has been found fruitful includes *Richard Redeless*, Barbour's *Bruce*, the *Complaynt of Scotland* and the works of Geoffrey Chaucer, whose role as an official in Customs brought him into frequent contact with shipmasters and merchants.⁸

Notes on translations

Translations from older languages such as Latin, Anglo-Norman French, Middle Low German and Old and Middle English, mostly made by the author, are not always literal but in all cases the sense has been retained. Translations from modern languages, also by the author, are literal. When considered relevant, the original text has been included in a footnote.

⁸ Maryanne Kowaleski, 'Working at Sea: Maritime Recruitment and Remuneration in Medieval England', *Ricchezza del Mare, Ricchezza dal Mare, Secc. XII – XVIII*, Atti della 'Trentasettesima Settimana di Studi', 11–15 April 2005 (Florence, 2006). Appendices 1, 2 and 3. *Expeditions to Prussia and the Holy Land made by Henry, Earl of Derby, 1390–1391 and 1392–1393*, ed. L. Toulmin Smith, Camden Society (London, 1894). *The Stacions of Rome, the Pilgrims Sea Voyage*, ed. F.J. Furnivall, EETS OS 25 (London, 1867). Michael Jones, 'Le Voyage de Pierre de Lesnerac en Navarre, 1386', *Mémoires de la société d'histoire et d'archéologie de Bretagne*, LXI (1984), pp. 83–104. *The Poems of the Pearl Manuscript*, ed. Malcolm Andrew and Ronald Waldron (London, 1978); *Morte Arthure*, ed. Edmund Brock, EETS OS 8 (London, reprint 1961); William Langland, *Richard Redeless*, ed. W.W. Skeat, EETS OS 54 (London, 1873). *Barbour's Bruce*, ed. Matthew P. McDiarmid and James A.C. Stevenson, The Scottish Text Society, 3 vols (Edinburgh, 1985). *The Complaynt of Scotland wyth ane Exortatione to the Thre Estaits to be Vigilante in the Deffens of their Public Veil, 1549*, ed. J.A.H. Murray, 2 vols, EETS ES 17 and 18 (London, 1872–3). *The Vision of Piers Plowman*, B text, ed. A.V.C. Schmidt (London, 1978); Geoffrey Chaucer, *The Complete Works of Geoffrey Chaucer*, ed. F.N. Robinson (2nd edn, Oxford, 1957).