

Medieval Estate Planning: The Wills and Testamentary Trials of Sir John Fastolf

Jonathan Rose*

Sir John Fastolf (1380-1459) was a wealthy East Anglian knight.¹ His marriage to Millicent, daughter of Robert, Lord Tiptoft and widow of Sir Stephen Scrope, provided him with an avenue of social mobility and a strong financial foundation. With her he acquired a life estate in lands generating £240 a year, five times his own landed income.² As a successful military commander, he accumulated great wealth in the wars with France, which he used to build up a substantial estate in East Anglia and London. He spent £23,380 in acquiring and improving property, which by 1445 produced an annual income of £1,061,³ making him far wealthier than most knights and some of the lesser peers.⁴ As he aged, he manifested a desire to create a religious foundation at his castle at Caister in his native Norfolk,⁵ an

* I want to express appreciation to Paul Brand (unwittingly I hope), Robin Darwall-Smith, Charlie Donahue Jr, Tom Gallanis, Dick Helmholz and Wendy Rose for their helpful comments and assistance. As usual, the author bears full responsibility for the analysis and conclusions.

¹ Gerald L. Harriss, 'Fastolf, Sir John (1380-1459)', *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/9199> (subscription access only).

² Kenneth B. McFarlane, 'Investment of Sir John Fastolf's Profits of War', in Kenneth B. McFarlane, *England in the Fifteenth Century* (London, 1981), pp. 185-186; Christopher Dyer, *Standards of Living in the Later Middle Ages: Social Change in England c. 1200-1520* (Cambridge, 1989), p. 45. His inheritance from his mother generated £46 a year: Anthony Smith, *Aspects of the Career of Sir John Fastolf* (Ph. D thesis, Oxford University 1982), p. 1.

³ Smith, *Aspects*, pp. 1-43; McFarlane, 'Investment of Sir John Fastolf's Profits of War', pp. 184-187; Anthony Smith, "'The Greatest Man of That Age": The Acquisition of Sir John Fastolf's East Anglian Estates' in *Rulers and Ruled in Late Medieval England*, ed. Rowena E. Archer and Simon Walker (London, 1995), pp. 137-153.

⁴ Dyer, *Standards of Living*, pp. 27-48; Christine Carpenter, *Locality and Polity* (Cambridge, 1992), pp. 203-204; Thomas B. Pugh, 'The Magnates, Knights, and Gentry', in *Fifteenth-Century England, 1399-1509*, ed. Stanley Bertram Chrimes, Charles Derek Ross and Ralph Alan Griffiths, 2nd edn, (Stroud, 1997), pp. 99-100.

⁵ The Caister property was part of the inheritance Fastolf received from his mother. He completed rebuilding the manor house in 1448 at a cost of over £6,046: Magdalen College Archives Oxford [hereafter MCA], Fastolf Papers 69, fol. 1 (see comment in note 8); McFarlane, 'Investment of Sir John Fastolf's Profits of War', pp. 185-187. For a history of these manors, see Francis Blomefield, *An Essay towards a Topographical History of the County of Norfolk*, 11 vols, (London, 1805-10), 11:201-216.

objective neither accomplished during his life nor after his death.⁶ After a protracted will contest and other events, William of Waynflete, the bishop of Winchester, gained control of much of his land, using it to help endow Magdalen College, Oxford.⁷ This essay explores both Sir John Fastolf's efforts to plan his estate and the events that ultimately caused their failure.⁸

SIR JOHN FASTOLF'S ESTATE PLANNING

Medieval will-making has often been associated with efforts right before death. 'The art of good dying' focused on ensuring the testator's state of grace at death by displaying piety and a concern about the doctrine of purgatory.⁹ But estate planning activity at an earlier time was also possible and was pursued by the upper

Fastolf was reputed to have modelled Caister after the Duc d'Alençon's castle in France, using the money he received as ransom after taking the Duc as prisoner: Walter Rye, *History of Norfolk* (London, 1885), pp. 242-243.

⁶ A 1760 survey contained detailed drawings describing Caister Castle: Henry Swinden, *The Ichnography or Groundwork of Sir John Fastolf's Mansion-House at Castor ... Three Plans* (1760); British Library [hereafter BL], Additional MS. 39848, fol. 71.

⁷ Although the period of the Fastolf will dispute is later than that on which Paul Brand has focused his work, it is fitting in a book of essays dedicated to honoring him. It is connected to the founding of Magdalen College, Oxford, Paul Brand's undergraduate institution, where his tutor was Kenneth B. McFarlane, who initially studied Fastolf and on whose work I have drawn in this essay. In addition, Paul provided me with substantial assistance in transcribing and translating many of the primary sources relevant to the dispute. Finally, he has been a mentor, providing me unselfishly with substantial advice and assistance.

⁸ In this essay, I have relied on the Fastolf Papers and other documents in the archives of Magdalen College, Oxford as well as British Library and Bodleian Library manuscripts. I want to express special appreciation to the officers and fellows of Magdalen College for their support in giving me access to their Archives and, in particular, to Robin Darwall-Smith, College Archivist and Christine Ferdinand, Fellow Librarian. Quotations from these and others documents have been translated into English and early English spellings have been modernised.

⁹ Philippa Maddern, 'Friends of the Dead: Executors, Wills and Family Strategy in Fifteenth-Century Norfolk', in *Rulers and Ruled*, pp. 155-156, 160; Anthony James Pollard, *Late Medieval England 1399-1509* (Harlow, 2000), pp. 217-218. This topic has been the subject of substantial scholarship, for instance Clive Burgess, 'Late Medieval Wills and Pious Convention: Testamentary Evidence Reconsidered', in *Profit and Piety and the Professions in Later Medieval England*, ed. Michael Hicks (Gloucester, 1990); Carpenter, *Locality and Polity*, p. 222; Clive Burgess, "'By Quick and by Dead": Wills and Pious Provision in Late Medieval Bristol', *English Historical Review* 102 (1987), 837-858; Michael Clanchy, *From Memory to Written Record: England*, 2nd edn, (Oxford, 1993), p. 232. Clanchy viewed the development of written, recorded wills as further evidence of the shift from memory to written record.

reaches of English society.¹⁰ The religious objectives could still be pursued, as could earthy objectives. However, successful estate planning faced many obstacles, as the discussion will be show.

During his life, Fastolf made several wills.¹¹ Perhaps prompted by his participation in the war in France,¹² Fastolf made what appears to have been his first will in 1420.¹³ This will, which may not have been executed, reveals at best rudimentary estate planning.¹⁴ Several decades would pass before the next will-making and other estate planning occurred. Although he had acquired a substantial estate, it was vulnerable to local and national politics.¹⁵ Locally, his estate was under

¹⁰ Richard H. Helmholz, *The Canon Law and Ecclesiastical Jurisdiction* (Oxford History of the Laws of England 1) (Oxford, 2004), p. 406. Spouses and children were the recipients of the great majority of legacies: Maddern, 'Friends of the Dead', p. 166. Carpenter, *Locality and Polity*, pp. 222-243 felt the familial duty created a conflict between 'earthly and heavenly needs', which were reconciled in various ways. Maddern's study of fifteenth-century Norfolk gentry wills revealed that they did not evidence these orthodox religious notions concerned with charity and the salvation of the testator's soul: Maddern, 'Friends of the Dead', p. 158.

¹¹ I have found 15 documents, consisting of wills, drafts or summaries which are listed in Appendix 1; perhaps there were others. About 1464, John Russe, a Yarmouth merchant employed by Fastolf, wrote a 'memorandum for counsel', referring to 'all wills that he has made' in the past 20 years: Norman Davis, Richard Beadle and Colin Richmond, eds, *Paston Letters and Papers of the Fifteenth Century*, 3 vols, (Early English Text Society, Supplementary Series 20-22) (Oxford, 2004-05), 2:894 (at p. 546). The disposition of Fastolf's goods is outside the scope of this essay.

¹² Going off to war or dangerous missions commonly prompted early wills: Rowena E. Archer and Brian E. Ferme, 'Testamentary Procedure with Special Reference to the Executrix', in *Medieval Women in Southern England*, ed. Anne Curry, Christopher Hardman and Peter Noble (Reading Medieval Studies 15) (Reading, 1989), p. 12.

¹³ MCA, Fastolf Papers 3. This will dealt only with the payment of his debts and the disposition of his land; it did not devise any personal property nor include any pious bequests. Fastolf provided for his wife, and willed that his executors or heirs, subject to stated conditions, should sell, either at a market price or more favourably, or give certain manors and lands, to family, friends and former owners.

¹⁴ Fastolf's position as the husband of a wealthy and landed widow created an early need to make plans for the management of his estate. The 1420 will gave Millicent the opportunity to buy Caister and other manors for the benefit of her younger son Robert Scrope, who would inherit none of his paternal estates; it is dated near the time that Robert would have achieved his majority. In 1433, he and his brother Stephen confirmed their stepfather Fastolf's life interest in the Scrope manors in Gloucestershire, Wiltshire and Yorkshire: *Calendar of Close Rolls* [hereafter *CCR*] 1429-1435, p. 257. But Robert is not mentioned as his child in Sir Stephen Scrope's will, which mentions only Stephen, who became Fastolf's ward, and his sister Elizabeth.

¹⁵ Mostly between 1427 and 1445: Smith, *Aspects of the Career of Sir John Fastolf*, p. 7. His activity in the land market also included sales and property improvement: *Aspects*, pp. 33, 34-42.

attack by his East Anglian adversaries, resulting in substantial litigation.¹⁶ Fastolf's problems began about 1440 when the Duke of Suffolk excluded him and his magnate allies, the Dukes of Gloucester, York and Norfolk, from political influence. After Suffolk's death in 1450, these hostilities continued as the duke's associates and widow, Alice Chaucer, remained the dominant influence in the region.¹⁷ Nationally, England struggled under the problematic reign of Henry VI and was on the brink of a politically unstable environment. John Watts characterized the situation between 1450 and 1461 as the beginning of a 'descent into anarchy'.¹⁸ During this period, Fastolf entered the final decade of his life. In 1450, he turned 70 years and was a widower.¹⁹ He had no lineal descendants as he and Millicent had no children, living siblings,²⁰ nor other close relatives. Although several commentators have asserted that he had no heirs, Fastolf's inquisitions *post mortem* in Essex, Norfolk, and Suffolk identified Alexander Fastolf of Gapton, Suffolk, who does not appear in testamentary

¹⁶ Helen Castor, *The King, The Crown, and the Duchy of Lancaster* (Oxford, 2000), pp. 95-98, 96 note 79, 124, 162; Jonathan Rose, 'Litigation and Political Conflict in Fifteenth-Century East Anglia: Conspiracy and Attaint Actions and Sir John Fastolf', *Journal of Legal History* 27 (2006), 53-77; Anthony Smith, "'My Confessors have extorted me gretely ther too": Sir John Fastolf's Dispute with Hickling Priory', in *St George's Chapel Windsor in the Late Middle Ages*, ed. Colin Richmond and Eileen Scarfe (Windsor, 2001), pp. 57-69; Anthony Smith, 'Litigation and Politics: Sir John Fastolf's Defence of his English Property', in *Property and Politics: Essays in Later Medieval English History*, ed. Anthony James Pollard (Gloucester, 1984), pp. 59-75; Smith, *Aspects*, pp. 169-218; Peter S. Lewis, 'Sir John Fastolf's Lawsuit over Titchwell 1448-5', *The Historical Journal* 1 (1958), 1-20.

¹⁷ Smith, 'Litigation and Politics', p. 63; Smith, *Aspects*, pp. 140-144; John Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), p. 219.

¹⁸ Watts, *Henry VI and the Politics of Kingship*, pp. 323-350. Watts has suggested that the problem may have had less to do with the Duke of Suffolk and that he was a 'front man for his ungovernable underlings': *Henry VI*, p. 254.

¹⁹ His wife had died in 1446: George Poulett Scrope, *History of the Manor and ancient Barony of Castle Combe* (London, 1852), p. 264. In 1410, a fine had settled the barony of Castle Combe in Wiltshire and substantial property in Yorkshire and Gloucestershire on Millicent and her second husband Sir John Fastolf. After her death, he acquired a life estate in these lands, which on his death passed to her heir, Stephen Scrope, the son of her first marriage: Scrope, *Castle Combe*, pp. 169-170, 264.

²⁰ He had two half-sisters, Cecily Mortimer and Margaret Braunche, who had predeceased him: Smith, *Aspects*, p. 106.

documents, as his heir.²¹

When he became a widower in 1446, Fastolf began to plan his estate more actively as evidenced by the appearance of several wills and enfeoffments to use.²² A draft will, prepared sometime after Millicent's death but before the plan for a college at Caister,²³ evidenced a strong religious cast with most articles directed at prayers for him and his family and the health of their souls. Of its 22 articles, four dealt with endowing a foundation in the monastery St Benet Holme to support six monks and seven poor men, eight with marble monuments of him and his family, and the remainder with bequests for his poor kin, his servants, parish churches and poor tenants where he had property, the repairs of Yarmouth's gates and roads, payment of his debts and satisfaction of those injured by him, and for the distribution of his collection of relics of the saints as was common in fifteenth-century wills.²⁴ What is most noteworthy is the absence of any references to establishing a college at Caister

²¹ Oxford, Bodleian Library [hereafter Bodl.], Charter Norfolk a. 8, no. 723. There were several Alexander Fastolfs during this period. Fastolf's heir may have been the Alexander who was a monk at St Benet Holme in Norfolk: Royal Commission on Historical Manuscripts, *Fourth Report, The Manuscripts of St Mary Magdalene College, Oxford* (London, 1874), p. 461; Colin Richmond, *The Paston Family in the Fifteenth Century: The First Phase* (Cambridge, 1990), pp. 186-187 note 108. The genealogy of the Fastolf family has challenged scholars: McFarlane, *Fifteenth Century England*, pp. 182-183 note 31, 195-196 and note 99; Colin Richmond, *The Paston Family in the Fifteenth Century: Fastolf's Will* (Cambridge, 1996), pp. 112-113; Walter Rye, *Norfolk Families*, 2 vols, (Norwich, 1913), 1:189-191, 2:35, 40-41.

²² By the fifteenth century, it had become common to use enfeoffments to use to enable the devise of land by will. Since the common law did not recognize uses, feoffees were not legally obligated and their compliance was a matter of conscience, motivated by the trust and confidence the testator had placed in them: Richard H. Helmholz, *The Canon Law and Ecclesiastical Jurisdiction*, pp. 421-423; A.W. Brian Simpson, *A History of the Land Law*, 2nd edn, (Oxford, 1986), pp. 174-176, 181-182; John H. Baker, *Introduction to English Legal History*, 4th edn, (Oxford, 2002), pp. 248-252. Fastolf's draft will of 1420 reflected this notion, stating *onero ipsos ... ex confidencia feofati sunt*. Such duties were not yet routinely enforced in Chancery, but the doctrine was evolving and the first clear instance was in 1439: John Malcolm William Bean, *The Decline of English Feudalism, 1215-1540* (Manchester, 1968), pp. 162-179. But enforcement could occur in the ecclesiastical courts: Richard Helmholz, 'Early Enforcement of Uses', in idem, *Canon Law and the Law of England* (London, 1988), pp. 342-349.

²³ MCA, Fastolf Papers 63. The draft is undated, but makes several references to Millicent's death and none to the proposed college, an intent appearing first in 1451.

²⁴ Earnest Fraser Jacob, ed., *The Register of Henry Chichele, Archbishop of Canterbury, 1414-1443* (Oxford, 1938), pp. 5-6, 11-14, 18-21. A separate paper appointed executors, naming them only with letters, A, B, C, etc, and setting out minimum numbers of them necessary for execution.

or the pursuit of specific legal and property disputes, which appear in subsequent wills.

About this time, Fastolf's enfeoffment activity increased. On 7 July 1449 he executed a charter granting all his land to 22 feoffees,²⁵ instructing them 'to fulfill, execute, and accomplish thereupon in all things the last will of me John Fastolf now or hereafter made'.²⁶ The enfeoffment named 15 manors and entitlements in Norfolk and Norwich, five manors and other property rights in Suffolk, three manors in Essex, and several properties in Southwark.²⁷

In 1451, Fastolf's intent to found a college dedicated to St John the Baptist emerged.²⁸ He wrote to Thomas Howes, his chaplain, regarding his desire 'to found a college of certain priests, clerks and poor men at my place in Caister'.²⁹ In 1452, to further this objective, he granted all his property to a different group of 16 feoffees for the execution of his will, with instructions in an annexed charter, stating that he had trust in his feoffees and friends 'in fulfilling and executing of this my full intent and will declared in these articles ...'. The charter directed them to fulfill his will for the

²⁵ The feoffees included the archbishops of York and Canterbury, the bishops of Lincoln, Winchester, and Chichester, the chief justice and another justice of the King's Bench, two knights and several other men who were Fastolf's lawyers or employees.

²⁶ MCA, Norfolk and Suffolk Charters 68, enrolled in Chancery in August 1451 (*CCR 1447-1454*, pp. 228-230). Fastolf obtained releases from several of his living feoffees in 1443, 1444, and 1445: MCA, Norfolk and Suffolk Charters 35; Smith, *Aspects*, p. 113. He executed a letter of attorney appointing seven associates and employees to give the feoffees seisin in the named lands, with the exception of three manors in the king's hands and one in the Duke of Suffolk's hands 'by reason of an unlawful disseisin': *CCR 1447-1454*, p. 230.

²⁷ Fastolf owned several properties in Southwark, all of which seemed to be included in the 1449 enfeoffment and had also been subject to earlier ones. There were disputes over some of them, particularly the Boar's Head: Smith, *Aspects*, pp. 169-181. On 10 July 1451, Fastolf enfeoffed this tenement to William Waynflete, bishop of Winchester, Thomas Bourchier, bishop of Ely, William Yelverton, Thomas Howes and others: MCA, Southwark 70C.

²⁸ He had acquired a finger purported to be that of the saint: Helen Castor, *Blood & Roses: The Paston Family in the Fifteenth Century* (London, 2004), p. 118 note 39. It was given to Justice William Yelverton at Fastolf's funeral and valued at £40: MCA, Fastolf Papers 70.

²⁹ *Paston Letters and Papers*, 3:1009 (at p. 134).

‘weal of my soul ... in special for the foundation and amortization of my college at Caister ...’.³⁰ He urged his feoffees, executors and attorneys ‘that they vary not in no ways but that always be one and one accord in all things that may be to the performing of my will and testament aforesaid’.³¹ The instructions to the feoffees gave no directions as to conveying the lands or selling them to produce the money required to accomplish the objectives of the will.

Enfeoffments continued in 1456 and 1457. Rather than a general enfeoffment as in 1449 and 1452, he now took a different approach, with nine separate deeds to 19 overlapping feoffees. Those of 1456 involved separate enfeoffments of two Norfolk manors³² and those of 1457 consisted of seven separate conveyances by the surviving 1449 feoffees, three of Norfolk property, two of Suffolk property, and one each of property in Essex and Southwark.³³ Keeping ‘his land out of trouble’ motivated Fastolf, who instructed John Paston ‘to spare no counsel nor cost to make it sure, for a penny in season spent will save a pound’.³⁴ These enfeoffments were still in effect at Fastolf’s death, permitting ‘his feoffees to realise the greater part of his estate for the

³⁰ MCA, Fastolf Papers 47. Only nine feoffees remained from 1449 and seven were new. The chancellor John Stafford, archbishop of Canterbury, had died and was replaced in both offices by the former archbishop of York, John Kemp. Two others had died and another was in political trouble. Both the 1449 and 1452 feoffees included several lawyers and trusted associates and servants.

³¹ It also required them to provide for the contingency of the ‘visitation of sickness and feebleness’, payment or restitution for his ‘debts, misprisons, extortions or wrongs’, rewarding his servants beyond the devises in his will, and making gifts to his kin on their marriages and to remedy his lingering concerns as an executor of the Duke of Bedford.

³² Beighton was enfeoffed on 16 March 1456 and Titchwell on 1 April 1456: MCA, Fastolf Papers 59; MCA, Titchwell 68. On 27 January 1456, he asked John Paston for his advice on these enfeoffments: *Paston Letters and Papers*, 2:540 (at p. 134).

³³ MCA, Fastolf Papers 57 and 59; MCA, Guton 287; *Calendar of Patent Rolls* [hereafter *CPR*] 1454-1461, p. 386. The cost for the licence, releases, and lawyers for one of these enfeoffments and part of another was £10 14s. 0d.: MCA, Fastolf Papers 42, fol. 6. In addition, Fastolf’s secretary William Worcester claimed 100 shillings for his expenses in arranging the releases of Ralph Lord Sudeley and John Lord Beauchamp: MCA, Fastolf Papers 72, fol. 7; *Paston Letters and Papers*, 2:571 (at p. 170). John Paston was a feoffee in all nine of the 1456 and 1457 enfeoffments and his inquisition *post mortem* records the history of much of Fastolf’s enfeoffment activity: *ibid.*, 2:900 (at pp. 556-559).

³⁴ *Paston Letters and Papers*, 2:571 (at p. 170).

fulfillment of his will'.³⁵

By the middle of his last decade, his concern about a will intensified. In January 1456, Fastolf indicated that he wanted to prepare a will, stressing the need for a careful approach. He told his secretary William Worcester that he wanted to meet with his legal advisors and added that 'my Lord Bedford's will was made in so brief and general terms that unto this day by the space of 20 years can never have end, but always new to construe and debatable; so a generality shall not be so good as a particular declaration'.³⁶ A few months later, one of his lawyers urged John Paston to ensure that Fastolf acted quickly.³⁷

Similarly, he continued to worry about founding the college. The major stumbling-block was obtaining the required mortmain licence from the crown. In the fourteenth and fifteenth centuries, licences became more difficult to obtain,³⁸ especially if the crown had no direct interest.³⁹ In 1456, Fastolf sought John Paston's advice, asking him to expedite the matter⁴⁰ and pressing him to begin negotiations

³⁵ McFarlane, *Fifteenth Century England*, p. 191.

³⁶ *Paston Letters and Papers*, 2:537 (at p. 130). The Duke of Bedford had died in 1435 and Fastolf was one of the executors of his will: *The Register of Henry Chichele*, 2:585, 587. Both Fastolf, the surviving executor, and Worcester were involved in trying to sort out the problems with Bedford's estate: McFarlane, *Fifteenth Century England*, p. 203 and note 24. In 1438, Fastolf had obtained a release from all liability to the king, conditional on making an account of Bedford's estate to four other executors: *CPR 1435-1441*, p. 189.

³⁷ *Paston Letters and Papers*, 2:981 (at p. 543).

³⁸ Sandra Raban, *Mortmain Legislation and the English Church 1279-1500* (Cambridge, 1982), pp. 63-68 and graph 5.

³⁹ Watts, *Henry VI*, p.167; Francis and Joseph Gies, *A Medieval Family* (New York, 1998), pp. 116-117; Virginia Davis, *William Waynflete: Bishop and Educationalist* (Woodbridge, 1993), p. 62; Richmond, *The Paston Family in the Fifteenth Century: The First Phase*, p. 175.

⁴⁰ Richmond, *The Paston Family in the Fifteenth Century: The First Phase*, p. 155. In a 1451 letter to Howes, Fastolf asserted that he had already submitted a petition for a licence to found a college at Caister, which the king had granted in 1440. He told Howes that he had misplaced it and asked him to look for it: *Paston Letters and Papers*, 3:1009 (at p. 134). In a letter of 15 November 1456, he asked Paston to 'essay to find the means how I might best be sped for the licence of mortising certain livelode ... to the intent of the foundation of a college'. He told him that William Worcester would give him a copy of a petition signed by the king for presentation to the chancellor: *ibid.*, 2:569 (at p. 168 and the

with the archbishop of Canterbury and the chancellor.⁴¹ Fastolf seemed most concerned about the cost of licence, believing his long and faithful service to the crown merited a low fee. On 18 November 1456 Fastolf wrote to Paston that he should obtain it ‘without any great fine in recompense of my long service continued and done unto the King and to his noble father ... and never yet compensated (*guerdooned*) or rewarded’.⁴² On 17 July 1457 Fastolf’s nephew and advisor Sir Henry Fillongley reported that he had discussed the matter with Paston, who stated that ‘it is too great a good that is asked of you for your licence, for they ask for every 100 marks that you would amortize 500 marks, and will give it no better cheap’.⁴³ Fastolf may have continued trying to get the licence, but he died without ever obtaining it.⁴⁴

headnote at p. 166). This copy seems to be that of 1440, which must have been found. But these efforts to submit a new petition must have meant that the 1440 licence, if granted, was no longer effective.

⁴¹ Three days later, he wrote Paston again, stating ‘I write now to remember you again to move my lords of Canterbury and Winchester for the licence to be obtained that I might have the mortising ...’: *Paston Letters and Papers*, 2:570 (at p. 168).

⁴² *Paston Letters and Papers*, 2:570 (at pp. 168-169). Fastolf also hoped to strengthen his case for a cheap licence by incorporating a royal chantry in his college: Raban, *Mortmain Legislation*, p. 70.

⁴³ *Paston Letters and Papers*, 3:1032 (at p. 165). At the five-to-one ratio mentioned in the letter, this would have been 1,500 marks, a substantial sum at the high end of the range: Raban, *Mortmain Legislation*, p. 70. John Paston’s 1464 draft licence proposed a fine of 300 marks for lands with an annual value of 100 or 120 marks: *Paston Letters*, 2:686; 1:70.

⁴⁴ Fastolf’s difficulties may also have been aggravated by the fact that John Talbot, who had accused him of cowardice in 1429 and with whom he had bad relations, was the treasurer: Castor, *Blood & Roses*, p. 119. Shortly before Fastolf’s death, Friar John Brackley, noting that Fastolf was failing quickly, urged John Paston to attend to this matter: *Paston Letters and Papers*, 2:583. As instructed in Fastolf’s deathbed will, Paston continued these efforts after Fastolf died. He apparently petitioned Edward IV for such a licence in 1464 at ‘such a fine as your Highness has appointed your said beseecher to content you’: *ibid.*, 2:531. But he never actually obtained a licence although there was a draft, dated 10 September 1464, from Edward IV for 300 marks: *ibid.*, 2:686. John Paston’s inquisition *post mortem* states that he tried to found the college, but did not do so because of problems with his co-feoffees: *ibid.*, 2:900. Earlier, he had explained all this to the chancellor, requesting a writ of subpoena to William Yelverton and William Jenney, the troublesome co-feoffees: *ibid.*, 1:60. Later it was asserted that both John Paston and his son, Sir John Paston, ought to be excused for their failure to obtain the licence, as they intended to do so and tried hard: MCA, Fastolf Papers 100 (2), printed in *Paston Letters and Papers*, 1:359.

On 14 June 1459, Fastolf executed a last will and testament.⁴⁵ After noting his concerns for his and his family's souls and that he was sick, old and enfeebled, 31 articles followed.⁴⁶ Although drawing on the draft made after Millicent's death,⁴⁷ it differed significantly from it. In Article One, he confirmed his desire to create a college at Caister. He instructed his executors to obtain a mortmain licence to use all his enfeoffed property

to ordain, found, and establish ... within the great mansion or dwelling place late by me newly edified and moated in the town of Caister, by Great Yarmouth, in the county of Norfolk, which mansion or dwelling place I was born in, a college of a prior of six religious persons, monks of the order of Saint Benet ... [with] sufficient and clear livelode for the sustenance [of the prior and monks] and for six poor men in the said college in perpetuity.

The religious men were to pray and conduct divine services for his soul and those of his parents, kin, friends, Henry IV and V, and the Dukes of Bedford and Clarence. He wished to obtain a licence to amortise these lands, producing 300 marks annually, for free because of his 'long, continued service' to the crown and his 'many great labors, pains, and perils of the said service' in the wars in France,⁴⁸ or at least for no more

⁴⁵ A first draft was made on 9 June 1459 (MCA, Fastolf Papers 65) and was heavily edited by different hands on 13 June 1459 (MCA, Fastolf Papers 64). Although similar to the executed version, there are several differences between the drafts and the final version. BL, Additional MS. 27444 contains a version of this will, similar in substance to MCA, Fastolf Papers 65. James Gairdner, *The Paston Letters*, 5 vols, (Library Edition) (London, 1904), 2:147-160 (no. 385) printed two versions of it, one with and one without the modifications. But he erroneously characterized the unaltered version, labeled *First Draft*, as a version of the 3 November 1459 deathbed will: McFarlane, *Fifteenth Century England*, p. 182 note 27.

⁴⁶ MCA, Fastolf Papers 66 erroneously stated that it was 'a certain summary abstracted' from the will of 14 June 1459. Although omitting no provisions in MCA, Fastolf Papers 65, six articles in MCA, Fastolf Papers 66 have no counterparts. One of them, Article 29, interesting in light of subsequent developments, stated 'a mention was certainly made that John Paston, farmer, shall have a suitable dwelling in my mansion house at Caister without having objection of whatsoever kind to be made there'.

⁴⁷ MCA, Fastolf Papers 65 has ten articles (nos 2, 7, 8, 9, 10, 11, 14, 18, 19, 28), that are the same or similar to articles in MCA, Fastolf Papers 63. The will appointed neither executors nor supervisors.

⁴⁸ Free licences were not unheard of and reward for loyal service could be a justification, but were less common during the fourteenth and fifteenth centuries as the crown's desire for profit intensified: Raban, *Mortmain Legislation*, pp. 62-68.

than ‘a reasonable sum of the silver which our said sovereign Lord owes me’.⁴⁹ If the executors were unsuccessful in obtaining the licence, they should give the abbot and monastery of St Benet Holme sufficient assets or money to endow and sustain six monks or increase the number already engaged, and seven poor men in the monastery in perpetuity to pray for the same souls.⁵⁰

The provisions dealing with his legal and other disputes were new. Fastolf instructed his executors to pursue the rent owed by the prior of Hickling and to redress the wrongs regarding his manors of Bradwell and Dedham.⁵¹ These longstanding disputes involved his adversaries, the Suffolk forces.⁵² Fastolf also wished to resolve the problems regarding the manor of Cowling in Suffolk and the sale of Bucks Head, a Southwark tenement.⁵³ Other articles dealt with more conventional matters such as monuments and prayers in churches for his soul and

⁴⁹ MCA, Fastolf Papers 65, Article 1.

⁵⁰ MCA, Fastolf Papers 65, Article 2. The meaning of ‘lyvelode’ in this will refers to land generating an income.

⁵¹ MCA, Fastolf Papers 65, Article 16. In Article 21, he told them to have the executors of John Wells render an account for the goods that Wells had held while he was in France, as Wells had never provided any information as to their delivery.

⁵² Beginning in 1444, the dispute over the rent owed by the prior for the manor of Hickling Netherhall was to remain a major preoccupation for 15 years. John Heydon and other Suffolk supporters opposed Fastolf in this dispute: Smith, “‘My Confessors have extorted me gretely ther too’”: Sir John Fastolf’s Dispute with Hickling Priory’, pp. 57-63. Magdalen, which succeeded to Fastolf’s right, finally abandoned efforts to collect the rent in about 1500: Smith, *Aspects*, p. 192. The dispute over Dedham had started in about 1447 when the Duke of Suffolk disseised Fastolf. In 1450 an arbitration awarded Dedham to Fastolf: The National Archives: Public Record Office [hereafter TNA:PRO], E 40/637. After the award, Fastolf enfeoffed Dedham and a portion of Runham to the 1449 feoffees: *CPR 1447-1454*, pp. 300, 314. This manor appears neither in his will nor inquisition *post mortem* and he may have lost it to the de la Poles: *Calendar of Inquisitions post mortem Henry V, Henry VI, Edward IV and Richard III* (London, 1828), 4:287; Richmond, *The Paston Family in the Fifteenth Century: Fastolf’s Will*, pp. 112-114, 237. Fastolf had lost Bradwell as a result of an illegal inquisition organized in 1449 by Phillip Wentworth, sheriff for Norfolk and Suffolk and a Suffolk supporter. In the ensuing litigation, Suffolk supporters John Heydon, John Ulveston, and John Andrew opposed Fastolf, who apparently never regained Bradwell as it does not appear in his inquisition *post mortem*. Smith, ‘Litigation and Politics’, pp. 64-67.

⁵³ Articles 17 and 20.

those of his family⁵⁴ and the sale of land and use of the profits for alms for his and the other souls.⁵⁵

After a decade, Fastolf's estate plan was now set. The will identified his religious and earthly objectives. Drawing on his enfeoffments, he had ordained the disposition of his real property. Only one hurdle, albeit a high one, remained: obtaining the mortmain licence for his college. But this was not the end of the story, for on his deathbed he was to have further thoughts.

Sir John Fastolf made a nuncupative will on 3 November 1459 and died two days later.⁵⁶ John Paston and Thomas Howes, two of his executors, submitted two wills for probate,⁵⁷ both written in the third person, one in Latin, the other in English.⁵⁸ As to the first, they alleged that Fastolf duly and legitimately made it in his house at Caister in November 1459 and, as to the second, that Fastolf was of good

⁵⁴ Articles 9, 13, 14, 15, 18, 19, 22. In addition, Article 25 named 22 lords, friends, kin, and servants to be remembered in prayers. Other articles dealt with more conventional matters such as paying debts, compensating injured person and controlling releases of those obligated to him, excluding false claimants, the executors' exclusive power of interpretation, resolving problems with entailed lands, distribution of relics of saints, providing for poor kin, servants, tenants, and parish churches, policing the alienation of his goods, and requiring his feoffees to enfeoff his executors so they could sell the land.

⁵⁵ Articles 3 and 4. Lands amortized for the college are excepted if the college is founded and if not, the executors are to sell all the lands and use the profits for alms and other pious purposes. But neither article refers to the bequest to the abbot and monastery of St Benet, ordained in Article 2.

⁵⁶ There are seven manuscript versions of this will. This discussion is based on the one submitted for probate: MCA, *Chartae Regiae et Chartae Concessae* 79, 50.8.ii. BL, Additional MS. 27444 contains another modified version: Gairdner, *Paston Letters*, 2:147-160 (no. 385), printed it as 'Second Draft'. BL, Additional MS. 39849 has another largely verbatim version of the latter in the same hand, but it has five additional articles and some different words and spellings. An imperfect modern copy is contained in BL, Additional MS. 39848.

⁵⁷ Hereafter Probate Will 1 and Probate Will 2 respectively. There were actually three wills, as the second stated that the 14 June 1459 will ought to be annexed and proved together with it, except for the portions of the 14 June will regarding the founding of the college at Caister: Probate Will 2, Article 2.

⁵⁸ The Latin version is virtually identical to Gairdner, *Paston Letters*, 2:163-166 (no. 387), except that it lacks the preamble. The English version is almost verbatim with that reproduced in *Paston Letters and Papers*, 1:54 from BL, Additional MS. 22927, although with many spelling differences. Sir Francis Palgrave's 1834 notes purporting to refer to a will in English, reprinted by Davis, Probate Will 2, actually refer to Probate Will 1. He noted correctly that *Biblioteca Britannica* had reprinted an English translation of a portion of the latter will: Andrew Kippis, ed., *Biographia Britannica* (London, 1793), 5:707-708, reprinted in *Eighteenth Century Collections Online*.

memory and declared his last will for his immoveable property while he lived as a knight in the diocese of Norwich. The English one began by reciting that he ‘being of long time ... in purpose and will’ to found the college and stated his ‘very great trust and love to his cousin John Paston’. He then willed that

the said John Paston shall within reasonable time after the decease of the said Sir John do found and establish in the said mansion a college of seven monks or priests and seven poor folk for to pray for the souls above said in perpetuity so that one [of] the said monks or priests be master.⁵⁹

In addition, he enfeoffed Paston with his Norfolk, Suffolk and Norwich manors to his use, and instructed all his other feoffees to deliver the property to Paston.⁶⁰ Several provisions recited declarations made between 14 June and 3 November 1459 regarding the founding of the college and the grant of his lands to Paston,⁶¹ which perhaps created a testamentary trust that Paston use these assets to establish the college.⁶² For these lands, Paston was to pay the other executors 4,000 marks.⁶³ After the will was read to Fastolf, he ordained the discharge of this payment if Paston executed the remainder of the will.⁶⁴ Another article enfeoffed Paston in his manor of Caister for life and said he should inherit it and live there.⁶⁵ If Paston were unable to found the college at Caister, he ‘should then pull down the said mansion and every stone and stick thereof’ and instead endow seven priests in several locations.⁶⁶ The

⁵⁹ Probate Will 2, Article 1. He specified the yearly remuneration as follows: the master £10, the other monks or priests ten marks, each of the poor folk 40 shillings.

⁶⁰ Probate Will 2, Article 1. Article 2 expressed similar intent.

⁶¹ Probate Will 2, Articles 3, 6, and 8.

⁶² Helmholz, *The Canon Law and Ecclesiastical Jurisdiction*, pp. 419-420, 423.

⁶³ In the first year 1,000 marks were to be paid and thereafter 800 marks a year until the full amount was satisfied: Probate Will 2, Article 1.

⁶⁴ Probate Will 2, Article 5.

⁶⁵ Probate Will 2, Article 6.

⁶⁶ Three to be at the monastery of St Benet, one each at Yarmouth, Attleborough, Austin Friars near Yarmouth, and St Olaves, Southwark: Probate Will 2, Article 4.

Latin will contained the other critical provision, which made Paston and Howes the primary executors.⁶⁷ It limited the other executors, William Waynflete, bishop of Winchester; John, Lord Beauchamp; Nicholas, abbot of Langley; Dr John Stokes; Brother John Brackley; Justice William Yelverton, Henry Fillongey, esquire; and William Worcester, stating that

John Paston and Thomas Howes alone and before the other ... executors should undertake and have the administration and disposition of all his moveable goods and chattels and money from the sale of all his lands and tenements ... so that the two themselves alone are to dispose of these things for the health of his soul and that the other ... executors abstain from all administration of his said goods except ... in which they will have been called and asked by the same John Paston and Thomas Howes themselves for their aid in the said administration.⁶⁸

These two wills made Paston, who had served for many years as Fastolf's legal and general advisor⁶⁹ and was his distant relation through his wife,⁷⁰ his primary beneficiary and one of his two chief executors. As a result of 'Paston's deathbed "bargain" with the old knight',⁷¹ a substantial controversy erupted over the validity of

⁶⁷ It included provisions dealing with the payment of debts and satisfaction of those wronged, bequests to churches, servants, poor family and other needy and disabled poor, and the repair of poor churches, roads and walls.

⁶⁸ This provision also limited the other executors' power to distribute goods and chattels, sell land, and receive debts without the consent of Paston and Howes: Probate Will 1, Article 9. Probate Will 2, Article 8 similarly authorized Paston and Howes and disabled the other executors. He also appointed four supervisors: Probate Will 1, Article 10.

⁶⁹ *Paston Letters and Papers*, 2:517-526, 530-531, 535-543, 553; Richmond, *The Paston Family in the Fifteenth Century: The First Phase*, pp. 225-258; Gies, *A Medieval Family*, pp. 104-107, 112-114. His father, Justice William Paston, had served as Fastolf's lawyer in the 1430s: *ibid.*, p. 74. Richmond, *The Paston Family in the Fifteenth Century: The First Phase*, pp. 231, 248, said Paston and William Jenny were 'foremost among his legal counsellors' by 1450 and that by 1455 Paston was Fastolf's 'most influential councillor'.

⁷⁰ *Paston Letters and Papers*, 1:lv, 25; 2:536.

⁷¹ Eric William Ives, *The Common Lawyers of Pre-Reformation England. Thomas Kebell: A Case Study* (Cambridge Studies in English Legal History) (Cambridge, 1983), p. 315; *Paston Letters and Papers*, 1:88, 249, 252; 2:885. John Paston's inquisition *post mortem* recounted Fastolf's intention and the will provisions in almost identical words: *ibid.*, 2:900.

the will.⁷²

THE WILL CONTEST AND ITS AFTERMATH

Justice William Yelverton and William Worcester, with the support of William Jenny, an East Anglian lawyer, contested the probate in the Archbishop of Canterbury's Court of Audience, alleging that the will was forged.⁷³ This contest created an internecine struggle among members of Fastolf's inner circle.⁷⁴ Shortly after Fastolf's death, Paston began to test the waters. He sent his brother William to London to consult with William Waynflete, bishop of Winchester and chancellor and Dr John Stokes, auditor of causes of the Archbishop's Court of Audience,⁷⁵ both of whom were executors, as well as Thomas Bouchier, archbishop of Canterbury. William reported that they were all 'right well disposed'.⁷⁶ At this point, William felt that Worcester, who had accompanied William and was a member of Fastolf's inner circle with Paston, was also supportive.⁷⁷ Thomas Playter, another of Fastolf's legal

⁷² Several commentators have discussed it in the context of the Paston family: Castor, *Blood & Roses*, pp. 124-171; Richmond, *The Paston Family in the Fifteenth Century: Fastolf's Will*, pp. 89-220; Gies, *A Medieval Family*, pp. 130-161. Davis and Gairdner have provided summaries: *Paston Letters and Papers*, 1:xliv-xlvi; 2:liv-lv, lxxviii-lxix; Gairdner, *Paston Letters*, 1:195-203, 234-238. Colin Jackson, *The Will of Sir John Fastolf* (B.A. Dissertation, Keele University 1970) focused directly on the will.

⁷³ The court sat in the consistory court in the cathedral church of St Paul, London: MCA, Magdalen Charters 79, 50.8.ii. The Archbishop's Court of Audience generally heard appeals although it had jurisdiction to hear direct complaints of subjects. Testamentary matters were generally handled by the Archbishop's Prerogative Court, but in the fifteenth century it was not uncommon for the Court of Audience to hear prerogative matters: Irene J. Churchill, *Canterbury Administration: The Administrative Machinery of the Archbishopric of Canterbury Illustrated from Original Records*, 2 vols, (London, 1933), 1:412-413, 416-417 (citing the Fastolf will contest, n. 1), 470-483.

⁷⁴ Friar John Brackley's 'curious letters' provide an interesting perspective on the will contest and the relations among those in Fastolf's circle. Brackley supported Paston and his version of the events and was antagonistic toward Worcester and Yelverton: Alison Hanham, 'The Curious Letters of Friar Brackley', *Historical Research* 81 (2008), 28-51.

⁷⁵ Francis R.H. du Boulay, ed., *Registrum Thome Bourchier* (Canterbury and York Society 54) (Oxford, 1957), p. 2.

⁷⁶ *Paston Letters and Papers*, 1:86.

⁷⁷ *Paston Letters and Papers*, 1:86. Castor, *Blood & Roses*, p. 129 suggested that Worcester's initial failure to object to the nuncupative will may have suggested that he found the agreement with Paston neither surprising nor improbable. Yelverton had been part of the same circle and allied with Fastolf as

advisors, was retained by Paston and Howes in their capacity as executors soon after Fastolf's death.⁷⁸

The contest followed the ordinary procedure, with the proponents and each side's witnesses examined on the articles, interrogatories and the exceptions submitted by the other side.⁷⁹ Contested probates were problematic and proving the deceased's last wishes was not an easy matter.⁸⁰ Robert Kent was proctor for Paston and Howes and John Naseby for Yelverton and Worcester. There were 51 witnesses, with 35 put forth by the challengers, and 16 by the proponents.⁸¹ The archbishop's Auditor of Causes, Thomas Wynterburn, gathered evidence between 1464 and 1466. Much of the testimony focused on who was with Fastolf in his room on Saturday, 3 November 1459 between 8 and 11 in the morning, and on Fastolf's physical and

well as Paston in the East Anglian reform movement after the death of the Duke of Suffolk: Smith, *Aspects*, pp. 144-152; Castor, *The Duchy of Lancaster*, pp. 164-168. Some took a less charitable view of Yelverton, referring to him as 'accursed': John Harvey, ed., *William Worcester, Itineraries* (Oxford, 1969), pp. 188-191. A later commentator thought the epithet undeserved, praising Yelverton and describing his role in the will contest and his animosity toward Paston: Edgar Robbins, 'The Cursed Norfolk Justice: A Defence of Sir William Yelverton', *Norfolk Archaeology* 26 (1936-1938), 1-51.

⁷⁸ His expenses, including his fee, for 1459-60 were £35 0s. 10d.: MCA, Fastolf Papers 71; Colin Richmond, 'The Expenses of Thomas Playter of Sotterley 1459-60', *Proceedings of the Suffolk Institute of Archaeology and History* 35 (1981), 41-52.

⁷⁹ Swinburne, *A Brief Treatise of Testaments and Last Wills* (1590, repr. London, 1978), Part VI, § xii, no. 3, fols 224v-225; Michael M. Sheehan, *The Will in Medieval England: From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century* (Toronto, 1963), pp. 196-214, discussed the development of probate.

⁸⁰ Helmholz, *The Canon Law and Ecclesiastical Jurisdiction*, pp. 397-398, 408. Generally, the *Ius Commune* required two witnesses to prove a fact: *ibid.*, pp. 303-304, 340. A separate testamentary rule required at least two witnesses to prove a will's validity: William Lyndwood, *Provinciale* (Oxford, 1679), p. 174, ad verb. *probatis*; Swinburne, *A Brief Treatise*, Part 1, § ix, no. 4, fol. 17v; Part IV, § xxi, no. 2, fols 185v-186. As applied to nuncupative wills, those who were present and heard it needed to identify the terms: Sheehan, *The Will in Medieval England*, pp. 186-187, 205, 313-315; Archer and Ferme, 'Testamentary Procedure', p. 7.

⁸¹ There are records of the parties' statements and depositions of 45 of the witnesses: Bodl., MS. Top Norfolk c. 4; BL, Additional MS. 27450. The former, a book of 99 folios, seems to have been assembled in the wrong order, but the correct order was determinable. The *Paston Letters* also reprinted some of this testimony. Worcester summarized the statements of the remaining six witnesses, all of whom were for Paston and Howes: MCA, Fastolf Papers 85 (1). The responses of Paston and Howes to the witnesses of Yelverton and Worcester are contained in MCA, Fastolf Papers 86. Appendix 2 contains a list of the witnesses and the sources for their testimony.

mental condition.⁸² There was, however, no explicit assertion that Fastolf lacked capacity, which was a difficult matter to prove.⁸³

Paston's statement concerned what had transpired, both before and after Fastolf's death, along with documents other than the will, Fastolf's statements on his deathbed and the use of his seal.⁸⁴ He traced the making of the wills submitted for probate. In his examination, he supported their critical aspects: the granting of the East Anglian lands to himself for 4,000 marks and control of the other lands, the founding of the college at Caister, and the appointment of himself and Howes as executors. He also prepared another document, explaining the rationale of Fastolf's agreement with him regarding the former's lands. It stated that the 'foundation of the college was hanging in doubt' and that Fastolf feared his executors might sell Caister as several persons wanted to buy it, that the monks might be ejected, that the college might be destroyed by false claims against the monks or their adherence to great lords, and that a direct grant to the monks rather than an endowed pension might dissipate the money.⁸⁵

John Russe, Paston's servant, a Fastolf business associate and former

⁸² Worcester thought that Fastolf's illness began on 1 June 1459 although Richmond, *The Paston Family in the Fifteenth Century: The First Phase*, pp. 254-255, thought his health did not deteriorate until 3 July 1459. On 24 June 1459 William Barker, Fastolf's servant, pronounced his master 'as fresh as ever he was these 2 years': *Paston Letters and Papers*, 2:578 (at p. 179).

⁸³ Helmholz, *The Canon Law and Ecclesiastical Jurisdiction*, pp. 402-403.

⁸⁴ BL, Additional MS. 27450, fols 2-11. He was interviewed three times: on 8 or 29 July 1465, on 28 August 1465 and on 10-12 December 1465. Gairdner, *Paston Letters*, 4:181-185 (no. 606), abstracted this testimony. During this period, Paston was in prison three times, where two of his three examinations took place, and he died in May 1466: Castor, *Blood & Roses*, pp. 151, 160, 163; Richmond, *The Paston Family in the Fifteenth Century: Fastolf's Will*, pp. 125-128. His son, John Paston II replaced him in the dispute. His wife thought that the stress of the litigation and fighting over the will had hastened his death, writing to her son, 'Remember it was the destruction of your father': *Paston Letters and Papers*, 1:xliv, 213 (at p. 361). Earlier she had written to her husband that the Bishop of Norwich told her that 'he would not have abided the sorrow and trouble that you had abided to win all Sir John Fastolf's goods': *ibid.*, 1:181 (at p. 300).

⁸⁵ It also explained the rationale for Paston's payment of 4,000 marks for the lands: *Paston Letters and Papers*, 1:61.

employee and collector of customs at Yarmouth,⁸⁶ testified at length in support of the will. He was familiar with Fastolf's longstanding desire to found the college. In a letter of about 1464, he stated that in all his wills over 20 years, Fastolf had 'ordained that a great part of his said lands should go to the foundation of a college at Caister ...'.⁸⁷ In his deposition, he said that he had been in the room on Saturday morning with two other Paston witnesses and no others, that Fastolf had ordained the founding of the college at Caister, that Paston should have all Fastolf's East Anglian lands, and that Fastolf declared his will openly and clearly and others could hear and understand him.⁸⁸ His testimony must have been important as ten witnesses attacked it, stating that John Russe was not in the room with Fastolf but in Yarmouth. The other proponent witnesses supported Paston's and Russe's testimony regarding his agreement with Paston and the founding of the college, and confirmed that they had been in Fastolf's room at the critical time. They also testified that the adverse witnesses were not there, contrary to their testimony, calling them perjurers. Paston characterized the other side's witnesses as 'biased, vacillating, peculiar and inconsistent and incompatible with each other, advanced in a negative voice rendering the reasons of their sayings insufficient, and not proving those things which they were introduced to prove'.⁸⁹ He also attacked the character of several of the challengers' witnesses, alleging that they were guilty of crimes, outlawed, and lacking means of support and that some, including clerics, kept concubines.⁹⁰

⁸⁶ He was a rising man and merchant in Yarmouth: *Paston Letters and Papers*, 2:508 (headnote); Richmond, *The Paston Family in the Fifteenth Century: Fastolf's Will*, p. 129.

⁸⁷ *Paston Letters and Papers*, 2:894 (at p. 546).

⁸⁸ His deposition was not found, but William Worcester summarized and refuted his testimony: MCA, Fastolf Papers 85 (1).

⁸⁹ MCA, Fastolf Papers 86, fol. 1.

⁹⁰ MCA, Fastolf Papers 86, fols 3v-6.

In his deposition Howes, Worcester's nephew and a long-time friend, did not strongly support Paston. He said that he had not known of the agreement between Fastolf and Paston, but that Paston had told him about it soon after the former's death. Howes also said that he saw Paston holding a schedule written in his own hand, part of which was new and dried with ashes. He named those who were in Fastolf's room during the critical hours and confirmed that Fastolf was mentally sound, but spoke very softly. He also testified that he often heard Fastolf say that he wanted to found a college at Caister. He explained that he was in the room at 9 that morning, left to celebrate mass and returned at 11 for about an hour and that he did not see John Russe there at any time during the day.⁹¹ This testimony seemed to confirm Paston's fear that Howes would support the challengers.⁹² Robert Cutler, vicar of Caister, had warned Paston in 1461 and 1463 not to trust Howes. Shortly before Howes' testimony, John's brother Clement Paston found Howes' behaviour strange and warned him to tell the truth in his deposition as recounted by the Paston witnesses; if he said the contrary, John Paston would prove him to be a perjurer. Their concerns increased when Clement later met Howes, who said Fastolf's bargain with Paston troubled his conscience, causing Clement to conclude that Howes' testimony would not be good.

The challengers' main contention was that Fastolf had not made the will and that the documents were forgeries.⁹³ Such a claim had initially arisen shortly after

⁹¹ Bodl., MS. Top. Norf. c. 4, fols 44v-56v.

⁹² *Paston Letters and Papers*, 2:652, 680; 1:119.

⁹³ Fraudulent wills were void *ab initio*: Swinburne, *A Brief Treatise*, Part 7, §§ i, no. 2, fol. 239v, no. 1, fol. 242. Longstanding Canon Law statutes prohibited forged and fraudulent wills: Helmholz, *The Canon Law and Ecclesiastical Jurisdiction*, p. 393.

Fastolf's death.⁹⁴ Yelverton believed that the document advanced by Paston was forged, claiming he had made Fastolf's will, but Friar John Brackley denied ever seeing such a will.⁹⁵ The contestants sought to prove their charge by attacking Paston's witnesses with testimony that they were not in Fastolf's room at the critical time, and that the Fastolf servants and associates who claimed to have heard him make the will were not there. John Bokking, a member of Fastolf's household and Yelverton's nephew, rejected Paston's contentions and impugned Fastolf's generosity. He said he was asked not to testify because of his relationship with Yelverton, but said that made him more cautious and he favoured neither side.⁹⁶ John Davy, a Fastolf chaplain, stated that Fastolf had been gravely ill since 22 October and could not speak. He said Fastolf's doctors had diagnosed heart problems (*judicio medicorum sincope*).⁹⁷ He described the other side's witnesses as proving nothing, contradictory, and variable.⁹⁸ Several witnesses claimed that the testimony of the adverse witnesses was the product of bribery, rewards, and improper inducement. John Monk, a smith who had lived at Caister, testified that many of them were hired for an agreed price and reward and were false, suborned and corrupt, recounting numerous details as to each witness;⁹⁹ William Worcester spoke to similar effect.¹⁰⁰

⁹⁴ *Paston Letters and Papers*, 2:564, 565, 705.

⁹⁵ Jackson, 'John Fastolf's Will', chapter 4, pp. 34-35 suggested that Yelverton, having been excluded as an executor, may have been jealous of Paston as they were likely to have been rivals because of their similarities. Moreover, shortly after Fastolf's death, Paston had accused Yelverton of betrayal and dissembling: *Paston Letters and Papers*, 2:705.

⁹⁶ Bodl., MS. Top. Norf. c. 4, fols 19, 63v-64.

⁹⁷ Bodl., MS. Top. Norf. c. 4, fol. 10. Others noted his difficulty in breathing (*anelitus*) and characterized it as asthma: BL, Additional MS. 27450, fols 17v-18.

⁹⁸ Bodl., MS. Top. Norf. c. 4, fol. 2. Paston alleged that Davy had had two concubines during 1449-50: MCA, Fastolf Papers 86, fol. 4.

⁹⁹ BL, Additional MS. 27450, fols 13v-31v.

¹⁰⁰ MCA, Fastolf Papers 85 (1).

Despite the abundance of testimony, it was inconclusive. Each side's evidence was a mirror image of the other's.¹⁰¹ Moreover, it was coupled with mutual attacks on the honesty of each side's witnesses. Before the decision was rendered, Paston's fears were realized as Howes defected,¹⁰² making another declaration in April 1467.¹⁰³ His new statements supported the testimony of the challengers' witnesses. He said Paston and his allies had prepared and sealed a forged will, altering other documents to conform to it. He explained that he was ignorant of the will until Paston and his allies explained the alleged Fastolf-Paston agreement. He also said that Paston had made him a party to a document submitted in the proceedings without his knowledge or assent. Further, he refuted Paston's allegations that Worcester had promised and given money to the Yelverton-Worcester witnesses.¹⁰⁴ At Paston's suggestion, he said he had 'laboured' Fastolf to sell his lands to Paston, a suggestion which Fastolf strongly rejected, saying he would not want Paston either as his feoffee or executor in such circumstances.¹⁰⁵ Citing his conscience, he said that 'Sir John Fastolf made no such testament, ordinance nor will' and that 'these things [were] so forged and contrived' by 'John Paston's untrue demeaning in the contriving of my master Fastolf testament and last will' He noted the 'great remorse I have in my soul of the untrue forging and

¹⁰¹ It was common with nuncupative wills for one side to assert the will's validity and the other to assert fraud: Helmholz, *The Canon Law and Ecclesiastical Jurisdiction*, p. 393.

¹⁰² Although no depositions were dated after 1466, the time for submitting witnesses may not have closed: *Paston Letters and Papers*, 1:533-534. But there is no indication whether the auditor considered Howes' new statements.

¹⁰³ MCA, Fastolf Papers 89; MCA, Norfolk and Suffolk 34, printed in *Paston Letters and Papers*, 2:901. There were two declarations, one dated 21 April 1467 and the other undated, but noting seven years of controversy. Davis dated them to the same year. The first (MCA, Fastolf Papers 89) says erroneously that it was sealed – perhaps it was a copy of an original that was sealed. The second is a draft with corrections and additions in Worcester's hand: *Paston Letters and Papers*, 2:901.

¹⁰⁴ *Paston Letters and Papers*, 2:901.

¹⁰⁵ *Paston Letters and Papers*, 2:901 (p. 565). Much of what Howes said, apart from the allegations of forgery (ibid., pp. 564-569), was similar to his deposition: BL, Additional MS. 27450, fols 46v-49.

contriving certain testaments and last will by naked words in my said master Fastolf's name after he was deceased'.¹⁰⁶ Finally, he supported the testimony of the challengers' witnesses on the absence of the Paston allies in Fastolf's room from 8 to 11 in the morning of Saturday, 3 November.¹⁰⁷

On 26 August 1467, Thomas Wynterburn granted probate of the will, stating that 'nothing effectual by the side of the said William Yelverton and William Worcester having been or being on this matter legitimately proved that could delay or prevent the probate of the said testament and last will'.¹⁰⁸ The opponents had failed to carry their burden of proof and were unable to overcome Canon Law's tendency to favour nuncupative wills¹⁰⁹ in order to 'give effect to a dying man's *verba novissima*'.¹¹⁰ After their defeat in the Archbishop's court, Yelverton and Worcester appealed to the papal court in Rome as well as petitioning the bishop of Norwich to compel the abbey of Hulme to carry out Fastolf's original intention and assist them in the substantial costs which they had incurred.¹¹¹ Despite the granting of probate, the future of Fastolf's estate planning was unclear. Much was left to the discretion of John Paston. Moreover, a contentious environment existed and crucially the crown's permission to alienate in mortmain was still needed. Although John Paston petitioned Edward IV for a licence and a draft was prepared, there is no evidence that it was ever

¹⁰⁶ *Paston Letters and Papers*, 2:901 (at pp. 562, 563, 565, 568).

¹⁰⁷ *Paston Letters and Papers*, 2:901 (at pp. 561-569, 566-567).

¹⁰⁸ MCA, *Chartae Regiae et Chartae Concessae* 79, 50.8.ii. Wynterburn was also the archbishop's chancellor, the archdeacon of Canterbury, and the rector of five churches: *Registrum Thome Bourchier*, p. 561.

¹⁰⁹ Swinburne, *A Brief Treatise*, Part IV, § 16, no. 6, fol. 193.

¹¹⁰ Helmholz, *The Canon Law and Ecclesiastical Jurisdiction*, p. 400.

¹¹¹ MCA, *Fastolf Papers* 84.

granted.¹¹²

The Pastons had scored a legal victory, but a final resolution took several years.¹¹³ Many obstacles remained to getting possession of Fastolf's lands. Paston had lost several properties, most notably in October 1468 when Caister Castle fell to the Duke of Norfolk, who had purchased it from Yelverton, Jenney, and Howes and then besieged it.¹¹⁴ Cecily Neville, duchess of York, and other magnates also wanted Caister.¹¹⁵ Alice Chaucer, duchess of Suffolk, now leader of Fastolf's long-time East Anglian adversaries, also attacked Fastolf's lands.¹¹⁶ Moreover, Yelverton and William Jenny resumed their attack on the Fastolf estates.¹¹⁷

Given all these problems, which had started shortly after Fastolf's death and were perhaps prompted by the failure of Paston and Howes as executors,¹¹⁸ Archbishop Thomas Bourchier appointed William Waynflete as the sole executor of Fastolf's will on 13 February 1470.¹¹⁹ Bourchier, having been one of his original feoffees, was aware of Fastolf's wishes and the delays in carrying them out.¹²⁰

¹¹² *Paston Letters and Papers*, 1:70; 2:686. Yelverton and Worcester, perhaps with Howes' help, were trying to prevent the issue of this licence and to obtain one for a different college: *ibid.*, 1:119.

¹¹³ Political factors may have contributed to the delay. The success of the Yorkists and ascendancy of Edward IV in the 1460s made the Pastons vulnerable due to the rise of their enemy, the Duke of Norfolk, a friend of the king. Davis has summarized all the events in *Paston Letters and Papers*, 1:xliv-xlvii. Grants of probate were usually quite fast, taking only a few months: *The Register of Henry Chichele*, 2:xxv, xxxv, lx.

¹¹⁴ Richmond, *The Paston Family in the Fifteenth Century: Fastolf's Will*, pp. 186-195. The Duke claimed Fastolf had given Caister to him by 1452: *Paston Letters and Papers*, 1:25 (at pp. 38-39).

¹¹⁵ *Paston Letters and Papers*, 2:569; Castor, *Blood & Roses*, pp. 119-120.

¹¹⁶ *Paston Letters and Papers*, 2:752, 754, 911.

¹¹⁷ Castor, *Blood & Roses*, pp. 154-156, 168-169; Gies, *A Medieval Family*, pp. 150-153, 157.

¹¹⁸ The archbishop regularly reserved jurisdiction to do so in such cases: *William Waynflete*, p. 134. Given his own problems, John Paston II may also have approved of this change: *Paston Letters and Papers*, 1:74, 248; 2:888. Worcester warned him, however, that Waynflete would be hostile: *ibid.*, 1:339 (at p. 555).

¹¹⁹ MCA, Fastolf Papers 93. Bourchier may also have invited John, Lord Beauchamp to assume a similar role: Gardiner, *Paston Letters*, 5:20.

¹²⁰ Davis, *William Waynflete*, p. 134.

Waynflete's association with Fastolf had begun in 1449, when he became one of his feoffees and was enlisted to assist in obtaining the mortmain licence for the college.¹²¹

After Fastolf's death, he advised the executors on how to proceed. Although this appointment was a critical step toward the resolution of the matter, it also moved Fastolf's estate plan in a different direction.

Waynflete, who had founded Magdalen College in 1458, needed resources with which to endow it.¹²² As part of his broader endowment campaign, his plan was to substitute Magdalen for Caister College as the beneficiary of Fastolf's largesse.¹²³ Waynflete needed, or at least wanted, the Pope's approval. In January 1470 he secretly sent his chaplain, William Darset, to Rome, under the guise of a pilgrimage, to obtain papal permission.¹²⁴ In his response, on 14 April 1470, Paul II recounted Fastolf's original intention for the college at Caister and that ten years had passed without its establishment. Applying the equitable doctrine of *cy pres*,¹²⁵ 'the pope hereby grant[ed] him faculty ... in perpetuity' to apply Fastolf's property to Magdalen.¹²⁶

Taking advantage of the window of opportunity created by the brief Lancastrian revival, Waynflete engineered his most important achievement regarding

¹²¹ Davis, *William Waynflete*, pp. 131-132.

¹²² Gerald Harriss, 'William Waynflete and the Foundation of the College, 1448-1486', in *Magdalen College Oxford: A History*, ed. L.W.B. Brockliss (Oxford, 2008), pp. 1-43; Davis, *William Waynflete*, pp. 64-69; J. Mills, *The Foundation, Endowment and Early Administration of Magdalen College, Oxford* (B. Litt. thesis, University of Oxford, 1973), pp. 4-81, 194-198.

¹²³ Waynflete's intention was known by 1468. Worcester suggested that it would be cheaper to found a college at Cambridge than at Oxford: *Paston Letters and Papers*, 2:727.

¹²⁴ Davis, *William Waynflete*, p. 135.

¹²⁵ The doctrine permits a shift to the nearest alternative when the first cannot be realized: Helmholz, *The Canon Law and Ecclesiastical Jurisdiction*, pp. 418-419. It was particularly applicable to charitable bequests (*ad pias causas*): Swinburne, *A Brief Treatise*, Part 1, § xvi, no. 4, fol. 30v.

¹²⁶ *Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland A.D. 1458-71*, 12:341-342.

Fastolf's property. On 14 July 1470 the bishop entered an agreement with John Paston II, by which the latter agreed to release all his interests in Fastolf's lands and possessions, excepting Caister and a few other properties, to Waynflete.¹²⁷

Foreshadowing Bleak House, the agreement stated that

great sums of money and also great substance of the said goods and chattels and the issues and profits growing and coming of the said manors, lands, tenements, and goods of the same have be wasted, decayed, and spent ... Wherefore the said reverend father ... considered ... the great waste, destruction, and perplexity, having pity and compassion that of so blessed and charitable intent of the said John Fastolf no commendable effect should ensue ... has taken upon him the execution of the said testament¹²⁸

In return, Waynflete released Paston from his obligation to pay 4,000 marks to the other executors, as provided in the deathbed will, and agreed 'to exhibit and fund perpetually in his college at Oxford seven priests and seven poor scholars to pray for the souls of the said John Fastolf and Dame Millicent his wife, his friends and benefactors'.¹²⁹

Waynflete also made extensive promises to assure that John Paston II would actually obtain Caister and to deal with problems caused by the Duke of Norfolk.¹³⁰

Another document recounted that John Paston II agreed with Waynflete, on the advice of their counsel, that Fastolf's intent would be effectuated by 'the perpetual exhibition

¹²⁷ MCA, Norfolk and Suffolk 11, 28, 29; *Paston Letters and Papers*, 1:252. MCA, Fastolf Papers 97 lists the individual manors and the purchase prices, which totaled £1,036: Mills, 'Magdalen College', p. 50.

¹²⁸ *Paston Letters and Papers*, 1:252 (at p. 420).

¹²⁹ *Paston Letters and Papers*, 1:252 (at p. 424). The estates of Fastolf and of Lord Cromwell, for whom Waynflete was also an executor, constituted 34% of Magdalen's initial endowment, which occurred in three phases between 1455 and 1486: Mills, 'Magdalen College', pp. 34-35. It seems that a substantial portion came from the Fastolf lands, which were worth £91 annually, and the Cromwell lands £11 annually: *ibid.*, pp. 51, 196-197. Waynflete's position as executor may have given him an advantage in valuing these lands: Davis, *William Waynflete*, pp. 126-127.

¹³⁰ *Paston Letters and Papers*, 1:252 (at pp. 421, 422, 423, 424). An agreement on 1 July 1473 provided that Waynflete would obtain Caister for Paston or pay him 100 marks: MCA, Fastolf Papers 99. John Paston II finally obtained it on the duke's death in 1476: *Paston Letters and Papers*, 1:294, 299, 368.

of 14 persons in other places ... that is to say within the university of Oxford'.¹³¹ To implement the agreement, the thorough Waynflete obtained a release and quitclaim of the Fastolf manors from John Paston II¹³² and releases from all Fastolf's feoffees, including such fifteenth-century luminaries as the Duke of Norfolk, the Archbishop of York, Lord Beauchamp, Chief Justice Fortescue, Justice Yelverton, Lord Sudeley, and Thomas Littleton.¹³³

On 27 August 1470 Waynflete and John Paston III, a younger brother of John Paston II, agreed that the latter would gather and deliver to the bishop 'all manner of charters, deeds, evidences, muniments, court rolls, rentals, rolls of accounts, or copies of them' regarding the lands that were the subject of the 14 July agreement between Waynflete and John Paston II.¹³⁴ John Paston III also pledged his support to Waynflete's efforts to establish Magdalen College. '[R]emembering the great business and trouble which my said father had in his days both with the manors, lands, tenements, and goods of the said Sir John Fastolf which have been wasted, expended, and devoured ...', Paston promised 'to do true and faithful service unto the said reverend father, and to be aiding and assisting to the said reverend father, his heirs and executors, and to his college of Saint Mary Magdalene set without the east gate of Oxford' to maximize profits of the lands and ensure that the money came to

¹³¹ MCA, Fastolf Papers 100 (2), printed in *Paston Letters and Papers*, 2:914. It also justified Waynflete's decision. Davis believed it sounded like a legal opinion prepared on behalf of Waynflete: *ibid.*, 2:914 (headnote, p. 586).

¹³² MCA, Norfolk and Suffolk 28; *Paston Letters and Papers*, 1:253.

¹³³ MCA, Norfolk and Suffolk 6, 8, 9, 11, 13, 17, 18, 24, 26, 30, 32, 38, 39, 40, 43, 44, 47, 48, 49, 50, 52, 63, 64; MCA, Titchwell 16; MCA, Southwark 4, 23, 167; Gairdner, *Paston Letters*, 5:94 (no. 768, abstract). Waynflete also agreed to indemnify John Paston II for any claim by Thomas Bourchier regarding the manor of Guton: MCA, Guton 1A.

¹³⁴ MCA, Norfolk and Suffolk 4; *Paston Letters and Papers*, 1:344. For a Paston family tree, see Castor, *Blood & Roses*, pp. x-xi.

Waynflete.¹³⁵ On 1 June 1473, they made their ‘last appointment and agreement,’ providing that, except for Caister, all those who were feoffees to the use of Paston would become those of Waynflete; as to Caister, the feoffees to the bishop’s use would hold in trust for Paston. Waynflete also enlisted Worcester’s cooperation.¹³⁶ Finally, on 29 November 1474, Waynflete made and sealed a document reciting all the details of his agreement with John Paston II.¹³⁷

CONCLUSION

This essay documents Sir John Fastolf’s extensive estate planning activities. It does so by recounting a story of longstanding interest to fifteenth-century historians. The essay, for the first time, completely explores in an orderly fashion all the relevant wills and documents and the testimony in the will contest. The full story shows Fastolf’s estate planning efforts were ultimately frustrated by deathbed changes, other claims on the property, the need for royal approval, political factors, conflicts among executors, and papal intervention. Nor is it clear whether a college could ever have been established at Caister. The story of John Fastolf’s efforts raises the question of whether medieval estate planning could ever be secure. Whether Fastolf would have

¹³⁵ Castor, *Blood & Roses*, pp. x-xi.

¹³⁶ MCA, Fastolf Papers 99, printed in *Paston Letters and Papers*, 3:947. About 1470, Worcester agreed to help Waynflete in the administration of Fastolf’s goods and with in dealing Howes and Yelverton: MCA, Fastolf Papers 96; MCA, Titchwell 120. Worcester complained about the work and expense on Fastolf’s matters: MCA, Fastolf Papers 72; *Paston Letters and Papers*, 2:604, 888. On 7 December 1472, Worcester agreed to deliver certain muniments of Fastolf’s lands and to assist Waynflete and Magdalen College in all matters regarding them, for which Waynflete agreed to pay him another £100: MCA, Norfolk and Suffolk 75. On 4 February 1475, Worcester acknowledged payment in full: MCA, Fastolf Papers 101.

¹³⁷ MCA, Norfolk and Suffolk 33, printed in *Paston Letters and Papers*, 3:948. Resolving these problems also produced a number of petitions to the Chancellor (TNA:PRO, C 1/20 no. 80; C 1/29 no. 277; C 1/31 no. 365; C 1/32/ no. 234; C 1/33 no.177; C 1/33 no. 177; C 1/33 no. 214; C 1/38 no. 302; C 1/39 no. 233; C 1/42 no. 104; C 1/53 no. 26; C 1/1519 no. 18) and litigation in the royal courts involving an indictment of John Paston II and others for forcible entry into Caister, of which Waynflete, Yelverton, Jenny and Howes were seised: TNA:PRO, KB 27/841 m. 52 Rex (3 entries) [AALT IMG_0364]; KB 27/842 m. 22 Rex [AALT IMG_0293].

been happy with result is unclear,¹³⁸ but the benefits of using the land to help endow Magdalen College have provided extensive and continuous benefits for many people over the course of five and a half centuries.

¹³⁸ Davis felt Fastolf would not have been pleased as his desire to be commemorated and prayed for locally in Norfolk had been ignored: Davis, *William Waynflete*, p. 138.

Appendix 1: Fastolf Wills

DATE	SOURCE	COMMENTS
1419	MCA, FP 3	Draft
1452	MCA, FP 47	Draft, but will of enfeoffed land
1446 – c1451	MCA, FP 63	Draft
13 Jun 1459	MCA, FP 64	Draft; marked up 9 June draft
14 Jun 1459	BL, Add. MS. 27444	Gairdner, <i>Paston Letters</i> , 3:385; first draft
14 Jun 1459	MCA, FP 65	Final executed and sealed will
After 14 Jun 1459	MCA, FP 66	Erroneously claimed summary abstract of 14 June will
3 Nov 1459	BL, Add. MS. 27444	Gairdner, <i>Paston Letters</i> , 3:385; second draft
3 Nov 1459	BL, Add. MS. 39849	Substantially verbatim copy of BL, Add. MS. 27444; Gairdner, <i>Paston Letters</i> , 3:385; second draft in the same hand but with five additional articles, three of which resemble the provisions BL, Add. MS. 27927
3 Nov 1459	BL, Add. MS. 39848	imperfect modern copy of BL, Add. MS. 39849
3 Nov 1459	BL, Add. MS. 22927	Davis, <i>Paston Letters and Papers</i> , 1:54, Gairdner, <i>Paston Letters</i> , 3:386
3 Nov 1459	Untraced	From a copy in the possession of Andrew Fountaine of Narford: Gairdner, <i>Paston Letters</i> 3:387; a Latin will virtually identical to the Auditor's probate decision, MCA, <i>Chartae Regiae et Chartae Concessae</i> 79 (50.8.ii), without the preamble
3 Nov 1459	MC <i>Chartae Regiae et Chartae Concessae</i> 79 (50.8.ii)	Two wills, Latin and English, submitted probate, with Auditor's decision

Appendix 2: Will contest testimony

Proponents' statements

NAME	SOURCE	DATE
Thomas Howes, chaplain; Fastolf executor	Bodl. MS. Top. Norfolk. c. 4, fols 99-101	
Thomas Howes: recantation	MCA, FP 75, printed in Paston Letters and Papers, no. 895B	26 Nov 1459
John Paston; in the Fleet Prison in July and August	BL, Add. MS. 27450, fols 2-11, 68v; abstracted in Gairdner, <i>Paston Letters</i> , 4:606	8 or 29 Jul 1465; 28 Aug 1465; 10-12 Dec 1465
Paston and Howes; responses to Yelverton and Worcester's witnesses	MCA, FP 86	1466
Statement of Fastolf's intentions, written by John Paston III and corrected by John Paston I	<i>Paston Letter and Papers of the Fifteenth Century</i> , 61 (headnote, p. 103)	1459-1466

Witness depositions

NAME	SIDE	SOURCE	DATE
William Bokenham, prior of Yarmouth	JP ¹³⁹	MCA, FP 85(1) (Worcester summary and refutation)	1466
John Bokking; William Yelverton's nephew and a member of the Fastolf household	WY ¹⁴⁰	Bodl. MS. Top. Norf c. 4, fols 15-19v, 63v-64	12 May 1464
William Boswell, clerk; lived with John Brackley	WY	BL, Add. MS. 27450, fols 38-39v	20 May 1466
Robert Botteler, valet	JP	MCA, FP 85(1) (Worcester summary and refutation)	1466
Robert Bunche of Yarmouth, mariner	WY	BL, Add. MS. 27450, fols 64v-66	23 May 1466
Nicholas Church of Yarmouth, merchant	WY	BL, Add. MS. 27450, fols 53-56	21 May 1466
Henry Clerke of Blofield, husbandman; lived with Fastolf	WY	BL, Add. MS. 27450, fols 45-47	21 May 1466
John Clerke of Gorleston husbandman	WY	BL, Add. MS. 27450, fols 62v-64v	23 May 1466
Sir Roger Chamberlain, MP and former sheriff Norfolk and Suffolk; the Duke of Norfolk's man	JP	BL, Add. MS. 39848, fol. 55; printed in <i>Paston Letters and Papers</i> , no. 892	6 Apr 1463

¹³⁹ John Paston's witness.

¹⁴⁰ William Yelverton's witness.

NAME	SIDE	SOURCE	DATE
Robert Cotteler, vicar of Caister	JP	MCA, FP 85(1) (Worcester summary and refutation)	1466
John Davy, Fastolf's chaplain	WY	Bodl. MS. Top. Norfolk c. 4, fols 1v-12, 87-90	28 Apr and Jul 1464
John Dawson of Blofield, husbandman; lived at Caister	WY	BL, Add. MS. 27450, fols 31v-34v	20 May 1465
William Eaton, Fastolf's servant	WY	Bodl. MS. Top. Norfolk c. 4, fols 71-74	4 Jun 1464
Bartholomew Elys, attorney, bailiff of the Yarmouth court	WY	Bodl. MS. Top. Norfolk c. 4, fols 77-80v	3 Jul 1464
Richard Fastolf of London, tailor	WY	BL, Add. MS. 27450, fols 67v-68v	6 Jun 1466
Robert FitzRawf, Fastolf's relative and servant	WY	Bodl. Charter Norfolk a. 8, no. 375; printed in <i>Paston Letters and Papers</i> , no. 885; Bodl. MS. Top. Norfolk. c. 4, fols 99-101; MCA, FP 75, printed in <i>Paston Letters and Papers</i> , no. 895B	26 Nov 1459; 1 Dec 1464; probably 1466
Clement Felymingham, Austin Friar	JP	MCA, FP 85(1) (Worcester summary and refutation)	1466
John Gyrdyng, former inhabitant of Caister	WY	BL, Add. MS. 27450, fols 34v-37v	19 May 1466
Robert Hert, Fastolf's door keeper	WY	Bodl. MS. Top. Norfolk c. 4, fols 96-98v	15 Nov 1464
Thomas Hert of Caister, husbandman	WY	BL, Add. MS. 27450, fols 48v-50v	12 May 1466
John Heydon of Filby near Caister, husbandman	JP	Bodl. MS. Top. Norfolk c. 4, fols 38-39v	20 Jun 1465
Richard Horne of Norwich, husbandman; lived with Thomas Howes for six years	WY	BL, Add. MS. 27450, fols 41v-43v	20 May 1466
Robert Inglys of Loddon, gentleman; lived with Fastolf	WY	BL, Add. MS. 27450, fols 39v-41v; MCA, FP 76; draft declaration, Worcester's hand; printed in <i>Paston Letters and Papers</i> , no. 1043	20 May 1466; probably 1466
Ralph Lampet esquire, bailiff Yarmouth	JP	Bodl. MS. Tanner 106, fol. 35v; printed in <i>Paston Letters and Papers</i> , no. 891	19 Mar 1463
Robert Lawes of Reedham, brickmaker	JP	Bodl. MS. Top. Norfolk c. 4, fols 32-34v	18 Jun 1465
John Loer, Fastolf's chamberlain	WY	Bodl. MS. Top. Norfolk c. 4, fols 68-71	4 Jun 1464
Robert Lynne, Fastolf's gatekeeper	WY	Bodl. MS. Top. Norfolk c. 4, fols 74-76v	5 Jun 1464
William Lynne, Fastolf's butler	WY	Bodl. MS. Top. Norfolk c. 4, fols 90-93v	3 Jul 1464
John Marshall, Fastolf's butler	WY	Bodl. MS. Top. Norfolk c. 4, fols 83v-87	13 Jul 1464
John Monk otherwise Smith, smith; had lived at Caister	WY	BL, Add. MS. 27450, fols 12v-31v	17 May 1466
Thomas Neve of Yarmouth, gentleman	WY	MCA, FP 83, draft, printed in <i>Paston Letters and Papers</i> , no. 895A; BL, Add. MS. 27450, fols 59v-61	6 Apr 1466; 22 May 1466

NAME	SIDE	SOURCE	DATE
Nicholas Newman, chief servant of Fastolf's chamber	WY	Bodl. MS. Top. Norfolk c. 4, fols 64v-68	16 May 1464
Thomas Newton of Burgh, husbandman	WY	BL, Add. MS. 27450, fols 56v-58	22 May 1466
John Osberne of All Saints in the diocese of Lincoln, husbandman	JP	Bodl. MS. Top. Norfolk c. 4, fols 36-38	20 Jun 1465
Robert Popy, clerk	JP	MCA, FP 85(1) (Worcester summary and refutation)	1466
Thomas Pykeryng of Wroxham, clerk, steward of St Benet Hulme	WY	BL, Add. MS. 27450, fols 43v-45	20 May 1466
William Pykeryng of Filby near Caister, husbandman	JP	Bodl. MS. Top. Norfolk c. 4, fols 39v-40v	21 Jun 1465
John Rugge of Yarmouth, mariner	WY	BL, Add. MS. 27450, 61-62v	23 May 1466
John Russe; Paston servant, formerly Fastolf employee; collector of customs, Yarmouth	JP	MCA, FP 85(1) (Worcester summary and refutation)	1466
Stephen Scrope esquire, Fastolf's stepson and ward	WY	BL, Add. MS. 27450, fols 66v-67v	5 Jun 1466
John Shawe otherwise Jude, laborer and fisherman	JP	Bodl. MS. Top. Norfolk c. 4, fols 42-43v	21 Jun 1465
William Shawe of Yarmouth, roper	WY	BL, Add. MS. 27450, fols 50v-53	21 May 1466
Walter Shipham, Fastolf's auditor	WY	Bodl. MS. Top. Norfolk c. 4, fols 58-61v	<i>not indicated</i>
Thomas Spicer of Southtown near Yarmouth, tailor	WY	BL, Add. MS. 27450, fols 58-59v	22 May 1466
John Symmys of Caister, smith	JP	Bodl. MS. Top. Norfolk c. 4, fols 40v-42	21 Jun 1465
Thomas Torald of Belton near Norwich, husbandman	JP	Bodl. MS. Top. Norfolk c. 4, fols 20-32	18 Jun 1465
John Tovy, Fastolf's washer at Caister	WY	BL, Add. MS. 27450, fols 47-48v	21 May 1466
Thomas Upton, clerk of Fastolf's kitchen	WY	Bodl. MS. Top. Norfolk c. 4, fols 12-14v	5 May 1464
William Waterman of Gorleston, smith	JP	Bodl. MS. Top. Norfolk c. 4, fols 34v-36	19 Jun 1465
Henry Wenstall, Fastolf's barber	WY	Bodl. MS. Top. Norfolk c. 4, fols 93v-95v	19 Oct 1464
Master Robert Wylly, licensed in law	WY	Bodl. MS. Top. Norfolk c. 4, fols 77-78, 80v-82v	9 Jul 1464