

**The Channel Islands in the
Plantagenet realm, 1204–1341**

A thesis submitted for the degree of Ph.D.

Trinity College Dublin, 2023

Alexander Kelleher

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Alexander Kelleher

12 April 2023

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Summary

This thesis examines the place of the Channel Islands in the wider realm of the Plantagenet kings of England from 1204 to 1341. It seeks to demonstrate that the Islands, despite their small size, were viewed by the kings of England as an integral component of their realm. It offers an important subject of analysis and point of comparison that can contribute to understanding the composite monarchy of the Plantagenets and the extent of royal power in the thirteenth and fourteenth centuries.

The chapters of this thesis are thematic, organised around three areas of analysis. The first concerns the political and constitutional status of the Islands within the Plantagenet realm and in the context of Anglo-French relations following the loss of Normandy, the development of which is examined in Chapter I to facilitate discussion throughout the thesis. The second subject of analysis considers what the Islands' administration, laws, and judicial institutions reveal about the practice and effectiveness of trans-regional and devolutionary power. This discussion is concentrated within Chapters III, IV and V, which examine the structure and personnel of the royal administration of the Islands. Lastly, this thesis analyses how the Islanders viewed themselves in the context of their wider political and socio-economic environment, particularly their 'frontier' position in the English Channel and their ongoing links with Normandy, and what impact this had on the Islands' internal development.

It is argued here that the experience of the Islands in the thirteenth and fourteenth centuries reinforces the view that the composite monarchy of the Plantagenet kings of England was a lasting and, at times, formidable political structure. The conscious organisation of the realm into multiple political units each with their own administrations, and unique in culture and law, was not a sign of its inherent fragility or incoherence but showed great recognition of the constraints of royal power and the political realities of this period. A study of the Islands exemplifies that political uniformity and centralisation were neither then, nor indeed are presently, viewed as the only possible direction in the growth of European polities, and can offer a fruitful and reinvigorating insight into understanding political development and devolved governance.

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Abbreviations and conventions

The following abbreviations are used in the footnotes. For most works, the full title is provided for the first reference in each chapter, and thereafter short titles are used. For ease of reference, St Helier is situated in Jersey, St Peter Port in Guernsey, and Woodbridge in Suffolk. Works that have been reprinted are noted by their most recent publication with the original date, and a full reference is provided in bibliography.

All manuscript references are to documents in The National Archives, London, unless otherwise stated. I have provided reference to where documents are printed and translated where possible, and in the case of multiple publications, I generally give preference to more recent publications. For example, for petitions located in SC 8, *PROME* is favoured over *Rot. parl.* and S.J. *Ancient petitions*.

<i>ABSJ</i>	<i>Annual Bulletin de la Société Jersiaise</i> (St Helier, 1875–)
admin.	administration
app.	appendix/appendices
b.	born
Bates and Curry (eds), <i>England & Normandy</i>	D. Bates and A. Curry (eds), <i>England and Normandy in the Middle Ages</i> (London, 1994)
<i>BIHR</i>	<i>Bulletin of the Institute of Historical Research</i> (London, 1923–)
C	chancery [TNA records]
C.I.	Channel Islands
<i>c.</i>	<i>circa</i>
<i>CCR</i>	<i>Calendar of close rolls preserved in the Public Record Office, 1272–1377</i> (PRO 23 vols, London, 1892–1925)

<i>CChR</i>	<i>Calendar of charter rolls, 1226–1341</i> (PRO 4 vols, London, 1903–1912).
<i>CFR</i>	<i>Calendar of fine rolls, 1272–1377</i> (PRO 8 vols, London, 1911–1924)
Chaplais (ed.), <i>Diplomacy & admin.</i>	P. Chaplais (ed.), <i>Essays in medieval diplomacy and administration</i> (London, 1981)
ch.(s)	chapter(s)
<i>Close rolls</i>	<i>Close rolls of the reign of Henry III, 1227–1272</i> (PRO 14 vols, London, 1902–1938)
<i>CLR</i>	<i>Calendar of liberate rolls, 1226–1272</i> (PRO 6 vols, London, 1916–1964)
co.	county
<i>CPR</i>	<i>Calendar of patent rolls, 1232–1399</i> (PRO 44 vols, London, 1905–1916)
<i>DNB</i>	Lee, S. (ed.), <i>Dictionary of national biography</i> (Re-issue) (vols 15 and 19, London, 1909)
d.	dorse [of manuscript]
E	exchequer [TNA records]
ed.(s)	editor/editors/edited by
edn	edition
Edw.	Edward
<i>EHR</i>	<i>English Historical Review</i> (London, 1886–)
<i>EMDP</i>	P. Chaplais (ed.), <i>English medieval diplomatic practice</i> (2 vols in 3 parts, London, 1975–1982)
esp.	especially
Everard and Holt, <i>Jersey 1204</i>	J. A. Everard and J. C. Holt, <i>Jersey 1204: the forging of an Island community</i> (London, 2004)

<i>Feudal empires</i>	M. Jones (ed.), <i>Feudal empires: Norman and Plantagenet</i> (London, 1984)
<i>Foedera</i>	T. Rymer (ed.) <i>Foedera, conventiones, litterae et cujuscunque generis acta publica</i> , A. Clarke and F. Holbrooke (eds) (3 vols in 6 parts, London, 1816–1830).
Godfray, ‘Documents C.I., 1338–1345’	H. M. Godfray, ‘Documents relatifs aux attaques sur les Îles de la Manche, 1338–1345’, <i>ABSJ</i> , 3 (1891), pp. 11–53
gov.	government
Havet, <i>Les cours royales</i>	J. Havet, <i>Les cours royales des Îles Normandes</i> (Paris, 1878)
Hen.	Henry
HR	<i>Historical Research</i> [formerly <i>BIHR</i>] (London, 1987–)
Jamieson (ed.), <i>A people of the sea</i>	A. G. Jamieson (ed.), <i>A people of the sea: the maritime history of the Channel Islands</i> (London, 1986),
JGLR	<i>The Jersey and Guernsey Law Review</i> [formerly <i>The Jersey Law Review</i> until 2007] (St Helier, 1997–)
Jones and Vale (eds), <i>England & her neighbours</i>	M. Jones and M. Vale (eds), <i>England and her neighbours, 1066–1453</i> (London, 1989)
JPB	<i>Jersey Prison Board: Order in Council, 1891</i> (5 vols, unpublished, 1891–1894).
JUST	records of itinerant justices and other court records [TNA]
KB	records of the court of the king’s bench and other courts [TNA]

Le Patourel, <i>Admin. C.I.</i>	J. H. Le Patourel, <i>The medieval administration of the Channel Islands, 1199–1399</i> (London, 1937)
Le Patourel, ‘D.Phil.’	J. H. Le Patourel, A study of the administration of the Channel Islands in the thirteenth and early fourteenth centuries based mainly on the assize rolls and other unprinted documents’ (2 vols, D.Phil. thesis, University of Oxford, 1934)
Le Patourel (ed.), ‘Guernsey assize roll, 1299’	J. H. Le Patourel (ed.), ‘Guernsey assize roll, 1299’ (unpublished), Guernsey Island Archives (AS/LC 03-07)
m(m).	membrane(s)
n.	note
no.(s)	number(s)
Ogier, <i>Gov. & law of Guernsey</i>	D. Ogier, <i>The government and law of Guernsey</i> (St Peter Port, 2012)
ODNB	<i>Oxford dictionary of national biography</i>
<i>Patent rolls</i>	<i>Patent rolls of the reign of Henry III, 1216–1232</i> (PRO 2 vols, London, 1901–1903)
<i>Peerage</i>	G. E. Cokayne (ed.), <i>The complete peerage of England, Scotland, Ireland, Great Britain and the United Kingdom extant, extinct or dormant</i> (second edn: 14 vols, London, 1910–1998)
pr.	printed [in]
PRO	Public Record Office (London) [Now TNA]
<i>PROME</i>	C. Given-Wilson et al. (eds), <i>The parliament rolls of medieval England, 1275–1384</i> (6 vols, Woodbridge, 2005).

qt.	quote [at] / quoted [in]
<i>Rot. chart.</i>	T. D. Hardy (ed.), <i>Rotuli chartarum in Turri Londinensi asservati, 1199–1216</i> (1 vol., 1 part, London, 1837)
<i>Rot. litt. claus.</i>	T. D. Hardy (ed.), <i>Rotuli litterarum clausarum, 1204–1227</i> (2 vols, London, 1833 and 1844)
<i>Rot. litt. pat.</i>	T. D. Hardy (ed.), <i>Rotuli litterarum patentium, 1201–1216</i> , (1 vol., 1 part, London, 1835)
<i>Rot. parl.</i>	J. Strachey (ed.), <i>Rotuli parliamentorum; ut et petitiones et placita in parliament</i> (vols 1–2, 1272–1377; London, 1783).
r.	<i>recto</i> [front of manuscript]
RTSG	<i>Reports and Transactions of La Société Guernesiaise</i> (St Peter Port, 1882–)
repr.	reprinted [in]
<i>Second report</i>	<i>Second report of the commissioners appointed to inquire into the state of criminal law in the Channel Islands (Guernsey)</i> (London, 1848)
SC	Special Collections [TNA]
S.G.	La Société Guernesiaise
<i>S.G. Extentes of Guernsey</i>	H. de Sausmarez (ed.), <i>The extentes of Guernsey, 1248 and 1331, and other documents relating to ancient usages and customs in that Island</i> (St Peter Port, 1934)
S.J.	La Société Jersiaise
<i>S.J. Ancient petitions</i>	<i>Ancient petitions of the chancery and exchequer ayant trait aux Îles de la Manche, conservées au 'Public Record</i>

	<i>Office' à Londres</i> , Société Jersiaise (St Helier, 1902).
S.J. <i>Cartulaire</i>	G. F. B. de Gruchy, R. R. Marrett, E. T. Nicolle (eds), <i>Cartulaire des Îles Normandes: recueil de documents concernant l'histoire des ces Îles</i> (St Helier, 1924)
S.J. <i>Extente, Jersey, 1331</i>	C. Le Feuvre (ed.), <i>Extente de l'Île de Jersey, 1331</i>
S.J. <i>Extente, 1274</i>	C. Le Feuvre (ed.), <i>Extente des Îles de Jersey, Guernsey, Aurigny et Serk: suivie des inquisitions dans les Îles de Jersey et Guernsey, 1274</i> (St Helier, 1877)
S.J. <i>Rolls of the assizes, 1309</i>	<i>Rolls of the assizes held in the Channel Islands in the second year of the reign of King Edward II, A. D. 1309</i> , Société Jersiaise (St Helier, 1903)
St	Saint
Stevens (ed.), 'Jersey assize roll, 1299'	C. Stevens (ed.), 'The Jersey assize roll, 1299–1300' (unpublished, 1978).
Stevenson, 'England and Normandy, 1204–1259'	W. B. Stevenson, 'England and Normandy, 1204–1259' (2 vols, Ph.D. thesis, University of Leeds, 1974)
Studd, 'Acts of the Lord Edw.'	J. R. Studd, 'A catalogue of the acts of the Lord Edward, 1254–1272' (unpublished Ph.D. thesis, University of Leeds, 1971)
Sumption, <i>Hundred Years' War</i>	Sumption, J., <i>The Hundred Years' War</i> , (4 vols, London, 1990–).
Thornton, <i>The Channel Islands</i>	T. Thornton, <i>The Channel Islands 1370–1640: between England and Normandy</i> (Woodbridge, 2012)
Thornton (ed.), <i>The charters of Guernsey</i>	T. Thornton (ed.), <i>The charters of Guernsey</i> (St Peter Port, 2004)

Abbreviations and conventions

TNA	The National Archives of the United Kingdom [formerly PRO], London
<i>Trans.</i>	<i>Transactions</i> [of the]
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>
trn	translation [in]/translated [in]
Vale, <i>The Angevin legacy</i>	M. Vale, <i>The origins of the Hundred Years War: the Angevin legacy, 1250–1340</i> (Oxford, 1996)
vol.(s)	volume(s)
†	died

Note on currency

The money used in the Channel Islands in the twelfth century was the *livres angevins*. Post-1204, the Islands used *livres tournois*, the currency used in the duchy of Normandy under the kings of France. 12 *deniers* was worth 1 *sol* and 20 *sols* was worth 1 *livres tournois*.

Sums are given as *l. t.* for *livres tournois*, *s.* for *sols*, and *d.* for *denier*.

In England, money was counted in pence, shillings (worth 12 pence) and pounds (worth 20 shillings or 240 pence). The *mark* was also in use as a unit of reckoning, which was worth two-thirds of a pound (13 shillings and 4 pence).

Sums are given as £ for pounds, s. for shillings, and d. for pence.

In the late thirteenth and early fourteenth centuries, roughly 4 or 5 *livres tournois* was equivalent to 1 pound sterling. However, debasements by the kings of France from the 1290s onwards saw the currency diminish to the point where 8 *livres tournois* was equivalent to 1 pound sterling. As such, a distinction was made in records concerning rents between ‘strong’ and ‘weak’ *livres tournois*. Valuably, in the fiscal accounts of the wardens of the Islands the totals of the revenue and expenditure of the royal administration was often given in both *livres tournois* and pounds. Nonetheless, the use of the alternative currency of the *livres tournois* and its fluctuating value in the fourteenth century make assessments of royal and seigneurial revenue in the Islands difficult and often only an indication can be provided.

Sources: J. R. Strayer, *The reign of Philip the Fair* (Princeton; New Jersey, 1980), p. xvii; M. Prestwich, *Plantagenet England, 1225–1360* (Oxford, 2005), p. xxiii; idem, *Edward I* (London, 1997), p. xxii; J. Sumption *The Hundred Years’ War* (vol. 1, London, 1999); and M. Vale, *The origins of the Hundred Years War: the Angevin legacy, 1250–1340* (Oxford, 1996; repr. 2004).

Acknowledgements

This thesis has been brought to fruition in no small part as a result of the contributions made by many individuals and groups, whose advice and support have assisted me throughout. Special mention is reserved to a few of these and I hope that a general thanks may suffice for the rest.

First of all, I wish to mention those who provided financial assistance. In 2019, the States of Jersey generously awarded me a Bursary for all four years of my graduate study. The De Lancey and De La Hanty Foundation provided a particularly kind one-time grant, considering that they normally only support studies in the field of medicine and law. The Société Jersiaise's decision to award me the Millennium Research Fellowship in 2021 meant that, combined with the above awards, I could devote myself full time to my research. In addition, the Rivington Fund, Jersey, and the Trinity Trust Travel Grant, TCD, enabled me to present aspects of my research at conferences at Leeds and Cambridge, which was highly beneficial to my academic development. The Department of History, TCD, awarded me both a grant from the Grace Lawless Lee Fund to enable me to consult essential archival material in the UK, and the Cluff Memorial Studentship, which supported my final year of study.

Second, there are many individuals who have been generous of their time and knowledge. I am grateful to Paul Dryburgh, Darryl Ogier, Michael Ray, Chris Aubin and David Ditchburn for their research assistance, their generosity in sharing unpublished material and in answering my many and frequently knotty questions. The insightful feedback of the editors of *The Jersey and Guernsey Law Review* in 2020 and *History* in 2022 has gone far in advancing the contents of this thesis. In addition, my thanks to my colleagues Vinicius Marino Carvalho, Patrick McDonagh and John Marshall, among others, for creating a stimulating working environment at TCD. I would like to extend my sincere thanks to the late Professor John Le Patourel's son, Mr Julian Le Patourel, for giving me permission to view his father's invaluable D.Phil. thesis on the medieval administration of the Channel Islands, and the Bodleian Special Collections staff for providing me with a digitised copy. I would also like to acknowledge the staff of the Brotherton Library, University of Leeds, in helping to narrow down the contents of John Le Patourel's extensive collection of personal papers archived there, saving me a significant amount of labour.

Acknowledgements

A considerable intellectual debt is owed to my supervisor, Peter Crooks. My early interest in examining the medieval period whilst I was still an undergraduate was stimulated by his engaging modules, particularly those on the Hundred Years' War and the reign of Richard II. These encouraged me to write my dissertation under his supervision on the medieval history of the Channel Islands, which, unexpectedly, acted as a stepping stone to this thesis. His insightful guidance then and now has gone far in elevating my work to a higher standard and pushing the boundaries of my research, notably, in the latter regard, by encouraging me to extend my analysis beyond the Channel Islands and towards a comparative approach drawing in the lands under the rule of the Plantagenet kings of England. Without his support, the substance of this thesis would be missing an edge.

Finally, I must recognise the contribution of my family, whose cherished company throughout has ensured that I remained academically immersed rather than consumed. As the youngest in the family, I have benefited from continuous brotherly guidance throughout my education from my older brothers, Edward and Frederick, an advantage further supplemented by the addition of my sister-in-law, Tabitha. I am also thankful for the kindness always shown to me by my grandparents, though I know their excitement about my completion of the thesis is less about its contents and more to celebrate a second graduation in Dublin! To Kathryn, my fiancée, who came into my life at the beginning of this doctorate and has been a reassuring presence ever since, I offer deep gratitude for giving me the determination to finish. And also to Kathryn's parents, Elizabeth and George, for making me feel a part of the family and generously accommodating me in the final year of my study. Finally, my own parents, to whom the greatest debt is owed, for their constant encouragement and support in pursuing my studies. I hope that this thesis serves as a suitable return, and testifies to the fact I have treasured every day of the opportunity they have given me.

A.E.K.
2023

Introduction

The abrupt conquest of the duchy of Normandy in 1204 by Philip Augustus, king of France (r. 1180–1223), precipitated the near total-collapse of the power of the Plantagenet kings of England in western France. The Channel Islands, situated a short distance off the coast of Normandy – ruled before 1204 as part of the duchy, its inhabitants culturally and ethnically Norman – seemed destined to be incorporated into the kingdom of France.¹ But they did not. Instead, the Islands remained under the control of the kings of England, predominantly on account of their strategic importance to control over the English Channel, as the ‘march between two kingdoms’.² By the mid-thirteenth century, the Islands were asserted to be an inalienable possession of the English crown. They became an integrated part of the newly-reconfigured Plantagenet realm, that is the composite monarchy of the kings of England in the thirteenth and fourteenth centuries.³ As the experience of the Channel Islands in this period demonstrates, the Islands were as much a part of this realm as its other constituent parts, such as the lordship of Ireland or the duchy of Aquitaine.

This thesis examines the place of the Channel Islands in the wider realm of the Plantagenet kings of England from 1204 to 1341. It seeks to demonstrate that the Islands, despite their small size, were viewed by the kings of England as an integral component of their realm. It offers an important subject of analysis and point of comparison that can contribute to

¹ Jersey is eighteen miles west of the Cotentin peninsula in Normandy, whereas the second-largest Island Guernsey is thirty-six miles away. The distance between Jersey and Guernsey is twenty miles. Standard introductory texts to the histories of the Islands include the following: R. Lemprière, *History of the Channel Islands* (London, 1980); C. Platt, *A concise history of Jersey: a new perspective* (St Helier, 2009); L. J. Marr, *A history of the bailiwick of Guernsey: the Islanders’ story* (London, 1982); M. Syvret and J. Stevens (eds), *Balleine’s history of Jersey* (St Helier, 2011).

² KB 27/290, m. 185 d.; pr. Havet, *Les cours royales*, p. 230.

³ On composite monarchies: J. H. Elliott, ‘A Europe of composite monarchies’, *Past & Present*, 137 (1992), pp. 48–71; H. G. Koenigsberger, ‘Dominium regale or dominium politicum et regale: monarchies and parliaments in early modern Europe’ (1975), in Koenigsberger, *Politicians and virtuosi: essays in early modern history* (London, 1986), pp. 1–27, esp. p. 12; D. Armitage, *The ideological origins of the British empire* (Cambridge, 2000), p. 22, defines composite monarchy as when ‘a diversity of territories, peoples, institutions and legal jurisdictions is cemented under a single, recognised sovereign authority’.

understanding the composite monarchy of the Plantagenets and the extent of royal power in the thirteenth and fourteenth centuries.

The chapters of the thesis are thematic, organised around three areas of analysis. The first concerns the political and constitutional status of the Islands within the Plantagenet realm and in the context of Anglo-French relations, the development of which is examined in Chapter I to facilitate discussion throughout the thesis.⁴ The loss of most of their continental possessions by the mid-thirteenth century drove the kings of England to think more consciously about the political organisation of their realm, a matter which required intellectual thought as much as it did governmental organisation. Throughout this period, the Islanders were treated as subjects of the king of England, but importantly, there was no effort to incorporate the Islands into the kingdom of England itself. They were viewed and administered as a distinct political entity within the Plantagenet realm. This was seen, for instance, in the upholding of the Islands' nascent institutions and Norman customary law by the kings of England, which was used as an effective way to retain the loyalty of the Islanders. It is contended that the configuration of the king of England's lands into multiple political units each with their own administrations, and distinct in culture and law, should not be considered as a sign of either fragility or incoherence in structure. In fact, the experiences of the Islands and other geographically distant parts of the king's realm show that the composite monarchy of the Plantagenets was a lasting and, at times, formidable political structure, that could be modified according to the variable political realities and constraints of royal power in each constituent part of the realm.

The second subject of analysis considers what the Islands' administration, laws, and judicial institutions reveal about the practice and effectiveness of trans-regional and devolutionary power. This discussion is concentrated within Chapters III, IV and V, which examine the structure and personnel of the royal administration of the Islands. The Islands' experience serves as an instructive example of how the Plantagenet kings' administrative organisations could be developed and adapted according to a range of political, economic and social circumstances to operate in outlier parts of the realm. In the case of the Islands, their administrative organisation was primarily built around their strategic importance as a

⁴ Sections of Chapter I have been developed from A. Kelleher, 'The king's other islands of the sea': the Channel Islands in the Plantagenet realm, 1254–1341', *History*, 107 (2022), pp. 453–483.

military outpost on the boundaries of the Plantagenet realm, and the shape and priorities of the administration were dictated by fluctuations in Anglo-French relations and the varying territorial ambitions of the king of England. This determined that, on the one hand, the administration was subject to oversight and occasional direct intervention by the central institutions of royal government, especially as the Islands' defences were dependent on fiscal and material resources from England. On the other hand, the administration had to be devolved on account of the Islands' geographic isolation and the reliance on the local elite, who played an essential part in its management. In such circumstances, the great difficulty was finding an equilibrium between the internal administration and the king's central institutions that was acceptable to the interests of the king and the local population. Whether this was in fact possible to achieve is unlikely, but the enduring ability of the kings of England effectively to assert their sovereignty over the Islands exhibits how a study of the Islands' administration has much to offer to an understanding the nature of trans-regional rule.

Lastly, and perhaps the more elusive of the areas examined, this thesis analyses how Islanders viewed themselves in the context of their wider political and socio-economic environment, and what impact this had on the Islands' internal development. It is argued here that the Islands' 'frontier' position in the English Channel had a profound effect on their development as micro-communities within and without the Plantagenet realm. The Islanders, as they frequently asserted, were loyal subjects of the king of England and had no general wish to be anything else. Indeed, they recognised that the Islands' strategic importance to wider Plantagenet affairs accorded them significant privileges, including favourable trading rights in England (Chapter II), and that these rights went well beyond what otherwise insignificant territories could have reasonably achieved. Their position also permitted them to retain their socio-economic and cultural links with continental Normandy despite the Islands' political separation from the duchy. This was exemplified by the fact that the Islands' customary law retained its Norman roots and continued to evolve, including by reference to developments in Norman customary law (Chapter V), and in the exercise of ecclesiastical jurisdiction in the Islands by the Norman church (Chapter VI). However, the respect for and the maintenance of the Islanders' privileged position was always dependent on the Islands' immediate relevance to the ambitions of the king of England. Furthermore, their wider environment also rendered them intensely vulnerable to periodic attacks and occupation by the kingdom of France and was the cause of their long-term militarisation in the mid-fourteenth century.

Out of sight, out of mind: the historiography of the Channel Islands

Given the existence of a rich and accessible volume of record material concerning the Channel Islands in the thirteenth and fourteenth centuries, it is surprising that the Islands are often excluded from English scholarship of the period, particularly that vein which examines the nature and extent of royal power and also comparative studies of the ‘dominions’ of the Plantagenet kings of England.⁵ The Islands are rarely mentioned in wider studies and when there are, they are only accorded a passing reference with little in the way of analysis.⁶ In part, the omission of the Islands is the result of their history: the distinct status of the Islands was due to their continued strategic importance during times of Anglo-French hostility. As Anglo-French relations ‘ebbed and flowed’ across the centuries so too did the Islands’ more immediate significance to wider affairs and, since the conclusion of the Napoleonic Wars, they ‘have only rarely surfaced into the general view’.⁷

More fundamentally, the Islands’ omission from the historiography of this period stems from their problematic position literally and constitutionally between the kingdoms of England and France, in which the Islands’ cultural differences and complicated political status make them difficult to fit into more traditional or national historical narratives, especially those which treat the histories of England and France as separate fields of study. Even the modern status of the Bailiwicks of Guernsey and Jersey as Crown Dependencies frequently causes some perplexity to those without a full understanding of the Islands’ historical development.⁸ As a result, far too often the Islands are avoided as political

⁵ The word ‘dominion’, in this instance, can be defined as ‘signifying political units, distinct in law and administration, ruled together by one monarch’: J. H. Le Patourel, ‘The Plantagenet dominions’ (1965), repr. M. Jones (ed.) *Feudal empires*, ch. 8, pp. 289–308, qt. p. 289.

⁶ It is only recently, for instance, that the experience of the Channel Islands has been fully included in academic narratives of the Hundred Years’ War. See J. Sumption’s multi-volume work *The Hundred Years’ War* (4 vols; London, 1990–).

⁷ P. Bailhache in Everard and Holt, *Jersey 1204*, qt. p. 7.

⁸ The Crown Dependencies of the Bailiwicks of Jersey and Guernsey are not legally part of the United Kingdom but are self-governing dependent territories of the British (via the English) Crown. The Bailiwick of Guernsey comprises Guernsey and the principal Islands of Alderney and Sark, and the lesser Islands of Herm, Jethou and Brecqhou. The Bailiwicks have their own legislative assemblies, are separate legal jurisdictions and fiscally autonomous. The Isle of Man is also a Crown Dependency but has many differences

anomalies, best placed out of sight and out of mind in broader historical discussions and viewed, in the words of the medieval historian John Le Patourel, himself a native of Guernsey, as ‘local history’.⁹

Le Patourel instead argued that the Channel Islands must be integrated within the wider histories of the political and cultural units to which they belonged if we are to construct a comprehensive history of them, and, in turn, if we are to advance our understanding of the political structures at work in the Middle Ages. He addressed this lacuna by placing the Islands within his analysis of the territories of the kings of England, wherein he highlighted the need to study these lands as a collective entity and view the histories of the kingdoms of England and France as profoundly interlinked.¹⁰ A part of this integrated approach, advanced notably by R. R. Davies and Robin Frame in their comparative studies of the British Isles, rests on the idea of incorporating the analysis of the diverse territories of the kings of England without sacrificing their individual political and cultural differences, or diminishing their influence in the realm for the sake of neat categorisations. Yet, Davies’ and Frame’s work generally omitted the king’s continental territories.¹¹

This conceptual approach, in recent historiography, has been followed through to its apotheosis of examining the Plantagenets’ insular and continental lands as an ‘empire’.¹²

in its relationship with the UK, further underscoring the anomalous status accorded to these territories. For discussion: Ogier, *Gov. & law of Guernsey*, pp. 205–231.

⁹ This statement is not intended to undervalue the importance of local studies: Le Patourel, ‘Guernsey, Jersey and their environment in the Middle Ages’ (1974), repr. *Feudal empires*, ch. 4, pp. 435–461, qt. p. 435.

¹⁰ See esp. a collection of his articles repr. M. Jones (ed.), *Feudal empires: Norman and Plantagenet* (London, 1984). For an account of his life and career: J. C. Holt, ‘John Le Patourel, 1909–1981’, *Proceedings of the British Academy*, 71 (1985), pp. 583–596.

¹¹ ‘There is a need for further comparative studies, and for a greater willingness to set the kingdom of England in the context of the royal dominions as a whole’: R. Frame, ‘Overlordship and reaction, c. 1200–c. 1450’, in A. Grant and K. J. Stringer (eds), *Uniting the kingdom?: the making of British history* (London and New York, 1995), pp. 65–85, qt. pp. 81–2. On this approach, see Frame, *The political development of the British Isles, 1100–1400* (second edn: Oxford, 1995); R. R. Davies, *The first English empire: power and identities in the British Isles, 1093–1343* (Oxford, 2000). Davies also remarked upon how using alternative terminology can allow us better to incorporate other ‘anomalous appendages’, such as the marcher lordships of Wales, into the history of the kingdom of England: ‘The medieval state: the tyranny of a concept?’, *Journal of Historical Sociology*, 16 (2003), pp. 280–300, pp. 292–5.

¹² For discussion of the term ‘empire’: P. Crooks, D. Green, and W. M. Ormrod, ‘The Plantagenets and empire in the Later Middle Ages’, in idem (eds), *The Plantagenet empire, 1259–1453* (Donington;

This is a malleable concept, often just an undercurrent in academic studies rather than a fully developed model in order to avoid a rigid approach, and does not seek to explain how the political formation in question defined itself. It is intended as a tool to stimulate intellectual thinking on the bureaucratic, economic, and cultural interconnectivity and the diversity of the territories of the Plantagenets, as opposed to studies that stress centralisation and uniformity in the study of medieval polities. ‘Empire’ as used therein may be defined as ‘an extensive polity in which a core society exercises formal or informal power over outlying regions gained or maintained by coercion’.¹³ In the context of the Plantagenets of the thirteenth and fourteenth centuries, the centre of authority was the kingdom of England, and its main subject territories included Gascony, Ponthieu, Ireland, Wales and the Channel Islands. Importantly, whilst acknowledging that England was the hegemonic core of this ‘empire’, this is not intended to brand these subject territories as peripheral. The idea of ‘empire’ also does much to avoid an Anglocentric or ‘medieval British Isles’ history of the kingdom of England, by incorporating the experience of the king’s continental lands.¹⁴ A purposeful use of this construct may help to resolve the historiographical omission of the Channel Islands from studies of the wider Plantagenet realm, without diluting the Islands’ ongoing connections with Normandy or their own internal development.

This thesis therefore attempts to fill a necessary gap in the historiography. But it would be remiss not to acknowledge some of the substantial efforts already undertaken towards this goal that has been seminal in the development of this thesis.¹⁵ The most important in

Lincolnshire, 2016); Crooks, ‘State of the union: perspectives on English imperialism in the Late Middle Ages’, *Past & Present*, 212 (2011), pp. 3–42; D. Bates, *The Normans and empire* (Oxford, 2013), esp. ch. 1. Though Le Patourel’s own work was seminal in the development of this conceptual approach, in 1980 he wrote that ‘empire’ was ‘a term which I going to use for convenience, though I no longer think it is appropriate’: Holt, ‘John Le Patourel, 1909–1981’, qt. p. 596.

¹³ Crooks, ‘State of the union’, qt. p. 4.

¹⁴ A. C. Ruddick, ‘Gascony and the limits of medieval British Isles history’, in B. Smith (ed.), *Ireland and the English world in the Late Middle Ages* (Basingstoke; Hampshire, 2009), pp. 68–88; Crooks, ‘State of the union’, pp. 3–9.

¹⁵ On the historiography of the Channel Islands up until 1937, see Le Patourel, *Admin. C.I.*, pp. 1–5. Most earlier studies on the Islands have since been superseded by Le Patourel and others, but the following works remain worth consulting: C. Le Quesne, *A constitutional history of Jersey* (London, 1856), which may be credited as the first detailed analysis on the Islands’ institutional development; G. Dupont, *Histoire du Cotentin et de ses Îles* (4 vols, Caen, 1870–1885), for a useful perspective and general history; and J. Havet’s

this regard was John Le Patourel, who set a new standard in the study of the medieval history of the Islands, beginning with his D.Phil. thesis in 1934 which is a remarkable exploratory survey of the medieval governance of the Islands by the kings of England, and was later augmented and published under the title *The medieval administration of the Channel Islands, 1199–1399* (London, 1937).¹⁶ In this publication, Le Patourel expertly unravelled many problematic aspects of the Islands' history into a clear narrative of their political and institutional development. He used original documents relating to the Islands archived in the Public Record Office (now The National Archives, Kew) that had received little if any examination, exemplifying his command over the source material.¹⁷ Over the course of his career, he also wrote a variety of insightful articles that share a theme of emphasising the importance of studying the Islands in the context of their wider environment, and he also acknowledged the influence of his Channel Islands background on his conceptual approach to studying the interlinked histories of the kingdoms of England and France.¹⁸ The final product of Le Patourel's contribution to the history of the Channel Islands is appreciated in the 'John Le Patourel Archive' (MS 822) at the Brotherton Library, University of Leeds. This archive, comprising some 13,000 separate items from his personal papers, contains a significant body of correspondence relating to the Islands which provide a unique insight into Le Patourel's *mentalité* and the deftness of his historical approach.¹⁹

Les cours royales des Îles Normandes (Paris, 1878), which is a focused analysis on the courts and judiciary in each Island, and includes important transcriptions of record material.

¹⁶ Le Patourel, 'A study of the administration of the Channel Islands in the thirteenth and early fourteenth centuries based mainly on the assize rolls and other unprinted documents' (D.Phil. thesis, University of Oxford, 1934).

¹⁷ A list of this documentary material may be found in Le Patourel, *Admin. C.I.*, pp. 5–25. He transcribed many of these records, and there is a particularly valuable collection of record material printed in the appendix of his D.Phil. thesis.

¹⁸ Le Patourel, 'The Plantagenet dominions', repr. *Feudal empires*, pp. 289–290. This did not mean that Le Patourel overemphasised the importance of the Channel Islands in his wider studies of England and France. For instance, it is notable that there are only two minor references to the Islands in Le Patourel's thought-provoking book on the cross-Channel realm of the Normans in the eleventh and twelfth centuries: *The Norman empire* (Oxford, 1976, pp. 276 n. 1, 306).

¹⁹ Material relating to the Channel Islands in MS 822 are organised into five boxes, although only a small amount concerns the Islands' medieval history: 11125–11130.1; 11131–111188; 11189–11329; 11330–11408; 11409–11445. For an overview of Le Patourel's collection: O. Pickering, 'The Channel Islands Collection in Leeds University Library', *JGLR*, 11 (2007), pp. 77–82.

I am, then, undoubtedly standing on the shoulders of a giant, and I have no intention to set about outlining all the ways in which my own study distinguishes itself from Le Patourel's extensive influence.²⁰ But it is important to qualify why I felt it necessary to return to a subject that on its face needs no further examination. In the first place, Le Patourel himself viewed his 1937 publication, now over eighty years old, as provisional and as foundational, intended to advance and encourage further research on the Channel Islands.²¹ Significantly, beyond its focus on the institutional development of the administration, the work is remarkably concise in its treatment of interrelated topics, such as the place of the Norman church in the Islands (see Chapter VI). There are also sections where Le Patourel was inclined to recapitulate the work of earlier historians, notably regarding the origins of the jurats, rather than offer a new assessment.²² The result is a work full of tentative yet tantalising arguments, which this author does not necessarily disagree with, but thinks need to be pushed further in their analysis. Le Patourel did not return to his work on the administration of the Islands with another dedicated monograph, especially one that reapplied the conceptual and comparative approach he developed during his career. Rather, he revisited his study of the Islands from time to time in a number of learned articles of necessarily more limited focus. Some of the earlier part of this thesis was therefore aimed at fusing the conceptual arguments of his later career with his 1937 study.

Instead of simply adding detail or filling gaps, however, the aims of this thesis are understandably different from Le Patourel's. In the first place, I have sought to create a more comprehensive narrative and argument on the Islands' internal development and the nature of royal power there, in which a history of administration constitutes only one area of enquiry.²³ Full advantage has been taken of record material that is now more accessible, significantly the large corpus of petitions to the king and council (see Chapter V), which

²⁰ Regarding the contribution of John Edward Lloyd (1861–†1947) to the history of Wales, R. R. Davies acknowledged that 'to write in Lloyd's shadow is immediately to be overshadowed': Davies, *The age of conquest: Wales, 1063–1415* (Oxford, 1987), p. v.

²¹ Le Patourel, *Admin. C.I.*, preface. See also the reviews of J. R. Strayer in *The American Historical Review*, 43 (1938), pp. 593–594, and H. Cam in *EHR*, 54 (1939), pp. 703–704.

²² Le Patourel, *Admin. C.I.*, pp. 32–4, 113–7; idem, 'The origins of the Channel Islands legal system' (1962), repr. *Feudal empires*, ch. 2, pp. 198–210, pp. 205–6.

²³ The decision of the Guernsey Bar to reprint *The medieval administration of the Channel Islands* in 2004 says something about the limited academic engagement with the medieval governance of the Islands since Le Patourel.

provide an enhanced perspective of the exercise of an appellate jurisdiction by the king in the Islands as well as greater insight into the perspective of the Islanders on the events of this period. Secondly, this thesis has sought to demonstrate that the Islands were a significant component to the integrity of the Plantagenet realm, and that their example can make an important contribution to understanding the political development of that realm. This has encouraged fresh examination of subjects which Le Patourel did not directly engage with, such as the value of a prosopographical study of the officials of the Islands' administration (Chapter IV), as well as an extension of my analysis towards a comparative approach drawing in other lands under the rule of the Plantagenets.²⁴ Finally, the twofold purpose of this thesis has led to a conclusion in which the focus of the argument has shifted away from Le Patourel's emphasis on institutional development. This argument is centred on how the course and direction of the Islands' development was exposed to, and shaped by, multifaceted and overlapping influences from within and without the Plantagenet realm, in which local and regional factors could be just as instrumental as the overarching directives of its monarchy. It is epitomised in Edward III's royal charter to the Islands in 1341, which culminated as a result of the continual interplay between the interests of the king and those of the community, and shaped the boundaries of royal authority and the development of the Islands' institutions and society.

The potential to develop the history of the Channel Islands is evident in a number of studies, including those by historians that Le Patourel supervised whilst Professor of History at Leeds University (1945–1974) and whose work appropriately include the Islands.²⁵ Recently, the immediate impact of the loss of Normandy in 1204 on the Islands has received fresh analysis by Judith Everard and J. C. Holt, who neatly summarises some of the more complicated aspects of the Islands' development, such as the offices of jurat and bailiff, and include a re-examination of the 1248 inquiry into the customs and laws of

²⁴ On prosopography, it is of particular interest that in the 'John Le Patourel Archive' there is an omitted appendix from his D.Phil. thesis that details the profile of the wardens of the Islands, although this does not offer an analysis of the significance of their socio-political background on the Islands' administration: MS 822, box 11125–11130.1, no. 11128; Le Patourel, *Admin. C.I.*, pp. 30–32, 39–40, 62–3.

²⁵ For example, W. B. Stevenson, 'England and Normandy, 1204–1259' (2 vols, unpublished Ph.D. thesis, Leeds University, 1971), ch. 4.

the Islands as instituted by King John.²⁶ Tim Thornton's work on the Islands in the later Middle Ages has gone far in advancing historical understanding of that period, by providing a holistic perspective of the Islands' political development that is conscious of the experience of other medieval political entities which likewise possessed a degree of autonomy and distinctive status within the kingdom of England, such as the Isle of Man and the palatinate of Durham.²⁷ Thornton's translations of the Islands' royal charters are also of esteemed value, evidenced by his important reassessment of Edward III's royal charter to the Islands in 1341.²⁸ In addition, Darryl Ogier's *The government and law of Guernsey* (St Peter Port, 2012) is an essential guide to the institutional and constitutional development of the Islands. Much of the academic research on the Islands has been stimulated by the longstanding contributions of the local associations of the Société Jersiaise (est. 1873), Société Guernesiaise (est. 1882) and, more recently, *The Jersey and Guernsey Law Review* (est. 1997) (*The Jersey Law Review* until 2007), notably with the publication of new editions of the *Grand Coutumier de Normandie* and *Antiqua consuetudo Normannie* by Judith Everard and William Eves respectively.²⁹ In short, there are exceptionally strong foundations to build upon and it is hoped that this thesis will serve a similar role for future research.

It is hoped that readers will not think it out of place if it is revealed at this point that the author of this thesis is a Jerseyman. Given the centuries of rivalry between Guernsey and Jersey, one can expect that Le Patourel would have been tickled by that fact.

²⁶ Everard and Holt, *Jersey 1204: the forging of an Island community* (London, 2004), pp. 155–166; Holt, 'Jersey 1204: the origins of unity: a note on the constitutions', in Bailhache (ed.), *A celebration of autonomy, 1204–2004: 800 years of Channel Islands' law* (St Helier, 2005), pp. 121–124.

²⁷ T. Thornton, *The Channel Islands, 1370–1640: between England and Normandy* (Woodbridge, 2012). Idem, 'Fifteenth-century Durham and the problem of provincial liberties in England the wider territories of the English crown', *TRHS*, 11 (2001), pp. 83–100; idem, 'Conclusion: Man, the medieval legacy', in S. Duffy and H. Mytum (eds), *A new history of the Isle of Man: the medieval period, 1000–1406* (vol 3; Liverpool, 2015), pp. 546–553.

²⁸ Thornton (ed.), *The charters of Guernsey* (St Peter Port, 2004); idem, 'Jersey's royal charters of liberties', *JGLR*, 13 (2009), pp. 186–197; idem, 'The Channel Islands and the courts of Westminster from the fourteenth to the sixteenth centuries', Eleventh Joan Stevens Memorial Lecture, Société Jersiaise (2017), pp. 1–28. Digitised copies of the royal charters are accessible on the Jersey Law website: (<https://www.jerseylaw.je/laws/charters/Pages/default.aspx>).

²⁹ Everard (ed.), *Le Grand Coutumier de Normandie: the laws and customs by which the duchy of Normandy is ruled* (St Helier, 2009). W. Eves, *The Antiqua consuetudo Normannie, or 'part one' or the so-called Très ancien coutumier of Normandy* (St Helier, 2023).

Conventions and terminology

The parameters and some conventions and terminology of the thesis should now be explained. First, the choice of title and date range. I have opted to use the heading the ‘Plantagenet realm’ to refer to the assemblage of territories under the kings of England under the Plantagenet royal family in the thirteenth and fourteenth centuries.³⁰ This is to distinguish it from its twelfth-century predecessor the Angevin ‘empire’ because, despite the interlinked histories between these political structures, including their ruling family, the loss of Normandy in 1204 resulted in the fundamental reconfiguration of the lands of the kings of England, and thus stands as a distinct period.³¹ The year 1341, when the first royal charter to the Channel Islands was issued by Edward III, king of England (r. 1327–1377), acts as the general stopping point for the thesis as the history of the Islands entered into a new phase with the onset of the Hundred Years’ War (1337–1453). The use of ‘realm’ in this instance is to be understood as a territory ruled by a sovereign or an area of interest or activity. This may seem too broad a term, but it is because I am not entirely convinced that ‘empire’ is the correct designation to describe the polity in question despite its value as a conceptual tool for understanding the world of the Plantagenets, nor is it the only way of examining the Channel Islands in the context of their wider environment.

Although this thesis refers to the ‘Channel Islands’, the earliest use of this term is to be found in an 1811 article titled ‘An account of Guernsey and the other Channel Islands’, and in France they are typically referred to as *les Îles Anglo-Normandes*.³² In the period under review, they generally were referred to by their individual names. It will also be seen from the works referenced in what follows that the histories of Guernsey and Jersey are typically treated separately. For the purposes of this thesis it is more pertinent to discuss

³⁰ ‘Plantagenet, family of’, J. Tait, *DNB*, XV, pp. 1284–5. M. Jones in his foreword to *Feudal empires*, p. ix, writes that Le Patourel’s sequel to *The Norman empire* (Oxford, 1976) was provisionally entitled ‘*The Plantagenet realm*’. Cf. Holt, ‘John Le Patourel’, p. 596, who states that the intended title was ‘*Britain and the Plantagenet lands*’.

³¹ On the terms ‘Angevin’ and ‘Plantagenet’: J. Gillingham, *The Angevin empire* (second edn: London, 2001), pp. 1–5; M. Aurell, *The Plantagenet empire, 1154–1224* (Paris, 2003), trn D. Crouch (Harlow, 2007), pp. 6–10, esp. for the differences between French and English historians in usage; Le Patourel, ‘The Plantagenet dominions’, repr. *Feudal empires*, p. 289.

³² In France, the Islands are also sometimes referred to as *les Îles de la Manche*. R. Hocart, ‘The Channel Islands’, *RTSG*, 23 (1995), p. 976.

the Islands as a whole, principally because, whilst there exists significant differences between them and their development, their histories are intertwined and in the medieval period they and the other Islands were administered by the kings of England as a unit. The balance between the discussion of each Island is not intended to be even – the extant records would make that difficult in any event – and the focus is on the larger Islands of Guernsey and Jersey rather than Alderney and Sark, especially as the limited records relating to the latter two have already been examined effectively in other studies.³³

It is conventional in most local academic studies to refer to the major landholders in the Islands, that is the ‘free tenants’ who held the principal holdings (fiefs) in the Islands and owed suit at the king’s resident courts therein, as ‘seigneurs’ (lords). This originates from the fact that French, as opposed to English, was the dominant language in the Islands until at least the late nineteenth century.³⁴ However, such terminology has a tendency to misrepresent the status and wealth of these landholders. Although the principal fiefs conferred the title seigneur, none of these fiefs were large enough to constitute a knight’s fee.³⁵ Additionally, it can convey a false sense of political or cultural status of these landholders with Normandy, which underestimates the fact that some landholders had noteworthy cross-Channel links with England. Therefore, the word ‘seigneur’ is used only to identify the owner of a fief or their courts in order to keep the text coherent with other academic studies. In this study, then, the words ‘elite’ and ‘magnates’ have been adopted to denote the powerful and influential groups in the Islands and these indiscriminately

³³ Le Patourel, *Admin. C.I.*, pp. 77–8, 86, 88–90, 93, 101–3; idem, ‘The mediaeval administration of Sark’, *RTSG*, 12 (1935), pp. 310–336; Havet, *Les cours royales*, chs 7 and 8.

³⁴ Indeed, to this day French remains an official language of the Bailiwicks, now joined by English. Its influence remains evident in many diverse spheres of life ranging from the vocabulary of the Royal Court to surnames, and from local property to road names. The resistance in some quarters to the growing dominance of English from the late nineteenth century is evident in the fact that until after the Second World War, the minutes of the Société Jersiaise meetings were kept in French despite the fact all conversation was in English. All notes were taken in English and then translated and entered long hand into the minute book. Major N. V. L. Rybot summed it up well when asked if he would be attending a meeting: he replied ‘*Je suis afraid que je suis.*’: J. Stevens, ‘A review of the past century’, *Société Jersiaise Special Bulletin, 1873–1973* (St Helier, 1973), pp. 6–17, qt. p. 6.

³⁵ The historical antecedents for this are examined in G. F. B. de Gruchy, *Medieval land tenures* (St Helier, 1957), ch. 6. This book is an excellent analysis of landholding, the seigneurial courts and agriculture in Jersey, with many insights from de Gruchy’s own experience as the seigneur of Noirmont, although it would have benefitted greatly by having an editor.

include merchants, clergy, office-holders, and other persons who were influential landholders but did not hold the title of seigneur. In historical records, it is the members of the elite who are the visible actors, notably in petitions to the king and during the proceedings of the general eyre in which they played a leading role. With the exception of occasional specific references, those outside the elite are largely anonymous as individuals. Amongst the local population, by which I mean those born there and/or long-term residents, this group comprised of farmers, fishermen, small tradesmen, labourers and others active or inactive in the economy and local society. In this text, reference to the ‘community’ or ‘Islanders’ is intended to refer to this group of people as well as the elite.

An apparent imbalance in the use of the archival repositories in England and France should also be explained. The thirteenth century witnessed a ‘proliferation of documents’ in the Plantagenet realm, as well as the formation of archives for keeping them.³⁶ As a result, medieval documentary material relating to the Channel Islands survives in abundance. These are overwhelming record sources, that is, a broad range of official documents, typically relating to the administration, and which principally emanate from the growing departments of the royal bureaucracy of the kingdom of England.

Almost all of this record material is now housed in The National Archives, Kew, and as the majority of records used in this thesis is derived from this repository it is necessary to exercise a degree of caution. The official records of the royal bureaucracy, limited in content mostly to matters pertaining to the king and the royal demesne, implicitly were designed to reinforce and expand the king’s rights and authority across the realm. Too great a reliance upon these records unsurprisingly risks overstating the extent of royal control over the Islands. Additionally, it can skew our understanding of key events in the king’s favour, most notably the prolonged dispute between royal officials and the Islanders over the customary laws of the Islands (Chapter V), the account of which is derived primarily from royal judicial records.

By contrast to the records of the royal bureaucracy, references to the Islands in narrative sources, such as in chronicles, are scarce. We lack contemporary political commentaries

³⁶ M. T. Clanchy, *From memory to written record* (third edn: Chichester, 2013), quote is the title of ch. 2.

that provide insights on events in the Islands or, beyond the occasional reference to military activity, regarding their role in the wider affairs of the kings of England.³⁷

The sheer volume of Channel Islands' records that survive in England, whilst testament to the extent of the Islands' integration within the Plantagenet realm, also has the potential to distort the history by accentuating the Islands' relationship with England at the expense of other political and cultural structures. This is particularly the case in regard to Normandy, where a comparative lack of records has the propensity to devalue the significance of the Islands' socio-economic and administrative integration with the duchy in the twelfth century, as well as the enduring influence this had on the Islands' own internal development. A degree of counterbalance to this problem is provided by a collection of Islands' records in French archives. These principally relate to the affairs of the Norman church and include a wide selection of records, such as charters of donation, various legal proceedings, petitions, private letters between ecclesiastical officials and fiscal accounts. There is an implicit bias in these records in favour of the interests of the Norman church, in a similar fashion to the manner in which those in The National Archives favour the king's interests. Nonetheless, they offer a valuable alternative perspective to broaden our understanding of the Islands' development, particularly on the relationship between the king of England and the Norman Church (Chapter VI), and more generally by evidencing the lasting links between the Islands and Normandy after 1204. Regrettably, most of the originals of these records were destroyed at Saint Lô in 1944 as a result of Allied bombing, although it is of great fortune that some of these records survive as well as copies, most notably in the latter case as published by the Société Jersiaise in the *Cartulaire des Îles Normandes* (1924).³⁸

Finally, an underlying thread of this thesis is that the medieval history of the Islands continues to form an important aspect to their current existence, especially when it comes

³⁷ For some discussion of the chronicle evidence on King John's efforts to retake the Islands after 1204: Stevenson, 'England and Normandy, 1204–1259', pp. 239–244. The attacks on the Islands in the early phases of the Hundred Years' War were significant enough to draw the attention of a number of chroniclers: see Chapter II.

³⁸ G. Désiré dit Gosset, 'Les archives de la Manche au péril de la guerre': de la catastrophe archivistique à la reconstitution des collections', *Ethnologues*, 39 (2017), pp. 85–101. G. F. B. de Gruchy, R. R. Marrett, and E. T. Nicolle, (eds), *Cartulaire des Îles Normandes: recueil de documents concernant l'histoire de ces Îles* (St Helier, 1924).

to matters of constitutional status and individual rights.³⁹ Medieval precedents and secondary evidence interpretative of these examples regarding the Islands' status vis-à-vis the kingdom of England, enshrined in the series of royal charters granted to the Islands by the sovereign, have over the centuries continued to guide and shape the Bailiwicks of Jersey and Guernsey in their development as self-governing dependent territories of the British Crown with their own legislative assemblies, legal and fiscal systems.⁴⁰ Le Patourel himself acknowledged this contemporary relevance in two introspective articles written during the Second World War, when the Islands were under German occupation and faced the possibility of great constitutional and institutional change in the post-war period. Here, Le Patourel identified a number of long-standing 'principles' in the Islands' history, namely their ongoing strategic importance to England and the successful preservation of the Islands' customary law. These 'principles', along with the Islanders' own efforts and political awareness of their wider environment, have facilitated the remarkably steady constitutional development of the Islands within England since the thirteenth century.⁴¹ This is not to say that Le Patourel's work is explicitly present-minded, but rather highlights that the value of such work extends beyond the medieval period.

The contemporary relevance of the medieval period is a fundamental reason for my own immersion in this subject. A study of the Islands in the thirteenth and fourteenth centuries exemplifies that diverse political entities, unique in culture and law, can effectively and independently develop whilst simultaneously falling within the purview of a larger polity.

³⁹ The medieval documentary material 'relates to a history that matters to people as individuals and as communities in a more immediate way than is usually the case for historians studying the centuries before the wars of the seventeenth century.': Thornton, *The Channel Islands*, qt. p. vii. See also Le Patourel's articles during the Second World War, when the Islands were under German occupation and faced the possibility of great constitutional and institutional change in the post-war period: 'Channel Islands institutions – past and future', *History*, 37 (1943), pp. 171–181; idem, 'The political development of the Channel Islands', *RTSG*, 14 (1946), pp. 27–34.

⁴⁰ This is evident in the activity of a series of royal commissions in the nineteenth century sent to investigate the laws of the Islands, and a significant legal dispute known as the *Jersey Prison Board* case. The commissioners found it necessary to consult a large body of medieval records relating to the Islands in the PRO, much of which they usefully printed in their reports: see esp. *Second report of the commissioners appointed to inquire into the state of the criminal law in the Channel Islands* (Guernsey) (London, 1848); *Jersey Prison Board: Order in Council, 1891* (5 vols; unpublished, 1891–1894), II.

⁴¹ Le Patourel, 'Channel Islands institutions – past and future', *History*, 37 (1943), pp. 171–181; idem, 'The political development of the Channel Islands', *RTSG*, 14 (1946), pp. 27–34.

Political uniformity and centralisation were neither then, nor indeed are presently, viewed as the only possible direction in the growth of European polities, something which is underscored in the modern status of the Channel Islands.

Chapter I

The political and constitutional status of the Channel Islands

The Channel Islands, Normandy, and the Angevin 'empire'

The origins of the distinct place of the Channel Islands within the Plantagenet realm lay in their integration with the duchy of Normandy from long before the Norman Conquest of England in 1066. The Islands, having previously been part of an enlarged Breton kingdom, were likely brought under the rule of the dukes of Normandy when William Longsword (r. 927–942) acquired the Cotentin in 933, and the ducal administration of the Islands is in evidence from the early eleventh century.¹ However, much like the problem faced by historians of continental Normandy, there are unfortunately limited records relating to the Islands until the thirteenth century: studies of these earlier centuries are reliant on a small number of charters, ecclesiastical records of the Norman church in the Islands, and the fragmentary records of the Norman exchequer.² This is insufficient to form a satisfactory picture of the Islands but, nonetheless, it is enough to conclude that by 1204 the Islands were effectively 'part and parcel of the duchy', and were incorporated into the Norman administration, politically, judicially, fiscally and ecclesiastically.³

The political union between the kingdom of England and duchy of Normandy achieved by the Conquest of 1066, sometimes referred to as the 'empire of the Normans' to underscore

¹ J. H. Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages' (1975), repr. *Feudal empires*, ch. 4, pp. 435–461, pp. 439–443; idem, 'The origins of the Channel Islands legal system' (1962), repr. *Feudal empires*, ch. 2, pp. 198–210, pp. 198–9.

² One of the earliest Norman documents concerning the Islands is a charter of donation by Richard II, duke of Normandy (r. 996–1026), to the abbey of Mont-St-Michel and dates between 1025 and 1026: S.J. *Cartulaire*, nos. 3 and 114, pp. 5–8, 182–4. Norman exchequer records relating to the Islands can be found in the publications of The Pipe Roll Society: V. Moss (ed.), *Pipe rolls of the exchequer of Normandy for the reign of Henry II, 1180 and 1184* (London, 2004), pp. 18–20; Moss and J. Everard (eds), *Pipe rolls of the exchequer of Normandy for the reign of Richard I, 1194–5 and 1197–8* (London, 2016), pp. 79–80, 203, 206.

³ T. W. M. de Guérin, 'Notes on the early constitutional history of the Channel Islands', *ABSJ*, 9 (1921), pp. 256–271, qt. p. 271. For overviews of the Channel Islands from the tenth to twelfth centuries: Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages', repr. *Feudal empires*, pp. 435–451; Everard and Holt, *Jersey 1204*, pp. 39–78.

the extent of Norman hegemony in this association, led to a creation of a cohesive and tightly-knit cross-Channel realm.⁴ The Norman kings of England with singular skill politically and administratively integrated England and Normandy together under their authority and, most visibly during the reign of Henry I (r. 1100–1135), ruled Normandy nominally under their ducal title but effectively as sovereign rulers.⁵ The Channel Islands were included in this integrated regal structure, which had a marked effect on their institutions, notably in the development of the royal courts in each Island.⁶ Those with interests in the Islands also acquired lands and rights in England. For instance, Wendy Stevenson has highlighted that Philip de Carteret, the seigneur of St Ouen in Jersey (c. 1130–c. 1178), along with one knight's fee at Carteret in the Cotentin, held between thirteen and fourteen knights' fees in the honour of Barnstaple, Devon, which his family had acquired soon after the Conquest of 1066.⁷ The cross-Channel possessions of the Norman church are too extensive to discuss here but also represented a significant tenurial connection.⁸ In the view of John Le Patourel, the 'comprehensive and coherent scheme' by which the Norman kings integrated England and Normandy formed 'the basic element in the relationship between Guernsey and Jersey on the one hand and the kingdom of England on the other, for it was preserved in its essentials even after the Islands had been separated from Normandy'.⁹

The 'empire of the Normans' was severely disrupted by the tumultuous Anglo-Norman civil war over the succession of Henry I, who had died without an immediate heir. In 1144, Normandy was brought under the rule of Geoffrey Plantagenet, count of Anjou (r. 1129–1151) after he wrested control of the duchy from Stephen of Blois, king of England (r. 1135–1154). Geoffrey's successor, Henry, grandson of Henry I and a claimant to the throne of England, was granted the duchy by his father in 1150, obtained the duchy of Aquitaine through marriage in 1152, and became Henry II, king of England (r. 1154–

⁴ D. Bates, *The Normans and empire* (Oxford, 2013), pp. 185–190, *passim*; Le Patourel, *The Norman empire* (Oxford, 1976), *passim*, and on 'empire' see esp. chs 6 and 9.

⁵ W. C. Hollister, 'Normandy, France, and the Anglo-Norman regnum', *Speculum*, 51 (1976), pp. 202–242, who offers an insightful comparison on how this Anglo-Norman realm differed from its Angevin successor.

⁶ Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages', repr. *Feudal empires*, p. 445, and n. 31 on the royal courts.

⁷ Stevenson, 'England and Normandy, 1204–1259', pp. 295–6; II, p. 369; Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages', repr. *Feudal empires*, pp. 444–5.

⁸ See Chapter VI.

⁹ Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages', repr. *Feudal empires*, qt. p. 445.

1189), following Stephen's death in 1154.¹⁰ This vast assemblage of lands amassed under Henry II stretched across western France, and in the British Isles included all of England, parts of Wales and, from 1171–2, Ireland. It is generally referred to as the Angevin 'empire', and survived until the early thirteenth century, when the loss of Normandy, Anjou and Poitou to the kings of France decisively changed the configuration and political organisation of the continental lands of Henry's successors.¹¹ The Angevin 'empire' has been viewed as both an 'entirely new political edifice', different from the previous Anglo-Norman regime it supplanted, and also distinct from the Plantagenet 'empire' of the thirteenth and fourteenth centuries, although this is not intended to disregard significant elements of continuity between these political structures.¹²

The configuration and stability of Henry II's realm has been the subject of extensive debate. The main fault line between historians is whether the territories of the Angevin kings of England possessed enough of a shared political and administrative organisation to be considered collectively as an 'empire' or were an inherently fragile collection of anomalous appendages that accorded it only a transient political existence. This author agrees with the former view, which persuasively argues that the Angevin 'empire' was regarded and treated by Henry II and his successors as an intelligible whole.¹³ It was controlled by a single overarching administration based around the king's household and sustained across the 'empire' through the itinerant rule of the king and his officials as well as the political elite of the realm.¹⁴ The political heart of this 'empire' was France,

¹⁰ W. L. Warren, *Henry II* (New Haven and London, 1973), pp. 12–53; D. Crouch, *The reign of King Stephen, 1135–1154* (Harlow, 2000), pp. 190–199; Hollister and T. K. Keefe, 'The making of the Angevin empire', *Journal of British Studies*, 12 (1973), pp. 1–25.

¹¹ For an introduction to the Angevin 'empire': J. Gillingham, *The Angevin empire* (second edn: London, 2001), esp. pp. 1–5; Le Patourel, 'The Plantagenet dominions' (1965), repr. *Feudal empires*, pp. 289–308.

¹² Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages', repr. *Feudal empires*, qt. p. 446, pp. 445–9. For recent discussion of the continuity between the Norman and Angevin 'empires', particularly the maintenance of a cross-Channel political elite: Bates, *The Normans and empire*, ch. 6.

¹³ Bates, *The Normans and empire*; Gillingham, *The Angevin empire*; M. Aurell, *The Plantagenet empire, 1154–1224* (Paris, 2003); Le Patourel, 'The Plantagenet dominions', repr. *Feudal empires*, pp. 289–308; idem, 'Angevin successions and the Angevin empire' (unpublished, see foreword), repr. *Feudal empires*, ch. 9, pp. 1–17; F. M. Powicke, *The loss of Normandy, 1189–1204* (second edn: Manchester, 1961), esp. chs 1 and 2. Cf., for example, B. S. Bachrach, 'The idea of the Angevin empire', *Albion: A Quarterly Journal Concerned with British Studies*, 10 (1978), pp. 293–299; Warren, *Henry II*, ch. 5, esp. pp. 228–230.

¹⁴ The fundamental weakness of this dynastic structure was its reliance on the person of the king. On the governance of the 'empire': Gillingham, *The Angevin empire*, ch. 6; Le Patourel, 'The Plantagenet

primarily Normandy, Anjou and Touraine where the kings of England spent the majority of their time. Additionally, the cities of Rouen and Tours along with other towns and castles acted as administrative and commercial hubs that further linked the populations of the king's continental lands.¹⁵ The constituent parts of the 'empire', whilst under the authority of a single ruler, had their own administrations and were generally governed according to their own laws and customs. Nonetheless, the integration of these lands under one ruler who exercised his power and patronage throughout the realm, combined with intercommunication and personnel links between these administrations, resulted in a degree of institutional uniformity, particularly between England and Normandy due to their long-standing political union.¹⁶ As John Gillingham contends, the growing integration of the 'Angevin' empire over the course of the twelfth century was instrumental in transforming the 'empire' into a 'impartible' political entity, and this integration was later developed more consciously and actively by the Plantagenet kings of England in order to preserve this 'empire' in the thirteenth century.¹⁷

Normandy's position as a principal part of the Angevin 'empire' determined that the Channel Islands belonged to this extensive political entity.¹⁸ In the twelfth century the Islands, lacking any immediate military value, were not as consequential to the wider ambitions of the kings of England but this does not mean they should be dismissed as insignificant. As John Le Patourel highlights, important individuals of the Angevin 'empire' were involved in the Islands. For instance, the abbey of St Helier in Jersey was founded in 1155 by William fitzHamon, a member of Henry II's household, and he granted many of his lands in Normandy and England to the abbey.¹⁹ The chronicler Robert of

dominions', repr. *Feudal empires*, pp. 296–8; J. C. Holt, 'The end of the Anglo-Norman realm' (1975), repr. Holt, *Magna Carta and medieval government* (London, 1985), pp. 23–66; Powicke, *The loss of Normandy*, ch. 2.

¹⁵ Gillingham, *The Angevin empire*, pp. 73–4; Powicke, *The loss of Normandy*, pp. 8–12; C. H. Haskins, *Norman institutions* (London, 1918), pp. 156–7.

¹⁶ Gillingham, *The Angevin empire*, pp. 79–85; Haskins, *Norman institutions*, pp. 190–193.

¹⁷ Gillingham, *The Angevin empire*, qt, p. 121, pp. 116–125. Cf. Powicke, *The loss of Normandy*, p. 34.

¹⁸ Although it has been argued that Normandy's own influence declined somewhat after 1154 as a result of its incorporation into the Angevin 'empire': Bates, 'The rise and fall of Normandy, c. 911–1204', in Bates and Curry (eds), *England & Normandy*, pp. 19–36; Holt, 'The end of the Anglo-Norman realm', repr. Holt, *Magna Carta and medieval government*, esp. pp. 42–3; Powicke, *The loss of Normandy*, pp. 299–301.

¹⁹ Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages', repr. *Feudal empires*, p. 447; idem, 'Guillaume fils Hamons, premier sénéchal de Bretagne (1171–1172)', *Annales de Normandie*, 29

Torigny, abbot of Mont-St-Michel (1154–1186), stated that Henry II had taken an interest in the development of the abbey of St Helier, and Robert himself visited the Islands in 1156 to inspect the abbey of Mont-St-Michel's own possessions there.²⁰

Perhaps the most important indication of the Islands' place in the Angevin 'empire' is the grant of the lordship of the Islands in c. 1198 by Richard I, king of England (r. 1189–1199), to his younger brother and heir, John, count of Mortain, and subsequently king (r. 1199–1216).²¹ The parcelling out of the Islands to a member of the royal family is of notable significance in and of itself, and showed that the Islands were treated as a distinct unit in the ducal administration of Normandy. But the greater significance of this grant becomes apparent when the Islands geostrategic environment is taken into account. The Islands were part of what Gillingham has termed the 'Angevin trading zone', an interdependent network of sea-borne economies spanning France's Atlantic coastline, the English Channel and the Irish Sea, that was an important component in the binding of the territories of the 'empire' together.²² The Islands' position in the Channel made them a convenient staging post for mercantile vessels travelling along the maritime routes of this zone. In addition, in 1195 there is evidence of Gascons developing direct interests in the Islands' fishing industry, perhaps anticipating the later importance Gascon merchants attached to the Islands in relation to the development of the Gascon wine trade with

(1974), pp. 376–377. On documents relating to the abbey of St. Helier: S.J. *Cartulaire*, pp. 307–337. For a recent study on the abbey: C. Mauduit, 'La réduction de l'abbaye St-Hélier de Jersey en prieuré, une conséquence de l'affrontement entre Arrouaisiens et Victorins en Normandie', *Annales de Normandie*, 63 (2013), pp. 53–91, esp. pp. 59–62, 64–6, and p. 90, which contains a useful map of the abbey of St Helier's possessions in England and Scotland in 1180.

²⁰ T. N. Bisson (ed.), *The chronography of Robert of Torigni* (2 vols, Oxford, 2020), I, pp. 390–1; II, pp. 286–9. Henry II issued a number of charters to the abbey: S.J. *Cartulaire*, nos. 252, 236 and 237, pp. 336, 319, 320–1. Robert of Torigny himself was an important figure in the Angevin 'empire': Warren, *Henry II*, p. 309; M. Hagger, 'Angevin rule in the west of Normandy, 1154–86: the view from Mont-St-Michel', in S. D. Church (ed.), *Anglo-Norman Studies XLII* (Woodbridge, 2020), pp. 77–100.

²¹ The record of the grant of the Islands to John is not extant. It is likely the lordship was granted to John between 1195 and 1198 as there is no mention of his lordship in a Norman exchequer account relating to Guernsey in 1194–5. His lordship and the transference of the revenues of the Islands to him was acknowledged in the 1197–8 roll: Moss and Everard (eds), *Pipe rolls of the exchequer of Normandy, 1194–5 and 1197–8*, pp. 79–80, 206; Powicke, *The loss of Normandy*, p. 76, n. 100; Everard and Holt, *Jersey 1204*, p. 75; Le Patourel, *Admin. C.I.*, p. 121.

²² Gillingham, *The Angevin empire*, pp. 61–6.

England in the thirteenth and fourteenth centuries.²³ In light of this economic dimension, it has been suggested that the grant of the lordship of the Islands fitted a territorial pattern to John's possessions in the western side of the English Channel, including the lordship of Ireland, the earldom of Gloucester, extensive estates in western Normandy, and in Devon and Cornwall in England, which sought to tighten Angevin control over this important zone. At the very least it provided John with a suitable endowment for as lord, he enjoyed all the ordinary revenues of the ducal demesne in the Islands. Ultimately, John's custody of the Islands may have proved the decisive factor in his recognition of their greater geostrategic importance to the integrity of the Plantagenet realm after these maritime routes became the only link to his remaining continental possessions in south-west France.²⁴

The loss of Normandy and the restoration of Plantagenet authority in the Islands, 1204–1254

The loss of Normandy in 1204 had the effect of permanently detaching the Islands from the duchy of Normandy, and caused immense political and social upheaval to them and the Plantagenet realm as a whole. The origins of this dramatic event lay in the complex and increasingly tense feudal relationship between the Angevins and the Capetian kings of France. During the twelfth century, the Angevin monarchs, in the capacity of their ducal and comital titles, paid homage to the kings of France for the duchy of Normandy and the counties of Anjou, Touraine, and Poitou. This homage was practised on rather vague terms and initially amounted to little more than a formality. However, in the twelfth century the kings of France, most intensely during the reign of the formidable Philip Augustus (Philip II, r. 1180–1223), made concerted efforts to assert their power and suzerainty over their great feudal vassals. This entailed repeated political manoeuvres that evidently sought to erode Angevin authority, partly through exploitation of the feudal relationship between

²³ Moss and Everard, (eds), *Pipe rolls of the exchequer of Normandy, 1194–5 and 1197–8*, pp. 80, 206. Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages', repr. *Feudal empires*, pp. 447–8. See Chapter II.

²⁴ Everard and Holt, *Jersey 1204*, pp. 74–6, 118; Everard, 'Le duché de Bretagne et la politique Plantagenêt aux XII^e et XIII^e siècles: perspective maritime', in M. Aurell and N.-Y. Tonnerre (eds), *Plantagenêts et Capétiens: confrontations et héritages* (Turnhout, 2006), pp. 193–210; Vincent, 'Jean, Comte de Mortain: le futur roi et ses domaines en Normandie, 1183–1199', in A.-M. Flambard-Héricher and V. Gazeau (eds), *1204: la Normandie entre Plantagenêts et Capétiens* (Caen, 2007), pp. 37–59, p. 49.

them. An opportunity seriously to weaken King John's authority presented itself when in 1201 Hugh Lusignan appealed to the court of Philip Augustus regarding John's aggressions against the Lusignans in Poitou, principally John's marriage to Isabella d'Angoulême in 1200, who had been engaged to Hugh, and the subsequent crushing of a Lusignan rebellion that had arisen in protest at the marriage. John was then summoned to Philip's court in 1202 in his capacity as count of Poitou to answer these charges against him. He was obligated to attend as part of the terms of his duty of homage owed to Philip, but refused to do so, recognising that attending would weaken his political authority in western France. Philip, without obvious basis in precedent, declared that John had breached the terms of his feudal homage and pronounced John's lands within the kingdom of France confiscate in the same year.²⁵ This action, followed by decisive military campaigns in Normandy and elsewhere, ultimately culminated in the near-total collapse of Angevin power in western France, notably after the loss of Normandy in 1204, Poitou in 1224, and with the failure of Henry III's (king of England, r. 1216–1272) military campaign in 1242, which constituted the last serious attempt to recover his lost continental possessions.²⁶

The Islands appear to have been lost by the kings of England during or shortly after Philip Augustus's military campaign in Normandy in the summer of 1204.²⁷ At this time the Islands were in the custody of Peter de Préaux, a royal favourite and important member of the Norman nobility, who had been granted the lordship of the Islands in January 1200.²⁸ Peter had been placed in command of the defence of Rouen, but surrendered the city to Philip Augustus in June 1204. In the terms of his capitulation, he paid homage to Philip for all his Norman lands, presumably including or at least understood to include the

²⁵ Powicke's *The loss of Normandy*, chs 6 and 9, remains one of the best narratives of these events. For a more recent account of Philip Augustus' conquest of Normandy: F. Neveux, *La Normandie royale: des Capétiens aux Valois (XIII^e–XIV^e siècle)* (Rennes, 2005), pp. 14–42; and for a wider narrative, Gillingham, *The Angevin empire*, ch. 7.

²⁶ On the military events of 1242 and their importance in confirming the permanency of the loss of the king of England's continental possessions: D. Carpenter, *Henry III: the rise to power and personal rule, 1207–1258* (New Haven and London, 2020), pp. 245–272.

²⁷ There is, unfortunately, a significant lack of documentary evidence on the Channel Islands during the years 1203 to 1206. A good narrative of events in 1204 in relation to the Islands can be found in: Everard and Holt, *Jersey 1204*, ch. 3.

²⁸ *Rot. chart., 1199–1216*, pp. 33, 71; Powicke, *The loss of Normandy*, pp. 183–4, p. 350; Everard and Holt, *Jersey 1204*, pp. 76–7.

Channel Islands and, in any event, the Islands seem to have fallen under the control of the kings of France around this time.²⁹ In the decades that followed, the kings of England, anxious to keep hold of the Islands to maintain their claim to Normandy and use them as a base for military operations, recaptured them on two occasions, from about 1205 to 1206 and again around 1217, and invested considerable resources towards their defence, notably in the construction of the formidable fortifications of Gorey Castle and Castle Cornet in Jersey and Guernsey, respectively. The special efforts made to retain the Islands are reflected in a clause inserted into the Treaty of Lambeth between Henry III and Prince Louis of France in September 1217, by which it was stipulated that the Islands were to be returned to the king of England. The Islands clearly were back in the king of England's hands by the end of that year.³⁰

The ramifications of Philip Augustus' conquest of Normandy for the kingdom of England were not immediate nor straightforward and connections between England and Normandy persisted. Indeed, it is sometimes overlooked that the Capetian monarchy faced a considerable task in cementing its authority in the duchy following the conquest. In the history of the Channel Islands, 1204 has been traditionally (and to some extent is presently) portrayed in a teleological way as the immediate end of their integral link with the duchy of Normandy and the beginning of their unique relationship with the kings of England.³¹ However, an undue emphasis on the impact of 1204 on the Channel Islands has

²⁹ On the fall of Rouen: Powicke, *The loss of Normandy*, pp. 261–3; C. Brunel, H.-F. Delaborde, C. Petit-Dutaillis and J. Monicat (eds), *Recueil des actes de Philippe Auguste, roi de France*, (vol. 2, Paris, 1943), no. 803, pp. 379–383, pp. 380–381. Notably, Peter's elder brother John de Préaux assisted Philip in the negotiations with the defenders of Rouen: D. Power, 'King John and the Norman aristocracy', in Church (ed.), *King John: new interpretations* (Woodbridge, 1999), pp. 117–136, pp. 134–5. The proof that the Islands were captured is based on the evidence of their recapture in 1205–6: Everard and Holt, *Jersey 1204*, pp. 82–6.

³⁰ The Islands at this time seem to have been under the control of the brothers of Eustace the Monk who, although nominally on the side of the king of France, appear to have been operating independently. By the terms of the Treaty, Prince Louis ordered them to return the Islands to Henry on pain of forfeiture of their lands in the kingdom of France and also their exclusion from the terms of peace: *Foedera*, I, i, p. 148. On 22 September 1217, the king issued writs to the warden of the Islands, Philip d'Aubigny, who was also a witness to the Treaty, suggesting the Islands were back in the king's hands by this date, though Philip may have retaken them earlier: *Rot. litt. claus.*, 1204–1224, p. 323; Everard and Holt, *Jersey 1204*, p. 90.

³¹ This is evident in the titles to Everard and Holt's work, *Jersey 1204: the forging of an Island community*, and in the commemorative volume: P. Bailhache (ed.), *A celebration of autonomy, 1204–2004: 800 years of Channel Islands' law* (St Helier, 2005).

the potential to understate the long-enduring relationship between the Islands and Normandy.³²

At least until the mid-thirteenth century, the kings of England viewed the loss of Normandy as only temporary and considered that their continental possessions would soon be recovered. Such a belief is apparent in the Islands where they continued to rule as if they remained dukes of Normandy. It has been convincingly contended that John and Henry III engaged in a policy which sought to disrupt the Islands as little as possible by preserving the *status quo* there, particularly as regards the local customary law and judicial institutions.³³ For instance, in a writ dating to 1226 the warden of the Islands, Richard de Gray, was ordered by the king to govern the Islands in accordance with their liberties and free customs or institutions in the same manner as they were governed in the time of Henry II, Richard I, and John.³⁴ This approach was a device aimed at retaining the loyalty of the Islanders, in circumstances where it was recognised that the Islands could not be held by military force alone, and that Plantagenet authority was reliant on their support. Perhaps also, the preservation of the laws and customs of Normandy in the Channel Islands could help support the claim of the kings of England as the rightful dukes of Normandy on the basis that possession and control intact of a small piece of the duchy indicated claim to the whole, though curiously such a claim was never invoked.³⁵

The importance of the Islands' socio-economic links to Normandy for Channel Islanders was recognised by the king of England, but now trade and the movement of persons

³² An exemplary work which sought to highlight the interlinked histories of the Islands and Normandy is that of G. Dupont, *Histoire du Cotentin et de ses Îles* (4 vols, Caen, 1870–1885).

³³ Stevenson, 'England and Normandy, 1204–1259', ch. 4; idem, 'English rule in the Channel Islands in a period of transition, 1204–1259', *RTSG*, 20 (1977), pp. 234–258; Everard and Holt, *Jersey 1204*, *passim*; Le Patourel, 'The origins of the Channel Islands legal system', repr. *Feudal empires*, pp. 199–200; Ogier, *Gov. & law of Guernsey* (St Peter Port, 2012), pp. 144–6.

³⁴ *Rot. litt. claus.*, 1224–1227, p. 114. See also a writ in 1217–8, which orders the warden to hold assizes in the same way as conducted during the reigns of Henry II, Richard I and John: *Rot. litt. claus.*, 1204–1224, p. 352; and *Patent rolls*, 1216–1225, p. 290.

³⁵ In fact, the first time such an argument explicitly was made was by the English jurist Edward Coke in the seventeenth century: 'And the possessions of these islands being parcel of the duchy of Normandy, are a good seisin for the king of England of the whole duchy'. E. Coke, *The fourth part of the institutes of the laws of England; concerning the jurisdiction of the courts* (London, 1644; repr. London, 1817), qt. p. 286; Ogier, *Gov. & law of Guernsey*, pp. 145–6.

between the Islands and the Norman mainland was conducted in a more regulated and restricted way. In 1223, for instance, the king ordered that all knights of Jersey and Guernsey were prohibited, at risk of confiscation of their lands, from staying in Normandy for more than eight days. Interestingly this order is silent as to any restrictions on members of the clergy or Islanders lower down the social strata.³⁶ As an indication of continuing tenurial and marital connections, in 1235 Philip de Carteret was given special licence to go to Normandy ‘to obtain, if he can, his land, which he says is his right in Normandy; so that when recovered he may give it to his daughters to marry them; and afterwards return to the king’s islands to dwell there as he did before.’³⁷ Trade with Normandy was also permitted during times of truce and after a permanent peace was reached in 1259, and new regulations were introduced to adapt to the circumstances, such as the imposition of customs on goods and ships that came from outside of the realm of the kings of England, including mainland Normandy.³⁸ The possessions of the Norman ecclesiastical establishments in the Islands were seized into the king’s hand after the first recapture of the Islands, but were subsequently restored shortly afterwards. The position of the Norman church in the Islands, in which ecclesiastical jurisdiction rested with the diocese of Coutances, was respected by the kings of England in line with their efforts to reclaim Normandy. The Norman church continued to be recognised by the Islanders as the legitimate source of ecclesiastical authority, reflected in the continued patronage the Norman ecclesiastical establishments received from Islanders during this period.³⁹

With the Islands cut off from the ducal administration in Normandy, a number of adjustments to the administrative and judicial organisation of the Islands were considered necessary to adapt to the changed political environment. As a first step, a number of *constitutiones et provisiones* (constitutions and provisions) were introduced during the later reign of King John in order to facilitate the effective continuation of the king’s administration in the Islands. This included, for instance, the institution of twelve *coronatores juratos* (sworn coroners) to watch over pleas and rights pertaining to the king. These ‘constitutions’ have been traditionally viewed in the Islands as of great constitutional significance, a part of the emphasis on the events of 1204. However, they were intended as modifications to the administration and local practices that originated in

³⁶ *Rot. litt. claus.*, 1204–1224, p. 534.

³⁷ *CPR*, 1232–1247, qt. p. 106.

³⁸ See Chapter II.

³⁹ On the impact of the loss of Normandy on the Norman church in the Islands, see Chapter VI.

Norman customary law.⁴⁰ Most of the changes were initially considered only temporary in the belief that Normandy would be recovered, but, ultimately, they proved permanent and became the foundations for the royal administration in the Islands for the rest of the Middle Ages.

The most important administrative reform was the development of the office of warden of the Islands, who was to act as the king's main representative there and was directly responsible to him. He was accorded considerable administrative and judicial powers. In the 'constitutions and provisions', he was given the authority to initiate legal process in the king's courts in each Island on a variety of pleas without writ and render judgement following a verdict of the coroners, matters of great administrative practicality.⁴¹ During Henry III's reign, particularly as the king assumed a more personal and independent rule following his long minority (*c.* 1234), the wardenship of the Islands was entrusted to the king's household knights, the *curiales regis*.⁴² These knights were highly competent and versatile administrators, often acting as extensions of the king himself. Their appointment to the Islands highlighted the underdeveloped state of their administration during Henry's reign. Now, an official with considerable authority and all-encompassing responsibilities was viewed as the most effective way of managing strategically important parts of the king's realm.

Another significant change to the local political landscape was in the composition of the seigneurial elite in the Islands. The conquest of Normandy and the lack of resolution of the dispute between the kings of England and France created a serious problem for the Anglo-Norman nobility that held estates in both England and Normandy.⁴³ A political elite whose

⁴⁰ The 'constitutions and provisions' are examined further in Chapter V.

⁴¹ S.G. *Extentes of Guernsey*, pp. 27–8. Le Patourel, *Admin. C.I.*, pp. 42–3.

⁴² The careers of these knights and their role in the administration is examined in Chapter IV.

⁴³ This size of the Anglo-Norman community and the strength of the cross-Channel links they created between England and Normandy are the subject of much debate, particularly over the involvement of the lesser nobility of both regions and their commitment to the Angevin 'empire', and whether this was a decisive factor in Normandy's rapid collapse in the face of Capetian aggression. For some discussion: Bates, *The Normans and empire*, pp. 160–177; Crouch, 'Normans and Anglo-Normans: a divided aristocracy?', in Bates and Curry (eds), *England and Normandy*, pp. 51–68; Power, 'King John and the Norman aristocracy', in Church (ed.), *King John: new interpretations*, pp. 117–136; J. Green, 'Lords of the Norman Vexin', in Gillingham and Holt (eds), *War and government in the middle ages* (1984), pp. 47–61; Le Patourel, *The*

tenurial interests and loyalties were now divided between two kingdoms made for an unreliable source of support to maintaining Plantagenet control over the Islands as well as Capetian rule in Normandy. Shortly after the surrender of Rouen, Philip Augustus issued an ultimatum that all Normans who wished to retain their lands in Normandy should come into his peace and pay homage to him before Easter 1205 or would forfeit their lands.⁴⁴ John seems to have correspondingly confiscated lands in England belonging to Norman lords who sided with Philip, though the confiscations of neither king seem to have been comprehensive or absolute. The confiscation of these lands in England, known as the *terrae Normannorum* (the land of the Normans), was initially a temporary measure but proved permanent following John and Henry III's failure to recover their continental possessions. The hesitation by both rulers to commit to a definitive view on cross-Channel estates attests to the anomalous state of affairs and the absence of instructive precedent.⁴⁵ Finally, in 1244, Henry confiscated all the lands in England of all those who chose French allegiance, in retaliation to similar action by Louis IX, king of France (r. 1214–1270).⁴⁶

Most of the Norman nobility with lands in the Islands appear to have been absentees, holding much larger properties on the Norman mainland, primarily in the Cotentin. Unsurprisingly, they chose allegiance to the king of France, and their lands and rights in the Islands were subsequently confiscated by the king of England. Stevenson's exemplary work on forfeitures in the Channel Islands has shown that of forty-one holders of identifiable properties in the Islands, twenty-four of the twenty-seven holders who held lands in both the Islands and Normandy after 1204 immediately abandoned their lands in the Islands in favour of their Norman possessions.⁴⁷ Whilst the forfeitures had a

Norman empire, ch. 6; idem, 'Normandy and England, 1066–1144' (1970), repr. *Feudal empires*, ch. 7, pp. 3–38.

⁴⁴ Powicke, *The loss of Normandy*, p. 275; T. K. Moore, 'The loss of Normandy and the invention of "Terre Normannorum", 1204', *EHR*, 125 (2010), pp. 1071–1109, pp. 1086–7.

⁴⁵ Neither John nor Philip saw their confiscations as permanent and both expected a settlement to be reached between them: Carpenter, *Henry III*, pp. 245–272; Moore, 'The loss of Normandy and the invention of "Terre Normannorum", 1204', pp. 1071–1109; Powicke, *The loss of Normandy*, pp. 281–291.

⁴⁶ Powicke, *The loss of Normandy*, p. 285. This confiscation does not seem to have applied to the lands of ecclesiastical establishments: J. Peltzer, 'The slow death of the Angevin empire', *HR*, 81 (2007), pp. 553–584, pp. 569–570.

⁴⁷ There may have been more holdings forfeited but in many cases the evidence is insufficient to be certain: Stevenson, 'England and Normandy, 1204–1259', I pp. 288–300; II, pp. 486–501. Stevenson also suggests that families, such as the de Carterets, may have split their possessions in England and Normandy between

considerable impact on the composition of the seigneurial elite in the Islands, it is notable that there was no one dominant lord in the Islands, other than the duke himself. Choices as to allegiance were made individually and were based primarily on familial and landholding concerns rather than political loyalties to either the kings of France or England.⁴⁸

Moreover, the extent of the ducal demesne in the Islands, which was greatly enlarged by the forfeitures of the nobility, combined with the properties of the Norman churches, removed any immediate political threat there to Plantagenet authority.

The main consequence of the defection of the Norman nobility was to elevate the remaining elite in the Islands, who were now comprised of men who held fiefs in the Islands and remained loyal to the kings of England, and the under-tenants of the former lords who forfeited their estates.⁴⁹ Of the former group, two are of particular note due to the long-term influence of their families in insular affairs. The first was Reginald de Carteret, the seigneur of St Ouen, a member of one of the oldest families in Jersey and a principal landholder in that Island through possession of the fief Haubert in St Ouen.⁵⁰ His son Philip succeeded him in 1215 and around 1212 to 1215 Philip had married the niece of Philip d'Aubigny, a royal councillor and warden of the Islands, an important indication of the loyalty of the de Carteret family to the Plantagenet cause.⁵¹ The second was William de Salinelles (later de Sausmarez), the seigneur of the fief de Saumareys (Samarès) in Jersey. In c. 1250, a branch of the family acquired what would become known as the fief de Sausmarez in Guernsey. Their influence became focussed in Guernsey and by 1274, the fief de Samarès in Jersey was in the possession of the de St Helier family through

family members to avoid forfeiting lands. Cf. Moore who has questioned the extent to which families were able to transfer lands from an English to a Norman branch of the family and vice-versa: 'The loss of Normandy and the invention of "Terre Normannorum", 1204', pp. 1095–6.

⁴⁸ Unfortunately, there are few precise details about the fiefs and families of the Islands in the pre-1204 period: Everard and Holt, *Jersey 1204*, pp. 43–5, 54–6, 121–5.

⁴⁹ On the importance of this development: Everard, 'Les Îles Normandes en 1204: le rôle décisif de l'aristocratie Normande', in Flambard-Héricher and Gazeau (eds), *1204: la Normandie entre Plantagenêts et Capétiens* pp. 216–226. Similarly, in Normandy, the Norman baronage of second rank took a place of prominence following Philip's conquest: Power, 'L'établissement du régime Capétien en Normandie: structures royales et réactions aristocratiques', in Flambard-Héricher and Gazeau (eds), *1204: la Normandie entre Plantagenêts et Capétiens*, pp. 319–344, 328–332.

⁵⁰ G. F. B. de Gruchy, *Medieval land tenures* (St Helier, 1957), pp. 62–4.

⁵¹ Everard and Holt, *Jersey 1204*, p. 93; T. Labey, 'The family of Philippe d'Aubigny', *ABSJ*, 25 (1991), pp. 473–479, pp. 477–9. On Philip d'Aubigny, see Chapter IV.

marriage.⁵² The decision of the de Carterets and de Sausmarezs to forfeit their Norman estates decisively showed their loyalty to the king of England. Combined with the under-tenants, most of whom do not appear to have held lands outside of the Islands, these landholders comprised the core of the new elite in the Islands and, through their considerable influence over local affairs and role in the local administration, often claimed to represent the interests of the community as a whole. Over the course of the thirteenth century, this group would use the Islands' strategic importance to the Plantagenet kings of England as an opportunity to expand their influence individually and as a community in the Islands and wider realm.

Most of the *terrae Normannorum* in the Islands remained in the king's hand indefinitely.⁵³ This partly stemmed from a lack of trust in the Islands' elite, exemplified in the decision by King John to take hostages from the major remaining families in the Islands, transferring them to England as a temporary measure for the duration of his military campaign in 1214.⁵⁴ The hostages taken at various times during John's reign nonetheless were kept in favourable conditions. For instance, a hostage of Reginald de Carteret, who appears to have been taken as such after the first recapture of the Islands, was permitted to stay with Reginald's brother Richard in Devon.⁵⁵

To reinforce Plantagenet authority in the Islands, some of the confiscated lands and associated rights were regranted in this period, primarily to men who had no previous interests in the Islands.⁵⁶ Grants were made initially on a temporary basis until the intended reunification of England with Normandy.⁵⁷ The first of such grants reinforced the need for caution in redistributing the confiscated lands: Thomas Paynel, a knight who was granted

⁵² S.J. *Cartulaire*, nos. 96, 223, 226, 232, 320, pp. 163–5, 304, 305–6, 312–7, 411 respectively; S. J. *Extente*, 1274, p. 20; de Gruchy, *Medieval land tenures*, pp. 66–8; A. H. Ewen, 'The fiefs of the Island of Guernsey', *RTSG*, 17 (1961), pp. 173–209, pp. 193–4. On the history of this family and the fiefs: H. de Sausmarez, 'The Sausmarez family in the Channel Islands before 1350', *RTSG*, 11 (1931), pp. 170–192; P. Bisson, 'The fief and seigneurs of Samarès in the Middle Ages', *ABSJ*, 24 (1987), pp. 339–353.

⁵³ Stevenson, 'England and Normandy, 1204–1259', pp. 300–307.

⁵⁴ We only have the records for their release: *Rot. litt. pat.*, 1201–1216, pp. 122, 125, 129. *Rot. litt. claus.*, 1204–1224, p. 180.

⁵⁵ *Rot. litt. claus.*, 1204–1224, p. 104; Stevenson, 'England and Normandy, 1204–1259', II, p. 369.

⁵⁶ An exception to this was an escheat granted to the Burnel family in Guernsey, who were unrelated to the English family of the same name: Stevenson, 'England and Normandy, 1204–1259', pp. 302–3.

⁵⁷ E.g. *CChR*, 1226–1257, pp. 324, 331, 419.

the fief du Hommet in Jersey in 1207 as compensation for lands he had forfeited in Normandy by remaining loyal to the king of England, changed allegiance between 1214 and 1217.⁵⁸ Many of the more significant grants did not occur until the 1240s as the political instability caused by the loss of Normandy started to settle, and were generously granted by Henry III to his household knights, most notably William de Cheny (†1269) and Drew de Barentin (†1265), the latter of whom was one of the longest-serving wardens of the Islands.⁵⁹ William de Cheny was granted the confiscated fiefs de Morville and de Pinel in Jersey, and d'Anneville in Guernsey in 1242, 1244, and 1248 respectively.⁶⁰ He also received the fief de Grainville as a gift from Gilbert de Greinvill (*sic*), confirmed by the king in 1239.⁶¹ In 1262, William purchased the fief du Comte, the largest fief in Guernsey, making him the principal secular landholder in the Islands after the king.⁶² In 1247, Drew de Barentin was granted the fief de Rozel in Jersey, which constituted ten librates of land.⁶³ He was also granted lands in Alderney, which were then taken back into the king's hand in March 1253, and Drew was compensated with fifteen librates of land in Jersey.⁶⁴ Probably as a result of further grants from the king as part of this compensation, Drew acquired additional lands totalling around sixty librates in Jersey, a vast amount in

⁵⁸ *Rot. litt. claus*, 1204–1224, pp. 93, 142. Everard, 'Les Îles Normandes en 1204: le rôle décisif de l'aristocratie Normande', in Flambard-Héricher and Gazeau (eds), *1204: la Normandie entre Plantagenêts et Capétiens*, p. 224; Stevenson, 'England and Normandy, 1204–1259', pp. 297; II, pp. 445–454. The fief du Hommet was still in the king's hands in 1309: S.J. *Rolls of the assizes*, 1309, p. 229; Everard and Holt, *Jersey 1204*, pp. 112–3, 128, 130–1, 134–5.

⁵⁹ For discussion of the careers of these knights, see Chapter IV.

⁶⁰ Morville: *CPR*, 1232–1247, p. 328; S.J. *Cartulaire*, no. 340, p. 438. Pinel: *CPR*, 1232–1247, 424; *CChR*, 1226–1257, pp. 278, 419. The grant of d'Anneville was included alongside other lands in England: *CChR*, 1226–1257, p. 331. See also *CPR*, 1232–1247, p. 107. De Gruchy, *Medieval land tenures*, pp. 57, 59; Ewen, 'The fiefs of the Island of Guernsey', pp. 194–5.

⁶¹ *CChR*, 1226–1257, p. 244; de Gruchy, *Medieval land tenures*, p. 61.

⁶² From as early as 1253 until 1257, William de Cheny held the fief du Comte as the guardian of Baldwin de Vere, whose own family had obtained the fief around 1239–1240 from Hugh Wake, before purchasing it outright in 1262: S.J. *Cartulaire*, nos. 130, 132, 341, pp. 202–4, 205–6, 439–9; Ewen, 'The fiefs of the Island of Guernsey', pp. 184–6; de Guérin, 'Feudalism in Guernsey', *RTSG*, 6 (1909), pp. 58–82, pp. 67–8, 78–81.

⁶³ *CChR*, 1226–1257, p. 324; *CCR*, 1247–1251, p. 5. E 372/94, m. 6 r, pr. Le Patourel, 'D.Phil.', app., p. 119; de Gruchy, *Medieval land tenures*, pp. 59–60.

⁶⁴ *Close rolls*, 1251–1253, p. 385.

consideration of the size of the Island.⁶⁵ As two of the most influential landholders in the Islands, the de Chenys and de Barentins were to have a lasting impact in the Islands in the thirteenth and fourteenth centuries, including in its administration.⁶⁶ Both William and Drew had lands and rights in England, which created a significant link between England and the Islands, although it should be recognised that their cross-Channel interests distinguished them from other landholders in the Islands and partly removed the involvement of their families in insular affairs.⁶⁷ These men owed their new position in the Islands entirely to the kings of England, thus ensuring their loyalty and to a certain extent entwining the interests of the principal landholders with those of the king.

A constitution for the Plantagenet realm: The 1254 appanage to the Lord Edward

In the half-century after 1204, the Channel Islands had been retained within the Plantagenet sphere of control on the basis of their strategic and symbolic importance to regaining mainland Normandy. Yet by the mid-thirteenth century, the reality dawned on the king of England that mainland Normandy was indefinitely out of their hands. Since 1204, the political status of the Channel Islands, along with Gascony, had remained uncertain. The changes made to the Islands' administrative and judicial structures, though effective, had been mainly provisional and the Islands' precarious geopolitical position and their growing strategic importance to control over the English Channel made maintaining royal authority there all the more essential. It was clearly considered necessary to reconfigure the political and constitutional relationship between the kings of England and their continental possessions.⁶⁸ This may be seen in the decision of Henry III in 1254 to

⁶⁵ S.J. *Rolls of the assizes, 1309*, pp. 305–6. The sixty librates seem to have comprised the fiefs de Diélament, de la Hougue Boete, de Longueville and de la Trinité: de Gruchy, *Medieval land tenures*, pp. 74, 75, 81, 82. How exactly some of these fiefs were acquired by Drew de Barentin is unclear.

⁶⁶ A significant body of records relating to the de Chenys may be found in S.J. *Cartulaire*, pp. 438–459.

⁶⁷ For references to William de Cheny's lands and interests in England: *CPR, 1232–1247*, pp. 107, 313; *CChR, 1226–1257*, pp. 331, 355–6; *CChR, 1257–1300*, p. 8; *Liber feodorum. The book of fees commonly called the Testa de Nevill, 1198–1293*, (3 vols, London, 1920–1931), I, pp. 404, 619; II pp. 924, 930; III, p. 143. For Drew de Barentin's: *CChR, 1226–1257*, pp. 108, 422, 469; *Close rolls, 1231–1234*, pp. 41, 195; *Liber feodorum*, I, pp. 446, 555, 613; II, pp. 1094, 1395; R. E. G. Kirk (ed.), *Feet of fines: Essex, 1182–1272* (Colchester, 1899–1910), p. 218.

⁶⁸ An early indication of this change in the approach to the king's continental territories may be seen in Henry III's long stay in Gascony following the failure of his military campaign in 1242, where he sought to reshape the political relationship between England and the duchy of Aquitaine in order to strengthen royal

include the Islands as part of an extensive appanage granted to his eldest son Edward, along with Ireland, Chester, and the king's conquests in Wales, together with a confirmation of the king's earlier grant to Edward of Gascony and the island of Oléron in 1249.⁶⁹

The 1254 grant was 'the most extensive ever granted by an English king for the maintenance of a member of his family'.⁷⁰ It sought to provide Edward with a sufficient endowment to allow him to operate more independently of the king and learn the skills of governance.⁷¹ An administration separate from the royal household was created for the management of Edward's possessions and affairs, though Edward's administration of the Islands remained under close royal oversight during the early years of his lordship, especially in terms of the appointment of officials, which required royal sanction.⁷²

Parental oversight aside, the grant was designed as a powerful statement of royal authority, which sought to emphasise the 'perceived unity' of the king's dominions.⁷³ In the grant, it was asserted that:

authority: A. P. du Rausas, 'Ad partes transmarinas': the reconfiguration of Plantagenet power in Gascony, 1242–1243', in A. Spencer and C. Watkins (eds), *Thirteenth Century England XVII* (Woodbridge, 2021), pp. 65–88.

⁶⁹ *Foedera*, I, i, p. 297; *CPR*, 1247–58, pp. 270–271, 272; F.-Michel (ed.), *Rôles Gascons, 1242–1254* (vol. 1, Paris, 1885), no. 2374, p. 309. The 1249 grant of Gascony and Oléron was renewed in 1252, with the added condition that Edward was forbidden to alienate anything therefrom and that the allegiance of the men of Gascony was reserved to the king: *CChR*, 1226–1257, pp. 345, 389.

⁷⁰ J. R. Studd, 'The Lord Edward and King Henry III', *BIHR*, 50 (1977), pp. 4–19, qt. p. 5. On revenue Edward derived from the 1254 appanage: Carpenter, *Henry III*, p. 657; H. A. Wait, 'The household and resources of the Lord Edward, 1239–1272' (unpublished D.Phil. thesis, University of Oxford, 1988). Cf. H. Johnston, *Edward of Carnarvon, 1284–1307* (Manchester, 1946), pp. 55–60.

⁷¹ A more specific purpose of the grant was to secure Edward's marriage to Eleanor of Castile, which formed a significant component of a treaty between Henry III and Alfonso X, the king of Castile: Carpenter, *Henry III*, pp. 564, 578–583, 589–590; Studd, 'The Lord Edward and King Henry III', p. 6.

⁷² On the Lord Edward's administration of the Islands, see Chapter IV.

⁷³ A. C. Ruddick, 'Gascony and the limits of medieval British Isles history', in B. Smith (ed.), *Ireland and the English world in the Late Middle Ages* (Basingstoke; Hampshire, 2009), pp. 67–88, qt. p. 70, pp. 70–75.

No one, by reason of this grant made to the said Edward, may have any rights or claims to the aforesaid lands and castles at any time, but that they should remain to the kings of England in their entirety for ever.⁷⁴

Thereby it sought to assert that whoever was ‘the lawful king of England, was by fact alone, the lawful duke of Aquitaine, lord of Ireland, and lord of the Channel Islands’.⁷⁵ This statement was rooted in the emerging concept of the inalienability of royal lands, and was closely linked to the emergence of the distinction between the person of the king and the institution of the crown.⁷⁶ It reflected how the Plantagenet realm had evolved from ‘essentially a family assemblage’ into the beginnings of a ‘unitary political structure’ in which the kings of England thought more consciously of its constitutional organisation and its institutional development.⁷⁷

The inalienability of these lands was underscored by the conditions that Edward was not permitted to alienate any lands or rights without royal approval, and the allegiance of the men and the titles of these territories was reserved to the king of England. Moreover, granting these lands to Edward, as the heir apparent, guaranteed that they would revert to the king of England upon Edward’s accession to the throne.⁷⁸ These conditions were of

⁷⁴ ‘*et quod nullus, ratione istius donationis eidem Edwardo factæ, aliquid juris vel clamii aliquot tempore sibi vindicare possit in terries et castris prædictis: set integer remancant regibus Angliæ in perpetuum.*’: *Foedera*, I, i, p. 297, trn Le Patourel, ‘The Plantagenet dominions’, repr. *Feudal empires*, pp. 301–2.

⁷⁵ Le Patourel, ‘The Plantagenet dominions’, repr. *Feudal empires*, qt. p. 302.

⁷⁶ There is evidence to suggest that in his coronation oath Henry III had sworn to conserve the rights of the crown and refrain from alienations, and this was likely also the case in the coronation oath of Edward I. The clear notion of the distinction between the king and the institution of the crown occurred during the reign of Edward II: E. H. Kantorowicz, ‘Inalienability: a note on canonical practice and the English coronation oath in the thirteenth century’, *Speculum*, 29 (1954), pp. 488–502; Studd, ‘The Lord Edward and King Henry III’, pp. 7, 11.

⁷⁷ Le Patourel, ‘The Plantagenet dominions’, repr. *Feudal empires*, qt. p. 301, pp. 301–2. See also: Studd, ‘Reconfiguring the Angevin empire, 1224–1259’, in B. K. U. Weiler and I. W. Rowlands (eds), *England and Europe in the reign of Henry III (1216–1272)* (Aldershot, 2020), pp. 31–42; M. Brown, ‘The Plantagenet empire and the insular world: retrospect and prospect’, in P. Crooks, D. Green, W. M. Ormrod (eds) *The Plantagenet empire, 1259–1453* (Donington; Lincolnshire, 2016), pp. 384–402.

⁷⁸ Until the Treaty of Paris in 1259, Henry continued to use the title ‘*Henricus Dei gracia Rex Anglie, dominus Hibernie, dux Normannie et Aquitainie, comes Andegavie*’ (Henry by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou). Edward’s title was *Dominus Edwardus illustrus regis Anglie primogenitus* (Edward first born son and heir of Lord Henry illustrious king

particular importance to ensure that Henry did not violate any previous oaths made to his subjects or offend communities which valued their direct relationship to the crown. Indeed, Henry's grant of Gascony to Edward in 1249, and its renewal in 1252, had partly been to placate the Gascons following their hostility to the appointment of Simon de Montfort with quasi-viceregal powers in the duchy from 1248 to 1252, which the Gascons argued had violated their liberties as the only obedience they owed was to the king of England.⁷⁹

The 1254 grant was all the more significant given that many of the lands granted to Edward were 'the most troublesome of his dominions'.⁸⁰ Ireland, Gascony, the territories in Wales, and the Channel Islands, were all situated on the boundaries of the Plantagenet realm and all, in various ways, including a lack of constitutional certainty, posed problems for royal authority. For example, their administrations had been required to adapt to the king's near-permanent absence from these territories as the centre of Plantagenet authority shifted to England, with south-east England becoming the predominant headquarters of the king and royal government. In a period where the bonds of lordship were maintained by personal monarchy as much as they were by structures of royal government, the importance of preserving a direct and tangible royal link with the king's dominions was of crucial importance. The parcelling out of responsibility over the dominions to members of the royal family represented their role as the 'third prop of kingship'.⁸¹ Henry's intentions with the 1254 grant draws notable parallels with the activities of Henry II and Edward III in their approach to installing family members across their vast realm to strengthen royal authority.⁸² In the case of the Channel Islands, it draws an important parallel with Richard

of England): Studd, 'The Lord Edward and King Henry III', pp. 15–7; M. Prestwich, *Edward I* (London, 1997), pp. 11–2; Carpenter, *Henry III*, p. 594–5. For an example of use of Edward's title in relation to the Islands: S.J. *Cartulaire*, no. 15, pp. 26–8.

⁷⁹ De Montfort's provocative conduct as the king's lieutenant in Gascony, whilst initially successful in reasserting royal authority, ultimately pushed the region into political turmoil and alienated much of the Gascon nobility. In response, the Gascons urged the king to come in person or send his son Edward to restore the peace: Carpenter, *Henry III*, pp. 499–511; J. R. Maddicott, *Simon de Montfort* (Cambridge, 1994), pp. 106–119.

⁸⁰ Studd, 'The Lord Edward and King Henry III', qt. p. 13.

⁸¹ R. A. Griffiths, 'The crown and the royal family in later medieval England' (1986), repr. Griffiths (ed.), *King and country: England and Wales in the fifteenth century* (London, 1991), pp. 1–10, qt. p. 1.

⁸² On the similarities in dynastic policy between Henry II and Edward III: Ormrod, 'Edward III and his family', *Journal of British Studies*, 26 (1987), pp. 398–422; Le Patourel, 'The Plantagenet dominions', repr.

I's investment of the lordship of the Islands in his younger brother and heir, John, in c. 1198. Investing the responsibility of the governance of these inalienable dominions in the future monarch of England bound them collectively to the English crown and showed the communities of these territories that they were viewed as integral parts of the Plantagenet realm and not disposable appendages.

As much as the territories included in the 1254 grant posed problems to the kings of England, they also presented opportunities for the expansion of Plantagenet authority. In the British Isles and Ireland, many of the lands Edward had received were relatively new royal acquisitions. In 1244, Edward had been granted half of the *terrae Normannorum* in England.⁸³ The lands in Wales he received in 1254 comprised the lands ceded to the king of England in the Treaty of Woodstock in 1247 by Owain and Llywelyn ap Gruffydd, and the earldom of Chester was acquired in 1241 as a permanent possession of the crown.⁸⁴ The development of the earldom of Chester and the king's Welsh lands together as centres of royal authority laid the foundations for expansion of royal influence in Wales and in the Irish Sea region in the late thirteenth and fourteenth centuries.⁸⁵ English power in Ireland was at its greatest extent and, in the years 1239 to 1251, a number of extensive Irish estates had reverted to the king by escheat, providing Henry with a much-needed source of land for bestowing royal patronage.⁸⁶ In the king's continental territories, the 1254 grant did

Feudal empires, pp. 289–308; idem, 'Angevin successions and the Angevin empire', repr. *Feudal empires*, pp. 1–17.

⁸³ The most important of these were the estates that had belonged to the countess of Eu: Prestwich, *Edward I*, pp. 7–8; Studd, 'Acts of the Lord Edw.', pp. 27–30; Powicke, *The loss of Normandy*, p. 338.

⁸⁴ Carpenter, *Henry III*, pp. 233–5, 433–444. On Chester: Studd, 'The Lord Edward's lordship of Chester, 1254–1272', *Trans. Historic Society of Lancashire and Cheshire*, 128 (1979), pp. 1–25; R. Billaud, 'The Lord Edward and the county of Chester: lordship and community, 1254–1272' (unpublished Ph.D. thesis, Canterbury Christ Church University, 2017).

⁸⁵ M. Brown, *Disunited kingdoms: peoples and politics in the British Isles, 1280–1460* (Harlow, 2013), pp. 1–27; R. R. Davies, *The first English empire: power and identities in the British Isles, 1093–1343* (Oxford, 2000), pp. 18–30. Edward I's activity draws certain parallels with Richard II's (r. 1377–1399) usage of Chester as an 'inner citadel' as part of a wider policy to reassert royal authority across the whole of the 'British Isles' to expand his dominion: M. J. Bennett, 'Richard II and the wider realm', in A. Goodman and J. Gillespie (eds), *Richard II: the art of kingship* (Oxford, 1999), pp. 187–204; N. Saul, *Richard II* (London and New Haven, 1999), pp. 270–292; Davies, 'Richard II and the principality of Chester, 1397–1399', in F. R. H. Du Boulay and C. M. Barron (eds), *The reign of Richard II* (London, 1971), pp. 256–279.

⁸⁶ Despite these opportunities in Ireland, R. Frame observes that the mid-thirteenth century was a critical period for the lordship of Ireland when colonial expansion began to falter as a result of physical geography,

much to push back the expansive aspirations of the kings of France and their claims to sovereignty over them. Moreover, in Gascony, it represented a renewed attempt alongside Henry's campaign there in 1253 to reassert royal authority and resolve the persistent instability of the region.⁸⁷ In some respects, Henry III's grant to the Lord Edward laid the foundations for Edward I's ambitious endeavours in the British Isles and in the duchy of Aquitaine.

The inclusion of the Channel Islands in the 1254 grant was the most significant development in the Islands' constitutional status following the loss of Normandy. The Islands were now asserted to be an inalienable possession of the English crown and the Islanders were viewed unquestionably as subjects of the king of England. Up until this point, the Channel Islands had possessed no constitutional link with the kings of England other than indirectly via the ducal title of Normandy.⁸⁸ The effect of the 1254 grant could be viewed as an 'annexation' by which the kings of England became the Islands' legitimate rulers.⁸⁹ There was a basis to view the recapturing of the Islands during John's reign as a conquest by the kings of England, which may have enabled them to treat the Islands as a conquered rather than an inherited territory. However, this point was not taken nor was there any attempt in this period to incorporate the Islands into the kingdom of England itself.⁹⁰ In fact, to have done so would have challenged John and Henry III's own earlier confirmations that they would preserve the laws and customs of the Islands. The

English political instability, and resistance by the native polity: Frame, 'King Henry III and Ireland: the shaping of a peripheral lordship', in Frame, *Ireland and Britain, 1170–1450* (London, 1998), pp. 31–58, esp. pp. 46–58.

⁸⁷ Henry's grant to Edward in 1254 was made during this expedition whilst Henry was in Bazas, south-east of Bordeaux, under the small seal carried with the king: Carpenter, *Henry III*, pp. 568–598; Studd, 'The Lord Edward and King Henry III', p. 4; Prestwich, *Edward I*, pp. 11–5.

⁸⁸ Usually, the duke of Normandy was simultaneously the king of England but this was not always the case. During the reign of Stephen of Blois, king of England (r. 1135–1154), the duchy of Normandy was not under the control of the king of England from 1144 until 1154 due to its conquest by Geoffrey Plantagenet: Warren, *Henry II*, pp. 12–53; Crouch, *The reign of King Stephen*, pp. 190–199; Le Patourel, 'The Plantagenet dominions', repr. *Feudal empires*, pp. 291–2.

⁸⁹ Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages', repr. *Feudal empires*, p. 454; idem, 'Jersey's political status during the Middle Ages', *The Jersey Society in London* (1961), pp. 4–10, pp. 8–10; Ogier, *Gov. & law of Guernsey*, pp. 206–7.

⁹⁰ The issue of whether the king's title to the Islands was by inheritance or conquest raised its head in the eyre of 1309, where the king's attorney claimed that King John had reconquered the Islands on two occasions: JUST 1/1160 and JUST 1/1161, pr. and trn S.J. *Rolls of the assizes, 1309*, pp. 11–2, pp. 231–3.

position of the Islands as distinct from the kingdom of England is emphasised in the continued existence of the lordship of the Islands and its attendant title *dominus insularum* (the lord of the Islands), a prerogative typically reserved to the kings of England or their heirs but which was rarely employed by its holders on account of its subordinate importance.⁹¹

That the Islands would remain distinct in their laws and institutions rather than be incorporated into the kingdom of England should not be viewed as a peculiarity: it was entirely fitting for the kings of England to acknowledge and uphold the legal and institutional diversity of their continental territories, during a period where political uniformity of these dominions was not viewed as necessary, let alone essential.⁹² Nonetheless, the reinforcement of this distinction in the 1254 grant cannot be understated: it confirmed that the kings of England would continue to observe the Islands' laws and customs and constitutes 'the true origins of the Channel Islands' status as 'Crown Dependencies'.⁹³ Thus, by 1254 the Islands were perceived as a politically distinct entity from the duchy of Normandy and the kingdom of England, and their new constitutional position vis-à-vis the English crown brought the Islands firmly into the orbit of the Plantagenet kings of England.⁹⁴

⁹¹ A proposed royal style early in Edward III's reign included the title '*dominus insularum maris*' but was rejected on the basis that the king's status would be weakened rather than enhanced by incorporating all of his diminutive titles: *EMDP*, I, i, p. 154; Ormrod, 'A problem of precedence: Edward III, the double monarchy, and the royal style', in J. S. Bothwell (ed.), *The age of Edward III* (Woodbridge, 2001), pp. 133–154, p. 136; Crooks, 'State of the union: perspectives on English imperialism in the Late Middle Ages', *Past & Present*, 212 (2011), pp. 3–42, p. 10.

⁹² Though sharp distinctions should not be drawn, the experience of the continental territories contrasts with Wales and Ireland where, due to cultural differences and as these regions had been acquired by conquest as opposed to inheritance, English institutions were imposed on the native polity: Ruddick, 'Gascony and the limits of medieval British Isles history', in Smith (ed.), *Ireland and the English world*, pp. 77–8, 82.

⁹³ Ogier, *Gov. & law of Guernsey*, qt. p. 207.

⁹⁴ Plantagenet control over the Islands is emphasised by the fact that William de Cheny was a witness to the 1254 grant: *Foedera*, I, i, p. 297; *CPR, 1247–58*, pp. 270–271, 272; Michel (ed.), *Rôles Gascons*, I, no. 2374, p. 309.

The Treaty of Paris, 1259, and Anglo-French relations

Any prospect that the 1254 grant had settled the political status of the Channel Islands within the Plantagenet realm was soon to be complicated by their entanglement in Anglo-French relations, beginning with the Treaty of Paris in 1259 between Henry III and Louis IX.⁹⁵ Peace and the resolution of the enduring problems caused by the breakdown in feudal relations since 1202 was much desired by both sides for a variety of political reasons, and was facilitated by the personal and familial relationship between Louis and Henry.⁹⁶ In the immediate sense, the agreed interpretation by historians is that the Treaty was dictated by Henry's politically and financially disastrous venture in attempting to acquire the kingdom of Sicily for his second son, Edmund, from 1254 onwards, which had done much to provoke a revolt among the English barons in 1258, and left the king in a seriously weakened position.⁹⁷ As such Henry was willing to make substantial concessions regarding the Plantagenet position in France in order to secure a permanent peace and re-establish his authority in England.

By the terms of the Treaty, Henry renounced his titles and rights to the duchy of Normandy, the counties of Anjou, Maine, Touraine, and Poitou, and accepted an obligation of liege homage to the king of France for the duchy of Aquitaine, which was to include Gascony.⁹⁸ In return, Henry was to be made 'a peer of France' and his renunciations and

⁹⁵ The originals of the Treaty of Paris are located in the Bibliothèque nationale, Paris. The text of the Treaty is pr. *Foedera*, I, i, pp. 383–4, trn H. Rothwell (ed.), *English historical documents, 1189–1327* (vol. 3, London, 1975), pp. 376–9; for text and related records, see P. Chaplais (ed.) *Treaty Rolls preserved in the PRO*, I (London, 1955), pp. 37–43, 51, 53. For a succinct breakdown of the contents of the Treaty and its consequences: Vale, *the Angevin legacy*, pp. 49–63; Carpenter, *Henry III*, pp. 680–685.

⁹⁶ Louis IX's wife was Margaret of Provence and her sister Eleanor was the husband of Henry III. On the relationship between the kings and its influence on the Treaty: Carpenter, 'The meetings of Kings Henry III and Louis IX', in Prestwich, R. Britnell and Frame (eds), *Thirteenth Century England X* (Woodbridge, 2003) pp. 1–30; Carpenter, *Henry III*, pp. 683–4.

⁹⁷ Chaplais, 'The making of the Treaty of Paris (1259) and the royal style', *EHR*, 67 (1952), pp. 235–253; G. P. Cuttino, 'Historical revision: the causes of the Hundred Years War', *Speculum*, 31 (July, 1956), pp. 463–477, p. 472; Vale, *The Angevin legacy*, pp. 53–6; Carpenter, *Henry III*, pp. 680–685. On the Sicilian business and its influence on the 1258 provisions of Oxford: Weiler, *Henry III of England and the Staufen Empire, 1216–1272* (London, 2006), pp. 147–171, esp. pp. 158–161; and Powicke, *King Henry III and the Lord Edward* (2 vols, Oxford, 1947), I, pp. 238–250.

⁹⁸ *Foedera*, I, i, pp. 383–4, Articles IV, VI. The duchy of Aquitaine, also known as the duchy of Guyenne or simply Gascony, came under Plantagenet control during the reign of Henry II, when he married Eleanor of

oath of homage were conditional upon Louis ceding to Henry all that the king of France held in the towns and dioceses of Limoges, Cahors and Périgueux, as well as fiefs and rights in Périgord, Limousin, and Quercy.⁹⁹ This collection of lands and rights had the potential to be a very profitable source of income for the kings of England, although many of them amounted to a ‘complex and varying bundle of rights and jurisdictions’, the title to and control over which were difficult to perfect and never proved fully satisfactory from a financial standpoint.¹⁰⁰

The Treaty of Paris had significant long-term consequences in Anglo-French relations. It has often been identified in the historiography as laying the basis for the Hundred Years’ War, in that its terms ‘sowed the seeds’ for future conflict by creating largely unresolvable tensions between the kingdoms of England and France.¹⁰¹ It is important to recognise, however, that the long-term consequences of the Treaty were largely unpredictable by its compilers and that the organisation of the feudal relationship created by the Treaty between Louis and Henry was standard for its time. Moreover, the association of the Treaty with the Hundred Years’ War sometimes detracts from the fact that the Treaty was successful in bringing thirty-five years of peace between the kingdoms of England and France.¹⁰²

Nonetheless, the inherent weakness within the Treaty of Paris was that it created an unequal relationship between the kings of England and kings of France. Despite the fact that Henry held a royal title of equal status to Louis, the terms of the Treaty clearly placed

Aquitaine in 1152. Until 1259, Gascony was not held as a fief of the king of France. Chaplais, ‘Le duché-pairie de Guyenne: l’hommage et les services féodaux de 1259 à 1303’ (1957), repr. Chaplais (ed.), *Diplomacy & admin.*, pp. 5–38.

⁹⁹ *Foedera*, I, i, pp. 383–4, Articles I, IV.

¹⁰⁰ Le Patourel, ‘The origins of the Hundred Years’ War’, (1971), repr. *Feudal empires*, ch. 11, pp. 28–50, qt. p. 34. See Carpenter, *Henry III*, p. 683, for figures on the value of the lands and rights ceded to the kings of England in the Treaty. Collectively they were estimated to be worth almost half Gascony’s annual revenues.

¹⁰¹ C. Allmand, *The Hundred Years’ War: England and France at war c. 1300–c. 1450* (Cambridge, 1988), qt. p. 8. For discussion: Vale, *The Angevin legacy*, pp. 49–63; idem, ‘England and France and the origins of the Hundred Years War’, in Jones and Vale (eds), *England & her neighbours*, pp. 199–216; Le Patourel, ‘The origins of the Hundred Years’ War’, repr. *Feudal empires*, pp. 28–50; Cuttino, ‘Historical revision: the causes of the Hundred Years’ War’, pp. 463–477.

¹⁰² ‘Agreeing to what was to become the peace of Paris was one of the best things Henry did in his reign’: Carpenter, *Henry III*, qt. p. 685.

the king of England in a subordinate position in relation to the relevant territories to the king of France, who acknowledged no superior. There was now a precedent for the acceptance of the sovereignty of the kings of France over their possessions in France and a recognition of the obligation of homage due to him under previous Angevin monarchs. However, previous oaths of homage had been conducted on more even terms between the two rulers, as reflected in the fact that they would often meet on the boundaries of their kingdoms, and the terms of homage were more simplistic and less defined.¹⁰³ By contrast, Henry was required to travel to Paris, the centre of Capetian power, to perform homage and to do so in a context of ceremonies and events displaying Capetian wealth and power that he could not equal.¹⁰⁴

Of greatest importance in this regard was that Henry was required to perform liege homage to the king of France, a superior and intensified form of homage that placed greater restrictions on the vassal. For instance, the king of England, in his capacity as duke, could not aid or harbour enemies of the king of France, which could prove problematic by contradicting previous agreements and alliances the king of England had made with other European polities. This gave the king of France a considerable degree of control over the foreign affairs of the kings of England, creating the potential for a clash of interests. Undeniably, the Treaty ‘derogated from the majesty of the king of England’.¹⁰⁵

Henry’s acceptance of liege homage for the duchy of Aquitaine was unprecedented and was strongly opposed by much of the nobility and communities of the duchy. Prior to 1259, Gascony had been held by the kings of England as an allod, meaning that the king acknowledged no feudal superior for possession of it.¹⁰⁶ By the terms of the Treaty, the king of France now held sovereignty over the duchy, giving him considerable regalian rights there, the most important of which were the right of confiscation and the right to

¹⁰³ Homage and its terms were always dependent on the relative strength of both kings. For the twelfth century relationship between the kings of England and France: Gillingham, ‘Doing homage to the king of France’, in C. Harper-Bill and N. Vincent (eds), *Henry II: new interpretations*, (Woodbridge, 2007), pp. 63–84; J. Benham, *Peacemaking in the Middle Ages: principles and practice* (Manchester, 2011), pp. 21–44.

¹⁰⁴ Carpenter, ‘The meetings of Kings Henry III and Louis IX’, in Prestwich, Britnell and Frame (eds), *Thirteenth Century England X*, pp. 24–30. Cf. Weiler, *Henry III of England and the Staufien Empire*, p. 13.

¹⁰⁵ Vale, *The Angevin legacy*, qt. p. 51; Le Patourel, ‘The origins of the Hundred Years’ War’, repr. *Feudal empires*, pp. 30–32.

¹⁰⁶ Chaplais, ‘Le duché-pairie de Guyenne: l’hommage et les services féodaux de 1259 à 1303’, repr. Chaplais (ed.), *Diplomacy & admin.*, pp. 5–38; Vale, *The Angevin legacy*, pp. 57–63.

exercise ultimate legal jurisdiction over the duchy. Subjects of the duke of Aquitaine were now able to take their legal cases to the Paris *parlement*, the highest appellate court in the kingdom, and Gascons who were discontented with the duke often exploited this right to advance their own interests by playing-off the kings of England and France against one another.¹⁰⁷ The king of France, especially from the late thirteenth century onwards, was increasingly eager to accept Gascon cases as this served to reinforce his sovereignty and in turn undermined the authority of the duke of Aquitaine by intervening in what were effectively internal disputes between the duke and his subjects. The volume of cases brought to the Paris *parlement* alone was a significant burden on the duke's officials and strained the resources of the ducal government.¹⁰⁸ The frequent clash of two overlapping and assertive royal governments in Aquitaine undoubtedly fuelled tensions between the kingdoms of England and France by creating a series of intractable problems with no clear solution.¹⁰⁹

The renunciation of Henry's titles and patrimonial inheritance to Normandy, Anjou, Maine, Touraine, and Poitou was symbolically a major defeat. It effectively severed the Plantagenet link to lands that had made up the heart of the Angevin 'empire', and reflected the lesser reality of England's growing position as the core territory of the Plantagenet 'empire'.¹¹⁰ Though these lands had been out of Plantagenet hands for some time, the Treaty provided legality to Philip Augustus' confiscation of King John's lands in 1202, which had been decreed on dubious grounds, and greatly reduced any future opportunities for Plantagenet ambitions in these regions.¹¹¹ Henry's new royal style reflected the diminished Plantagenet presence in France: he now only assumed the title king of England, lord of Ireland and duke of Aquitaine.¹¹²

¹⁰⁷ Vale, *The Angevin Legacy*, pp. 49, 67–8.

¹⁰⁸ Chaplais, 'English arguments concerning the feudal status of Aquitaine in the fourteenth century', *BIHR*, 21 (1948), pp. 203–213, pp. 203–5. Vale, 'England and France and the origins of the Hundred Years War', in Jones and Vale (eds), *England & her neighbours*, pp. 208–9. Ruddick, 'Gascony and the limits of medieval British Isles history', in Smith (ed.), *Ireland and the English world*, p. 70.

¹⁰⁹ Vale, *The Angevin legacy*, ch. 8; Le Patourel, 'The origins of the Hundred Years' War', repr. *Feudal empires*, pp. 37–46; Cuttino, 'Historical revision: the causes of the Hundred Years' War', p. 472.

¹¹⁰ Le Patourel, 'The Plantagenet dominions', repr. *Feudal empires*, pp. 299–300.

¹¹¹ Ormrod, 'England and Normandy and the beginnings of the Hundred Years' War', in Bates and Curry (eds), *England and Normandy*, pp. 197–215, p. 198; Vale, *The Angevin legacy*, pp. 53–4.

¹¹² Chaplais, 'The making of the Treaty of Paris', pp. 248–251.

Henry's renunciation of the title of duke of Normandy ended any lingering constitutional link the Channel Islands had with Normandy. However, the Islands themselves were not expressly mentioned in the Treaty. Instead, there was a rather vague reference in a provision to 'islands, if there were any' in the possession of the king of England, which would now be held by the king in his capacity as 'a peer of France and as duke of Aquitaine'.¹¹³ The only islands held by the kings of England off the coast of France at this time were the Channel Islands and the island of Oléron. Prima facie, then, the king of England was thereby admitting that the Islands were within the sovereign territory of the king of France.

The position was not wholly clear. Firstly, this provision of the Treaty refers to the king of England as a 'peer of France and as duke of Aquitaine', neither of which were particularly apt as a source of title to the Channel Islands. Secondly, it cannot be doubted that the diplomats involved in the negotiations of the Treaty were aware of the Islands. Why then, were the Islands not expressly mentioned by name? If it was understood that they were to be included in this statement then this contradicted, or at least considerably complicated, the terms of the 1254 grant whereby the Islands were viewed as an integral part of the English crown. As a result, it is possible that there may have been reservations on the English side about including the Islands expressly in the Treaty. By leaving the position intentionally vague, they may have sought to avoid any definite statement of recognition that the Islands were a part of the kingdom of France or any other political entity the kings of England controlled in France. This no doubt intended ambiguity was perpetuated when Edward I reconfirmed his terms of homage during his visit to Paris in 1286, where he stated that: '*Je deviens votre homme pour les terres que je tiens de vous en-deçà de la mer selon la forme de la paix qui fut faite entre nos ancêtres*'. What was meant by the lands 'below the sea'? This likely refers to below the English Channel, but

¹¹³ *Et de ce, que li Rois de France donra al Roi de Angleterre, ou a ses heires, en fiez, ou en demaines, li Rois de Angleterre, et si heirs feront homage lige au Roi de France, et a ses heires Rois de France... des Iles, s'aucune en ia que li Rois de Angleterre tiegne, qui soient de roiaume de France, et tendra de lui com pers de France et dux de Aquitaine.* (And for what he shall give us and our heirs in fief and in domain, we and our heirs will do him and his heirs, kings of France, liege homage...for the islands, if there are any, that we hold that are of the kingdom of France, and we will hold of him as a peer of France and as duke of Aquitaine.): *Foedera*, I, i, pp. 383–4, Article IV.

whether this statement includes the Islands that are in the Channel itself and which are again not mentioned by name, was open to interpretation.¹¹⁴

In the round, the evidence, though inconsistent, tends to the conclusion that it was indirectly accepted by the kings of England that the Islands were part of the kingdom of France but as a distinct political entity within it. That distinction was that they were held directly by the kings of England rather than via any other title.

There is no evidence that the Islanders themselves viewed their status as changed after the Treaty of Paris. For instance, there is little to suggest that the Islanders, unlike the inhabitants of Gascony from the late thirteenth century onwards, took legal disputes to the higher authority of the Paris *parlement*. The only courts outside of the Islands that the Islanders were definitely known to have used were ecclesiastical courts in Normandy, primarily the court of the bishop of Coutances, rather than secular courts of the duchy, and it seems these ecclesiastical courts were used as an alternative to the king's courts in the Islands rather than as an appellate court from them.¹¹⁵ Rather than indicating any change resulting from the Treaty, this was more likely a utilisation of a long-asserted exercise of jurisdiction by these courts over what were viewed as ecclesiastical matters.

Perhaps the reason why Islanders did not take advantage of their position within the kingdom of France is that the Islands were more firmly in the hands of the Plantagenet kings of England, in part due to their small size, but also due to their administrative reorganisation combined with the successful policies of John and Henry III that had ensured the Islands' political elite were loyal to the Plantagenets. In Aquitaine, political interests were far more diverse and the sheer size of the duchy made the exercise of Plantagenet authority more difficult. In the Channel Islands, there was no powerful lord like Gaston VII, vicomte of Béarn (1229–1290), who opportunistically and with relative

¹¹⁴ (I become your man for the lands I hold from you below the sea in the form of the peace that was made between our ancestors): pr. *EMDP*, I, i, no. 198, p. 359, Chaplais, 'Le duché-pairie de Guyenne: l'hommage et les services féodaux de 1259 à 1303', repr. Chaplais (ed.) *Diplomacy & admin.*, pp. 24–5, and p. 25 n. 91, and *Foedera*, I, ii, p. 665; Prestwich, *Edward I*, pp. 322–3.

¹¹⁵ The use of ecclesiastical courts in Normandy was nonetheless seen as a threat to the sovereignty of the kings of England in the Islands and, following the 1294 Anglo-French war, the Islanders were increasingly prohibited from using them. See Chapter VI.

impunity used the *parlement* to undermine the ducal administration in Aquitaine.¹¹⁶ The newly-installed elite in the Islands, such as the de Chenys and de Barentins, possessed vested interests in England and the wider realm, and were active in the king's service. They thus had little to gain from using the courts of the king of France and risk losing the favour of the kings of England. Moreover, the extended trading links between England and Gascony, which increasingly involved the Islands, provided a valuable economic network to the Islanders. Combined with the upholding of the Islanders' liberties and customs, the benefits of loyalty to the Plantagenet kings of England considerably outweighed any advantages to be gained from using the Paris *parlement*.

The absence of any evidence of jurisdictional intervention by the kings of France in the Islands, in contrast to their intrusiveness in the affairs of the duchy of Aquitaine, is striking. One may infer that the kings of France viewed the Islands as of relative insignificance to their ambitions in asserting their sovereignty. Certainly, the Islands' strategic importance was dependent on the state of Anglo-French relations and during the years of peace the Islands did not hold the same geopolitical importance that the duchy of Aquitaine had in advancing French interests in southern France. However, by the time the 1294 Anglo-French war revealed the unworkability of the Treaty of Paris, the kings of France certainly took the view that the Treaty included the Islands for whenever the king of England's lands in France were declared forfeit by the French kings, such as in 1294, an immediate assertion of ownership of the Islands was demonstrated by an attack on them in considerable force by the kings of France, though they were unable to capture them.¹¹⁷

In any event, during the years of peace the Islands continued to be ruled by the kings of England in much the same terms as prior to the 1259 Treaty. The issue of the status of the Islands was no doubt not at the forefront of political concerns as the long peace that followed the Treaty of Paris masked the inherent tension in the position of the king-duke of Aquitaine as a subordinate of the king of France. The confidence of the kings of England in their control over the Islands is reflected in their use of them as a valuable source of patronage: in 1277, the Islands were granted for life and without fee to Edward I's closest

¹¹⁶ Gaston's litigious activity proved to be a considerable headache and drain on the ducal administration, and he frequently undermined Plantagenet authority in the duchy: Vale, *The Angevin legacy*, pp. 15–8; Prestwich, *Edward I*, pp. 300–301.

¹¹⁷ See Chapter II.

friend, Otto de Grandison, who held them until his death in 1328 at the exceptional age of around ninety.¹¹⁸

Anglo-French relations, 1294–1341

From the 1294 Anglo-French war onwards, the kings of England actively sought to deny that the Islands, along with the duchy of Aquitaine, lay within the jurisdiction of the kingdom of France, and asserted that they held their continental possessions in full sovereignty.¹¹⁹ Following the peace of Montreuil in May 1299, a series of diplomatic meetings, or processes, were held with the purpose of resolving all Anglo-French disputes, and, vitally, the vexing legal question of French sovereignty over Aquitaine.¹²⁰ Throughout these negotiations what may be called the ‘English’ side consistently sought to restore Gascony to its allodial status, contending that the kings of England owed no homage to the kings of France and held sovereignty over the duchy.¹²¹ Part of this stance rested on the argument that the Treaty of Paris was no longer valid as many of its articles had never been fulfilled by the kings of France, including the failure to invest Henry III and his heirs with certain lands promised to them in the Treaty.¹²²

It appears that the Channel Islands were also asserted to be held freely and in full sovereignty by the kings of England.¹²³ The status of the Islands as outside the sovereign authority of the kings of France was to be closely associated with the developing notion

¹¹⁸ Otto de Grandison’s lordship is examined in Chapter IV.

¹¹⁹ Vale states that the 1294 war ‘marked a watershed in relations’: *The Angevin legacy*, qt. p. 227.

¹²⁰ On the circumstances surrounding the peace of Montreuil: J. G. Black, ‘Edward I and Gascony in 1300’, *EHR*, 17 (July 1902), pp. 518–527; Rothwell, ‘Edward I’s case against Philip the fair over Gascony in 1298’, *EHR*, 42 (1927), pp. 572–582. For discussion of the processes of Montreuil (1306), Périgueux (1311), and Agen (1332): Cuttino, *English diplomatic administration* (second edn: Oxford, 1971), pp. 62–87, 87–100, 100–1; Le Patourel ‘The origins of Hundred Years’ War’, repr. *Feudal empires*, pp. 34–6.

¹²¹ Chaplais, ‘English arguments concerning the feudal status of Aquitaine in the fourteenth century’, pp. 203–213; idem, ‘Le duché-pairie de Guyenne: l’hommage et les services féodaux de 1259 à 1303’, repr. Chaplais (ed.) *Diplomacy & admin.*, pp. 5–38; idem, ‘Le duché-pairie de Guyenne: l’hommage et les services féodaux de 1303 à 1337’ (1958), repr. *Diplomacy & admin.*, pp. 135–160.

¹²² Vale, *The Angevin legacy*, pp. 67–70.

¹²³ There are only a few references to the Channel Islands in these processes. As Ormrod noted, Normandy too played only a peripheral role in Anglo-French diplomacy in this period, and the same may be said of the Islands: Ormrod, ‘England, Normandy and the beginnings of the Hundred Years’ War, 1259–1360’, in Bates and Curry (eds), *England & Normandy*, pp. 197–215.

that the kings of England held sovereignty of the ‘sea of England’, that is the English Channel, and all islands situated within it.¹²⁴ Such arguments were completely rejected by the French side, whose policy was to maintain and, wherever possible, expand the overarching authority of the king of France over his ducal vassals and prevent any erosion of this authority by English diplomatic manoeuvres. At the Process of Périgueux in 1311, the French articles submitted to England went as far as to demand that all islands adjacent to Normandy be returned to the kings of France as these islands were an integral part of the duchy of Normandy, whose institutions had jurisdictional authority over the islands (despite the evident lack of exercise of this authority), and because the king of England had surrendered his rights as duke by the 1259 Treaty. The English side denied this and emphasised the fact that the islands adjacent to Normandy, which could only be in reference to the Channel Islands, were not expressly mentioned in the Treaty of Paris or any other treaty since then.¹²⁵ The arguments put forward by both sides were polarised and left little manoeuvrability to reach a permanent accommodation on the issue. Ultimately, the negotiations largely failed to make a difference to the political realities of the situation. The problematic terms of the Treaty of Paris continued to create immense tensions between the kingdoms of England and France, though these were not altogether unresolvable as the conclusion of hostilities in the 1294 Anglo-French war and War of St-Sardos (1324–5) and the subsequent restoration of the king of England’s continental lands evidenced.

What made these tensions increasingly unresolvable from the late thirteenth century onwards was fundamentally the result of the expansion and increasing sophistication of two political structures, one Plantagenet and one Capetian (later Valois), ‘overlapping and

¹²⁴ This formed part of the argument at the Process of Montreuil in relation to the maritime dispute that had sparked the 1294 war, in which the English side argued that all disputes in the Channel fell under the jurisdiction of the king of England alone: *EMDP*, I, i, no. 206, pp. 367–9; Cuttino, *English diplomatic administration*, pp. 62–87.

¹²⁵ See esp. an extract from the process of Périgueux relating to Oléron and the Channel Islands: C 47/29/9/12. Cuttino, *English diplomatic administration*, pp. 97–9. The French side argued that the Islands lay within the authority of the bailiff of the Cotentin and the appellate jurisdiction of the exchequer of Rouen. In 1316, the French side seems to have reverted to the argument that homage was owed for the Islands rather than them being an outright possession: Chaplais ‘Le duché-pairie de Guyenne: l’hommage et les services féodaux de 1259 à 1303’, repr. *Diplomacy and admin.*, p. 32 n. 117; Le Patourel, ‘Guernsey, Jersey and their environment in the Middle Ages’, repr. *Feudal empires*, pp. 454–5; idem, ‘Jersey’s political status in the Middle Ages’, pp. 8–10.

interpenetrating' one another, most visibly in the duchy of Aquitaine.¹²⁶ In the Plantagenet realm, the development of a unitary and overarching political structure, predominantly centred in England, whose jurisdiction extended throughout the 'empire', rivalled the equally centralising institutions of the French monarchy that sought to rein in its powerful ducal vassals, among them the duke of Aquitaine.¹²⁷ Moreover, these two political structures were driven by ambitious monarchs and their officials, whose political culture and goals of enhancing and extending royal power produced even greater tensions.¹²⁸

The development of these political structures and their extension to the king of England's continental dominions provided a way by which the kings of England could give political reality to their claims to hold full sovereignty over them. This is visible in the exercise of the king's appellate jurisdiction, for instance by allowing Islanders the right to petition the king and council in parliament directly to air their grievances with a view to redress or seeking special favour.¹²⁹ Petitioning served as an important tool in denying the jurisdictional authority of the kings of France for the very act of petitioning was an express recognition of the superior and legitimate jurisdictional authority of the king of England by his subjects.¹³⁰ Similarly important to this goal was the development of the internal administrations and judicial systems of the king's wider dominions. In the Channel Islands, attempts to further strengthen royal jurisdictional authority and emphasise the Islands' independence from the kingdom of France may be seen in the introduction of the English

¹²⁶ Le Patourel, 'The Plantagenet dominions', repr. *Feudal empires*, qt. p. 308.

¹²⁷ This point is not to be confused with modern ideas of a nation state nor with the growth of national sentiment, which as Vale rightfully states was a result rather than a cause of the Hundred Years' War: 'England and France and the origins of the Hundred Years War', in Jones and Vale (eds), *England & her neighbours*, pp. 199–216, p. 216; idem, *The Angevin legacy*, p. 59; Le Patourel, 'The origins of Hundred Years' War', repr. *Feudal empires*, pp. 28–50; idem, 'The Plantagenet dominions', repr. *Feudal empires*, pp. 289–308.

¹²⁸ The personal and human element governing these political structures should not be overlooked, especially given the similarities in political culture between England and France in this period. For instance, Vale observes that one reason for the outbreak of war in 1294 was the very similarities in ambition and character between Edward I and Philip the Fair, which created tensions in their feudal relationship as well as in wider European affairs: *The Angevin legacy*, pp. 4, 176–9; idem, 'England and France and the origins of the Hundred Years War', in Jones and Vale (eds), *England & her neighbours*, pp. 202–3, 207–216.

¹²⁹ See Chapter V.

¹³⁰ G. Dodd, *Justice and grace: private petitioning and the English parliament in the Late Middle Ages* (Oxford, 2007), p. 41; idem, 'Petitions from the king's dominions: Wales, Ireland and Gascony, c. 1290–1350', in Crooks, Green and Ormrod (eds), *The Plantagenet empire*, pp. 187–215, 187–9, 199.

general eyre to the Islands from 1299 onwards, which were presided over by itinerant justices from England.¹³¹ It is additionally evidenced in the conducting of extents (or surveys) by royal commissioners in 1274 and 1331, which sought to assess the king's rights and clarify the Islands' laws so that legal disputes could be properly judged and to discourage Islanders from using alternative sources of justice.¹³² Yet, it is notable that these efforts to strengthen royal control over the Islands often went too far and provoked the hostility of the local population. In particular, the conducting of *quo warranto* proceedings during the general eyre, where the laws and rights of the Islanders were challenged by the king's attorneys, caused the predictable concern among the Islanders that they would lose the privilege of being adjudged according to their own laws.¹³³

In contrast, the kings of France made few practical attempts to exercise their claims to sovereignty over the Islands beyond the use of force, and occasionally offering up the lordship of the Islands to an ambitious servant of the king.¹³⁴ Of some interest on this point and also as testimony to the continued relevance of medieval records to modern legal disputes concerning the Islands, is the judgement of the International Court of Justice in the *Minquiers and Ecréhous* case (1953) between France and the United Kingdom over which country possessed sovereignty over the two Islets near Jersey.¹³⁵ The opinion of Judge Basdevant on the medieval evidence submitted was that, while it was clear that in the twelfth century the kings of France held suzerainty over the duchy of Normandy, including the Islands, the title had not been sufficiently maintained or augmented. Moreover, the kings of England had successfully claimed their sovereignty over the Islands

¹³¹ The 1299, 1304, 1309, 1320, 1323 and 1331 eyre proceedings in the Islands were conducted by itinerant justices from England. D. Crook, *Records of the general eyre* (London, 1982), pp. 191–3. See Appendix 2. In a similar vein, Vale, *The Angevin legacy*, p. 64, highlights the importance of the Gascon inquiry to denying the jurisdictional authority of the kings of France.

¹³² For discussion of the extents in 1274 and 1331, see Chapter V.

¹³³ The *quo warranto* proceedings mostly concerned franchises held by secular and ecclesiastical lords in the Islands but were also directed at discerning the laws and customs of the communities of Guernsey and Jersey as a whole. See Chapter V.

¹³⁴ For instance, in the late 1330s, Robert Bertrand, marshal of France and lord of Bricquebec in the Cotentin, was offered the lordship of the Islands by the king of France as an incentive to seize and hold them: Sumption, *Hundred Years' War*, I, pp. 246–7, 260, 417.

¹³⁵ The Minquiers are nine miles south of Jersey and the Écréhous are six miles north-east of Jersey.

through the exercise of *de facto* authority in the Islands, especially through military action and the exercise of territorial jurisdiction.¹³⁶

In 1337, after a complete breakdown in Anglo-French relations, Philip VI, king of France (r. 1328–1350), in a position of relative strength but also concerned by the threat Edward III posed to his asserted extensive authority, took the opportunity to exploit the feudal relationship between the kingdoms of England and France by confiscating the duchy of Aquitaine, triggering the outbreak of war. Initially, the origins and progression of this war differed little from either the wars of 1294 or of 1324.¹³⁷ However, in January 1340 Edward III officially claimed his right to the kingdom of France and thereby profoundly changed the nature of the conflict from essentially ‘a feudal dispute between lord and vassal into a war between two sovereigns of equal and independent authority’.¹³⁸ Historians are in general agreement that Edward’s claim to the throne of France was ultimately part of a strategy that sought to safeguard the sovereignty of his continental dominions or recover the possessions of his Angevin ancestors.¹³⁹ Edward would later renounce his claim to the title of France at the Treaty of Brétigny in 1360 in favour of a greatly-enlarged duchy of Aquitaine that, along with his other continental territories, was

¹³⁶ D. H. N. Johnson, ‘The Minquiers and Ecrehos case’, *The International and Comparative Law Quarterly*, 3 (1954), pp. 189–216, pp. 209–215. See also a paper by Professor E. C. S. Wade, a principal advisor to the UK in the case, at the Colloquium on the law of the Channel Islands, United Kingdom National Committee of Comparative Law (July, 1960): ‘John Le Patourel Archive’, MS 822, box, 11367–11376, no. 11371. Le Patourel was also an expert advisor and took numerous notes regarding the case: MS 822, box 11390–11393, nos. 11392 and 11393.

¹³⁷ As Vale importantly highlights, Philip VI’s objective in 1337 was principally the preservation and expansion of his feudal rights rather than outright conquest of Edward III’s French possessions, which was neither a practical objective or even potentially desirable as there was a great advantage to having the king of England as a feudal inferior to the king of France: *The Angevin legacy*, pp. 54, 259–260.

¹³⁸ Vale, *The Angevin Legacy*, qt. p. 260; idem, ‘England and France and the origins of the Hundred Years War’, in Jones and Vale (eds), *England & her neighbours*, pp. 199–216; Jones, ‘Relations with France, 1337–1399’, in Jones and Vale (eds), *England & her neighbours*, pp. 239–258; Le Patourel, ‘The origins of Hundred Years War’, repr. *Feudal empires*, pp. 28–50.

¹³⁹ C. Taylor, ‘Edward III and the Plantagenet claim to the French throne’, in Bothwell (ed.), *The age of Edward III*, pp. 155–169; C. J. Rogers, ‘Edward III and the dialectics of strategy, 1327–1350’, *TRHS*, 4 (1994), pp. 83–102; idem, ‘The Anglo-French peace negotiations of 1354–1360 reconsidered’, in Bothwell (ed.), *The age of Edward III*, pp. 193–214. Cf. Le Patourel, ‘Edward III and the kingdom of France’ (1958), repr. *Feudal empires*, ch. 12, pp. 173–189; Crooks ‘State of the union’, p. 10.

to be held in complete sovereignty by the king of England.¹⁴⁰ When the Treaty was ratified at Calais in the same year, it was agreed that the king of England would hold all islands that were part of the territories conceded by the king of France in the Treaty or were currently in the king of England's possession.¹⁴¹ Nonetheless, the decision to specifically not name the islands in any of these treaties continued to leave the position vague and opened the way for reassessment by either side when Anglo-French relations deteriorated and with the collapse of the Treaty of Brétigny by the end of the 1360s.

For the Channel Islands, Edward's opportunistic actions from 1340 onwards constituted the decisive step in their 'final separation, de facto at first' from the kingdom of France.¹⁴² When Edward adopted the title king of France, there were concerns that a union between the kingdoms of England and France would see the king's subjects in England, Gascony and the other dominions incorporated into a larger political entity, and that such a union may threaten their constitutional status. Edward took important steps to emphasise that the union was purely a personal one and that the kingdoms would otherwise remain distinct.¹⁴³ There is no evidence to suggest that the Islands would have become part of the kingdom of France under Edward's rule had he been successful. Nor does it appear that there were any plans to reincorporate the Islands into a reclaimed duchy of Normandy under Edward. In an important article the late W. M. Ormrod considered the real possibility that Edward planned to reclaim the duchy of Normandy after his military successes there in the campaign of 1346 to 1347 and based on his claim to the duchy as both the king of France and as a descendant of William the Conqueror. In 1356, he went as far as to adopt the title duke of Normandy, before renouncing the ducal title at the Treaty of Brétigny. Yet as Ormrod noted, it was interesting that Edward did not appear to have used the continued

¹⁴⁰ Le Patourel, 'The Treaty of Brétigny, 1360' (1960), repr. *Feudal empires*, ch. 13, pp. 19–39; Ormrod, *Edward III* (New Haven and London), pp. 404–413. For the Treaty: *Foedera*, III, i, pp. 487–494, p. 488, Article VI.

¹⁴¹ *Foedera*, III, i, pp. 514–8, p. 515, Article VI; E. Cosneau, *Les grands traités de la guerre de cent ans* (Paris, 1889), pp. 33–68, pp. 43–5. It is notable that in all the treaties during this period in Anglo-French relations provision was made for islands on the French coast: First Treaty of London (1358) in *EMDP*, I, i, no. 201, pp. 362–3; Second Treaty of London (1359), Cosneau, *Les grands traités de la guerre de cent ans*, pp. 1–32, pp. 8–9.

¹⁴² Le Patourel, 'The origins of Channel Islands legal system', repr. *Feudal empires*, qt. p. 202.

¹⁴³ Ormrod, 'A problem of precedence: Edward III, the double monarchy, and the royal style', in Bothwell (ed.), *The age of Edward III*, pp. 133–154, esp. pp. 142–153; Crooks, 'State of the union', pp. 15–6.

possession of the Channel Islands to support his claim to the duchy.¹⁴⁴ Whatever Edward's intentions, it seems that the Islands' status was to remain unchanged despite their changing political environment, and even in the fifteenth century when Normandy fell under the control of the Lancastrian kings of England from 1417 to 1450, there is little indication that the Islands would be reincorporated into the duchy.¹⁴⁵

The Channel Islands' distinct place in the Plantagenet realm and their constitutional relationship with the kings of England was to be reiterated in 1341 when Edward III issued a royal charter confirming the Islanders' privileges and customs to ensure their continued loyalty and assistance to his cause.¹⁴⁶ The 1341 charter was undoubtedly linked to the contemporary political and military situation, where the Islands had been frequently attacked since the outbreak of war in 1337. The significance of the 1341 charter is examined more closely in Chapter V, but it essentially constituted a confirmation of the pre-existing customary laws of the Islands and an affirmation of the jurisdictional competency of the Islands' courts, achieved during a period of challenge as to the boundaries of royal power and the extent of its rights in the Islands. On a wider level, the charter acknowledged that, despite Edward's assumption of the title king of France and later duke of Normandy, the Islands' privileged status within the Plantagenet realm would remain unchanged.¹⁴⁷ The implications of the 1341 charter were reinforced by subsequent confirmations and extensions of it by successive sovereigns, a testament to the continued authority of the kings of England in the Islands. This series of royal charters along with the 1254 grant collectively form the basis for the Islands' status as crown dependencies and

¹⁴⁴ Ormrod, 'England and Normandy and the beginnings of the Hundred Years' War', in Bates and Curry (eds), *England & Normandy*, pp. 197–215, p. 203.

¹⁴⁵ Although in this period there were growing concerns among the Islanders about the exercise of jurisdiction in the Islands by the courts of the duchy of Normandy and the exchequer of Rouen: Thornton, *The Channel Islands*, pp. 32–4, and pp. 25–32, on socio-economic links between the Islands and Normandy in this period.

¹⁴⁶ The original charter can be found in C 66/204, m. 38; pr. and trn Thornton (ed.), *Charters of Guernsey*, pp. 3–4; and *CPR, 1340–1343*, p. 237.

¹⁴⁷ It is worth noting that the royal style used in the 1341 charter was '*Edwardus Dei gracia Rex Anglie et Francie et Dominus Hibernie*' (Edward by the grace of God, king of England and France, and lord of Ireland) which was used for domestic affairs, Scottish relations, and in the administration of Gascony during this experimental phase in royal diplomatic style: Chaplais (ed.), *EMDP*, I, i, no. 95, pp. 153–5; Ormrod, 'A problem of precedence: Edward III, the double monarchy, and the royal style', in Bothwell (ed.), *The age of Edward III*, pp. 133–154.

the validity of the rights of the Islanders to self-government.¹⁴⁸ The ability of the Plantagenet kings of England consistently to maintain their authority in the Islands combined with the 1254 grant and royal charters had the effect of permanently binding the Islands to the kings of England and separating them from both the duchy of Normandy and the kingdom of France. It is thus in this period that the foundations of the Islands' relationship to England and, much later, the United Kingdom, can be found, and their continued status serves to demonstrate the political and constitutional diversity of the Plantagenet realm.

¹⁴⁸ The royal charters issued to the Channel Islands are already a well-established part of the Islands' constitutional history: Thornton (ed.), *The Charters of Guernsey*; idem, 'Jersey's royal charters of liberties', *The JGLR*, 13 (2009), pp. 186–197; idem, 'The Channel Islands and the courts of Westminster from the fourteenth to the sixteenth centuries', Eleventh Joan Stevens Memorial Lecture, Société Jersiaise (2017), pp 1–28; Ogier, *Gov. & law of Guernsey*, pp. 180–184.

Chapter II

The Channel Islands and control of the English Channel: the military and economic environment

As an early and sophisticated map of Britain, the Gough Map is an absorbing piece of cartographical evidence for historical research.¹ The whole of the British mainland and its outlying islands are depicted, much of which with remarkable geographical accuracy. It is peppered with the major topographical features of the British Isles, including river-systems, forests and mountains, and carefully-placed pictorial vignettes depict major towns and castles. The map's origins and purpose remain somewhat obscure. It can be dated to *c.* 1400, but was reworked on no less than two occasions and was probably based on a prototype dating to the later reign of Edward I (r. 1272–1307).² It is generally agreed by historians that the surviving map, due to its Anglocentrism and scope of ambition, was produced by a royal clerk in the service of the king of England.³ Earlier historiography emphasised the map's importance, due to the network of roads and routes depicted, as the earliest road map of Britain.⁴ Recent historians have persuasively argued that the Gough Map was not 'simply a map for travellers' but was ideological in purpose.⁵ Through its depiction of towns, castles and roads it sought to underscore the sovereign authority of the kings of England, and

¹ A digital version of the map is available online: (<http://www.goughmap.org/>). The original belongs to the Bodleian Library, Oxford.

² The most recent examination of the map was conducted by the 'Gough Map Panel': C. Delano-Smith et al., 'New light on the medieval Gough Map of Britain', *Imago Mundi*, 69 (2016), pp. 1–36. See also K. D. Lilley, C. D. Lloyd and B. M. S. Campbell, 'Mapping the realm: a new look at the Gough Map of Britain (*c.* 1360)', *Imago Mundi*, 61 (2009), pp. 1–20.

³ It has been suggested that the poor quality of the sheepskin used for the map and the non-expert writing may point to a different provenance, such as an ecclesiastical or monastic institution, which questions the assumed view that it was a 'high-status' document: Delano-Smith et al., 'New light on the medieval Gough Map of Britain', pp. 4, 14.

⁴ *Ibid*, pp. 15–8.

⁵ D. Birkholz, *The king's two maps: cartography and culture in thirteenth-century England* (New York and London, 2004), p. 89.

The Channel Islands and control of the English Channel: the military and economic environment emphasise the administrative dominance of the English crown over the whole of Britain, on both a practical and symbolic level.⁶

In light of this recent reinterpretation, the inclusion by its creator of the Channel Islands, along with Calais (under English control from 1347 to 1558), as the only continental territories of the kings of England depicted on a map that is otherwise distinctively focussed on the island of Britain is intriguing. In contrast, even the prosperous city of Dublin, the centre of the royal administration for the lordship of Ireland, is not accorded a vignette and only its name is noted. A total of five of the Channel Islands are depicted, and their positioning in relation to one another is impressively accurate. The two largest Islands, Guernsey and Jersey, are named and display pictorial vignettes, which almost undoubtedly represent Castle Cornet and Gorey Castle, the military and administrative centres of royal authority in each, respectively.⁷ The depiction of the lesser islands of Alderney, Sark, and the Ecréhous also indicates a sound geographic awareness of the region, possibly drawn from fourteenth-century nautical charts depicting the area.⁸

The presence of the Islands on the Gough Map serves to illustrate in the clearest of terms their strategic importance to the kings of England in the thirteenth and fourteenth centuries.

⁶ The more practical uses of the map, such as aiding administration and defence, has been stressed particularly by K. D. Lilley who sees it as a 'hybrid image': 'Mapping Plantagenet rule through the Gough Map of Great Britain', in I. Baumgärtner and M. Stercken (eds.), *Herrschaft verorten: politische kartographie des Mittelalters und in der frühen neuzeit*, (Zürich, 2012), pp. 77–97, p. 88; Birkholz, *The king's two maps*, esp. pp. 89–98, and ch. 3.

⁷ There are two vignettes drawn on Guernsey. The illustration that is Castle Cornet depicts an enclosed structure with a gatehouse, two buildings with red-shaded roofs, and a castle tower. E. J. S. Parsons also notes the words 'castr...' on the eastern side of the Island next to this vignette, which is very faded and difficult to see on the digital map. The other but very faded vignette is most likely St Peter Port as the most significant settlement in the Island and due to its close proximity to the Castle Cornet on the map. The vignette on Jersey has three buildings, enclosed walls and one gate with a gatehouse representing Gorey Castle: Parsons, *The map of Great Britain, circa A. D. 1360 known as the Gough Map. An introduction to the facsimile* (Oxford, 1958; repr., 1996), p. 27.

⁸ The Ecréhous Islets, a tiny archipelago, may have been included due to their situation on the sea-lane for ships heading to the eastern side of Jersey where Gorey Castle is situated. They are a hazardous spot for ships, and were granted to the monks of the abbey of Val-Richer in 1203 for the construction of a chapel, which may have helped to warn vessels: S.J. *Cartulaire*, no. 328, pp. 419–420. For a depiction of the Islands on two nautical charts in 1318 and 1375: D. A. Mills, 'Cartographie Jersiaise', *ABSJ*, 6 (1908), pp. 319–357, pp. 330–331.

Indeed, the Islands' elevated political and constitutional status post-1204 fundamentally was owed to their location: close to but separate from France. It enabled a status aptly described as 'neither appurtenant to the French crown nor strictly speaking English'.⁹ With the loss of Normandy, Anjou, Touraine, and Poitou, much greater control of the sea was required to deter the growing naval threat of the kingdom of France to England and allow the Plantagenet kings to retain control of their remaining continental possessions. The Islands were conveniently situated to act as a defensible staging post on the route between England and Gascony. The perils of the sea, from storms to piracy, particularly where the necessary practice was to sail in sight of the coast, made it crucial to have safe harbours along the coastline of France to protect this essential link with south-west France.¹⁰ Moreover, in the late thirteenth century, the trade of wine, fish and other commodities between England and Gascony, now dependent on sea-routes alone, developed into a major economic network and was a lucrative source of income for the kings of England.¹¹ As D. Birkholz has argued, there is a symbolic emphasis in the Gough Map on the importance of the sea and its relationship to the sovereignty of the English crown, in which control of the sea was both a source for asserting English power and a cause of anxiety.¹² The presence of the Channel Islands on the Gough Map, particularly through the depiction of their two formidable royal castles, sought to assert royal authority both over the Islands and the English Channel in its fullest extent.

The Islands' geographic position in the Channel, so close to Normandy and Brittany, in which the sea acted as a 'highway' as much as it did a natural redoubt, determined that the

⁹ Delano-Smith et al., 'New light on the medieval Gough Map of Britain', qt. p. 19.

¹⁰ On the factors determining routes between Gascony and England: M. K. James, *Studies in the medieval wine trade*, E. M. Veale (ed.) (Oxford, 1971), pp. 119–126. That ships sailed within sight of Guernsey may be seen in an extract from Roger of Wendover in 1213 and the poet William Guiart in 1292: T. Williams, 'The importance of the Channel Islands in British relation with the continent during the thirteenth and fourteenth centuries; a study in historical geography', *ABSJ*, 11 (1928), pp. 1–89, pp. 18, 54–5.

¹¹ Vale, *The Angevin legacy*, pp. 141–2. Wine was the primary good shipped from Gascony to England but salt and, to a lesser extent, armour was also a regular part of the trade. On the return journey, Gascons purchased large quantities of cloth, wool, corn and fish to sell in the duchy: F. Sargeant, 'The wine trade with Gascony', in G. Unwin (ed.), *Finance and trade under Edward III* (Manchester, 1918), pp. 257–311, pp. 257–261.

¹² Birkholz, *The king's two maps*, pp. 141–8.

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Islanders were simultaneously protected by their location and rendered vulnerable by it.¹³
The Islanders themselves acknowledged their predicament in a petition to the king
concerning the defence of the Islands in c. 1331–1333:

*...mesmement pur ce qils sont enclose de la grant mer en la marche de toutes nacions,
par quoi il covient qils soient toutz jours prestz ils ne seyvent quell hure pur defender eux
et lour biens et sauver les chasteax et la terre a loeps nostre seigneur le roi et de ses
heirs...*¹⁴

Yet their position in ‘the march of all nations’ also determined that the Islands were not isolated communities and were to be much influenced by their wider environment. Indeed, the Islands were situated on a ‘frontier’ or ‘march’ that was both ‘linear’ in the sense that there were discernible political boundaries between the kingdoms of England and France, and ‘zonal’ in which there were fluid socio-economic and cultural connections with England, Normandy, Brittany and elsewhere that traversed these political boundaries.¹⁵ This Chapter examines the military and economic environment of the Islands and contends that the Islands’ geostrategic situation in the Channel had a profound effect on their development as micro-communities within and without the Plantagenet realm.¹⁶ We shall begin with an analysis of the restoration of Plantagenet authority in the Islands after 1204, followed by an extended analysis of the influence of the Islands’ location on their

¹³ J. H. Le Patourel, ‘Guernsey, Jersey and their environment in the Middle Ages’, repr. *Feudal empires*, ch. 4, pp. 435–461, qt. p. 435.

¹⁴ (even for the fact that they are enclosed by the great sea in the march of all nations, wherefore it is appropriate that they are always ready, they do not know when to defend them and their goods and save the castles and the land of their lord the king): KB 27/290, m. 185 d., pr. Havet, *Les cours royales*, p. 229, extract of petition pr. *EMDP*, I, i, no. 207, p. 369. See Chapter V for further discussion of this petition.

¹⁵ The terms ‘frontier’ and ‘march’ are the subject of considerable debate, perhaps as a result of their broad and sometimes problematic usage by historians. For conceptual discussion: J. W. Armstrong, ‘Frontier’, in J. W. Armstrong, P. Crooks, and A. C. Ruddick (eds), *Using concepts in medieval history: perspectives on Britain and Ireland, 1100–1500* (Cham; Switzerland, 2022), pp. 89–106; D. Abulafia and N. Berend (eds), *Medieval frontiers: concepts and practices* (Abingdon; Oxon, 2016); T. K. Heebøll-Holm, *Ports, piracy and maritime war: piracy in the English Channel and the Atlantic* (Leiden and Boston, 2013), pp. 161–5; J. Benham, *Peacemaking in the Middle Ages: principles and practice* (Manchester, 2011), pp. 27–8, 31–2; D. Power, *The Norman frontier in the twelfth and early thirteenth centuries* (Cambridge, 2004), pp. 2–5.

¹⁶ The military and economic importance of the Islands to their wider political environment was first effectively considered in Williams, ‘The importance of the Channel Islands in British relation with the continent during the thirteenth and fourteenth centuries’, pp. 1–89.

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economic development and resulting place in the Plantagenet realm, concluding with an examination of the return to war with the kingdom of France in the 1290s and the role played by the Islands in the ensuing period.

Restoring Plantagenet authority in the Islands after 1204

The strategic importance of the Islands was recognised early on, seen in the special efforts made to recapture the Islands in 1205–6 and in 1217, and the Islands were heavily fortified to this end. The later reign of John and throughout Henry III's reign saw the construction of the formidable fortifications of Gorey Castle and Castle Cornet in Jersey and Guernsey, respectively.¹⁷ Both castles were situated close to the respective main harbours of each Island to protect them.¹⁸ In particular, Castle Cornet was adjacent to St Peter Port, a sheltered deep-water harbour, and the construction of the Castle and the addition of a causeway after 1275 helped to enclose the bay, protecting the port from prevailing winds and predatory ships.¹⁹ It has been highlighted by earlier historians that the castles went through intensified phases of development typically when Anglo-French relations sharply deteriorated, notably from 1224 to 1227, when the loss of Poitou and the port of La Rochelle made the Islands all the more important as roadsteads en route to and from Gascony, and from 1240 to 1243, which constituted the last serious attempt by Henry III to recover his lost continental possessions.²⁰ The sustained attention to the castles from 1224

¹⁷ The origins of the castles are obscure: the earliest known reference to Gorey is in 1212: *Rot. litt. pat.*, 1201–1216, p. 95. For Castle Cornet it is 1226: *CLR*, I, p. 7; E. Gallagher and L. Boatwright (eds), *The great roll of the pipe for the tenth year of the reign of King Henry III, Michaelmas 1226* (Woodbridge, 2022), pp. 51, 85. Though much has been written about the castles, there is a general lack of dedicated specialist historical research on them, especially in the case of Gorey Castle. For discussion of the problems of the historiography: C. Platt, 'King John's tower keeps at Mont Orgueil and Castle Cornet: the Channel Islands and the Tour Philippienne', *ABSJ*, 31 (2013), pp. 148–155. On Gorey Castle: Everard and Holt, *Jersey 1204*, pp. 98–104; E. T. Nicolle, *Mont Orgueil Castle* (St Helier, 1921). On Castle Cornet: Le Patourel, *The building of Castle Cornet, Guernsey* (St Peter Port, 1958), pp. 7–9; idem, 'The first Castle Cornet', *Quarterly Review of the Guernsey Society*, 5 (1949), pp. 3–7.

¹⁸ In the 'constitutions and provisions' of King John, in acknowledgement of the Islands' vulnerability to naval attack, it was established and decreed that all the ports of the Islands should be well-guarded: S.G. *Extentes of Guernsey*, p. 28.

¹⁹ *CPR*, 1272–1281, p. 82.

²⁰ Le Patourel, 'D.Phil.', I, pp. 42–7, 58–9, 63–5; Williams, 'The importance of the Channel Islands', pp. 21–31. The increased geostrategic importance of the Islands in the late 1220s is evidenced by a royal diplomatic document in early 1229 concerning negotiations for a peace with the kingdom of France. It proposes that all

The Channel Islands and control of the English Channel: the military and economic environment to 1227 is evident in the considerable number of writs issued in this date range and the survival of an account of Hugh de St Philibert in 1226, which details that £293 2 s. 5 d. was spent on the garrison and works of Gorey Castle, and lists the various munitions of the Castle that were to be handed over to the incoming warden, Richard de Gray.²¹ In the 1240s, a military architect, Peter de Montgomery, may be found in the Islands and at his recommendation significant funds derived from the Islands' revenues and the English exchequer were deployed to make necessary improvements to the defences and to maintain the garrisons.²² Yet whilst Hugh de St Philibert's account suggests that Gorey Castle was already a formidable structure, the exact state of Castle Cornet is less certain, for in February 1251 the warden was ordered to repair Castle Cornet's walls as well as the chapel and houses there after their destruction by a strong wind.²³

To maintain the castles and the garrisons of the Islands, munitions, monies, victuals and all kinds of provisions were purveyed from across the south of England. For example, in October 1224 a series of writs was issued that ordered: the bailiffs of Southampton to

the king of England's continental lands should be restored to him by the king of France, excluding Normandy, as a whole, save that, the king of England should be permitted to hold the bishoprics of Avranches and Coutances to act as a land corridor between the English Channel and the king's continental lands. The Islands' proximity to, and connections with, these bishoprics made them an important component to this plan: P. Chaplais (ed.), *Diplomatic documents preserved in the PRO*, I (London, 1964), no. 215, p. 145; cf. W. W. Shirley (ed.), *Royal and other historical letters illustrative of the reign of Henry III* (2 vols, London, 1862 and 1866), I, no. 288, pp. 350–1.

²¹ *Rot. litt. claus.*, 1224–1227, *passim*. The account also acknowledges that Hugh received £66 13 s. 4 d. from the exchequer at the end of June that year, again showing the financial dependence of the Islands on the kingdom of England for their defence: C 47/10/38/1, trn Le Patourel (ed.), 'The account of Hugh of St. Philibert, 1226', *ABSJ*, 15 (1952), pp. 465–473. However, a letter from Geoffrey de Lucy to Hubert de Burgh in c. 1224–1226 indicated that although the castles were well-maintained, there was a shortage of cash to maintain the garrison in the Islands: SC 1/1/126.

²² Le Patourel, *Admin. C.I.*, p. 40. In a writ in 1242, Peter of Montgomery was described as '*custos operacionum regis in insulis predictis*' (keeper of the works in the said islands): *Close rolls, 1237–1242*, p. 385. *CLR*, II, pp. 36, 104, 238–9; III, p. 200. E 372/86, m. 3. r., pr. H. L. Cannon (ed.), *The great roll of pipe for the twenty-sixth year of the reign of King Henry the Third, A.D. 1241–1242* (London, 1918), p. 60. For an example of expenditure, in July 1243 it was acknowledged that from the farm of the Islands, some £90 6s. 4 ½ d. was spent on Gorey Castle, and a further £276 16 s. 4 d. on military personnel until the last truce with the king of France: *CLR*, II, p. 189.

²³ *Close rolls, 1251–1253*, p. 54. Writ in June 1252 ordering Philip de Carteret and Jordan de la Hougue to inspect the king's castles: *Ibid*, p. 104. On the pipe roll evidence relating to this: Le Patourel, 'D.Phil.', I, p. 63.

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provide four ships to accompany the warden, Geoffrey de Lucy, to the Islands; the sheriff of Devon to purchase well-equipped vessels for use in Guernsey; the constable of the Tower of London to provide twenty crossbows and 5,000 bolts; and the treasurer and chamberlains of the exchequer to advance £400 to pay for eight knights, thirty-five mounted soldiers, and sixty foot soldiers for forty days service in the Islands.²⁴ Similarly, in March 1235, the constable of the Tower of London was ordered to provide twenty crossbows and ten thousand quarrels, and the sheriff of Southampton two mangonels, and transport them to the Islands and place them in the custody of the sub-warden, Gerard de Lambrusard.²⁵ In February 1236, the king ordered the constable of Portchester to acquire forty oaks from the forest of Portchester to be delivered to the Islands.²⁶ From these records, the ports identified as predominantly used for the shipping of goods and personnel between England and the Islands were Southampton and Portsmouth, an early indication of the long-running maritime links between them, although other ports across the southern coastline of England were used as required.²⁷

Ultimate control of the Islands was undoubtedly dependent on naval power. It is clear that the warden of the Islands had vessels under his military command.²⁸ Ships were often sent to the Islands to defend them as well as intermittently to harass enemy ships and ports along the northern French coastline. In the latter respect, in February 1235, Stephen Alard and Willam Beaufiz were sent to the Islands with a fleet, and in the subsequent months operated off the coast of Brittany.²⁹ In June 1224, around the time of Louis VIII's military campaign to conquer Poitou, a letter to Henry III from Philip d'Aubigny (the younger), warden of the Islands, conveyed to the king that from the Islands he had successfully launched an attack on Barneville, in the Cotentin and some twenty miles from Jersey, and

²⁴ *Rot. litt. claus.*, 1204–1224, p. 626. For numerous examples in 1225: *ibid.*, II, pp. 12, 15, 21, 39, 45, 55, 58, 64, 90.

²⁵ *Close rolls*, 1234–1237, p. 65.

²⁶ *Ibid.*, pp. 241, 255.

²⁷ W. B. Stevenson, 'The Middle Ages, 1000–1500', in Jamieson (ed.), *A people of the sea*, pp. 19–43, pp. 28–9.

²⁸ E.g. *CLR*, I, p. 37; III, p. 200. In 1241, Drew de Barentin was also ordered to build two galleys using the farm of Guernsey and Jersey: *CLR*, II, pp. 85, 238–9. E 372/86, m. 3 r., pr. Cannon (ed.), *The great roll of pipe for the twenty-sixth year of the reign of King Henry*, p. 61.

²⁹ *CPR*, 1232–1247, p. 92. The evidence of their activity is reliant on complaints made to the king by merchants who had been wrongly attacked and robbed at sea by these men. Notably, Stephen Alard was said to have deposited seized goods in Guernsey: *Close rolls*, 1234–1237, p. 194; *CPR*, 1232–1247, pp. 99, 318.

The Channel Islands and control of the English Channel: the military and economic environment repelled the king's enemies there. However, despite the strong garrisons installed in the castles of Gorey and Cornet, the Islands remained vulnerable and he urged that the king send at least four or five ships further to harass the king's enemies to deter any attack on the Islands.³⁰ The advice of the warden seems to have been taken, for in April, and again in July 1224, the barons of the Cinque Ports, a community whose similar newfound geostrategic importance to the kings of England had elevated their political status and instigated the development of a distinctive administration there, were ordered to prepare their ships to be sent to defend the Islands as part of their service owed to the king.³¹ The link between the Islands and the ports of England's southern coast was further reinforced by the appointment of Geoffrey de Lucy as warden of the Islands in October 1224, a post which he held concurrently with his appointment as joint-keeper of the sea-coast from Pevensey to Bristol earlier in the same year.³² What is clear from all this activity is that the Islands were part of a wider scheme aimed at achieving greater control of the English Channel and the defence of England.

Other military activity reflected sophisticated coordination in offensive operations. As part of Henry III's 1242–3 campaign aimed at the recovery of the county of Poitou and the other former Angevin territories, on 8 June 1242 Drew de Barentin, the warden of the Islands, was ordered to assemble and arm all the ships of the Islands to harass the coast of Normandy, and focus his efforts on the occupation of Mont-St-Michel to increase control over the region and perhaps also be used as a foothold for raiding further inland.³³ This

³⁰ The garrison of both castles was stated to be twelve knights and seventy armed sergeants. D'Aubigny the younger's ability to attack Barneville suggests he already had ships under his command: SC 1/2/134, pr. Chaplais (ed.), *Diplomatic documents preserved in the PRO*, I, no. 142, pp. 97–8.

³¹ *cum debito nobis servicio, ad eas custodiendas et defendendas simul cum gente nostra* ('by means of service due to us, to guard and defend them [the Islands], together with our people'): *Patent rolls, 1216–1225*, at p. 435, p. 455. The tone of these letters suggests that there was a real concern that the Islands would be attacked. The king also wrote to the ecclesiastical elite of the Islands in the same month instructing them to help the warden defend the Islands, and that they would be thanked by the king for their efforts: *Patent rolls, 1216–1225*, p. 435. For comparison of the administrations of the Islands and the Cinque Ports, see Chapter III.

³² Le Patourel, *Admin. C.I.*, pp. 39, 121–2; J. Havet, 'Série chronologique des gardiens et seigneurs des Îles Normandes (1198–1461)', *Bibliothèque de l'École des Chartes*, 37 (1876), pp. 183–237, 581, pp. 190, 192–3; *Peerage*, VIII, pp. 257–8. See Chapter IV.

³³ *Close rolls, 1237–1242*, p. 499 (issued whilst the king was at Saintes). Similar orders were given to Drew in January 1243: *Close rolls, 1242–1247*, p. 8. On this campaign, see D. Carpenter, *Henry III: the rise to power and personal rule, 1207–1258* (New Haven and London, 2020), pp. 244–272.

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activity was designed to divert the attention of the forces of the king of France, and on the same date similar orders were also issued to the men of the Cinque Ports to raid and burn as much of the French coast as they could manage in order to pressure the kings of France.³⁴ These attacks seem likely to have been reasonably successful in their destruction, yet an order to Drew near the end of July 1242 requested that, in order financially to support the king's campaign, Drew immediately sell all the wines and other goods he acquired from such raids, a minor indication that Henry's campaign was already floundering for other reasons and regardless of naval successes.³⁵

There was of course a flipside to the use of the Islands as a military staging post: it made them a focus of retaliatory counterattack and their proximity to the French coastline made them particularly vulnerable. A Breton raid on them in 1241 seems to have caused considerable damage, for the bailiffs of Southampton were ordered to equip two boats and go without delay with all speed to the Islands in order to assess the situation.³⁶

When the kings of England and France were not at war, a degree of normality in trade between the Islands and Normandy was allowed to return. As noted in Chapter I, post-1204 the Islands retained important socio-economic links with Normandy, which the kings of England allowed to continue but in a more restricted way than previously. Trade with Normandy was permitted during times of truce and new regulations were introduced to adapt to the circumstances, which subsequently became permanent. A number of these regulations may be found in the 'constitutions and provisions' of King John. For instance, a custom on ships carrying goods to and from places outside of the king's realm, including mainland Normandy, was imposed in the Islands.³⁷ Other regulations were designed to prevent the exportation of victuals to keep the castles and the local inhabitants well-provisioned: for example, in the 'constitutions' it was established that all fishermen were

³⁴ *Close rolls, 1237–1242*, pp. 495–6.

³⁵ *Ibid.*, p. 504.

³⁶ *CLR*, II, p. 65.

³⁷ For instance, it was established that every boat from the Islands carrying fish to Normandy should pay 12 sols for every trip, though by the time of the 1248 inquiry this had been abated by half. A custom was also imposed on merchants for oxen, swine and flax and other purchases, but the Islanders for their own victuals were quit of this custom: S.G. *Extentes of Guernsey*, p. 28. For reminders not to enforce customs on Islanders bringing provisions and tradeable goods in and out of the Islands other than what was customary in the time of the king's predecessors: *Close rolls, 1227–1231*, pp. 409, 423; *Patent rolls, 1225–1232*, p. 369.

The Channel Islands and control of the English Channel: the military and economic environment to come together ‘*in patria*’ (in one’s native land) to sell their fish three times a week.³⁸ The importance of these regulations to Plantagenet control in the Islands may be seen in a statement by the jurors of an inquiry in 1248, when they said that if the king of England permitted the fishermen of the Islands freely to trade in whatever port they choose, without licence and supervision, then:

the Islands will be as good as lost – ports will be of no avail – éperquerie will entirely perish – the liberties of the king will diminish – the lands of his enemies will be increased and be nourished by the goods of the Islands – and thus the Islands and the king’s lands will remain waste and empty of all goods.³⁹

This suggests that the introduction of the regulations may have had a personal economic purpose in mind – the preservation of the rights and revenues of the king in the Islands – as well as a military one. These rights and revenues were worth protecting. A pre-1204 indication of the economic value of the Channel Islands may be gleaned from their entry in the pipe rolls of the Norman exchequer in 1180.⁴⁰ From these rolls, the total ducal revenue of Jersey and Guernsey amounts to 885 *l. angevins* 8 *s.* 4 *d.*, of which 700 *l. angevins* was derived from leasing ducal lands and rights at farm whilst the remainder came from sundries.⁴¹ When compared with the other administrative divisions of continental Normandy, this suggests the Islands, allowing for their small size, were a particularly lucrative source of revenue within the duchy.⁴² Much of this revenue could, twenty five years later, be used to help sustain the administration of the Islands and military personnel

³⁸ S.G. *Extentes of Guernsey*, qt. p. 28. The abbot of Mont-St-Michel was given a licence permitting the abbey’s goods to be taken out of the Islands to the abbey for the sustenance of the monks: *CPR, 1232–1247*, p. 359.

³⁹ (*Insule quasi perditae erunt, – portus nihil valebunt, – spelkeria omnino deperibit, – libertates domini regis minorabuntur, – et sic insule et terre domini regis de omnibus bonis vaste et vacue remanebunt*): S.G. *Extentes of Guernsey*, qt. p. 27.

⁴⁰ V. Moss (ed.), *Pipe rolls of the exchequer of Normandy for the reign of Henry II, 1180 and 1184* (London, 2004), pp. 18–20.

⁴¹ *Livres angevins* was presumably a similar value to the *livres tournois*. On calculating these figures, see G. F. B. de Gruchy, ‘The entries relating to Jersey in the great rolls of the exchequer of Normandy of A.D. 1180’, *ABSJ*, 9 (1919), pp. 18–44, esp. pp. 38–9.

⁴² For example, the farm of Cherbourg was 150 *l. angevins* 10 *s.* and the Vicomté du Cotentin 70 *l. angevins*. Whilst the farm of the Islands was significant, de Gruchy notes that the revenue yielded from sundries, such as amercements, was small in comparison with continental Normandy: *ibid*, pp. 38–9.

The Channel Islands and control of the English Channel: the military and economic environment of the castles, and during peace time would have supplemented the coffers of the kings of England. According to the 1274 extent, the total fixed revenue from the royal demesne in the Islands was 1,283 *l. t. 4 s. 10 d.*⁴³ In the fourteenth century, the receipts in the warden's account of the administration from Michaelmas 1328 to Michaelmas 1329, came to a total 3,585 *l. t. 3 s.* (weak money) or £448 5 *d.*, a not insignificant source of income.⁴⁴

Those parts of the 'constitutions and provisions' of King John regarding the regulation of fishing highlight the prime importance of that industry in the Islands. Fishing was a valuable source of income both for the Islanders involved in the trade and also for the kings of England through the imposition of customs.⁴⁵ The significance of this industry is reflected in various charters granted by the kings of England between 1249 and 1288 to the fishermen of Guernsey, an active and economically influential group, which sought to resolve disagreements with them by balancing the king's interests with those of the Islanders in order to ensure the industry remained a lucrative part of the economy.⁴⁶

⁴³ Jersey's total revenue was 435 *l. 18 s. 11 d.*, compared to Guernsey 725 *l. 5 s.*, Sark 61 *l. 11 s. 9 d.*, and Alderney 60 *l. 9 s. 2 d.*, presumably in the strong money of Tours (where 4 *l. t.* was worth £1), which would amount to £320 16 *s. 3 d.* Though inconsistently stated in the extent, these totals excluded the revenues from *fouage*, the profits of the assizes, and *éperqueries*: S.J. *Extente, 1274*, pp. 10–13. Cf. S.G. *Extentes of Guernsey*, p. 121. As de Gruchy highlights, it is important to recognise that over the course of the thirteenth century the kings of England had granted considerable lands to the de Barentins and de Chenys among others, which decreased the king's revenues in the Islands: 'The entries relating to Jersey in the great rolls of the exchequer of Normandy', p. 40.

⁴⁴ In this account, enrolled in the pipe rolls, the figure was given in the weak or debased money of Tours, where 8 *l. t.* was stated to be worth £1: E 372/175, m. 47 d. For Michaelmas 1329 to August 1330, the receipts came to a total of 1,842 *l. t. 9 s.* or £230 6 *s. 2 d.*, a lower figure because it excludes all rents in the Islands due at Michaelmas: *ibid.*, mm. 47 d. and m. 48 r.

⁴⁵ Le Patourel, 'The early history of St. Peter Port' (1935), repr. *Feudal empires*, ch. 1, pp. 171–208, p. 182.

⁴⁶ In October 1249 Henry III issued a charter to the fishermen of Guernsey, which was renewed in July 1270: *CPR, 1247–1258*, p. 51; *CPR, 1266–1272*, p. 441; S.J. *Extente, 1274*, pp. 47–8. In 1288, Edward I came to an important agreement with the same fishing community concerning their rights to fish for mackerel, haddock and whiting as well as fishing seasons and locations: Le Patourel, 'The early history of St. Peter Port', repr. *Feudal empires*, p. 182; B. Bolton, 'Esperkeria congrorum', *RTSG*, 18 (1968), pp. 288–296, pp. 289–290. The 1288 letters patent have not survived but a copy of it has survived from 1348 which was an *inspeximus* by the bailiff of Guernsey. E 210/389, pr. Le Patourel, 'D.Phil.', app., pp. 205–211. Le Patourel, *Admin. C.I.*, p. 23.

Peacetime: a safe haven for trade

After the failure of Henry III's 1242 campaign there were no further recorded attacks on the Islands until the 1294 Anglo-French war. The long period of peace following the Treaty of Paris in 1259 and the changed political circumstances facilitated the development of the Islands as a hub for trade. The substantial defences and sheltered harbours of the Islands, together with their position on the maritime routes between England and Gascony, encouraged them to become a popular port of call for shipping. This was particularly so for Guernsey which had a sheltered deep-water harbour at St Peter Port and was situated more directly on Channel shipping lanes than the ports of Jersey.⁴⁷ This in turn enabled St Peter Port to develop into something of an *entrépot*, a focus for the onward transit of goods to and from England, Normandy and Gascony. The potential for profit encouraged locals in Jersey and Guernsey to engage in maritime trade and attracted Gascon merchants to operate from Guernsey. Customs duties brought an increasing revenue to the kings of England and an exploitable advantage for Channel Islanders who possessed valuable concessions in relation to these duties. All in all, much was made economically of the location and peculiar political status of the Islands in the thirteenth and fourteenth centuries.

As a starting point for our analysis in this section, we can endeavour to assess the importance of the Islands as a staging post by seeking to quantify the number of ships passing through them. This to a certain degree we can see from the levying of customs on ships calling at the Islands. As stated above, for military-fiscal reasons in response to the loss of Normandy, from John's reign customs on exports and imports were levied on ships and goods in the Islands and in England.⁴⁸ Similar to England, the levying of these customs in the Islands, which were primarily intended to increase royal revenue, nonetheless had to be made in consideration of the interests and existing rights of the community and merchants trading there, especially as the collection of customs was dependent on local

⁴⁷ There were numerous other harbours in both Islands: e.g. St Sampson, Guernsey: JUST 1/1166, m. 2 d. Rozel in Jersey: JUST 1/1158, m. 7 r.; Gorey in a case in 1299 is described as the '*magno porto*' of Jersey: JUST 1/1158, m. 3 d. Lecq: S.J. *Roll of assizes, 1309*, pp. 294, 316–7.

⁴⁸ For a useful narrative on the introduction of customs and restrictions on trade with France in England by John and Henry III after 1204: T. H. Lloyd, *The English wool trade in the Middle Ages* (Cambridge, 1977), pp. 9–22.

The Channel Islands and control of the English Channel: the military and economic environment support.⁴⁹ For instance, during John's reign it was established that every boat from the Islands carrying fish to Normandy should pay 12 *sols* for every trip, an indication that fish was the principal trading commodity in this period. Yet this was later abated by a half following a petition of the warden of the Islands to the king, possibly because it discouraged mercantile activity in the Islands. Additionally, a custom was imposed on merchants for oxen, swine and flax and other purchases, but the Islanders for their own victuals were quit of this custom as had been the case in the time of the king's predecessors.⁵⁰ This last exemption emphasises the importance of local variation in the levying of customs and that, whilst the Islands were under the rule of the king of England, they would not necessarily be subjected to the same customs that were enforced in his kingdom.

It is not until the fourteenth century that greater details on the customs levied in the Islands emerge. From the records, it appears that the customs levied in the Islands were distinct in name, type and rate from those levied in England after 1275.⁵¹ According to the 1331 Guernsey extent, the king enjoyed in the Island a 'great custom' that was levied on every vessel anchoring in the port or within the limits of the Island, save that: 'the king takes nothing and is not accustomed to take anything from any ship of the kingdom of England, unless it was loaded outside the kingdom'. As such the great custom was only to be levied on foreign ships or ships belonging to subjects of the king of England carrying foreign goods.⁵² Vessels of forty tuns or more paid 54 *s. t.* and those under forty tuns paid 27 *s. t.*, which in Guernsey was collected by a specially assigned official, the

⁴⁹ For example, A. L. Brown highlights that the 1275 custom on wool, which was England's most valuable export, was granted to the king by the magnates and commons in parliament that year and with the consent of the merchants of the kingdom: A. L. Brown, *The governance of late medieval England, 1272–1461* (London, 1989), pp. 65–70; *CFR*, I, pp. 47, 60–61; *PROME*, I, p. 27. On the collection of customs, see below and Chapter III.

⁵⁰ S.G. *Extentes of Guernsey*, p. 28. For reminders not to enforce customs on Islanders bringing provisions and tradeable goods in and out of the Islands other than what was customary in the time of the king's predecessors: *Close rolls, 1227–1231*, pp. 409, 423; *Patent rolls, 1225–1232*, p. 369.

⁵¹ From 1275, new duties were granted on wool, wool-fells and hides that were being exported outside of the realm, both in England, Wales and Ireland: *CFR*, I, pp. 47, 60–61; *PROME*, I, p. 27.

⁵² *Nota tamen quod de qualibet nave de toto Regno regis Anglie nihil percipit nec percipere consuevit nisi carcate fuerint extra Regnum suum: nec de aliis versus Regnum suum carcatis cujuscunque conditionis sint.* Though the last clause is somewhat contradictory ('nor from others, of whatever condition they may be, which are laden for his kingdom.') S.G. *Extentes of Guernsey*, qt. p. 70, pp. 69–70.

The Channel Islands and control of the English Channel: the military and economic environment *custumarius*.⁵³ There was also a ‘little custom’ in the Islands levied on animals and commodities that were imported or exported to Normandy and elsewhere outside the kingdom of England, though this was not charged on any goods or beasts being exported by the producer himself, or any commodities which were being imported for the Islanders’ own sustenance.⁵⁴ Special customs were also levied. In March 1275, the king granted for three years to the men of Guernsey a custom of 12 *d. t.* from every ship and 6 *d. t.* from every boat arriving at the port of St Peter Port, in order to construct a causeway to better protect the harbour.⁵⁵

The estimate of the 1331 extent of the combined totals of the great custom and little custom in Guernsey per annum was 160 *l. t.* and 10 *l. t.*, respectively, and in Jersey 9 *l. t.* and 11 *l. t.*, respectively.⁵⁶ These estimates were intentionally conservative and do not reveal the full value of the custom. As John Le Patourel outlines, by far the most valuable records in this respect are the particulars of the accounts of John de Roches (warden, June 1328–August 1330), which detail the revenues and expenditure of the king’s administration in the Islands. In the accounts from Michaelmas 1328 to Michaelmas 1329, 245 foreign ships paid the custom at Guernsey. From Michaelmas 1329 to 29 August 1330, the custom was paid by 487 foreign ships. The total revenue from the great custom in Guernsey was 275 *l. t.* 11 *s.* 6 *d.* from 1328 to 1329 and 450 *l. t.* 8 *s.* 4 *d.* from 1329 to 1330. From these accounts, it is clear that Guernsey was evidently a much more important place of call for foreign shipping than Jersey where, in contrast, the great and little custom together was farmed in the period 1328 to 1329 for only 20 *l. t.* per annum.⁵⁷

⁵³ E 101/89/11, m. 1. r., pr. Le Patourel, ‘D.Phil.’, app., pp. 120–175, p. 127. Cf. the 1331 extent which states that the figures were 27 *s.* and 22 *s.* 6 *d.* respectively: S.G. *Extentes of Guernsey*, p. 69. The responsibilities of the *custumarius* in Guernsey were analogous with collector of customs in England: N. S. B. Gras, *The early English customs system* (Cambridge, 1918), p. 95. On this official, see Chapter III.

⁵⁴ The tariff rate for specific animals and commodities is also stated in the 1331 extent. It is not wholly clear whether exemption from the little custom on the exportation of goods applied to all Islanders or only to the king’s tenants, though it seems likely to have been the former: S.G. *Extentes of Guernsey*, pp. 28, 70; S.G. *Extente, Jersey, 1331*, p. 16; Le Patourel, ‘The early history of St. Peter Port’, repr. *Feudal empires*, p. 182.

⁵⁵ CPR, 1272–1281, p. 82.

⁵⁶ S.G. *Extentes of Guernsey*, p. 70; S.G. *Extente, Jersey, 1331*, p. 16

⁵⁷ Note the figures Le Patourel provides are in the strong money of Tours (where 4 *l. t.* was roughly worth £1): Le Patourel, ‘The early history of St. Peter Port’, repr. *Feudal empires*, p. 180. In the particulars of the 1328–1329 account the figure was given in the weak or debased currency, where 8 *l. t.* was worth £1, and the custom was thus stated as 551 *l. t.* 3 *s.* or £71 7 *s.* 10 *d.*: E 101/89/11, mm. 1. r., 2. r., 3. r., and 4., pr. Le

The presence of foreign shipping in the Islands is further reflected in a vast number of extant petitions and judicial records concerned with maritime disputes arising from piracy, detainments of ships and goods, violent encounters, and legal claims over rights to wreck.⁵⁸ The 1309 eyre rolls, for example, mention ships from across Normandy (Cherbourg, Grestain, Rouen), Winchelsea, Gascony, Flanders, and Spain.⁵⁹ Additionally, in May 1278 the jurats and king's deputies in Guernsey reported to the king a violent altercation between officials and mariners that occurred after a certain Gilbert Mayn and an unnamed merchant of Toulouse refused to pay the custom on ships at St Peter Port, which, putting to one side the damages to the town and merchandise caused by this incident, highlights Guernsey's position as an important hub for shipping.⁶⁰

A sporadic and sometimes lucrative source of income in the Islands that resulted from the shipping trade was the revenue derived from wrecked ships.⁶¹ The right to wreck or '*varech*', that is the wreck of the sea washed up on the shore, was a prized and jealously-guarded right.⁶² The general procedure concerning wreck in the Islands was little different

Patourel, 'D.Phil.', app., pp. 120–175, pp. 127–8 (Guernsey), 153 (Jersey), 166–7 (Alderney), 175 (Sark) respectively; see also *JPB*, II, no. 65 pp. 131–8, pp. 135–6. In 1329–1330, the great and little custom in Jersey was farmed at 22 *l. t.*: Nicolle (ed.), 'Account of John de Roches, keeper of Jersey, for the year 1329', *ABSJ*, 7 (1912), pp. 177–180, p. 177.

⁵⁸ In the 1331 eyre rolls, it was recorded that unknown malefactors of Bayonne murdered a certain man in a ship of Spain in the harbour of St Peter Port: JUST 1/1166, m. 8 r., pr. *Second report*, p. 307. For additional examples of violent encounters between sailors in the 1331 eyre rolls: Le Patourel, 'The early history of St. Peter Port', repr. *Feudal empires*, p. 180.

⁵⁹ This does not include a whole range of cases concerning unnamed ships or miscellaneous pieces of wreckage found: S.J. *Rolls of the assizes*, 1309, pp. 49–53, 134, 146, 190.

⁶⁰ SC 1/20/97.

⁶¹ For individual examples: S.J. *Rolls of the assizes*, 1309, *passim*. For royal revenues of wreck, see esp. the account of John de Roches for 1328–9: E 101/89/11 m. 1. r., and m. 2. r., m. 3. r., m. 4., pr. Le Patourel, 'D.Phil.', app., pp. 132, 156, 169, 175. One might also note how the importance of St Peter Port for shipping is further demonstrated by the medieval and early modern wrecks found in its harbour: J. Adams and J. Black, 'From rescue to research: medieval ship finds in St Peter Port, Guernsey', *The International Journal of Nautical Archaeology*, 33 (2004), pp. 230–252.

⁶² '*car tout ce que l'eau aura getté ou bouté à terre est varech*' (wreck is said to be that which the sea throws or expels on to the land): J. Everard (ed.), *Le Grand Coutumier de Normandie: the laws and customs by which the duchy of Normandy is ruled* (St Helier, 2009), qt. p. 81. '*Varech*' (in Latin *verisco* or *wreccum*) also confusingly refers to a seaweed called *vraic*, used for manure, which was regulated in the ordinances and provisions made by the justices of the 1323 eyre: JUST 1/1164, m. 22 d., pr. *Second report*, p. 300. The

The Channel Islands and control of the English Channel: the military and economic environment from the duchy of Normandy: all wreck that came ashore belonged to the seigneur upon whose fief it landed, though it had to be viewed by the king's officials. The seigneur of the fief then held the wreck for a year and a day. During this interval the original owners could claim the wreck on paying the lord's expenses incurred in relation to it. If this did not occur, then the wreck pertained to the lord, saving always certain perquisites reserved to the king, such as gold, silver and unworked silk.⁶³ There also appears to have been an accepted custom for the partition of goods from ships that had been saved from being wrecked to those who provided assistance to the crew.⁶⁴ Some specific arrangements were made, especially in Guernsey as the majority of wrecks occurred along its southern and western coastline.⁶⁵ In the 1270s, in order to prevent future disagreements between the king and the other major landholders there, it was agreed between them that, excepting the lands of the Vale and Lihou belonging to the abbey of Mont-St-Michel and also the demesne lands of Matthew de Saumarez, all wreck in the Island would be partitioned equally, one moiety to the king, and the remaining moiety to be divided between the abbot of Mont-St-Michel and the lord of the fief du Comté, held by the de Chenys at this time, these two parties holding the majority of the land on the western coast of that Island.⁶⁶

There were nonetheless numerous legal disputes between local officials and secular and ecclesiastical landholders in the Channel Islands over even the smallest of wrecks. Part of the reason for these disputes was the king's limited rights to wreck in the Islands, especially in Jersey, a matter which the king's officials sought to reverse by challenging other landholders' rights to wreck, including during the *quo warranto* proceedings from

jurors of Guernsey during the 1274 inquiry were themselves uncertain why they called the right to wreck of the sea *varech*: S.J. *Extente*, 1274, p. 37.

⁶³ All complaints regarding wreck were reserved to the king's courts in the Islands: Everard (ed.), *Le Grand Coutumier de Normandie*, pp. 76–81; S.G. *Extentes of Guernsey*, pp. 71–2; S.J. *Extente*, 1274, p. 9. For an example of orders to return twenty-six barrels of wine from a wrecked ship in St Peter Port: *Close rolls*, 1247–1251, p. 62.

⁶⁴ S.J. *Rolls of the assizes*, 1309, pp. 49–53. Wreck is not mentioned in the return of 1248 inquiry nor the Jersey part of the 1331 extent.

⁶⁵ E.g. S.J. *Rolls of the assizes*, 1309, pp. 49–53, 146, 190.

⁶⁶ S.J. *Rolls of the assizes*, 1309, pp. 22–3; S.J. *Extente*, 1274, p. 37. The lands of the abbot of Blanchelande in Guernsey, and the abbot of Cherbourg's lands in Herm were also excluded from this agreement: S.G. *Extentes of Guernsey*, p. 72.

1299 to 1331.⁶⁷ A lengthy entry in the 1309 eyre rolls, for instance, concerns a dispute between the abbot of Cherbourg and his prior of the Islet in St Helier, and the seigneur of Samarés, Peter de St Helier, and Geoffrey de Carteret over two casks of wine that had washed ashore in the bay of St Helier (now known as St Aubin's Bay). All parties vigorously claimed their right to the wine. The complexity of the case lay in the issue of where the wreck had been salvaged by a group of sailors and then on whose fief they had landed the goods. The king's attorney, William Dumaresq, also joined the dispute claiming the wine on behalf of the king. He argued convincingly before the justices that the casks did not constitute wreck because they had not been brought to land or a port naturally by the tide, or so near the land that they could be salvaged on foot, but had instead been found at sea in the bay and lifted into a vessel before being taken to the Island. This therefore meant the casks had not been landed on any of the other claimants fiefs and were legally *adventuris maris* ('adventures of the sea') and thus only belonged to the salvors and to the king, who had a share in all ventures of this type.⁶⁸

The various arrangements and procedures and disputes concerning wreck indicate its value and provide bountiful evidence of the extent of shipping in the Islands. Wreck was but one additional source of income that enhanced the economic value of the Islands to the king and other landholders beyond their already profitable regular revenues from agriculture, fishing and other seigneurial rights.

Rather than simply being a suitable way station for ships, the Islands, particularly St Peter Port, seem to have acted as an *entrepôt*, that is a place for the importation and exportation of goods into and outside of the kingdom of England. Over the course of the thirteenth and fourteenth centuries, St Peter Port underwent notable urban development and evolved into a town or '*quasi-burgum*' (quasi-borough) of considerable significance and size, no doubt as a result of its involvement in the mercantile networks of western

⁶⁷ On the *quo warranto* proceedings, see Chapter V. The lack of rights in Jersey is evident by the absence of any reference to royal income from wreck in the extent in Jersey in 1331, showing it was neither a regular nor particularly valuable source of income. In the warden's account of 1328–9, no income was derived from wreck in Jersey for that year: E 101/89/11 m. 2. r., pr. Le Patourel, 'D.Phil.', app., p. 156.

⁶⁸ JUST 1/1161, m. 28 d., pr. and trn S.J. *Rolls of the assizes, 1309*, pp. 219–221. For a similar acknowledgement that only the king has the right to adventures of the sea as opposed to wreck: C 47/10/5/3, pr. Le Patourel, 'D.Phil.', II, p. 155 n. 1.

The Channel Islands and control of the English Channel: the military and economic environment Europe.⁶⁹ Its role as an *entrepôt* is evidenced by a dispute shortly after the 1294 Anglo-French war, where Peter de Toulouse, a merchant of Bayonne, who had been killed in Guernsey during an attack by the forces of the king of France, and died in possession in that Island of some 400 quarters of salt and other goods that his brother, Peter Bernard de Toulouse, claimed the warden was now unlawfully detaining from him.⁷⁰ Notably, Peter Bernard and other members of his family seem to have permanently settled in Guernsey, acquiring lands and rights there.⁷¹ The considerable mercantile traffic coming through the Islands may have seen the Islands used as a place to unload and store cargo, possibly into smaller vessels to avoid paying greater customs in the other Islands or England and to spread their merchandise across multiple ports, especially those that could not harbour larger vessels, such as Regnéville in the Cotentin, a tidal-port that was frequently used by merchants due to the accessibility it offered to the important fair of Mortmartin.⁷²

There are also some indications that the Islands were being used as a means to avoid the payment of customs altogether. In 1342, the warden was instructed to seize any wool brought into the Islands from England upon which the full custom had not been paid on this commodity, as the king had been informed that the Islands were being used as a staging post for the sale of non-cocketted wool outside of the realm, contrary to a royal

⁶⁹ Notably, St Peter Port had no separate municipal administration but this did not limit its urban development. For insightful examination: Le Patourel, 'The early history of St. Peter Port', repr. *Feudal empires*, pp. 171–208, qt. pp. 187, 196.

⁷⁰ *CCR, 1288–1296*, p. 435. The petition suggests that the now deceased merchant had been intentionally left in the Islands with these goods: SC 8/31/1528, trn S.J. *Ancient petitions*, p. 10. *Calendar of chancery warrants preserved in the PRO, 1244–1326* (London 1927), pp. 66, 74. See also the example of Arnald Reymundi Darcuson, late citizen of Bayonne, killed in the Islands during the same war, whose possessions in Guernsey were also being detained from his heirs by the warden: *CCR, 1296–1302*, p. 3.

⁷¹ In 1305, Peter Bernard is referenced among the notable persons of St Peter Port: SC 8/137/6817; pr. and trn *PROME*, II, pp. 639–640. In 1324, a Richard Bernard was granted letters of protection whilst in the Islands: *CPR, 1324–1327*, p. 12. Peter and his family held lands, for instance, from the king in the parish of St Sampson: S.G. *Extentes of Guernsey*, pp. 62, 63, 114; A. H. Ewen, 'The fiefs of the Island of Guernsey', *RTSG*, 17 (1961), pp. 173–199, pp. 196–7. On their role in the administration, see Chapter IV.

⁷² The Islets of Chausey were used to unload goods from larger vessels to Regnéville: Heebøll-Holm, *Ports, piracy and maritime war*, pp. 35, 75; M. Arnoux, 'Border, trade route, or market? The Channel and medieval European economy from the twelfth to fifteenth century', in D. Bates (ed.), *Anglo-Norman Studies XXXVI* (Woodbridge, 2014), pp. 39–52, pp. 48–9.

proclamation.⁷³ As examined by M. Arnoux, the Islands seem to have played an important part in the ‘shadow market’ in the western Channel region, in which merchants used a variety of offshore markets and harbours to engage in illicit trading and avoid regulations and customs in both England and Normandy.⁷⁴ The Islands, viewed as part of the realm of England, yet also distinct locations situated within a growing Anglo-Norman economic zone, potentially provided a window of opportunity for merchants to assert that their merchandise came from the Islands in order to avoid paying the custom on foreign exports into England, a prediction of the Islands’ trading role in the early modern period.⁷⁵

Most of the ships passing through the Islands belonged to Gascon merchants, particularly the merchants of Bordeaux and Bayonne, who dominated the lucrative wine trade between south-west France and England. The heavy focus on the wine industry in Gascony made it necessary as well as highly profitable to import victuals, and dried or salted fish in particular was a valued commodity for purchase in the Islands by Gascon wine merchants on their return voyage from England. The value of the Islands’ fishing industry encouraged Gascon merchants to develop direct economic interests there and even become involved in the Islands’ administration.⁷⁶ From an early stage, the *éperqueries* there were leased to Gascons to guarantee a steady supply of fish and turn a profit.⁷⁷ In

⁷³ Coketted means merchandise that has been certified after the payment of customs duties: *CPR, 1341–1343*, p. 376. For later examples: Stevenson, ‘The Middle Ages’, in Jamieson (ed.), *A people of the sea*, p. 32; Thornton, *The Channel Islands*, p. 17, n. 41. All subjects in the kingdom of England had to pay a custom on wool exports from 1275: *CFR*, I, pp. 47, 60–61; *PROME*, I, p. 27.

⁷⁴ Arnoux suggests that in the fifteenth century the Chausey Islets, due to their proximity to the Islands and Normandy but remoteness, were used as a haven for merchants of the Islands to discreetly collect goods that were then sold in the ports of southern England: Arnoux, ‘Border, trade route, or market?’, pp. 49–50.

⁷⁵ Guernsey’s success as an *entrepôt* in the early modern period was determined by its favourable geographical location and the Islands’ political status within the context of Anglo-French relations: G. Stevens Cox, *St. Peter Port, 1680–1830: the history of an international entrepôt* (Woodbridge, 1999), p. 18, *passim*.

⁷⁶ On administration, see Chapter IV.

⁷⁷ In 1195 and in 1198, Vital de Villa (or Biele) of Bayonne was granted the farm of the king’s *éperqueries* and was stated to be worth 25 *l. Angevins*: Moss and Everard, (eds), *Pipe rolls of the exchequer of Normandy for the reign of Richard I, 1194–5 and 1197–8* (London, 2016), pp. 80, 206; Le Patourel, ‘The early history of St. Peter Port’, repr. *Feudal empires*, p. 183. Charter of King John, 1199, where he grants to Vital de Villa and his heirs 50 *l. Angevins* for two whales in the port of Biarritz in exchange for the rent that Richard I had granted him in respect of *éperqueries* in the Islands: *Rot. chart., 1199–1216*, p. 17; S.J. *Cartulaire*, no. 336, p. 428.

September 1248, Peter Arnaldi de Sancto Johanne and his associates were granted the king's fisheries of Sark, Guernsey and Jersey for five years, for £12 10 s. per annum. This was then renewed in 1253 for a further six years for 74 *l. t.* per annum.⁷⁸ In 1278, Otto de Grandison, the lord of the Islands, was licensed to demise the farm of the king's fisheries to Amat de Saubaignac, a notable merchant of Bayonne.⁷⁹ In 1290, Peter d'Arcis, a Gascon, rented a house from Otto de Grandison in St Peter Port and later acted as the bailiff of Jersey and the receiver, and Otto demised his revenues in Jersey to Peter at farm.⁸⁰ He also had lease of the *éperqueries* in Guernsey belonging to the abbey of Mont-St-Michel in 1296.⁸¹ Peter de Gariz, a merchant of Gascony, managed the properties held by the abbey of Holy Trinity, Caen, in the Islands intermittently from 1318 to 1339, which for the term of 1319 to 1325 was stated to be at an annual rent of 160 *l. t.*⁸² He also held lands at rent from the abbey of Mont-St-Michel in 1309, and from 1313 to 1324 had lease of the *éperqueries* in Guernsey belonging to the same abbey for five years.⁸³ This activity was evidently connected to the widespread establishment of Gascon merchants in England, Flanders and along the coastline of France, such as in Brittany where Bayonnais merchants acquired a near-monopoly on *éperqueries* from the duke of Brittany in 1279.⁸⁴

⁷⁸ *CPR, 1247–1258*, pp. 27, 245. Cf. F.-Michel (ed.), *Rôles Gascons, 1242–1254* (vol. 1, Paris, 1885), p. 269. E 372/94, m. 6. r.; pr. Le Patourel, 'D.Phil.', app., p. 117.

⁷⁹ *CPR, 1272–1281*, p. 283; Heebøll-Holm, *Ports, piracy and maritime war*, p. 81; Bolton, 'Esperkeria congrorum', p. 293.

⁸⁰ *CPR, 1281–1292*, pp. 362, 393, 484, 486. See Chapter IV.

⁸¹ S.J. *Cartulaire*, no. 334, p. 426.

⁸² Interestingly this agreement was made before the bailiff of Jersey, Henry de St Martin, and the seal of the bailiwick of Jersey is affixed to the record: S.J. *Cartulaire*, no. 324, pp. 414–5. Peter de Gariz frequently acted as the attorney of the abbess of Holy Trinity, Caen, in the Islands, suggesting he continued to manage the abbey's possessions there after the 1319 to 1325 term: *CPR, 1317–1321*, p. 131; *CPR, 1321–1324*, p. 11; *CPR, 1327–1330*, p. 242; *CPR 1330–1334*, pp. 88, 548; *CPR, 1334–1338*, p. 311. J. F. R. Walmsley, 'A note on the Channel Islands possessions of the abbey of Holy Trinity Caen', *ABSJ*, 24 (1985), pp. 75–80.

⁸³ S.J. *Cartulaire*, nos. 156, 157, 162, pp. 234, 236–7. He also held land in the parish of St Laurence, Jersey, including the fief de Haudouys (Handois) and in respect of this owed suit of court and a pair of white spurs, worth 12 *d. t.*: Le Feuvre (ed.), *Extente Jersey, 1331*, pp. 72, 78–9; S.J. *Cartulaire*, no. 324, pp. 414–5. Note that in Bolton, 'Esperkeria congrorum', p. 293, the reference to Peter d'Arcis is conflated with Peter de Gariz.

⁸⁴ Heebøll-Holm, *Ports, piracy and maritime war*, p. 81; Bolton, 'Esperkeria congrorum', pp. 290–294; Le Patourel, 'The early history of St. Peter Port', repr. *Feudal empires*, pp. 183–4.

The *éperqueries* offer the opportunity for an interesting micro-study of the exploitation of a valuable trade in the Islands, but again particularly Guernsey, in the larger context of Plantagenet trade routes. A prized franchise in the Islands and elsewhere linked to the fishing trade was *éperquerie*, a seigneurial monopoly in which tenants were obligated to dry and salt their fish at specially designated sites built by their lord, in the same way that tenants were required to use their lord's mills to grind their corn.⁸⁵ The right of *éperquerie* was a lucrative source of income and the king and other landholders typically farmed it out to third parties. In the 1274 extent, the king's *éperqueries* in all the Islands were worth 110 *l. t.* annually.⁸⁶ In the account of the warden John de Roches from 1328 to 1329, they were worth, in all the Islands, together with other customs on fish, the sum of 533 *l. t.* 6 *s.* 8 *d.* (weak money) or £46 13 *s.* 4 *d.*⁸⁷ The 1331 extent states that the farm of all the king's *éperqueries* in the Islands, combined with the customs on fish, were worth 266 *l. t.* 13 *s.* 4 *d.*⁸⁸

The 1331 Guernsey extent also defines *éperquerie* as a custom whereby tenants of the king fishing between Easter and Michaelmas were bound to sell only to merchants of the king appointed specially to this task, provided they could agree a price. If no agreement was reached, the fish were to be priced by men chosen from both parties and then it was the decision of the king's merchants whether to purchase them, otherwise the fishermen could sell their catch as they wished.⁸⁹

⁸⁵ The word *éperquerie* can refer both to the drying and salting site, and the seigneurial right itself. The subject of *éperqueries* has been carefully examined in Bolton, 'Esperkeria congrorum', pp. 288–296; for greater depth and comparison with regions such as Cornwall and Devon, see Bolton's M.A. dissertation 'The *éperqueries* of the Channel Islands and their analogues (University of Leeds, 1962); Le Patourel, 'The early history of St. Peter Port', repr. *Feudal empires*, pp. 182–3, and, p. 202 n. 55 and 57, for a useful list of sources.

⁸⁶ The *éperqueries* in Sark and Alderney, each at farm, were worth 15 *l. t.* per annum: S.J. *Extente*, 1274, pp. 11, 12, 29. Prior to 1288, the *éperqueries* in all Islands were said to be worth 210 *l. t.*: Bolton, 'Esperkeria congrorum', p. 289.

⁸⁷ E 101/89/11, m. 1. r., pr. Le Patourel, 'D.Phil.', app., pp. 125–6.

⁸⁸ Or £66 13 *s.* 4 *d.*: S.G. *Extentes of Guernsey*, p. 69.

⁸⁹ There was also a separate custom levied on every hundred mackerel caught from Easter to Michaelmas, and a custom on every boat selling fish outside of the king's realm in Normandy or elsewhere. The regulations of the custom are not stated in the Jersey part of the extent but it seems probable that the Guernsey statements were intended to cover all the Islands: S.G. *Extentes of Guernsey*, p. 69. For a similar statement on the customs in 1328–9: E 101/89/11, m. 1. r., pr. Le Patourel, 'D.Phil.', app., pp. 126–7.

One potential advantage for foreign merchants of developing interests in the Islands was the possibility of benefitting from the stipulation that goods produced by the exporters themselves were not subject to the levying of customs in the Islands. Moreover, they may have been able to avoid being charged customs as foreigners since the Islands were considered to be within the realm of the kingdom of England. However, one downside for the local populations from increased foreign merchant involvement in the Islands was the external demand placed on their produce. This concern we see expressed around 1299, when the Islanders complained about the activities of Otto de Grandison's officials to increase their lord's profits by permitting a large part of the local fishing catch to be sold at high prices or bought by foreign merchants, which prevented the Islanders from buying it for their own sustenance and profit.⁹⁰

The decline of the Gascon wine trade over the course of the fourteenth century unsurprisingly reduced Gascon influence in the Islands, though it is notable that some Gascons, such as Peter de Gariz, permanently established themselves through marriage and acquisition rather than simply leasing lands.⁹¹

The status of the Islands as part of the realm of the kingdom of England meant that Islanders were not to be treated as foreign merchants which, combined with various exemptions from the little custom levied in the Islands, placed the Islanders in a favourable position to engage in mercantile ventures themselves. Using the English customs' accounts from the fourteenth and fifteenth centuries, Wendy Childs has shown that Channel Islands' ships appear frequently along the southern coast of England, Normandy and Brittany. Islanders could be found regularly trading in Plymouth, Exeter, Poole, Southampton and Chichester, making a small but nonetheless regular and significant contribution to the mercantile life of these port towns throughout the medieval and early modern period.⁹²

⁹⁰ SC 8/118/5893.

⁹¹ See Chapter IV.

⁹² Though it is difficult to fully trace shipping activity from these accounts until the late fourteenth century due to the inconsistent imposition of customs by English officials on Channel Islands vessels: W. Childs, 'Channel Islands shipping as recorded in the English customs accounts, 1300–1500', in Jamieson (ed.), *A people of the sea*, pp. 44–58. There is one reference to a Guernsey ship in Bristol in an account of the custom of wool in 1322, but in the main Islands vessels were focused on the southern coastline of England: Gras, *The early English customs system*, pp. 248, 362, 523. For a valuable list of Guernsey ships as recorded in 1370: Le Patourel, 'A fourteenth century list of Guernsey ships and shipmasters', *Quarterly review of the Guernsey Society*, 9 (1953), pp. 4–7.

Mercantile connections between the Islands and Normandy may be seen in a legal dispute in the 1299 eyre, where it was stated that a group of Guernsey merchants had often engaged in trading ventures there, including the sale of mill-stones in Rouen and mackerel in Dieppe.⁹³ Another case at the same eyre suggests that the Islanders were also regular visitors of a fair at Montmartin near Coutances.⁹⁴ Additionally, Le Patourel observes that Rouen seemingly gave preferential treatment to ships coming from the Islands, as well as from Dieppe.⁹⁵ Though the records are insufficient, there is also evidence to show there existed a regular two-way trade between the Islands and Brittany.⁹⁶

Although the mercantile activity of Islanders rarely extended further afield, Childs has shown that some Islanders were also involved in the wine trade: between 1303 and 1311, for instance, there were around twelve Channel Islands' ships at Bordeaux per annum, including vessels of a much larger size than those operating more locally in the Channel.⁹⁷ Involvement in this trade may have been stimulated by the periodic prohibitions on trade with Normandy. But with the Gascons' dominance in shipping as well as their leasing of the *éperqueries*, which gave them greater control over the main yet ubiquitous commodity that the Islands offered to the wine trade, it is unlikely that the development of economic links with Gascony served to substantially benefit many of the Islanders themselves. Involvement in the wine trade in the early fourteenth century, therefore, constitutes a brief period of engagement that never matched the regular and long-lasting trading networks with Normandy, Brittany and England.

On the long-running mercantile links with Southampton: Platt, *Medieval Southampton: the port and trading community, A.D. 1000–1600* (London, 1973), pp. 216, 220.

⁹³ JUST 1/1157, m. 7 r., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 60–61.

⁹⁴ JUST 1/1158, m. 3. r., trn Stevens (ed.), 'Jersey assize roll, 1299', p. 16; Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages', repr. *Feudal empires*, p. 457.

⁹⁵ Le Patourel, 'The early history of St. Peter Port', repr. *Feudal empires*, pp. 181–2.

⁹⁶ E.g. in the 1331 eyre rolls, a plea that involved John de Brittany who owned a ship harboured in Guernsey, and a separate plea concerning the theft of the goods of a merchant of Brittany in Guernsey: JUST 1/1166, mm. 2 d. and 3 r., pr. *Second report*, p. 305. Stevenson, 'The Middle Ages', in Jamieson (ed.), *A people of the sea*, p. 27.

⁹⁷ Exceptionally, there was a vessel called the *St Jacob* of Jersey that exported between 150 and 173 1/2 tuns per voyage: Childs, 'Channel Islands shipping', in Jamieson (ed.), *A people of the sea*, pp. 49, 56–8. For an additional example: *CPR, 1334–1338*, p. 359.

The growth of trading networks in the English Channel and along France's Atlantic coast combined with periodic outbreaks of war between the kingdoms of England and France stimulated piratical activity. As Thomas Heebøll-Holm acknowledges, the Channel Islands were particularly well-situated for ambushing merchant vessels and appear to have been a favoured position for Anglo-Gascon pirates, notably the men of the Cinque Ports.⁹⁸ This is evidenced by the numerous petitions of merchants to the king across this period, in which Guernsey was often cited as a reference point to indicate roughly where their ships were attacked or seized, whether by the king's men or those of his enemies.⁹⁹ For instance, in c. 1322–1323, a Spanish vessel anchored in St Peter Port to shelter from strong winds was boarded and many of its goods robbed by the men of Winchelsea.¹⁰⁰ In general, Islanders seem to have been the victims of piracy rather than the perpetrators. In c. 1340 John de la Launde, the *prévôt* of Guernsey, sought permission from the king to pursue an arrest warrant as far as Bordeaux after his ship and all its cargo were robbed at sea by various malefactors.¹⁰¹ In 1343, a Guernsey ship, the *Katherine*, loaded with wines from Bordeaux to the value of £250 was attacked by Normans from St Malo and other enemies of the king of England during a period of truce between the kingdoms of England and France.¹⁰² In response, the king requested that the bishop of St Malo hear the plaint of the Guernsey merchants and provide a remedy.¹⁰³ Though the bishop heard the case before his court, he did not act on the matter, and the king subsequently ordered the warden of the Islands to seize all goods and merchandise of the men of St Malo to the value of £250 in order to recompense the Guernsey merchants.¹⁰⁴

⁹⁸ Heebøll-Holm, *Ports, piracy and maritime war*, p. 40.

⁹⁹ SC 8/158/7890; SC 8/73/3649; *CPR, 1334–1339*, p. 377; SC 8/295/14742. Early fifteenth century example: SC 8/332/15724. Commission of oyer and terminer issued in response to a petition: *CPR 1321–1324*, p. 371.

¹⁰⁰ SC 8/33/1625. *CPR, 1321–1324*, pp. 310, 318. *CPR, 1334–1338*, pp. 367, 377, 443.

¹⁰¹ SC 8/58/2856. Appointment as *prévôt* in April 1340: *CPR, 1338–1340*, p. 466.

¹⁰² SC 8/239/11935, trn S.J. *Ancient petitions*, pp. 72–3. A Guernsey ship of the same name may be found in a 1370 list of Guernsey vessels: Le Patourel, 'A fourteenth century list of Guernsey ships and shipmasters', p. 5.

¹⁰³ The Guernsey merchants involved were Richard de Port, John le Fevre and other unnamed associates of the same Island: *CCR, 1343–1346*, p. 116.

¹⁰⁴ *Ibid*, p. 159. For an explanation of the laws of the sea and this procedure, known as reprisal, in which a community was made collectively liable for the actions of individual members: Heebøll-Holm, *Ports, piracy and maritime war*, pp. 134–140. Notably, Le Patourel highlights a case in the 1331 eyre rolls which infers that the royal court in Guernsey viewed itself as competent to judge cases 'according to the law of merchants' and order reprisals against merchant communities: 'The early history of St. Peter Port', repr. *Feudal empires*, p. 184. For similar writs issued to the warden of the Islands and the seneschal of Gascony in

Nonetheless, it was difficult for merchants to achieve full restitution for their losses by legal means or through retaliatory measures by their rulers. A particular reason for such difficulties was that the sea was a 'juridical grey area' with no clear legal boundaries and merchant disputes.¹⁰⁵ This was despite the existence of a number of laws of the sea, notably the *Rôles d'Oléron*, that were adopted by the maritime communities of north-west Europe and France's Atlantic coast. Unfortunately, these laws were subject to local variation and did not constitute a common code of law, making their imposition difficult.¹⁰⁶ As a result, merchant disputes often created a delicate diplomatic problem for rulers. Yet the significant escalatory steps that the king of England took in order to provide remedy to the Guernsey merchants of 1343 underscored that the Islanders were viewed as royal subjects, and hence there was a certain symbolic importance in defending their rights even if this risked further damaging diplomatic relations with the kingdom of France.¹⁰⁷ Moreover, that these merchants had the judicial and financial means to pursue their case, showed the wealth that some of the Islands' elite had acquired as a result of mercantile activity.¹⁰⁸

November 1351 to arrest the goods of the men of St Malo in order to satisfy the losses of 'Pierre de St-Pierre, king's liege man of the Island of Guernsey': 'The Gascon Rolls Project (1317–1468)', C 61/63, nos. 64 and 65.

¹⁰⁵ Heebøll-Holm, *Ports, piracy and maritime war*, qt. p. 127.

¹⁰⁶ The laws of the sea were principally focussed on commercial matters and ship law but also shipwreck: see E. Frankot, 'Of laws of ships and shipmen': *medieval maritime law and its practice in urban northern Europe* (Edinburgh, 2012), ch. 1, and esp. ch. 2 on the rules relating to shipwreck; Heebøll-Holm, *Ports, piracy and maritime war*, ch. 5 on the limitations of the laws of the sea in relation to piracy; and R. Ward, *The world of the medieval shipmaster: law, business and the sea, c. 1350–c. 1450* (Woodbridge, 2009), ch. 1, and pp. 183–205 where the *Rôles d'Oléron* are pr. and trn.

¹⁰⁷ Notably in 1481, Edward IV went as far as to acquire a papal bull from Pope Sixtus IV that prohibited piracy in the Islands under pain of excommunication. This prohibition later evolved into a secular privilege of neutrality during wartime, which was widely accepted and enforced by kings of England and France and the dukes of Brittany, primarily for commercial reasons: *Calendar of papal registers relating to Great Britain and Ireland* (vol. 13, London, 1955), p. 258; Thornton, *The Channel Islands*, pp. 70, 83, 89, 125; A. J. Eaglestone, *The Channel Islands under Tudor government, 1485–1642* (Cambridge, 1949), ch. 5; J. C. Appleby, 'Neutrality, trade and privateering, 1500–1689', in Jamieson (ed.), *A people of the sea*, pp. 59–105, pp. 59–71.

¹⁰⁸ For further reprisals issued on behalf of Islands' merchants, see also a writ in November 1275 to officials in Guernsey to seize the goods of the men of Zeeland: *CFR*, I, p. 57. A writ in August 1328 to seize the goods of the men of Dieppe: *CCR, 1327–1330*, p. 318.

The lucrative trade connections between England and Gascony were greatly dependent on the state of Anglo-French relations. The impact of war combined with embargoes imposed by both the kings of England and France severely obstructed the shipping trade in the Islands. During wartime, officials in the Islands enforced embargoes against trade with the king's enemies through the detainment of ships passing through the Islands.¹⁰⁹ These measures were intended to penalise financially the king's enemies but they also had to be careful to avoid disrupting altogether the flow of trade into England to preserve royal customs revenue. Often ships detained in the Islands were only released by the king's officials on the guarantee that their cargoes would be sold in England or elsewhere in the realm.¹¹⁰

Many maritime disputes occurred due to the blurred lines between peacetime and wartime. A case during the 1299 eyre highlights how merchants from Guernsey had taken victuals to Abbeville in Ponthieu during the 1294 Anglo-French war contrary to a prohibition on trading with the king's enemies, yet the merchants claimed that they were unaware of the prohibition and had sold the goods there in peace time when the county of Ponthieu was still in the king of England's hands.¹¹¹ Similarly, shortly after an armistice was reached with the kingdom of France in October 1297, Lucas Godes, described as a burgess and merchant of the duke of Brittany, petitioned the king requesting a remedy as his ship, laden with wines and merchandise, had been taken illegally by force at sea by the king's men in the Islands. Despite receiving favourable judgement from the royal court in Jersey, the warden, Nicholas de Cheny, refused to restore the ship and goods to Godes.¹¹² His petition was endorsed by the king and his plea was heard before the justices of the 1299 eyre in Jersey, who ordered the restitution of his goods, said to be worth 374 *l. t.*, and that any outstanding damages were to be levied from the lands and chattels of Nicholas de Cheny because, whilst warden, he had wrongfully discharged the malefactors involved,

¹⁰⁹ E.g. Orders to the warden in August 1326, excepting the men of Flanders: *CFR*, II, p. 411.

¹¹⁰ For example, a ship of Bayonne carrying merchandise from lands of the count of Flanders was arrested in Jersey, and subsequently released provided sufficient security was given that it would go to Portsmouth to trade: *Close rolls, 1227–1231*, pp. 307–8. Additional examples: *Patent rolls, 1216–1225*, pp. 88–9; *Rot. litt. claus., 1224–1227*, p. 48; *CCR, 1288–1296*, p. 357; *CPR, 1313–1317*, pp. 459, 622, 624.

¹¹¹ JUST 1/1157, m. 1 d., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 9–10.

¹¹² Petition is dated by TNA summary to c. 1300 but was evidently heard earlier: SC 8/50/2472, trn S.J. *Ancient petitions*, p. 13.

failed to return the ship after the first judgement, and was in default for repeatedly failing to attend the court.¹¹³ The above case shows how complex and difficult it could be for someone like Godes to recover his ship, but it also highlights the concern of the king to not breach the terms of the armistice by harassing foreign merchants and to avoid disrupting trade.¹¹⁴

One unwelcome consequence of the Islanders' status was the propensity of English mainland officials erroneously to view them as foreigners. Although they were considered to be an integral part of the Plantagenet realm, like many of the king's continental subjects as well as those of the lordship of Ireland, Islanders were intermittently treated as foreign merchants in England and forced to pay customs there.¹¹⁵ This was probably due to the fact that the Islands were viewed as a distinct jurisdiction from the kingdom of England, evidenced by the issuing of letters of safe conduct for officials, soldiers, merchants and high-status individuals travelling to and from the Islands.¹¹⁶ The Islanders frequently petitioned the king requesting redress on the imposition of foreign customs claiming that it was contrary to their rights as subjects of the king of England. In response, in 1309 and 1311 for example, Edward II ordered the collectors of customs at Southampton to cease from distraining on the Islanders for customs due from foreign merchants as 'the king considers the men of the said Islands belong to his kingdom'.¹¹⁷ In 1335, the collectors of

¹¹³ The leading malefactor was John le Skirmisher, described in another case as an Englishman: JUST 1/1158, mm. 3. r., 7 d., trn Stevens (ed.), 'The Jersey assize roll', pp. 17–8, 41.

¹¹⁴ CCR, 1296–1302, p. 206.

¹¹⁵ Significantly, in 1303 a new agreement was made between Edward I and foreign merchants which granted the latter a regulated status in England, freedom to trade and exemption from local taxes. In exchange, the merchants accepted an increase on current duties on wool as well as new duties on other imports and exports, such as wine and cloth. This agreement was of no benefit to Channel Islands' merchants as they already claimed to possess such rights as subjects of the king of England: Brown, *The governance of late medieval England*, p. 66; Gras, *The early English customs system*, pp. 66–7. For discussion of the treatment of the continental and insular subjects of the Plantagenet kings of England: W. M. Ormrod, B. Lambert, and J. Mackman (eds), *Immigrant England, 1300–1550* (Manchester, 2019), chs 2, 4 and 5; Ruddick, *English identity and political culture in the fourteenth century* (Cambridge, 2013), ch. 5.

¹¹⁶ E.g. 'Protection and safe-conduct for Denis le Marchant of the Island of Guernsey, coming to the realm to trade': CPR, 1324–1327, p. 315. See also *ibid*, pp. 108, 318. Ormrod, Lambert, and Mackman (eds), *Immigrant England*, pp. 18–24.

¹¹⁷ C 54/128, m. 13 d., trn CCR, 1307–1313, qt. p. 342. The 'alien' merchants who had to pay such customs were 'of Alemain, France, Spain Portugal, Navarre, Lombardy, Tuscany, Provence, Catalan, the duchy of Aquitaine, Toulouse, Cahors, Flanders, Brabant, and all other foreign lands': CCR, 1307–1313, p. 112.

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the same port were again reminded ‘as all the said Islands were and are of the ancient inheritance of the kings of England, and they are reputed citizens of those communities and denizens, not aliens, and they ought not to be compelled as aliens to pay any customs in the king’s realm’.¹¹⁸ ‘Denizen’ at its basic definition meant that the Islanders were to have the same legal and commercial rights as English subjects of the king.¹¹⁹ These measures do not seem to have proved to be a permanent remedy, for petitions for exemptions persisted throughout the fourteenth century.¹²⁰

In many cases the imposition of customs on the Islanders may have been due to the inability of English port officials to differentiate between dialects.¹²¹ This was all the more problematic during wartime when ships of the king’s enemies, including Normans, were ordered to be detained: in 1235, a ship from the Island of Guernsey was mistakenly arrested by the bailiffs of Southampton on the belief it belonged subjects of the king of France.¹²² Yet, royal policy on the imposition of customs on Islands’ merchants was also inconsistent and contradictory, in part because the imposition and rate of customs duties on foreign merchants fluctuated according to the king’s immediate political and fiscal needs.¹²³ In 1370, for instance, the people of Guernsey requested a charter of franchise to guarantee they would not be treated as alien merchants, and a grant was issued in the same year permitting the Islanders twenty years of exemption from all foreign customs, despite the fact that previous royal commands had effectively acknowledged the Islanders were permanently exempt from such customs.¹²⁴ Importantly, Richard II’s second charter to the

¹¹⁸ These orders were also issued to the collectors at the ports of Chichester, Exeter, Winchelsea and Melcombe Regis: C 54/156, m. 15 d., trn *CCR, 1333–1337*, qt. p. 513.

¹¹⁹ This statement is not to be conflated with the later specific characteristics of denization. For a recent reassessment of the development of denizen status: Lambert and Ormrod, ‘Friendly foreigners: international warfare, resident aliens, and the early history of denization in England, c. 1250–c. 1400’, *EHR*, 130 (2015), pp. 1–24.

¹²⁰ SC 8/274/13674, SC 8/272/13589, SC 8/272/13590, SC 8/114/5676, trn S.J. *Ancient petitions*, pp. 8, 48–9, 49–51, 86, respectively. Otto de Grandison, in his capacity as the lord of the Islands, also wrote to the chancellor of England on behalf of the Islanders regarding this matter: SC 1/36/133, pr. C. L. Kingsford, ‘Sir Otho de Grandison 1238?–1328’, *Trans. of the Royal Historical Society*, 3 (1909), pp. 125–195, p. 192.

¹²¹ Sumption, *Hundred Years’ War*, I, pp. 446–8.

¹²² *Close rolls, 1234–1237*, p. 53; *CCR, 1341–1343*, pp. 617, 696.

¹²³ An important point observed by Sargeant, ‘The wine trade with Gascony’, in Unwin (ed.), *Finance and trade under Edward III*, p. 281.

¹²⁴ SC 8/113/5611, trn S.J. *Ancient petitions*, pp. 85–6; *CPR, 1367–70*, p. 401. See also an exemption for five years in February 1357: *CPR, 1354–1358*, p. 510.

Islands in 1394, in contrast to the previous royal charters of 1341 and 1378, explicitly granted that the Islanders were forever exempt from all ‘tolls, duties, and customs whatsoever kind in all our cities, market towns, and ports within our kingdom of England, in the same manner as our faithful liege people in our aforesaid kingdom are’.¹²⁵ However, both the royal charters of Henry IV and Henry V in 1400 and 1414 respectively, excluded the privileges granted to the Islanders in the 1394 charter.¹²⁶ Moreover, Channel Islanders were included in the group of immigrants to be taxed as part of the alien subsidy of 1440, although the Islanders were swiftly exempted from this after voicing their complaints to the king.¹²⁷ Shortly thereafter, in 1442, Henry VI’s royal charter to the Islands renewed the terms of the 1394 charter.¹²⁸

The issue of customs duties then, was a recurrent problem for Islanders that fluctuated according to political circumstances and changeable royal policies. It was clearly not an issue unique to the Islanders as the king’s continental and insular subjects suffered similar problems in England on account of their different political standing vis-à-vis the king of England. Furthermore, Andrea Ruddick has argued that in England in the late fourteenth century there was a growing emphasis on political and legal rights being derived from one’s nationality rather than one’s political allegiance to the king. Increasingly, the king’s non-English subjects were treated as foreigners in England.¹²⁹ For the Islanders, the position was further complicated by the fact they were subjects of the king of England but not integrated within the kingdom of England itself. The exemptions granted to the

¹²⁵ Thornton (ed.), *Charters of Guernsey*, pp. 9–10; idem, *The Channel Islands*, p. 17. Though the use of *eodem modo quo fideles ligei nostril in regno nostro predicto existunt* (in the same manner as our faithful liege people in our aforesaid kingdom are) highlights a small yet nonetheless significant distinction between Islanders and English-born persons. On this see: Ruddick, ‘Becoming English: nationality, terminology, and changing sides in the Late Middle Ages’, *Medieval Worlds*, 5 (2017), pp. 57–69, p. 65.

¹²⁶ Thornton (ed.), *The charters of Guernsey*, pp. 11–9.

¹²⁷ Thornton, *The Channel Islands*, p. 33. In the view of R. A. Griffiths, the Islanders were placed in a ‘middle category, that clarified the status and nature of being both alien and subject’: ‘The English realm and dominions and the king’s subjects in the later Middle Ages’ (1986), repr. Griffiths, *King and country: England and Wales*, pp. 33–54, pp. 44–5; Ormrod, Lambert and Mackman (eds), *Immigrant England*, pp. 46–7, 83–4.

¹²⁸ Thornton (ed.), *The charters of Guernsey*, pp. 21–7.

¹²⁹ This development was in many ways sparked by the crises of the 1370s that created considerable political instability and saw renewed threats of invasion to England itself. On the concept of political allegiance as a form of identity: Ruddick, *English identity and political culture in the fourteenth century*, ch. 5, and pp. 62–7, 101–116, 129–131, 311, 316.

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communities of the Islands and other subjects of the dominions in the late fourteenth and fifteenth centuries show that they were able to still acquire a broad range of rights in England, and it is important to recognise that the ‘emergence of a well-defined and widely accepted notion of the subject was bound to be a slow process bestrewn with obstacles’.¹³⁰ Nonetheless, the very need to obtain these exemptions emphasised the fundamental distinction between the Islanders and English subjects of the king.

The question of the economic privileges of the Islanders within the Plantagenet realm was further compounded by issues of currency. The Islanders used *livres tournois* (the money of Tours), the currency used in the duchy of Normandy under the kings of France, and asserted the right to pay dues owed to the king of England in this currency. The basis for this claim was that by agreement with the duke of Normandy and, after 1204, the king of England, the Islanders paid every third year a rent called *monnéage* or *fouage* to the king and in exchange the king agreed to not alter the currency in the Islands.¹³¹ This arrangement provided a reasonably profitable and easy source of income for the king.¹³² However, it became problematic due to the devaluation of the *livres tournois* by the kings of France as a result of wartime depreciation.¹³³ In 1328, the *livres tournois* was stated to have depreciated from one fourth of the value of sterling to one eighth. As a result, in August 1328, the warden, John de Roches, was ordered to collect the farms and rents according to the old valuation of the currency to prevent the diminishment of the king’s

¹³⁰ Griffiths, ‘The English realm and dominions and the king’s subjects in the later Middle Ages’ (1986), repr. Griffiths, *King and country: England and Wales*, qt. p. 39, pp. 36–41.

¹³¹ Everard (ed.), *Le Grand Coutumier de Normandie*, pp. 66–73; S.G. *Extentes of Guernsey*, pp. 17–9, 73, 74; S.G. *Extente, Jersey, 1331*, pp. 15–6. SC 8/54/2669, trn S.J. *Ancient petitions*, pp. 55–6; Le Patourel, *Admin. C.I.*, p. 81. *Fouage* was paid by the inhabitants of the duchy of Normandy to the kings of France for the same purpose as in the Islands, and this custom was confirmed the *Charte aux Normands* in 1315: S. Poirey, ‘La Charte aux Normands, instrument d’une contestation juridique’, in C. Bougy and Poirey (eds), *Images de la contestation du pouvoir dans le monde en Normandie (X^e–XVIII^e siècle)* (Caen, 2007), pp. 89–106, pp. 96–7. See Chapter V.

¹³² J. R. Strayer states that it was one of the most important payments due to the duke of Normandy and drew several hundred *livres* in every bailliage: *The administration of Normandy under St Louis* (Cambridge; Massachusetts, 1932), p. 46. In the 1274 extent, the king received 60 *l. t.* from the Island of Guernsey. Unfortunately, the amount for the other three Islands were not stated: S.J. *Extente, 1274*, p. 11. In 1331 extent, the *monnéage* or *fouage* was worth a total of 93 *l. t.* 5 *s.* in Jersey and 56 *l. t.* 3 *s.* in Guernsey: S.J. *Extente, Jersey, 1331*, pp. 15, 25, 26, 30, 35, 39, 41, 52, 53, 63, 71, 78; S.G. *Extentes of Guernsey*, p. 128.

¹³³ See, for example, the impact of the war of 1294 on its value: S.J. *Rolls of the assizes, 1309*, pp. 5–6, 7–8, 84–5, 211. S.G. *Extentes of Guernsey*, p. 121.

revenues.¹³⁴ The Islanders petitioned the king arguing that this was contrary to their privileges as they ought to pay their dues to the king in the same manner as the inhabitants of the duchy pay to the king of France at the Norman exchequer in Rouen, and that payment in the old valuation would be to their great impoverishment.¹³⁵

In response, in December of the same year, the king ordered that the rents and farms were to be levied according to the current value of the *livres tournois*.¹³⁶ An inquisition was then conducted in July 1329, in which twenty-four lawful tenants of the royal demesne, unsurprisingly, confirmed the above claims made in the petitions of 1328.¹³⁷ However, de Roches, having separately consulted informed men from England and Normandy, urged the king not to abandon the old valuation. He argued that once conceded it would be difficult to reverse as the Islanders would use it as a precedent to validate their claimed privilege, which would greatly impact on royal revenue and, perhaps more importantly, it would make the king of England's income in the Islands dependent on the valuations made by the king of France, to the damage of the king's authority there.¹³⁸ Nonetheless, in October 1329, the king ordered de Roches to continue collecting in the current valuation until the matter could be more fully considered by the king and council, and statements concerning *monnéage* and the Islands' currency may be found in the 1331 extents where the Islanders' claims are repeated.¹³⁹ These statements therefore appear to have been accepted by the king but this did not stop the occasional volte-face: in 1342 the warden was again ordered to collect farms and rents in strong money, as 'the king does not consider it right that he should suffer by the said changes, especially as those have to pay the said rents receive entire the profits of the lands for which they pay for them'.¹⁴⁰ The dispute over currency continued to be an intermittent tension between the administration

¹³⁴ CCR, 1327–1330, p. 317.

¹³⁵ SC 8/54/2669, trn S.J. *Ancient petitions*, pp. 55–6.

¹³⁶ CCR, 1327–1330, pp. 350–351.

¹³⁷ Response of inquisition: SC 8/54/2671, trn S.J. *Ancient petitions*, p. 56. Orders for inquisition: SC 8/54/2670, trn S.J. *Ancient petitions*, pp. 51–2. See also SC 8/54/2674.

¹³⁸ Although this is catalogued in the SC 8 collection, it has all the appearances of a confidential letter between a royal servant and the king rather than a petition: SC 8/54/2673, trn S.J. *Ancient petitions*, p. 57. It was also suggested, though the meaning is not very clear due to damage near the end of the document, that the secular and ecclesiastical elite would do the same with their own rents and farms, which would undermine royal jurisdiction in the Islands.

¹³⁹ CCR, 1327–1330, p. 504. S.G. *Extentes of Guernsey*, pp. 73, 74; S.G. *Extente, Jersey, 1331*, pp. 15–6

¹⁴⁰ CCR, 1341–1343, qt. pp. 375–6.

The Channel Islands and control of the English Channel: the military and economic environment and the Islanders in the fourteenth century.¹⁴¹ Here it shows the limitation on the extent of the fiscal integration of the Islands with the kingdom of England and the wider realm, and the continued use of *livres tournois* emphasised the lasting and significant economic ties with Normandy throughout this period.

Wartime: a bastion of Plantagenet authority

As relations between the kingdoms of England and France increasingly deteriorated from the 1294 war onwards, the Islands were subjected to highly destructive raids as well as full-scale attacks to capture them. The main attacks on the Islands in this period were during the 1294 Anglo-French war, and throughout the late 1330s in the prelude to what became the Hundred Years' War.¹⁴² The presence of fortified outposts off the coast of Normandy was something the kings of France were now unwilling to tolerate and considerable resources were devoted to their seizure, or at least to render them incapable of being used as a springboard for counter offensives along the northern French coastline. The strategic importance of the Islands to wider Plantagenet interests was recognised by the kings of France, as attacks on the Islands were made in coordination with raids along the southern coastline of England and larger military campaigns in the duchy of Aquitaine, both of which sought to cause serious economic harm to the kings of England and limit communications with their continental dominions.

The coordination is apparent in the attacks on the Islands in the late 1330s.¹⁴³ In March 1338, Nicholas Béhuchet, admiral of France, shortly after an effective assault on Portsmouth, then landed on Jersey where his force devastated the eastern side of the Island and nearly seized Gorey Castle. Béhuchet's successful attack on Portsmouth, an important naval hub often used to transport soldiers, munitions and victuals to the Islands, further

¹⁴¹ A petition in 1400 shows there were further disputes between royal officials and the Islanders of Guernsey about paying their dues to the king: SC 8/113/5650, trn S.J. *Ancient petitions*, p. 85.

¹⁴² There were serious threats of attack during the war of St-Sardos (1324–5) and the years thereafter but ultimately no invasion seems to have occurred: Cf. JUST 1/1166, mm. 14 r. and 22 r., m. 13 r. pr. Le Patourel, 'D.Phil.', app., pp. 63–71, pp. 66–7, where John de Roches (warden, June 1328–August 1330) recounted repelling an attack by French ships.

¹⁴³ For an account of the military events relating to the Islands in this period: Sumption, *Hundred Years' War*, I, pp. 168, 200, 226, 246–7, 260, 346–7, 363, 454, 459, 471.

The Channel Islands and control of the English Channel: the military and economic environment isolated the Islands from England during this time.¹⁴⁴ Then in September of the same year, Castle Cornet was taken by surprise, resulting in the occupation of Guernsey.¹⁴⁵ It is of great interest that a small number of records relating to the French defence of Castle Cornet and the Islands from 1338 to 1340 have survived in French archives, which underscore the real possibility that the kings of France might have supplanted the Plantagenet kings of England as effective rulers of the Islands.¹⁴⁶ The loss of the castle, due to its commanding position over St Peter Port and the main navigable routes in the Islands, posed a serious threat to communication links between England, Gascony and Brittany, evidenced by the fact that a ship carrying a message of the loss of the castle to the king was intercepted and burned at sea by the king's enemies.¹⁴⁷ It proved exceptionally difficult to recapture Castle Cornet. In the summer of 1340, the warden, Thomas de Ferrers (May 1337–March 1341; July 1343–April 1348), was able to recover the Island and laid siege to the castle, a significant effort due to the need to supply his forces from England. However, the siege was halted after a truce was agreed with the king of France.¹⁴⁸ The castle was finally retaken in August 1345 after a siege by Thomas de Ferrers where the castle was stormed by mariners of Bayonne.¹⁴⁹ In March 1339, another large fleet

¹⁴⁴ After Béhuchet's attack, the garrisons in the Islands were increased substantially: E 372/191, m. 52 d. Cf. Particulars of the account of Walter de Weston, lieutenant in the Islands: E 101/89/17, pr. Godfray, 'Documents C.I., 1338–1345', pp. 18–22. Sumption, *Hundred Years' War*, I, p. 226. Béhuchet's raids along the English coastline were so successful that Edward III had him hanged from the mast of a ship after the French defeat at the Battle of Sluys in June 1340: *ibid.*, pp. 324, 327–8.

¹⁴⁵ As acknowledged in the accounts of Thomas de Ferrers, May 1337–March 1341: E 372/191, m. 52 d. And particulars of the account of Thomas de Ferrers from 1337–1341, of which the original does not appear extant: pr. Godfray, 'Documents C.I., 1338–1345', pp. 24–39, pp. 26–8. Sumption, *Hundred Years' War*, I, 246–7.

¹⁴⁶ L. Delisle (ed.), *Actes Normands de la chambre de comptes sous Philippe de Valois (1328–1350)* (Rouen, 1871), pp. 194–5, 208, 209, 217, 219, 221, 286–7.

¹⁴⁷ E 101/89/17, m. 1: pr. Godfray, 'Documents C.I., 1338–1345', pp. 19–20. The loss of Castle Cornet was significant enough to draw the attention of a number of chroniclers. For example: H. Moranvillé (ed.), *Chronographia regum Francorum*, II (Paris, 1893), pp. 28–9; G. J. Aungier (ed.), *Chroniques de London depuis l'an 44 Hen. III jusqu'à l'an 17 Edw. III* (London, 1844), p. 74.

¹⁴⁸ *CCR, 1339–1341*, p. 499; *CPR, 1340–1343*, p. 20. Sumption, *Hundred Years' War*, I, pp. 346–7, 363. G. H. Martin (ed.), *Knighton's chronicle, 1337–1396* (Oxford, 1995), pp. 31, 34.

¹⁴⁹ The mariners were under the command of Pierre Bernard de Toulouse: 'The Gascon Rolls Project (1317–1468)', C 61/57, no. 69. Sumption, *Hundred Years' War*, I, pp. 459, 471. Around 114 men-at-arms and archers were under the command of de Ferrers and two other knights. On the soldiers, sailors, carpenters and other resources necessary to mount this siege, see the account of Thomas de Ferrers from 26 June–24 August 1345: E 101/25/6, pr. Godfray, 'Documents C.I., 1338–1345', pp. 48–53, p. 47.

The Channel Islands and control of the English Channel: the military and economic environment assembled under the command of Robert Bertrand, marshal of France and lord of Bricquebec in the Cotentin who had been offered the lordship of the Islands by the kings of France as an incentive to seize them, and attempted to take Gorey Castle. But he was forced to abandon the siege due to the strong and determined garrison there, as well the limited time he had at his disposal for his fleet was required in Gascony.¹⁵⁰

The significant French naval expeditions to the Islands show how they were clearly viewed to be of considerable significance by both the kings of England and France in their jostle for control over the western Channel region. In terms of strategic significance, the Islands could be said to be among the ‘barbicans of the realm’, a policy advocated during the reign of Richard II but in reality begun under Edward III, in which a chain of fortresses along the coast of northern France, namely Calais (1347–1558), Brest (1342–1397) and Cherbourg (1378–1394), were used to deter French attacks on England and act as stepping-stones to advancing the political and economic ambitions of the kings of England. The operation of these fortresses shared many administrative similarities and was largely dependent on soldiers, munitions and victuals from and at the expense of the kingdom of England.¹⁵¹ In the view of Michael Jones writing on English involvement in Brittany, whilst the Islands were valuable they did not achieve their full strategic potential until they formed part of this wider chain of defences from Brittany to Flanders that limited French access to the Channel and preserved essential maritime links with Gascony.¹⁵²

¹⁵⁰ A petition by the Islanders provides significant information about this attack and the movements of Bertrand’s fleet. The garrison was said in the petition to number 300 men, which is generally confirmed by the accounts of Thomas de Ferrers: SC 8/118/5880, pr. ‘Godfray, ‘Documents C.I., 1338–1345’, pp. 14–6, trn S.J. *Ancient petitions*, pp. 67–8. E 372/191, m. 52 d.; Cf. Godfray, ‘Documents C.I., 1338–1345’, pp. 23–4, 34–9, for differing figures in the particulars of his account on the garrison size. Sumption, *Hundred Years’ War*, I, pp. 260, 246–7. On Bertrand: *ibid*, pp. 412, 417, 501–4.

¹⁵¹ These fortresses, in contrast to those in the Islands, were extraordinarily expensive to maintain and the value of keeping them was subject to intense debate in the English Parliament: Crooks, ‘State of the union: perspectives on English imperialism in the Late Middle Ages’, *Past & Present*, 212 (2011), pp. 3–42, qt. p. 14, and n. 61; *PROME*, VI pp. 77–9. Sumption, *Hundred Years’ War*, III, pp. 304–5, 310, 330; Saul, *Richard II*, pp. 41–4, 55; J. J. N. Palmer, ‘English foreign policy, 1388–1399’, in F. R. H. du Boulay and C. M. Barron (eds.), *The reign of Richard II* (London, 1971), pp. 75–107, pp. 75–7; A. Tuck, *Richard II and the English nobility* (London, 1973), pp. 46–8, 50.

¹⁵² M. Jones, *Ducal Brittany, 1364–1399* (Oxford, 1970), p. 10.

The role of the Islands in this wider military stratagem was primarily defensive. The thirteenth century showed that raids along the Norman coastline could be used in coordination with military campaigns by causing significant disruption to divert the focus of the forces of the king of France. Yet raids could only go so far. As important as the Islands were to maintaining the naval links between England and Gascony and Brittany, there is little evidence to show that the Islands were used as a staging post for large-scale military endeavours in continental France in the fourteenth century, as it was more logical for English armies to sail straight to France from a major port in southern England.¹⁵³ Unlike Calais then, the Islands were not a ‘dagger pointing to the heart of France’, as they could not be used as a suitable disembarkation point for English armies to penetrate deep into mainland France.¹⁵⁴ But the Islands’ proximity to Normandy and Brittany and on the maritime routes to Gascony was valuable in supporting English campaigns in these regions. For instance, it appears that the Islands were used in a limited way to supply the rebellion of Godfrey d’Harcourt in the Cotentin from 1343, and Edward III’s 1346 campaign in Normandy, particularly as the recapture of Castle Cornet in 1345 was of considerable importance in safeguarding Edward’s landing at La Hogue in the eastern Cotentin.¹⁵⁵ In some ways, then, simply denying the Islands to the kings of France served an important purpose and warranted their retention by the kings of England.

¹⁵³ During a military campaign, Henry III came to Guernsey on 2 May 1230, before proceeding onto the port of St Malo in Brittany the next day to join the rest of the English fleet. It is not clear whether Henry landed on the Island, and it is somewhat surprising that the only visit to the Islands by a king of England in the medieval period was not subsequently referred to by the Islanders: Carpenter, *Henry III*, pp. 86–7; Cf. Shirley (ed.), *Royal and other historical letters*, I, no. 312, p. 364, which says the Island was Jersey. The chronicler Jean le Bel wrongly stated that in 1346 Edward III landed at Guernsey and stayed there for five days, ravaging the Island before landing at St-Vaast-la-Hougue in the Cotentin: N. Bryant (ed.), *The true chronicles of Jean le Bel, 1290–1360* (Woodbridge, 2011), pp. 169, 171.

¹⁵⁴ S. J. Burley, ‘The victualling of Calais, 1347–1365’, *BIHR*, 31 (1958), pp. 49–129, at p. 57. As Sumption highlights, neither Brest nor Cherbourg ever served their promised function as a point of entry into France: *Hundred Years’ War*, III, pp. 310, 330.

¹⁵⁵ For instance, the account of Thomas de Ferrers for the siege of Castle Cornet in 1345, includes wages paid to Godfrey d’Harcourt for himself, five knights, and twenty-four men-at-arms from 13 August 1345 until November: E 101/25/6; Godfray, ‘Documents C.I., 1338–1345’, p. 48. C. F. Richmond suggests that the recapture of Castle Cornet was ‘an essential preliminary’ to Edward III’s ability to go on the offensive, making it of greater importance in this context than the victory at Sluys in 1340: ‘The war at sea’, in K. Fowler (ed.), *The Hundred Years War* (London, 1971), pp. 96–121, pp. 99–100. On Godfrey d’Harcourt’s rebellion and Edward’s campaign: Sumption, *Hundred Years’ War*, I, pp. 412–7, 497–8, 500–504, 533–4. On

There was also great value in the ability of Islanders to insinuate themselves into Norman society, which made them excellent information gatherers.¹⁵⁶ For example, during the siege of Castle Cornet in 1345, Thomas de Ferrers sent messengers to the mainland to hear news of enemy movements.¹⁵⁷ Likewise, the warden, John de Roches, (June 1328–August 1330), appears to have had friends in Normandy who informed him of threats to the Islands and England, including rumours of an attack on the Islands being planned by Henry de Sully, lord of Sully (Sully-sur-Loire), and Robert Bertrand, and John's account to the exchequer for 1328 to 1329 records payment of a messenger sent to France for fourteen days to inquire and report on enemy activity.¹⁵⁸

Despite the substantial defences of the Islands, their vulnerability to French attack was strikingly apparent. This may be readily explained by the proximity of the Islands to Normandy and the potential difficulties in reinforcing the Islands from England combined with the commitment of considerable resources by the kings of France to seizing the Islands. Their vulnerability was exacerbated by periods of neglect by the kings of England in the administration of the Islands. Prior to the 1294 Anglo-French war, Edward I was committed to the peace and terms of the Treaty of Paris, thus safeguarding the Islands from threat of attack. This in turn reduced the immediate military importance of the Islands to the wider ambitions of the kings of England. The Islands' value was then seen as primarily economic and they were used as a source of patronage, notably through granting the lordship of the Islands to Otto de Grandison (January 1277–June 1294; April 1298–June 1328), whose long and neglectful tenure rendered the Islands greatly vulnerable to French attack.¹⁵⁹ The net result of this was that upon the outbreak of war in 1294, the Islands were

the value of the Islands as a victualling centre and staging post in the later fourteenth century: *ibid*, III, pp. 304–5.

¹⁵⁶ Cf. A. Cobban, 'The beginning of the Channel Isles correspondence, 1789–1794', *EHR*, 77 (1962), pp. 38–52.

¹⁵⁷ Messengers were also sent to Brittany and to deliver news to the king at Sandwich: E 101/25/26, pr. Godfray, 'Documents C.I., 1338–1345', pp. 48–53, see pp. 47–8, 51. See J. R. Alban and C. Allmand, 'Spies and spying in the fourteenth century', in Allmand, *War, literature and politics in the Late Middle Ages* (Liverpool, 1976), pp. 73–101, esp. pp. 74–5 on the use of the term 'messenger' to describe spies in royal documents.

¹⁵⁸ JUST 1/1166, m. 14 r., pr. Le Patourel, 'D.Phil.', app., pp. 67–8. And see below on the situation in 1328. E 101/89/11, m. 1. r., pr. Le Patourel, 'D.Phil.', app., p. 141. On Henry de Sully, see Chapter IV.

¹⁵⁹ On Otto's administration, see Chapter IV.

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subject to a devastating attack in the spring of 1295. The impact of these attacks may often be seen in petitions sent by the Islands to the king and council. In a petition by the people of Jersey and Guernsey in 1295, they stated that over 1,000 people had been killed during the attack and many properties, including the all-important king's mills, destroyed beyond repair, leaving the Islanders with little to no food or money.¹⁶⁰ It was also necessary for the king to grant a quayage on ships of power of the king of France entering St Peter Port in order to help rebuild the town and repair the quay.¹⁶¹ Similarly, Robert Bertrand's attack on Jersey in 1339 was said to have destroyed mills and houses across the whole Island.¹⁶² From these attacks arose numerous judicial disputes concerning a whole range of wartime issues including unlawful confiscations, difficulties in acquiring inheritances, and compensation for damages, which inundated the judicial institutions in the Islands and damaged the relationship between the king's administration and the local inhabitants.¹⁶³

Perhaps not surprisingly, considerably more attention was paid to the defences of the Islands when they were under direct threat of attack and of greater direct relevance to the political ambitions of the kings of England. During the 1294 Anglo-French War and the War of St-Sardos (1324–5), the king took direct control over the Islands from Otto de Grandison to ensure they were properly defended.¹⁶⁴

In some ways the strategic importance of the Islands was as much perceived or psychological as it was about their actual value to the military-economic ambitions of the kings of England. The Islands' elite themselves were particularly astute in reminding the king, primarily via petitions, of the vulnerability and importance of the Islands. This is exemplified in the petition by the people of Jersey in 1328, wherein they reminded the king of the strategic importance of the Islands: that the Islands were the only refuge for shipping between England and Gascony; that the Islands were so close to Normandy that the king's enemies 'may twice in a day cross the sea'; and that if they were seized, the kings of

¹⁶⁰ SC 8/175/8719, SC 8/175/8716, trn S.J. *Ancient petitions*, pp. 5–6, 9, although the translation of SC 8/175/8719 is quite problematic.

¹⁶¹ *CPR, 1301–1307*, p. 392; SC 8/137/6817, pr. and trn. *PROME*, II, pp. 639–640.

¹⁶² SC 8/118/5880, pr. 'Godfray, 'Documents C.I., 1338–1345', pp. 14–6, trn S.J. *Ancient petitions*, pp. 67–8.

¹⁶³ See Chapters IV and V for discussion.

¹⁶⁴ See Chapter IV.

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France would be the ‘lords of the sea’.¹⁶⁵ The 1328 petition was also carefully timed: it was sent shortly after the death of Otto de Grandison, when the Islands were once again under direct control of the king. By invoking the continued loyalty of the Islands in the face of a very proximate enemy, the 1328 petitioners were pioneers of what became a continued refrain for Islanders over the centuries.¹⁶⁶ Such concerns would have resonated with those responsible for English strategic planning where fear of French naval superiority in the English Channel and the necessity of maintaining links with England and Gascony were a constant focus in the period of Anglo-French hostility.¹⁶⁷

The petitions of the Islanders relaying the threat of attack in 1328 was not simply motivated by a desire to preserve their privileges but also reflected the deterioration of the confidence of the Islanders in Plantagenet rule over the Islands. The situation was encapsulated in a remarkable report to the king by the warden, John de Roches, in 1328, in which he stated that the Islanders remained loyal to the king but were in need of assistance from their ruler ‘because the people are related by blood and affinity with the people of Normandy, and great peril would ensue if they were not well looked after’. For de Roches, there were two key factors to maintaining Plantagenet control of the Islands. First, the support of the Islanders, as de Roches’ comments strongly implied that the Islanders might reconsider their allegiance to the king of England, if the defences and their rights continued to be neglected. Second, the maintenance of the king’s castles, for they could not be taken

¹⁶⁵ SC 8/272/13589, trn S.J. *Ancient petitions*, pp. 48–9. The people of Guernsey also issued a petition in 1328 expressing the same concerns about the safety of the Islands and the need to respect the Islanders’ liberties and customs. The similar timing and wording of these petitions, in which both use the term ‘lords of the sea’, suggests they were written in close coordination: SC 8/272/13590, trn S.J. *Ancient petitions*, pp. 49–52.

¹⁶⁶ For seventeenth century examples of this, see the influential writings of J. Poingdestre (1609–†1716) and P. Falle (1652–†1742), which are among the earliest attempts at constructing an account of the history of the Islands. Both writers belonged to prominent Jersey families and had an active role in that Island as well as in England. Their accounts, written in English, sought explicitly to emphasise the close association of Jersey with the English crown (both works were dedicated to the king), and propagated the importance of the Islands to English affairs, recognising that the Island’s privileged status derived from its continued strategic value: J. Poingdestre, *Caesarea or a discourse of the Island of Jersey* (c. 1682) (St Helier, 1889); P. Falle, *An account of the Isle of Jersey* (London, 1694), esp. pp. 14–5, 48, where the emphasis is particularly apparent.

¹⁶⁷ Cf. Jamieson, ‘The Channel Islands and British maritime strategy, 1689–1945’, in Jamieson (ed.), *A People of the sea*, pp. 220–244; J. M. Villalard, ‘A re-assessment of the strategic role of the Channel Islands during the Great French War (1792–1815)’ (unpublished Ph.D. thesis, University of Exeter, 2017).

The Channel Islands and control of the English Channel: the military and economic environment without a sustained siege and the Islands could always be recovered by naval superiority over the forces of the king of France. However, he added that:

we do not know whether there is peace or war, but at sea we find only war, and we are warned by people who are our friends in Normandy, that we should always keep watch, and if you intend war sire, we do not know how to garrison your castles, nor your fortresses.¹⁶⁸

The inability to provide a garrison was compounded by the fact that, as a result of Otto de Grandison's neglect, the castles were in poor condition. Furthermore, the Islands' internal revenues were insufficient for the upkeep of the castles during wartime. In light of this, de Roches requested that munitions and victuals be sent to the Islands, that sufficient funds be provided for necessary repairs to the castles and for the wages of the garrison, and that the sizeable garrison maintained by Gerard d'Oron, lieutenant of Otto de Grandison, during the previous conflict with the kingdom of France, be retained for the time being.¹⁶⁹ In this report, the importance of the Islands to the defence of England was again reiterated for, as he put it, the king's enemies desired more than simply the Islands, and if they held them they would be the 'lords of the sea'.¹⁷⁰

The recommendations of the warden were endorsed by the king of England in August of the same year, it being recognised that de Roches had 'greater knowledge of those things that pertain to the keeping of those parts than others ignorant of the state of those parts'. The six men-at-arms and eighty foot soldiers, thirty at Gorey Castle and fifty at Castle Cornet, were therefore retained at the king's wages.¹⁷¹ Thereafter followed a flurry of activity to improve the Plantagenet grip on the Islands. Numerous writs were issued to the sheriffs of Southampton and London requesting munitions and other supplies to be sent to

¹⁶⁸ SC 1/55/114, pr. Nicolle (ed.), 'Lettre de Johan de Roches (1328)', *ABSJ*, 3 (1894), pp. 288–292, qt. pp. 289, 291, respectively.

¹⁶⁹ *Ibid*, pp. 291–2.

¹⁷⁰ The similarities in content between John de Roches' report and the petitions of the people of Guernsey and Jersey in the same year is of significance, esp. the usage of the same phrase '*seigneurs de la mer*' to warn the king of the consequences of losing the Islands: *ibid*, p. 292.

¹⁷¹ *CCR*, 1327–1330, p. 317. This number was reduced to fifteen and twenty-five foot soldiers at Michaelmas in the same year: E 372/175, m. 48 r.; E 101/89/11, mm. 1 r. and 2 r; Le Patourel, 'D.Phil.', I, p. 171.

The Channel Islands and control of the English Channel: the military and economic environment the Islands.¹⁷² De Roches was ordered to remedy all defects in the castles and mills, the costs of which were to be levied from the lands and chattels of Otto de Grandison in the Islands as the defects had occurred during his lordship, although it was later discovered that Otto had no assets there.¹⁷³ The expenditure that was necessary to achieve this task combined with maintaining a substantial garrison during superficial peace time conditions was so substantial it exceeded the ordinary revenues of the administration and de Roches encountered considerable difficulties in securing the allocation of these funds from the exchequer.¹⁷⁴ In 1330 and 1331, numerous inquiries, initiated by de Roches, were commissioned to investigate and report on all aspects of the king's administration and interests in the Islands, not only on their defence, and which provide invaluable insights into the institutional organisation of the Islands.¹⁷⁵

Importantly, two additional castles were built during this period of reconstruction.¹⁷⁶ The castle of Jerbourg, situated in the south-east of Guernsey, was completed around the early 1330s using the revenues of that Island.¹⁷⁷ Matthew de Sauzmarez claimed custody of Jerbourg as it had been built on his fief and after a series of inquisitions hereditary custody of the castle was granted to him.¹⁷⁸ It nonetheless functioned as a royal castle under the

¹⁷² *CCR, 1327–1330*, pp. 317–320, 341–2.

¹⁷³ *CCR, 1327–1330*, p. 318; *CPR, 1330–1334*, p. 130; *CCR, 1330–1333*, pp. 44, 457–8. On the costs of these repairs, see esp. a report in March and April 1331 on the condition of the castles and mills in Jersey and Guernsey during John de Roches' wardenship: E 101/89/16, mm. 3 and 4 for Jersey and Guernsey respectively, m. 3 pr. P. N. Richardson (ed.), 'Report of the commissioners Robert de Norton and William de la Rue dated 15 April, 1331, on the condition of Gorey Castle and the mills', *ABSJ*, 6 (1907), pp. 207–209.

¹⁷⁴ John de Roches' total expenditure on the castles, mills, and his own costs as warden from June 1328 to August 1330 is inserted at the end of the enrolment of his accounts in the pipe rolls. The total listed was £969 11 s. 7 d., a staggering figure: E 372/175, m. 48 r. See Chapter III on de Roches' difficulties in securing allocation of these funds from the exchequer.

¹⁷⁵ *CPR, 1330–1334*, pp. 130, 145; *CCR*, pp. 207, 244–5, 248, 300, 376–7. These are listed in Le Patourel, *Admin. C.I.*, pp. 13–5. See also Chapter V.

¹⁷⁶ Unfortunately, records relating to these castles are scarce. For a list of other fortifications that existed in the Middle Ages: Le Patourel, *Admin C.I.*, pp. 70–71.

¹⁷⁷ *CCR, 1327–1330*, p. 320. SC 8/272/13590, trn S.J. *Ancient petitions*, pp. 49–51. The earliest reference to Jerbourg Castle was in 1309: C 47/10/4, m. 2, pr. Le Patourel, 'D.Phil.', app., pp. 96–107, p. 103; idem, *Admin. C.I.*, pp. 69–70. For discussion: G. T. Derrick, 'Jerbourg and its fortifications', *RTSG*, 4 (1903), pp. 248–265.

¹⁷⁸ SC 8/242/12098, trn S.J. *Ancient petitions*, pp. 20–21, 91–4. *List of inquisition ad quod damnum preserved in the PRO* (part 1, London, 1904), p. 296. In April 1337, Matthew de Sausmarez was granted a

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warden's authority.¹⁷⁹ The other castle was situated at Grosnez in the north-west of Jersey and probably was constructed at a similar time to Jerbourg.¹⁸⁰ These subsidiary castles were intended to provide refuge to those Islanders and their goods who could not readily avail themselves of the protection offered by Castle Cornet, which was situated on a tidal island and so cut-off at high tide, and Gorey Castle, which was situated in the far east of Jersey. However, the castle of Jerbourg was destroyed by around 1350 and, as it could not be repaired to the king's advantage, it was decided instead to enclose St Peter Port with a strong wall to protect the local inhabitants.¹⁸¹

The garrisons of the castles in the Islands were typically composed of soldiers from England. This may be seen in records concerning payment of the garrison and letters of protection granted to soldiers on the king's service in the Islands, many of whose second names indicate their place of origin.¹⁸² Many of the knights and other soldiers seem to have been recruited and dispatched from Southampton, a logical choice as it was used as the primary port for shipping victuals, munitions and other goods to the Islands during wartime. For example, in November 1336, the mayor and bailiffs of Southampton were ordered to arrest a ship in the port to take fifty armed men to the Islands.¹⁸³ Similarly, in November 1336 William de Montacute's ship, *La Cogge Montagu*, along with men-at-arms and archers chosen in Southampton by the king's command, were granted protection and safe conduct to the Islands.¹⁸⁴ Interestingly, members of the English clergy were also sent to the Islands. In November 1295, William de l'Espese, parson of the church of

custom for ten years of 2 *d. t.* on goods bought and sold by locals of Guernsey to support the maintenance of the castle: *CPR, 1334–1338*, p. 413.

¹⁷⁹ *CCR, 1337–1339*, p. 159; E 372/191, m. 52 d.; Godfray, 'Documents C.I., 1338–1345', pp. 30, 34.

¹⁸⁰ N. V. L. Rybot and Nicolle, 'Grosnez castle', *ABSJ*, 10 (1926), pp. 283–293; C. P. le Cornu, 'Le château de Grosnez', *ABSJ*, 4 (1897), pp. 14–29.

¹⁸¹ *CPR, 1348–1350*, pp. 478, 559.

¹⁸² E.g. John de Fulham, John de Waltham and Adam de Brampton: *CPR, 1292–1301*, p. 157. See esp. a list of the wages of the garrison of Jersey with their names, from 20 June 1342 to Michaelmas 1343: E 101/23/28, pr. Godfray, 'Documents C.I., 1338–1345', pp. 40–46.

¹⁸³ *CCR, 1333–1337*, pp. 712; *CPR, 1334–1338*, p. 324. Similar orders: *CCR, 1337–1339*, p. 560; *CCR, 1341–1343*, p. 37. *CCR, 1333–1337*, p. 587; *CPR, 1334–1338*, p. 413. Portsmouth and other ports nearby: *CPR, 1340–1343*, p. 20.

¹⁸⁴ *CPR, 1334–1338*, p. 337.

Winterbourne Strickland, Dorset, was appointed the chaplain of Castle Cornet by Henry de Cobham as the garrison was without a priest who spoke their language.¹⁸⁵

There were undoubtedly tensions between the English garrison and the native inhabitants possibly as a result of linguistic and cultural differences, including a few violent clashes noted in the eyre rolls, yet it proved difficult to punish transgressions committed by the English garrison because they returned to England after wartime and typically had no chattels in the Islands that could be confiscated.¹⁸⁶ It should also be noted that during the early stages of the Hundred Years' War, English soldiers in the garrison took the opportunity to financially exploit and oppress the local population in the Islands, most notably under the wardenship of Thomas de Hampton (March 1341–July 1343).¹⁸⁷

The Islanders were also expected to contribute to the defence of the Islands. As early as August 1203, the king ordered that all landholders in the Islands must give one fifth of their revenue to support the soldiers sent for their defence.¹⁸⁸ In February 1350, when the king ordered the people of the town of St Peter Port to be enclosed with a wall for their protection, the intention was for this to be funded by a levy on all merchandise bought and sold in the Island. However, this was resisted by the Islanders there who successfully argued they were not obliged to pay this levy.¹⁸⁹ Indeed, an essential privilege asserted by the Islanders was that they were not required to provide military service or pay arbitrary taxes to the king. According to the return of the 1248 inquiry, the whole community of Guernsey owed the king an annual aid of 70 *l. t.*, for which aid they were quit of military service, tallage, and all tribute, unless it was to assist the duke of Normandy in the recovery of England, by this time a somewhat defunct caveat.¹⁹⁰ This exemption was

¹⁸⁵ C 47/10/9/2; *CPR, 1292–1301*, pp. 157, 222; Le Patourel, *Admin. C.I.*, pp. 72–3. See also *CPR, 1292–1301*, p. 222. It is notable that the manor and church of Winterbourne Strickland was held by the cathedral chapter of Coutances: J. H. Round (ed.), *Calendar of documents preserved in France, illustrative of the history of Great Britain and Ireland, 918–1206* (1 vol., London, 1899), pp. 342, 344.

¹⁸⁶ JUST 1/1158, mm. 3. r., 7 d., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 41, 17–8. For a case of an Islander attacking English sailors: S.J. *Rolls of the assizes, 1309*, p. 145.

¹⁸⁷ The abuses of Thomas de Hampton's administration is examined further in Chapter IV.

¹⁸⁸ *Rot. litt. pat., 1201–1206*, pp. 32, 33.

¹⁸⁹ *CPR, 1348–1350*, pp. 478, 559. In 1357, the people of Guernsey contributed money to support the construction of the fortress of Beauregard in St Peter Port: Le Patourel, *Admin. C.I.*, pp. 70–71.

¹⁹⁰ S.G. *Extentes of Guernsey*, p. 26.

The Channel Islands and control of the English Channel: the military and economic environment repeated by the Islanders throughout the thirteenth and fourteenth centuries, and in their eyes formed an essential part of their privileges.

The increasingly severe circumstances in the 1330s overrode this claimed exemption. In August 1335, John de Roches was appointed under the joint-wardens William de Montacute and Henry de Ferrers to array the men of the Islands and take any measures he deemed necessary to defend the Islands, with full powers to imprison anyone who disobeyed him.¹⁹¹ In January 1342, the warden was ordered to assign the men of Guernsey, in accordance with the quality and quantity of their goods, to defend the castle of Jerbourg and the Island, especially in consideration that the king had repaired this castle for the safety of his subjects to his great cost and that ‘what is built for the common advantage and defence of those men shall be defended at the common cost in time of war’.¹⁹² Subsequently, local names may be found among the lists of the garrisons of the castles in each Island.¹⁹³ Interestingly, Islanders’ ships were also not generally impressed for the king’s service elsewhere, in all probability because they were needed for the defence of the Islands.¹⁹⁴

The Islands’ elite were also active in the defence of the Islands, serving in the garrison.¹⁹⁵ For instance, Reginald de Carteret, seigneur of St Ouen, served in the garrison of Gorey Castle recurrently from 1338 to 1340.¹⁹⁶ Other major landholders, such as the de Chenys and de Barentins, whose families had a long history of royal service, acted in various military capacities in the Islands, which may have been linked to the feudal obligations for their estates they held from the king in England. For instance, in May 1338,

¹⁹¹ *CPR*, 1334–1338, p. 208; *CCR*, 1333–1337, pp. 434, 525. This order was repeated in May 1337: *CPR*, 1334–1338, p. 451.

¹⁹² *CCR*, 1341–1343, qt. p. 375.

¹⁹³ E.g. E 101/23/28, pr. Godfray, ‘Documents C.I., 1338–1345’, pp. 40–46; *ibid*, pp. 28–39.

¹⁹⁴ The exception to this was in 1370 when commissioners were sent to the Islands to raise ships for the transportation of English armies to France: Le Patourel (ed.), ‘A fourteenth century list of Guernsey ships and shipmasters’, pp. 4–7. In 1394, two Guernsey ships were impressed to support Richard II’s expedition to Ireland: *CCR*, 1392–1397, p. 297; Thornton, *The Channel Islands*, p. 17.

¹⁹⁵ See for example, a list of men-at-arms in Gorey Castle in 1338, which is mainly composed of the elite of Jersey: Godfray, ‘Documents C.I., 1338–1345’, p. 32. This was despite the fact that only the fief Haubert in St Ouen, in the hands of the de Carteret family, owed military service to the king in the form of half a knight’s fee: de Gruchy, *Medieval land tenures*, pp. 62–4.

¹⁹⁶ Godfray, ‘Documents C.I., 1338–1345’, pp. 23–4.

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the king ordered that a ship in the port of Falmouth be readied to provide passage to John de Barentin and his companions, who were going to Guernsey for its defence.¹⁹⁷ Drew and Jordan de Barentin are listed among the men-at-arms garrisoning Gorey Castle in 1337, 1338, 1342 and 1345.¹⁹⁸ Nicholas de Cheny acted under Henry de Cobham (June 1294–April 1297), and was himself warden of the Islands from June 1297 to April 1298.¹⁹⁹ His son William de Cheny was briefly warden in 1331.²⁰⁰ From April 1358 to April 1367, William’s own son Edmund served as warden with Nicholas de Cheny (possibly his half-brother) as his sub-warden in 1365.²⁰¹

Wartime necessitated the severing of links between England and France, which for the Islanders was particularly difficult due to their intimate connection with Normandy. In accordance with royal proclamations across England, upon the outbreak of war all persons, secular and religious, whose loyalty lay with the king of France in the Islands were ordered to be distrained and all of their lands and chattels were seized into the king’s hand.²⁰² All victuals, armour and weaponry were also prohibited from being taken out of the Islands on pain of arrest.²⁰³ The Norman ecclesiastical establishments bore the brunt of these restrictions due to their cross-Channel landholdings, which were repeatedly confiscated by the kings of England, primarily in order to supplement royal coffers.²⁰⁴

¹⁹⁷ *CCR, 1337–1339*, p. 368.

¹⁹⁸ Godfray, ‘Documents C.I., 1338–1345’, p. 28, 30, 32; E 101/23/28 and E 101/25/6, pr. Godfray, ‘Documents C.I., 1338–1345’, pp. 44 and 52 respectively. John de Barentin was also listed among the defenders of Gorey Castle from March to September 1338, including as constable of Gorey Castle in 1337: Godfray, ‘Documents C.I., 1338–1345’, pp. 23, 30–31.

¹⁹⁹ *CPR, 1292–1301*, pp. 80, 81, 295, 342.

²⁰⁰ *CFR*, IV, pp. 272, 279. Sent to the Islands in March 1343 along with John de Hungerford and John de Thamworth for the safe custody of the Islands: *CCR, 1343–1346*, pp. 32, 46, 50. He was also appointed as a joint-warden in June 1343, but this this appointment seems to have been superseded in July of the same year: *CFR*, V, p. 334; *CPR, 1343–45*, pp. 104, 107.

²⁰¹ *CFR*, VII, pp. 62, 67, 128, 219, 348; S.J. *Cartulaire*, no. 109, pp. 175–6; Le Patourel, *Admin C.I.*, p. 128.

²⁰² *CFR*, III, p. 411; *Foedera*, I, ii, p. 811; II, i, p. 570; II, ii, p. 982. Cf. *CCR, 1327–1330*, p. 317. The lands of aliens forfeited during wartime were typically granted at fee to other Islanders: *PROME*, II, p. 349.

²⁰³ *CCR, 1341–1343*, p. 472. During the 1299 eyre, Robert de Comberwell, possibly the former bailiff of Guernsey, was indicted for allowing victuals to be traded in Normandy during wartime: JUST 1/1157, m. 4 r., trn Le Patourel (ed.), ‘Guernsey assize roll, 1299’, p. 35.

²⁰⁴ On the experience of the Norman church during wartime, see Chapter VI.

The profound contradiction of these wartime restrictions was that the Islanders themselves were ethnically and culturally Norman, and despite the fact the kings of England were often at pains to distinguish the Islanders from Normans who owed allegiance to the kings of France, numerous issues arose as a result of overlapping loyalties and identities. In 1338, for instance, a monk of Mont-St-Michel and prior of the priory of St Clement was imprisoned by the warden on suspicion of being a Norman and forced to hand over half of the goods of the priory, when he was in fact a native of Jersey.²⁰⁵ During the 1294 Anglo-French war, two men were indicted for unlawfully killing John le Conue of Alderney after he landed in Guernsey at night, contrary to the king's prohibition, in the mistaken belief that he was a spy.²⁰⁶

Royal proclamations against traitors were similarly problematic. All lands and chattels of traitors (*infidelium*) were ordered to be seized, which included any persons who absented themselves from the Islands to Normandy or communicated with the king's enemies there during wartime.²⁰⁷ For instance, in February 1340 the bailiff and jurats of Jersey were ordered to seize the lands and chattels which belonged to William Payn, formerly a jurat of the same Island, as William had violated the king's proclamations by going to Normandy and staying there with the king's enemies.²⁰⁸ However, in many other cases Islanders living and working in Normandy had their lands confiscated for the duration of the war simply because they were unable to return to the Islands in time to be declared within the king's peace.²⁰⁹ There seems to have been considerable confusion as to

²⁰⁵ The prior also stated that his mill had been destroyed by the king's enemies. SC 8/262/13077, trn S.J. *Ancient petitions*, pp. 66–7; *CCR, 1337–1339*, p. 507.

²⁰⁶ One of the men, Robert de Bacquepuis (or Bagepuz), petitioned the king stating that John was not deceased but had escaped with the help of the king's enemies. The truth of the matter is entirely unclear: SC 8/265/13233; JUST 1/1157, m. 5 d., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', p. 46.

²⁰⁷ *CCR, 1341–1343*, p. 375.

²⁰⁸ *CCR, 1339–1341*, p. 359; *CCR, 1341–1343*, pp. 95–6. William de St Helier, the seigneur of Samarès, forfeited his lands in Jersey by choosing to side with the king of France. In 1340, he was supposedly compensated for this loss by the *bailli* of the Cotentin who assigned him lands in Normandy that had formerly belonged to Reginald de Carteret, who had presumably forfeited them for siding with the king of England: C. Langton, 'Seigneurs of Samarès', *ABSJ*, 11 (1931), pp. 376–427, p. 381.

²⁰⁹ JUST 1/1158, m. 9 r., trn Stevens, 'Jersey assize roll, 1299', p. 55; JUST 1/1157, m. 7 d., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 65–8. See an order in 1350 that permitted Islanders who had travelled to the kingdom of France to learn a trade or other skill, and had otherwise remained loyal to the king, to be restored to their properties and chattels: *CFR*, VI, p. 213.

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the law and procedure regarding the lands of absentees during wartime, which made it difficult for such persons to recover their lands after the conclusion of hostilities.²¹⁰ Normandy at times proved to be a safer place to reside: during the wardenship of Thomas de Hampton, for example, most of the Islands' elite fled to Normandy to escape the devastation of the conflict as well as the oppressions of their own warden and the English soldiers brought over to defend the Islands. Such drastic action by the Islands' elite, was an important testament to their continuing links with Normandy. Their ability to reside on the mainland for an extended period also points to the ever-present possibility that the elite might seek alternative sources of power to the king of England in order to preserve their rights, and bring the remainder of the community in their train.²¹¹ Ultimately, it underscores the problematic position of the Islands situated on the boundaries of two kingdoms infrequently at war with one another, a problem which only intensified further over the course of the fourteenth century.

The loss of Normandy in 1204 transformed the Islands into an 'Angevin enclave within the duchy'.²¹² The Islands, close to but separate from Normandy, were strategically important to the king of England for interlinked military and economic reasons, principally their value to exercising control in the English Channel and as a roadstead on the route to Gascony. The importance of the Islands ebbed and flowed according to the state of Anglo-French relations and Plantagenet ambitions. Indeed, the 'tendency for English interests to swing pendulum-like between archipelago and continent' often resulted in the neglect of the defences of the Islands, which could have devastating consequences as the 1294 Anglo-French war revealed.²¹³ Considerably more attention was paid to the Islands when

²¹⁰ Doubt over the law and procedure for the lands of absentees was compounded in a case during the 1299 eyre where the court of Jersey stated that during wartime many seigneurs of that Island had occupied the lands of their absentee tenants despite the king's confiscation and subsequently refused to return them to the original tenants. Stevens highlights that in the entry in the rolls concerning this case there are numerous erasures and insertions, indicating that clerk of the court was in doubt whether to describe the seizure of the lands of the absentees by the seigneurs as an encroachment on the royal demesne or an occupation: JUST 1/1158, m. 9 r., trn Stevens (ed.), 'Jersey assize roll, 1299', p. 55. For a later example of difficulties regarding inheritance when co-heirs had adhered to the king of France: *CFR*, VI, pp. 213–4.

²¹¹ See Chapter IV.

²¹² Power, *The Norman frontier*, qt. p. 447.

²¹³ Crooks, 'State of the union', qt. p. 19.

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they were of immediate relevance to the political ambitions of the kings of England, such as when Edward III claimed the throne of France in 1341, and his need for the Islanders' loyalty drove him to confirm their privileges and customs. Moreover, the intensified military activity during periods of war saw considerable numbers of troops, munitions and victuals transported to the Islands from England to substantially improve their defences, and the ability of the kings of England to organise this underscored both the military value of the Islands and their proximity to the administrative centres of Plantagenet power.

An examination of the military and economic environment of the Islands, reflects how communities of strategically important territories on the political boundaries of the Plantagenet realm might be granted a variety of privileges in order to ensure they remained loyal to the kings of England. In the case of the Islands, their communities were able to secure a number of economic privileges that reflected and enabled their continued socio-economic relationship with Normandy and recognised their status as subjects of the king of England but not part of the kingdom of England itself, although these privileges were constrained by the infrequent treatment of Islanders as foreigners in England. An important parallel with the Islands in this respect is the town of Berwick-upon-Tweed. After its reoccupation by the kings of England in 1333, the town served as an important military base on England's northern border with the kingdom of Scotland. Its military effectiveness was quite dependent on the prosperity of the town which, combined with the talent of its mercantile community in asserting their rights, saw the civilian community accorded a high degree of political and fiscal privileges by the kings of England, including liberties and customs that had been granted by Alexander III, king of Scotland (r. 1249–1286), whilst the town was under his control. This in turn saw periods in which the town flourished as an economic community, taking advantage of its mixed status as being part of the kingdom of England but enjoying liberties and customs granted by the kings of Scotland.²¹⁴ Like Berwick, the economic success of the Islanders was greatly dependent on the fiscal privileges derived from their geostrategic importance but importantly, was never profitable enough to draw large-scale criticism from other economic communities in the kingdom of England. Moreover, the Islands' economic development was, to an extent, mutually beneficial to the Islanders and royal interests for much of the profits of industry

²¹⁴ This was particularly important to the town's success in the wool trade: Tuck, 'A medieval tax haven: Berwick upon Tweed and the English crown, 1333–1461', in R. Britnell and J. Hatcher (eds.), *Progress and problems in medieval England* (Cambridge, 1996), pp. 148–167.

The Channel Islands and control of the English Channel: the military and economic environment and trade went to the king, both in his capacity as sovereign and as a seigneurial landholder.

Yet whilst the Islands' geostrategic position afforded the inhabitants a privileged economic status, there was an ever-present precariousness in this state of affairs due to the threat of war with the kingdom of France. The raids and invasion attempts in the build-up to the Hundred Years' War frequently devastated the economy of the Islands, as Guernsey, Sark, and Alderney repeatedly fell into the hands of the king's enemies throughout the mid-late fourteenth century.²¹⁵ The profits from customs on ships and the all-important fishing industry in the Islands declined to a fraction of their former value: in the accounts of the receiver of Guernsey from 1348 to 1349 the great and little custom in that Island was stated to be worth £4 13 s. 4 d., whilst from 1349 to 1350 the little custom in Jersey was only 4 *l. t.* and no more, owing to the war.²¹⁶ In the 1351 to 1352 account of the receiver of Guernsey, Sark and Alderney, the profits from the king's *éperqueries* came to 30 *l. t.* for that year, a sharp contrast to its value in the early fourteenth century.²¹⁷ The Islanders' geostrategic environment, then, was a double-edged sword.

²¹⁵ Sumption, *Hundred Years' War*, III, pp. 136, 184–5. Le Patourel, 'The mediaeval administration of Sark', *RTSG*, 12 (1935), pp. 310–336, p. 317.

²¹⁶ Or around 37 *l. t.* 6 s. 4 d. (weak money). Unfortunately the Guernsey account is in poor condition: E 101/90/3. The original of the Jersey account has not been found: Nicolle (ed.), 'Account of John Caretier, receiver, 1349–1350', *ABSJ*, 7 (1912), pp. 180–184, p. 182; Le Patourel, *Admin C.I.*, pp. 9–10.

²¹⁷ E 101/89/23, m. 2; *CFR*, VI, p. 214.

Chapter III

Structures of administration, 1254–1341

Following the 1254 grant of the Channel Islands to the Lord Edward, what had previously been a temporary and *ad hoc* form of administration of the Islands found a more lasting shape both in terms of its internal structure and its relationship to the wider administration of the kings of England. The immediate period following the loss of Normandy in 1204 was an important phase in the development of the administration. It saw the introduction of a number of provisional measures to defend the Islands and ensure the effective continuation of the ducal administration there, which then became permanent in light of the 1254 grant and with the conclusion of peace with the kingdom of France in 1259. Importantly, the changes made to the administration were implemented in respect of the nascent local institutions and the customary laws of the Islands. Moreover, whilst the 1254 grant effectively asserted the Islands to be an inalienable possession of the English crown, they were not integrated into the kingdom of England itself. As a result, the Islands' internal administration remained devolved and retained a distinctly Norman flavour despite its detachment from the duchy proper. Much like the king's other continental territories then, the royal approach to the Islands' administration was essentially conservative, and reforms were not typically imposed but were made with the consent, if usually tacit, of the local population. Nonetheless, the development of the royal administration in the Islands, most notably the office of warden, was a critical feature to maintaining English royal authority there, and brought the Islands firmly into the orbit of the newly-reconfigured Plantagenet realm.

During this period, the Islands were administered as a unit and then sub-divided between Jersey, on the one hand, and Guernsey and the adjacent Islands of Alderney, Sark, and Herm on the other. The full extent of this division is unclear but it was particularly pronounced in the judicial context.¹ Despite this organisation, the records of royal government had no collective term to describe the Channel Islands: the four main Islands typically were listed as Guernsey, Jersey, Sark, and Alderney, though often the latter two

¹ The administration of the smaller Islands of Alderney and Sark are not a focus of this Chapter. For detailed discussion: Le Patourel, *Admin. C.I.*, pp. 77–8, 86, 88–90, 93, 101–3; idem, 'The mediaeval administration of Sark', *RTSG*, 12 (1935), pp. 310–336, which notably includes a number of transcriptions relating to that Island; Havet, *Les cours royales*, chs 7 and 8.

were omitted. The exception to this is the appearance of the term ‘*aliis insulis regis domini*’ (the king’s other islands of the sea), which was notably used when the Channel Islands were granted to the Lord Edward in 1254 as part of his apanage.² All official records relating to the Islands, and also the lordship of Ireland, were enrolled on the series of English rolls, such as patent and close rolls, a notable contrast to the duchy of Aquitaine, which beginning from 1273 to 1274 had its own separate enrolments called the *Rotuli vasconie* (Gascon rolls).³ Though separated from England by the Channel, the Islands geographically were much closer to the central institutions of royal government than either Ireland or Gascony and, indeed, the north of England. Combined with their small size, it was therefore viewed to be of greater administrative practicality as well as military necessity closely to integrate the Islands’ administration with the overarching institutions of the kingdom of England.

The extent of this integration is apparent in the sheer volume of records relating to the English royal bureaucracy and the administration in the Islands now found in The National Archives in Kew. The very keeping of such a volume of legal and administrative records and the implicit acknowledgement of the hierarchies of power within the records themselves was itself an effective assertion of royal control over the Islands.⁴ Yet, as acknowledged in the introduction to this thesis, it also has the potential to understate the influence of other political and administrative structures as viable alternative sources of power, most notably those of Normandy, as well as the Islands’ own internal development. By way of example, the lack of twelfth-century evidence relating to the Islands’ administrative organisation can devalue the significance of the Islands’ incorporation into ducal Normandy and, in turn, misrepresent the originality and extent of Plantagenet reforms to the Islands after 1204. Additionally, many records relating to the Islands in The National Archives are to be found in miscellaneous collections of the chancery and

² C 66/65, m. 7, trn *CPR, 1247–1258*, p. 272.

³ P. Crooks, ‘Before Humpty Dumpty: the first English empire and the brittleness of bureaucracy, 1259–1453’, in Crooks and T. H. Parsons (eds), *Empires and bureaucracy in world history: from late antiquity to the twentieth century* (Cambridge, 2016), pp. 250–287, pp. 266–8.

⁴ On the idea of archives as ‘tools of power relations’ rather than only ‘neutral repositories’: F. de Vivo, A. Guidi and A. Silvestri, ‘Archival transformations in early modern European history’, *European History Quarterly*, 46 (2016), pp. 421–434; Silvestri, ‘Archives of the Mediterranean: governance and record-keeping in the crown of Aragon in the long fifteenth century’, *European History Quarterly*, 46 (2016), pp. 435–457.

exchequer, perhaps underscoring their indistinct status and the limits of their administrative integration with the kingdom of England.⁵

The internal administration

The administration of the Islands in our period was undertaken in three different forms – under the Lord Edward (1254–1272); under the lordship of Otto de Grandison (1277–1294; 1298–1328); and under the administration of wardens appointed by the king (1272–1277; 1294–1298; 1328–1341) – but the structure of the administration was much the same throughout, with day-to-day operations under the control of a warden or sub-warden and a number of subordinates, and with ultimate authority resting with the king of England.

At the head of the administration in the Islands when they were in the direct hands of the king was the warden, an official appointed at the king's pleasure with broad-ranging powers and all-encompassing responsibilities.⁶ The warden effectively, like his counterparts the seneschal of Gascony and the justiciar of Ireland, acted in the place of the king himself in the Islands, receiving and implementing direct orders of the king, managing the royal demesne, and executing justice in the king's name.⁷ He also advised the king on delicate matters, often by correspondence including that of a more informal type.⁸ The warden was not typically a local, which was in line with the common strategy deployed by kings to counterbalance the authority of regional lords and communities. His role may be divided into two parts, the one military, the other civil. The first was

⁵ For example, C 47: 'chancery miscellanea, bundle 10: Channel Islands, Ireland, Wales', which includes records such as *certiorari* (especially concerning abjuration), *causa captionis*, warrants and inquisitions, and, as its title suggests, various other records that are valuable to understanding the mechanism of the administration and the judicial system.

⁶ 'One warden of the Islands, to wit a man of substance to answer to the lord king when necessity arises': S.G. *Extentes of Guernsey*, p. 124. See Appendix 1.

⁷ J. P. Trabut-Cussac, *L'administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 a 1307* (Geneva, 1972), pp. 141–162. A. J. Otway-Ruthven, 'The chief governors of medieval Ireland' (1965), repr. Crooks (ed.), *Government, war and society in medieval Ireland* (Dublin, 2008), pp. 79–89; H. G. Richardson and G. O. Sayles, *The administration of Ireland, 1172–1377* (Dublin, 1963), pp. 8–14.

⁸ For example, the letters of Philip d'Aubigny (the younger) in 1224 and John de Roches in 1328: SC 1/2/134, pr. P. Chaplais (ed.), *Diplomatic documents preserved in the PRO* (1 vol., London, 1964), no. 142, pp. 97–8; and SC 1/55/114, pr. E. T. Nicolle (ed.), 'Lettre de Johan de Roches (1328)', *ABSJ*, 3 (1894), pp. 288–292.

encompassed in his position as *custos*, the keeper of the Islands; the second as *ballivus*, in the sense that he acted as the king's bailiff or steward in government as well as in the management of the king's rights and lands in the Islands.⁹ Both had to be performed in the context of a 'frontier' or 'march' territory due to the Islands close proximity to France, its separation by the sea from the major centres of royal authority, and the necessity of maintaining good relations with the Islanders on whom the warden was dependent in the management of the administration.

Wardens were typically appointed by letters patent and a *writ de intendendo* was issued to the Islanders informing them of a warden's appointment, as was a writ instructing the previous warden to deliver up the Islands to the new appointee.¹⁰ The letters of his appointment sometimes included a clause stating that he would respect the customs and laws of the Islands.¹¹ Upon his arrival in the Islands, at least in the fourteenth century, there appears to have been a formal presentation of the warden to the officials of the Islands and the local elite, including an inspection of his letters patent.¹²

A local presence does not appear to have been a general requirement for the warden. It is not always easy to tell when, if at all, a given warden was present in the Islands to attend to his duties. As is evidenced in Chapter IV, a number of the wardens had official responsibilities elsewhere and were not in the Islands for any notable length of time. Although writs were issued to the warden and he was responsible for executing them, they

⁹ In the records of the thirteenth century, the warden was indiscriminately described as *custos* and *ballivus*, reflecting his dual role in the administration: Le Patourel, *Admin. C.I.*, pp. 40–42, 43. On the justiciar of Ireland, of which there are many similarities, including the use of different titles for the same position: Richardson and Sayles, *The administration of Ireland*, pp. 8–14.

¹⁰ For example, *CPR*, 1292–1301, pp. 81, 295.

¹¹ I have found only a few examples of this dating to the early thirteenth century. Richard and John de Grey (joint-wardens, 1229–1230): *et ipsi gentem insularum recte et secundum leges et consuetudines suas tractabunt et tenebunt*. ('and they [the wardens] will treat and preserve the people of the islands rightly and according to their own laws and customs.'): *Patent rolls*, 1225–1232, p. 350. Mandate to Philip d'Aubigny (the younger) (warden, 1219–1224) to observe the customs of the Islands: *Patent rolls*, 1216–1225, p. 290. In a few circumstances, pledges were listed in the rolls of appointment, which would act as mainprisers if the warden breached the terms of his custody: *CFR*, IV, pp. 188–9.

¹² This may be seen in the arrival of Gerard d'Oron, deputy of Otto de Grandison, to the Islands in September 1321, but this is the only explicit example that such presentation occurred: Le Patourel, 'D.Phil.', II, pp. 13–4; JUST 1/1165, m. 2. d., pr. Le Patourel, 'D.Phil.', app., pp. 22–5.

did not confirm whether he was in the Islands to carry out a task himself. But a warden's presence in the Islands can typically be ascertained by letters of protection, the organising of ships for their travel, and notifications of the appointment of attorneys in England to manage the affairs of the warden in their absence overseas.¹³ There are also extant accounts of wardens to the exchequer recording the expenses of their journey to and from the Islands: for instance, an account of Thomas de Hampton (warden, March 1341–July 1343) in 1341 stated that he had spent 59 days in the Islands from the 8th March to 7th May attending to the king's business there, at which later date he came to London to report to the king.¹⁴ Sometimes mandates were explicit that the warden go to the Islands to attend to a matter personally. For example, in June 1254, Richard de Gray was ordered to go in person to the Islands to assess the small escheats there and how they could best be used to the king's advantage.¹⁵

In his absence from the Islands, a warden appointed one or more subordinate officials to act in his place, best referred to as sub-wardens. Sub-wardens were especially evident during the lordships of the Lord Edward and Otto de Grandison, where it was acknowledged that the lord would play little direct role in the management of the administration. In royal documents, John Le Patourel notes that the main officials of the lords of the Islands in the mid-late thirteenth century were indiscriminately described as *ballivi*, *ministri*, *locum tenentes*, *custodes*, and *sub-custodes*, while in the fourteenth century this was restricted to *sub-custos*, *custos*, or *locum tenens*.¹⁶ Sub-wardens of a warden, as opposed to a lord, were generally not acknowledged in royal records, with writs being addressed exclusively to the warden. In the mid-fourteenth century, in a few notifications of the appointment of the warden, their sub-warden or lieutenant was also

¹³ E.g. Letters of protection: *CPR, 1292–1301*, p. 76. Nomination of attorneys: *CPR, 1292–1301*, p. 366.

¹⁴ The total cost of travel and his stay in the Islands to conduct the king's affairs was £39 6 s. 8 d.: E 101/311/39: m. 1. For a related writ appointing him on 25 March to survey the castles and state of the Islands, and certify the king with all speed: *CPR, 1340–1343*, p. 159. Cf. orders on 25 March 1341 to the bailiffs of Southampton, Portsmouth and other officials to requisition a ship for Thomas de Hampton: *CCR, 1341–1343*, p. 37. He returned to the Islands around July 1341: *ibid*, p. 256.

¹⁵ He was technically a sub-warden of the Lord Edward at this time: *CPR, 1247–1258*, p. 201.

¹⁶ This was primarily due to the fact that at some point in the fourteenth century the bailiff (*ballivus*) had become an official position in the administration and was distinct from the warden: Le Patourel, *Admin. C.I.*, pp. 46–7.

named suggesting they had a more permanent place in the administration.¹⁷ Sub-wardens of a lord were acknowledged more often in the records, including notifications of their appointment to the administration, but this was seemingly not a uniform practice. It is thus difficult to identify the sub-warden's tenure during either lordships or wardenships. During the Lord Edward's tenure of the Islands, six sub-wardens can be identified.¹⁸ Some twenty sub-wardens operated under Otto's administration, many for multiple terms and overlapping with other sub-wardens, and in such circumstances their role may have been limited to one Island or to a particular position within the administration.¹⁹ The responsibilities of sub-wardens are not clearly defined but, in all probability, they performed much the same role as the warden, and where more than one presumably divided up aspects of the role.

Beneath the warden, or sub-warden if there was one, there were a range of subordinates in the administration, the number and roles of which varied according to circumstances.²⁰ Delegation to a certain extent was inevitable given the fact that the warden was overseeing islands and, in a place of strong tides, currents and often stormy weather, travel between them was often a fraught and time consuming experience.²¹ There is not much recorded evidence about the lesser officials of the administration until the late thirteenth century. This is especially the case during Otto de Grandison's tenure where, owing to his status as lord of the Islands, he was not required to submit accounts of the administration to the exchequer, resulting in a significant lacuna of potential records for the historian. Indeed, the kings of England themselves were not certain as to the composition of their own administration in the Islands after Otto's long period of rule: in May 1330, John de Roches (warden, June 1328–August 1330), Robert de Norton and William de la Rue were commissioned to enquire as to the function of each official, their wages, and how long they

¹⁷ E.g. Walter de Weston appointed as a 'lieutenant' of the warden: *CPR, 1334–1338*, p. 324; *CPR, 1338–1340*, p. 158; *CFR*, V, p. 99.

¹⁸ Sir Gilbert Talbot and Thomas Boulton are excluded from this figure, and Richard de Gray is included: see Chapter IV and Appendix I. Cf. Le Patourel, *Admin. C.I.*, p. 123.

¹⁹ *Ibid.*, pp. 124–5.

²⁰ Some wardens also possessed a personal staff: Le Patourel, 'D.Phil.', II, pp. 26–7.

²¹ In 1331, the administration had permanent boatmen employed for travelling between the Islands: S.G. *Extentes of Guernsey*, p. 126.

had held their office.²² The Guernsey part of the 1331 extent of the Islands has a useful list of the officials under the warden in that Island.²³ What may be seen is that over the course of the period, the warden's wide-ranging responsibilities, especially in the civil context, became more clearly delineated and were delegated to officials predominantly composed of the local elite, who had in all probability been exercising their function for some time and had gradually assumed a permanent place in the administration.

In this respect, it is worth drawing upon the work of Alessandro Silvestri on how the Aragonese monarchy effectively governed the geographically-distant island of Sicily in the later Middle Ages. In Silvestri's view, a devolved administration that actively included the local elite but was under the authority of a trusted royal official, in our case the warden, helped achieve 'a political equilibrium between the *auctoritas* [authority] of the sovereign and a range of local powers', and served to strengthen rather than weaken the power of the king in the Islands.²⁴ Certainly, the ability to find an acceptable balance between royal and community interests, facilitated by an effective administration, was a key component to ensuring the maintenance of Plantagenet authority in the Islands.

The warden's most important responsibility was the defence of the Islands. Under his stewardship were the major castles of Gorey and Cornet, the administrative centres of royal authority in Jersey and Guernsey respectively, as well as the subsidiary castles of Jerbourg (Guernsey) and Gronez (Jersey). He was responsible for any repairs and alterations to the castles as well as the maintenance of the garrisons, both in terms of payment and victualling. Defence was a significant task and there is evidence to show that many wardens, particularly in periods of war, attended to the duty of organising the defences personally.²⁵ The importance of their military function may be seen in its emphasis in notifications of their appointment to the Islands, in which the warden was

²² *CPR, 1327–1330*, p. 561. Only the return concerning the officials of Alderney of this inquiry survives, which was held in September 1330: E 101/89/13, m. 1, pr. Le Patourel, 'D.Phil.', app., pp. 212–6; and *ibid.*, II, pp. 197–9, for discussion.

²³ Unfortunately, the Jersey part of the extent does not have an equivalent list: S.G. *Extentes of Guernsey*, pp. 124–6.

²⁴ Silvestri, 'Ruling from afar: government and information management in late medieval Sicily', qt. p. 379.

²⁵ E.g. *CCR, 1341–1343*, pp. 117, 172–3.

appointed to the keepership of the Islands ‘with the castles of Guernsey and Jersey’.²⁶ Moreover, during the period of transition between personnel, the outgoing warden was sometimes explicitly instructed to deliver the custody of the castles to his successor or on other occasions it was noted that he had officially surrendered the castles to the king at the end of his term.²⁷ A few records provide us with a glimpse of this process. For example, in July 1294, Henry de Cobham (warden, June 1294–July 1297) was instructed by chirograph formally to deliver the custody of the Islands, along with their castles, armour, victuals, stock and other necessities to Nicholas de Cheny (warden, July 1297–April 1298).²⁸

The warden was assisted in his military capacity by a number of officials. Early on, subordinates to the warden appear to have included constables, who were responsible for the defence and maintenance of the castles, as well as the custody of the gaols as the castles were used as prisons.²⁹ In 1232, for instance, John and Gerard de Lambrusard had custody of the castles of Guernsey and Jersey respectively, under the wardenship of Henry de Trumbleville.³⁰ The constable, whilst subordinate to the warden, appears to have been directly appointed by the king.³¹ Very few constables can be identified in the extant

²⁶ *CPR, 1247–1258*, qt. p. 135; *CPR, 1324–1327*, p. 302 (‘of the castles and fortresses therein’); *CFR*, IV, pp. 188–189, 272, 279 (‘by indenture made between them’). See Le Patourel, *Admin. C.I.*, pp. 121–130.

²⁷ For instance, when Philip d’Aubigny was appointed warden in 1232, the previous keeper was instructed by the king to deliver custody of the castles to Philip, who was then required to deliver the same to the next warden at the end of his appointment in 1243: *CPR, 1232–1247*, pp. 1, 55. Example of official surrender to the king: *ibid*, p. 89. This formality fell into disuse in the fifteenth century: Havet, *Les cours royales*, pp. 26–7.

²⁸ A document, which has been written in up to four copies on a single piece of parchment, with Latin word *chirographum* written across the middle, and then cut through to separate the parts. Unfortunately, no chirographs relating to the Islands appear to be extant: *CPR, 1292–1301*, p. 295. In September 1330, John de Roches was ordered to deliver the same to Peter Bernard de Pynsole and Laurence de Gaillars by indenture: *CPR, 1330–1334*, p. 3.

²⁹ The earliest reference to the constables of Jersey and Guernsey is in September 1232: *Patent rolls, 1225–1232*, p. 502.

³⁰ *CPR, 1232–1247*, p. 1.

³¹ There is only one notification of an appointment of a constable in this period but it is clear that they received direct orders from the king: *CPR, 1334–1338*, p. 348. The constable and sergeant in the English administration of Brest were also initially installed by direct royal appointment: M. Jones, *Ducal Brittany, 1364–1399* (Oxford, 1970), pp. 156–7.

records, and the length of their terms cannot adequately be identified.³² A constable's wages varied according to whether it was wartime or peacetime, the former entitling him to a greater remuneration.³³ There were also a number of serjeanties in each castle, such as the gatekeeper and the porter, the latter of whom was particularly important as he acted as the gaoler of the castle.³⁴ The gatekeeper and porter were usually life appointments made by the king and appear to have been regularly used as an office for retirement for soldiers and lesser officials of the king during peacetime. For example, John de la Marche, 'yeoman of the pantry' of the royal household, was appointed as gatekeeper of Castle Cornet in January 1318, and William Bolard in 1344 to the same position at Gorey Castle in recompense for his military service to the king.³⁵ Other military officials were also appointed temporarily during times of war. Military architects were employed to make technical improvements to the castles, and locals were often instructed to provide advice and assistance to the warden on defending the Islands.³⁶ A number of royal officials were also appointed with a general commission for a short period of time to, among other matters, support the warden in organising the defence of the Islands, such as the appointment of John de Tamworth and John de Hungerford, king's clerks, and William de Cheny in 1343.³⁷

³² We are often restricted to references to the constables in the rolls of the itinerant justices in eyre: S.J. *Rolls of the assizes, 1309*, p. 214.

³³ The Guernsey extent in 1331 states that the constable there was paid in 1 s. 2 d. t. a day during peacetime and 2 s. d. t. a day during wartime: S.G. *Extentes of Guernsey*, p. 125.

³⁴ The porter was undoubtedly the gaoler of the castle: Le Patourel, *Admin. C.I.*, p. 72 n. 3; S.G. *Extentes of Guernsey*, p. 125; *CPR, 1324–1327*, p. 17; *CPR, 1330–1334*, p. 86. Gatekeepers and porters to be installed at Jerbourg: *CCR, 1337–1339*, p. 159. The wages of these offices seemed to have varied: cf. S.G. *Extentes of Guernsey*, p. 125; E 101/89/11, mm. 1 r. and 2 r., pr. Le Patourel, 'D.Phil.', app., pp. 136, 159; Nicolle (ed.), 'Account of John de Roches, keeper of Jersey, for the year 1329', *ABSJ*, 7 (1912), pp. 176–180; p. 179; *CCR, 1343–1346*, p. 325.

³⁵ *CPR, 1317–1321*, p. 75; *CCR, 1343–1346*, p. 325. John was also appointed as *vicomte* (notably translated as 'sheriff' in the calendar of rolls) of Jersey for life in March 1318: *CFR*, II, p. 355; *CPR, 1327–1330*, pp. 96; *CPR, 1330–1334*, p. 54.

³⁶ Le Patourel, *Admin. C.I.*, p. 40. Example of Peter de Montgomery: *Close rolls, 1237–1242*, p. 385; *CLR*, II, pp. 36, 104, 238–9; idem, III, p. 200. Walter de Weston was possibly a military architect given his experience as clerk of the king's works. Example of instruction to provide advice and defence: *CCR, 1341–1343*, p. 117. See Chapter V.

³⁷ *CCR, 1343–1346*, pp. 32, 46, 50. John De Tamworth was in the Islands for sixty-eight days: *ibid*, pp. 79, 161. His colleagues were on the king's business for sixty-one days, including travel to the Islands from Weymouth: E 101/312/5.

In terms of the warden's civil role, the warden was the chief judicial officer of the king in the Islands and was responsible for the provision and administration of justice there. As the 1248 inquiry reveals, the warden was accorded significant judicial powers from an early stage. He presided over the king's courts (or royal courts) in the four main Islands (Jersey, Guernsey, Sark, and Alderney) and had the authority to render judgement on a variety of pleas without writ, following a verdict of the jurats in each Island. This was a matter of great administrative practicality due to the difficulties of obtaining a writ from the king or sending itinerant justices to the Islands to render judgement. The warden held the assizes in the Islands every three years until the introduction of itinerant justices in eyre from 1299 to 1331, and no doubt continued to play a role in the eyre proceedings.³⁸ The warden was also responsible for implementing any mandates or conducting investigations ordered by the king, especially those made by individuals via petition to the king. Finally, the warden had something of a roving brief as the defender of the king's rights in the Islands.

In the execution of justice and the management of the four royal courts in each Island, the warden was greatly reliant on the support of the local elite, partly due to the location and number of the courts, but especially due to the complexities of the laws and customs of the Islands that required detailed local knowledge. The main judicial officials in the royal courts – the bailiff, the jurats, the *vicomte* or *prévôt*, and the clerk of the court – and the stream of minor officials beneath them were predominantly comprised of local inhabitants. The structure and development of the Islands' judicial systems and officials is discussed in greater depth in Chapter V, but it is worth briefly outlining the key officials here.

The bailiffs of Guernsey and Jersey and their counterparts in Alderney and Sark (known as *prévôts*) are difficult to distinguish from either the warden or sub-warden until the late thirteenth century. By the fourteenth century, the bailiff had emerged as a clearly delineated position in the administration responsible for carrying out the judicial functions of the warden.³⁹ Usually appointed by the warden, the bailiff presided over the royal court

³⁸ E.g. Orders to hold assizes: *CPR, 1232–1247*, pp. 18, 148, 414; *CPR, 1272–1281*, pp. 90, 296; *CPR, 1281–1292*, p. 424; *CPR, 1292–1301*, pp. 75, 386.

³⁹ In the Guernsey part of the 1331 extent, the bailiff and the warden are acknowledged as distinct offices: S.G. *The Extentes of Guernsey*, p. 124. On this development: Le Patourel, *Admin. C.I.*, pp. 43, 46–52; Ogier, *Gov. & law of Guernsey*, pp. 110–111.

in the king's name and, although he was not a judge, pronounced judgements and was responsible for their execution. He was also effectively a coroner, conducting inquiries and inquests into a variety of matters which were recorded on the bailiff's rolls and had to be presented before the justices during the assizes.⁴⁰ The 1331 extent states that his annual salary was 30 *l. t.*, sometimes more or sometimes less, depending on what had been arranged with the warden.⁴¹

Alongside the bailiff, sat the jurats of the royal court, twelve each in Guernsey and Jersey, seven in Alderney, and six in Sark, who determined the cases brought before them and assessed all amercements and fines of the court. Their origins and development are obscure but they may be closely likened to the office of coroner in England.⁴² The executive officer of the royal court in Jersey was called the *vicomte* and in Guernsey the *prévôt*.⁴³ This official, with some minor differences between the two Islands, was responsible for executing the judgements of the court, issuing summonses, having custody of prisoners, and maintaining law and order in the Island.⁴⁴ The *vicomte* was usually appointed for life by the king and was often used as a way to reward loyal followers of the king, whereas in contrast the *prévôt* was said to be elected by the community of Guernsey as one of their indispensable privileges.⁴⁵ The office of *vicomte* in Jersey and *prévôt* in Guernsey unsurprisingly draws some similarities with the *vicomtes* of the duchy of Normandy, although their role appears to have been more limited and the senior

⁴⁰ Le Patourel, *Admin. C.I.*, pp. 88–90; Havet, *Les cours royales*, pp. 38–42; Ogier, *Gov. & law of Guernsey*, p. 111. Example of a royal appointment of the bailiff: *CPR, 1338–1340*, p. 466.

⁴¹ S.G. *Extentes of Guernsey*, p. 124.

⁴² See Chapter V. For some discussion: Le Patourel, *Admin. C.I.*, pp. 89–92; Havet, *Les cours royales*, pp. 49–68. They are known in French as *jurés*: Ogier, *Gov. & law of Guernsey*, p. 119.

⁴³ S.G. *The Extentes of Guernsey*, p. 125. Cf. 'and the *prévôt* of the Island who is called the *vicomte* is charged further with receiving all the orders of the court of the lord of the king...': S.J. *Rolls of the assizes, 1309*, p. 170.

⁴⁴ Le Patourel, 'D.Phil.', II, pp. 80–89; Havet, *Les cours royales*, pp. 84–100. The *prévôt* of Guernsey is not to be confused with the *prévôts* of Alderney and Sark who had greater administrative responsibilities and are comparable with the bailiffs of Jersey and Guernsey, and were likely subordinate to the latter. The *bedel* of Alderney is the equivalent of Guernsey's *prévôt*. An additional difference between the *vicomte* and *prévôt* is that a *bedel* in Guernsey issued summonses rather than the *prévôt*: Le Patourel, *Admin. C.I.*, pp. 94, 101–2; idem, 'The mediaeval administration of Sark', pp. 312–6; Havet, *Les cours royales*, pp. 169–170.

⁴⁵ *CFR*, II, p. 355; *CPR, 1313–1317*, p. 607; *CPR, 1327–1330*, p. 96; *CPR, 1340–1343*, p. 197. Cf. royal appointment of John de la Launde as *prévôt* of Guernsey, though seemingly never took office: *CPR, 1330–1334*, p. 54; Havet, *Les cours royales*, p. 95; Le Patourel, 'D.Phil.', II, p. 88.

responsibilities of the Norman *vicomte* were assumed by the warden and bailiff.⁴⁶ The royal courts of Guernsey and Jersey also had a permanent official known as the clerk of the court, who was responsible for writing up the rolls of court and other judicial documents, notably contracts under the royal seal of the Islands.⁴⁷ The importance with which this official's position was viewed is exemplified in a case in the 1299 eyre, where a plaintiff accused the clerk of the court in Jersey, John Hubert, of incorrectly entering his suit in the court rolls. The plaintiff subsequently was found guilty of contempt of court and was confined to prison.⁴⁸

Over the course of the period under review the warden gradually yielded his role in judicial matters to his subordinate officials, most notably to the bailiffs of the royal court in each Island. By the end of the fourteenth century, the warden was still the head of the administration and the royal courts, but his direct role, and that of his sub-wardens, was generally restricted to military and administrative organisation and he was largely uninvolved in day-to-day judicial matters.⁴⁹ Indeed, the growing sophistication of the royal courts and their officials saw local judicial institutions reach a stage of maturity that enabled them more effectively and independently to resolve disputes and grievances, reducing the direct involvement of the warden in almost all judicial matters as well as the need for the intervention of central institutions of royal government in Channel Islands' affairs. Though the judicial system remained tightly connected to the king's administration and its officials operated under the warden's authority, by 1341 it was no longer an inextricable connection. The dominance of the local elite in what may be termed civic government, as opposed to their limited role in military affairs or as the heads of the

⁴⁶ Havet, *Les cours royales*, pp. 85–7; J. R. Strayer, *The administration of Normandy under St Louis* (Cambridge; Massachusetts, 1932), pp. 21–3, 25, 100–2; Haskins, *Norman Institutions*, pp. 185–7; Ogier, *Gov. and law of Guernsey*, p. 131.

⁴⁷ The clerk of the court was paid 10 *l. t.* per annum and was given an allowance for the purchasing of parchment and other notary materials: S.G. *Extentes of Guernsey*, p. 125; Le Patourel, *Admin. C.I.*, pp. 93–4; Havet, *Les cours royales*, pp. 82–3. This official was a precursor to the office of Greffier: Ogier, *Gov. and law of Guernsey*, p. 129. On the royal seal, see Chapter V.

⁴⁸ JUST 1/1158, m. 2 r., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 8–9.

⁴⁹ The warden's plenary judicial authority is evident in the letters of appointment of John Mautravers from June 1348 to April 1354, in which he was granted 'full power to do justice on malefactors in them as right requires and according to the laws and customs of those parts': *CPR, 1348–1350*, pp. 115, 299 ('and exercise full jurisdiction there in the king's name'), 441; *CPR, 1350–1354*, p. 59; *CFR*, VI, p. 320. See Le Patourel, *Admin. C.I.*, pp. 66–7, 127–9.

administration, could create a divide in the administration, but it generally made Plantagenet rule there more effective by allowing the elite to manage their own internal affairs.

The warden was also effectively the bailiff of the king's demesne in the Islands, managing all affairs relating to the king's rights and lands there. He was responsible for collecting the king's revenues, which due to the numerous rights claimed by the crown, were wide-ranging. Some were constant, such as rents from the king's demesne and payments in consideration for the use of the king's mills, whilst others arose more sporadically and included amercements and fines, rights to wreck, forfeitures, and rights arising from the mutation of tenants holding crown lands.⁵⁰ The warden was also required not merely to collect revenues but to ensure the preservation of royal sources of income, notably by the maintenance and repair of the king's mills, and their exploitation in order to maximise revenues.⁵¹ The revenues of the Islands were typically to be spent towards the maintenance of the administration, such as repairs of the mills, payment of royal officials, and expenditure towards defence.⁵² Judith Everard and J. C. Holt have suggested the possibility of an exchequer in Jersey (and presumably Guernsey), based at the royal castles and operated by the warden and his deputies during the thirteenth century.⁵³ Certainly, the use of the castles as an administrative centre and treasury for the storage and dispensing of monies makes sense for practical reasons, and probably continued as a process throughout this period.

In the financial administration of the Islands, the warden appointed a receiver, referred to as the king's receiver, who was responsible for the collection and disbursement of revenues and the enforcement of royal rights and any services owed to the king.⁵⁴ Jersey

⁵⁰ On the administration of the king's demesne: Le Patourel, *Admin. C.I.*, pp. 74–88.

⁵¹ E.g. *CCR, 1330–1333*, pp. 44, 222.

⁵² For example, Commissioners paid out of revenues of the Islands: *CCR, 1330–1333*, p. 248; *CCR, 1333–1337*, p. 417; *CCR, 1337–1339*, pp. 220–1. Paid by the treasurer and barons of the exchequer: *CCR, 1330–1333*, pp. 244–5, 376–7, 500; *CCR, 1341–1343*, p. 632. Orders to collectors of customs at Southampton to pay commissioners: *CCR, 1333–1337*, p. 434.

⁵³ Everard and Holt, *Jersey 1204*, p. 171, highlight a document in 1254, which shows that payments were being made to the abbey of Mont-St-Michel by the warden or his delegate in the castle of Jersey: S.J. *Cartulaire*, no. 15, pp. 26–28.

⁵⁴ Le Patourel, *Admin. C.I.*, pp. 86–7. It is not clear whether the receiver was responsible for providing victuals and other supplies to the military garrison of the Islands in the same way as the victualler of Calais

and Guernsey had one receiver each or sometimes there was one for all the Islands, but in either circumstance there existed a range of assistants to support him in his task including those who farmed various rights of the king in the Islands, such as the *éperqueries*, and who were required to deliver a fixed sum to him.⁵⁵ The receiver was present at the assizes and other meetings of the royal courts, presumably to record any fines imposed as well as chattels and lands taken into the king's hand.⁵⁶ Though accounts to the exchequer were rendered in the warden's name as he was ultimately responsible for the Islands' revenues, it is probable that the receiver provided considerable assistance to the warden in compiling these accounts. A number of receiver's accounts are extant from the 1340s, which were presented to the warden, displaying that they often kept a distinct account from the warden's, which could prove valuable in case the accounts needed to be scrutinised.⁵⁷ Due to the range of his responsibilities, the receiver needed to be resident in the Islands and possess detailed knowledge of the king's rights and lands there in order for monies owed to be collected effectively. He was thus invariably selected from among the local elite of the Islands.

The office of receiver, in all probability, existed in some form in the thirteenth century, but the position is difficult to distinguish from the bailiffs or sub-wardens, especially during Otto de Grandison's lordship. Moreover, overlapping and sometimes contradictory evidence makes it difficult to identify the length of tenure of the receivers. The first reference to a receiver as a distinct office is in the Guernsey part of the 1299 eyre roll, where John le Gay was stated to have been the receiver of Otto de Grandison in 1294 shortly before Henry de Cobham assumed custody of the Islands, but it is not clear whether he was the receiver of all the Islands or only Guernsey.⁵⁸ From the fragmentary accounts of Henry de Cobham from 1294 to 1295, Thomas Payn may also be identified as a receiver

and the receiver of Brest: Jones, *Ducal Brittany*, pp. 153–5; S. J. Burley, 'The victualling of Calais, 1347–1365', *BIHR*, 13 (1958), pp. 49–129, pp. 50–57.

⁵⁵ For instance, a petition in c. 1300 relates that a separate official was appointed as receiver of the lands and chattels of Islanders whose lands had been escheated to the king as they were residing in France during the time of war. This official was expected to render an account: SC 8/265/13242, trn S.J. *Ancient petitions* pp. 13–4. In Guernsey there was also a granger of the king who was responsible for receiving the wheat and oat rents owed to the king: S.G. *Extentes of Guernsey*, p. 125; Havet, *Les cours royales*, p. 184.

⁵⁶ E.g. JUST 1/1158, m. 5 r.

⁵⁷ For a list of these accounts: Le Patourel, *Admin. C.I.*, pp. 9–11.

⁵⁸ JUST 1/1157, m. 6 r., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 50–51.

around this time.⁵⁹ William de la Hougue can be identified as the king's receiver in Jersey under Nicholas de Cheny.⁶⁰ In 1299, there was a receiver in Jersey and Guernsey, Peter d'Arcis and Denis of Tilbury respectively.⁶¹ In the 1309 eyre rolls, Peter de Pervafiacio was stated to be the receiver for Jersey and Guernsey, and his predecessor was Robert de Haddy.⁶² Peter appears to have had two deputy receivers in Guernsey, John de Soulement and Peter de Gariz, and one in Jersey, John de Newent.⁶³ Peter d'Arcis, Denis of Tilbury, John de Newent and Robert de Haddy may also be identified as sub-wardens of Otto de Grandison, which sometimes overlapped with their positions as receiver, showing that the office was still not clearly delineated during his lordship.⁶⁴ The picture becomes much clearer from 1328. For instance, in the accounts of John de Roches (warden, June 1328–August 1330) from Michaelmas 1328 to Michaelmas 1329, William de Gariz and John le Caretter were stated to be the receivers of Jersey and Guernsey respectively, and each were paid 30 *l. t.* per annum for their services.⁶⁵ In the 1329–1330 account of John de Roches, William de Submonte (or desouth' le Mount) was receiver of Jersey and was paid 22 *l. t.* 10 *s.* for that year.⁶⁶ In the 1331 Guernsey extent, the receiver of Guernsey was acknowledged as a permanent official and was ordinarily paid 30 *l. t.* per annum.⁶⁷ The evidence, then, suggests that the holders of this office served short terms and were active in other interrelated roles in the administration.

⁵⁹ Henry de Cobham received 80 *l. t.* from Thomas Payn for the balance of the previous year: R. Rouquette (ed.), 'Comptes du gardien Henry de Cobham pour l'année, 1294', *ABSJ*, 13 (1936), pp. 19–32, p. 19.

⁶⁰ In the 1299 eyre rolls, William de la Hougue was fined on two occasions for unlawful detention of the wages of individuals who served in the garrison of Gorey Castle: JUST 1/1158, mm. 1 d. and 3 d. William was later a jurat in Jersey: S.J. *Rolls of the assizes*, 1309, p. 245.

⁶¹ JUST 1/1158, m. 5; JUST 1/1157, m. 8. r.

⁶² S.J. *Rolls of the assizes*, 1309, pp. 116, 245.

⁶³ *Ibid.*, pp. 180, 181, 294. Laurence de Sevenok was named as a receiver but this may have been a mistake as he was formerly the clerk of the court and had custody of the priory of St Clement during wartime: *ibid.*, pp. 274, 294, 303–4, 317, 322.

⁶⁴ For instance, Denis of Tilbury was described as the *custos et receptor* of Guernsey in the 1299 eyre rolls: JUST 1/1157, m. 8 r.

⁶⁵ E 101/89/11, mm. 1 r. and 2 r., pr. Le Patourel, 'D.Phil.', app., pp. 136, 158.

⁶⁶ Nicolle (ed.), 'Account of John de Roches', p. 179. He was possibly receiver of both Islands during this time, though in the 1331 eyre rolls he is mistakenly stated to be a former bailiff of Guernsey: JUST 1/1166, m. 6. r., pr. *Second report*, p. 306.

⁶⁷ S.G. *Extentes of Guernsey*, p. 125.

Another important official was the *custumar* or *custumarius* (customer) of the king, specially appointed to collect the customs on ships anchoring in the ports and within the limits of the Islands' waters, a profitable source of income. There was a permanent *custumarius* operating in Guernsey and Sark, underscoring the position of St Peter Port as the principal harbour in the Islands. In Alderney, the collection of customs was the responsibility of the *prévôt* there, who sometimes employed men to assist him in this task.⁶⁸ The paucity of customs revenue from Jersey meant there was no need for a *custumarius* and the right of collection was instead farmed.⁶⁹ In the particulars of the 1328 to 1329 account of John de Roches, for his services and expenses in maintaining a boat and crew in Guernsey, the *custumarius* was paid a total of 60 *l. t. 9 s.* (weak money, and stated to be worth £7 11 *s. 1½ d.*), a figure which was based on the number of ships he had levied the custom from that year.⁷⁰ The *custumarius* falls out of sight in later warden's accounts, presumably because wartime circumstances from the late 1330s significantly reduced the farm of the great custom and made a permanent *custumarius* unnecessary.

Oversight and fiscal accountability

The nature and extent of the warden's fiscal control placed him in a position of great responsibility in the Islands and control of the king's finances unsurprisingly brought a considerable degree of royal oversight. For all revenues and expenditure, the warden had to account on an annual basis to the English exchequer.⁷¹ This was essentially no different from the pre-1204 situation, when accounts of ducal revenues in the Islands were rendered

⁶⁸ Statements on the role of the *custumarius* may be found, with some minor differences, in the rolls of the 1320 commission of oyer and terminer, the particulars of the 1328–9 account of John de Roches and in the 1331 Guernsey part of the extant: JUST 1/1165, m. 7 d., pr. *Second report*, p. 297; and E 101/89/11, mm. 1 r., 2 r., 3 r., and m. 4, pr. Le Patourel, 'D.Phil.', app., pp. 127, 138, 153, 166–7, 175, pr. and trn *JPB*, II, no. 65, pp. 131–8. '*Quequidem Custuma debet colligi ad expensas Domini Regis per aliquum hominem ad hoc assignatum specialiter par Dominum Regem sive locum suum tenetem ibidem...*' (which Custom should be collected at the expense of the Lord the King by some man specially assigned for the purposed by the Lord the King or his lieutenant there): S.G. *Extentes of Guernsey*, pp. 69–70; Le Patourel, 'D.Phil.', II, pp. 36–7.

⁶⁹ E.g. Nicolle (ed.), 'Account of John de Roches', p. 177.

⁷⁰ E 101/89/11, m. 1 r., pr. Le Patourel 'D.Phil.', app., p. 138, pr. and trn *JPB*, II, no. 65, pp. 132, 136.

⁷¹ For a provisional list of these accounts in the thirteenth and fourteenth centuries see Le Patourel, *Admin. C.I.*, pp. 7–12.

annually at the Norman exchequer.⁷² There are a few examples of enrolments of expenses relating to the Islands in the pipe rolls of John's reign after their recapture around 1205 to 1206.⁷³ Notably, a detailed account of the keeping of Gorey Castle from March to August 1226 has survived, and there is an enrolment of a warden's account and other expenditure incurred on the Islands' administration in the pipe roll of Michaelmas 1226.⁷⁴ From the year 1240, there are enrolments of the warden's accounts in the pipe rolls until 1254 when the administration was incorporated into the Lord Edward's separate administration for his appanage.⁷⁵ For the historian, the most informative warden's accounts to the exchequer are those of John de Roches from 1328 to 1330 as his accounts are enrolled on the pipe rolls from July 1328 until August 1330, and the particulars of his account have also survived for Michaelmas 1328 to Michaelmas 1329 and, for Jersey only, for Michaelmas 1329 to September 1330.⁷⁶ The latter records are especially valuable as they elaborate in detail on the revenues and expenditure of the administration, with some informative statements on the king's various rights in the Islands, such as wreck.⁷⁷

⁷² In the mid-late twelfth century, it is argued that the Islands were treated as one administrative unit under the authority of a *vicomte*, and then divided into fiscal units. In the 1180 Norman pipe roll, Guernsey was one unit and Jersey was divided into three *ministeria*, whose farmers presumably were subordinate to the *vicomte* and paid their annual farm to him: Everard and Holt, *Jersey 1204*, pp. 59–74; Le Patourel, *Admin. C.I.*, p. 27 n. 5.; G. F. B. de Gruchy (ed.), 'The entries relating to Jersey in the great rolls of the exchequer of Normandy of A.D. 1180', *ABSJ*, 9 (1919), pp. 18–44; V. Moss (ed.), *Pipe rolls of the exchequer of Normandy for the reign of Henry II, 1180 and 1184* (London, 2004), pp. 18–20.

⁷³ D. M. Stenton (ed.), *The great roll of the pipe for the eighth year of the reign of King John, Michaelmas 1206* (London, 1942), p. 59; A. M. Kirkus (ed.), *...for the ninth year of the reign of King John, Michaelmas 1207* (London, 1946), pp. 139, 144–5, 149.

⁷⁴ C 47/10/38/1, trn Le Patourel, 'The account of Hugh of St. Philibert', *ABSJ*, 15 (1952), pp. 465–473. In the 1226 pipe roll there is an account of Geoffrey de Lucy, (warden, October 1224–May 1226), and expenses incurred by the men of Southampton enrolled in the pipe rolls for Michaelmas 1326: E. Gallagher and L. Boatwright (eds), *The great roll of the pipe for the tenth year of the reign of Henry II, Michaelmas 1226* (Woodbridge, 2022), pp. 51, 85.

⁷⁵ Le Patourel, *Admin. C.I.*, p. 7.

⁷⁶ The accounts of de Roches from June 1328 to August 1330 are enrolled in the pipe rolls: E 372/175, mm. 47, 48; extracts relating to Sark pr. Le Patourel, 'The mediaeval administration of Sark', pp. 328–332. Particulars of 1328–1329: E 101/89/11, pr. Le Patourel, 'D.Phil.', app., pp. 120–175, extracts pr. and trn *JPB*, II, no. 65 pp. 131–8. The originals for the particulars for Jersey 1329–1330 do not appear to be extant and may be found only in: Nicolle (ed.), 'Account of John de Roches', pp. 177–180. See also a view of the account of 1328–1329: E 101/89/12.

⁷⁷ E.g. on the king's revenues from wreck in Guernsey: E 101/89/11 m. 1. r., pr. Le Patourel, 'D.Phil.', app., pp. 130–132.

It has been argued that between 1290 and 1360, there were considerable, yet ultimately short-lived, efforts by the kings of England to integrate and develop their administrative organisation, both in England and the wider realm to fund the expansionist ambitions of Edward I and his successors.⁷⁸ For example, it is notable that the warden's counterparts in the lordship of Ireland and the duchy of Aquitaine were also required from 1293 to submit their financial accounts to the English exchequer for scrutiny.⁷⁹ That such a requirement was already in place for the warden's administration was largely due to the fact that in the thirteenth century the administration of the Islands was still in its infancy and not clearly established as a distinct entity in contrast to either the lordship or the duchy. But it is also indicative of the closer attachment of the Islands' administration to the royal administration of the kingdom of England, on which it was heavily reliant for support.

The warden, or his heirs in the event of his death, were held financially accountable if they failed to provide accounts or fulfil certain obligations, such as payment of the garrison.⁸⁰ Orders by the king to levy debts owed from a warden's lands and goods were

⁷⁸ W. M. Ormrod, 'The English state and the Plantagenet empire, 1259–1360: a fiscal perspective', in J. R. Maddicott and D. M. Palliser (eds), *The medieval state: essays presented to James Campbell* (London, 2000), pp. 197–215; Crooks, 'the first English empire and the brittleness of bureaucracy', in Crooks and Parsons (eds.), *Empires and bureaucracy in world history*, pp. 258–9; R. R. Davies, *The first English empire: power and identities in the British Isles, 1093–1343* (Oxford, 2000), pp. 19–21, 79–111; R. Frame, 'Overlordship and reaction, c. 1200–c. 1450', in A. Grant and K. J. Stringer (eds), *Uniting the kingdom?: the making of British history* (London and New York, 1994), pp. 65–84; M. Brown, *Disunited kingdoms: peoples and politics in the British Isles, 1280–1460* (Harlow, 2013), pp. 82–92; E. A. R. Brown, 'Gascon subsidies and the finances of the English dominions, 1315–1324', in L. Howard (ed.), *Studies in medieval and Renaissance history*, (vol. 8, Lincoln; Nebraska, 1971) pp. 33–164, pp. 37–49, 52–3.

⁷⁹ The treasurer of Ireland and the constable of Bordeaux were the chief financial officers of the lordship of Ireland and duchy of Aquitaine, respectively: Crooks, 'The first English empire and the brittleness of bureaucracy', in Crooks and Parsons (eds.), *Empires and bureaucracy in world history*, pp. 276–7. Though A. C. Ruddick notes that the Gascon accounts was not nearly as uniform and that the English royal government did little to support the arrears of the constable of Bordeaux: 'Gascony and the limits of medieval British Isles history', in B. Smith (ed.), *Ireland and the English world in the Late Middle Ages* (Basingstoke; Hampshire, 2009), pp. 66–88, pp. 72–3. T. Thornton, 'Taxing the king's dominions: the subject territories of the English crown in the Late Middle Ages', in Ormrod and M. and R. Bonney (eds), *Crises, revolutions and self-sustained growth* (Stamford; Lincolnshire, 1999), pp. 97–109, p. 97.

⁸⁰ For example, memorandum that Nicholas de Cheny satisfied the wages of soldiers during his wardenship: *CCR, 1302–1307*, p. 534.

sometimes issued in order to satisfy debts to the king or individuals.⁸¹ Members of the local elite were also relied upon to testify as to the validity of the warden's accounts: in June 1252, Philip de Carteret and Jourdain de le Hougue were ordered to go in person to the castles of Jersey and Guernsey to assess the state of the equipment left there by the former warden, Drew de Barentin, and report to the king in a letter bearing their seals.⁸² For greater matters, royal commissions were infrequently sent to the Islands. The most all-encompassing commissions conducted in the Islands were the extents (or surveys), which were full assessments of the lands and rights of the king, the state of the administration, and also an audit of the warden's accounts.⁸³ For instance, in October 1274, John Wyger and Ralph de Broughton were sent to the Islands to conduct, among other tasks, an extent of the king's rights and revenues in the Islands and audit the account of the warden, Arnold son of John de Contis (1271–1275), and, if necessary, to levy from his lands and goods what he owed to the king.⁸⁴ Other commissions were more specific: in June 1332, commissioners were appointed to survey the king's castles and mills in the Islands, which had been reported to be in need of considerable repair, and to certify which warden was in default for allowing them to fall into decay.⁸⁵ There was thus a significant level of oversight as to the activity of the warden in the Islands that sought to ensure that the administration was being properly managed.

The responsibilities and costs of the administration, particularly the maintenance of the Islands' defences during wartime, could be a considerable burden that often exceeded the day-to-day revenues and resources available to the warden and his officials. It was thus necessary for the warden to be buttressed by the wider administrative structures operated by the kings of England. Wardens were able to call upon the English exchequer to provide additional funds when the revenues of the Islands were insufficient for the costs of the

⁸¹ E.g. *CCR*, 1341–1343, p. 204.

⁸² *Close rolls*, 1251–1253, p. 104.

⁸³ Extents were conducted in the Islands in 1247, 1248, 1274, and 1331. See Chapter V for discussion.

⁸⁴ *CPR*, 1272–1281, p. 70; Havet, *Les cours royales*, pp. 188–190; S.J. *Extente*, 1274, pp. 2–5. See also *CPR* 1281–1292, p. 339 (appointment of Denis de Tilbury, clerk, to audit the account of Philip L'Evêque, late bailiff of Jersey).

⁸⁵ *CPR*, 1330–1334, p. 347. In addition, a report in March and April 1331 on the condition of the castles and mills in Jersey and Guernsey: *CPR*, 1330–1334, p. 130; E 101/89/16, mm. 3 and 4 for Jersey and Guernsey respectively, m. 3 pr. P. N. Richardson (ed.), 'Report of the commissioners Robert de Norton and William de la Rue', *ABSJ*, 6 (1907), pp. 207–209.

administration.⁸⁶ This was introduced from an early stage: in the terms of the custody of Richard de Grey's wardenship (May 1226–May 1227), he was granted the revenues of the Islands and an additional 1,000 marks a year from the exchequer to financially support the administration, much of which presumably went towards the construction of the castles.⁸⁷ De Grey's custody, however, was a rare circumstance in which financial support was explicitly included in the terms of his wardenship.⁸⁸ In the main, allowances were provided to the wardens on an *ad hoc* basis and upon verification of their accounts by testimony of lawful men or after an audit of the warden's accounts by the barons of the exchequer. Sometimes, when difficulties arose, wardens sought to obtain allowance by way of petition for their costs.⁸⁹ The funds provided to the Islands' administration were acquired from any available royal sources of income. For instance, in May 1338, the king ordered the collectors of customs in the port of London to pay Thomas de Ferrers (warden, May 1337–March 1341) £200 to support his wardenship of the Islands.⁹⁰

Along with financial support and allowances, the warden was permitted by the king to draw upon a whole range of material resources (victuals and munitions). These were primarily sourced by the sheriffs of the southern counties and towns of England and then typically transported to the Islands from the ports of Southampton and Portsmouth. For example, in August 1328, for the defence of the Islands, the king ordered the sheriff of Southampton to purchase and purvey a hundred thousand pieces of small firewood and 2,000 quarters of wood charcoal, and the sheriffs of London 120 shields and 120 crossbows, all to be taken to Portsmouth and then delivered to the Islands into the custody of the warden, John de Roches, or his attorney.⁹¹ Similarly, for the provision of the garrison of Gorey Castle from October 1338 to November 1340, the sheriff of Southampton provided twenty-eight barrels of flour, ten barrels of cider, ten barrels of salt, two loads of herring, forty quintals of iron, forty sheaves of steel, 100 quarters of charcoal,

⁸⁶ For instance, the funds received from the exchequer during the wardenship of Thomas de Ferrers from 1337 to 1341: E 101/89/17, pr. Godfray (ed.), 'Documents C.I., 1338–1345', pp. 17–22; and *ibid*, pp. 22–39.

⁸⁷ *Patent rolls, 1225–1232*, p. 56, and pp. 34, 125.

⁸⁸ See also Thomas de Ferrer's wardenship: *CPR, 1338–1340*, p. 530.

⁸⁹ SC 8/70/3465, trn S.J. *Ancient petitions*, pp. 60–61 (see below).

⁹⁰ *CCR, 1337–1339*, pp. 369, 437. Godfray, 'Documents C.I., 1338–1345', p. 25.

⁹¹ *CCR, 1327–1330*, pp. 318, 320, 341–2; *CCR 1330–1333*, p. 41. For similar instructions for the provision of Gorey Castle in 1338: *CCR, 1337–1339*, pp. 547, 560, 606; *CCR, 1339–1341*, p. 32.

and twenty thousand bundles of wood.⁹² Such activity exemplified the ability of the kings of England to harness and allocate resources from one part of their realm to support the needs of another, and the integration of the Islands' administration within this network.

Yet the provision of supplies was also fraught with problems. Delays were common, not least due to the difficulties of bad weather, piracy, and simply finding available ships, a difficulty that also applied to the movement of personnel.⁹³ For instance, by December 1328 the sheriffs of London, for reasons uncertain, had failed to provide any of the munitions ordered, and John de Roches had been forced to purchase the crossbows from an alternative source. The sheriffs were ordered to pay John the value for this purchase and still provide the shields, though the records do not show whether this was carried out.⁹⁴ Corruption, as always, was also a problem. In one incident in 1339, orders were issued to arrest and bring before the council an official of the town of Southampton who had withdrawn and kept monies that he had been instructed to take to Jersey to pay the wages of the garrison of the castle there.⁹⁵ Overall, this supply network was effective in supporting the administration and maintaining the castles, yet its limitations served to amplify the vulnerable position of the Islands.

Just as the administration of the Islands was supported by the king's wider administration, the resources of the king's demesne in the Islands were from time to time deployed elsewhere to support the king's wider activity.⁹⁶ For instance, in April 1331, the keeper of the Islands, along with multiple other officials including the seneschal of Ponthieu and Montreuil, was ordered to deliver funds to the king as a matter of urgency.⁹⁷ These resources were also used to settle debts of the king. From October 1342 to at least

⁹² This came to the total cost of £61 9 s. 8 d.: E 101/89/17, mm. 1 and 2, pr. Godfray (ed.), 'Documents C.I., 1338–1345', pp. 17, 20–21.

⁹³ Vessels were sometimes requisitioned for the transportation of officials but in other circumstances officials had to wait for the next available ship travelling to the Islands, which could be a long time despite the considerable volume of shipping between the Islands and the southern ports of England: W. B. Stevenson, 'The Middle Ages, 1000–1500', in Jamieson (ed.), *A people of the sea*, pp. 19–43, pp. 28–9; and Le Patourel, 'D.Phil.', I, pp. 185–6.

⁹⁴ *CCR, 1327–1330*, p. 355.

⁹⁵ *CPR, 1338–1340*, p. 357.

⁹⁶ On Gascony: Brown, 'Gascon subsidies and the finances of the English dominions', in Howard (ed.), *Studies in Medieval and Renaissance History*, pp. 33–164.

⁹⁷ *CCR, 1330–1333*, p. 218.

March 1344, all the revenues of the Islands were allocated to Matthew Canaceon, a merchant of the Asti, a banking group which had loaned the king considerable sums to support his war with the kingdom of France.⁹⁸ These funds were derived from the king's regular sources of income in the Islands as opposed to securing exceptional grants from the community of the Islands. Moreover, the contribution of the Islands was limited to a monetary contribution rather than victuals and manpower, in contrast to Gascony and the lordship of Ireland, in all probability because it was necessary to keep resources and available men in the Islands for their own defence.⁹⁹ Notably, control of the Islands' administration was never placed into the hands of banking groups, in contrast to the county of Ponthieu where Edward I yielded control of much of its administration, including the appointment of the receiver, to the Frescobaldi in order to satisfy his debts to them.¹⁰⁰ On the other hand, as we shall see below, the custody of the Islands was used as a sinecure to reward members of the royal family and close followers of the king. Such examples highlight the fluidity of the allocation of the king's revenues to other parts of the realm and the assimilation of the Islands into the wider fiscal system of the kings of England.¹⁰¹

The remuneration of the warden

The remuneration of the warden reflected the terms of their tenure. Wardens were appointed at the king's pleasure, usually for an indefinite period of time. The length of

⁹⁸ It was also said that he would be given full custody of the Islands if a permanent peace was reached: *CPR, 1340–1343*, p. 577; *CCR, 1343–1346*, pp. 298, 319, 389.

⁹⁹ For example, the lordship had contributed considerable resources to Edward I's ambitions to expand royal authority in Wales and Scotland. At its greatest, the Irish component of Edward I's army in Scotland in 1303–4 numbered some 3,457 men. Moreover, the Dublin exchequer seems to have provided the advance sum of around £11,000 between 1302 and 1305, draining the lordship's reserves and its future revenues for some time: J. Lydon, 'Edward I, Ireland and the war in Scotland', in Lydon (ed.), *England and Ireland in the later Middle Ages* (Dublin, 1981), pp. 43–61, pp. 54–5, 57; Davies, *The first English empire*, pp. 76–81.

¹⁰⁰ From 1299 to May 1309, the receiver of the county was a representative of the Frescobaldi. Edward continued to control the appointment of the seneschal to manage his affairs there and no other alterations were made to the administration: E. H. Shealy, 'The English administration of Ponthieu, 1279–1369' (unpublished Ph.D. thesis, Emory University, 1977), pp. 24–5; D. Johnstone, 'The county of Ponthieu, 1279–1307', *EHR*, 29 (1914) pp. 435–452, pp. 448–9. On the involvement of the Frescobaldi banking group in England: R. W. Kaeuper, 'The Frescobaldi of Florence and the English crown', in W. M. Bowsky (ed.), *Studies in medieval and renaissance history* (vol. 10, Lincoln; Nebraska, 1873) pp. 41–95.

¹⁰¹ Ormrod, 'The English state and the Plantagenet empire', in Maddicott and Palliser (eds), *The medieval state*, pp. 204–9.

term of the warden was typically short: one or two years only, but they often served multiple terms.¹⁰² In the 1330s, fixed terms were sometimes stated: Thomas Wake was appointed in 1331 for one year, William de Montacute and Henry de Ferrers in 1334 for five years, and Thomas de Ferrers in 1338 for the next six years, although these fixed dates were rarely followed with terms often ending earlier than anticipated.¹⁰³

Wardens can be divided between those who held the Islands in the king's name as a fee-farm, were employed on a salary, or held office for life as 'lord of the Islands'. During the period 1254–1341, the Islands were held in fee-farm by wardens between 1272 and 1277, and then from 1330 to 1341. A warden in fee-farm, a position typically obtained for a fee of 500 marks per annum, received all the king's net revenue in the Islands after meeting the costs of the administration, which could be a profitable enterprise.¹⁰⁴ Most of the specifics of the fee-farm arrangement are unknown because records of appointment are somewhat laconic and inconsistently detailed. The farming out of the Islands' administration fits into a broader pattern of approach by the kings of England to the governance of their realm. It was common for kings to farm out many of their rights and lands and also the administrations of towns, counties and other jurisdictions, preferably in large units in order to simplify the process of collecting the fees owed. The logic behind this arrangement was that it transferred the many burdens of day-to-day administration from the royal household but still provided the kings with a regular source of income, especially in hard currency rather than in rent payments of goods or services. It was equally recognised that farming in fee could stimulate the holder to maximise the efficiency and revenues of the administration to meet the fee and increase their own profits, and in the long-term develop and further increase royal revenues.¹⁰⁵ In this arrangement, the kings of England maintained a supervisory role and unreservedly intervened in the administration when they chose to do so. Above all, they retained their rights as supreme lord and always reserved the right to escheat.

¹⁰² A warden such as Drew de Barentin (July 1240–April 1252) was exceptional in serving for twelve years uninterrupted: E 372/85, m. 7 d; *Close rolls, 1237–1242*, pp. 165, 166; *CPR, 1247–1258*, p. 135.

¹⁰³ *CFR*, IV, pp. 279, 328, 346, 390; *CFR*, V, p. 15, 66.

¹⁰⁴ This fee was paid in two moieties at Easter and Michaelmas. In 1252, the annual fee was 400 marks for Richard de Grey's wardenship, which was noted to be 50 marks more than when Drew de Barentin held custody: *CPR, 1247–1258*, p. 135. From 1275, the fee was 500 marks per annum: *CFR*, I, p. 65.

¹⁰⁵ Strayer, *The royal domain in the bailliage of Rouen* (Princeton, 1936; revised edn, 1976), pp. 16–20.

Whilst the kings of England might be careful to reserve their rights, it was clear that the wardenship in fee-farm could be bought from impecunious kings on advantageous terms. Even during times of tension with the kingdom of France, prospective wardens could secure the administration of the Islands for a relatively modest sum of money. The fee-farm arrangement had the potential to attract men who were more experienced in fiscal activity but lacked the necessary military qualities of a warden, such as the Bayonne wine merchant Arnold son of John de Contis (June 1271–March 1275) and Laurence de Gaillars (joint-warden, August 1330–August 1331). Arnold son of John de Contis and his officials, in their efforts to maximise revenues, often spent the bare minimum on maintaining the administration and, through over-exploitation and a general disregard for the Islands' laws and customs, quickly alienated and provoked the local population.¹⁰⁶ Yet, as D. Johnstone noted in her analysis of Ponthieu, 'unpopularity often went hand in hand with efficiency', and provided the English crown received its annual stipend and maintained its rights, there was less incentive for the kings of England to intervene in the routine affairs of the Islands' administration.¹⁰⁷

The fee-farm model was necessarily adjusted according to the state of Anglo-French relations. During wartime, where the costs of the defences and loss of revenues made it difficult to pay the fee-farm or even adequately maintain the administration, wardens could be given respite for their annual payment or were provided additional funds by the exchequer for items of exceptional expenditure, such as the payment of the garrison or military equipment.¹⁰⁸ In May 1339, Thomas de Ferrers (warden, May 1337–March 1341), by way of response to his petition to the king and council, was granted respite by the exchequer for his annual fee because Guernsey was currently in the hands of the king's enemies.¹⁰⁹ Similarly, in June 1342, the treasurer and the barons of the exchequer were instructed to audit the account of the warden Thomas de Hampton to certify his claims that he could not pay the full sum of his annual farm due to the impact of war and the

¹⁰⁶ See Chapter V for discussion of his wardenship.

¹⁰⁷ D. Johnstone, 'The county of Ponthieu', qt. p. 443. See also Havet, *Les cours royales*, p. 30, who suggests that the fee-farm arrangement also provided the king's government a degree of shelter from grievances of the local population when maladministration occurred.

¹⁰⁸ For an early example of respite granted to Drew de Barentin in April 1252: *Close rolls, 1251–1253*, p. 80. Richard de Grey in 1255 to 1256: *Close rolls, 1254–1256*, p. 283.

¹⁰⁹ *CCR 1339–1341*, p. 221; *CCR, 1341–1343*, p. 188.

depreciation of the *livres tournois*.¹¹⁰ At least from the 1330s, it was explicitly acknowledged when wardens were appointed to the custody of the Islands that the terms of their farm would be adjusted in the event of conflict with the kingdom of France.¹¹¹ However, their fee-farm could in fact increase during wartime: in an indenture made in July 1343 between the king and Thomas de Ferrers for his renewed custody of the Islands (July 1343–April 1348), Thomas' fee-farm was raised to 600 marks per annum because, as warden, he received all the profits from the numerous lands and rights of the Norman ecclesiastical establishments in the Islands that had been confiscated on account of war. If a permanent peace was made with France, it was acknowledged in the indenture that the lands and rights of the clergy would be restored to them, and Thomas' fee-farm would subsequently be adjusted accordingly.¹¹² The contingent nature of the arrangement suggests that its terms were closely monitored by the kings of England to ensure they received their due fee but also that wardens were equitably treated in the agreement and could experience the fiscal rewards of a royal office.

The fee-farm model and the lordship of the Islands was sometimes replaced with a salaried wardenship, possibly from 1294 to 1298 when the Islands were in the custody of Henry de Cobham and then Nicholas de Cheny, definitely from June 1328 to August 1330 under John de Roches, and perhaps also from August to September 1331 during the brief wardenship of William de Cheny.¹¹³ The basic payment for their service appears to have been £40, typically derived out of the revenues of the Islands, a modest sum in comparison to the king's chief officers elsewhere.¹¹⁴ These wardens can be more readily identified as

¹¹⁰ *CCR 1341–1343*, p. 450; *CCR 1343–1346*, p. 281.

¹¹¹ E.g. *CFR*, IV, pp. 279, 328, 346, 390; *CFR*, V, p. 66; *CCR 1343–1346*, p. 215. Similar adjustments may be seen in the captaincies of Brest, Cherbourg and also Berwick-upon-Tweed: Jones, *Ducal Brittany*, pp. 148–9. See also the indentures for the warden of the marches in the 1380s: R. L. Storey, 'the wardens of the marches of England towards Scotland, 1377–1489', *EHR*, 72 (1957), pp. 593–615, pp. 600–601.

¹¹² *CCR 1343–1346*, p. 215; *CFR*, V, p. 366. Thomas had enjoyed the profits from the lands and rights of the Norman ecclesiastical establishments during his previous wardenship: *CFR*, V, pp. 36–7.

¹¹³ Unfortunately, it was rare for an appointment at a salary to be explicitly acknowledged: *CPR 1324–1327*, p. 14; *CCR 1330–1334*, p. 85.

¹¹⁴ E 372/175, m. 48 r.; *CPR 1324–1327*, p. 14; *CCR 1330–1334*, p. 85. Cf. S.G. *Extentes of Guernsey*, p. 124, states that the warden was accustomed to take 200 *l. t.* of strong money (or £50) as his salary. In 1228, the justiciar's salary for the custody of Ireland was fixed at £500 a year: Otway-Ruthven, 'The chief governors of medieval Ireland', repr. Crooks (ed.), *Government, war and society in medieval Ireland*, p. 82. The seneschal of Ponthieu's salary was 300 *l. parisis* and was occasionally supplemented as a result of

being personally present to attend to their duties in the Islands. They received frequent and detailed orders from the king not just concerning wartime matters but also in regard to the management of the administration and the king's demesne.¹¹⁵ The coincidence of salaried wardens during times of Anglo-French hostility in the 1294 Anglo-French war and following the War of St-Sardos (1324–5), and in the second date range, after a negligent period in the final years of Otto de Grandison's lordship, reflected the need for greater expenditure on the administration of the Islands and a desire to keep closer control of the situation on the ground.

A salaried warden, like a warden in fee-farm, was responsible to account for the income and expenditure of the administration to the exchequer on an annual basis. In the case of a salaried warden any excess revenues that were not spent on the administration of the Islands went directly to the exchequer unless otherwise ordered. Provided the expenditure was considered to have been necessary, a salaried warden was to be reimbursed for any expenses incurred during his management of the administration.¹¹⁶ However, securing payment of monies owed was not easy, which left wardens in significant debt until their claims were satisfied by the exchequer. For instance, orders were being sent to the treasurer and barons of the exchequer as late as March 1332, to make allowance in John de Roches' account for all his expenses as warden, nearly two years after he had ceased holding office and only after he successfully justified his expenditure before the justices of the 1331 eyre in the Islands.¹¹⁷ This considerable delay in reimbursement was caused

extraordinary expenses or the depreciation of the currency used in the county: Shealy, 'The administration of Ponthieu', p. 50. However, as Trabut-Cussac highlights on the pay of the seneschal of Gascony in the thirteenth century, salaries were neither fixed nor stable and remuneration was dependent on the arbitrary goodwill of the king: *L'administration Anglaise en Gascogne*, pp. 146–7. A specific comparison of salaries is therefore difficult.

¹¹⁵ This statement is based on the volume and variety of CCR records concerning the wardenships of Henry de Cobham, Nicholas de Cheney, and John de Roches: CCR, 1288–1296, CCR, 1296–1302, CCR, 1327–1330, CCR, 1330–1333, *passim*.

¹¹⁶ See a petition by Nicholas de Cheney (warden, July 1297–April 1298) in c. 1298 requesting allowance for his costs and expenses: SC 8/346/E1363. A similar arrangement was in place for the justiciar of Ireland: Otway-Ruthven, 'The chief governors of medieval Ireland', repr. Crooks (ed.), *Government, war and society in medieval Ireland*, pp. 82–3.

¹¹⁷ This included, among other things, the costs of the repairs of the castles, mills, shipment of munitions and victuals, and the wages of the garrison: CCR 1330–1333, pp. 457–8. See also *ibid*, pp. 34, 44, 46–7, 388. For his defence before the justices of 1331: JUST 1/1166, m. 14 r. (Guernsey) and m. 22 r. (Jersey), m. 13. r. pr. Le Patourel, 'A study of the administration of the Islands', app., pp. 63–71.

partly by the lack of record keeping by Otto de Grandison's officials, which made it difficult for de Roches accurately to assess the Islands' expenditure and receipts in his account to the exchequer.¹¹⁸ In a petition to the king in c. 1330, wherein de Roches requested allowance for his costs to be made to him, he also advised that an extent be made in order to detail fully the king's lands and rights in the Islands, so that he or his heirs would not be held financially liable for any revenues missing from his account.¹¹⁹ The financial strains placed on these wardens, with considerable royal oversight and less financial incentive, often makes their wardenship appear a burdensome and unrewarding office.

A few of the men entrusted with the custody of the Islands, including members of the royal family, were also granted the lordship of the Islands, a prerogative historically reserved to the dukes of Normandy, and then subsequently to the kings of England. The lordship and its impact on the development of the administration will be discussed in greater depth in Chapter IV but it was essentially an enhanced wardenship with greater economic benefits and less royal oversight. The exact nature of the grant is not clear. On its face, it appears to constitute a personal right freely to enjoy the fruits and profits of the king's demesne in the Islands.¹²⁰ Yet, several of the lords obviously took the view that they had the right to alienate part of the land granted.¹²¹ In any event, it was a significant concession by the crown. A lord of the Islands was responsible for the administration and implementation of justice and, unlike the warden, was not accountable to the English exchequer for the revenues and costs of the administration. On the other hand, the lord was

¹¹⁸ Following their lord's death, Otto's officials failed to return to the king's officials various administrative rolls concerning the king's courts, rights and lands in the Islands, if these records existed: *CCR, 1327–1330*, p. 319. De Roches' delay in being able to render his accounts and receive his own pay had a trickle-down effect in delaying the payment of his subordinates: SC 8/69/3421, trn S.J. *Ancient petitions*, p. 59.

¹¹⁹ The original is badly damaged and difficult to read: SC 8/70/3465, trn S.J. *Ancient petitions*, pp. 60–61. This advice was taken and shortly afterwards an extent was conducted by a royal commission.

¹²⁰ This was acknowledged during the 1323 eyre, at least for Otto de Grandison's lordship: '*cum...Otto teneat Insulas hic ad terminum vite sue ex commissione domini...regis...cum omnibus exitibus provenientibus ac pertinentibus earumdem Insularum quocumque nomine censeantur*' (since Otto holds the Islands here until the end of his life according to the commission of the king with all issues arising and pertaining to these Islands by whatever name they may be reckoned): JUST 1/1164, m. 3 r., extract pr. Le Patourel, 'D.Phil.', II, p. 5 n. 1.

¹²¹ See Chapter V for an intriguing statement made by William de Cheny during the 1331 eyre regarding the Lord Edward's lordship of the Islands: JUST 1/1167, m. 4 r.

economically liable for the maintenance of the royal demesne and the costs of its administration. Given that the grant of the Islands was intended primarily as a financial reward for a trusted servant of the king or a member of the royal family, these obligations were unlikely to have been unduly onerous.

The involvement of the kings of England in the Islands was not entirely removed by the grant of this usufruct, and the king continued to take a close interest in Islands' affairs, primarily through a variety of administrative inquiries such as commissions of oyer and terminer or the general eyre, to ensure that royal rights were preserved and that the Islands were administered appropriately. A lord of the Islands was answerable to the king and acted as the intermediary between the king and his subjects in the Islands. Moreover, the king reserved the right to escheat and retained ultimate administrative and judicial jurisdiction over the Islands.

How then does the structure of the Channel Islands' administration fit into the larger picture of Plantagenet administration? There are important common structural features between the king's dominions that derived from their shared monarch and which superseded their political and cultural differences. In each of the dominions, the king appointed a chief official to represent him, who possessed broad-ranging powers and all-encompassing responsibilities, which exemplified the exercise of royal authority both in terms of government and lordship.¹²² The administrations of the dominions had to adjust to the king's personal absence and were effectively devolved in that differences in law and administrative practice was respected and there was to varying degrees a reliance on the local elite at the lower levels of administration, all with a certain level of oversight by the central institutions of royal government, predominantly based in England.

In the broad division that is sometimes made between the governance of the king's continental dominions and those in the British Isles and Ireland, the Channel Islands appear to form something of a midway case, where their administrative organisation

¹²² As Crooks notes 'the king's right to appoint the chief offices of his dominions was itself a demonstration of the legitimate possession...of the territory in question': 'The first English empire and the brittleness of bureaucracy', in Crooks and Parsons (eds), *Empires and bureaucracy*, p. 264.

matched their literal position between England and France.¹²³ In many respects, the administration of the Islands was of great similarity to the administrations of the duchy of Aquitaine and the county of Ponthieu due to the Islands' former integration with the duchy of Normandy.¹²⁴ Like the continental dominions, the Islands were not a 'blank canvas' upon which English governmental reforms could realistically be imposed because they already had their own developed local institutions and customs that had been confirmed and respected by their rulers.¹²⁵ The administration's hierarchy and structure unsurprisingly 'followed a French patter' and was based on a comital model.¹²⁶ The officials of the Islands' administration were largely organised by Norman precedents, especially the lesser officials and in the judicial context, and there was a deliberate reliance on members of the local population to fill these posts.¹²⁷ The officials and the structure of the Islands' administration nonetheless have interesting similarities with the administration of the lordship of Ireland, as both experienced the introduction of new offices and administrative structures that were unsurprisingly modelled on, and closely linked to, the royal administration in England.¹²⁸ Whilst the lordship of Ireland was not 'a little England

¹²³ This division is made on the basis that the Celtic lands of the British Isles and Ireland were ruled as conquered rather than inherited territories, in which English practices and institutions were imposed to a greater degree than in the king's continental dominions: Le Patourel, 'The Plantagenet dominions', repr. *Feudal empires*, p. 306; Vale, *The Angevin legacy*, p. 73; M. Brown, 'The Plantagenet empire and the insular world: retrospect and prospect', in Crooks, D. Green and Ormrod (eds), *The Plantagenet empire, 1259–1453* (Donington; Lincolnshire, 2016), pp. 384–402, pp. 384–7.

¹²⁴ On Gascony: Vale, *The Angevin legacy*, pp. 71–8, esp. pp. 71–3, who examines the 'superficial resemblances' between the administrations of Gascony and Ponthieu; Ruddick, 'Gascony and the limits of medieval British Isles history', in Smith (ed.), *Ireland and the English World*, pp. 71–4. On Ponthieu: Shealy, 'The English administration of Ponthieu, 1279–1369', ch. 2; Johnstone, 'The county of Ponthieu', pp. 435–452.

¹²⁵ Ruddick, 'Gascony and the limits of medieval British Isles history', in Smith (ed.), *Ireland and the English world*, qt. p. 78.

¹²⁶ Crooks, 'The first English empire and the brittleness of bureaucracy', in Crooks and Parsons (eds), *Empires and bureaucracy*, qt. p. 281. 'The English administration [of Ponthieu] was by nature conservative. Based on the familiar French *sénéchaussée*, it varied little during the entire period.': Shealy, 'The English administration of Ponthieu', p. 46.

¹²⁷ For a similar reliance on Gascons to run local administration: Trabut-Cussac, *L'administration Anglaise en Gascogne*, pp. 194–211.

¹²⁸ This is not to say the other continental dominions did not share similarities with the royal government in England. For example, the Bordeaux exchequer, established in 1255, was a distinctly 'anglicised institution', and its constable was usually English: Ruddick, 'Gascony and the limits of medieval British Isles history', in Smith (ed.), *Ireland and the English world in the Late Middle Ages*, pp. 72–3.

beyond the sea’ in which the English administration was simply copied, as a longstanding ‘parcel’ of the English crown the institutions of the lordship over time incorporated many aspects of the Angevin and Plantagenet government of England, such as the office of justiciar, the development of royal shires, and the establishment of a chancery and exchequer in Ireland.¹²⁹ Equally though, the lordship retained an identity of its own and its administrative organisation development had nuanced differences based on its political and economic environment, in particular the influence of the Anglo-Irish community as a ‘middle nation’.¹³⁰

Analogies with the administrative structures of the Plantagenet dominions, whilst useful to a point, are diminished by the small scale of the Islands. For instance, the justiciar of Ireland administered the entire lordship of Ireland (albeit a fluctuating entity), and, although the Islands were a profitable source of revenue for the kings of England, they never matched the revenues of either Ireland or the duchy of Aquitaine, and in turn did not require the same elaborate administrative organisation to manage these sources of income.¹³¹

Moreover, the similarities in officials and structure between the Islands, England, and the lordship of Ireland, and the extent of their administrative integration suggests an Angevin or Anglo-Norman archetype rather than a specifically Norman or ‘French’ model in the Islands. The Angevin model is evident when a comparison is made with the

¹²⁹ Crooks, ‘The first English empire and the brittleness of bureaucracy’, in Crooks and Parsons (eds), *Empires and bureaucracy*, qt. p. 287; Lydon, ‘Ireland and the English crown, 1171–1541’, repr. Crooks (ed.), *Government, war and society in medieval Ireland*, pp. 65–78, qt. p. 78. For discussion of the administration of the lordship: Richardson and Sayles, *The administration of Ireland, passim*; and a selection of articles by A. J. Otway-Ruthven compiled repr. Crooks (ed.), *Government, war and society in medieval Ireland*, pp. 79–89; 106–120, pp. 121–140; though cf. p. 140: ‘In nearly every respect, the local government of the lordship of Ireland during the thirteenth century, was a copy, as exact as possible, though no doubt less efficient, of that of England. there were already some interesting divergences from the pattern, but during our period they were relatively unimportant’.

¹³⁰ Lydon, ‘The middle nation’ and ‘Ireland and the English crown, 1171–1541’, repr. Crooks (ed.), *Government, war and society in medieval Ireland* (Dublin, 2008), pp. 332–352, and 65–78, respectively; Frame, *The political development of the British Isles, 1100–1400* (second edn: Oxford, 1995), p. 181.

¹³¹ Richardson and Sayles, ‘Irish Revenue, 1278–1384’, *Proceedings of the Royal Irish Academy*, 62 (1961–1963), pp. 87–100; idem, *The administration of Ireland, passim*. In 1306–7, the revenues of Gascony were nearly £17,000, whilst in 1324, it was estimated that Edward II’s net receipts from the duchy were £13,000: Vale, *The Angevin legacy*, pp. 141–2; Sumption, *Hundred Years’ War*, I, p. 72.

administration of the duchy of Normandy under the kings of France. As shown by the studies of Joseph Reese Strayer and more recently François Neveux, the kings of France appropriated and, over the course of the thirteenth century, perfected the administrative organisation of the duchy established by the Angevins.¹³² One significant modification made by the kings of France was the development of the office of *bailli* which acted as the main representative of the king and was responsible for the enlarged administrative unit of the *bailliage*.¹³³ The similarities between the *bailli* and *baillage* under the kings of France and the newly-created warden administering the Islands as a unit are significant. The *bailli* was not usually drawn from the local population, typically had a short length of tenure and frequently moved between various offices of royal government. He was accorded a broad and often overburdening range of administrative, judicial and military responsibilities, many of which were delegated to subordinates, such as the receiver, who were drawn from the local population.¹³⁴ Additionally, the *bailli* was only answerable to the king and was subject to a significant amount of oversight from the central institutions of royal government, including the submission of fiscal accounts. Finally, all of this had to be undertaken in the context of the customs and laws of Normandy. Despite their political detachment from the duchy of Normandy, then, the development of the Islands' administration paralleled the changes made by the kings of France in continental Normandy, an analogy that is apparent in the use of the same currency as examined in Chapter II, and also in the judicial sphere as examined in Chapter V.

Rather than considering the structure of the Islands' administration within the framework of the Plantagenet dominions or their Angevin origins, it may be better to view them within the larger context of Anglo-French rivalry, a theme which transcends the medieval period and kept the Islands strategically relevant until the end of the Napoleonic Wars.¹³⁵ Indeed, the overriding factor in the continued retention of the Islands by the kings

¹³² For what follows: Strayer, *The administration of Normandy under St Louis*, pp. 7, 21–3, 34–41, 91–2, 95, 97, 100–2, 105; idem, *The reign of Philip the Fair* (Princeton; New Jersey, 1980), pp. 40–46, 111–5, 137, 141–2; F. Neveux, *La Normandie royale* (Rennes, 2005), pp. 72–97.

¹³³ The duchy was divided into *bailliages*, viscounties, and *sergeanties*: idem, *The administration of Normandy under St Louis*, p. 7.

¹³⁴ There was a permanent receiver in each *bailliage* by 1298: Strayer, *The reign of Philip the Fair* (Princeton, 1936; revised edn, 1976), pp. 111–5.

¹³⁵ On the merits and drawbacks of Anglo-French rivalry as a model of analysis, see Brown, *Disunited kingdoms*, pp. 197–215, esp. pp. 210–215.

of England was their strategic location: close to but separate from France. Their position between the expanding kingdoms of England and France defined and shaped their administrative organisation. Other administrations on this frontier, such as the ‘the bastions of the realm’—namely Calais, Brest and Cherbourg—exhibited analogous yet also distinctive features in their administrative organisation that were fundamentally the result of their immediate political and strategic importance to the kings of England, and which were implemented on an *ad hoc* basis as opposed to a more organic development.¹³⁶ Moreover, their administrations, especially during wartime, were dependent on the support of the kingdom of England for money, soldiers, and supplies.

To focus on Calais by way of example, its administration was developed according to unique military circumstances where its importance to the defence of England necessitated greater royal control and close coordination with the royal administration in England.¹³⁷ For instance, not long after the conquest of Calais in August 1347, a captain of Calais was appointed as the head of the military administration there, and a treasurer and victualler (similar to the receiver of Brest) were appointed for all fiscal matters in the town and the areas of the county of Artois under English control. Yet, its civic government retained much of the structure of their original comital administration and to a certain extent the kings of England respected earlier charters granted to the local inhabitants prior to the conquest of the town.¹³⁸ Nonetheless, there are important differences from the experience

¹³⁶ Similarly, Berwick-upon-Tweed can also be included in this analysis. Due to its position on England’s border with the kingdom of Scotland, its administration was adapted to ensure this strategically and militarily important town stayed in English hands which, as discussed in Chapter II, included the granting of political and fiscal privileges to ensure the support of the civilian community: A. Tuck, ‘A medieval tax haven: Berwick upon Tweed and the English crown: 1333–1461’, in R. Britnell and J. Hatcher (eds), *Progress and problems in medieval England* (Cambridge, 1996), pp. 148–167.

¹³⁷ For the structure of the English administration of Brest and the ‘hybrid administration’ in Brittany, including some comparison with Cherbourg: Jones, *Ducal Brittany*, pp. 143–171; Le Patourel, ‘l’administration ducale dans le Bretagne Montfortiste (1345–1362)’, *Revue historique de droit français et étranger* (1922–), 31 (1954), pp. 144–147; Sumption, *Hundred Years’ War*, I, pp. 408–410; II, pp. 26–30.

¹³⁸ The town of Calais was part of an administrative bailiwick within the county of Artois prior to the English occupation of the town in August 1347. Edward III confirmed by charter a number of customs and franchises held by the local population, notably those granted by the countess of Artois in 1317: Le Patourel, ‘L’occupation Anglaise de Calais au XIV^e Siècle’ (1951), repr. *Feudal empires*, ch. 14, pp. 228–241, esp. pp. 230–235; D. Greaves, ‘Calais under Edward III’, in G. Unwin (ed.), *Finance and trade under Edward III* (Manchester, 1918), pp. 315–350, pp. 315–322; S. Rose, *Calais: an English town in France, 1347–1558* (Woodbridge, 2008), pp. 29–30.

of the Channel Islands. The first is scale and intensity of reform: Calais underwent comprehensive, if conventional, governmental change in order to develop its position as a major military and commercial centre, including a degree of English settlement which the Islands did not experience.¹³⁹ Furthermore, in contrast to Calais, the Islands' administration during peacetime was generally self-sustaining, especially as a large permanent military garrison in the Islands was not viewed as necessary.¹⁴⁰ Most importantly, Calais was a territory acquired by conquest and was directly annexed to the English crown. Governmental reforms could be and were imposed when required.

Another comparison in the context of Anglo-French rivalry that is perhaps more apt in terms of the chronology of the Islands administrative development is that of the Cinque Ports, a confederation of ports in south-eastern England initially consisting of Dover, Hastings, Hythe, Romney and Sandwich. Like the Islands, their geostrategic importance to the defence of England following the loss of Normandy in 1204 and their provision of ships and men for military service to the king saw them granted distinct privileges and instigated the development of a distinctive administrative organisation within England. Notably, from 1268 a warden of the Cinque Ports was appointed and the office draws significant parallels with the warden of the Islands, not least in the overlap in personnel holding these offices, as is examined in Chapter IV. The warden of the Cinque ports was directly answerable to the king and had to balance royal interests with those of the local community. Whilst the office was a royal appointment, the warden was notably required to take an oath to uphold the privileges of the Cinque Ports. He had a dual military and judicial role: the warden was concurrently the constable of Dover, and presided over the court of Shepway, a court granted to the community of the Cinque Ports, the organisation of which draws a notable resemblance to the royal courts in the Islands and with similar jurisdictional privileges to those claimed by the Islanders in the thirteenth and fourteenth

¹³⁹ Ormrod, *Edward III* (New Haven and London, 2013), pp. 322–3, 482–4, 502–3. There was a notable English population in Calais, but this was restricted to the town proper and many of the original inhabitants remained, and it would be an exaggeration to describe the town as an English colony: Le Patourel, 'L'occupation Anglaise de Calais au XIV^e siècle', repr. *Feudal empires*, p. 238.

¹⁴⁰ Ormrod, *Edward III*, p. 323; Burley, 'The victualling of Calais, 1347–1365', p. 57; Rose, *Calais: an English town in France*, pp. 26–9; E. Perroy 'L'administration de Calais en 1371–1372', *Revue du Nord*, 33 (1951), pp. 218–227, p. 223, who exaggerates in stating Calais was too costly and had no commercial value to sustain itself.

centuries, such as claiming an immunity from being judged outside of their respective jurisdictions.¹⁴¹

Although the Islands ultimately do not fit neatly into any one of these forms of administration, this should not push the Islands, or for that matter any of the above comparisons, to the fringes of obscurity in studies of administrative development. What is clear from the experience of the Islands and the above comparisons is that special administrative organisations developed as a result of a range of political circumstances determined by geographical factors. These organisations had to strike an acceptable balance between royal and community interests, facilitated by an effective devolved administration and active representative of the king by a warden. The Islands were not quite a melting pot in administrative practice, but their administration exhibited hybrid features as a result of their position on the boundaries of two overlapping political structures (one Plantagenet and one Capetian, later Valois), neither of which had one uniform mode of governing their diverse possessions. The Islands were separated from England by the English Channel, but their strategic importance necessitated closer integration with, or at least oversight and intermittent intervention by, the central institutions of royal government, and their Angevin past as part of duchy of Normandy accorded them a devolved administration with unique features and where the local population played an essential part in its management. When organised correctly, it provided a fundamental way in which the kings of England could effectively assert sovereignty over their ‘islands of the sea’.

¹⁴¹ For this comparison I have relied upon the following works: Heebøll-Holm, *Ports, piracy, and maritime war*, pp. 62–8, 166–7; K. M. E. Murray, *A constitutional history of the Cinque Ports* (Manchester, 1935), *passim*; F. W. Brooks, ‘The Cinque Ports’, *The Mariner’s Mirror*, 15 (1929), pp. 142–191.

Chapter IV

Administration in practice: personnel and development

Given the strategic-economic importance of the Islands, the kings of England were pragmatic as to whom they entrusted the custody of the Islands. During the thirteenth and fourteenth centuries, in accordance with the approach of royal government to their other dominions, the wardenship of the Islands was predominantly held by trusted royal officials of the king, many of whom were active in royal service throughout the Plantagenet realm. However, the interest of the kings of England in the Islands tended to ebb and flow according to the state of Anglo-French relations, and this in turn affected their choice of officials. In times of war with the kingdom of France, they became more attentive and were careful to appoint wardens with the necessary military experience to defend the Islands. In more peaceful times, royal appointments to the wardenship were motivated more by a wish to enhance revenues or reward loyal servants as evidenced in the granting of the lordship of the Islands, a life grant that was effectively a sinecure for its holders. Often as a result of this, the administration which operated during these times was exploitative and neglectful, no more so than during the lordship of Otto de Grandison. Maladministration risked alienating and provoking the local population into opposition, as did the failure of the central institutions of royal government to hold these officials accountable for their actions.¹ Yet precisely what was viewed as maladministration differed sharply between the interests of the king and the local population.

This Chapter examines the chief officials of the Islands and to a lesser extent their subordinates, analysing their socio-political background, their relationship to the king, and their wider role in the royal administration.² It is argued here that their profile and activity

¹ For an instructional discussion: J. Sabapathy, *Officers and accountability in medieval England, 1170–1300* (Oxford, 2014), esp. pp. 20–24.

² See Appendix 1. A valuable list of the wardens of the Islands and the terms of their tenure, may be found in Le Patourel, *Admin. C.I.*, pp. 121–130. It remains useful to consult J. Havet, ‘Série chronologique des gardiens et seigneurs des Îles Normandes (1198–1461)’, pp. 183–237, 581; H. M. Godfray, ‘Notes et additions à ‘La série chronologique des gardiens et seigneurs des Îles Normandes, 1198–1461’, *ABSJ*, 1 (1885), pp. 30–48. Everard and Holt provide a list of wardens from 1204 to 1259, with some differences, though the absence of footnotes is unfortunate: *Jersey 1204*, pp. 192–3. For a provisional list of the bailiffs of Jersey, Guernsey, and their counterparts in Alderney and Sark from c. 1277 to 1340: Le Patourel, ‘D.Phil.’, I, pp. xxx–xxxii.

in the Islands had a marked impact on the development of a devolved administration in the Islands, the integration of the Islands within the wider realm, and most importantly, in cementing royal authority over the Islands.

The wardens from 1204 to 1254

During the reign of King John and the minority of Henry III, the office of warden was somewhat undefined and impromptu, established to deal with the immediate military situation with the kingdom of France from 1204. It was a military appointment, part of the wider effort to prevent the very real threat to England and the remaining Angevin possessions on the continent, and one which was likely viewed as only a temporary office to be discontinued after the recovery of Normandy. The first wardens were thus composed of royal officials active in this wider military struggle, notably in the coastal defence of England. Many of them were also closely associated with Peter des Roches, bishop of Winchester, a central political figure in royal government and a key driving force behind efforts to restore Angevin possessions in France.³ Perhaps the most important of these officials to act as warden was Philip d'Aubigny, a member of the royal council and one of Henry III's tutors. He was a significant figure in organising the coastal defence of south-eastern England, was a naval commander at the Battle of Sandwich in 1217, and was frequently attached to military and diplomatic missions in France.⁴ Philip was active in a senior capacity in the administration of the Islands from 1207 to 1219, including the recapture of the Islands around 1217, and was also warden of the Islands from September 1232 to May 1234.⁵ Other royal officials involved in both the administration of the Islands

³ Everard and Holt, *Jersey 1204*, pp. 110–119. See N. Vincent, *Peter de Roches: an alien in English politics, 1205–1238* (Cambridge, 2002).

⁴ Aubigny, Philip d' (d. 1236)', Vincent, *ODNB* (2004). D'Aubigny was undoubtedly closely aligned to Peter des Roches: Vincent, *Peter des Roches*, pp. 155, 161–2, 182, 278, 323, 365; D. Carpenter, *Henry III: the rise to power and personal rule, 1207–1258* (New Haven and London, 2020), pp. 20–21, 23–4. Everard and Holt, *Jersey 1204*, pp. 88–90, 108, 113–4; T. Labey, 'The family of Philippe d'Aubigny', *ABSJ*, 25 (1991), pp. 473–479.

⁵ The exact terms and tenure of his office are difficult to discern due to the disruption caused by the second Capetian conquest of the Islands and as the office of warden was in its early stages of development, seen in the appointment of multiple wardens to the custody of each Island with no apparent hierarchy between them: Le Patourel, *Admin C.I.*, pp. 121–2; and Everard and Holt, *Jersey 1204*, pp. 192–3, who cite different lengths of tenure for d'Aubigny. For d'Aubigny's tenure from 1232 to 1234: *Patent rolls, 1225–1232*, pp. 502, 508; *CPR, 1232–1247*, p. 55.

and in the coastal defence of England at this time were Hasculf de Subligny (warden of Jersey, before May 1206–November 1212), and Geoffrey de Lucy (warden of Guernsey and Alderney, before May 1206–August 1207; warden of the Islands, October 1224–May 1226).⁶ Hugh de St Philibert (warden of Jersey, February–May 1226), a subordinate of de Lucy in the Islands and England, may also be included in this grouping of officials, though he only served for a short time.⁷

As Henry III began to assume a more personal and independent rule following his long minority, appointments to the chief offices in the king's continental dominions, including the wardenship of the Islands, increasingly involved a tightly-knit group composed of Henry's household knights, the *curiales regis*.⁸ These household knights, typically men of considerable military experience, were expected to be highly competent and versatile administrators, and in many of their appointments they acted as an extension of the king himself.⁹

⁶ Everard and Holt, *Jersey 1204*, pp. 111, 112–6, 119; Le Patourel, *Admin. C.I.*, p. 121; Havet, 'Série chronologique des gardiens et seigneurs', pp. 189–190. Geoffrey de Lucy was warden of the sea-ports of Sussex in 1205, and was active in naval-based military activity: Everard and Holt, *Jersey 1204*, pp. 111–2, 116–9, 151–2, 192; G. Dupont, *Histoire du Cotentin et des Îles* (4 vols, Caen, 1870–1885), II, pp. 20–21. De Lucy appears to have temporarily gone over to the side of the king of France until he was reconciled with Henry III in September 1217: Vincent, *Peter des Roches*, pp. 128–9; Everard and Holt, *Jersey 1204*, p. 88. During his second term in office as warden, de Lucy concurrently acted as joint-keeper of the sea-coast from Pevensey to Bristol in 1224: Le Patourel, *Admin C.I.*, pp. 39, 121–2; Havet, 'Série chronologique des gardiens et seigneurs', pp. 190, 192–3; *Peerage*, VIII, pp. 257–8.

⁷ Le Patourel, *Admin. C.I.*, p. 122; idem (ed.), 'The account of Hugh of St. Philibert, 1226', *ABSJ*, 15 (1952), pp. 465–473; Everard and Holt, *Jersey 1204* p. 117; Havet, 'Série chronologique des gardiens et seigneurs', p. 193. Additionally, Eustace de Greinville, though he was not active in the administration of the Islands, was granted lands in Jersey almost certainly as a result of his connection to Peter des Roches: Everard and Holt, *Jersey 1204*, pp. 132, 134; Stevenson, 'England and Normandy, 1204–1259', I, pp. 304, 316; Vincent (ed.), *English episcopal acts, IX: Winchester, 1205–1238* (Oxford, 1994), pp. 38, 203–6.

⁸ S. D. Church, *The household knights of King John* (Cambridge, 1999), p. 133. For detailed works on the household knights of Henry III and the Lord Edward: K. W. B. Lightfoot, 'The household knights of King Henry III, 1216–1236' (2 vols, unpublished Ph.D. thesis, University of Wales, Swansea, 2006); H. W. Ridgeway, 'The politics of the English royal court 1247–1265, with special reference to the role of aliens', (Unpublished D.Phil. thesis, University of Oxford, 1983); H. A. Wait, 'The household and resources of the Lord Edward 1239–1272' (unpublished D.Phil. thesis, University of Oxford, 1988).

⁹ 'If the medieval king was the helmsman of the ship of state, the royal household was the ship's engine': Church, *The household knights of King John*, qt. p. 15.

The household knights most closely involved in the thirteenth-century administration of the Islands during Henry III's reign, at least by length of term served and frequency of their appointment, were Richard de Grey, Henry de Trubleville, and Drew de Barentin. Richard de Grey (†1266) was warden in May 1226 until May 1227, joint-warden from November 1229 to July 1230, and again warden from April 1252 to February 1254.¹⁰ He belonged to a family with a tradition of royal service and during his career he held the office of seneschal of Gascony and warden of the Cinque Ports, though he would later side with Simon de Montfort from 1258 until the royalist victory at Evesham in 1265.¹¹ Henry de Trubleville was warden of the Islands from July 1230 to c. September 1232, then again between May 1234 to November 1234, at which latter date he was made lord of the Islands until his death in December 1239.¹² He was also seneschal of Gascony from 1227 to c. 1231–2, 1234 to 1237, and in 1238, which he held concurrently with his custody of the Islands and then again during his lordship.¹³ Drew de Barentin (†1265) was a sub-warden of Henry de Trubleville in April 1235, and was subsequently warden of the Islands from July 1240 to April 1252.¹⁴ He acted as an important envoy of the king, and was seneschal

¹⁰ *Patent rolls, 1225–1232*, p. 34, 56, 125; *CPR, 1247–1258*, pp. 135, 141, 272. Le Patourel, *Admin. C.I.*, pp. 122–3. Richard was joint-warden from November 1229–July 1230 with his brother, John de Grey, a royal councillor and important official in the royal household: *Patent rolls, 1225–1232*, 317, 350, 389; 'Grey [Gray], Sir John de (d. 1266)', Vincent, *ODNB* (2004); Ridgeway, 'Politics of the English royal court', p. 173. *CPR, 1247–1258*, pp. 135, 141, 272.

¹¹ 'Grey [Gray], Richard de (d. before 1272)', R. C. Stacey, *ODNB* (2004); C. Bémont (ed.), *Rôles Gascons, 1254–5* (supplement to vol. 1, Paris, 1896), p. cxix.

¹² 'Turberville, Henry de (d. 1239)', T. F. Tout, *DNB*, XIX, pp. 1250–1251; 'Trubleville [Turberville], Sir Henry de (d. 1239)', C. J. Tyerman, *ODNB* (2004). Lightfoot, 'The household knights of King Henry III, 1216–1236', I, pp. 184–5. References to his wardenship 1230–1232: *Patent rolls, 1225–1232*, pp. 381, 389, 508. There is no reference to his dismissal in c. 1231–2 but it likely occurred when he was replaced as seneschal of Gascony: *ibid*, pp. 490, 502–3; *Close rolls, 1231–1234*, pp. 89, 104; *CPR, 1232–1247*, pp. 48, 55, 82; Le Patourel, *Admin. C.I.*, p. 122; Havet, 'Série chronologique des gardiens et seigneurs', pp. 194–5. The next warden was William de Bueil, an experienced soldier and seneschal of Gascony from 1245 to 1247, appointed to the Islands around December 1239 until January 1240: *Close rolls, 1237–1242*, p. 165.

¹³ *Patent rolls, 1225–1232*, pp. 149, 248, 381, 465, 490, 502–3; *Close rolls, 1231–1234*, p. 104; Carpenter, *Henry III*, p. 149. *CPR, 1232–1247*, pp. 47–8 (appointment as seneschal for May 1234 to August 1237), 194, 196; *Close rolls, 1234–1237*, pp. 472, 486; W. W. Shirley (ed.), *Royal and other historical letters illustrative of the reign of Henry III* (2 vols, London, 1862 and 1866), II, pp. 399–400.

¹⁴ *CPR, 1258–1266*, p. 506. References to wardenship: E 372/85, m. 7 d. *Close rolls, 1234–1237*, pp. 72–3, 177; *CPR, 1247–1258*, p. 135; Le Patourel, *Admin C.I.*, p. 123.

of Gascony from around November 1247 to September 1248, March 1253 to August 1254 and from 1259 until 1260.¹⁵

These knights were undoubtedly men of considerable experience in the king's service, entrusted with key offices and wide-ranging responsibilities, and they regularly worked alongside one another. They were often deployed to areas of tension where royal authority was at risk. For instance, in January 1251, Drew de Barentin and Nicholas de Molis (or Meules), another significant household knight, were sent to Gascony to resolve the dispute between the Gascon nobility and Simon de Montfort that had arisen from de Montfort's abrasive rule, and they were again appointed in July 1253, this time with Richard de Grey, to resolve further difficulties in relations between the king-duke's administration and the Gascons.¹⁶ As a further indication of the importance of these men, de Barentin was the constable of Windsor castle in May 1264 during the pivotal battle of Lewes, with de Molis and William de Cheny (†1269) alongside him, and had been given custody of Simon de Montfort's son after his capture at the siege of Northampton.¹⁷ The circulation of the household knights constituted an important network of personnel that bolstered royal authority throughout the king's dominions by helping maintain the link between the king and his more geographically distant subjects. This was essential to the development of an overarching Plantagenet administration that was less reliant on the itinerant rule of the king himself.

¹⁵ As an envoy of the king: *CPR, 1247–1258*, p. 411; *CLR*, IV, pp. 227, 269. It is difficult clearly to date the terms of office of the seneschal of Gascony. His tenure from 1247 to 1248 had a brief interlude when he was replaced by Richard de Grey in February 1248, who was quickly recalled: *CPR, 1247–1258*, pp. 2, 3, 27; *CCR, 1247–1251*, p. 79; Carpenter, *Henry III*, p. 499. 1253: *CPR, 1247–1258*, p. 184. For his tenure from around March 1253 to 1254: *CPR, 1247–1258*, pp. 302–3, 323, *passim*; *Close rolls, 1253–1254*, pp. 260, *passim*. His final appointment lasted from around March 1259 until late 1260: *CPR, 1258–1266*, pp. 19, 58, 137; *Close rolls, 1256–1259*, pp. 478–9; *Close rolls, 1259–1261*, pp. 207–9; Bémont (ed.) *Rôles Gascons*, supplement to I, pp. xci, xcii; *Foedera*, I, i, p. 401. Cf. J. P. Trabut-Cussac, *L'administration Anglaise en Gascogne sous Henry III et Edouard I de 1254 à 1307* (Geneva, 1972), pp. 372, 373; Bémont (ed.), *Rôles Gascons*, supplement to I, p. cxix; Shirley (ed.), *Royal and other historical letters*, II, p. 400, who incorrectly states Drew was seneschal in 1250.

¹⁶ *CPR, 1247–1258*, pp. 85, 214; Carpenter, *Henry III*, p. 505. On de Molis: Lightfoot, 'The household knights of King Henry III', I pp. 287–291; Carpenter, *Henry III*, p. 386; *Peerage*, IX, pp. 1–4.

¹⁷ Their refusal to give up the castle after the defeat of royalist forces at Lewes seems to have been cause for serious anxiety for de Montfort: *CPR, 1258–1266*, pp. 300, 318, 321, 322, 324, 326, 330, 373, 449.

It is notable that many of the wardens of Henry III's reign were from the former continental territories of the Angevin 'empire' or held cross-Channel estates. Philip d'Aubigny and Hasculf de Subligny, and their respective families, held lordships in north-eastern Brittany and possessed vested interests in England. Hasculf's own tenurial interests were spread out across the hinterland of the Bay of Mont-St-Michel.¹⁸ Drew de Barentin, Nicholas de Molis, and Henry de Trumbleville were all Normans and belonged to a circle of knights who came to England after the loss of Normandy and remained in the king's service, and in the process their lands in Normandy had been permanently seized and redistributed by the kings of France.¹⁹ It seemed a logical step to appoint these men to the wardenship of the Islands: their background, experience and vested interest in the restoration of Plantagenet power in northern France made them ideal candidates.²⁰

The appointment of these knights to various offices throughout the Plantagenet realm reflected the need to retain them in the king's service and to do so by ensuring that they were properly rewarded. In the main, they were rewarded for their services with grants of lands and rights in England by way of various forms of tenure. Their services were prized and at times rewarded in ways that reflected the close personal relationship the household knights had with the king. For example, in 1263, Drew de Barentin, Nicholas de Molis, Guy de Rochford and William de Cheny were granted three tuns of wine as a gift from the king.²¹ A small number of them developed long-term interests in the Islands as a result of their royal service. Philip d'Aubigny secured the marriage of his niece, Margaret, to Philip de Carteret, son and heir of Reginald de Carteret, seigneur of St Ouen. Later as warden,

¹⁸ Philip's family was from St-Aubin-d'Aubigné in Brittany (Ille-et-Vilaine department) and had vested interests in England: Aubigny, Philip d' (d. 1236)', Vincent, *ODNB* (2004); Vincent, *Peter des Roches*, pp. 155, 161–2, 182, 278, 323, 365; Carpenter, *Henry III*, pp. 20–21; Everard and Holt, *Jersey 1204*, pp. 113–4. Hasculf was an Anglo-Norman, but was lord of the honour of Combours in Brittany by right of his wife. Notably this lordship was situated close to Philip d'Aubigny's brothers' estates. Like the d'Aubignys, he also possessed cross-Channel lands in south-west England: Everard and Holt, *Jersey 1204*, pp. 111–6.

¹⁹ It has been suggested they were from the following places in Normandy, respectively: Barentin (department of Seine-Maritime); Meulles (Calvados); Trouville (Seine-Maritime). Lightfoot, 'The household knights of Henry III', I, pp. 307, 310, 312; Carpenter, *Henry III*, p. 386.

²⁰ An important point raised by Everard and Holt, *Jersey 1204*, pp. 115–6. The affinity of these knights for their homelands may be seen after Henry de Trumbleville's death in c. 1239, where it was ordered that a cup worth four marks or sixty sols be purchased at the king's expense in order to be used to carry Henry's heart to Normandy by his brother Drew: *Close rolls, 1237–1242*, p. 166.

²¹ *CPR, 1258–1266*, p. 294.

though apparently unlawfully, d'Aubigny granted lands to Philip de Carteret in the parish of St Ouen as dowry for the marriage.²² D'Aubigny, like many wardens, also used his position to employ family members: for instance his brother Oliver and his nephew of the same name, Philip (the younger), served as his deputies in the Islands.²³ Drew de Barentin and William de Cheny, the latter of whom was also a household knight though not active in the Islands' administration, were exceptional in being granted forfeited estates of the *terrae Normannorum* in the Islands, initially only on a temporary basis but subsequently made permanent.²⁴

Like other offices in the king's dominions, the wardenship of the Islands was subject to the influence of internal political developments within the Plantagenet court during this period. This is apparent in the gap in Henry de Trumbleville's tenure as warden and as seneschal of Gascony between 1232 and 1234, when he was replaced in these two offices by Philip d'Aubigny and Hugh de Vivonne, respectively.²⁵ De Trumbleville's dismissal was

²² The marriage probably occurred around 1212 to 1215 and was an important sign of the de Carteret's loyalty to the Plantagenet cause: Everard and Holt, *Jersey 1204*, pp. 92–4; Labey, 'The family of Philippe d'Aubigny', pp. 477–9. The lands Philip d'Aubigny granted to Philip de Carteret, which constituted 20 librates, were confirmed by the king in September 1227: *Rot. litt. claus.*, 1224–1227, p. 201; G. F. B. de Gruchy, *Medieval land tenures* (St Helier, 1957), p. 76. Additionally, a Maurice de Lucy married Nicola, daughter of Jordan de Barneville, who held lands in the Islands, including the fief of Jerbourg in Guernsey. Everard and Holt suggest that Maurice may have been related to Geoffrey de Lucy: Everard and Holt, *Jersey 1204*, pp. 136–7.

²³ Philip d'Aubigny (the younger) was later appointed warden after serving as the deputy of his uncle: Everard and Holt, *Jersey 1204*, pp. 114, 117, 192–3; Vincent, *Peter des Roches*, pp. 161–2. Cf. Le Patourel, *Admin. C.I.*, p. 121, who suggests alternative dates for his wardenship to Everard and Holt.

²⁴ Notably, William de Cheny's involvement in the Islands may have stemmed from his close relationship with Philip d'Aubigny, whom he accompanied on crusade in 1235: *CPR, 1232–1247*, pp. 106, 107. On William's role in the royal household: Ridgeway, 'The politics of the English royal court, 1247–1265', pp. 174, 413. Two Poitevin knights, William de Commendas († c. 1240–1242), a household knight, and Aimery Buche († 1247), also received grants of lands in the Islands for life in order to sustain them in the king's service: Everard and Holt, *Jersey 1204*, pp. 132–3.

²⁵ *CPR, 1225–1232*, p. 508; *CPR, 1232–1247*, p. 55; Le Patourel, *Admin. C.I.*, p. 122. Cf. The commissions issued to Philip d'Aubigny and William de St Jean on 28 September 1232, and, though cancelled in the roll, Amaury de St Amund and Philip de Carteret on 25 October to take custody of the Islands. Neither of these commissions probably took effect but underscore the administrative problems caused by the change in political influence from de Burgh to des Roches: *Patent rolls, 1225–1232*, pp. 502, 507. Hugh de Vivonne was a Poitevin with close ties to Peter de Roches: Lightfoot, 'The household knights of King Henry III', II, pp. 470–471, 503; Vincent, *Peter de Roches*, p. 323.

likely on account of his association to Hubert de Burgh, a significant figure during Henry III's minority and a political adversary of Peter des Roches.²⁶ The collapse of de Burgh's power and influence in the late summer of 1232 saw de Trumbleville relieved of office by a royal government now dominated by des Roches, and he was replaced by officials closely aligned to the bishop. Significantly, the same political rivalry extended to the lordship of Ireland, where des Roches and his allies enacted an important and ultimately a long-lasting reorganisation of the administration and the office of justiciar in 1232 in order to weaken the authority and income of de Burgh, who had been granted the office as a sinecure in June of the same year.²⁷ In contrast to Ireland, the clashes between des Roches and de Burgh had no fundamental impact on the structure of the administration of the Islands. Furthermore, de Trumbleville was able quickly to recover his position, notably by proving himself through military service in Wales, and after des Roches' own political fall in 1234, he was subsequently restored as seneschal of Gascony and warden of the Islands.²⁸ Neither d'Aubigny nor de Vivonne can be described as lacking the experience necessary for their appointments. Nonetheless, what is clear from this episode was that the wardenship of the Islands was a valued office which, like other positions in the king's wider dominions, could be used as a tool by various factions in order to enhance their political influence and power within the Plantagenet court and over the king.

Dominus Insularum: The lords of the Islands

In the thirteenth and fourteenth centuries, there were five lords of the Islands: John, count of Mortain (c. 1195–January 1200), subsequently king of England (r. 1199–1216); Peter de Préaux (January 1200–c. June 1204); Henry de Trumbleville (November 1234–December 1239); the Lord Edward (February 1254–January 1277), subsequently king of England (r. 1272–1307); and Otto de Grandison (January 1277–June 1294; April 1298–June 1328).

²⁶ De Burgh was influential in securing Henry de Trumbleville his first appointment as seneschal: Carpenter, *Henry III*, p. 77. On de Burgh: Carpenter, *Henry III*, pp. 15–7.

²⁷ H. G. Richardson and G. O. Sayles, *The administration of Ireland, 1172–1377* (Dublin, 1963), pp. 22–4, 77; Vincent, *Peter des Roches*, p. 297.

²⁸ Carpenter, *Henry III*, p. 149. Military activity in Wales: CPR, 1232–1247, pp. 34, 35, 52. Lightfoot, 'The household knights of King Henry III', II, pp. 470–1. Carpenter, *Henry III*, ch. 3, esp., pp. 117–122, 144–5 157–8. Vincent, *Peter des Roches*, p. 323.

The grant of the lordship of the Islands was intended primarily as a sinecure financially to reward and retain loyal servants of the king of England or to provide for his heirs. The purpose and significance of the grant of the lordship of the Islands to John and the Lord Edward have already been discussed in sufficient depth in Chapter I and we shall therefore provide some brief biographical details on the other three individuals who received the lordship before moving on to a detailed analysis of the office.

Peter de Préaux, Henry de Trumbleville, and Otto de Grandison were all closely attached to the royal household. Peter was a royal favourite of King John and belonged to an influential Norman family with cross-Channel estates whose members served in the Norman administration and participated in the wider activity of the Angevin monarchs.²⁹ In 1194, Peter was part of a delegation entrusted with the delicate royal matter of delivering the ransom for Richard I to Germany and he was a key figure in the defence of Normandy in 1204.³⁰ The grant to Peter in January 1200 included Jersey, Guernsey and Alderney, along with sixty librates of land in Alton, Hampshire, and 100 livres *Angevins* to be collected from the market stalls of Rouen.³¹ This seemingly random assortment of lands, rights and money acted as a temporary solution to retain an important follower at a time when John was suffering from a chronic shortage of cash, and needed as much political support as possible to support his claim to the throne of England and stave off Capetian aggression in France.

Henry de Trumbleville, as set out above, was a distinguished and long-serving household knight of Henry. His appointment as lord was a reward for a loyal servant, and the grant of the Islands was intended financially to support his activity as seneschal of Gascony, an office which entailed considerable expenditure.³² The connection between the office of

²⁹ Peter's brother, William, had also accompanied Richard I on crusade. His family were active in official capacities in the Norman administration, including holding the office of bailiff throughout the duchy: Everard and Holt, *Jersey 1204*, pp. 76, 81–4; Stevenson, 'England and Normandy, 1204–1259', II, pp. 457–462; Dupont, *Histoire du Cotentin et de ses Îles*, I, pp. 424–8.

³⁰ Dupont, *Histoire du Cotentin et de ses Îles*, I, p. 424.

³¹ *Rot. chart.*, I, p. 33. J. H. Le Patourel, 'Guernsey, Jersey and their environment in the Middle Ages' (1974), repr. *Feudal empires*, ch. 4, pp. 435–461, p. 447. Sark was not included in this grant as the lordship of Sark was held by Richard de Vernon, who forfeited it in 1203: idem, 'The mediaeval administration of Sark', *RTSG*, 12 (1935), pp. 310–336, p. 311.

³² He may have held the Islands as a fee-farm whilst warden, though no figure is stated: *Patent rolls, 1225–1232*, p. 381, which shows his appointment as warden was used to sustain him in the king's service. Gascon

warden and seneschal is visibly reflected in the fact that the record of his appointment to the custody of the Islands in May 1234 was on the same date as his reappointment as seneschal of Gascony and are enrolled adjacent to one another in the patent rolls.³³

Otto de Grandison, a Savoyard knight and lord of Grandson in the Pays de Vaud, was a ‘man of European importance’ as a crusader and a diplomat.³⁴ He was a close personal friend of Edward I, having entered his service from as early as 1258 and accompanied him on crusade in 1271. Though he never held high office, Otto was an indispensable and faithful royal official active throughout the Plantagenet realm in advancing the ambitions of the king of England, including playing a senior role in the conquest and consolidation of Wales, and acting as the king’s lieutenant in Gascony. His personal relationship with the king saw him frequently entrusted with delicate diplomatic missions in France and to the papal curia, and his name appears frequently in charters and treaties of the kings of England.³⁵ In return for this valuable contribution, he had been rewarded with lands and rights in Ireland and to a lesser extent England, but the most significant grant by the king

expenditure relating to de Trubleville: *CPR, 1232–1247*, p. 36, 49, 87. Carpenter notes that during de Trubleville’s first term as seneschal, he was forced to sell his horses in order to fund the administration due to the lack of revenue and ready-cash in Gascony: *Henry III*, p. 77.

³³ C 66/44, m. 13; *CPR, 1232–1247*, pp. 47–8.

³⁴ Le Patourel, *Admin. C.I.*, qt. p. 46. For full accounts of Otto’s life and career: C. L. Kingsford, ‘Otho de Grandison 1238?–1328’ *Transactions of the Royal Historical Society*, 3 (1909), pp. 125–195; E. R. Clifford, *A knight of great renown: the life and times of Sir Otto de Grandson* (Chicago, 1961). A collection of thematic papers on Otto’s career may be found in B. Andenmatten (ed.), *Othon I^{er} de Grandson (vers 1240–1328): le parcours exceptionnel d’un grand seigneur Vadois, Cahiers Lausannois d’Histoire Médiévale*, 58 (Lausanne, 2020), though its references to Otto’s lordship of the Islands are disappointing. On Otto and his family in England: M. Ray, ‘Alien courtiers of thirteenth century England and their assimilation’ (Unpublished Ph.D. thesis, King’s College London, 2003), ch. 10; idem, ‘The Savoyard cousins: a comparison of the careers and relative success of the Grandson (Grandison) and Champvent (Chavent) families in England’, *The Antiquaries Journal*, 86 (2006), pp. 148–178; and M. Prestwich, ‘Othon de Grandson et la cour d’Edouard I^{er}’, in Andenmatten (ed.) *Othon I^{er} de Grandson*, pp. 3–21.

³⁵ As a testament to Otto’s activity throughout the Plantagenet realm and his importance, both in an official capacity and in his personal relationship with Edward, see *CCR, 1272–1279*, p. 493, which is a notable contrast to the brevity and formality typical of close rolls. For diplomatic service: M. C. L. Salt, ‘List of English Embassies to France, 1272–1307’, *EHR*, 44 (1929), pp. 263–278, where Otto is frequently listed throughout Edward’s reign. For instance, he is among Edward’s envoys who ratified the peace treaty with the kingdom of France in January 1303: *CPR, 1302–1307*, pp. 105–7; Vale, *The Angevin legacy*, p. 224. Service in Gascony: Trabut-Cussac, *L’administration Anglaise en Gascogne*, esp. pp. 56–9, 111–6.

to him was the lordship of the Channel Islands.³⁶ The death of Edward I in 1307 ended his personal link with the Plantagenets and subsequently Otto became increasingly detached from Plantagenet affairs and the royal household, choosing to spend much of his time back in Savoy. Nevertheless, at least until 1316, he intermittently represented Edward II in courts throughout Europe and at the papal curia.³⁷

The terms of the lordship of the Islands varied considerably between each lord and as far as can be discerned the appointments were made on an *ad hoc* basis depending on the intentions behind the grant. Unfortunately, the record of the grant of the Islands to John is no longer extant, and there are only a few records relating to John's lordship, the first dating to 1197–8.³⁸ There are two grants to Peter de Préaux, dating January and June 1200.³⁹ In the case of Henry de Trumbleville, the Lord Edward, and Otto de Grandison, as with most grants of this period, the terms of appointment are somewhat laconic, but one can reasonably assume they were understood according to the prevailing convention and custom, and their parameters can be discerned by the historian from what ensued during their incumbency.

It is important, firstly, to recognise that it is unclear when the actual title of '*dominus insularum*' (lordship of the Islands) emerged. The historian is not assisted by the fact that its title was rarely employed by its holders. There are no records to suggest that either John

³⁶ For a useful list of lands granted: Ray, 'Alien courtiers of thirteenth century England', pp. 178–180; idem, 'The Savoyard cousins' pp. 154–5. B. Hartland, 'The household knights of Edward I in Ireland', *HR*, 77 (2004), pp. 161–177, pp. 164–6. Prestwich suggests that granting Otto lands in Ireland and lordship of the Islands was a deliberate move by Edward to reward Otto for his loyalty but in a way that would not agitate the English nobility by showing too much favouritism to foreigners as Henry III had done: 'Othon de Grandson et la cour d'Edouard I^{er}', in Andenmatten (ed). *Othon I^{er} de Grandson*, pp. 16–7.

³⁷ Shortly after the death of Edward I, Otto departed from England and never returned. Kingsford highlights that he would have largely disappeared in English records after Edward I's reign if not for his lordship of the Islands: Kingsford, 'Otho de Grandison', pp. 158–161.

³⁸ An early reference to John as lord of the Islands is in the Norman exchequer roll of 1197–8: V. Moss and J. Everard (eds), *Pipe rolls of the exchequer of Normandy for the reign of Richard I, 1194–5 and 1197–8* (London, 2016), p. 206. It is likely the lordship was granted to John between 1195 and 1198 as there is no mention of John's lordship in an exchequer account relating to Guernsey in 1194–5: ibid, pp. 79–80; Everard and Holt, *Jersey 1204*, p. 75; Le Patourel, *Admin. C.I.*, p. 121. In February 1198, John issued a charter of donation to the abbey of Blanchelande of the church of St Lawrence in Jersey: S.J. *Cartulaire*, no. 279, p. 356.

³⁹ *Rot. chart.*, I, pp. 33, 71.

or Peter de Préaux were accorded the title during their lordships, although in later records of the early fourteenth century John is referred to as the lord of the Islands.⁴⁰ The first identifiable usage of the title was by Henry de Trubleville. In two letters of Henry to the abbot of Mont-St-Michel, Henry accorded himself the title *dominus insularum* with his seal attached to the letters.⁴¹ The Lord Edward held the lordship of the Islands as part of the February 1254 appanage granted to him by his father.⁴² As discussed in Chapter I, in relation to the inalienability clause of the 1254 grant, Henry retained ultimate authority over the territories he gave to Edward: he reserved the formal titles to the territories granted to him, and this likely included the Channel Islands as Edward is not described as lord of the Islands in any records for the duration of his lordship.⁴³ In the case of Otto de Grandison, whose lordship constitutes the longest period the Islands were directly out of royal hands, it is significant that Otto is not explicitly acknowledged as lord in any documents emanating from the royal chancery and was typically referred to therein simply only by his name or as ‘*custodi*’ (warden or keeper).⁴⁴ Why this was the case is not entirely

⁴⁰ See for instance, JUST 1/1160, m. 7 r., pr. and trn S.J. *Rolls of the assizes, 1309*, p. 53, where John is called ‘*Comes Moriton’ et dominus Insularum*’. In most contemporary records relating to the Islands, John used his title as count of Mortain: Moss and Everard (eds), *Pipe rolls of the exchequer of Normandy, 1194–5 and 1197–8*, p. 206; S.J. *Cartulaire*, no. 279, p. 356.

⁴¹ S.J. *Cartulaire*, nos. 97 and 112, pp. 165, 180–181. The letters to the abbot concern the return of the priory of Vale in Guernsey and all its appurtenances and rights to the abbot. In a writ, notification is made that the king restored the abbot his lands and rights in Guernsey, but considering the letters are in de Trubleville’s name with his seal, the act itself came from him in his capacity as lord: *CPR, 1232–1247*, p. 217. Notably in the same year, de Trubleville had custody of the lands of the abbey of Mont-St-Michel in England following the death of the abbot. Orders to return these to the abbey: *Close rolls, 1237–1242*, p. 48.

⁴² *CPR, 1247–1258*, p. 270, 272. See Chapter I.

⁴³ The title Edward used was *Dominus Edwardus illustris regis Anglie primogenitus* (Edward first born son and heir of Lord Henry, illustrious king of England) or a variation of such: Carpenter, *Henry III*, pp. 594–5. R. Billaud notes that in Gascony Edward also added ‘*jam regnans in Vasconia sicut princeps et dominus*’ (now ruling in Gascony as prince and lord) to his title: ‘Similarities and differences: the Lord Edward’s lordship of Gascony, 1254–1272’, in A. Spencer and C. Watkins (eds), *Thirteenth Century England XVII* (Woodbridge, 2021), p. 92. Example of use of the title in a record concerning the Islands: S.J. *Cartulaire*, no. 15, pp. 26–8.

⁴⁴ In the records of the abbey of Mont-St-Michel, Otto is sometimes accorded the title ‘lord’. For example, in a *vidimus* in August 1289 by William de St Remy, sub-warden of Otto, William is referred to as *attornatus domini Ottonis de Grandisone domini insularum* (‘attorney of Sir Otto de Grandison, lord of the Islands’): S.J. *Cartulaire*, nos. 123, 323, 264, pp. 192–3, 413–4, 343. Havet highlights that in one of the few extant letters patent of Otto concerning the Islands he does not use the title of lord, and instead simply refers to

clear but it may stem from Otto's prominent status in the royal household, where use of a diminutive title was seen as unnecessary and his name alone sufficed, or Edward I may have reserved the title to the royal prerogative in the same way his father had done in 1254. Nonetheless, whilst Otto was a warden in the sense that he had a responsibility to keep the Islands, referring to him in this way in the chancery rolls did not reflect the terms of Edward's grant to him.

Despite the obscurity of the origins and the limited use made of the title, the powers and rights granted to these men make it clear that they held the lordship of the Islands. This is reflected in the concessionary terms of their grants. In the grant to Peter de Préaux, the use of the terms *nos concessisse* ('we have conceded') and *nos dedisse et concessisse* ('we have granted and conceded') by the king of England in the first and second charters issued to Peter, respectively, reflect the fact the king was granting Peter more than merely the custody of the Islands.⁴⁵ Uniquely, Peter held the Islands and the other rights and lands granted to him as a fief in return for the service of three knights.⁴⁶ By contrast, later lordships and wardenships were held freely or in exchange for a monetary fee rather than military service. As further proof of the status of their title, in the grant to Henry de Trumbleville in November 1234, the king commanded the Islanders to pay fealty to Henry as their lord and be intendant unto him.⁴⁷ Following the February 1254 grant to the Lord Edward, writs were quickly issued to the previous warden, Richard de Grey, commanding him to give full seisin of the Islands to Edward's attorney, and a mandate was issued to all the people of the Islands of Guernsey, Jersey, Oléron, and 'the king's other islands of the sea' to be intendant unto Edward.⁴⁸

Otto de Grandison was first appointed as warden of the Islands in November 1275. This was undoubtedly a financial reward to Otto for years of royal service, providing him with the king's revenues and rights in the Islands in exchange for an annual rent of 500 marks,

himself as '*Othes de Gransson, chevalier*': S.J. *Cartulaire*, no. 104, p. 171; in his work, Havet thus refrains from according Otto the title of lord: '*Série chronologique des gardiens et seigneurs*', pp. 200–203.

⁴⁵ *Rot. chart.*, I, pp. 33, 71.

⁴⁶ *Ibid.*, p. 33.

⁴⁷ *CPR, 1232–1247*, p. 82.

⁴⁸ C 66/65, m. 7; *CPR, 1247–1258*, p. 272. Drew de Barentin, seneschal of Gascony, was similarly instructed on 27 August 1254 to deliver to Stephen Bauzan, Edward's steward, the land of Gascony: *CPR, 1247–1258*, p. 323.

at a time when the military responsibilities of the warden and the financial costs of defence of the Islands were negligible on account of the long peace following the Treaty of Paris.⁴⁹ In January 1277, this reward was substantially improved. By letters patent of that date, Otto was appointed to the custody of the Islands for life and the annual rent of 500 marks was waived ‘on account of his intimacy with the king, and his long and faithful service from an early age’. It was also stated that for five years after Otto’s death, his debtors and the executors of his will could enjoy the revenue of the Islands to settle any outstanding financial business.⁵⁰ This grant in effect gave Otto a usufruct for life entail and was a significant concession by the king.⁵¹

John and Peter de Préaux took the view that their lordships included the right to alienate lands from the ducal demesne. In February 1198, John gave to the abbey of Blanchelande the church of St Lawrence in Jersey with all its appurtenances.⁵² In 1203, Peter gave to the abbey of Val-Richer the only inhabitable island of the Ecréhous, Maître Ile, for the construction of a chapel under the invocation of the Virgin, and confirmed all other grants given to the monks of the abbey in the Islands, ‘*salvo jure meo*’.⁵³ Similarly, Henry de Trubleville granted lands in Guernsey, presumably out of the royal demesne, to Drew de Barentin, but what lands these were is unclear.⁵⁴ Neither the Lord Edward nor Otto de Grandison alienated lands from the royal demesne in the Channel Islands to the Norman ecclesiastical establishments or individuals. The inalienability clause of Henry III’s grant to Edward determined, at least theoretically, that Edward was not permitted to alienate any

⁴⁹ *CFR*, I, p. 65; *CPR*, 1272–1281, p. 125

⁵⁰ Presumably the extension of the 1275 grant was made sometime prior to the issuing of the letters patent, and may be dated to 1276: *CPR*, 1272–1281, qt. p. 188, p. 193; Havet, ‘Série chronologique des gardiens et seigneurs’, p. 200. Although the barons of the exchequer had to be reminded on at least two occasions to acquit Otto of the fee owed for the farm of the Islands: *CCR*, 1279–1288, p. 268; *CCR*, 1288–1296, pp. 85–6.

⁵¹ Kingsford claims that this grant made Otto ‘practically supreme lord’ in the Islands, but the evidence shows this to be an overstatement: ‘Otho de Grandison 1238?–1328’, p. 161.

⁵² S.J. *Cartulaire*, no. 279, p. 356. Similarly, in January 1200, John, now king of England, confirmed a previous charter he had made whilst count of Mortain granting lands in the Islands to the abbey of Bellosanne: *ibid*, no. 327, pp. 417–9; S.J. *Rolls of the assizes*, 1309, pp. 234–8; Everard and Holt, *Jersey 1204*, pp. 75–6.

⁵³ (saving his rights in the Islands): S.J. *Cartulaire*, nos. 328, 329, pp. 419–421.

⁵⁴ In January 1240, after Henry de Trubleville’s death, William de Boeles, now warden, was instructed not to interfere with the lands in Guernsey which Henry had granted to Drew de Barentin, until Drew returned from the king’s service at the papal court in Rome: *Close rolls*, 1237–1242, p. 165.

such lands without the approval of the king.⁵⁵ It is possible that this restriction became permanent, though Otto chose to focus his patronage on ecclesiastical establishments in the Pays de Vaud.⁵⁶ In addition, the lack of patronage by the Lord Edward and Otto may have mirrored the general decrease in patronage to the Norman church in the Islands in the late thirteenth century due to limited remaining sources of income therein rather than being the result of a restriction on their lordship.

The lordship of the Islands was granted to John and the Lord Edward as a hereditary title due to their position within the royal family. Granting the Islands on a hereditary basis to John, the younger brother and heir of Richard I (r. 1189–1199), and the Lord Edward, the eldest son of Henry III and the heir apparent, determined that the Islands would return directly to the hands of the duke of Normandy and king of England upon their accession. The grant to Peter de Préaux in January 1200 was considered only a temporary arrangement until John, now king, secured Peter a suitable marriage with the daughter of William de Vernon, earl of Devon and lord of the Isle of Wight.⁵⁷ In June of the same year, an additional confirmatory charter was issued, which added that should Peter die before he secured a suitable marriage, then his lordship of the Islands would become a hereditary title.⁵⁸ This addition is of considerable note in that it provided the potential for the Islands to be permanently alienated from the ducal demesne, and it is the only time such a provision was made for someone outside of the royal family. Peter's apparent forfeiture of the lordship in 1204 ended this possibility, yet curiously in a charter in 1216 William de Préaux, an heir to Peter, was promised that, if the king was unable to put him in possession

⁵⁵The only charters granted by Edward are confirmatory ones or grants of rights that were not within the royal demesne. For instance, in June 1261, William de Cheney and his heirs were granted the liberty of free warren in all their lands in the Islands of Jersey and Guernsey, provided the boundaries did not infringe upon Edward's own warrens: JUST 1/1167, mm. 4 r. and 12 r.; Le Patourel, *Admin. C.I.*, p. 39 n. 6. Confirmatory charter: S.J. *Cartulaire*, no. 16 bis, pp. 28–30; Studd, 'Acts of the Lord Edw.', no. 713, pp. 547–8; *CPR*, 1273–1281, p. 435.

⁵⁶Kingsford, 'Otho de Grandison 1238?–1328', pp. 158–9, 161; Andenmatten, 'La part de Dieu et la mémoire des hommes. Othon de Grandson et ses fondations ecclésiastiques', in idem (ed). *Othon I^{er} de Grandson*, pp. 219–239. Otto is not known to have patronised any religious house in England: Ray, 'Savoyard cousins', p. 160; Prestwich, 'Othon de Grandson et la cour d'Edouard I^{er}', in Andenmatten (ed). *Othon I^{er} de Grandson*, p. 20.

⁵⁷*Rot. chart.*, I, p. 33. Dupont, *Histoire du Cotentin et ses Îles*, I, pp. 425–6.

⁵⁸*Rot. chart.*, I, p. 71.

of certain lands in England, the Islands were to be returned to him.⁵⁹ Nothing more came of this matter, and the promise appears somewhat redundant as the Islands were out of the king of England's control at this time.⁶⁰ In contrast, Henry de Trubleville and Otto de Grandison were only granted the Islands for life.⁶¹

The form of the administration of the Islands seems to have remained relatively constant during the earlier lordships of the Islands, where the lords appeared to have largely relied upon the king's overarching institutions and the existing internal institutions and personnel. John's lordship of the Islands does not seem to have resulted in any alteration to the judicial institutions or administration of the Islands other than the diversion of the revenues of the Islands directly to John's household rather than to the Norman exchequer.⁶² This substantiates the view that his lordship was primarily intended as a sinecure rather than a serious responsibility.

Peter de Préaux is unlikely to have spent much time in the Islands due to his activity in Normandy, and delegated his responsibilities to his officials. For instance, a writ of August 1203 was addressed to *ballivis Petri de Pratellis de Gerse et Gerner* ('Peter de Préaux and his bailiffs of Jersey and Guernsey') rather than Peter himself.⁶³ One of his deputies may have been Reginald de Carteret, seigneur of St Ouen, who in 1203 was responsible for collecting a levy raised on all secular and ecclesiastical landholders to pay one fifth of their annual revenue towards the defence of the Islands.⁶⁴ The activity of Reginald is indicative of the reliance on the local elite in the day-to-day administration of the Islands. Moreover, the issuing of writs to Peter and his officials shows that the lord of the Islands was still, in some respects at least, a subordinate position under royal oversight. Indeed, the kings of England continued to play a role in the Islands' administration and their defence. In July 1202, after Philip Augustus pronounced King John's lands within the kingdom of France

⁵⁹ *Rot. chart.*, I, p. 220; Havet, 'Série chronologique des gardiens et seigneurs', p. 188; Stevenson, 'England and Normandy, 1204–1259', II, pp. 461–2.

⁶⁰ Everard and Holt, *Jersey 1204*, p. 89.

⁶¹ *CPR, 1232–1247*, p. 82. *CPR, 1272–1281*, pp. 188, 193. *CFR*, I, p. 65.

⁶² This change was acknowledged in the Norman pipe roll of 1197–8: Moss and Everard (eds), *Pipe rolls of the exchequer of Normandy, 1194–5, 1197–8*, p. 206; Everard and Holt, *Jersey 1204*, p. 75; F. M. Powicke, *The loss of Normandy, 1189–1204* (second edn: Manchester, 1961), p. 76 n. 100.

⁶³ *Rot. litt. pat.*, qt. p. 33.

⁶⁴ *Rot. litt. pat.*, pp. 32, 33; Everard and Holt, *Jersey 1204*, pp. 76, 81–2.

confiscated, John issued writs directly to the Islanders, with no mention of Peter, commanding them to provide aid to royal officials, to remove malefactors from the Islands, to defend the Islands and capture any enemies of king.⁶⁵

Henry de Trubleville's responsibilities as seneschal of Gascony and in the king's service determined that he was largely absent from the Islands, and he is recorded to have only briefly visited them once in June 1238.⁶⁶ There was clearly little intention for Henry to be active in the administration of the Islands: in the writ of May 1234, a condition of his appointment to the custody of the Islands was that the household knight Nicholas de Molis would act in his name as sub-warden (from May 1234 to c. January 1235).⁶⁷ Throughout his entire period as lord, further sub-wardens were appointed to represent him in the Islands and writs were often directly addressed to his sub-wardens only, rather than via Henry.⁶⁸ After the brief appointment of Gerard de Lambrusard, William de Dampere and William Blom as sub-wardens in March 1235, Drew de Barentin was appointed as Henry's sub-warden in April 1235, a position he likely retained until de Trubleville's death.⁶⁹ The choice of de Molis and de Barentin as Henry's sub-wardens is almost certainly related to the shared experiences of these knights in the king's service, and de Trubleville's grant to de Barentin of lands in Guernsey is suggestive of the close relationship between them.⁷⁰

As lord then, Henry de Trubleville's lordship has all the appearance of an elevated wardenship in which he acted as an intermediary between the king and his subjects in the Islands. As had become customary, he was responsible for carrying out direct orders of the king in the Islands. For example, in May 1236, Henry was ordered to collect *fouage* and hold assizes in the Islands in the king's name.⁷¹ Similarly, in February 1237, the king

⁶⁵ *Rot. litt. pat.*, p. 15.

⁶⁶ S.J. *Cartulaire*, no. 112, pp. 180–181.

⁶⁷ *CPR, 1232–1247*, p. 48. The previous warden, Philip d'Aubigny was instructed to deliver the 'islands of Normandy' to Nicholas de Molis. In January 1235, de Molis ceased to be sub-warden: *ibid*, pp. 55, 89.

⁶⁸ E.g. *CPR, 1232–1247*, p. 92; *Close rolls, 1234–1237* and *1237–1242*, *passim*. Examples of direct actions by the king: *CPR, 1232–1247*, p. 97, 106, 146, 179, 217.

⁶⁹ Considerable military preparations were made in relation to the appointment of these three men, suggesting the Islands were under threat of attack: *Close rolls, 1234–1237*, pp. 65, 68. Gerard de Lambrusard previously held custody of Gorey castle in Jersey: *CPR, Henry III: 1232–1247*, p. 1. Drew de Barentin notably was described as 'warden of the Islands' whilst de Trubleville was lord: *Close rolls, 1234–1237*, pp. 72–3, 177.

⁷⁰ *Close rolls, 1237–1242*, p. 165.

⁷¹ *CPR, 1232–1247*, p. 148.

ordered him to see that Herbert le Breton, for his services to the king, received 20 *s. t.* out of the revenue of the Island of Jersey.⁷² As a further testament to the administrative link between Gascony and the Channel Islands, on 16 June 1237, Henry, in his capacity as seneschal of Gascony, was ordered to ensure that seventy casks of wine from a ship wrecked in Jersey were returned to their rightful owners in Bordeaux, unless the casks had been confiscated by the '*senescalli de insula*' (seneschal of the isle) for good reason.⁷³

It is not until the Lord Edward's lordship of the Islands that notable changes in the administration occurred, no doubt as a result of the Islands being out of the direct hands of the king. During this period, the Islands were incorporated into the separate and distinct administration created for the management of Edward's appanage and affairs.⁷⁴ Writs to officials in the Islands came directly from Edward's chancery, and the revenues and the accounts of the Islands' administration were sent to Edward's central exchequer at Bristol. As a concomitant, royal involvement in the day-to-day affairs of the Islands was significantly reduced, which can be seen in the scarcity of references to the Channel Islands in records emanating from the royal chancery during this period.⁷⁵ Nonetheless, Edward's administration in the Islands remained under royal oversight during the early years of his lordship, especially in terms of the appointment of officials, which required royal sanction.⁷⁶

⁷² Confusingly, the king also stated this money was Herbert's by inheritance: *Close rolls, 1234–1237*, p. 416.

⁷³ Unfortunately, this writ is only addressed to the seneschal of Gascony and does not provide the name of the owners: *Close rolls, 1234–1237*, p. 457. It is likely Henry de Trubleville was seneschal at this time. The last entry to de Trubleville as seneschal is on 13 July 1237: *Close rolls, 1234–1237*, p. 472. The first reference to his successor as seneschal, Hubert de Huse (c. August 1237–c. July 1238) in the close rolls is 18 August: *ibid.*, p. 486; Shirley (ed.), *Royal and other historical letters*, II, pp. 399–400.

⁷⁴ The lord Edward's household and administration has been carefully examined in other studies: J. R. Studd, 'The Lord Edward and King Henry III', *HR*, 50 (1977), pp. 4–19; *idem*, 'Acts of the Lord Edw.'; Wait, 'The household and resources of the Lord Edward, 1239–1272'; Billaud, 'The Lord Edward and the county of Chester: lordship and community, 1254–1272' (unpublished Ph.D. thesis, Canterbury Christ Church University, 2017).

⁷⁵ There are no close rolls. The few patent rolls primarily concern pardons, letters of protection, and notifications to the Islanders on various matters, including the collection of the tenth granted to the papacy in aid of the Holy Land: *CPR, 1247–1258*, pp. 314, 456, 469, 471, 507, 566, 640; *CPR, 1258–1266*, p. 233; *CPR, 1266–1272*, pp. 438, 441, 656.

⁷⁶ Studd has persuasively argued that, contrary to the previous view that Henry had given Edward too much independence, Henry in fact closely watched over and actively intervened in Edward's affairs in the early years of his lordship: 'The Lord Edward and King Henry III', pp. 4–9; Billaud, 'The Lord Edward's lordship

Unsurprisingly, across Edward's appanage there was significant continuity in terms of personnel in the earlier years of Edward's lordship. In the Channel Islands, this included a continued reliance on the household knights of Henry III and other closely-aligned royal officials. Richard de Grey, the previous warden (April 1252–February 1254) was likely Edward's first sub-warden until before April 1256.⁷⁷ Drew de Barentin was sub-warden in 1258.⁷⁸ Drew's son, William de Barentin would also serve as Edward's sub-warden in 1267.⁷⁹ A Hugh de Trumbleville acted as sub-warden from c. 1269 to 1270, and was later appointed seneschal of Gascony in June 1271.⁸⁰ These appointments reflected the need for experienced officials in the administration. In the records, Edward's representatives in the Islands are typically referred to as 'bailiffs', which J. R. Studd tentatively suggested reflected the restrictions on Edward's lordship and his lack of title.⁸¹ However, this is unlikely to be the case as the terms bailiff and warden were used interchangeably in official records throughout this period before the two offices became distinct around the beginning of the fourteenth century.⁸²

The impact of fluctuations in political influence within the Plantagenet realm on the administration and personnel of the Islands may further be seen during the years of

of Gascony', in Spencer and Watkins (eds), *Thirteenth Century England XVII*, pp. 89–110, pp. 91–5, 105–6. Cf. Prestwich, *Edward I* (London, 1997), pp. 10–13; and Wait, 'The household and resources of the Lord Edward, 1239–1272', pp. 170–195, who argues that royal interference in Edward's affairs was an aberration caused by the Provisions of Oxford rather than through the intervention of the king himself.

⁷⁷ In June 1255, Richard de Grey, or his deputy, was instructed by Edward to postpone levying a distraint upon the bishop of Avranches in the Islands: Studd, 'Acts of the Lord Edw.', no. 360, p. 372. In April 1256, Payn de La More was granted protection by the king whilst on Edward's service in the Islands and possibly replaced de Grey as sub-warden: *CPR, 1247–1258*, p. 469. The same pattern in appointments occurred in Gascony. Edward's first seneschal, Stephen Bauzan, Edward's steward, was a household knight of the king: *CPR, 1247–1258*, p. 323; Carpenter, *Henry III*, p. 595. Cf. Trabut-Cussac, *l'administration Anglaise en Gascogne*, p. 372, who says his name was Etienne Bauzan.

⁷⁸ *CPR, 1247–1258*, p. 640; S.J. *Cartulaire*, no. 16 bis., pp. 28–30.

⁷⁹ S.J. *Cartulaire*, nos. 98 and 342, pp. 165–6, p. 440.

⁸⁰ The last record relating to Hugh as the 'bailiff of Jersey and Guernsey' dates to 13 December 1270. He does not appear to be related to Henry de Trumbleville: S.J. *Cartulaire*, nos. 99, 111, 134, 321, pp. 166–7, 178–180, 206–7, 411–2. For Gascony: *CPR, 1266–1272*, pp. 542, 652, 661; Trabut-Cussac, *l'administration Anglaise en Gascogne*, pp. 39–40, 374.

⁸¹ Studd, 'Acts of the Lord Edw.', pp. 87–8.

⁸² Le Patourel, *Admin. C.I.*, pp. 40–42, 43.

political turmoil in England from 1258 to 1265. In 1258, the installation of a baronial council by the Provisions of Oxford had seriously weakened Henry III's personal authority and, in turn, the Lord Edward's. To counter the baronial council, Edward took the radical step of aligning with the highly-unpopular Poitevins, a faction at court that revolved around the King's Lusignan half-brothers.⁸³ In order to secure their support, Edward agreed to appoint Geoffrey de Lusignan as his seneschal in Gascony and Guy de Lusignan was granted the island of Oléron for life.⁸⁴ In response the king, under the direction of the baronial council, issued mandates across Edward's appanage instructing officials not to recognise any of Edward's new appointments as they had been made without royal consent.⁸⁵ In the Islands, Drew de Barentin, acting as sub-warden, was commanded by the king to defend the Islands and not permit any officials entry into the Islands or their castles unless they possessed a special mandate from the king, implying that Edward had similarly sought to appoint the Lusignans or his supporters to the Islands' administration.⁸⁶ Edward, recognising his political miscalculation, quickly revoked his appointments in Gascony and Oléron.⁸⁷

After Edward's conduct in 1258, the baronial council carefully monitored the control of new appointments to Edward's appanage to ensure they were not officials openly hostile to its actions in England. As Hilary Wait has pointed out, some of the new officials appointed were not necessarily unacceptable to Edward. For example, Drew de Barentin was reappointed to the seneschaley of Gascony from 1259 to 1260.⁸⁸ Given his experience in the king's service and a lack of any obvious ties to the baronial cause, his appointment represents a more diplomatic approach by the council towards Edward's position.

⁸³ Carpenter, *Henry III*, pp. 675–699; Prestwich, *Edward I*, pp. 22–6. On the Poitevins: Ridgeway, 'Foreign favourites and Henry III's problems of patronage, 1247–1258', *EHR* (July 1989), pp. 590–610; idem, 'The Lord Edward and the Provisions of Oxford (1258): a study in faction', in P. R. Coss and S. D. Lloyd (eds), *Thirteenth Century England I* (Woodbridge, 1986), pp. 89–99.

⁸⁴ *CPR, 1247–1258*, pp. 664–5; *Foedera*, I, i, pp. 374, 378. Wait, 'The household and resources of the Lord Edward', pp. 174–7; R. F. Treharne, *The baronial plan of reform, 1258–1263* (Manchester, 1971), p. 77; Ridgeway, 'The politics of the English royal court, 1247–1265', pp. 274–5.

⁸⁵ The latter patent roll entry makes direct reference to the inalienability of Oléron: *CPR, 1247–1258*, p. 639, 640, 641, 664; *Foedera*, I, i, p. 374; *CPR, 1258–1266*, p. 1; Ridgeway, 'The politics of the English royal court, 1247–1265', p. 291.

⁸⁶ *CPR, 1247–1258*, p. 640; Treharne, *The baronial plan of reform*, p. 77; Prestwich, *Edward I*, p. 22.

⁸⁷ *Foedera*, I, i, p. 378.

⁸⁸ See footnote 15.

Nonetheless, the restrictions imposed by the baronial council constituted a serious restraint on Edward's independence.⁸⁹ In similar circumstances, after the royalist defeat at the battle of Lewes in May 1264, which resulted in Edward's capture, many of his lands were taken into Montfortian custody.⁹⁰ Such a response by both the baronial council and then the Montfortian regime showed the special importance attached to exercising control over the king's dominions, where it was recognised that their inhabitants and resources could be harnessed by Henry and the Lord Edward to restore royal authority in England during times of political crisis.⁹¹

The inclusion of the Islands in Edward's household administration has seen the preservation of a number of records relating to his lordship there, allowing for a greater understanding of the judicial and administrative responsibilities and activities of the lord.⁹² On the one hand, these records show that Edward, or at least his officials, showed respect for the laws of the Islands and the desire to administer justice effectively. On the other hand, they provide an early example of Edward's rigour in defending royal rights through the use of judicial procedure, and in many ways foreshadowed Edward's ambitious and aggressive activity upon his assumption as king of England.⁹³

The clear aim of the Lord Edward was the financial exploitation of his rights and revenues in the Islands to support his wider activity. Shortly after he was made lord, Edward used the revenues of the Islands to help pay off considerable debts. In January 1255, Richard de Grey, the previous warden of the Islands, was ordered to pay the £347 of

⁸⁹ Wait, 'The household and resources of the Lord Edward', pp. 187–190; Trabut-Cussac, *L'administration Anglaise en Gascogne*, p. 373. It is highly unlikely Drew was a baronial sympathiser due to his role as a household knight of Henry III. In the 1260s he was clearly on the royalist side for, after the siege of Northampton, Drew along with others was responsible for the custody of Simon de Montfort's son after his capture at the siege of Northampton, and he was constable of Windsor castle during the battle of Lewes: *CPR, 1258–1266*, pp. 300, 318, 321, 322, 324, 326, 330, 373, 449.

⁹⁰ Wait, 'The household and resources of the Lord Edward', p. 92.

⁹¹ For instance, Henry and the Lord Edward received considerable support in England during the political crisis from the Anglo-Irish nobility of the lordship of Ireland: R. Frame, 'Ireland and the Barons' Wars', in *idem, Ireland and Britain, 1170–1450* (London, 1998), pp. 59–70, pp. 62–5; Prestwich, *Edward I*, p. 52.

⁹² For Channel Islands records from Edward's chancery: Studd, 'Acts of the Lord Edw.', *passim*; and Le Patourel, *Admin. C.I.*, p. 39 n. 6.

⁹³ See Chapter's V and VI. On the Lord Edward's judicial activity in Gascony: Billaud, 'The Lord Edward's lordship of Gascony', in Spencer and Watkins (eds), *Thirteenth Century England XVII*, pp. 95–100.

the arrears of the fee owed to the king for the farm of the Islands' administration (for the year from All Saints, 1253), that was now owed to the Lord Edward, directly to a Florentine merchant to help settle a debt of Edward's.⁹⁴ In June 1262, Edward demised to the king the revenues from the Channel Islands, along with the income from other parts of his appanage, in exchange for all the issues and profits of the Jewry of England for three years. The combined revenues were valued at 3,000 marks per annum, and if they exceeded this, the surplus was to be delivered to Edward. As part of the agreement, Sir Gilbert Talbot and Thomas Boulton were appointed by the king to administer the lands in question.⁹⁵ Wait has argued that the 1262 arrangement, which from a financial standpoint was in Edward's favour, acted as a reward for Edward's political support to his father in England against the baronial movement.⁹⁶ Edward immediately exchanged the revenues from the Jewry to repay a loan borrowed from Florentine merchants. Contrary to earlier views, Edward did not cede his control over the lands in this arrangement: it appears that Talbot and Boulton's role was limited to collecting the revenues owed to the king from Edward's exchequer at Bristol rather than taking custody of lands, including the Islands.⁹⁷

Later in Edward's lordship, perhaps influenced by the long peace with the kingdom of France, his representatives farmed out the administration of the Islands to a Bayonne wine merchant, Arnold son of John de Contis, who held them from June 1271 to November 1275.⁹⁸ In a letter of Edward in May 1270, Arnold was described as '*mercatori nostro*

⁹⁴ The debt owed to the Florentine merchant, Deutatus Gwillelmi, was considerable. Edward's steward, Geoffrey de Langley, was instructed by Edward to pay around £1,500, and take into account the sum which de Grey paid towards the debt: Studd, 'Acts of the Lord Edw.', nos. 116, 131, 132, pp. 246, 253, 254. It is interesting that de Grey's farm for the year 1253 was owed to Edward despite the lordship of the Islands being granted to him in February 1254: *Close rolls, 1254–1256*, p. 283.

⁹⁵ *CPR, 1258–1266*, p. 233; *Close rolls, 1261–1264*, pp. 185–6.

⁹⁶ Wait, 'The household and resources of the Lord Edward', pp. 89–92. Cf. Prestwich, *Edward I*, p. 38, who suggests that, though the arrangement was financially rewarding, it was also a restriction on Edward's independence for it further removed his ability to exercise patronage and grant lands and rights to his supporters.

⁹⁷ This may be seen in the Channel Islands where Edward continued issuing writs: Wait, 'The household and resources of the Lord Edward', pp. 89–94. Wait also suggests that the arrangement was compensation for Edward's willingness the previous day, at the behest of the king, to exchange the honour of Hastings with Peter of Savoy for less important and valuable lands in East Anglia: *ibid*, p. 91.

⁹⁸ Records relating to his appointment from June 1271 to November 1275: *CPR, 1272–1281*, p. 82; *CFR*, I, p. 62; F. Palgrave (ed.), *The antient kalendars and inventories of the treasury His Majesty's exchequer* (vol. 1, London, 1836), p. 91, has a brief reference to the accounts of Arnold from March to November 1275. *CPR*,

speciali', and was also a farmer of the *éperqueries* in the Islands belonging to the abbey of Mont-St-Michel.⁹⁹ His administration was frequently accused of corruption and financial extortion, and his conduct of him and that of his officials was investigated by a commission in 1274.¹⁰⁰ Edward's various financial arrangements over the period of his lordship highlights the flexibility of the resources of his appanage. It is notable that, in contrast to Gascony, there is little in the extant material to suggest that the Lord Edward took the initiative to make any significant or long-lasting reforms to the administration.¹⁰¹ The Islands were primarily a source of income to him and never seem to have been a key focus of his attention, though this did not mean he neglected his responsibilities there and his experience as lord of the Islands undoubtedly proved instrumental in his subsequent activity as king of England.

Otto de Grandison's lordship of the Islands was instrumental in significant developments to the Islands' administration and judicial institutions in this period. As lord, Otto was accorded complete control over the internal administration of the Islands and, because he was acquitted of a fee-farm and enjoyed all the Islands' revenues for his own use, he was not required to submit any fiscal accounts to the exchequer, giving his administration significant freedom to operate and removing an important layer of royal oversight.¹⁰² Due to his wider activity in the service of the king, Otto was unsurprisingly an absentee lord throughout all the lands granted to him by the king in England, Ireland, and the Channel Islands. He only visited the Islands once, in 1323, and delegated almost all of his responsibilities to officials, although the fact he came to the Islands so late in his lordship shows he viewed them as a significant part of his possessions, even if only from a financial standpoint.¹⁰³ On account of Otto's absence, the kings of England continued to be involved

1272–1281, pp. 185, 348; Bémont (ed.) *Rôles Gascons, 1273–1290* (vol. 2, Paris, 1900), nos. 386, 993, pp. 103–4, 298.

⁹⁹ (Our special merchant): S.J. *Cartulaire*, no. 121, p. 190. He is a recurring name among Edward's suppliers of wine: Studd, 'Acts of the Lord Edw.', no. 780, pp. 579–580; Wait, *The household and resources of the Lord Edward*, p. 246.

¹⁰⁰ See Chapter V.

¹⁰¹ Billaud, 'The Lord Edward's lordship of Gascony', in Spencer and Watkins (eds), *Thirteenth Century England XVII*, pp. 100–102.

¹⁰² *CPR, 1272–1281*, p. 188. When Otto was re-granted the Islands in January 1297, it adds that Otto, his heirs, executors and assigns are to be quit of all manner of accounts, receipts, arrears, pleadings, demands and exactions: *CPR, 1292–1301*, pp. 230–231.

¹⁰³ On Otto's activity in the Islands in 1323, see Chapter V.

in managing the administration of the Islands, especially during periods of war with the kingdom of France and in judicial matters, as evidenced by the introduction of the general eyre to the Islands.¹⁰⁴ However, the king's involvement in internal administration was constrained by Otto's privileged position as lord, a matter which became more problematic under Edward II when there was no longer a close personal relationship between the king and Otto. The net result of this limitation accelerated the development of a devolved administration in the Islands due to the need to adjust to the long-lasting absenteeism of its lord and the restricted involvement of royal government.¹⁰⁵ Unsurprisingly this administration was greatly reliant on local officials, predominantly composed of the Islands' elite, who by the end of Otto's lordship in 1328 had assumed a permanent and significant place in the administration.

In terms of Otto de Grandison's subordinate officials, initially Otto drew from the standard pool of royal officials to represent him in the Islands. Otto's first sub-warden from November 1275 to c. June 1276 was Ralph de Broughton, an experienced king's clerk.¹⁰⁶ This was a logical appointment given Ralph's familiarity with the Islands' administration, having been responsible for conducting an extensive inquiry there in 1274.¹⁰⁷ Yet thereafter many of Otto's appointments in the Islands reflected the desire to provide for his friends and family rather than a wish to ensure good administration. Ralph's successor in July 1276 was Philip Burnell, the nephew of Robert Burnell, bishop of Bath and Wells, chancellor of England (1274–1292).¹⁰⁸ His appointment was likely

¹⁰⁴ Evident in the volume and regularity of close and patent enrolments, a notable contrast to Edward's lordship. See Chapter V.

¹⁰⁵ Le Patourel, *Admin. C.I.*, pp. 45–61.

¹⁰⁶ *CPR, 1272–1281*, p. 125; *CFR*, I, p. 62. Significantly, *CPR, 1272–1281*, p. 115, shows him on the king's business conducting an inquiry in January 1275, meaning it was unlikely he was in the Islands. He was appointed in June and December 1276 to make scrutiny of the debts in the chests of the Jewry: *ibid*, pp. 148, 184. He was later presented by the king to the church of Sutton, in the diocese of Lincoln, in February 1278: *ibid*, p. 257.

¹⁰⁷ *CPR, 1272–1281*, p. 70. He may have been active in the Islands prior to the 1274 inquiry as there is a reference to a Ralph de Broughton as attorney of Hugh de Trumbleville, sub-warden, in a judgement in December 1270: S.J. *Cartulaire*, no. 321, pp. 411–2.

¹⁰⁸ *CPR, 1272–1281*, pp. 155, 156. Philip was still in Otto's service outside of the Islands in 1278: *CPR, 1272–1281*, p. 253. Philip's father was Hugh Burnell, and Philip was Robert's heir: *CCR, 1279–1288*, p. 235; 'Burnell, Robert (d. 1292)', A. Harding, *ODNB* (2004); R. Huscroft, 'The political career and personal life of Robert Burnell, chancellor of Edward I' (unpublished Ph.D. thesis: King's College London, 2000), p. 191, 219, 268.

related to the close relationship between Robert and Otto on account of their activity together in the king's service and at court.¹⁰⁹ Often, Otto's primary representatives in England and the Islands were members of his family from Savoy. Otto's younger brother, William de Grandison, and their cousin Henry de Bonvillars, prior of Wenlock, were Otto's main representatives for his lordship of the Islands in the late thirteenth century.¹¹⁰ Henry was also a justice in the 1299 eyre held in the Islands.¹¹¹ Similarly, throughout the 1320s, Otto's nephew, Gerard d'Oron, acted as his representative there, and was in the Islands with Otto in 1323.¹¹² Though mainly described as Otto's 'attorneys' in official records, these men were effectively Otto's sub-wardens and thus the heads of the administration in his absence, though how often they were physically present in the Islands is another matter.¹¹³

The appointment of members of Otto's family to the administration of the Islands reflected a wider trend of what may be described as a Savoyard network in the Plantagenet realm. The origins of this lay in the arrival of a significant number of Savoyards following Henry III's marriage to Eleanor of Provence in 1236, most notably the Grandison, Champvent and Bonvillars families. Their position in the realm was firmly established by the careers they built in the service of Henry III and the Lord Edward, and was reinforced by Savoyards who accompanied Edward on crusade in 1271. The established position of the Savoyards in the king's court, in particular but not limited to Otto's prominent status, enabled further members of these Savoyards families to establish themselves and develop

¹⁰⁹ Huscroft, 'The political career and personal life of Robert Burnell, chancellor of Edward I', *passim*; Ray, 'The Savoyard cousins', p. 155; 'Burnell, Robert (d. 1292)', Harding, *ODNB*; Kingsford, 'Otho de Grandison', pp. 130, 131, 163. Activity together in Gascony: Trabut-Cussac, *L'administration Anglaise en Gascogne*, pp. 56–9.

¹¹⁰ Both in 1294: *CPR, 1292–1301*, p. 61; *CCR, 1288–1296*, p. 359. Henry de Bonvillars from 1298: *CPR 1292–1301*, pp. 339, 340, 342, 433, 436–7; *CCR, 1296–1302*, p. 592; SC 8/9/419 and SC 8/9/420, pr. and trn *PROME*, II, pp. 637–8; Kingsford, 'Otho de Grandison', pp. 173–4, 179. Otto de Bonvillars was also Otto's representative in the Islands in December 1278. *CPR, 1272–1281*: p. 296. Otto de Grandison was related to the Bonvillars via his sister Agnes, who married John de Bonvillars. Ray: 'The Savoyard cousins', p. 149.

¹¹¹ JUST 1/1157 and JUST 1/1158, *passim*.

¹¹² From c. June 1320 to c. July 1326: *CPR, 1317–1321*, p. 569; *CPR, 1321–1324*, pp. 8, 238, 235–6, 339; *CCR, 1327–1330*, p. 317; *CCR, 1330–1333*, p. 45. SC 8/8/353, pr. *Rot. parl.*, I, p. 419; S.J. *Cartulaire*, nos. 60, 66, pp. 101–2, 111–3; Kingsford, 'Otho de Grandison', pp. 167–8, 185–7.

¹¹³ Le Patourel, *Admin. C.I.*, p. 48.

careers in England and throughout the king's wider realm.¹¹⁴ Otto's brother William, besides acting as Otto's attorney, was in the royal service in Ireland, Gascony and Scotland, and permanently established himself in England through marriage.¹¹⁵ Gerard d'Oron, employed in the king's service in the late thirteenth century, was a yeoman of the royal household and intermittently acted as a diplomat for the king.¹¹⁶ He was later appointed the seneschal of Ponthieu and Montreuil from August 1329 to October 1332, in 1329 and 1331, and was clearly regarded by the king as a valuable servant.¹¹⁷

The activity of the Savoyards throughout England and the Plantagenet's continental dominions demonstrates how the diffusion of personnel and the networks they developed could further bind together the diverse territories of the Plantagenet realm. However, it is important to recognise that the involvement of the Channel Islands in the Savoyard network was dependent on Otto's lifetime grant to the lordship. Neither Otto nor his officials expressed any desire in establishing a permanent influence in the Islands and some did not settle in England either, a notable contrast to Henry's household knights. As a result, the activity of his officials in the Islands, whilst unsurprisingly financial in motive, often proved over-exploitative and unsustainable in their pursuit of immediate profit for themselves and their lord. Otto's growing detachment from Plantagenet affairs after the death of Edward I made him an absentee lord *par excellence* and with this both the Savoyard influence in his lands and direct control over his appointments across his estates

¹¹⁴ For discussion of the Savoyard influence in England: Ridgeway, 'The politics of the English royal court 1247–1265', pp. 28–52; Ray, 'The Savoyard cousins', pp. 148–178; idem, 'Alien knights in a hostile land: the experience of curial knights in thirteenth-century England and the assimilation of their families', *HR*, 79 (2006), pp. 451–476; Prestwich, *Edward I*, p. 151; Kingsford, 'Otho de Grandison', pp. 171–188. Most recently, Spencer, 'A vineyard without a wall: the Savoyards, John de Warenne and the failure of Henry III's kingship', in Spencer and Watkins (eds), *Thirteenth Century England XVII*, pp. 41–64, who questions the traditional view that the Savoyards had a positive influence on Henry III's authority.

¹¹⁵ Ray, 'The Savoyard cousins', pp. 155–6; Kingsford, 'Otho de Grandison', 173–4.

¹¹⁶ Kingsford, 'Otho de Grandison', pp. 185–7. As a reward for his service to the king, he was granted many of the estates Otto held in England upon their reversion to the king: *CPR, 1313–1317*, p. 656; *CPR, 1327–1330*, p. 300; *CPR, 1330–1334*, p. 214. Diplomatic business: *CPR, 1324–1327*, pp. 411, 422, 428; *CCR, 1330–1333*, pp. 210–211.

¹¹⁷ Appointments: *CPR, 1327–1330*, p. 420; *CPR, 1330–1334*, p. 34; *CCR, 1330–1333*, p. 229. E. H. Shealy, 'The persistence of particularism: the county of Ponthieu in the thirteenth and fourteenth centuries', in J. S. Hamilton and P. J. Bradley (eds), *Documenting the past* (Woodbridge, 1989), pp. 33–52, p. 36; idem, 'The English administration of Ponthieu, 1279–1369' (unpublished Ph.D. thesis, Emory University, 1977), pp. 53–4.

in the Plantagenet realm diminished. Consequently, with the exception of Gerard d'Oron, there was little involvement by Savoyards in the Islands' administration in the latter half of Otto's lordship.

It is at this stage in his lordship that the tenure and activity of many of his sub-wardens in the Islands and elsewhere becomes increasingly difficult to discern, primarily due to an absence of records relating to them. This suggests that they did not have much of a career in the royal administration, in contrast to their predecessors. It may also indicate that these men held no formal position in the administration. Indeed, John Le Patourel notes that the sub-wardens during Otto's second term as lord do not appear to have received royal confirmation of their appointment.¹¹⁸ The composition of these officials is indicative of Otto's lack of involvement in the Islands' administration. By the time of Otto's death in 1328, the kings of England had taken complete responsibility for appointing officials and the management of the administration.

Otto's lordship, in course of time, aroused considerable hostility from the Islanders as it fundamentally removed them from their direct relationship to the king of England. Of course, it would have been impossible for Edward to have predicted that Otto would live to the exceptional age of around ninety and that the Islands would not escheat to Edward's grandson, Edward III, until 1328, thus resulting in the longest period the Islands had ever been out of the direct hands of the kings of England. When Otto died in 1328, a petition of the people of Jersey, carefully avoiding offence to the king by not directly criticising Otto, nevertheless thanked God that they were once again under the lordship of the king, which they had desired for a long time.¹¹⁹ Evidently there was a belief amongst the Islanders that there was advantage to be gained by being directly part of the royal demesne. The hostility to Otto's tenure draws parallels with the heated resistance of the Bordeaux estates to King Richard II's attempts to cede the duchy of Aquitaine to the house of Lancaster and the

¹¹⁸ Le Patourel, *Admin. C.I.*, p. 49; Kingsford, 'Otho de Grandison', p. 165. There are very few records relating to the following: William de Ousyngton, Robert de Haddy, Peter de Petitfe, Drew de Barentin, Peter and William de Baumes, all of whom acted on Otto's behalf in the Islands between c. 1300 and 1320: Le Patourel, *Admin. C.I.*, p. 125. Cf. royal confirmation of the appointment of Gerard d'Oron in March 1321: *CPR, 1317–1321*, p. 569.

¹¹⁹ SC 8/272/13589, trn S.J. *Ancient petitions*, pp. 49–50.

lordship of Ireland to his close friend Robert de Vere.¹²⁰ Similarly, it echoes the hostility expressed by the Gascons to the appointment of Simon de Montfort with quasi-viceregal powers in the duchy from 1248 to 1252, which the Gascons argued had violated their liberties as the only obedience they owed was to the king of England.¹²¹ It is possible that this opposition may also have stemmed from being governed under ‘alien’ Savoyards, considering that many of the wardens of the thirteenth century had a Norman background and, as in the case of the long-serving Drew de Barentin, had established a permanent presence in the Islands.

To the hostility to Otto’s lordship in principle were added numerous complaints of maladministration. It was alleged that Otto’s officials, taking advantage of the lack of royal oversight, sought to extract as much profit as possible from the Islands and were frequently accused by the local inhabitants of gross negligence in their administrative and judicial responsibilities. Indeed, as early as 1280, Richard de Crippling and John de Stroda were appointed to hear and determine complaints of the Islanders that Otto’s officials had abused their offices.¹²² An early case in point during Otto’s lordship concerned Master William de St Remy, bailiff of Guernsey (c. 1278–1292), and in fact a local of the same Island.¹²³ William was described as Otto’s ‘attorney’ in May 1278, July 1289, and again in

¹²⁰ A. C. Ruddick, ‘Gascony and the limits of medieval British Isles history’, in B. Smith (ed.), *Ireland and the English world in the Late Middle Ages* (Basingstoke; Hampshire, 2009), pp. 57–69, pp. 70–72; P. Crooks, ‘State of the union: perspectives on English imperialism in the Late Middle Ages’, *Past & Present*, 212 (2011), pp. 3–42, p. 15; M. J. Bennett, ‘Richard II and the wider realm’, in A. Goodman and J. Gillespie (eds), *Richard II and the art of kingship* (Oxford, 1999), pp. 187–204, pp. 192–5; N. Saul, *Richard II* (New Haven and London), pp. 274–6.

¹²¹ De Montfort’s provocative activity as the king’s lieutenant in Gascony which, whilst initially successful in reasserting royal authority, had ultimately pushed the region into further turmoil and alienated much of the Gascon nobility. In response, the Gascons urged the king to come in person or send his son Edward to restore the peace: Carpenter, *Henry III*, pp. 499–511; F. Lauchaud, ‘Representation and authority in thirteenth-century England and Gascony’, in F. Lauchaud and M. Penman (eds), *Absentee authority across medieval Europe* (Woodbridge, 2017), pp. 112–131, pp. 117–130; Studd, ‘The Lord Edward and King Henry III’, pp. 6–7; Powicke, *Henry III and the Lord Edward* (2 vols, Oxford, 1947), I, pp. 229–231.

¹²² It is unclear whether this commission occurred: *CPR, 1272–1281*, p. 411.

¹²³ References to him as ‘bailiff’ of Otto in the Islands: *CPR, 1272–1281*, p. 296; *CPR, 1281–1292*, pp. 14, 154, 339, 393, 424, *passim*; S.J. *Cartulaire*, no. 123, pp. 192–3. The prominence of the de St Remy family in Guernsey is seen in William’s role in the administration and the first marriage of his sister Alicia to Matthew de Sausmarez, seigneur of the fief de Sausmarez. Additionally, after William’s death there was a long-running inheritance dispute between his heirs and local officials, suggesting he had notable lands and chattels

April 1292 when Otto also assigned him at farm the custom duty on fish.¹²⁴ In November 1281, a mandate was issued by the king to Otto commanding him not to infringe upon the rights of Peter le Valeys, priest of the church of St Peter Port, after complaints were made by Peter that threats of violence and the invocation of ‘lay power’ had been used with a view to installing William de St Remy to the benefice of the same church.¹²⁵ The situation obviously did not improve for in June 1292, a commission of oyer and terminer under Thomas de Sandwich was appointed to investigate numerous complaints concerning trespasses upon the Islanders’ rights made by the bailiffs.¹²⁶ The commission found that William had committed gross injustices and he was ordered to provide financial compensation to all injured parties. However, rather than pay, William opted to flee to the immunity offered by the church and abjure the Islands. As a result, he was removed from office and his lands and chattels were seized. It was subsequently ordered that any injured parties be compensated using the revenues from these lands and chattels, or, if they proved insufficient, from Otto’s own property, because as lord he was bound to answer in default for William, whom he had appointed as his bailiff.¹²⁷

These orders for compensation were not fully enforced. Around June 1294, William de St Remy was pardoned by the king for his abjuration but not for his original crimes. Yet the king also confirmed a grant by Otto’s attorney, William de Grandison, that restored William de St Remy’s lands and chattels in the Islands.¹²⁸ It seems from this that it was

there: H. de Sausmarez, ‘The Sausmarez family in the Channel Islands before 1350’, *RTSG*, 11 (1931), pp. 170–192, pp. 185–6. William purchased the fief de St Hélène from the abbey of Cormery in 1292: S.J. *Cartulaire*, no. 331, pp. 422–3; A. H. Ewen, ‘The fiefs of the Island of Guernsey’, *RTSG*, 17 (1961), pp. 173–209, p. 190. There are references to William’s father John de St Remy in 1254 and 1270: S.J. *Cartulaire*, nos. 15 and 111, pp. 26–9, 178–180; S.J. *Extente*, 1274, pp. 43–4.

¹²⁴ Described in May 1278 with Denis of Tilbury as ‘attorneys of Otto de Grandison in the Channel Islands’: SC 1/20/97; S.J. *Cartulaire*, no. 123, pp. 192–3; *CPR*, 1281–1292, pp. 486, 487.

¹²⁵ *CPR*, 1281–1292, p. 2.

¹²⁶ *CPR*, 1281–1292, p. 495. Thomas de Sandwich was the seneschal of Ponthieu from 1279 to 1288, and mayor of Bordeaux in 1289: H. Johnstone, ‘The county of Ponthieu, 1279–1307’, *EHR*, 29 (1914), pp. 435–452, p. 443, n. 43; Shealy, ‘The English administration of Ponthieu’, pp. 22, 51.

¹²⁷ The writ ordering compensation to be made using William’s lands and issues, failing that Otto’s land and issues, is dated May 1293. Considering Thomas de Sandwich was appointed in April 1292, William’s abjuration had caused a significant delay in the litigation: *CCR*, 1288–1296, p. 319. In the writ it states that William’s lands and issues were taken into the king’s hand, but in fact they were in Otto’s custody: *CCR*, 1288–1296, p. 359.

¹²⁸ *CPR*, 1292–1301, p. 81; *CCR*, 1288–1296, p. 359.

Otto's right as lord to restore William's lands and chattels, which made it difficult to ensure the injured parties were properly compensated. However, as a condition of the pardon for abjuration, William was required to answer for his crimes according to the law and custom of the Islands. Despite this, in July 1297, Nicholas de Cheny, warden during the interim of Otto's lordship owing to wartime conditions, was ordered to inquire into the matter after the king was made aware by the injured parties that they had neither received proper compensation nor had William stood trial for his crimes.¹²⁹ One possible explanation of this is provided by a writ in September 1296, which references a petition by Guernseymen who held mills belonging to William at farm, where they stated that William had adhered to the cause of the king of France, though it is unclear whether this was true.¹³⁰ By 1299, William was deceased and the original case becomes lost within a long-running legal dispute between the administration and William's heirs concerning the inheritance of his lands in the Islands, as well as accusations against Otto's ministers that they had unlawfully seized the inheritance for their own profit and extorted money from the heirs for its return.¹³¹

These incidents concerning William de St Remy are but a few of the many complaints made during Otto's lordship, reflected in the considerable number of petitions to the king and council criticising his administration, particularly those concerning the lack of judicial impartiality, which will be discussed in the following chapter. What is clear is that, due to Otto's status as lord and his stranglehold on the administration, most importantly the judicial mechanisms in the Islands, it proved extraordinarily difficult for Islanders to obtain redress for maladministration, let alone oust Otto's officials from their positions and

¹²⁹ *CCR, 1296–1302*, p. 119.

¹³⁰ *CCR, 1288–1296*, p. 492. Cf. a petition by William's heirs in c. 1301 that states he was in royal service when he was killed: SC 8/62/3090, trn S.J. *Ancient petitions*, p. 34.

¹³¹ Accusations against Otto's officials: *CCR, 1296–1302*, p. 418; JUST 1/1157, m. 6 r., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 49–50. His possessions must have been quite extensive given the time and resources devoted to the resolution of the inheritance dispute: S.J. *Rolls of the assizes, 1309*, pp. 24–7. There are also numerous petitions by William's heirs concerning his inheritance: e.g. SC 8/62/3091, SC 8/155/7746. The core reasons which prevented resolution of the case seems to have been that William's pardon for abjuration was destroyed during an attack by forces of the king of France and because William had never answered for his trespasses. As a result, his inheritance remained in the king's hand. The case was resolved by 1324, when the king, after it was shown in the record that William had been pardoned, extended the pardon to cover William's crimes and allowed his heirs to hold the inheritance under the same conditions prior to their seizure: *CPR, 1321–1324*, pp. 439–440.

receive proper satisfaction in terms of damages.¹³² Royal intervention, as seen in St Remy's case, was essential. However, notwithstanding numerous complaints from discontented Islanders against Otto's administration and the fact that the king sent several commissions of inquiry to the Islands, in reality the king was either unable or unwilling (particularly during Edward I's kingship) to intervene decisively due to Otto's status in the royal household and his value to the wider affairs of the king. Thus, even when in August 1302, Otto and his officials Henry de Bonvillars, William de Ousyngton, and John de Newent, along with Henry de Cobham, warden during the interim of Otto's lordship, were summoned to appear before the king and council to respond to complaints that they had inflicted 'diverse wrongs, damages, and grievances' to the Islanders, there is no evidence of any sanction being imposed.¹³³

Ultimately, the kings of England only fully and properly intervened in the Channel Islands during Otto's lordship when there was perceived to be a genuine risk that the Islands were under threat of invasion by the kingdom of France or when royal rights were otherwise at risk. From June 1294 to April 1298, the Islands were escheated to the king owing to the outbreak of war with the kingdom of France. A new warden was appointed to administer and defend the Islands, Henry de Cobham from June 1294 to July 1297, followed by Nicholas de Cheny from July 1297 to April 1298.¹³⁴ The appointment of de Cheny was of some note as his family were among the major landholders in the Islands. These men were salaried wardens, directly accountable to the English exchequer, and were able to draw upon considerable funds and resources for the defence of the Islands.¹³⁵

The escheat of the Islands to the king's hand in 1294 should not be viewed as a form of reprimand. In January 1297, the king's grant of the Islands to Otto in 1277 was restated, perhaps to confirm that the Islands would be restored to him in full at the conclusion of

¹³² On the control of Otto de Grandison's officials over the judicial mechanisms, see Chapter V.

¹³³ *CCR, 1296–1302*, pp. 591–2. Although, it is to be noted that a commission of oyer and terminer was appointed in November of the same year to investigate the injuries caused by Otto's officials: *CPR, 1301–1307*, p. 97. SC 8/9/419 and SC 8/9/420, pr. and trn *PROME*, II, pp. 637–8.

¹³⁴ *CPR, 1292–1301*, pp. 74, 80, 81, 295, 342. Nicholas de Cheny was likely Henry de Cobham's sub-warden. He was granted protection on 26 June 1294 whilst staying in the king's service in Guernsey for two years. Furthermore, on 10 July 1294, Henry de Cobham initially was too ill to act as warden, and Nicholas de Cheny was appointed in his stead until Henry was reappointed on 20 July: *CPR, 1292–1301*, pp. 80, 81.

¹³⁵ R. Rouquette (ed.), 'Comptes du gardien Henry de Cobham pour l'année, 1294', *ABSJ*, 13 (1936), pp. 19–32.

hostilities and that Otto would not be liable for the significant expenditure incurred towards the defence of the Islands in these years. In fact, Otto would not receive custody of the Islands until April 1298.¹³⁶ Nonetheless, the escheat was a considerable favour to Otto, removing the serious responsibilities that came with the lordship in times of war, and further underlining the view that his lordship was a sinecure.¹³⁷

The appointment of salaried-wardens who were more accountable to the exchequer did not guarantee the prevention of maladministration and damage to the king's relationship with the Islanders. During the wardenship of Henry de Cobham, the people of Islands of Jersey and Guernsey sent a number of petitions to the king about the serious devastation inflicted upon the Islands as a result of attack by forces of the kingdom of France in the spring of 1295. The Islanders requested compensation for the damage incurred, to the value of 1,000 *l. t.* or more, the money to be raised from the seizure and sale of the goods and merchandise of those who had adhered to the cause of the king of France. They also sought that the chattels of Islanders who died in the attack, the possession of which had been taken into the king's hand, should be fully restored to their heirs.¹³⁸ The king was moved to grant these requests.¹³⁹ Nonetheless, reflecting how the effectiveness of overarching authority was only as good as the ability to enforce it, the warden, Henry de Cobham, failed to compensate the Islanders or fully return their possessions. It was also alleged in other petitions that he had appropriated goods from deceased Islanders (although he was supposedly legally entitled to one-third of the property of war casualties, to his considerable profit) and kept the wages of the garrison at Gorey Castle for himself.¹⁴⁰ He was replaced as warden in 1297. A further petition in the same year indicates that compensation had still not been made to the Islanders. The petition stated that de Cobham had been summoned to appear in parliament to address the complaints, where he claimed that the assets that he had received had been spent on the defence of the Islands. He was

¹³⁶ *CPR, 1292–1301*, pp. 230–231, 342. Le Patourel, *Admin. C.I.*, p. 49.

¹³⁷ Kingsford also suggests that Henry de Cobham was an old-time associate of Otto de Grandison: 'Otho de Grandison', p. 164; e.g. *CPR 1281–1292*, p. 213.

¹³⁸ SC 8/175/8719, SC 8/275/13731, SC 8/175/8717, SC 8/175/8716, trn S.J. *Ancient petitions*, pp 5–6, 6–7, 7–8, 9 respectively. SC 8/275/13731 is also pr. and trn *PROME*, II, pp. 636–7. SC 8/175/8719 and SC 8/275/13731 are notably bad translations in the Société Jersiaise publication.

¹³⁹ *CCR, 1288–1296*, pp. 427, 428. A copy of the king's writ ordering de Cobham to compensate the Islanders is attached to SC 8/275/13731 and SC 8/175/8717.

¹⁴⁰ SC 8/175/8717, SC 8/175/8740, and SC 8/31/1528, trn S.J. *Ancient petitions*, pp 7–8, 9–10, 10.

then instructed to use any surplus in his account to compensate the Islanders.¹⁴¹ As a result, in July 1297 a senior royal clerk, Robert de Leyssset, was sent to audit de Cobham's accounts and resolve the Islanders' complaints.¹⁴² These steps seem to have been to little avail, and Henry de Cobham was again ordered to appear before the king and council in 1302 to answer repeated complaints by the Islanders.¹⁴³ Although it is unclear to what extent the grievances of the Islanders against the administration were genuine and, if so, eventually remedied satisfactorily, it is clear that at the least the royal government took their grievances seriously.¹⁴⁴

After Edward I's death in 1307, Otto's permanent absence from England and growing detachment from Plantagenet affairs made his lordship appear increasingly incongruous. One must distinguish here between absenteeism, that is the avoidance of a duty or obligation, as opposed to simply absence from the Islands, for the latter was hardly an uncommon trait for a lord or warden, and was not problematic provided a sufficient deputy was appointed to act in their stead. Indeed, during the first period of Otto's lordship, his officials, whilst undoubtedly exploitative, were not necessarily negligent in their management of the administration. However, Otto's absenteeism in the fourteenth century, with the exception of his visit to the Islands during the proceedings of the 1323 eyre, resulted in the outright neglect of his administration, to a certain extent evidenced by the difficulty of identifying his officials in the Islands during this period. The damage this neglect had on the administration and defences of the Islands, and the significant expenditure required to remedy the problems it caused have been discussed elsewhere in the thesis. It was clearly viewed with considerable concern by the kings of England due to the Islands' vulnerability to attack and as such administrative neglect threatened the erosion of royal rights there.

As a result, the kings of England became increasingly eager to return the Islands directly to their control. In 1318, when it was mistakenly reported that Otto had died, the Islands were granted immediately to Edward II's eldest son, Edward, but this grant subsequently

¹⁴¹ SC 8/275/13731, pr. and trn *PROME*, II, pp. 636–7; *CPR*, 1292–1301, p. 301.

¹⁴² SC 8/275/13731, pr. and trn *PROME*, II, pp. 636–7. Regarding Master Robert de Leyssset: *CPR*, 1292–1301, pp. 301, 302; *CCR*, 1296–1302, pp. 51–2, 65.

¹⁴³ *CCR*, 1296–1302, pp. 591–2. See Chapter V.

¹⁴⁴ The dispute over compensation was again heard before the itinerant justices of the 1309 eyre: S.J. *Rolls of the assizes*, 1309, pp. 5–6.

had to be cancelled.¹⁴⁵ Efforts were also made in the 1320s to alleviate the impact of Otto's neglectful administration and to ensure that the Islands were well-defended during a tense period in Anglo-French relations. The king began directly appointing wardens to administer the Islands who were nominally under Otto's authority but in practical terms answered to the king. In August 1324, John de Clyvedon was appointed warden specifically to counteract Otto's absenteeism and neglect of the administration, but he was recalled from office in July 1325 after Otto had appointed Gerard d'Oron as his lieutenant in the Islands in early 1325 together with supposedly suitable subordinate officials.¹⁴⁶ Perhaps also in response to rumours of invasion of England by Isabella of France, queen of England (r. 1308–1327), and Roger Mortimer, in July 1326, Ralph Basset of Drayton and John de Roches were appointed to the custody of the Islands as Otto 'does not make stay in those Islands and has not ordered sufficient custody of them against attacks of the French', and Otto's lieutenant there was required to provide funds to them from the issues of the Islands for their defence.¹⁴⁷

When Otto died in 1328, the king of England took immediate possession of the Islands.¹⁴⁸ As to the king's obligation to Otto's debtors and the executors of his will that

¹⁴⁵ *CChR*, III, p. 407. Rather obscurely, in June 1323, Henry de Sully, lord of Sully (Sully-sur-Loire), was granted the Islands for life on their reversion to the king of England. This grant seems to have been ignored following Otto's death in 1328: *CPR*, 1321–1324, pp. 298–9. In response, de Sully was reported to have been planning an invasion of the Islands with Robert Bertrand around 1328 to 1330, though this did not materialise: JUST 1/1166, m. 14 r., pr. Le Patourel, 'D.Phil.', app., pp. 67–8. De Sully was a high-ranking royal official of Philip IV, king of France: Strayer, *The reign of Philip the Fair*, p. 179. He found favour with Edward II and acted as his envoy: *CPR*, 1321–1324, and *CPR*, 1324–1327, *passim*. Henry was also appointed seneschal of Gascony on 13 July 1325 and acted in that capacity from 14 August to 9 November 1325: P. Chaplais (ed.) *The war of St-Sardos (1323–1325)* (London, 1954), p. 271.

¹⁴⁶ *CPR*, 1324–1327, p. 14, 21, 27. He requested by petition to the king to be recalled early in 1325: SC 8/8/353, pr. *Rot. parl.* I, p. 419; *CCR*, 1323–1327, p. 391.

¹⁴⁷ *CPR*, 1324–1327, qt. p. 302, p. 306; SC 8/166/8295, pr. *Rot. parl.* II, p. 21, trn S.J. *Ancient petitions*, pp. 47–8. S. Philips, *Edward II* (New Haven and London, 2010), pp. 492–5. A similar statement was made in the appointment of John de Roches and Robert of Norton in 1327: *CPR*, 1327–1330, p. 63. It is not clear whether Ralph Basset was active in the Islands. He is likely the same Ralph Basset appointed as seneschal of Gascony in June 1323 and 1324, and who also acted as an envoy for the king: Chaplais (ed.), *The war of St-Sardos*, p. 271. Ralph Basset was appointed along with others to hear and determine petitions from Gascony, Ireland, Wales and the Channel Islands in the parliament of January 1333: *PROME*, IV, pp. 185, 187.

¹⁴⁸ Otto died on 5 April 1328: Kingsford, 'Otho de Grandison', pp. 170–171. On 14 June 1328, John de Roches was appointed as warden: *CPR*, 1327–1330, p. 301; Le Patourel, *Admin. C.I.*, p. 124.

they could enjoy the revenues of the Islands for five years, the king discharged this by financially compensating Otto's principal heirs.¹⁴⁹ The unfortunate state of the Islands' administration after Otto's tenure and the fact no one was vested with the lordship again until the fifteenth century makes it difficult not to agree with the view that Otto's Lordship was 'une longue oppression' and an 'unfortunate experiment', which reflected poorly on both Otto and royal government.¹⁵⁰

Officials of the administration beneath the warden:

From the late thirteenth century, the incumbents of internal administration – the bailiff, jurat, *vicomte* or *prévôt*, receiver, constable and others – can be identified with greater frequency. This is especially the case in regard to judicial officials due to the survival of the rolls of the itinerant justices in eyre in the Islands from 1299 to 1331, the kalendars of which provide valuable lists of the members of the courts in each Island.¹⁵¹ However, the visits of the itinerant justices were infrequent and their recordings of officials in the kalendars was inconsistent and is often contradictory to other source material. This is combined with the problem that the responsibilities of lesser officials overlapped, and they were often referred to by a variety of vague titles, especially during Otto de Grandison's lordship. As a result, perhaps with the exception of the bailiffs, it is difficult and ultimately unrewarding to create an effective list of those who held the mid-level positions of the

¹⁴⁹ Otto's principal heirs, his nephews Peter and Otto de Grandison, were granted the considerable sum of £500 each in 1331 to satisfy the obligation but not until they surrendered their rights to the issues of the Islands. This obligation may have initially been ignored as Peter and Otto had to present a petition before the king and council in 1331 to receive a satisfactory outcome: *PROME*, IV, p. 146; *CPR, 1330–1334*, pp. 45, 244–5; *CCR, 1330–1333*, p. 184; *CPR, 1272–1281*, pp. 188, 193. There seem to have been a number of complications and difficulties in receiving this money: SC 8/262/13075; *CPR, 1334–1338*, p. 35; Le Patourel, *Admin. C.I.*, p. 126 n. 3.

¹⁵⁰ Havet, 'Série chronologique des gardiens et seigneurs', qt. p. 202; Kingsford, 'Otho de Grandison', qt. p. 170. Le Patourel takes a similar view, noting that the later fourteenth century certain appointments (Hugh Calveley, John Golafre, and Edward, earl of Rutland) resembled a return to the wardenship as a sinecure, but importantly the individuals were only granted 'the custody of the Islands' rather than 'the Islands' outright: *Admin. C.I.*, pp. 46, 63, 130. The next lord of the Islands was John, duke of Bedford, from 1415 to 1435: Havet, 'Série chronologique des gardiens et seigneurs', p. 218.

¹⁵¹ The kalendars of the 1299 eyre rolls for Guernsey and Jersey, for instance, list Otto de Grandison's sub-warden, receiver, bailiff ('*capitalis ballivus*'), jurats, and the bordiers of each Island. The kalendar for Guernsey also names the jurors from each parish for the assizes and the free tenants (suitors of court) in the Island: JUST 1/1157, m. 8, and JUST 1/1158, m. 5.

administration and their lengths of tenure.¹⁵² Nonetheless, whilst they cannot be examined to the same extent as the wardens, and have typically received less attention than higher ranking officials, a study of a few of the incumbents who held these offices is instructive. Moreover, as will be further examined in Chapter V, these officials had a significant impact on the development and preservation of a devolved administration in the Islands.

The judicial offices of the administration were predominantly and necessarily composed of members of the local elite, many of whom sought to use their service in the administration as an opportunity to enhance their status and influence in the Islands. Members of well-established local families of Guernsey and Jersey including le Marchant, L'Evêque, de Carteret, de la Court, le Gay, Gautier, de Vinchelez, le Petit, Lenginour, de St Martin, and de la Hougue are repeatedly found listed as officials in the kalendars of the rolls justices itinerant as well as in earlier judicial records from the mid-thirteenth century.¹⁵³ Indeed, the judicial and other administrative offices, such as the bailiff, jurat and *prévôt* or *vicomte*, seem to have circulated between these families in each Island. For example, the le Marchant family, minor landholders in Guernsey, had an enduring presence in the internal administration of that Island.¹⁵⁴ Peter le Marchant was the bailiff of Guernsey until around July 1294, again at the time of the 1304 eyre to Michaelmas 1308, and *c.* 1317 until his death in 1321 whereupon his son and designated lieutenant, John le Marchant, succeeded him until 1323 eyre.¹⁵⁵ John was a jurat of Guernsey at the time of

¹⁵² On the difficulties presented by the source material in creating a provisional list of the bailiffs in the early fourteenth century: Le Patourel, 'D.Phil.', I, pp. 130–139.

¹⁵³ For some examples of thirteenth century records: S.J. *Extente*, 1274, p. 8; S.J. *Cartulaire*, no. 73, pp. 129–131. On the de St Martin family: T. W. M. de Guérin, 'An account of the families of de St Martin and de la Court', *ABSJ*, 9 (1919), pp. 54–95.

¹⁵⁴ There is not much information on the tenurial holdings of the le Marchants in the thirteenth and fourteenth centuries: S.G. *Extentes of Guernsey*, pp. 58, 64, 84, 87; *CPR*, 1321–1324, p. 439; Ewen, 'The fiefs of the Island of Guernsey', p. 193.

¹⁵⁵ In June 1294 he was appointed to hold the assizes in the Islands with Henry de Cobham, John de Carteret, Peter de Newent, and Peter d'Arcis: *CPR*, 1272–1307, p. 75. In July of the same year Peter was described as the late bailiff: *CCR*, 1288–1296, p. 357. Referred to as a former bailiff in the 1299 eyre rolls: JUST 1157, mm. 3 r. and 5 d., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 24, 43. From 1304 to 1308: JUST 1/1159, m. 6 r., and JUST 1/1161, m. 10 r., pr. and trn S.J. *Rolls of the assizes*, 1309, p. 116. From *c.* 1317 to 1321: JUST 1/1165, mm. 3 r. and 8 r., the latter membrane is pr. *Second report*, p. 298. For discussion: Le Patourel, *Admin. C.I.*, pp. 49–51.

the 1299 and 1304 eyres, and was *prévôt* of Guernsey from c. 1304 to 1309.¹⁵⁶ In addition, William le Marchant was *prévôt* at the 1299 eyre, and Denis le Marchant was *prévôt* in 1323.¹⁵⁷

The bailiffs of Guernsey and Jersey were usually appointed from among the jurats of their respective Island, and certain families frequently had multiple family members in both offices. For instance, John de Carteret was bailiff of Jersey in 1299, and his father Reginald, the seigneur of St Ouen, was a jurat.¹⁵⁸ At the 1309 eyre, Matthew de la Court, formerly a jurat from as early as the 1299 eyre, was bailiff of Guernsey having succeeded Peter le Marchant, and one of Matthew's kinsmen, Colin de la Court, was a jurat.¹⁵⁹ Similarly in 1309, Philip L'Evêque, a jurat in 1299, was bailiff of Jersey in 1309 and Jordan L'Evêque was one of the jurats of the court.¹⁶⁰ In the rolls of the 1323 eyre, in Jersey the bailiff was Philip de Vinchelez and William de Vinchelez was a jurat, whilst in 1331 the bailiff of Guernsey, Thomas de Estfeld, had among the jurats of the court his son-in-law Matthew de Saumarez, a significant individual in his own right as the seigneur of the fief de Sausmarez in Guernsey.¹⁶¹

Although these families had a prominent place and a considerable degree of control over local affairs as a result of their administrative involvement, their influence should not be overestimated. Firstly, their office was always subject to royal oversight or Otto's authority as lord. The reality of superior control was made manifest, for example, at the 1323 eyre,

¹⁵⁶ JUST 1/1157, m. 8; JUST 1/1159, m. 6 r.; JUST 1/1161, m. 10 r., pr. and trn S.J. *Rolls of the assizes, 1309*, p. 115. In 1330, John le Marchant appears to have been convicted of a felony but managed to escape from the prison of Castle Cornet: C 47/10/9/12; *CCR, 1330–1333*, p. 45.

¹⁵⁷ It is not always possible to work out the relationships between these family members: JUST 1/1157, mm. 6 d. and 8 r., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 54, 71. Denis le Marchant reference: JUST 1/1165, m. 15 r.

¹⁵⁸ JUST 1/1158, m. 5.

¹⁵⁹ JUST 1/1157, m. 8; JUST 1/1159, m. 6 r., pr. Havet, *Les cours royales*, p. 196; JUST 1/1161, m. 10 r., pr. and trn S.J. *Rolls of the assizes, 1309*, p. 116.

¹⁶⁰ JUST 1/1159, m. 5; JUST 1/1161, m. 37 r., pr. and trn S.J. *Rolls of the assizes, 1309*, p. 245. Philip L'Evêque was bailiff until around 1311: Le Patourel, 'D.Phil.', I, p. 134.

¹⁶¹ JUST 1/1164, m. 13; JUST 1/1166, m. 2. Thomas de Estfeld also had family ties with Radulf le Moigne, a jurat in 1323, 1331 and probably in-between those years, as Thomas le Moigne was married to Johanna de St Remy, the sister of Alicia de St Remy, mother of Matthew de Sausmarez and whose second husband was Thomas de Estfeld: de Sausmarez, 'The Sausmarez family in the Channel Islands before 1350', pp. 185–6; JUST 1/1165, m. 15 d.; pr. Havet, *Les cours royales*, p. 222; see also E 101/89/3, m. 1.

when, for reasons examined in Chapter V, the bailiff, John le Marchant, and all twelve of the jurats were removed from office by the itinerant justices.¹⁶² Secondly, it is notable that the two largest secular landholders, the de Chenys and de Barentins, did not serve as officials at this level because their elevated status permitted them to hold higher positions of office, such as the wardenship and acting as justices. Moreover, the de Chenys and de Barentins, by virtue of their status, were suitors of the royal courts, that is ‘free tenants’ who were required to attend the resident king’s court in their respective Island, de Cheny owing suit in both Guernsey and Jersey.¹⁶³ This allowed them to have a permanent overarching influence in the affairs of the court without having the often burdensome responsibilities that came with the offices of bailiff and jurat. Though inconclusive, it is also possible that, at least in 1323, the suitors of the court of Guernsey, alongside the warden and bailiffs, were responsible for electing the jurats, which allowed them to select men favourable to their interests.¹⁶⁴ Nonetheless, many seigneurs did take on official responsibilities, most notably the de Carterets. Indeed, the combination in 1299 of Reginald de Carteret as both seigneur of St Ouen and a jurat, and his son John as bailiff of Jersey, must have placed their family in a strong position of influence in the Island.¹⁶⁵

Like the wardenship, mid-level positions in the administration were used by the king to reward loyal followers. This is apparent with the *vicomte* of Jersey, the executive officer of the royal court, which was usually a royal appointment for life by letters patent. This suggested the revenues of this office were significant, but their income is otherwise unclear. In April 1304, the king confirmed Otto de Grandison’s grant to Richard le Fessu of Jersey, described as the king’s butler, of the office of *vicomte* for life, in the same manner as Peter Espiard had held it. Interestingly, it was Otto’s right as lord to grant this office. In the letters patent, the king stated that Richard may continue to hold the office if

¹⁶² JUST 1/1165, m. 15. Additionally, all the jurats of Guernsey were dismissed and replaced by the itinerant justices of the 1331 eyre: JUST 1/1166, m. 2.

¹⁶³ E.g. 1331 eyre: JUST 1/1166, mm. 2 and 15 r.

¹⁶⁴ Le Patourel highlights E 101/89/3, mm. 1 and 2, contains a list of names of individuals elected by ‘nobilium’ (nobles), which partly corresponds to the newly elected jurats of Guernsey in 1323. The ‘nobles’ included three priors representing the major ecclesiastical establishments, and Matthew de Sausmarez, all of whom owed suit at court: Le Patourel, ‘D.Phil.’, II, pp. 68–70; cf. JUST 1/1165, m. 15 d.

¹⁶⁵ Reginald de Carteret had four sons: Philip, who succeeded him as seigneur, John, Geoffrey and Robert. The latter two were clerks, which gave the family an influence in the ecclesiastical administration. See Chapter VI.

he outlived Otto when the right of appointment would escheat to the king.¹⁶⁶ The grant to Richard appears to have been a sinecure for he frequently appointed attorneys to represent him in the Islands, suggesting he was not there to fulfil the functions of the office.¹⁶⁷ In January 1317, a reversion of the office was granted by the king to John de Jersey, Richard's son, for the good service of his father.¹⁶⁸ Yet, in March 1318, the office was granted to John de la Marche, 'yeoman of the pantry' of the royal household who had already been appointed as gatekeeper of Castle Cornet in January of the same year, to hold in the same way as Richard le Fessu, now deceased.¹⁶⁹ Conversely, an *inspeximus* and confirmation made in May 1321 of letters patent of Otto de Grandison dated March 1317, acknowledged that Otto had granted the office of *vicomte* to William de St Helier, who is accorded this title in the kalendar of the 1323 eyre.¹⁷⁰ John de la Marche's grant was then confirmed by the king in April 1327 along with his position as gatekeeper, and again in December 1328 and May 1341.¹⁷¹ Considering John had official responsibilities in both Guernsey and in Jersey, and he was also the *prévôt* of Guernsey after the 1323 eyre, it seems unlikely he fulfilled all these offices and probably delegated his responsibilities to men such as William de St Helier, whilst continuing to enjoy the revenues derived from his position.¹⁷²

An important dimension to the makeup of the personnel of the internal administration was the involvement of Gascons. As has been examined in Chapter II, the value of the Islands to the Gascon wine trade, had encouraged Gascon merchants to develop direct economic interests there, most notably through the leasing of *éperqueries*. A few Gascons

¹⁶⁶ *CPR, 1301–1307*, p. 337; *CPR, 1313–1317*, p. 607.

¹⁶⁷ These attorneys, all local men, could be considered deputies of the *vicomte*. Appointment of Walter de Sale and William le Petit in 1311: *CPR, 1307–1313*, p. 398. Matthew le Lorour and William le Petit in 1313: *CPR 1313–1317*, pp. 42, 223. See also JUST 1/1161, mm. 28 d. and 37 r., pr. and trn S.J. *Rolls of the assizes, 1309*, pp. 221, 245, where Matthew le Lorour is stated as the *vicomte* of Jersey, which shows Richard was not active in the Islands.

¹⁶⁸ *CPR, 1313–1317*, p. 607.

¹⁶⁹ *CFR*, II, p. 355.

¹⁷⁰ Whether multiple grants of this office was the result of Otto's negligence in appointing officials at this time or a mistake by the kings of England as to their right to control the appointment of the *vicomte*: *CPR, 1317–1321*, p. 590; JUST 1/1164, m. 13.

¹⁷¹ *CPR, 1327–1330*, pp. 96, 343; *CPR, 1340–1343*, p. 197.

¹⁷² JUST 1/1166, m. 2 r. Active in Guernsey according to the 1331 eyre rolls: JUST 1/1166, m. 3 d., pr. *Second report*, pp. 305–6.

became wardens, such as Arnold son of John de Contis, Peter son of Bernard de Pynsole and Laurence de Gaillars. The Gascon, Peter d’Arcis, was bailiff of Jersey from November 1290 to c. 1294, and then concurrently was a jurat and the receiver of Jersey at the time of the 1299 eyre, the latter of which he held until c. 1303.¹⁷³ A number of Gascon merchants settled on a more or less permanent basis in the Islands, establishing themselves in local society by marriage, the acquisition of land, and through long-term service in the administration. The merchant Peter Bernard de Toulouse, active in Guernsey from the late thirteenth century, and his kinsman Richard Bernard were both jurats from c. 1304 to 1323, and a Nicholas Bernard was *prévôt* in 1331.¹⁷⁴ The best recorded example, however, is Peter de Gariz, who was active in the Islands from as early as 1309. In the 1309 eyre rolls, Peter was acknowledged as the deputy of the receiver in Guernsey.¹⁷⁵ In 1323, he was selected as one of the new jurats after the removal of the previous jurats by the itinerant justices, and from 1324 to 1326 was bailiff of Guernsey. By the 1331 eyre, he was listed as a jurat of Jersey.¹⁷⁶ In addition, in the 1328–9 account of John de Roches, William de Gariz, who was possibly Peter’s brother, was recorded as the receiver of Jersey for that year.¹⁷⁷

Peter’s role in the administration of both Islands was no doubt due to his economic interests in both Guernsey and Jersey, such as leasing and managing the lands and rights belonging to the abbeys of Mont-St-Michel and Holy Trinity, Caen. In addition to the lands he leased and managed, he seems to have acquired lands in Guernsey across numerous parishes, and in Jersey he had possession of the fief de Handois in St Lawrence,

¹⁷³ *CPR, 1281–1292*, p. 393; *CPR, 1292–1301*, pp. 75, 81; JUST 1/1158, m. 5, trn Stevens (ed.) ‘Jersey assize roll, 1299’, p. 19; S.J. *Cartulaire*, no. 187, p. 267.

¹⁷⁴ S.J. *Rolls of the assizes, 1309*, p. 116; JUST 1/1165, m. 8 r., pr. *Second report*, p. 298. They were among the jurats who were removed by the itinerant justices in 1323: JUST 1/1165, m. 15 r. Nicholas Bernard as *prévôt*: JUST 1/1166, m. 2 r. Richard Bernard also temporarily stood in for jurat during the 1299 eyre: JUST 1/1157, m. 8. It is unlikely that they were related to the warden, Peter son of Bernard de Pynsole.

¹⁷⁵ S.J. *Rolls of the assizes, 1309*, p. 180.

¹⁷⁶ JUST 1/1165, m. 15 d., pr. Havet, *Les cours royales*, p. 222; E 101/89/3, m. 1; JUST 1/1166, mm. 2 r. and 15 r. For dates of tenure as bailiff of Guernsey: Le Patourel: ‘D.Phil.’, I, p. 166. For a complaint of ill-treatment committed by Pierre de Gariz shortly after serving as bailiff: SC 8/266/13251, trn S.J. *Ancient petitions*, pp. 62–3.

¹⁷⁷ E 101/89/11, pr. Le Patourel, ‘D.Phil.’, app., p. 158.

which made him a suitor of the court.¹⁷⁸ His son, Peter de Gariz junior, also held lands in St Lawrence from the king, and his daughter held a small amount of land in Guernsey.¹⁷⁹ Service in the administration provided him the opportunity to increase his status and develop important links with the local secular and ecclesiastical elite for the purpose of strengthening his family's economic and tenurial interests in the Islands. Moreover, as deputy receiver, jurat and then bailiff, he was able to have a greater influence in the direction of court proceedings, which quite probably made it easier for him to acquire lands and rights in each Island. Peter was able permanently to establish his family in the Islands in the fourteenth century, demonstrated by the marriage of John de Gariz to Alienor de Cheny, one of the daughters of William de Cheny.¹⁸⁰

What is clear from this overview is that there was a tightly-knit network of prominent families who, whether in an official capacity or simply as landholders, dominated the internal administration of their respective Islands and allowed them to have considerable control over local affairs. As will be further examined in Chapter V, their role in judicial affairs was influential in the development of the royal court in each Island. For individuals, a position in the court allowed them to expand their networks and socio-economic interests, and, as Le Patourel observes, for the elite as a whole it provided them with a forum to express communal grievances against misrule.¹⁸¹ Significantly, there was little crossover in personnel between each Island at this level: it was uncommon to find officials acting in a judicial capacity both in Jersey and Guernsey unless they had inter-Island interests. This difference in personnel had significant consequences for the development of the laws and judicial institutions in each Island, as it enabled minor but nonetheless important differences in customary law and administrative organisation, which is readily apparent, for instance, when a comparison is made between the otherwise similar offices of the *vicomte* of Jersey and the *Prévôt* of Guernsey. Additionally, as much as the Islanders

¹⁷⁸ S.J. *Rolls of the assizes, 1309*, pp. 99–100; S.G. *Extentes of Guernsey*, pp. 57, 61, 122; S.J. *Extente, Jersey, 1331*, pp. 78, 79; S.J. *Cartulaire*, no. 162, pp. 236–7; de Gruchy, *Medieval land tenures*, p. 69. Suitor of court at the 1331 eyre: JUST 1/1166, m. 15 r.

¹⁷⁹ S.J. *Extente, Jersey, 1331*, p. 72; S.G. *Extentes of Guernsey*, p. 62

¹⁸⁰ The de Gariz family line in Jersey ended without immediate kin in c. 1396. The family continued in Guernsey through the marriage of his two nieces into the le Marchant and Tourgis families: de Gruchy, 'The family of Walsh or Walis and the seigneurie de St Germain', *ABSJ*, 10 (1927), pp. 297–315, pp. 297–8; idem, *Medieval land tenures*, p. 69.

¹⁸¹ Le Patourel, *Admin. C.I.*, pp. 51–2. See Chapter V for an important incident in 1321 between the Islands' elite and Otto de Grandison's sub-warden, Gerard d'Oron.

complained about certain individuals appointed to the wardenship, the dominance of certain families, particularly in the judiciary, itself had the potential to encourage abuse and erode the integrity of the internal administration.¹⁸²

English knights and career soldiers: The wardens of the mid-fourteenth century

The first warden appointed after the end of Otto's lordship was John de Roches (warden, June 1328–August 1330), a royal official who had served as sub-warden from July 1326.¹⁸³ The majority of records relate to his activity as warden but he was also active in the king's service in the counties of Wiltshire and Southampton, further emphasising the role of Southampton as an administrative hub for the support of the Islands during wartime.¹⁸⁴ His administration is perhaps the best documented as a result of the numerous records relating to his military activity and significant efforts to resolve the problems caused by Otto's lordship, most notably the particulars of his accounts to the exchequer and his remarkable report to the king in 1328 that showed an astute awareness of the situation in the Islands.¹⁸⁵ These records show he was personally present in the Islands on a regular basis to attend to his duties. He was also clearly viewed as an experienced and effective individual who seems to have had a good working relationship with the Islanders despite his dispute with them over the devaluation of the *livres tournois*, evidenced by his gift to them of a hogshead of wine as a reward for their volunteering to keep watch.¹⁸⁶ Unsurprisingly, he was reappointed in 1335 in a capacity that resembles that of a sub-warden to help organise the defences and array the men of the Islands to defend them.¹⁸⁷

¹⁸² On the abuses by the jurats and other local officials, see Chapter V.

¹⁸³ *CPR, 1327–1330*, p. 301; *CFR*, IV, pp. 96, 188–9. *CPR, 1324–1327*, pp. 302, 306; *CPR, 1327–1330*, p. 63; *PROME*, IV, p. 88; SC 8/166/8295, pr. *Rot. parl.* II, p. 21, trn S.J. *Ancient petitions*, pp. 47–8. His kinsman, William des Roches, accompanied him to the Islands in 1326, and again in 1330: *CPR, 1324–1327*, p. 306; *CPR, 1327–1330*, p. 502.

¹⁸⁴ It is possible there were two contemporaneous John de Roches' in the king's service: *CPR, 1324–1327*, pp. 22, 218, 222, 309; *CCR, 1323–1327*, p. 354; *CCR, 1333–1337*, pp. 581, 645; *CFR*, IV, pp. 156, 257, 480, 504. Sheriff of Wiltshire in 1347: *CPR, 1345–1348*, p. 107. Escheator in county Wiltshire: *CPR, 1345–1348*, pp. 25, 123, 360; *CFR*, V, *passim*.

¹⁸⁵ See Chapters II and III.

¹⁸⁶ Le Patourel, *Admin. C.I.*, p. 73.

¹⁸⁷ *CPR, 1334–1338*, p. 208; *CCR, 1333–1337*, pp. 434, 525.

In August 1330, John de Roches was replaced and the Islands were granted in fee-farm jointly to two citizens of Bayonne, Peter son of Bernard de Pynsole and Laurence de Gaillars.¹⁸⁸ Peter was a knight who had served as a king's serjeant-at-arms and was master of the king's ship the *St Edward*, which was used to defend the Islands around the time of the War of St-Sardos.¹⁸⁹ His military experience thus made him an appropriate appointment in this context, though Laurence can only be identified as a wine merchant, suggesting his interest in the Islands was primarily financial.¹⁹⁰ Within a short time, the Islanders petitioned against their appointment, expressing concerns about the safety of the Islands and asked that they be replaced with a warden from 'among the knights of England as was accustomed in former times', citing John de Roches as their model example.¹⁹¹ Whilst the Islanders may have resented having Gascons at the head of their administration, it is fair to assume that the Islanders were more concerned about the risks of financial exploitation and the neglect of the Islands' defences which arose from wardens who held the Islands in fee-farm, a concern that was perhaps apt since at the 1331 eyre, de Pynsole was accused of various thefts and assaults against Islanders, including an incident in 1326 before he was warden.¹⁹² In contrast, de Roches was a salaried warden and there was less incentive to minimise expenditure on the Islands for his own personal profit. As the Islanders made clear in their petition, and in many others, they did not wish the Islands to go out of the king's hand by gift or farm, a view undoubtedly influenced by their experience of Otto's lordship. In the endorsement to the petition, the king and council agreed that the Islands would be better guarded specifically by people from England whom the king can safely trust. De Pynsole and de Gaillars were dismissed in August 1331 and

¹⁸⁸ Notably William de Montacute was among those who mainprised for Peter and Laurence's fee-farm of the Islands: *CFR*, IV, pp. 188–9, 272; *CPR*, 1330–1334, p. 3

¹⁸⁹ *CPR*, 1324–1327, pp. 276, 279; *CPR*, 1327–1330, pp. 9, 11, 60, *passim*; *CPR*, 1330–1334, pp. 244; *CCR*, 1323–1327, p. 364; *CCR*, 1330–1330, p. 485; 'The Gascons Rolls Project (1317–1468)', C61/39, no. 49 and C61/41, no. 114.1; SC 8/97/4811, SC 8/281/14025, SC 8/168/8355, trn S.J. *Ancient petitions*, pp. 63–4.

¹⁹⁰ *CPR*, 1327–1330, p. 516.

¹⁹¹ SC 8/53/2649, trn S.J. *Ancient petitions*, pp. 59–60.

¹⁹² For example, Peter and others were accused of committing a felony against the prior of the Vale, Reginald Pastey, in 1326, robbing the priory of 100 *l. t.* of goods and imprisoning the prior in their ships to extort 200 *l. t.* from him: JUST 1/1166, m. 7. r. See also *ibid*, m. 21 d., where Peter and others were found guilty of making a false testimonial for Peter, concealing his misdeeds, to help secure his wardenship of the Islands; usefully summarised in Le Patourel, 'D.Phil.', I, p. 195.

William de Cheny (warden, August–September 1331) was temporarily appointed until a suitable replacement was found.¹⁹³

The appointment of Thomas Wake of Lydell (warden, September 1331–April 1333) to replace de Cheny is a good stopping point to examine two significant developments in the composition of the wardens.¹⁹⁴ The first is that the wardens of the fourteenth century were increasingly drawn from members of the English nobility. There had been an early sign of this with the appointment of Henry de Cobham (warden, June 1294–July 1297), who may possibly be identified as the Henry who became first lord of Cobham (1260–1339), and later warden of the Cinque ports and constable of Dover Castle in 1306 and 1315.¹⁹⁵ The de Cobham family had established a prominent influence in south-east England and his role in the Islands underscored the important personnel link between these two regions. Thomas Wake, a notable English nobleman frequently referred to as the king's kinsman in official records, was followed by Henry, lord Ferrers (warden, April 1333–March 1334; joint-warden, March 1334–May 1337), a member of the king's council and the king's chamberlain, and then succeeded by his younger brother Thomas de Ferrers (warden, May 1337–March 1341; July 1343–April 1348).¹⁹⁶ Henry was joint-warden from 1334 to May 1337 with William de Montacute, first earl of Salisbury (1337–1344), one of Edward III's closest friends and a rising political figure.¹⁹⁷ As a distinguished soldier noted for his naval expertise, and lord of the Isle of Man (from 1333), an island of comparable strategic

¹⁹³ The dismissal of de Pynsole does not mean he fell out of the king's favour: in the following year, he was sent to the duchy of Aquitaine 'on certain business very near the king's heart': *CPR, 1330–1334*, p. 244. The choice of de Cheny, as a lord with local interests in both Guernsey and Jersey, may have sought to soothe tensions: *CFR*, IV, p. 272. Despite his short length of tenure, he submitted an account to the exchequer for Michaelmas term: E 372/186, m. 44 d.

¹⁹⁴ *CFR*, IV, pp. 279, 328, 346; *CPR, 1330–1334*, p. 190.

¹⁹⁵ *CPR, 1292–1301*, pp. 74, 80, 81, 295. Records relating to Henry de Cobham's tenure as warden of Cinque Ports and constable of Dover Castle: *CCR, 1302–1307*, pp. 472, 482; *CFR*, I, pp. 542, 544; *CPR, 1313–1317*, p. 308. There were two men named Henry de Cobham who cannot be easily distinguished in this context, that is Henry, first lord of Cobham (1260–1339), and his uncle Sir Henry de Cobham († c. 1316) of the Rundale branch of the family. It cannot be said for certain which of these men was warden of the Islands: Le Patourel, *Admin. C.I.*, p. 124 n. 14. *Peerage*, III, pp. 343–4 and n. (d), 351 n. (b). Cf. 'Cobham family (*per c.* 1250–*c.* 1530)', *ODNB* (2004).

¹⁹⁶ 'Wake, Thomas, second lord Wake (1298–1349)', W. M. Ormrod, *ODNB* (2004). 'Ferrers family (*per c.* 1240–1445)', E. Acheson, *ODNB* (2004); *Peerage*, V, pp. 344–7. *CFR*, IV, pp. 346, 390; *CFR*, V, pp. 15, 66, 216–7; *CFR*, VI, p. 77; *CPR, 1343–1345*, p. 107; *CCR, 1343–1346*, p. 215.

¹⁹⁷ *CFR*, IV, p. 390; *CFR*, V, p. 15.

importance, de Montacute was an appropriate appointment as warden of the Islands, and in 1336 even sent one of his own ships to defend them.¹⁹⁸ These men, like those appointed to the wardenship in the thirteenth century were closely attached to the king of England in various official and personal capacities, and were active in the king's wars against the kingdom of France in this period, a testament to the political and strategic importance ascribed to the Islands. Due to their important activity elsewhere in the realm, they were accustomed to delegate their responsibilities in the Islands to sub-officials, though this did not mean they were neglectful of their duties.¹⁹⁹

The increasing reliance on the English nobility in the administration of the Islands is of considerable significance.²⁰⁰ In contrast to the household knights of Henry III and the Edward I, who were primarily composed of knights from the former territories of the Angevin 'empire' or further afield as in the case of the Savoyards, the wardens of the

¹⁹⁸ Notably, William de Montacute married Katharine, daughter of William de Grandison, Otto de Grandison's younger brother, and developed close familial and political connections with the Grandisons established in England: 'Montagu, William [William de Montacute], first earl of Salisbury (1301–1344)', Ormrod, *ODNB* (2004); Ray, 'The Savoyard cousins', pp. 150, 160. Ormrod also notes that William kept his own fleet and that his family developed 'a reputation for the defence of England's island dependencies': 'Man under the Montacutes, 1333–1392', in S. Duffy and H. Mytum (eds.), *A new history of the Isle of Man: the medieval period, 1000–1406* (vol. 3, Liverpool, 2015), pp. 151–169, p. 156. Protection and safe-conduct was granted in November 1336 for a ship called *la Cogge Montagu*, which William de Montacute was sending to defend the Islands: *CPR, 1334–1338*, p. 337.

¹⁹⁹ The most important and active of these sub-officials was Walter de Weston, clerk of the works of the Tower of London and palace of Westminster, and later the chamberlain of Berwick-upon-Tweed, who regularly acted as a sub-warden or 'lieutenant' in the Islands from September 1331 until November 1340. Appointment and examples of activity in the Islands: Le Patourel, *Admin. C. I.*, pp. 126–7; *CCR, 1333–1337*, pp. 235, 254–5; *CCR, 1337–1339*, pp. 220–221, 547, 560, 606, 612; *CCR, 1339–1341*, p. 32; *CCR, 1341–1343*, pp. 74, 95–6, 632; *CPR, 1334–1338*, pp. 323, 324; *CPR, 1338–1340*, p. 158; *CFR*, V, p. 99. He was briefly appointed joint-warden with William de Cheney in June 1343 but this did not take effect: *CFR*, V, p. 334; *CPR, 1343–1345*, p. 107. Activity in England: e.g. *CCR, 1337–1339*, pp. 41, 467, 499; *CPR, 1338–1340*, pp. 549–555. A Walter de Weston was also active in Gascony in the 1340s, serving as constable of Bordeaux from 1347 to 1348: SC 8/284/14187.

²⁰⁰ Other wardens belonging to the high nobility include John Mautravers (June 1348–April 1354), Thomas de Holland (April 1356–June 1357), and his brother Otto (June 1357–April 1358): Le Patourel, *Admin. C.I.*, pp. 127–8; 'Maltavers [Mautravers], John, first lord Maltravers' (c. 1290–1364)', C. Shenton, *ODNB* (2004); *Peerage*, VIII, pp. 581–5; 'Holland, Thomas, earl of Kent (c. 1315–1360)', M. M. N. Stansfield, *ODNB* (2004). Significantly, de Holland was appointed lieutenant and captain in the duchy of Brittany in 1353–4, and again from 1354–5: *Peerage*, VII, pp. 150–154.

fourteenth century were men who were deeply embedded in the socio-political fabric of English society. If the household knights of Henry III and Edward I embodied the idea of a Plantagenet realm composed of diverse identities, cultures and legal systems, then the wardens of the fourteenth century, in the course of time, came to represent a narrower 'English' identity, though importantly the growth of English nationality 'did not necessarily equate' with English vernacular, and the continued use of Anglo-Norman French by the nobility avoided the creation of a sharp division between the Islanders and the wardens.²⁰¹

The second feature is the emergence of wardens from the 1340s who have all the appearance and character of the 'careerist' soldiers of the Hundred Years' War, that is men of middling rank whose principal motivation for entering the king's service was advancement and material gain rather than as the result of their political or personal affinity with the king or the nobility.²⁰² Indeed, some of the wardens and their subordinates of this period can be identified among the vast number of men-at-arms and knights recruited to advance Edward III's continental ambitions, often active in different campaigns and theatres of the wider conflict between the kingdoms of England and France. The first warden distinctly of this character was Thomas de Hampton, warden from March 1341 to July 1343, and his lieutenant, Henry de la More.²⁰³ De Hampton was tasked with the considerable challenge of repairing the administration following the damage inflicted by frequent French attacks on the Islands from 1337.²⁰⁴ The most notable careerist soldier active in the Islands was Hugh Calveley, who, in the later part of his service to the king of England and as an indication of his success, was granted the custody of the Islands and its revenues for life from February 1377 to April 1393.²⁰⁵ His wardenship of the Islands was

²⁰¹ Ruddick, *English identity and political culture in the fourteenth century* (Cambridge, 2013), qt. p. 312.

²⁰² For discussion in the later fourteenth and fifteenth centuries: A. R. Bell, A. Curry, A. King, and D. Simpkin (eds), *The soldier in later medieval England* (Oxford, 2013), esp. pp. 73–94, 263; Powicke, 'The English aristocracy and the war', in K. Fowler (ed.), *The Hundred Years' War* (London, 1971), pp. 122–134, p. 126.

²⁰³ *CFR*, V, pp. 216–7; *CPR*, 1343–1345, p. 107. *CPR*, 1343–1345, p. 83. *CCR*, 1341–1343, p. 597.

²⁰⁴ *CPR* 1340–1343, p. 159; *CCR* 1341–1343, pp. 37, 117, 172–3, 179, 256, 375. Thomas' accounts for his wardenship are enrolled in E 372/192, m. 44.

²⁰⁵ *CPR*, 1374–1377, p. 394; *CPR*, 1377–1381, p. 168; *CCR*, 1374–1377, p. 496. On Hugh de Calveley's career: 'Calveley, Sir Hugh (d. 1394)', Fowler, *ODNB* (2004); Fowler, 'Deux entrepreneurs militaires au XIVe siècle: Bertrand du Guesclin et Sir Hugh Calveley', in *Le combattant au Moyen Âge, Société des Historiens Médiévistes des l'Enseignement Supérieur Public* (St-Herblain, 1991), pp. 243–256.

closely connected to his various appointments to the other ‘bastions of the realm’, as Hugh served as captain of Calais (1375–1378), admiral of the fleet of the west (1379–1380), captain of Brest (1379–1381) and of Cherbourg (1378).²⁰⁶ In the main, he delegated his responsibilities in the Islands to a range of subordinates, many of whom may generally be classed as low-ranking knights and men-at-arms.²⁰⁷

The appointment of career soldiers to the wardenship of the Islands had the potential to bring with it all the problems of financial exploitation and maladministration frequently associated with the activity of this group on the frontiers of Plantagenet-controlled France. Whereas Otto’s officials had been less accountable due to their protection under the umbrella of Otto’s prominent status, the turmoil created by wartime conditions served as an equally effective smokescreen for officials to take advantage of their position. Indeed, during the wardenship of Thomas de Hampton, his lieutenant Henry de la More along with the English soldiers under their command were accused by the Islanders of Jersey of committing gross extortions and thefts, including an act of murder by de la More himself.²⁰⁸ In December 1342, de la More was reprimanded, but not dismissed, for abusing his position by unlawfully detaining money and chattels belonging to the Islanders, and the king ordered de Hampton to ensure these were safely returned and in such a way that the Islanders would not need to seek the king’s intervention again for lack of justice.²⁰⁹ Despite this order and a temporary relief from war with a wartime truce in January 1343, the abuses of de Hampton’s wardenship reached such extremes that many of the local elite, including the de Carterets and de Barentins, fled to Normandy, and representatives of the Islanders went as far as to intercept the king at sea in the gulf of Morbihan to ensure their grievances were addressed.²¹⁰ In response, a commission under William de Cheny, Jean de

²⁰⁶ Calveley, Sir Hugh (d. 1394)’, Fowler, *ODNB* (2004). In regard to Brest, it is notable that its captaincy was often held jointly with the admiralty to the south and west of the Thames, and Calveley held the wardenship of the Islands at the same time as his captaincy: M. Jones, *Ducal Brittany, 1364–1399* (Oxford, 1970), pp. 150–151.

²⁰⁷ The exception to this was Roger Walden, later archbishop of Canterbury and bishop of London, who served as the official deputy of Hugh from 1383 to 1384. He was active in the Islands as early as 1371 when he was presented to the rectory of St Helier in Jersey: ‘Walden, Roger (d. 1406)’, R. G. Davies, *ODNB* (2004); Le Patourel, *Admin. C.I.*, p. 130.

²⁰⁸ SC 8/158/7856, trn S.J. *Ancient petitions*, p. 75.

²⁰⁹ *CCR, 1341–1343*, p. 597.

²¹⁰ A petition in early 1343 states that some 300 of the king’s most important liegemen had fled the Islands. It was also noted that de Hampton kept a deliberately large garrison in the Islands, despite the truce, in order to

Tamworth and John de Hungerford, king's clerks, were appointed in March 1343 to investigate and report on the situation in the Islands, including to hear the complaints of the Islanders and find by inquisition those responsible for causing such dissension, with power to arrest these persons and seize their goods.²¹¹ In June 1343, in a similar vein to the circumstances of 1331, William de Cheney and Walter de Weston were appointed joint-wardens on a seemingly temporary basis, though this order never took effect, and de Hampton was subsequently replaced as warden in July by Thomas de Ferrers.²¹²

The records of the commission have not survived but it is probable that de Hampton's removal from office was related to its findings, and it is notable that all three individuals appointed to replace him had already served in a senior capacity in the administration, which may have been intended as a way of persuading the Islands' elite to renew their faith in the integrity of the king's administration. The instigation of this commission was all the more important considering that the ability of the Islands' elite to reside in Normandy during this time not only highlights their connections with the mainland, but shows the plausibility of their reconsideration of their allegiance if the king did not remedy the deteriorating situation. Such experiences relayed by the Islanders to the king about de Hampton's administration were not unlike those which took place under the intermittent English administration in Brittany where the stewardship of career English soldiers was characterised by 'outrageous theft and extortion, maladministration and greed'.²¹³ Indeed,

support his financial exploitation of the Islands. The petition, which makes direct reference to the Islanders appealing to the king in the gulf of Morbihan, dates to before March 1343 when commissioners were appointed to investigate the situation: SC 8/245/12212, trn S.J. *Ancient petitions*, pp. 74–5. The Islanders must have met the king in Brittany at some point during the king's campaign there in the autumn and winter of 1342 to 1343: Ormrod, *Edward III* (New Haven and London, 2013), pp. 251–3, 619; Sumption, *Hundred Years' War*, I, pp. 403–410. A petition on 5 May 1343 was drafted at Barneville-Carteret (Manche department) by the leading Islanders of Jersey, under the seals of Reginald de Carteret, seigneur of St Ouen, Master Geoffrey de Carteret and Drew de Barentin, who had fled the Islands requesting safe conduct to return to the Islands to have their complaints heard: S.J. *Cartulaire*, no. 362, pp. 459–461.

²¹¹ In the appointment of the commission, it was acknowledged that 'diverse evils have happened in those parts and greater loss will ensure as is feared'. The commission was also instructed to investigate conspiracies with the king's enemies, persons who had fled the Islands since the last truce, traitors, and survey the state of the king's castles and garrisons: *CPR, 1343–1345*, p. 83; *CCR, 1343–1346*, p. 50. The account of expenses of William de Cheney and John de Hungerford to the exchequer proves that this commission occurred before the end of January 1344: E 101/312/5.

²¹² *CFR*, V, p. 334; *CPR, 1343–1345*, p. 107. *CCR, 1343–1346*, p. 215; *CFR*, V, p. 77.

²¹³ Sumption, *Hundred Years' War*, I, qt. p. 410.

the abuses under de Hampton's wardenship made the Islands appear more as an occupied 'frontier' territory than an integral part of the Plantagenet realm, an impression perhaps amplified by the cultural and linguistic differences between the Islanders and the English soldiers ostensibly sent to defend them. However, the ability of the Islanders to persuade their sovereign to send a commission to investigate their complaints equally shows the king's serious concern to provide effective justice to his subjects at a time when the warden and his officials had wholly failed in their task to act responsibly and maintain the administration of the Islands.

To borrow John Gillingham's observation on the governance of the Angevin 'empire', an examination of the personnel of the Islands' administration confirms the view that the 'coherence' of the Plantagenet realm 'was a question of people as well as a question of formal administrative structures'.²¹⁴ The diverse profiles of the king's officials, and the networks they developed, had a marked impact on the development of the Islands' administration. Their role was critical to the vitality of these institutions. Those whom the king chose to appoint to the office of warden of the Islands was based on two underlying motives which fluctuated according to the state of Anglo-French relations. The first was the concern for the defence of the Islands due to their geostrategic importance to control of the English Channel and in maintaining the maritime links between England and Gascony. The second was financial: how could the Islands' administration be effectively managed to maximise royal revenues or be used as a valued source of patronage for royal supporters?

In general, the wardens were generally men who had the administrative skills to fulfil the king's military and fiscal priorities, at least in a supervisory role as the head of the administration. The majority of them were drawn from a pool of royal officials who either already had considerable experience elsewhere or used the wardenship of the Islands as a stepping stone to advance their careers in the king's service. The deliberate diffusion of these officials, in particular the interrelated activity of Henry III's household knights in England, the Islands and Gascony, or in the appointment of members of the English nobility to the wardenship, was key to the development and incorporation of the Islands within an overarching Plantagenet administration. This integration was strengthened by the

²¹⁴ J. Gillingham, *The Angevin empire* (second edn: London, 2001), qt. p. 84.

close personal affiliation that many of the wardens had with the king, an indication of the symbolic importance attached to the Islands. Their appointment, often on generous terms, notably in the elevation of certain individuals to the lordship of the Islands, was used to ensure they were properly rewarded for their service. It also shows how the exercise of patronage through administrative appointments throughout the king's dominions, even to minor offices, was a valuable source of power, which explains why the Islands' administrative organisation was occasionally disrupted by the political struggles within the wider Plantagenet court as certain groups vied for control over key offices.

It remains difficult to evidence the extent to which wardens were physically present in the Islands. Many wardens, and especially the lords of the Islands, had responsibilities elsewhere and cannot have been expected to personally attend their duties. This does not mean they neglected their duties, but rather, delegated them to a range of subordinate officials to ensure royal directives were carried out. Whilst those beneath the warden are not always possible to identify effectively, their conduct was influential. Indeed, the choice of the sub-warden was often as important as that of the warden themselves, as seen in the diligent activity of John de Roches during the tail end of Otto de Grandison's lordship or, conversely, in the exploitative activity of Thomas de Hampton's lieutenant, Henry de la More. Similarly, the local elite were important as they formed the backbone of the internal administration. Little could be achieved by the warden without their cooperation in running the administration as well as in terms of retaining the wider consent of the local population. Although there were risks to relying upon them, their active participation and the incentives of holding office served to further reinforce rather than weaken Plantagenet authority in the Islands.

Where the administration was at greatest risk of doing more harm than good to Plantagenet authority in the Islands was during periods when the custody of the Islands was entrusted to officials whose conduct was undoubtedly exploitative and neglectful. Maladministration itself was often a product of administrative experiment combined with the changeable shift in royal interests according to the political circumstances. Although the king had a tendency to err in favour of his officials, complaints by the Islanders of administrative misconduct were taken seriously, and investigations into maladministration bring to light the accountability of officials to royal and judicial oversight, which could be quite considerable, when it was in the king's interest to intervene. That officials were brought to account at all, and in some cases reprimanded, emphasises that even though the

administration was focussed on the military-fiscal interests of the king, it was not simply intended as tool for exploitation, evidenced by the participation of the Islanders in it and by their use of the king's overarching institutions to hold officials accountable.

Chapter V

The judicial institutions and laws of the Channel Islands

In 1309, the communities of Guernsey and Jersey were summoned separately before the itinerant justices in eyre in the Islands to answer as to what law they claimed to apply in each Island, specifically whether it was the law of England or of Normandy or a regime of special customs granted to them by the kings of England. The communities, whose answers were closely corresponding, stated that they applied the law of Normandy save to the extent that it had been varied by certain local customs from time immemorial. The most important of these customs were, they claimed, the offices in both Islands of twelve jurats of the king. The jurats, it was asserted, with the bailiff of the Island and in the absence of, or together with, the itinerant justices, ought to judge all cases arising in the Islands, except those which remained the sole prerogative of the king and his court, and make record of their activity.¹ Furthermore, the community of Jersey cited its reliance on a certain legal treatise called the '*Summe de Mancael*', which they greatly valued because it contained the laws of the Normans.²

The '*Summe de Mancael*', which is also referenced in a petition made by the communities of both Islands in c. 1331–1333, has been linked conclusively to the *Grand Coutumier de Normandie* (also referred to as the *Summa de Legibus*), a Norman legal treatise originally written around the middle of the thirteenth century that details the customary law of Normandy, and was widely adopted and expanded upon by legal professionals as a form of instructional guide in the practice and implementation of an uncoded law.³ That the Islanders possessed and actively utilised a copy of the *Grand Coutumier* was made clear in a return of an inquiry in Jersey in 1328, in which a certain '*registrum*' was consulted to determine the custom of inheritance concerning bastards. As part of the inquiry the warden, John de Roches, also consulted the *bailli* of the Cotentin and other experts in the customary law of Normandy, whose customs the Islanders of Jersey were, it was said, bound to

¹ JUST 1/1160, mm. 4 r. and 9 r., pr. and trn S.J. *Rolls of the assizes, 1309*, pp. 29–34, 69–74, respectively.

² JUST 1/1160, m. 9 r., pr. and trn S.J. *Rolls of the assizes, 1309*, qt. p. 73.

³ KB 27/290, m. 185 r.; J. Everard (ed.), *Grand Coutumier de Normandie: the laws and customs by which the duchy of Normandy is ruled* (St Helier, 2009), pp. xv–xxxii; J. H. Le Patourel, 'The authorship of the *Grand Coutumier de Normandie*' (1941), repr. *Feudal empires*, ch. 3, pp. 292–300.

observe.⁴ It is clear then, that not only were the laws of the Islands rooted in Norman law, they were actively being updated and rationalised in accordance with developments in continental Normandy.

The Islands, as the only remnant of the duchy of Normandy still in the hands of the kings of England following the loss of Normandy in 1204, were thus a privileged community in this context: they had retained their Norman laws and customs and, though ruled by the king of England, had not been integrated into the kingdom of England itself. Nonetheless, as Chapters III and IV have evidenced, the Islands' administration was very much the king's administration: all major appointments were controlled by the king, officials acted to protect the king's rights and revenues, and there existed a significant level of royal oversight from England.⁵ Similarly, the judicial structure applicable to the Islands also reflected the king's paramount position. There were five separate and somewhat overlapping legal jurisdictions in the Islands in the thirteenth and fourteenth centuries: the overarching authority of the king of England exercised through the central institutions of royal government, namely the king and his council, the king's court of chancery, the exchequer and, for a relatively short period in the fourteenth century, the king's bench; the direct exercise of the king's jurisdiction in the Islands in the form of assizes and other judicial visitations; the locally established king's courts (or royal courts) in each Island; the local seigneurial courts; and the ecclesiastical court of the bishop of Coutances. Ultimate judicial power clearly rested with the king.⁶

From the late thirteenth to mid-fourteenth century, most strikingly during the reign of Edward I, the kings of England engaged in an ambitious, though ultimately unrealistic, programme of administrative reform that sought to expand the extent and reach of an increasingly bureaucratised and sophisticated royal government across the Plantagenet dominions. This extended to the Islands where there were attempts to further increase royal control in the judicial sphere in a manner and to a degree that matched the growing fiscal

⁴ Le Patourel, 'The authorship of the Grand Coutumier de Normandie', repr. *Feudal empires*, pp. 296–9.

⁵ Le Patourel described the Islands' administration as 'seignorial': *Admin. C.I.*, pp. 104–5.

⁶ The local seigneurial courts, although they are not pertinent for the purposes of this discussion, exercised a territorial jurisdiction over what occurred on their fiefs but this was limited to civil disputes and minor criminal matters, both of which were subject to the superior jurisdiction of the royal courts: G. F. B. de Gruchy, *Medieval land tenures* (St Helier, 1957), pp. 131–4; Havet, *Les cours royales*, p. 150. The ecclesiastical courts of the Norman church are examined in Chapter VI.

and administrative integration of the Islands' administration with the central institutions of royal government. In 1274, a major inquiry and extent were carried out in the Islands by itinerant justices to assess the state of the administration, including the hearing and adjudication of pleas against local officials, which, as we shall see, draws important parallels with the Hundred Rolls inquiries in England from 1274 to 1275. In 1299, the English general eyre was first introduced to the Islands. These intermittent courts incorporated almost all other forms of judicial commission and were conducted by itinerant justices from England who were empowered to hear all pleas concerning the administration of civil and criminal justice. These itinerant justices also engaged in a series of provocative *quo warranto* proceedings in the Islands, challenging Islanders to prove the legal provenance of their lands and rights as well as their customary law. In addition, from the early reign of Edward I, Islanders were allowed to petition the king and council in parliament with a view to their exercise of an appellate jurisdiction in relation to internal judicial decisions.

These efforts at judicial reform did not constitute an attempt to absorb wholesale the institutions and laws of the Islands into the kingdom of England itself. Nonetheless, such activity, in particular the *quo warranto* proceedings and the challenge posed to the Islands' customary law, caused the predictable concern among the Islanders that legal rights and practices upon which their assets and livelihoods were based were about to be undermined by the imposition of an alien legal system. The privilege of being adjudged according to their own laws became an important concession to retain. The contest between the kings of England and the Islanders as to the boundaries of royal authority and control over the course of this period ultimately culminated with Edward III's royal charter to the Islands in 1341, which confirmed the Islanders' laws and customs, and allowed them to continue to use and develop their own laws and judicial institutions.

This Chapter examines the interplay between the interests of the kings of England in the preservation and expansion of their rights, and those of the Islanders who greatly valued, and jealously guarded, their laws and customs. This was further complicated by a range of interest groups in the Islands, such as the Norman church, the state of Anglo-French relations, and by the fact that the Islands' laws continued to be informed by those of Normandy but with important, and by no means easily discernible, variations, some of

which were unique to each Island.⁷ This interaction played out not just in the context of the kingdom of England but also of the duchy of Normandy as the law there continued to evolve.⁸ In light of this, the judicial institutions and laws of the Channel Islands should be viewed alongside events in both England and Normandy, which themselves overlapped and displayed aspects of a ‘cross-Channel legal culture’ in the thirteenth and early fourteenth centuries.⁹

The judicial organisation and laws of the Islands by the reign of Edward I

By the beginning of the reign of Edward I in 1272, the judicial organisation of the Islands had taken on a recognisable and permanent shape, which incorporated aspects of its pre-1204 form but with some significant modifications as a result of the Islands’ political detachment from the duchy of Normandy. As examined in Chapter I, in order to ensure Plantagenet control over the Islands in the turbulent period following the loss of Normandy, John and Henry III had maintained the status quo in the Islands as far as possible to retain the support of the local population, particularly in regard to the laws and judicial institutions that accorded the Islands’ communities a degree of local autonomy. In an important writ in 1226, the warden of the Islands, Richard de Gray, was ordered by Henry III to accord the same liberties and free customs to the king’s subjects in the Islands as had been allowed in the time of Henry II, Richard I, and John.¹⁰ Throughout the tumultuous years between the loss of Normandy and the Treaty of Paris in 1259, this and many similar statements were iterated by the kings of England.¹¹

⁷ For a list of the most important statements of the customs of the Islands made during this period see: Le Patourel, *Admin. C.I.*, p. 106 n. 2, pp. 110–111.

⁸ S. Poirey, ‘Le droit Normand après 1204: ruptures et continuités’, in A.-M. Flambard-Héricher and V. Gazeau (eds), *1204: la Normandie entre Plantagenêts et Capétiens* (Caen, 2007), pp. 289–300.

⁹ T. J. McSweeney, ‘Between England and France: a cross-Channel legal culture in the late thirteenth century’, in R. W. Kaeuper (ed.), *Law, governance and justice: new views of medieval constitutionalism* (Leiden and Boston, 2013), pp. 73–100; N. Vincent, ‘Magna Carta (1215) and the *Charte aux Normands* (1315): some Anglo-Norman connections and correspondences’, *JGLR*, 19 (2015), pp. 189–197.

¹⁰ *Rot. litt. claus.*, 1224–1227, p. 114. This writ has been printed frequently, an indication of the constitutional significance attached to it: e.g. C. Le Quesne, *A constitutional history of Jersey* (London, 1856), pp. 537–8; *JPB*, II, no. 49, p. 100.

¹¹ E.g. *Rot. litt. claus.*, 1204–1224, p. 352; *Patent rolls*, 1216–1225, p. 290.

But such broad, reassuring statements were not apt to provide exactitude. Just what exactly the ‘liberties and free customs’ of the Islands were, how they differed from Normandy, and how they had been altered since the Islands’ detachment from the duchy was not at all clear.¹² Such statements also did not mean there would be no changes imposed. For example, it was now the royal government based in England rather than the institutions of the duchy of Normandy which was superimposed over the Islands, and the former in effect, yet indistinctly, supplanted the latter as the appellate authority to the Islands’ internal administration. Furthermore, the landscape of landholdings in the Islands had changed dramatically due to the numerous confiscations and regrants that occurred in the decades following the loss of Normandy. Most of these changes were implemented on an ad hoc basis, often based on immediate political circumstances as opposed to a more considered programme, and many of the necessary adjustments that were considered to be temporary, ultimately proved to be permanent.

As a result, by the mid-thirteenth century and as an indication that the king of England viewed the loss of Normandy as permanent, it was considered necessary by Henry III to conduct a series of inquisitions to determine the judicial organisation and laws of the Islands and the extent of the king’s rights there. In 1248, the king ordered an inquisition to be conducted by the warden, Drew de Barentin. This inquisition was ordered to investigate the services and customs that the Islanders owed to the king, and what laws were instituted in the Islands by King John, after a previous inquisition in 1247 had proved inadequate.¹³

¹² The phrase ‘customs and law of the realm’ made by both the king and the people were ‘recited almost as if they were meaningless rhetoric, and it was this which made them dangerous, for they were not so much meaningless as ambiguous, and in this lay the seeds of argument’: J. C. Holt, *Magna Carta* (second edn: Cambridge, 1992), pp. 111–2.

¹³ *Calendar of inquisitions miscellaneous (chancery), 1219–1307* (vol. 1, London, 1916), no. 15 pp. 15–8; *Foedera*, I, i, p. 269. Of the 1247 inquiry, only the Guernsey return survives in the close rolls. Its contents regarding the services and customs of the Islands are elaborated on in greater detail in the 1248 inquiry: *Close rolls, 1242–1247*, pp. 546–7. Two earlier inquiries in 1229–1230 and in 1233 had similarly been ordered to investigate certain customs pre-dating the loss of Normandy: *Close rolls, 1227–1331*, p. 423; *Close rolls, 1231–1234*, p. 245. The timing of the 1247 and 1248 inquiries are significant considering that in 1247 Louis IX, king of France, ordered an inquiry to investigate the conduct of local officials and hear the complaints of the local populace across his kingdom, including the duchy of Normandy. The returns of these revealed much about the changes to the duchy since 1204: T. Horler-Underwood, ‘Local loyalty and absentee authority in thirteenth century Normandy: the evidence of the *Querimoniae Normannorum*’, in F. Lauchaud and M. Penman (eds.), *Absentee authority across medieval Europe* (Woodbridge, 2017), pp. 92–111.

Part of a return to a writ following the 1248 inquisition contains a very significant insight into the impact of the post-1204 separation on the Islands' judicial organisation and a foundation for much constitutional argument that would follow. The insight concerns the introduction of a number of '*Constitutiones et provisiones*' (constitutions and provisions) in the Islands during the later reign of King John. No extant original of these 'constitutions' survives, but their substance is reflected in part of the return to the writ by Drew de Barentin. The truth of the return is deposed to on the oaths of twenty-three men of Guernsey.¹⁴

The return (or report) on the outcome of the 1248 inquiry is split into two parts. The first part is essentially an extent (or survey), that records a number of the principal services and rights owed to the king in the Islands, the majority of which likely existed prior to John's reign, and it is the first of such extents in a series infrequently conducted by royal officials over the next four centuries until 1660.¹⁵ The second part, under the heading '*Constitutiones et provisiones constitute per dominum Johannem regem postquam Normannia alienata fuit*' (Constitutions and provisions constituted by the Lord King John after Normandy was alienated), sets out eight 'constitutions'.¹⁶ J. C. Holt has persuasively argued that only the first five lines of this section are strictly the original 'constitutions' instituted by John, whilst the others are of a later date in John's reign or during the early reign of Henry III.¹⁷

¹⁴ Only the Guernsey return of the 1248 inquiry survives, but the 'constitutions' do not specify between either Island and are applicable to both. The 1248 inquiry is catalogued as C 145/2, no. 2.22, pr. *Calendar of inquisitions miscellaneous*, I, no. 55, pp. 15–8, pr. *Second report*, pp. 291–3, pr. and trn *JPB*, II, nos. 50 and 51, pp. 100–103d, and S.G. *Extentes of Guernsey*, pp. 23–8. Le Patourel found none of these printed texts to be 'entirely satisfactory' but does not elaborate and makes no reference to the *JPB* edition: *Admin. C.I.*, pp. 12–3. It is curious that Everard and Holt in *Jersey 1204* make no reference to S.G. edition, though it is apparent that they freshly examined the original manuscript.

¹⁵ For example, the Islanders of Guernsey were required to help maintain the king's seven mills and grange: S.G. *Extentes of Guernsey*, p. 25. Le Patourel, *Admin. C.I.*, pp. 106–9; Havet, *Les cours royales*, pp. 6–8.

¹⁶ 'Constitutions' in this case can be defined as a 'record' or 'recognition' of established precedents: Holt, 'Jersey 1204: The origins of unity: a note on the constitutions', in P. Bailhache (ed.), *A celebration of autonomy, 1204–2004* (St Helier, 2005), pp. 121–124.

¹⁷ Holt states that this may be seen at the end of the fifth line where it says, '*In super constitutem fuit*' (Later it was laid down), and then discusses a levy on foreign ships, implying that the rest of the document is an addition to the original 'constitutions': Holt, 'Jersey 1204: the origins of unity: a note on the constitutions', in Bailhache (ed.), *A celebration of autonomy*, p. 121; Ogier, *Gov. & law of Guernsey*, p. 146.

The first two ‘constitutions’ concern the effective continuation of the ducal administration and judicial organisation of the Islands, whilst the remaining ones set out a number of provisions for the defence of the Islands and the regulation of trade. The first recites that John thereby instituted twelve ‘*coronatores juratos*’ (sworn coroners). The 1248 inquiry describes their role in the broadest of terms. It simply states they are to watch over the pleas and rights pertaining to the king.¹⁸ There is also no statement as to their qualification for the role or mode of appointment or term of office. It is possible, though speculative, that these ‘coroners’ existed prior to 1204, and that John simply adapted an older institution.¹⁹ They have long been identified with the office of jurat in the Islands, whose holders were widely seen as the ‘personifications of the Island’s legal identity’ and the office exists to this day where Jurats are lay judges who perform a number of roles in the Royal Courts of Jersey, Guernsey, Sark and Alderney.²⁰ The second ‘constitution’ gives the *ballivus* (warden) the authority to render judgement on a variety of civil pleas without writ, following a verdict of the coroners.²¹ Permitting the warden to initiate procedure without writ was of great administrative practicality due to the difficulties of obtaining a writ and sending itinerant justices from England in the then prevailing

¹⁸ ‘Pleas of the crown’ encompassed anything that violated the king’s peace. However, in this period there was no ‘authoritative definition of the term’, which facilitated the expansion of what was considered a crown plea: R. F. Hunnisett *The medieval coroner* (Cambridge, 1961), pp. 3–5; Everard and Holt, *Jersey 1204*, pp. 158–160; Holt, ‘Jersey 1204: The origins of unity’, in Bailhache (ed.), *A celebration of autonomy*, p. 123; Havet, *Les cours royales*, pp. 49–51; Ogier, *Gov. & law of Guernsey*, p. 119.

¹⁹ Le Patourel, *Admin. C.I.*, pp. 113–7; idem, ‘The origins of the Channel Islands legal system’ (1962), repr. *Feudal empires*, ch. 2, pp. 198–210, pp. 204–6.

²⁰ Ogier, *Gov. & law of Guernsey*, qt. p. 119, pp. 146–7. Havet, *Les cours royales*, pp. 49–51; Le Patourel, *Admin. C.I.*, pp. 90–92, pp. 113–8; Everard and Holt, *Jersey 1204*, pp. 167–171.

²¹ This included the following pleas: *nouvelle dessaisine*, (recovery of land after recent dispossession), *mort d’ancestre* (recovery of land by a person claiming to be heir of the previous possessor of such land), *douaire à femme* (a widow claiming dower on property disposed of by her husband during the marriage), *de mariage encombré* (an action brought by a widow for restitution of property vested in her and disposed of by her husband without her consent) within a year, and *fief et de gage* (an action claiming that a fief held by a party is held as a gage, that is a pledge of land for security for the performance of a contract or payment of debt, and not as absolute owner, and therefore is recoverable by the original owner on redemption of the pledge) at any time: Le Patourel, *Admin. C.I.*, p. 43; S.G. *Extentes of Guernsey*, pp. 27–8; Everard (ed.), *Grand Coutumier de Normandie*, pp. 382–394, 418–424, 428–450, 486–503; W. Eves (ed.), *The Antiqua consuetudo Normannie, or ‘part one’ of the so-called Très ancien coutumier of Normandy* (St Helier, 2023), pp. 6–15, 44–7, 48–51.

circumstances.²² From the second ‘constitution’, one might properly deduce that the coroners were entrusted as finders of fact or ‘doomsmen’ in cases that came before the king’s courts in each Island and most probably to act as the experts on the laws of the Islands, it being unlikely that the warden was well-versed in the local law. Although one cannot discount a subsequent evolution of the role, the later records of the general eyre certainly show the jurats as both finders of fact and law.²³

These changes were of considerable significance to the structure of the king’s ordinary courts in the Islands. Prior to this, in the twelfth century the duke of Normandy had a resident court in each Island presided over by a *vicomte* which, whilst held in the duke’s name, had restricted powers and only dealt with minor cases.²⁴ There is insufficient evidence to enable an adequate understanding of the detail of the structure and organisation of these courts or confirm whether the royal courts of the thirteenth century onwards definitely evolved from them.²⁵ Nonetheless, whatever their pre-1204 composition, John’s ‘constitutions’ had markedly reconstituted them with the addition of the warden, as the king’s main administrative and judicial representative, and the twelve coroners, and by extending the jurisdictional authority of the king’s courts in each Island.

²² Previously, Islanders would have to go to Caen to obtain a writ and, after 1204, England, which was a considerable inconvenience: Holt, ‘Jersey 1204: The origins of unity’, in Bailhache (ed.), *A celebration of autonomy*, p. 124. This authority was further enhanced in February 1219 when the king permitted the warden, Philip d’Aubigny, to take assizes without writ when the lands concerned were less than half a knight’s fee, and only a few landholdings would have been excluded from this provision: *Patent rolls, 1216–1225*, p. 188.

²³ Le Patourel, *Admin. C.I.*, qt. p. 91; idem, ‘The origins of the Channel Islands legal system’, repr. *Feudal empires*, pp. 204–5. Jurats retain an important role to this day in civil and criminal proceedings in the Royal Courts of Jersey and Guernsey, albeit they are no longer judges of law: R. Holden, *Offshore civil procedure* (London, 2016), pp. 255–8, 716–7.

²⁴ For discussion of *vicomte*’s court and the survival of a charter which records the sitting of this court in Guernsey in 1179, see Ogier, *Gov. & law of Guernsey*, pp. 82–3; T. W. M. de Guérin, ‘Notes on the early constitutional history of the Channel Islands’, *ABSJ*, 9 (1921) pp. 256–271; C. H. Haskins, *Norman institutions* (London, 1918), p. 185; Everard and Holt, *Jersey 1204*, pp. 73–4; J. R. Strayer, *The administration of Normandy under St Louis* (Massachusetts, 1932), p. 25.

²⁵ The royal court, which may have evolved from the court held by the *vicomte*, still assembled in sessions called *placita vicecomitalia*, which were likely the ordinary meetings of the court as distinct from the assizes: Le Patourel, *Admin. C.I.*, p. 44; Ogier, *Gov. & law of Guernsey*, pp. 82–5.

From the 1248 inquiry it may be seen that the exact role of the ‘*coronatores juratos*’ as well as their connection to the office of jurat, which does not emerge distinctly in the records until 1299, is somewhat unclear. Certain comparisons between the jurats and other similar offices across the Plantagenet realm have been offered. Havet suggested a comparison with the officers of communes that John had created in a large number of towns in his French lands, such as the twelve aldermen, elected by the inhabitants, who formed a court of justice that had a notable level of authority in civil affairs.²⁶ Le Patourel, making a more general comparison between the jurats and analogous officials in Carolingian Europe, Germany and the Low Countries, also posited that the office of jurat may have been developed from the suitors of court, that is the ‘free tenants’ who were required to attend the resident ducal court of their respective Island and had a more active role in the adjudication of matters that came before the courts in the twelfth century prior to the introduction of the jurats.²⁷ The jurats also have been likened by Everard and Holt to the office of coroner in England, a recent creation in September 1194, and during John’s early reign many boroughs were allowed to elect their own coroners, a significant privilege.²⁸ The coroners in England were, like the jurats, responsible for keeping the pleas of the crown, which for the English coroner amounted to conducting preliminary investigations and collecting evidence for any pleas that required the attention of royal officials, such as crimes that violated the king’s peace or inspections of wrecks and treasure troves, and they were essential to ensuring that pleas were brought to trial.²⁹

²⁶ Havet names the following communes by way of example: Falaise, Alençon, Domfront, Aufay, Verneuil-sur-Vienne (all in Normandy), Niort (near la Rochelle), and Cognac (in between la Rochelle and Bordeaux): Havet, *Les cours royales*, p. 51. Williams makes a comparison between the jurats and the municipal organisation of the communes of Gascony, based on the broader view that the distance and isolation of the Islands and Gascony from royal centres of power necessitated a greater reliance on the local population and delegated authority, rather than any structural similarities between the various offices: T. Williams, ‘The importance of the Channel Islands in British relation with the continent during the thirteenth and fourteenth centuries’, *ABSJ*, 11 (1928), pp. 1–89, pp. 56–62.

²⁷ Le Patourel, *Admin. C.I.*, pp. 113–7; idem, ‘The origins of the Channel Islands legal system’, repr. *Feudal empires*, pp. 204–6.

²⁸ Everard and Holt, *Jersey 1204*, pp. 158–9. The institution of coroner was new but the duties of this office had been previously performed by other officials: Hunnisett, *The medieval coroner*, pp. 1–8. For discussion of the date of the introduction of the coroner in England: idem, ‘The origins of the office of coroner’, *TRHS*, 8 (1958), pp. 85–104.

²⁹ W. L. Warren, *The governance of Norman and Angevin England, 1086–1272* (London, 1987), pp. 135–6. There was also a Norman coroner, in charge of keeping pleas of the sword (the equivalent to pleas of the

Allowing for the differences between these officials and their different jurisdictions, the close timeframe in the creation of the English coroner, the officers of the communes across Plantagenet France, and the '*coronatores juratis*' in the Islands suggests that the institution of the jurats was part of a broader administrative development rather than being an office peculiar to the Islands and simply the result of political expediency there. In the case of the English coroner, W. L. Warren argued that the introduction of the coroners was an important administrative reform because the creation of a permanent office dedicated to keeping the pleas of the crown helped streamline the process of conducting these pleas and relieved other royal officials, such as the sheriff, from this duty. It also represented an increasing reliance on local men in the administration of justice, who were an indispensable tool to exerting royal authority in the localities without over-burdening royal government.³⁰ Such a perspective can be readily applied to the institution of the jurats, who provided essential support to the warden in the administration of justice, and allowed the Plantagenet kings of England to govern the Islands more effectively from afar by delegating judicial responsibilities to the local elite, but without compromising royal rights in the process.

A writ of Henry III addressed to the 'bailiff of the Islands of Guernsey and Jersey' in March 1254 serves to illustrate the impact of John's changes to the function and composition of the royal courts as found by the 1248 inquiry. This writ was received in the royal court of Guernsey in St Peter Port in the presence of the sub-warden, John de Grey (acting in place of his father Richard de Grey), Philip de Carteret, William de Sausmarez, and Henry le Canelly, together described as '*militibus*' (knights), and lastly '*aliis juratis assiarum*', which could refer to the jurats of Guernsey.³¹ The warden was instructed to conduct an inquisition concerning the rights of the abbey of Mont-St-Michel over wreck of

crown), from as early as 1171. Though it is noted that the evidence of this is limited to the Avranchin: Haskins, *Norman institutions*, pp. 188, 338.

³⁰ Warren highlights that the coroner was a key step in the development of 'self-government' at the king's command': *The governance of Norman and Angevin England*, pp. 135–6. The coroner was introduced 'in the interests of good order, justice, and especially royal revenue': Hunnisett, 'The origins of the office of coroner', p. 104.

³¹ S.J. *Cartulaire*, no. 15, pp. 26–8, Havet, *Les cours royales*, pp. 186–7. Le Patourel translates as 'knights and other jurats of the assizes', which he states could be referring to the jurats, but the statement is ambiguous as it may also refer to jurors of an assize: Le Patourel, 'D.Phil.', I, pp. 62–3.

the sea coming ashore in Guernsey, and a return of this writ in the same record notes that the investigation took place in the presence of William de Sausmarez, Henry le Canelly and eleven other notable men of the Island. This record clearly identifies that the royal court was a resident court and names St Peter Port as its location in Guernsey. It also shows the warden or his representative was viewed as the head of this court and inquisitions were to be presided over by him in his capacity as *ballivus*, but with the assistance of prominent men in the Islands who had an official presence at the court either as jurats or because they owed suit at court. In the administration of justice, then, royal authority and the community were interdependent, or, at least, that there was a role for the local population.

Any assessment of the ‘constitutions’ as found in the 1248 inquiry has been complicated by their association with the so-called ‘Constitutions of King John’, first presented in the appendix of Philip Falle’s *Account of the Isle of Jersey, the greatest of those Islands that are now the only remainder of the English dominions in France* (London, 1694).³² These ‘Constitutions’ were shown by Havet in the late nineteenth century to be a combination of the contents of the 1248 inquiry and articles contained in a petition by the Channel Islanders to the king in c. 1331–1333, articles which properly belong to the fourteenth century rather than dating to John’s reign.³³ Whilst the ‘constitutions’ of the 1248 inquiry may reflect laws and administrative reforms instituted by John or dating perhaps even prior to his reign, the ‘Constitutions’ as we know them in Falle’s book were a seventeenth-century amalgamation, though exactly how or why this occurred is unknown.³⁴ Despite early doubts as to the authenticity of the ‘Constitutions of King John’ expressed by the Jersey legal commentator Philippe Le Geyt (1655–1716), they were frequently reproduced and deployed over the years as historical evidence to establish the Islands’ laws and customs in disputes with the crown and were essentially viewed as the ‘Magna Charta of the Channel Islands’.³⁵ *The First Report of the Commissioners* (1847) commented that

³² Havet, *Les cours royales*, pp. 3–8, 50–52; Falle, *Account of the Isle of Jersey*, pp. 200–206. For a succinct account of the ‘Constitutions of King John’ see: Ogier, *Gov. & law of Guernsey*, pp. 146–7.

³³ The first three articles of the 1248 inquiry were interpolated into the ‘Constitutions of King John’ and are articles 1, 2 and 18 in Falle’s text. This petition is included as part of a *Coram Rege* roll relating to the suspension of the 1331 eyre. On the c. 1331–1333 petition and its contents see below.

³⁴ Havet, *Les cours royales*, pp. 3–8; Le Quesne, *A constitutional history of Jersey*, pp. 52–4, 539–541.

³⁵ Philippe Le Geyt acknowledged that the articles of the ‘Constitutions of King John’ did not all belong to the reign of King John and that some lay in declarations by the Islanders in the fourteenth century. He also

‘whatever the origin of these Constitutions, they have for many ages been treated as a Charter granted by the Sovereign and accepted by the inhabitants’.³⁶ Falle’s conflation of sources, whilst interesting in and of itself, should not undermine the separate significance of the 1248 inquiry or the 1333 petition, the latter of which is examined later in the Chapter.

To view the ‘constitutions’ as contained in the 1248 inquiry as a ‘Magna Charta of the Channel Islands’ is misrepresentative of their purpose, and their constitutional significance should not be overstated. This is because the ‘constitutions’ were intended to be confirmatory rather than foundational, and were essentially adjustments to the pre-existing position in place when the Channel Islands were a part of Normandy. This is reflected in the inquiry itself, as the first part of the document acknowledges that there was a pre-existing body of customs and services owed to the duke.³⁷ It is a reasonable inference in all the circumstances that the ‘constitutions’ were implemented for practical purposes to adapt to the new situation post-1204 when the permanent detachment of the Islands from the duchy of Normandy seemed improbable to those involved. In such circumstances, it is highly unlikely John would have sought to enact fundamental changes to the Islands’

suggested that the mistake arose from a memorandum titled ‘*Constitutiones et Provisiones constitutae per Dominum Regem Johannem*’, given to the governor of Jersey in 1604: P. Le Geyt, *Les manuscrits de Philippe le Geyt, ecuyer, lieutenant-bailli de l’Ile de Jersey, sur la constitution, les lois, et les usages de cette Ile*, (vol. 4, St Helier, 1847), p. 9; Havet, *Les cours royales*, pp. 5–6. It is interesting that the ‘Constitutions’ were used as evidence by the States of Jersey in the Prison Board case, even after Havet’s study, whose research was referenced in the Crown’s evidence: *JPB*, II, e.g. no. 67, pp. 142–153; IV, no. 449, pp. 1053–6; V, pp. 2–4. *Report of the commissioners appointed to inquire the civil, municipal and ecclesiastical laws of the Island of Jersey* (London, 1861), ‘Magna Charta’ qt. p. iv; Ogier, *Gov. & law of Guernsey*, pp. 146–7. For an example of this view in previous histories, see W. Berry, *The history of the Island of Guernsey* (London, 1815), pp. 77–8.

³⁶ *First report of the commissioners appointed to inquire into the state of the criminal law in the Channel Islands* (Jersey) (London, 1847), qt. p. ix, pp. 72–3.

³⁷ This is seen in the statement that the Islanders owe as a community every year an aid of seventy *livres tournois*, in consideration of the liberty that they are quit of military service outside of the Islands, save only when accompanying the duke of Normandy to recover England, and are exempt from all tallage (arbitrary taxation) and taxes. On the basis of the reference to the recovery of England by the duke of Normandy, which can only have been prior to the loss of Normandy, these customs must have existed before 1204: S.G. *Extentes of Guernsey*, p. 26; Le Patourel, *Admin. C.I.*, p. 106; Le Quesne, *A constitutional history of Jersey*, pp. 58–60.

constitutional status.³⁸ The ultimate motivation behind the ‘constitutions’ was political: it was a shrewd move to further ensure the loyalty of the Islanders to the Plantagenet cause by confirming to uphold the Islands’ pre-existing laws and customs, by enacting procedural changes for the effective administration of justice, and, through the establishment of the ‘*coronatores juratos*’, by allowing the Islanders to continue to play a part in that administration.

Nonetheless, the intended effect of a document does not always match the actual effect. Much like the *Magna Carta*, the ‘constitutions’ as contained in the 1248 inquiry quickly came to occupy a place of considerable importance in interpretations of the respective rights of the king and his subjects in the Islands.³⁹ This is reflected from an early stage in a series of reinterpretations made by the Islanders in the thirteenth and fourteenth centuries. An important example of this is a record that can be roughly dated to the beginning of Edward I’s reign in 1272, titled ‘*Copie des franchises que le Roi dengleterre a en Guernerie & que les hommes Guernerie ont*’.⁴⁰ According to Havet’s close palaeographic inspection of this record, it is a copy of an original document from Guernsey, and is written in Anglo-Norman French but with distinctly Norman and Guernésiais linguistic characteristics.⁴¹ It purports to constitute a precise statement of the rights of the king and, separately, the Islanders of Guernsey, and its contents may also be applied to Jersey. Its similarities to the contents of 1248 inquiry and a further inquiry conducted in 1274,

³⁸ Le Patourel, ‘The charters and privileges, laws and customs of the Island of Guernsey’, *Quarterly Review of the Guernsey Society*, 2 (1946), pp. 3–8, p. 6.

³⁹ Holt, *Magna Carta*, pp. 1–20 and ch. 11; Vincent, *Magna Carta: origins and legacy* (Oxford, 2015), esp. ch. 3.

⁴⁰ This record originally was to be found in the *Fonds de l’abbaye du Mont-St-Michel*, *Archives Départementales de la Manche* (now reclassified as 1 H), but this catalogue was almost completely destroyed in the Allied bombings of 1944. The original does not appear to have survived, but there are many copies: Havet, *Les cours royales*, pp. 183–6; G. Dupont, *Histoire du Cotentin des ses Îles* (vol. 2, Caen 1873), 212–6; S.J. *Cartulaire*, no. 146, pp. 224–6; S.G. *Extentes of Guernsey*, pp. 39–40. The document may be dated to the early reign of Edward I due to a reference to ‘*ma dame de Chaene*’ which is in all probability Felicia de Cheny, widow of William de Cheny (†1269): *CCR, 1272–1279*, pp. 215–6; Havet, *Les cours royales*, p. 184. Le Patourel also notes that there is no mention of the custom of mackerel, which was instituted in 1285: ‘D.Phil.’, I, p. 75 n. 1.

⁴¹ Havet, *Les cours royales*, p. 8.

combined with the local knowledge required for some of its content, suggests that it was written by or, at least, in close coordination with the members of the Guernsey elite.⁴²

In the second part of the document, it is stated that the men of Guernsey, in exchange for an aid of seventy *livres tournois* which the whole Island paid to the king, among other liberties, had the right to be judged only by the twelve jurats and only within that Island.⁴³ The twelve jurats described here are synonymous with the twelve ‘*coronatores juratos*’ established by John, and the assertion that only the jurats could give judgement over Islanders implied these holders of this office were drawn from among the community. On a more significant level, the statement represents a substantial elaboration on the findings of the 1248 inquiry. Rather than simply being an office of the administration, jurats were now presented by the Islanders as a fundamental privilege derived from the king. This should be no surprise. The right of being judged by one’s peers was a greatly valued and long-accepted axiom in medieval society: it occupied an important place both in *Magna Carta* and the *Très ancien coutumier* of Normandy, and was repeatedly reinterpreted over time in order to respond to the development of the law.⁴⁴ But it was also a privilege that could be revoked by the king, exemplifying the potentially problematic status of the jurat as being, on the one hand an official of the king and, on the other, a member of the local community and embodying an essential component of the Islands’ customary law. Secondly, the claim of the ‘*Copie de franchises*’ that men of Guernsey could only be judged within their Island and with no distinction between criminal and civil pleas, expands the competence of the royal courts and also shows that Guernsey was treated as a distinct legal jurisdiction.

The ‘*Copie de franchises*’, putting aside its obscure origins, is an instructive example of how the customary laws of the Islands were steadily evolving as a result of reinterpretation, practical necessity, and community interests. The development of ‘constitutions’ by the Islanders seemingly without royal approval or direction, set the stage for the clash between the Islanders and royal officials at the end of the thirteenth century over whether they had violated or derogated the rights of the king in the Islands.

⁴² It is possible, though speculative, that this document is properly part of the contents of the 1274 inquiry, whose commissioners conducted an extent of and a series of inquiries into the rights of the king and those of the Islanders. See below.

⁴³ Havet, *Les cours royales*, p. 185.

⁴⁴ Holt, *Magna Carta*, pp. 2–3, 9–12, 75–6, 461. ‘Peer should be judged by peer’: Eves (ed.), *The Antiqua consuetudo Normannie*, pp. 54–5; Everard (ed.), *Grand Coutumier de Normandie*, pp. 50–51.

Outside of the royal courts, an important exercise of the judicial authority of the king in the Islands were the assizes, which had a Norman precedent and were continued in the Islands after 1204 under the auspices of the king of England.⁴⁵ An assize was a travelling court presided over by justices, which sat triennially and administered both civil and criminal law, competence over which lay outside the ordinary jurisdiction of the local courts.⁴⁶ In the twelfth century, itinerant justices from Normandy were sent to hold assizes in the Islands as part of their circuit of the duchy.⁴⁷ A variety of pleas were brought before them by writ obtained from the king which ordered that they be adjudicated upon at the assize.⁴⁸ Pleas reserved to the assizes included all crimes of violence, especially those committed within the royal demesne, on the king's highway, and on the foreshore, as well as legal actions which initiated special forms of procedure that necessitated the sovereign's intervention, such as the *clameur de haro*.⁴⁹ Criminal matters were dealt with in 'pleas of the sword' (*placita spade*), known after the Islands' detachment from the duchy of

⁴⁵ There are no extant rolls of the assizes held in the Islands until 1299, when the assizes became part of the general eyre and were conducted by the itinerant justices from England: D. Crook, *Records of the general eyre* (London, 1982), pp. 191–3.

⁴⁶ Ogier, *Gov. & law of Guernsey*, pp. 82–4; Warren, *The governance of Norman and Angevin England*, pp. 108–110; Eves (ed.), *The Antiqua consuetudo Normannie*, esp. pp. 54–57, 80–81, 94–5; Everard (ed.), *Grand Coutumier de Normandie*, pp. 102–112, 246–7.

⁴⁷ Le Patourel, *Admin. C.I.*, pp. 41–2; Haskins, *Norman institutions*, pp. 164–9; S. R. Packard, 'The judicial organisation of Normandy, 1189–1204', *Law Quarterly Review*, 40 (1924), pp. 442–464, pp. 461–3.

⁴⁸ On writs: A. Musson and W. M. Ormrod, *The evolution of English justice: law, politics and society in the fourteenth century* (Basingstoke; Hampshire, 1999), p. 46. On their development in the twelfth century, see Warren, *Henry II* (New Haven and London), pp. 336–350; Packard, 'The judicial organisation of Normandy', p. 462.

⁴⁹ The *clameur de haro* (or hue and cry) invoked a legal injunction. Once an injured party raised the *clameur* the other party was required to cease the alleged wrongdoing or else be found guilty of contempt of court. Use of this procedure made the intervention of the sovereign in the dispute obligatory. The procedure exists to this day: A. Bridgeford, 'Harrow!' Quod he', *JGLR*, 12 (2008), pp. 4–23; Everard (ed.), *Grand Coutumier de Normandie*, pp. 238–247. In the thirteenth and fourteenth centuries, the *clameur* could be invoked in relation to a wide variety of civil and criminal wrongs in the Islands, many of which realistically could have been dealt with by the king's ordinary courts. Islanders would often invoke the *clameur* to ensure their plea was heard by royal justices in eyre, so that even the most minor cases were heard before the justices, though wrongful use of the *clameur* was punished by a hefty amercement. It was used some sixty-three times at the proceedings of the 1299 eyre in Jersey alone: Stevens (ed.), 'Jersey assize roll, 1299', p. vi; Ogier, *Gov. & law of Guernsey*, p. 151.

Normandy as ‘pleas of the crown’ (*placita corone*), whilst civil matters were handled in the ‘common pleas’ (*placita communia*).⁵⁰

The assize was ‘an alternative to customary law enforced by royal authority’: it was not intended to override the local courts and customary laws, but rather to supplement them.⁵¹ This is reflected in the procedure for pleas of the crown. Although the hearing of these pleas was reserved to the justices of the assize, all its judgements were informed by juries of presentment, a sworn panel of local men who declared on oath the crimes committed in their judicial unit (in the case of the Islands this was the parish), and presented the suspects and evidence for trial before the justices of assize.⁵² In all probability, the judicial personnel of the royal courts in each Island did the preparatory work for pleas heard at the assizes and had a direct role in the proceedings.

After the loss of Normandy, it was clear that the kings of England had no intention of altering the structure of the assizes, beyond necessary modifications, on account of the Islands’ political detachment from the duchy. Indeed, it was repeatedly instructed from early on during Henry III’s reign that the assizes were to continue to be conducted according to the law and custom of the Islands as they were held in the time of the king’s predecessors.⁵³ The primary alteration after 1204 was that the warden was now made responsible for directing the assizes, presumably due to the impossibility of sending itinerant justices from Normandy. This adjustment to the circumstances of the Islands

⁵⁰ Crimes of violence concerned those involving loss of life or limb and any infractions of the king’s peace. What constituted pleas of the crown was stated clearly during the 1331 general eyre: JUST 1/1166, m. 1, pr. *Second report*, pp. 301–3. Pleas of the sword were jealously guarded by the dukes of Normandy due to their economic value in the form of fines: Packard, ‘The judicial organisation of Normandy’, pp. 452–458; Ogier, *Gov. & law of Guernsey*, pp. 82, 84; Haskins, *Norman institutions*, p. 82. Notably during the 1299 eyre, pleas of the crown were still called ‘pleas of the sword’: JUST 1/1157, m. 3 r.; JUST 1/1158, m. 6 r.

⁵¹ An important point emphasised by Warren, *The governance of Norman and Angevin England*, qt. p. 108, pp. 108–110; Packard, ‘The judicial organisation of Normandy’, p. 462.

⁵² These juries are not to be confused with the jurats: Ogier, *Gov. & law of Guernsey*, pp. 83–4. Warren, *The governance of Norman and Angevin England*, pp. 108–110, 135–6, 139. For example, during the Lord Edward’s lordship of the Islands, a writ of summons for an assize of *mort d’ancestor* in which a jury of twelve men of the parish of St Helier were assembled to determine an inheritance: Studd, ‘Acts of the Lord Edw.’, no. 464, p. 420.

⁵³ The earliest statement of this may be found in a writ to Philip d’Aubigny in 1218: *Rot. litt. claus.*, 1204–1224, p. 352; *Patent rolls*, 1216–1225, p. 136; *CPR*, 1225–1232, p. 46; *CPR*, 1232–1247, p. 18; *Close rolls*, 1242–1247, p. 544; *Close rolls*, 1247–1251, p. 491; *Close rolls*, 1251–1253, p. 80.

reflected general administrative developments within and without the Plantagenet realm, and may be seen as no different from the responsibility, say, of the justiciar of Ireland holding assizes in the king's name throughout the lordship.⁵⁴ It also parallels changes to the administration of Normandy under the kings of France, where the *bailli* became responsible for directing the assizes rather than itinerant justices, which had been the practice prior to the Capetian conquest.⁵⁵

However, in May 1236, the king found it necessary to remind Henry de Trumbleville of his responsibility as custodian to collect *fouage* (hearth tax) and hold assizes in the Islands in the king's name, implying that, under his stewardship at least, the practice of holding them triennially had been disregarded by the local administration during this period.⁵⁶ Indeed, in 1253, the king ordered that the assizes should instead be held once a year because of delays by the administration in holding them, which had caused a significant judicial backlog to the harm of many Islanders.⁵⁷ It is not clear whether or not this order was followed but it appears the assizes returned to being conducted on a triennial basis during Edward I's reign.⁵⁸

Though the warden held ultimate responsibility for holding the assizes in this period, the chief magnates in the Islands were appointed to act as justices alongside him in both the assizes and various other judicial tasks commissioned for special purposes. The earliest record of such an appointment is in January 1244 where the warden, Drew de Barentin, and Philip de Carteret and William de Sausmarez were instructed to hold assizes in the Islands.⁵⁹ Additionally, in January 1253, William de Cheny, another notable magnate in the Islands, was granted an exemption for life in England and the Islands from the duty of sitting on assizes or juries, or occupying any other local office, implying that he might

⁵⁴ H. G. Richardson and G. O. Sayles, *The administration of Ireland, 1172–1377* (Dublin, 1963), p. 33.

⁵⁵ Strayer, *The administration of Normandy under St Louis*, pp. 19–21; Le Patourel, *Admin. C.I.*, pp. 42–3.

⁵⁶ In this writ Henry de Trumbleville is addressed by his title as seneschal of Gascony rather than warden of the Islands, which strongly suggests that his responsibilities as warden were delegated to his representative in the Islands: *CPR, 1232–1247*, p. 148.

⁵⁷ This writ importantly confirms that it was customary to hold the assizes triennially: *CPR, 1247–1258*, p. 190.

⁵⁸ In the 'Copie de franchises' it states that one of the king's rights in Guernsey is the right to hold assizes every three years: Havet, *Les cours royales*, pp. 183–4.

⁵⁹ *CPR, 1232–1247*, p. 414. Everard and Holt suggest the appointment of multiple justices represented a transitional stage in the development of the office of bailiff: *Jersey 1204*, p. 155.

otherwise be required to act as a justice of assize in the Islands.⁶⁰ Under the lordship of the Lord Edward, in March 1263 and November 1265, Ralph d'Aubigny and William de Sausmarez were appointed as deputies to the warden in the judgement of a suit between the abbey of Mont-St-Michel and William de Cheny.⁶¹ These records suggest that multiple justices were already being appointed to hold assizes by at least the mid-thirteenth century and also highlight the reliance of the warden on the local elite who, as major landholders, and to a certain extent, as representatives of the community, were essential in giving weight to the authority of the assizes.

There was no change to the structure of the assizes during the reign of Edward I or as a result of the lordship of Otto de Grandison until the assizes were combined into the proceedings of the general eyre in 1299. Commissions to hold assizes in the Islands are extant for the dates May 1275, December 1278, April 1282, January 1285, March 1291, June 1294 and November 1298.⁶² During the first part of the lordship of Otto de Grandison (1277–1294, and 1298), the responsibility of directing the assizes was delegated to Otto's sub-wardens and other officials of the administration. For instance, in the April 1282 assizes, the justices were Reginald of Ashwell, William de St Remy and Philip l'Évêque, all of whom were officials of the administration.⁶³ Similarly, in November 1298, when the lordship had been returned to Otto de Grandison following the conclusion of Anglo-French hostilities, John de Carteret, John de Newent, the sub-warden, Peter le Marchant, the bailiff of Guernsey, and Peter d'Arcis, bailiff of Jersey, were appointed to hold assizes.⁶⁴ Despite Otto being the lord of the Islands, these men were directly commissioned by the king to act as justices in the king's name, reflecting the view that Otto's lordship was effectively a sinecure and the fact that the execution of justice remained the prerogative of the king of England. The chief difference, however, was that all fines and amercements derived from

⁶⁰ *CPR, 1247–1258*, p. 171.

⁶¹ S.J. *Cartulaire*, no. 132, pp. 205–6; Studd, 'Acts of the Lord Edw.', no. 884, pp. 634–635. Notably, in 1265 they were required to ask for advice from the bishop of Coutances to help resolve the suit, if that proved necessary: S.J. *Cartulaire*, no. 133, p. 206; Studd, 'Acts of the Lord Edw.', no. 919, p. 659. Raoul does not appear to have taken part in determining this suit: S.J. *Cartulaire*, no. 98, p. 166; Studd, 'Acts of the Lord Edw.', no. 957, p. 684.

⁶² *CPR, 1272–1281*, pp. 90, 296; *CPR, 1281–1292*, pp. 14, 154, 424; *CPR, 1292–1301*, pp. 75, 81; *CPR, 1292–1301*, p. 386.

⁶³ *CPR, 1281–1292*, p. 14. Philip l'Évêque was bailiff of Jersey around this time: Le Patourel, *Admin. C.I.*, p. 47.

⁶⁴ *CPR, 1292–1301*, p. 386.

the assizes went to Otto rather than the king by virtue of Otto's status as lord of the Islands.⁶⁵

During the transitional years of 1204 to 1259, further practical issues arose over the interface of the appellate functions of the king of England and jurisdiction of the courts in the Islands, such as a number of problems presented by the legal mechanism of abjuration. Abjuration arose when an individual, after being suspected or adjudged guilty of a crime, took sanctuary in a church and, upon oath before a clergyman, agreed to quit the king's realm and never to return.⁶⁶ In a letter to Henry III c. 1236, the free tenants and '*jurati*' of Jersey relayed to the king that a number of individuals who had been found guilty at the most recent assizes had opted immediately to abjure the Islands rather than face punishment, and in consequence their lands and chattels were confiscated by the court. However, these individuals then returned to the Islands with the king's letters of pardon and letters they had obtained from the king's court of chancery, which stated that their lands and chattels should be restored to them. The free tenants and jurors argued that such a legal intervention was contrary to their right and the customs of Normandy, and a thing unheard of in England. Notably, they reminded the king that when Philip d'Aubigny had held assizes in the Islands in the early 1230s, the king had explicitly instructed him to hold the assizes according to the laws and customs of Normandy.⁶⁷ As a result, in July 1236, acknowledging that the Islanders used the laws and customs of Normandy, the king commanded by writ to the warden that anyone who had been indicted of a crime by a jury

⁶⁵ CCR, 1307–1313, p. 272, shows clearly that revenues from the proceedings of the eyres went to Otto de Grandison.

⁶⁶ Everard (ed.), *Grand Coutumier de Normandie*, pp. 98–100, 104–7, 330–335, 564–5; J. Hudson (ed.), *The Oxford history of the laws of England, 871–1216* (vol. 2, Oxford, 2012) pp. 396–9, 720; W. Holdsworth, *A history of English law*, (vol. 3, London, 1942), pp. 303–7; Hunnissett, *The medieval coroner*, pp. 37–54. For a more serious, albeit bizarre, case involving abjuration, and a good explanation of the process of abjuration in the Islands, see Le Patourel, 'The murder on Lihou island in 1302', *The Quarterly Review of the Guernsey Society*, 7 (1951), pp 3–6. See also de Gruchy, 'The perquages or percages of Jersey', *ABSJ*, 12 (1934) pp. 243–246.

⁶⁷ TNA entry dates this letter to c. 1236 whereas the printed entry says c. 1226. The reference to Philip d'Aubigny's wardenship, who had most recently occupied the office from September 1232 to May 1234, and the response of the king to this issue in July 1236, makes c. 1236 the more appropriate date: SC 1/3/185, pr. Shirley (ed.), *Royal and other historical letters*, I, no. 238, pp. 286–8. An important custom claimed by the Islanders was that anyone who had abjured the Islands and then had been granted the king's peace, if they returned within a year and a day of their abjuration, must be restored to their inheritance: Havet, *Les cours royales*, p. 232.

of twelve lawful men and subsequently had abjured the Islands, were not permitted to recover their lands and chattels even if they had been pardoned by the king for their abjuration.⁶⁸ Indeed, this decision had already been implemented in the king's court of chancery in May 1236 when William Huelin was pardoned for his abjuration of the 'king's islands' for the beating of Geoffrey Homo, but only on condition that he stand trial for this crime if anyone will implead him.⁶⁹ Thenceforth, letters of pardon often specifically indicated whether individuals were pardoned by the king for the abjuration only or also for the original crime itself, and in the former case the pardon seems to have been conditional on the individual presenting themselves at the next assizes in the Islands to receive judgement or punishment for their crime.⁷⁰

Reforms to the judicial organisation of the Islands under Edward I (r. 1272–1307)

Immediately upon Edward I's return to England in 1274 from crusading, the king engaged in an ambitious programme of administrative reform to overhaul the judicial organisation of the kingdom.⁷¹ This was initially partly in response to the alleged corruption of local judicial officials during the king's absence, which had caused widespread discontent.⁷² Moreover, there was a strong belief by royal supporters that during the political crises of the later reign of Henry III, royal rights had been usurped by the magnates and local communities, and a number of asserted franchises and liberties had 'just grewed' without royal approval.⁷³ In order to restore royal rights and the integrity of the judicial systems across the kingdom, Edward I enacted numerous reforms to improve royal oversight in the localities, such as reforms to the shrievalty office, which had become notoriously corrupt. Yet whilst Edward genuinely desired reform and took seriously his responsibility as king to provide effective justice, the reforms of this period were also used as an opportunity not only to restore lost royal rights but also to strengthen royal control outside of its traditional

⁶⁸ *Close rolls, 1234–1237*, pp. 289–290.

⁶⁹ *CPR, 1232–1247*, p. 146.

⁷⁰ E.g. *CPR, 1247–1258*, p. 138.

⁷¹ This reforming activity was not novel. 'Edward I was not a revolutionary; in many respects he was strictly conventional': H. M. Cam, *The Hundred and Hundred Rolls: an outline of local government in medieval England* (New York, 1930), p. 239.

⁷² M. Prestwich, *Edward I* (London, 1997), pp. 92–8, 258–291.

⁷³ R. Frame, *The political development of the British Isles, 1100–1400* (second edn: Oxford, 1995), qt. p. 147, pp. 145–9; G. Dodd, *Justice and grace: private petitioning and the English parliament in the Late Middle Ages* (Oxford, 2007), pp. 27–9; Prestwich, *Edward I*, pp. 92–8.

heartlands in south-east England and into other areas of the country and the king's wider dominions, including the Channel Islands.⁷⁴

Notable among these reforms were the Hundred Rolls inquiries in England, commissioned on 11 October 1274 and completed by March 1275. These were 'fundamentally about restoring to the crown certain rights, the usurpation of which 'encroach[ed]' upon 'the royal dignity', and their findings on the necessary judicial and administrative reforms to reinforce royal authority were given statutory effect in the Statute of Westminster in 1275.⁷⁵ The objectives of these inquiries, conducted by itinerant justices, were twofold: firstly, a 'stock-taking' of the king's rights and lands throughout England in order to determine whether they had been usurped or encroached upon by secular and ecclesiastical magnates; and, secondly, using informal pleas brought forward by juries of presentment to inquire into the conduct of officials in the localities, particularly as to whether they had abused their offices to the detriment of the king and the community.⁷⁶ Whatever the ultimate effectiveness of Hundred Rolls inquiries, the instigation of such a major judicial project served to 'demonstrate that there was a new determination, a fresh approach, in the new king's government'.⁷⁷

Mirroring Edward's reforming activity in England, on 8 October 1274, John Wyger and Ralph de Broughton were appointed to go to the Channel Islands with the following commissions: to conduct an extent of the king's rights and revenues in the Islands; to audit the account of the warden, Arnold son of John de Contis; to hear any pleas of the Islands against officials of the administration, in particular those made by the abbey of Mont-St-Michel, and dispense justice according to the law and custom of the Islands.⁷⁸

⁷⁴ In many ways, medieval England was 'more federal than unitary': Prestwich, *Plantagenet England, 1225–1360* (Oxford, 2005), qt. p. 67, pp. 55–77.

⁷⁵ C. Burt, *Edward I and the governance of England, 1272–1307* (Cambridge, 2013), qt. p. 88, ch. 5; Frame, *The political development of the British Isles*, pp. 145–6.

⁷⁶ D. W. Sutherland, *Quo warranto proceedings in the reign of Edward I, 1278–1294* (Oxford, 1963), qt. p. 171, pp. 17–8; Cam, *The Hundred and Hundred Rolls*, p. 36.

⁷⁷ Prestwich, *Edward I*, qt. p. 98.

⁷⁸ Enrolments on 10 and 11 October 1274: CPR, 1272–1281, p. 70. See Havet, *Les cours royales*, pp. 188–190, and S.J. Extente, 1274, pp. 2–7, for copies of the commission (where the original date of issue on 8 October may be found), and also 'Articula et Capitula Insularum'. In c. April 1274, Raoul, prior of the abbey of Mont-St-Michel wrote to the king complaining of the many oppressions to which the abbey in Jersey and Guernsey was subjected by the warden of the Islands, and prayed for the return of the abbey's rights and

The commissioners were specifically instructed to inquire whether any of the lands and rights of the king had been usurped without licence and, if this were the case, to immediately take them into the king's control and possession. The whole tone of these instructions suggested that the king of England was convinced that royal rights had been usurped during Henry III's reign. Particular suspicion seems to have been directed towards the jurats, as the commissioners were ordered to investigate whether the jurats had 'violated their oaths by ignoring or reversing the rights or franchises of the king' and, if so, the commissioners had the authority to remove them from office and appoint new persons in their place.⁷⁹ These inquiries were completed in the autumn of 1274 and the existing returns are as follows: an extent of the king's revenues in the Islands, which for Jersey was stated to have been made by '*magna Iurata Insule*', composed of twelve individuals from the most important families of that Island, and who were probably the jurats at this time; an inquisition into usurpations of royal rights and encroachments on royal lands in Guernsey and Jersey by the testimony of twelve jurors from each parish; and, inquisitions regarding pleas by the Islanders against the conduct of local officials, using the same parish juries.⁸⁰ The records of these inquiries are printed in full by the Société Jersiaise, under the title '*Extentes*', though this title misconstrues the purpose and scope of the commission.⁸¹

The scope and timing of the 1274 inquiry in the Islands are analogous to those of the Hundred Rolls inquiries.⁸² It was the first time commissioners from England, acting as itinerant justices, were sent to the Islands with the authority to administer justice as well as dismiss and appoint jurats, marking a significant departure from previous precedent. The Channel Islands along with the lordship of Ireland were the only places outside of the

possessions: S.J. *Cartulaire*, no. 22, pp. 34–5; *Foedera*, I, ii, p. 510. See Chapter VI for further discussion regarding the lands and rights of the abbey in the 1274 inquiry.

⁷⁹ S.J. *Extente*, 1274, qt. p. 7; *CPR*, 1272–1281, p. 70.

⁸⁰ S.J. *Extente*, 1274, pp. 8–13; an additional extent in Jersey by the parish juries, pp. 27–9; inquisitions into usurpations in Guernsey and Jersey, pp. 15–26, 31–7; inquisitions regarding the conduct of officials, pp. 39–48 (though in the Jersey return this contains only the statements of the parishes of St Helier and St Brelade).

⁸¹ The originals may be found in C 47/10 nos. 1, 2, 3 and 5/1.

⁸² The enrolments of the commissions issued to John Wyger and Ralph de Broughton may be found alongside commissions for the Hundred Roll inquiries: *CPR*, 1272–1281, p. 70. On the procedure of the Hundred Roll inquiries: Cam, *The Hundred and the Hundred Rolls*, pp. 39–46.

kingdom of England where such inquiries were conducted during this period.⁸³ A general inquiry had been conducted in the duchy of Aquitaine in February 1274. Due to the different customs and structure of the duchy, this was limited to a survey of the feudal rights and services owed to the king by his vassals there, rather than an all-embracing inquiry into the conduct of the king's officials or the usurpation of his rights, and, in the view of Michael Prestwich, had closer similarities to French practices than English ones.⁸⁴

There was, nonetheless, an important difference between the Hundred Rolls inquiries and the 1274 inquiry in the Islands. It is clear that both laid the foundations for further judicial challenges to the franchises of secular and ecclesiastical magnates, most evident in the *quo warranto* proceedings, beginning in England from 1278 and continuing until 1294, which used the information obtained from the Hundred Rolls, and was effectively a developed form of the procedure of the Hundred Rolls inquiries into usurpations and encroachments.⁸⁵ It is notable, however, that the *quo warranto* proceedings were not conducted in the Islands until as late as 1299 when the general eyre was first introduced to the Islands there, and after these proceedings had already been discontinued in England, suggesting the inclusion of the Islands in wider administrative reforms in England was an exception rather than a rule. This delay in introducing the *quo warranto* proceedings may have been due to Edward's grant to Otto de Grandison, first of the custody of the Islands in 1275, and then the lordship of the Islands in 1277, which removed the king's immediate interest in his rights and lands there. The appointment of a close follower of the king may have been viewed as a sufficient alternative to reinforcing royal authority in the Islands directly.

⁸³ In the lordship of Ireland, the justiciar was ordered in 1274 to take into the king's hand any liberties which had usurped or encroached upon the king's rights and 'under the veil of those liberties' oppressed the local population: B. Hartland, 'The liberties of Ireland in the reign of Edward I', in Prestwich (ed.), *Liberties and identities in the medieval British Isles* (Woodbridge, 2008), pp. 200–217, p. 206. This is not to say other areas under the authority of the king of England were unaffected by Edward's activity, only that they were not subjected to the same proceedings: Frame, *The political development of the British Isles*, pp. 147–8.

⁸⁴ Prestwich, *Edward I*, pp. 301–3, 311. Cf. Cam, *The Hundred and the Hundred Rolls*, p. 37.

⁸⁵ This does not mean the Hundred Roll enquires should be seen simply as a prelude to the *quo warranto* pleas: Cam, *The Hundred and the Hundred Rolls*, pp. 38, 233–9. Le Patourel describes the 1274 inquiries as an experimental form of the '*placita de quo warranto*' and '*placita querelarum*' that would be held in the general eyres from 1299–1331: 'D.Phil.', I, p. 71.

The 1274 inquiry found a number of violations of the king's rights and lands, primarily by the major secular and ecclesiastical landholders. These violations ranged from the wholesale usurpation of rights that were said lawfully to belong to the king, encroachments onto his lands, failure to pay the king what he was owed for the exercise and possession of certain rights or lands, and the holding of lands and rights without valid title. The jurors of the parish St Peter in Jersey, for instance, stated that the heirs of William de Cheny had failed for the last twenty years to pay the king his due for their right to hold the mill de Tesson in St Peter's valley and a nearby meadow, this right being worth 18 *l. t.* per annum.⁸⁶ Any lands and rights found to be held unlawfully were taken back into the king's hand. A Robert Bradifer, who held one *bouvée* of land in St Peter, Jersey, that had belonged to an individual who had forfeited the lands, now lost it to the king as he was not able to show any proof of his right except long tenure.⁸⁷ All of the lands belonging to the late William de Cheny that were now in the hands of his widow, Felicia, and his heirs, appear to have been taken into the king's hand during the inquiry, though soon after the king ordered them restored to the widow and heirs as they had been a gift of Henry III.⁸⁸

The 1274 inquiry also revealed that there was a lack of clarity as to the laws and customs of the Islands and the rights of the king therein. An interesting example concerns *éperqueries* in Jersey, where the jurors of all twelve parishes there stated that most of the major landholders had exercised the right of *éperquerie* without licence of the king, but the same jurors were uncertain as to whether the king's sanction was in fact required, and this matter had to be adjourned to the king and council.⁸⁹ Similarly, the jurors of Guernsey were uncertain as to why they called the right to the wreck of the sea '*varech*', but at least knew what was the customary share of the king.⁹⁰

There also appears to be a fundamental disagreement between the Islanders and the commissioners as to what constituted valid proof of title. Drew de Barentin, seigneur of Rozel in Jersey, was said to have usurped the king's rights of *éperquerie*, hunting, and wreck of the sea in the parish of Trinity, but claimed these rights were included as part of

⁸⁶ S.J. *Extente*, 1274, p. 24.

⁸⁷ *Ibid*, p. 23.

⁸⁸ Though there is no record of this confiscation in the inquiry, which only notes various usurpations or encroachments committed by de Cheny's heirs: CCR, 1272–1279, pp. 215–6.

⁸⁹ S.J. *Extente*, 1274, p. 26.

⁹⁰ *Ibid*, pp. 37, 9.

an agreement with the king in which his father, Drew de Barentin (d. 1265), had exchanged lands in Alderney for lands in the parish of Trinity.⁹¹ As highlighted in the above case of Robert Bradifier, long tenure was viewed as insufficient proof of title. Similarly, two carucates of land from the escheat of Sampson d'Anneville in the parish of St Sampson in Guernsey, now belonging to the heirs of William de Cheny, were taken into the hands of the king's *prévôt* for there was doubt as to when or by what right Sampson had originally received these lands.⁹² A John de Carteret also lost possession of a house in Jersey that had formerly belonged to a bastard, which he had held since the time of Richard de Gray's custody of the Islands, as he was not able to show any title to it.⁹³

Others were more successful. One of the main complaints against the administration, which was resolved, was a serious grievance voiced by the fishermen of Guernsey that the warden had infringed upon fishing rights granted to them by Henry III, namely the right to fish and sell their catch whenever they wished between the feasts of St Michael and Easter, and after Easter three times a week in lands within the power of king of England. The men of the Island were able to produce the charter of Henry III concerning this franchise, dated 23 October 1249, as well as a renewal of this charter dated 15 July 1270, copies of which may be found on the reverse side of the roll. With such proof, the justices ordered the warden and his officials to refrain from preventing the exercise of the Islanders' rights.⁹⁴

In the view of royal government, then, valid title to lands and rights in the Islands had to be a written record derived from the king. Long tenure or the exercise of rights from time immemorial did not suffice, and in this respect the Islanders were to be treated no differently from the king's subjects in England.⁹⁵

⁹¹ S.J. *Extente*, 1274, p. 16. *CChR*, 1226–1257, p. 324; *Close rolls*, 1247–1251, p. 5; *Close rolls*, 1251–1253, p. 385; E 372/94, m. 6 r., pr. Le Patourel, 'D.Phil.', app., p. 119.

⁹² S.J. *Extente*, 1274, p. 33. The king had gifted these lands to William de Cheny in 1248: *CChR*, 1226–1257, p. 331; Stevenson, 'England and Normandy, 1204–1259', II, p. 487.

⁹³ S.J. *Extente*, 1274, p. 31.

⁹⁴ S.J. *Extente*, 1274, pp. 47, 48. Enrolments of charter: *CPR*, 1247–1258, p. 51; *CPR*, 1266–1272, p. 441. Orders to the warden in November 1275 to refrain from hindering the fishermen of Guernsey in the exercise of their rights: *CCR*, 1272–1279, pp. 216–7. The ability to exercise this franchise continued to be an issue throughout the thirteenth and fourteenth centuries: e.g. SC 8/118/5893. See also Chapter II.

⁹⁵ On the concept of 'from time immemorial' in the law, see Musson, 'Appealing to the past: perceptions of law in late-medieval England', in M. T. Clanchy (ed.), *Expectations of the law in the Middle Ages*, pp. 165–

A number of the alleged usurpations of the king's rights and lands aired in the 1274 inquiry were claimed by their holders to have been approved by previous wardens of the Islands. A notable example of this in the 1274 inquiry was the sizeable gift of twenty librates of land from the royal demesne in the parishes of St Peter and St Ouen in Jersey that Philip d'Aubigny, whilst warden, had granted to Philip de Carteret and his wife Margaret, the niece of d'Aubigny, shortly after their marriage in c. 1212–1215.⁹⁶ During the inquiry, Reginald de Carteret, son of Philip de Carteret, recounted the family's source of title to the land and the family's peaceful possession of it for over forty years, but was unable to produce written proof of this gift by charter and the lands were confiscated, albeit temporarily.⁹⁷ In another example, the jurors of the parish of Torteval in Guernsey testified that Drew de St Martin had usurped the income due from eighty tenants who had been granted the right to grind at the mills of the parish, but Drew claimed he had been given permission to do so by the former warden, Drew de Barentin. The jurors were not persuaded and this right was taken back into the king's hand.⁹⁸ By way of final example and one more contemporary to the inquiry, the jurors of the parish of St Martin in Jersey found that the present warden, on the oath of twelve bribed men, had wrongfully reversed the decision of a previous inquiry which had successfully recovered into royal hands a carucate belonging to Nicholas de la Hougue, clerk, and instead the warden had awarded the lands to Nicholas' sisters.⁹⁹

It is of some interest that the Islanders used wardenships as a marking point from when they obtained certain lands or rights, or when certain events occurred. Drew de Barentin's wardenship (1240–1252) was most frequently cited by the Islanders in this way during the 1274 inquiry, suggesting a considerable amount of tenurial change occurred during his tenure, perhaps due to the confiscations and regrants of the *terrae Normannorum* but also

180; P. Brand, 'Time out of mind: the knowledge and use of the eleventh century past in thirteenth century England', in M. Chibnall (ed.), *Anglo-Norman Studies XVI* (Woodbridge, 1994), pp. 37–54.

⁹⁶ The lands Philip d'Aubigny granted to Philip de Carteret were confirmed by the king in September 1227: *Rot. litt. claus.* 1224–1227, p. 201.

⁹⁷ *S.J. Extente 1274*, pp. 25–6.

⁹⁸ *S.J. Extente, 1274*, p. 35.

⁹⁹ Unfortunately, nothing more is said of this case in the inquiry: *S.J. Extente, 1274*, p. 21.

because of his vested interests in the Islands as the seigneur of Rozel.¹⁰⁰ As the head of the king's demesne in the Islands, the warden had a responsibility to maximise the king's profits, including leasing out the king's rights and lands. But it was often a difficult task with unclear boundaries as to the extent of those rights, the lands in question, and their authority, in which the warden could inadvertently act unlawfully and against the interests of the king.

Some of the difficulties encountered during the 1274 inquiry as to usurpations and encroachments were undoubtedly caused or exacerbated by the Islands' political detachment from Normandy. A large number of them concerned lands and rights that had previously been forfeited by individuals who had chosen to side with the king of France. In the above case of the escheat of Sampson d'Anneville, the doubt as to how Sampson had acquired his lands was likely caused by Sampson's decision to forfeit his lands in the Islands by siding with the king of France in 1204.¹⁰¹ There were also a number of services owed to the king that were not being fulfilled because they had been made void by the loss of Normandy. For example, the jurors of the parish of St Peter in Jersey noted that the heirs of Jordan and Nicolas l'Évêque had withdrawn from certain services owed to the king, such as the carrying of millstones and staves from Mont-St-Michel and Cherbourg to the Island in order to maintain and repair the mills of the king in that parish, since the time when the king of England abandoned Normandy, yet the maintenance of these mills was still an essential task.¹⁰² Earlier wardens also appear to have shown some discretion in permitting Islanders to obtain lands in the Islands in exchange for lands in Normandy, thus allowing those now separate from their previous lands to adjust. For instance, the jurors of the parish of St Mary in Jersey stated that Margaret, the widow of Jordan de la Hougue, held the escheat of Richard de Scrakkeville, a knight who had forfeited his lands by changing his allegiance, after she exchanged lands she held in Normandy with Richard's son. All of this was acknowledged, including by the jurors of assize, to have been done with the permission of the warden at that time, Drew de Barentin. Despite a technical

¹⁰⁰ E.g. 'from the time when aforesaid Drouet (Drew) de Barentin was bailiff of the Islands': *S.J. Extente*, 1274, p. 16.

¹⁰¹ *S.J. Extente*, 1274, p. 33. The right of the de Chenys to the escheats of Sampson and John d'Anneville were again challenged in the 1299, 1304, and 1309 eyres: JUST 1/1157, m. 2 r., trn Le Patourel, 'Guernsey assize roll 1299', pp. 17–9; JUST 1/1158, m. 10 d., trn Stevens, 'Jersey assize roll, 1299', pp. 63–4; JUST 1/1159, m. 3 d.; *S.J. Rolls of the assizes*, 1309, pp. 38–9.

¹⁰² *S.J. Extente*, 1274, p. 24.

difficulty as to whether this land should have been seized into the king's hand on account of the forfeiture of Richard, Margaret was allowed to retain these lands until the king and council made further judgement.¹⁰³

On the second commission of John Wyger and Ralph de Broughton to investigate the conduct of the officials of the administration, whilst there were numerous complaints made by the Islanders, including accusations of gross extortion and false imprisonment, these are difficult to analyse as many cases do not include a response by the commissioners to the plea.¹⁰⁴ In general, much like the Hundred Rolls inquiries, the commissioners seem to have refrained from severely reprimanding officials.¹⁰⁵ Nonetheless, there were exceptions. The brother of the warden was arrested for assault and had to provide satisfaction to the victim as well as pay a fine for disturbing the peace.¹⁰⁶ Ralph Burnel and Richard le Herice, possibly jurats of Guernsey, appointed by the warden to help the commissioners conduct the extent of the Island, were removed from the inquiry and placed at the king's mercy as they were found to have hindered its progression by giving verdicts unduly in the warden's favour.¹⁰⁷ Philip de la Hougue in Jersey also was successful in showing to the justices that two deputies of the warden were guilty of falsely imprisoning him and impounding his animals to the damage of 60 *l. t.*¹⁰⁸

Notably, the chief complaint against the warden, Arnold son of John de Contis, was concerned less with his numerous oppressions but rather his personal weakness as the head of the administration. In a rather scathing account by the jurors of all the parishes of Guernsey, it was stated that Arnold, 'because of his simplicity is little esteemed, and is not feared by anyone', which allowed both his deputies and the local elite to exploit the men of the Island without punishment, particularly the poor and the tenants of the king who had no one else to come to their aid.¹⁰⁹ These complaints about his incapability nonetheless did

¹⁰³ S.J. *Extente*, 1274, p. 20. An extent of the lands exchanged was also conducted in c. 1292: C 47/10/9/1; de Gruchy, *Medieval land tenures*, p. 61.

¹⁰⁴ The worst claim made against the administration was that two men, one of them a clergyman, had been arrested by the warden and his deputies and so inhumanely kept in prison that they had lost the soles of their feet to the bones: S.J. *Extente*, 1274, p. 40.

¹⁰⁵ Cam, *The Hundred and Hundred Rolls*, pp. 242–3.

¹⁰⁶ S.J. *Extente*, 1274, pp. 42–3.

¹⁰⁷ *Ibid*, p. 41.

¹⁰⁸ *Ibid*, p. 39.

¹⁰⁹ *Ibid*, qt. p. 40.

not deter the king from continuing to retain him. As examined in Chapter IV, the exploitative activity of the king's officials may have been of greater monetary value to the king than the unrest it caused. In March 1275, Arnold's custody of the Islands was reconfirmed by the king, though subsequently he was replaced by Otto de Grandison in November of the same year.¹¹⁰

Overall, the 1274 inquiry constituted an important assertion of royal authority in the Islands. Its investigation into usurpations and encroachments effectively challenged the franchises claimed by the ecclesiastical and secular elite, or at least placed the issue on the agenda sufficiently enough to make any landholder reconsider any activity that may be at the expense of the king's interest and risk royal inquiry.¹¹¹ The conducting of an extent to establish clearly what were the king's rights and lands in the Islands helped protect the royal demesne from any future usurpations or encroachments. This was combined with the inquiries into the conduct of the king's officials where, although little action was taken in reprimanding the warden and his deputies, they were nonetheless reminded of the overarching authority of the king and the reach of royal government. Most importantly, the introduction of commissioners from England to conduct judicial proceedings, and the inclusion of the Islands in major administrative reforms, otherwise exclusive to England and the lordship of Ireland, constituted a significant departure from previous precedent in the approach of the kings of England to the Islands' judicial organisation.

Another significant aspect of Edward I's reforming activity, and an often neglected source of the Islands' constitutional and jurisdictional development, is the mechanism of petitioning.¹¹² This was a relatively new process in the late thirteenth century, invoking the direct intervention of the king in a range of local issues. From the reign of Edward I, all the king's subjects both in England and the king's wider dominions theoretically had the right to petition the king and council in parliament directly to air their grievances with a view to redress or to seek special favour.¹¹³ The ability of the king's subjects to seek justice,

¹¹⁰ *CPR, 1272–1281*, p. 82; *CFR*, I, p. 62.

¹¹¹ A point raised by Sutherland, *Quo warranto proceedings in the reign of Edward I*, pp. 174–5.

¹¹² Much of the following has been developed from A. Kelleher, 'Petitions from the Channel Islands in the thirteenth and fourteenth centuries', *JGLR*, 25 (2021), pp. 31–61.

¹¹³ The year 1275 is generally agreed as the year when petitions were heard in parliament in some number. Notably, Brand states that one of the earliest petitions to be referenced on the chancery rolls relates to a

recognition of rights, and even material advantage by presenting a petition to the king and council sitting in parliament, constituted a significant judicial and administrative development linked to the evolution of parliament as a judicial institution in the later thirteenth century, and the increasingly formidable reach of royal government.¹¹⁴ The petition, alongside other administrative reforms, was introduced as an effective way to ensure that individuals could have their grievances heard and judged at the highest level. As Gwilym Dodd has observed, allowing people to seek redress without using local judicial structures that could be dominated by the local elite, provided an effective way of making these structures more accountable to the central institutions of royal government. It also offered the king an alternative link with the localities rather than simply relying upon information sent to his administration from local officials and the elite. The ability of a citizen to overreach local officials was particularly important in matters where officials were themselves accused of misconduct or corruption.¹¹⁵

Petitioning quickly proved to be a popular tool across the Plantagenet realm. In response, a system to receive and process petitions was developed to avoid overburdening the king and council and allow them to attend only to petitions that required the king's direct attention. From 1290, there were receivers appointed in parliament to analyse and sift petitions from England, Ireland, and Gascony and, at least by 1305, there was a separate enrolment of Channel Islands' petitions, perhaps reflecting a recognition of the distinct political status of the Islands in the realm.¹¹⁶ Petitions that could be resolved by adjuncts of government other than the king and council, such as the chancery or the

petition from Guernsey: 'Petitions and parliament in the reign of Edward I', in L. Clark (ed.), *Parchment and people: parliament in the Middle Ages* (Edinburgh, 2004), pp. 14–38, p. 15.

¹¹⁴ In this period, the council of the king may be said to be composed of the king's officers of state and magnates at court. Parliament, having evolved from larger sessions of the king's council during Henry III's reign, had an important role as a superior court in the mid to late thirteenth century but it was not until Edward I's reign that it operated regularly. In the late thirteenth and fourteenth centuries, the functions of parliament shifted to primarily political and fiscal activity and it became an increasingly distinct institution from the king and council. Nonetheless, it is difficult to draw a clear line of distinction between the activities of the king and council and parliament, especially in the process of hearing petitions from the king's wider dominions: Dodd, *Justice and grace*, pp. 2–7, 19–25. For a useful explanation of the development of parliament in this period, see Musson and Ormrod, *The evolution of English justice*, pp. 25–8.

¹¹⁵ Dodd, *Justice and grace*, pp. 32–5; Frame, *The political development of the British Isles*, p. 74.

¹¹⁶ Brand, 'Petitions and parliament in the reign of Edward I', in Clark (ed), *Parchment and people*, pp. 32–4. Dodd, *Justice and grace*, pp. 11, 42.

exchequer, were directed to these institutions.¹¹⁷ Committees of triers were also appointed to oversee the resolution of petitions from Ireland, Gascony and the Channel Islands. These committees were typically made up of lords or prelates who were almost exclusively Englishmen, which could be problematic when they were handling petitions from areas where different laws and customs prevailed and where local knowledge was essential to the resolution of a case.¹¹⁸

The overall extent to which the king and council actually adjudicated petitions themselves is difficult to assess, and the role of parliament within this process is ill-defined.¹¹⁹ In the case of the Channel Islands' petitions, it is noticeable that the king and council rarely adjudicated upon them directly, but instead directed them to the king's officials in the Islands to report back or, in certain cases, entrusted their consideration to specially appointed commissions sent to the Islands.¹²⁰ The investigation and adjudication of Channel Islands' petitions were then generally the responsibility of the warden of the Islands, and many petitions were heard at the assizes held by the warden and then from 1299 to 1331 by itinerant justices from England.¹²¹ In this sense, the role of the king and council was primarily to facilitate the resolution of cases, and it rarely committed to a definitive statement on the contents of the petition. Many petitions seem to have been sent simply with the intention of asking the king to 'spur local officials into action' in relation to problems that should already have been resolved locally.¹²²

¹¹⁷ Musson and Ormrod, *The evolution of English justice*, pp. 23–5.

¹¹⁸ G. Pépin, 'Petitions from Gascony: testimonies of a special relationship', in W. M. Ormrod, Dodd and Musson (eds), *Medieval petitions: grace and grievance* (Woodbridge, 2009), pp. 120–134, 131; Dodd, 'Petitions from the king's dominions', in P. Crooks, D. Green and Ormrod (eds), *The Plantagenet empire, 1259–1453* (Donington; Lincolnshire, 2016), pp. 187–215, pp. 201–2.

¹¹⁹ There is still a difficulty in determining the documentary provenance of petitions, particularly whether they can be assigned to a parliamentary context, a matter which has been addressed by Dodd, 'The hidden presence: parliament and the private petition in the fourteenth century', in Clanchy (ed.), *Expectations of the law in the Middle Ages* (Woodbridge, 2001), pp. 135–150.

¹²⁰ A special commission appointed in direct response to petitions of the Islanders was a commission of oyer and terminer by Robert de Leyssset in 1297: *CPR, 1292–1301*, pp. 301, 302; *CCR, 1296–1302*, p. 51. See below.

¹²¹ An example of instructions to the warden to resolve a petition: SC 8/265/13233. Example of a plea at the assizes that was instigated by a petition: S.J. *Rolls of the assizes, 1309*, pp. 3–5; and for the petition likely related to this: SC 8/309/15417, trn S.J. *Ancient petitions*, p. 52.

¹²² Dodd, 'Petitions from the king's dominions', in Crooks, Green, Ormrod (eds), *The Plantagenet empire*, p. 210.

Petitions, primarily addressed to the ‘king and council’, or simply ‘the king’, ‘the lord the king’ and other such variations, were initially written in Latin, but by the end of the reign of Edward I, almost all were written in French.¹²³ The majority of petitioners were individuals from across the socio-economic strata but some were issued on behalf of particular interest groups.¹²⁴ As one example of the latter, there is a petition from the fishermen of Guernsey in c. 1297, which sought a grant under the great seal of the king to allow them to sell their catch in English markets quit of paying foreign customs.¹²⁵ There are also petitions from clergymen and from whole ecclesiastical communities in the Islands.¹²⁶ A small but nonetheless significant number of petitions claimed to represent both the ‘communities’ of Guernsey and Jersey, but unified petitioning seems only to have been undertaken in exceptional circumstances.¹²⁷

Who exactly drafted the petitions and how this unified process was brought about is not easy to discern. It is likely, given the form and style of petitions as they evolved, that the drawing up of petitions for their presentation to the king and council was dominated by a small circle of specialist scribes and clerks in England.¹²⁸ It also seems that petitions

¹²³ Dodd, *Justice and grace*, pp. 279–302. Brand, ‘Petitions and parliament in the reign of Edward I’, in Clark (ed), *Parchment and people*, pp. 24–5.

¹²⁴ For extensive discussion of individual petitioners, see Dodd, *Justice and grace*, pp. 199–232.

¹²⁵ The above petition is dated to c. 1297 as it makes mention of Nicholas de Cheny, who was appointed warden in July 1297: SC 8/274/13674, trn S.J. *Ancient petitions*, p. 8; CCR, 1292–1301, p. 296; CCR, 1307–1313, p. 342. And also SC 8/272/13589, SC 8/272/13590, trn S.J. *Ancient petitions*, pp. 48–51.

¹²⁶ Petitions from the clergy ‘reveal a striking contrast between, on the one hand, the autonomy and independence claimed for the church by the clergy as a unified body, and, on the other hand, the readiness of ecclesiastics to seek royal interference in their individual affairs.’: Dodd, *Justice and grace*, p. 244, pp. 243–254. For an example of a petition from the abbot and convent of Blanchelande, SC 8/264/13185. For a petition (though unfortunately badly damaged) which claims to represent almost all the major ecclesiastical establishments in the Islands, see SC 8/169/8401.

¹²⁷ The ‘community’ of each Island does not readily fit into discussions of petitions representing towns or counties. Perhaps the strongest comparison would be with other communities that had a close relationship to the crown, especially in terms of a tenurial connection. How far these petitions represented the whole population of an Island, or simply individuals or interest groups claiming such representation, is unclear but nonetheless offers an interesting point for speculation: Dodd, *Justice and grace*, pp. 254–266, 275.

¹²⁸ Brand, ‘Petitions and parliament in the reign of Edward I’, in Clark (ed), *Parchment and people*, p. 30; Dodd, *Justice and grace*, pp. 280–3, 302–314; Pépin, ‘Petitions from Gascony’, in Ormrod, Dodd and

were often presented by attorneys who then appeared before the king and council in parliament on behalf of their principals. For instance, Thomas de Estfeld, a jurat in Guernsey and later bailiff of Guernsey in 1331, a keen petitioner on his own behalf, presented numerous petitions as a representative of the communities of Guernsey and Jersey, and appeared before the king in parliament as an attorney on a number of occasions in the late thirteenth and early fourteenth centuries.¹²⁹ The major secular and ecclesiastical landholders, such as the abbot of Mont-St-Michel, also regularly employed attorneys in England to represent them in their affairs before parliament, and their attorney presumably handled all the necessary procedural formalities relating to petitions to the king and council.¹³⁰

Petitions from the Islands concerned a wide range of subjects and purposes. They included, but were not limited to: requests for assistance or remedy; solicitations of royal favour; seeking confirmation and sometimes extension of franchises and liberties granted to the Islands; and inviting redress from misconduct by royal officials.¹³¹ One of the more common types of petition was a request for a royal pardon, and many individuals in the Channel Islands sought pardon for abjuration. The proximity of the Islands to Normandy enabled a relatively easy physical exit from the scene of the crime and abjuration accounted for a significant amount of judicial business.¹³² That many of those who availed

Musson (eds), *Medieval petitions*, p. 130; Musson and Ormrod, *The evolution of English justice*, pp. 147–151.

¹²⁹ SC 8/112/5592, SC 8/264/13171, trn S.J. *Ancient petitions*, pp. 30, 33–4; SC 8/276/13765; S.J. *Rolls of the assizes, 1309*, pp. 9–10. He was bailiff of Guernsey at the time of the 1331 eyre: JUST 1/1166, m. 2 r. For de Estfeld to have gone to the considerable difficulty of travelling to appear before the king and council in England suggests there was a perceived advantage in presenting petitions personally rather than using an attorney or other method: Dodd, *Justice and grace*, pp. 309–310.

¹³⁰ Nominations of attorneys can be found throughout the close and patent rolls. For example, nomination of an attorney for the abbot of St-Sauveur-le-Vicomte: *CPR, 1327–1330*, p. 242; for William de Barentin, *CPR, 1327–1330*, p. 389; for the abbot of Mont-St-Michel, *CPR, 1330–1334*, p. 40.

¹³¹ Dodd, *Justice and grace*, pp. 222–241.

¹³² The Islands were treated as a jurisdictional unit for the purposes of abjuration rather than being separate by bailiwick as pardons were issued to individuals for their abjuration of the Islands of Guernsey, Jersey, Sark and Alderney, rather than one Island only: e.g. *CPR, 1292–1301*, p. 177. Although it is possible that individuals who abjured the Islands went to England, the Islands do not seem to be considered to be a separate jurisdiction from the kingdom of England in this respect. For example, an individual of St Peter Port pardoned by the king in 1371 for abjuring the Island of Guernsey for a murder they had committed in Southampton: *CPR, 1370–1374*, p. 69. See Hunnissett, *The medieval coroner*, pp. 37–54, esp. pp. 46–7.

themselves of this means of escape subsequently sought a royal pardon, suggests that abjuration was viewed as an immediate respite from prosecution, thus buying time to assess the situation, after which the process might be alleviated by royal pardon via a petition. It appears to have been customary for individuals to abjure the Islands for all types of crime. For instance, in 1324 a man from Guernsey petitioned the king for a pardon after abjuring the Island for stealing two sheep. In a formulaic response, the warden of the Islands was ordered to verify to the king the circumstances of the abjuration before proceeding further and granting the pardon.¹³³ Even in fairly routine cases like this, it is clear that petitions were properly scrutinised before pardons were issued. Pardons were granted in most cases but, as had been implemented in Henry III's reign, with a specific indication as to whether it was for the abjuration only or also the original crime itself, and a pardon in the former case was often conditional on individuals answering for their crimes upon returning to the Islands.¹³⁴

Petitions were also used to seek rectification of legal documents. In the early fourteenth century, for example, Geoffrey de Carteret petitioned the king and his council requesting a remedy regarding a letter under the privy seal given by the king to Geoffrey's father, Reginald de Carteret, which had granted the latter all the tithes belonging to the abbot of Mont-St-Michel in the parish of St Ouen in Jersey. Unfortunately, the de Carterets had been unable to obtain these tithes owing to the fact that the letter had mistakenly stated 'Guernsey' instead of 'Jersey' and, as a result, local officials, who were in possession of the abbot's lands and rights owing to a wartime confiscation, refused to act.¹³⁵ Petitions like these, seeking to undo minor errors with unfortunate consequences, do, however, reveal the often tedious and prolonged process of invoking a distant, centralised royal power, and the drawbacks of relying upon documentation emanating from the central institutions of government rather than an agent with insular jurisdiction possessed of greater local knowledge.

¹³³ Notably, the writ of the warden of the Islands acknowledging the crime shows it had been committed three years previously: SC 8/144/7184. For a similar petition with a formulaic endorsement: SC 8/129/6432. For an informative example of a writ and return concerning abjuration, see C 47/10/5/4, pr. Le Patourel, 'D.Phil.', app., pp. 111–3.

¹³⁴ For instance, S.J. *Rolls of the assizes, 1309*, pp. 168–9.

¹³⁵ Geoffrey de Carteret's petition can be dated to either 1306 or 1313 as it refers to the king's impending departure to Scotland: SC 8/54/2693, trn S.J. *Ancient petitions*, pp. 27–8.

Petitioning was not always effective in resolving grievances. Where the petition consistently faltered, if not failed, as an effective mechanism of judicial redress in the Channel Islands was in resolving complaints against the maladministration of officials, most notably during the troubled lordship of Otto de Grandison. The failure to resolve complaints against Otto's administration was partly due to the fact that the responsibility of investigation was directed to the warden of the Islands or his officials or, in some cases, because investigation had to await the next assizes in the Islands.¹³⁶ This understandably created a problem when many complaints were against the warden and his officials, and when the warden was responsible for conducting the assizes. One might anticipate that the introduction of itinerant justices from England to conduct the assizes from 1299 to 1331 might alleviate these problems. However, as will be seen below even the impartiality of the itinerant justices could be called into question. Reliance on the assizes to resolve petitions, then, often seems to have accomplished little either in determining the complaints of the Islanders or improving the impartiality of the judicial process.

Over the course of the fourteenth century, the use of petitioning in the form instituted during the reign of Edward I declined considerably. Petitions from the Channel Islands continued in reduced numbers from the 1340s onwards until the fifteenth century, and the final petition in the SC 8 series in The National Archives is dated to c. 1453. The decline of petitions from the Channel Islands correlates with the general decline in use of the petitionary mechanism in England and elsewhere in the Plantagenet realm. Dodd concluded that the decline in petitioning was not so much due to the ineffectiveness of this mechanism, but a result of more stable political conditions and comprehensive improvements to central and local judicial institutions: alternative remedies became available. It is important to recognise that the petition was originally introduced to resolve issues that could not be resolved elsewhere, and at a time when other judicial mechanisms were in need of serious reform.¹³⁷ After numerous reforms to the administrative and judicial systems during the fourteenth century, which for the Islands will be discussed below, the need for people to rely upon petitioning as a remedy for their grievances was significantly lessened, and the need for intervention by the king and council became more limited, though the mechanism was never altogether extinguished and the king and council retained its place as the ultimate appellate jurisdiction in the realm.

¹³⁶ E.g. SC 8/265/13233.

¹³⁷ Dodd, *Justice and grace*, pp. 116–122, 317–325.

Another form of judicial mechanism introduced as part of Edward I's reforming activity were commissions of oyer and terminer (to hear and determine). These were commissions, brought about by political and popular demand and often as a result of petitions, that were 'short term and mainly reactive expedients' designed to relieve the burden on the royal courts and the assizes by dealing speedily with 'specific' or 'general' complaints.¹³⁸ In the Channel Islands, commissions of oyer and terminer were either issued as distinct commissions or were absorbed into the proceedings of the general eyre from 1299 to 1331. Of the former category, commissions were issued to the Islands in 1280, 1292, 1297, 1302, 1308, 1315, and 1319.¹³⁹ The thirteenth-century commissions were conducted by itinerant justices, but it is notable that in the fourteenth century Reginald de Carteret was appointed alongside the itinerant justice Gilbert de Knoville in 1302, whilst the 1308 and 1315 commissions were conducted solely by local officials or magnates, with John de Ditton and Drew de Barentin in 1308, and Nicholas de Cheny and John de Barentin in 1315.¹⁴⁰ John de Ditton and Drew de Barentin were effectively sub-wardens of Otto de Grandison at this time and interestingly the 1308 commission was instigated on Otto's complaint that he was being deprived of his rights as lord to wreck in the Islands.¹⁴¹ As the chief secular landholders, the role of the Islands' elite in these commissions draws similarities with the functions of the keepers of the peace in England and indicates, in contrast to the general eyre in the Islands, a trend in the fourteenth century towards relying upon local-based men to conduct judicial commissions and handle the affairs of local government.¹⁴²

¹³⁸ Musson and Ormrod, *The evolution of English justice*, qt. pp. 48 and 49, pp. 48–53, 119–122; Burt, *Edward I and the governance of England*, pp. 19–20; idem, 'Law and order in the reign of Edward I: some new thoughts', in A. King and A. Spencer (eds.), *Edward I: new interpretations* (York, 2020), pp. 44–66.

¹³⁹ Unfortunately, we do not have the records of these proceedings: *CPR, 1272–1281*, p. 411 (1280); *CPR, 1281–1292*, p. 495 (1292); *CPR, 1292–1301*, p. 301 (1297); *CPR, 1301–1307*, p. 97 (1302); *CPR, 1307–1313*, p. 88 (1308); *CPR, 1313–1317*, p. 315 (1315); *CPR, 1317–1321*, p. 375 (1319) but occurred in 1320. See below for discussion).

¹⁴⁰ Gilbert de Knoville acted as an itinerant justice on numerous occasions in the counties of south-west England and alongside Henry de Spigurnel: *CPR, 1301–1307*, *passim*.

¹⁴¹ *CPR, 1307–1313*, p. 88. For proof that they were sub-wardens of Otto de Grandison: SC 1/28/58; C 47/10/6; SC 8/90/4489; SC 8/114/5685 and SC 8/118/5890, trn S.J. *Ancient petitions*, pp. 26–7, 35–6.

¹⁴² Musson and Ormrod, *The evolution of English justice*, pp. 50–54. The individuals appointed in the 1302 and 1315 commissions could be referred to as 'local semi-professionals': Burt, *Edward I and the governance of England*, p. 32.

The commissions of oyer and terminer often were concerned with resolving complaints against the maladministration of officials in the Islands, particularly during tense periods of Otto's rule and also after the Anglo-French war of 1294. More specifically, the commissions investigated the complaints by Islanders of amercements and confiscations made by officials of the administration, which were closely connected to the ongoing challenge to the lands and rights of the Islanders that had begun with the investigations of the 1274 inquiry. For instance, in June 1280, Richard de Crepping and Master John de Stroda were appointed to investigate and determine the complaint of the men of Jersey and Guernsey that Otto de Grandison's officials had detained certain lands which the Islanders had held since the time of Henry III, and amerced them for supposed trespasses against the king's rights, including those of warren and *éperquerie*, of which they had never been convicted, let alone tried. Otto was ordered by the king to make amends immediately otherwise the commissioners would hear the complaints of the Islanders and administer justice on the matter, though it is unclear whether this commission occurred.¹⁴³ Both the 1302 and 1315 commissions similarly sought to investigate alleged acts of oppression by Otto's officials in the Islands.¹⁴⁴ These commissions undoubtedly sought to provide quick and effective remedy to the Islanders' grievances, and were in some ways effective, as seen in the 1292 commission which ousted the exploitative bailiff of Guernsey, William de St Remy.¹⁴⁵ However, as with the 1274 inquiry and also the mechanism of petitioning, the commissions ultimately displayed an overriding concern for the protection of the king's interests in the Islands in the form of the integrity of the administration and the royal demesne.

Improvements were also made during the reigns of Edward I and Edward II to increase the competency of the local judicial administration. In November 1279, a royal seal was issued to the Islands of Jersey and Guernsey by the king of England on account of the fact that the men of the Islands continued to have to make the difficult journey to England to obtain writs from the king's court of chancery for much of their judicial business and because the king had been informed that many contracts were being made solely by verbal

¹⁴³ *CPR, 1272–1281*, p. 411.

¹⁴⁴ *CPR, 1301–1307*, p. 97. *CPR, 1313–1317*, p. 315. The 1302 commission occurred in November after Otto de Grandison and his officials, along with Henry de Cobham were summoned to appear before the king and council at parliament in the summer of 1302: *CCR, 1296–1302*, pp. 591–2; *PROME*, II, pp. 636–8.

¹⁴⁵ See Chapter IV.

agreement.¹⁴⁶ For practical reasons, from c. 1304 Jersey and Guernsey had separate seals in the custody of the bailiff of each Island. This change extended the jurisdictional authority of both bailiwicks as well as the role of the bailiff in judicial affairs, and reflected the reality that the two Islands were increasingly considered to be separate units of administration, at least in judicial terms. There is notably no record of royal approval of the change from one to two separate seals, but usage of the two was accepted (with some limitations in its application) by the itinerant justices of the 1320 commission and then confirmed by those of the 1323 eyre.¹⁴⁷ It was also around this time that it became a requirement for at least two jurats to be present when the seal was applied.¹⁴⁸ The seal was probably mostly used for sealing private contracts and other agreements that would otherwise have been dealt with in the chancery rather than for authenticating original writs, which were unlikely to have ever been issued by the royal courts of the Islands.¹⁴⁹ Prior to this, it has been suggested that the practice for contracts was to use the seals of members of the local elite and the church, or simply to declare the agreement publicly in the presence of witnesses at an *ouye de paroisse* and rely on communal memory if proof was subsequently required.¹⁵⁰ The introduction of a seal to the Islands was thus of great

¹⁴⁶ *CPR, 1272–1281*, p. 337. The grant of 1279 has been printed many times, an indication of its constitutional significance in the history of the Islands: e.g. Berry, *History of Guernsey*, pp. 316–7; *JPB*, II, no. 53, pp. 105–6. For examples of use of the seal: S.J. *Cartulaire*, nos. 76, 190, 323, 331, pp. 135–141, 269–270, 413–4, 422–3. The last reference is also enrolled: *CPR, 1281–1292*, p. 486. For discussion of the seals of the Islands: Havet, *Les cours royales*, pp. 159–164; Le Patourel, *Admin. C.I.*, pp. 43, 51–2, 97–8; Ogier, *Gov. & law of Guernsey*, pp. 149–151; S. C. Curtis, ‘The seals of the royal court of Guernsey’, *RTSG*, 13 (1939), pp. 255–61.

¹⁴⁷ Le Patourel, *Admin. C.I.*, pp. 51–2, 97–8; JUST 1/1165, m. 8, pr. *Second report*, p. 298; JUST 1/1164, m. 22 d., pr. *Second report*, p. 300; Havet, *Les cours royales*, pp. 162–3, 213–4; Ogier, *Gov. & law of Guernsey*, pp. 83–4. Example of the use of a separate seal in Jersey: S.J. *Cartulaire*, no. 324, pp. 414–5. Example of use of both seals jointly: *ibid*, no. 103, pp. 170–171. The communities of Guernsey and Jersey stated that Otto’s officials had introduced the seals without royal approval to be used as another way of financially exploiting the Islanders: JUST 1/1165, m. 7. d., pr. *Second report*, p. 298; JUST 1/1163, m. 14 d., pr. Havet, *Les cours royales*, pp. 213–4, *JPB*, II, no. 61, pp. 118–9.

¹⁴⁸ This was confirmed by the itinerant justices of the 1323 eyre: JUST 1/1164, m. 22 d., pr. *Second report*, p. 300.

¹⁴⁹ Le Patourel also states that by the terms of the grant of 1279 this seal was explicitly to be used for writs that otherwise had to be obtained from the chancery, but this did not mean that Islanders were restricted from using the chancery for judicial business: *Admin. C.I.*, p. 43 n. 7, pp. 97–8; Havet, *Les cours royales*, pp. 163–4. The 1279 grant states that the seal was to be used in accordance with the ‘old register’ of the Islands, though it is not clear what this is in reference to: *CPR, 1272–1281*, p. 337.

¹⁵⁰ Le Patourel, *Admin. C.I.*, p. 97; Ogier, *Gov. & law of Guernsey*, pp. 149–150.

administrative practicality but also ensured that the king, or the lord of the Islands, had control over the profits to be made from individuals paying to use the royal seal to authenticate contracts and agreements.¹⁵¹

The general eyre and the quo warranto proceedings, 1299–1341

From 1299 until 1331, the assizes and almost all other forms of judicial commission in the Islands were combined to form a single general eyre. An eyre was one of the most important and extensive judicial commissions in England. ‘Unspecialised and omniscient’, it was conducted by itinerant justices from England who were empowered to hear all pleas concerning the administration of both civil and criminal justice.¹⁵² Moreover, it created the opportunity for a ‘thorough review of the operations of local government’ both in the form of pleas made against the administration and by general inquiry, thus incorporating earlier specific commissions, such as oyer and terminer, and in some respects extents.¹⁵³ By the time of its introduction to the Islands, the articles or the terms of the commission of the eyre also included the hearing of pleas *quo warranto* and complaints against the conduct of officials of the local administration.¹⁵⁴ Eyres were carried out in the Islands in 1299, 1304, 1309, 1323 and 1331, and the practice of holding the assizes triennially was disregarded altogether from 1299.¹⁵⁵

The use of a distinctly English judicial institution constituted a significant, yet ultimately short-lived, period in the judicial development of the Islands. There were already signs early in the reign of Edward I that the assizes were being increasingly modelled in the form of the English general eyre. As Le Patourel observed, from 1275 officials in the Islands were being commissioned to hold both the assizes and commissions *ad omnia placita* (all

¹⁵¹ The profits of the bailiwick seal of Guernsey customarily went to the bailiff, which was valued at 60 *s. l. t.* in the 1328–9 account of John de Roches, whereas in Jersey it was only 10 *s.* and went to the profit of the king rather than the bailiff of that Island: E 101/89/11, pr. Le Patourel, ‘D.Phil’, app., pp. 133, 156; S.G. *Extentes of Guernsey*, p. 124. Conservatively stated to be 10 *s. l. t.* per year in both Jersey and Guernsey: S.J. *Extente, Jersey, 1331*, p. 16.

¹⁵² Musson and Ormrod, *The evolution of English justice*, qt. p. 45.

¹⁵³ Warren, *The governance of Norman and Angevin England*, qt. pp. 111–2.

¹⁵⁴ Musson and Ormrod, *The evolution of English justice*, pp. 43–5; Crook, *Records of the general eyre*, p. 1.

¹⁵⁵ For a full list of the records and dates of the proceedings from 1299–1331: Crook, *Records of the general eyre*, pp. 191–3; cf. Le Patourel, *Admin. C.I.*, pp. 15–7. See Appendix 2.

other pleas), which gave the justices a much wider remit than previous assizes.¹⁵⁶ But what marked the eyres of 1299 to 1331 out from the assizes was, firstly, the use of itinerant justices from England to conduct the proceedings and, secondly, the conducting of pleas *quo warranto*, both of which were fundamental to the perceived and actual purpose and impact of the eyres held in the Islands. What is perhaps interesting about the introduction of the general eyre to the Islands is that it is around this time that the eyre was in a state of general decline in England and was being steadily replaced by alternative judicial mechanisms.¹⁵⁷ Nonetheless, the eyre, with its all-encompassing commission and the significant powers accorded to the itinerant justices, was a formidable and imposing representation of the king's authority wherever it visited, and exemplified the ability of the central institutions of royal government to extend royal authority to outlying regions.¹⁵⁸

Its introduction to the Islands may be seen as an effort to reinforce royal control when the king's rights were viewed to be under threat, and effectively to administer justice during times of serious unrest. In the Islands, there was immediate and widespread discontent as a result of the devastation of the Islands during the Anglo-French war of 1294.¹⁵⁹ This was combined with problems of administrative misconduct under both Otto de Grandison's stewardship, as well as during the interim wardenships of Henry de Cobham and Nicholas de Cheny, and the Islanders' views that their grievances would not be resolved by local institutions alone. This is evident in the numerous petitions sent to the king in the years 1298 and 1299, the majority of which concerned issues arising from the war and complaints against the conduct of officials of the administration, notably during de Cobham's wardenship.¹⁶⁰

¹⁵⁶ Le Patourel, *Admin. C.I.*, pp. 52–3; Crook, *Records of the general eyre*, p. 191. Notably, for the enrolments of the commissions of 1282 and 1285 the *CPR* editors chose to describe these proceedings as a 'general eyre' as opposed to assizes and all other pleas: *CPR, 1281–1292*, pp. 14, 154. Cf. Havet, *Les cours royales*, pp. 190–191; and *CPR, 1292–1301*, pp. 75, 386.

¹⁵⁷ The general eyre was suspended in England in 1294 and never used on a national scale again during Edward I's reign. For a discussion of the effectiveness of the eyre and its general decline, see Burt, 'The demise of the general eyre in the reign of Edward I', *EHR*, 120, (2005), pp. 1–14; idem, *Edward I and the governance of England*, pp. 141–7.

¹⁵⁸ Musson, 'Centre and locality: perceptions of the assize justices in late medieval England', in Kaeuper (ed.), *Law, governance and justice*, pp. 211–242, pp. 211, 215.

¹⁵⁹ The war undoubtedly affected the administration of justice in England: Burt, *Edward I and the governance of England*, ch. 8.

¹⁶⁰ See Chapter IV.

Considerable attention was paid to curbing this unrest in the Islands, though precisely how to resolve the situation was initially unclear to the king. In February 1297, the king, ‘wishing to show them [the Islanders] full justice’, ordered Henry de Cobham to appear before him to answer for certain trespasses and wrongs said to have been committed by him and his officials.¹⁶¹ Then, in July 1297, master Robert de Leysset was appointed to a commission of oyer and terminer in the Islands to hear and judge a number of petitions that had been presented by Islanders before the king and council, specifically those made against Henry de Cobham and his officials, as well as audit de Cobham’s account of his time as warden.¹⁶² After this, John de Carteret, John de Newent, Peter le Marchant, and Peter d’Arcis, all men connected with the local administration, were appointed in November 1298 to hold assizes and all other pleas.¹⁶³ It is not clear whether these assizes occurred but it seems probable they were superseded by the commissioning of a general eyre in August 1299.¹⁶⁴ The eyre, held by Robert de Leysset with Henry Prior of Wenlok, John de Newent and Pierre d’Arcis as accompanying justices, was conducted in Guernsey and Jersey with some intervals from 19 October 1299 to 7 January 1300.¹⁶⁵

Importantly, the introduction of the eyre to the Islands did not represent an effort either to integrate wholesale the Islands’ judicial institutions with those of England or supplant the Islands’ customary laws. This is evident in the terms of the commissions in which the itinerant justices in eyre were instructed to conduct their proceedings in respect of, and according to, the laws and customs of the Islands. For instance, in the commissions of the 1309 eyre, the justices were instructed ‘to hold the assizes and all other pleas this turn within the Islands of Guernsey, Jersey, Sark and Alderney as at other times they were accustomed to be held at other times before other justices according to the law and custom

¹⁶¹ *CCR, 1296–1302*, p. 12; SC 8/275/13731, pr. and trn *PROME*, II, pp. 636–7.

¹⁶² Nicholas de Cheny was also ordered to appear before Robert de Leysset: *CPR, 1292–1301*, pp. 301, 302; *CCR, 1296–1302*, pp. 51–2, 65.

¹⁶³ *CPR, 1292–1301*, p. 386.

¹⁶⁴ *CPR, 1292–1301*, pp. 433, 437.

¹⁶⁵ JUST 1/1157 (Guernsey) and JUST 1/1158 (Jersey). This author has greatly relied upon the unpublished translations of these rolls by Le Patourel, ‘The Guernsey assize roll, 1299’ and C. Stevens, ‘The Jersey assize roll, 1299–1300’ (1978), respectively. Le Patourel’s translation may be found in Guernsey Island Archives (AS/LC 03-07), a copy of which was kindly provided to me by D. Ogier. Stevens translation is available to consult in the Société Jersiaise Library.

of those parts'.¹⁶⁶ The procedure of the eyre was also adapted to the local judicial organisation of the Islands. As David Crook highlights, the rolls that the bailiffs presented to the itinerant justices were equivalent to the sheriff's rolls, and the juries of presentment used for the pleas of the crown and gaol delivery were organised according to the administrative unit of the parish rather than the hundred.¹⁶⁷ Moreover, the function of the itinerant justices was primarily supervisory. Their judgements were often reached with the assistance of the jurors, who advised them on the customary law.¹⁶⁸ They were also reliant on the preparatory work completed by local judicial officials, such as the bailiff, in his capacity as the coroner, and as the bailiff's rolls recorded all pleas of the crown since the last assizes. These rolls were presented and scrutinised before the itinerant justices and the bailiff was held accountable for any mistakes or omissions in the rolls.¹⁶⁹ The justices were also careful not to hear pleas or override judgements already made by the royal courts of each Island unless there was cause for appeal.¹⁷⁰ Therefore, the eyre was intended to act as a supplementary mechanism, and one in which the justices had the authority and oversight to examine and to reform the organisation of the local judicial institutions.

The increasing use of itinerant justices from England to conduct the eyres of 1299 to 1331 rather than the warden or sub-warden of the administration constituted an important step towards the reduction of the warden's judicial role, although he continued to be closely involved in the eyre proceedings by virtue of the administrative responsibilities of

¹⁶⁶ ('*Sciatis quod constitumus vos et duos vobis justiciarios nostros ad assisas et omnia alia placita tenendas hac vice infra Insulas de Gernereye, Jerseye, Serk et Aureneye sicut alias coram aliis justiciariis secundum legem et consuetudinem partium illarum teneri consueverut.*'): JUST 1/1160, m. 12; cf. S.J. *Rolls of the assizes, 1309*, qt. p. 92, pp. 92–4. JUST 1/1161, m. 1 r.

¹⁶⁷ A commission of gaol delivery was when royal justices were instructed to try all prisoners held in gaols, using juries of presentment for this task: Crook, *Records of the general eyre*, pp. 35, 37, 191.

¹⁶⁸ JUST 1/1157, m. 7 r., trn Le Patourel, 'Guernsey assize roll, 1299', pp. 63–4, where, for instance, the jurors advised the justices on the custom concerning appointment of attorneys to the assizes.

¹⁶⁹ For example, the reliance on the rolls of the bailiff in the multiple pleas of the crown concerning assaults: S.J. *Rolls of the assizes, 1309*, p. 298. Scrutiny of the rolls of Ralph le Gay and Peter de Gariz, former bailiffs of Guernsey, by the itinerant justices in 1331: JUST 1/1166, m. 9 r., pr. *Second report*, p. 308. Le Patourel, *Admin. C.I.*, pp. 21–2, 90, 98–9; in a later article, Le Patourel argues that these rolls were copies of the regular 'rolls of court' and were made specifically for the justices, omitting information that was not relevant to the assizes such as contracts made under the seal of the bailiwick: 'The medieval records of the royal court of Guernsey', *Quarterly Review of the Guernsey Society*, 8 (1952), pp. 3–7. For an updated list of the extant rolls, see Crook, *Record of the general eyre*, pp. 192–3.

¹⁷⁰ E.g. JUST 1/1157, mm. 2 r., 3r., 3d., 4 r., pr. Stevens (ed.), 'Jersey assize roll, 1299', pp. 11, 17–8, 22, 24.

his office. Initially, only one itinerant justice was appointed to the commission and acted as the chief justice of the eyre. In the 1299 eyre, the sole itinerant justice was master Robert de Leyssset, whilst the 1309 eyre was held under the direction of John de Fressingfield and William Russell.¹⁷¹ Officials of the administration as well as members of the local elite continued to act as justices in the eyres of 1299, 1304, 1309, and an important commission of oyer and terminer in 1320. In the 1309 eyre, for example, the itinerant justices' colleagues were John de Ditton, and Drew de Barentin.¹⁷² But importantly, local officials and the local magnates never acted as the chief justice and it was specified that no judgement could be made by them without the presence of at least one itinerant justice.¹⁷³ Officials of the administration and the local elite were altogether excluded from being justices in the eyres of 1323 and 1331, primarily due to issues surrounding their impartiality, discussed in further depth below, and the justices of these proceedings were exclusively royal officials from England.

The appointment of itinerant justices to the Islands for various commissions was indicative of the growing professionalism of the English judiciary and also the desire to provide more effective and impartial justice to the king's subjects. The itinerant justices sent to the Islands were drawn from a pool of experienced judicial personnel who were active in the king's service throughout England. Many of those appointed, particularly the chief justices of the later eyres in the Islands, held prominent positions in the king's judiciary and in royal government. For instance, Henry de Guildford, king's clerk and chief justice at the 1304 eyre, was a highly-experienced judicial official who served as the keeper of the king's seal for the custody of the bishopric of Durham after its confiscation into the king's hand in 1302.¹⁷⁴ Another significant figure was Henry de Spigurnel, chief justice of the 1323 eyre, who was a permanent justice of the court of the king's bench from 1307 to 1323.¹⁷⁵ His colleague at the 1323 eyre was Master Henry de Clif who acted as the

¹⁷¹ *CPR, 1292–1302*, p. 433; *CPR, 1307–1313*, pp. 112, 121, 130–131.

¹⁷² *CPR, 1307–1313*, pp. 112, 130–131.

¹⁷³ This was explicitly stated in the commission of 1320: E 101/89/10, pr. Havet, *Les cours royales*, p. 212, pr. and trn. *JPB*, II, no. 60, pp. 115–8.

¹⁷⁴ *CPR, 1301–1307*, pp. 215, 230; S.J. *Cartulaire*, no. 51, p. 83. Examples of judicial appointments: *CPR, 1292–1301*, pp. 246, 257, 323, 464, 477, 506, 545, 630; *CPR, 1301–1307*, pp. 189, 277, 287. Durham: *CPR, 1301–1307*, pp. 43–4, 49. Prestwich, *Edward I*, p. 545.

¹⁷⁵ *CPR, 1321–1324*, pp. 324, 329, 370. 'Spigurnel, Sir Henry (*b.* in or before 1261, *d.* 1328)', Brand, *ODNB* (2004); J. Sainty, *The judges of England, 1272–1990* (London 1993), p. 32.

keeper of the great seal and then keeper of the rolls of the chancery, two important responsibilities in royal government.¹⁷⁶

The majority of the itinerant justices who were sent to the Islands were based in England and had spent their careers there, but there were some important exceptions. A case in point was the chief justice of the 1309 eyre, John de Fresingfeld, an Anglo-Irish administrator with a diverse career in the royal service in the lordship of Ireland and then in England, and also on diplomatic missions to Gascony and the papacy.¹⁷⁷ His career is an important indication not only of the diffusion of administrative personnel throughout the realm but also that the movement of officials between the dominions and England was a two-way process. Additionally, Robert de Scardeburgh, a senior royal official with a long career in England and Ireland who replaced John de Travers as chief justice of the 1331 eyre in the Islands, was shortly afterwards appointed as chief justice of the bench of Dublin.¹⁷⁸ In the king's continental dominions, Thomas de Sandwich, who conducted a commission of oyer and terminer in the Islands in June 1292, had previously been seneschal of Poitou from 1279 to 1288, and was mayor of Bordeaux in 1289.¹⁷⁹ Master Robert de Leyssset, a senior king's clerk and chief justice of the 1299 eyre, was active in the king's service in Gascony in the 1290s and was constable of Bordeaux castle in 1304.¹⁸⁰ Yet, similar to the analysis of the profile of the wardens of the Islands, it is notable that over the course of the fourteenth century those appointed to judicial commissions in the Islands were increasingly judicial officials based in England and with much less experience of affairs in the king's continental dominions.

¹⁷⁶ CPR, 1321–1324, pp. 329, 370. Keeper of the great seal: CCR, 1318–1323, pp. 382, 384, 505, *passim*; CCR, 1323–1327, p. 134. Keeper of the rolls of chancery: CPR, 1324–1327, p. 146; CCR, 1323–1327, p. 134. The keeper of the rolls was a senior clerk responsible for the archives of the chancery and acted as president of the court of chancery in the absence of the chancellor: Musson and Ormrod, *The evolution of English justice*, p. 29.

¹⁷⁷ CPR 1307–1313, pp. 112, 130–131. For an overview of Fressingfeld's career, much of which was in the service of the English crown, see Brand, 'A versatile legal administrator and more: the career of John of Fressingfield in England, Ireland and beyond', in B. Smith (ed.), *Ireland and the English world in the Late Middle Ages* (Basingstoke; Hampshire, 2009), pp. 44–54.

¹⁷⁸ CPR, 1330–1334, pp. 72, 146; CCR, 1330–1333, p. 245. 'Scardeburgh [Scardeburg], Sir Robert de (d. in or after 1348), H. Summerson, ODNB (2004); Sainty, *The judges of England*, pp. 23, 111.

¹⁷⁹ CPR, 1281–1292, p. 495. For a summary of his career see D. Johnstone, 'The county of Ponthieu, 1279–1307', *EHR*, 29 (1914), pp. 435–452, p. 443 n. 43.

¹⁸⁰ CPR, 1292–1302, p. 83. CPR, 1301–1307, p. 265.

Whilst the itinerant justices had little substantive connection to the Islands, unsurprisingly, officials with some prior experience in the Islands were appointed as justices. For example, Robert de Norton, justice at the 1331 eyre, had previously been on the king's service in the Islands in August 1326. He was subsequently appointed joint-warden with John de Roches in March 1327 to counteract the impact of Otto de Grandison's neglectful lordship.¹⁸¹ This may explain why he was the only one of the four itinerant justices of the 1331 eyre to also be appointed to conduct a number of commissions in the Islands, including a full extent in the same year.¹⁸² Similarly, prior to his appointment as chief justice, Robert de Leyset had been commissioned in the summer of 1297 to audit the accounts of Henry de Cobham and hear and determine complaints of the Islanders against the administration. His conduct seems to have been respected by the Islands' elite for, in 1305, a petition by the Norman ecclesiastical elite possessing lands in the Islands requested that Robert return to investigate the mistakes made by the itinerant justices of the 1304 eyre.¹⁸³ Robert was also exceptional in being the only itinerant justice to receive lands and rights in the Islands as recompense for his service to the king. In 1298, alongside other grants in England, he was presented to the benefice of the church of St Peter Port in Guernsey, although he had some difficulty in acquiring this reward.¹⁸⁴

As we have noted, the introduction of itinerant justices in eyre was intended to bring a measure of impartiality to judicial procedure in the Islands, especially in order to provide an effective inquiry into the complaints of the Islanders against the administration. However, John Le Patourel argues that Otto de Grandison's officials attempted to seize the earlier eyres of 1299, 1304 and 1309, in order to exploit them as another tool for enhancing

¹⁸¹ *CPR, 1330–1334*, pp. 72, 76. Earlier appointments to Islands: *CPR, 1324–1327*, p. 306; *CPR, 1327–1330*, p. 63.

¹⁸² *CPR, 1330–1334*, pp. 130, 145, 347; *CCR, 1330–1333*, pp. 207, 244–5, 248, 300, 376–7; S.J. *Extente, Jersey, 1331*; S.G. *Extentes of Guernsey*, pp. 53–4; E 101/89/16, pr. Le Patourel, 'D.Phil.', app., pp. 176–195, and a copy of m. 3 is pr. P. N. Richardson (ed.), 'Report of the commissioners Robert du Norton and Guillaume de la Rue, dated 15 April, 1331', *ABSJ*, 6 (1907), pp. 207–209.

¹⁸³ Though this petition was conveyed by the king to Robert, no such investigation occurred. S.J. *Cartulaire*, no. 23, pp. 35–36.

¹⁸⁴ See Chapter VI.

their lord's revenues in the form of fines and amercements, which went to Otto rather than the king by virtue of Otto's status as lord of the Islands.¹⁸⁵

There is some evidence to support this contention in relation to the eyre held in the summer of 1304 by Henry de Guildford, Reginald de Carteret, and John de Ditton, for its preliminary organisation was entirely orchestrated by Otto's officials.¹⁸⁶ In an intriguing letter prior to the official commissioning of the eyre, John de Ditton wrote to William Greenfield, chancellor of England (1302–1305), relaying that at Otto's request Henry de Guildford had agreed to conduct 'our' assizes in the Islands, and that they preferred to hold these assizes before Michaelmas 1304. He thus requested from the chancellor the relevant writs for holding the assizes and provided a schedule of names of parties who would be summoned to them. All of this was endorsed and writs were subsequently issued by the chancery to this effect.¹⁸⁷ With Henry selected as the chief justice by Otto, and John de Ditton as an accompanying justice, the effectiveness of this eyre in providing the Islanders with adequate justice in their complaints against the administration may be called into question. Yet despite Otto's officials seeking to shape the eyre to their own ends, Henry de Guildford did not hesitate to hear and determine numerous complaints against John de Newent, a sub-warden of Otto at the time of the eyre, who had acted as bailiff and receiver of Guernsey, and in one incident he was judged to be guilty of unjust imprisonment, for which he was amerced and committed to prison.¹⁸⁸

¹⁸⁵ In medieval English law, a fine was a fixed monetary penalty whereas an amercement was arbitrary. Le Patourel, *Admin. C.I.*, pp. 54–6. *CCR, 1307–1313*, p. 272.

¹⁸⁶ *CPR, 1301–1307*, p. 215; S.J. *Cartulaire*, no. 51, p. 83. JUST 1/1159, which contains John de Ditton's rolls for Guernsey concerning civil pleas, complaints and pleas of the crown and only the civil pleas in Alderney. JUST 1/1154 and 1/1563 are copies of the bailiff's rolls for Guernsey for 1303 and 1304: Crook, *records of a general eyre*, p. 192. The Jersey returns are no longer extant with the exception of copies of a case relating to the priory of St Clement: *PROME*, II, pp. 351–4; Havet, *Les cours royales*, pp. 202–5; S.J. *Cartulaire*, no. 51, pp. 81–5. See Chapter VI.

¹⁸⁷ The use of 'our assizes' (*assisas nostras*) is particularly telling: SC 1/28/58, pr. Le Patourel, 'D.Phil.', app., pp. 59–60. De Guildford consented to hold the assizes on condition that he received letters of protection whilst he stayed in the Islands, which were granted to him on 29 May 1304: *CPR, 1301–1307*, p. 230.

¹⁸⁸ Items 2–18 all concern John de Newent: JUST 1/1159, m. 2 r. An extract of item 3 is pr. Havet, *Les cours royales*, pp. 123–4. There are numerous records referring to him as an official of Otto: JUST 1/1159, m. 6; *CPR, 1292–1301*, pp. 386, 433; *CCR, 1296–1302*, p. 592. S.J. *Rolls of the assizes, 1309*, pp. 9–10, shows he was no longer in the Islands at the time of the 1309 eyre to answer a plea.

The picture is similar with the 1309 eyre. In May 1309, John de Fressingfield, Drew de Barentin and John de Ditton were commissioned to go to the Islands to hold a general eyre and conduct an inquiry regarding encroachments upon the rights and lands of the king. However, at the same time de Fressingfield along with William Russell were appointed to a separate commission of oyer and terminer to hear complaints by the Islanders against the conduct of Otto and the king's officials, many of which had been presented before the king and council by way of petition.¹⁸⁹ The proceedings were concluded around July.¹⁹⁰ The appointment and conduct of Drew de Barentin and John de Ditton as justices during the 1309 eyre understandably provoked great outcry by the Islanders as both men were connected with Otto's administration. Moreover, at the 1299 eyre Drew had been found guilty of diverse offences in Jersey, which amounted to 356 *l. t.* out of the 569 *l. t.* of the total amercements and fines listed as imposed for that Island.¹⁹¹ Indeed, at the 1309 eyre, Drew and John were summoned to appear before John de Fressingfield and William Russell's separate commission in Guernsey for five days in relation to diverse complaints against them by Islanders, yet due to a procedural issue that is difficult to discern, the community was fined for nonsuit and Drew and John were permitted to depart from the proceedings '*sine die*'. However, for certain reasons unstated in the record, the justices decided that Drew and John were to be punished and amerced at the discretion of the king and council, although it is unclear whether this occurred.¹⁹²

Where the conduct of the itinerant justices themselves appears particularly severe at the 1309 eyre was in their numerous amercements imposed on the communities of the Islands for supposed concealments by the juries of presentment, which decisions were said to have been reached by the justices without the advice of the jurats who were accustomed to imposing the amercements. These amercements were seen as so egregious that many parish communities in both Islands afterwards appointed attorneys to seek their

¹⁸⁹ *CPR, 1307–1313*, pp. 112, 121, 130–131; S.J. *Rolls of the assizes, 1309*, pp. 2–3.

¹⁹⁰ The rolls of the proceedings have survived largely intact, though, as Le Patourel notes, so much of the business of the 1309 eyre was adjourned *coram rege* that the most informative material may not be found in the rolls: Le Patourel, 'D.Phil.', I, pp. 125–6. For all extant records relating to these proceedings, see Crook, *Records of a general eyre*, p. 192. JUST 1/1160 and JUST 1/1161, pr. and trn in S.J. *Rolls of the assizes, 1309*, pp. 2–94, 95–338. Cf. Le Patourel, *Admin. C.I.*, p. 16 n. 2. JUST 1/1160, mm. 2–12 is also pr. W. Illingworth (ed.), *Placita de quo warranto temporibus Edward I., II., and III.* (London, 1818), pp. 822–840.

¹⁹¹ JUST 1/1158, m. 12 r., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 71–2.

¹⁹² '*Sine die*' (without a day), meaning that the plea was adjourned with no appointed date for resumption. S.J. *Rolls of the assizes, 1309*, pp. 8–9.

rescindment.¹⁹³ Whilst one might view the episode as a barely disguised effort to fill Otto's coffers, it could equally be viewed as an attempt to ensure that the king's demesne and the local administration were being properly maintained. Indeed, some cases heard during the 1309 eyre do suggest that local officials and tenants of the king had failed in their responsibilities and duties owed to the king. A bordier in Jersey who refused to perform the services tied to his bordage was amerced and lost his holding.¹⁹⁴ A jurat of Guernsey was heavily amerced for violating his oath of office by concealing the custom owed to the king when he purchased a yearly rent of land in the parish of St Andrew.¹⁹⁵ Similarly, in an appeal to the justices regarding a case previously heard before the royal court of Guernsey, seven jurats of the court were amerced by the justices for giving false judgement in favour of the plaintiff, where it was admitted by one of the jurats that he had provided unlawful assistance to the plaintiff because he was his nephew.¹⁹⁶ Opposition to this eyre then, in some respects, was the result of the administrative shake-up imposed by the itinerant justices.¹⁹⁷

Overall, then, the core problem with the earlier eyres appears to have been that the involvement of Otto's officials as justices undermined the credibility of the eyre as an effective and fair judicial mechanism, at least from the perspective of the Islanders. There were early acts of resistance as a result. For instance, at the 1299 eyre in Guernsey, Robert du Vivier, clerk, refused to answer a common plea before the justices, asserting, firstly, that as a member of the clergy he was only obliged to answer in an ecclesiastical court and,

¹⁹³ S.J. *Rolls of the assizes, 1309, passim*. For example, Robert de Carteret and Luke Espiard acted as attorneys for Islanders from Jersey regarding this matter as well as in relation to other oppressions committed by Otto's officials: SC 8/257/12822, trn S.J. *Ancient petitions*, pp. 18–9. Le Patourel, *Admin. C.I.*, p. 58.

¹⁹⁴ S.J. *Rolls of the assizes, 1309*, p. 266. Bordier was a type of tenantry in Normandy whose members held their bordage in exchange for certain services owed to the king. It was used in the Islands but with some differences in the organisation of the bordages and the terms of tenure: Le Patourel, *Admin. C.I.*, pp. 83–4. For extensive examination, cf. de Gruchy, *Medieval land tenures*, ch. 2.

¹⁹⁵ Another jurat of the same Island was also amerced for his unexcused absence from the 1309 proceedings: S.J. *Rolls of the assizes, 1309*, pp. 179–181.

¹⁹⁶ S.J. *Rolls of the assizes, 1309*, pp. 207–210.

¹⁹⁷ There was also an effort during the eyre, notably made in consultation with officials, the jurats and other noteworthy men of Guernsey, completely to reorganise the bordages of the king in that Island by seizing all of them into the king's hands and regranteeing them to the bordiers on new terms regarding their responsibilities and services owed, and also at higher rents: S.J. *Rolls of the assizes*, pp. 170–171. Though Le Patourel notes that this does not appear to have had much of an impact on the tenurial organisation of Guernsey: *Admin. C.I.*, p. 84 n. 1.

secondly, that he refused to recognise the authority of the justices, except that of Robert de Laysset, as all of the other justices were part of Otto's administration.¹⁹⁸ Not long after the 1299 eyre, the Islanders protested to the king via a series of petitions that Otto's bailiffs continued to cause them injury to which in response, in November 1302, a commission of oyer and terminer was issued to Gilbert de Knoville and Reginald de Carteret to investigate the truth of these allegations.¹⁹⁹ In one such petition, the Islanders exhorted the king to appoint justices who:

should be liable to no suspicion through connection with sir Otto or his officials, for because of such justices being appointed by the procurement of the said sir Otto, who were his officials, during these last eight years your poor folk of the Islands could never obtain justice.²⁰⁰

It was not until after the 1309 eyre that the Islanders finally succeeded in persuading the king to prohibit Otto's officials from acting as justices but, as is examined below, this did not prevent their continued oppressions or their interference in the eyre proceedings.²⁰¹ Ultimately, the Islanders would have to wait until Otto's death to be finally relieved of the maladministration of his officials, and whilst the increasing use of only royal officials from England to act as justices in eyre was a step in the right direction to ensuring greater impartiality, it came too late, for the eyre was already perceived in such a negative light due to its association with Otto's lordship.

The efforts of the king to resolve the Islanders' complaints through the eyre and other commissions are indicative of a genuine desire to administer justice effectively. Nonetheless, like the 1274 inquiry, the overriding concern of the general eyre was the preservation of royal rights and interests. This was exemplified in the hearing of pleas *quo*

¹⁹⁸ In response, he was convicted of trespass and contempt of the king and heavily amerced by the justices: JUST 1/1157, m. 6 d., pr. Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 57–9, 54–7. For related petitions by Robert du Vivier further complaining that Otto's ministers should not be justices and that he had been unfairly fined: SC 8/265/13249, SC 8/265/13244.

¹⁹⁹ SC 8/118/5893; CPR, 1301–1307, p. 97.

²⁰⁰ '...les quells justices ne seynt pas suspecionus par nule affinitey de sire Otes ne a ses ministers, kar par teles justices par procurement del dit sire Otes qi esteyent ses ministres ces .viij. aanz passes ne poyent vos povere genz des lldes unke dreit aver.': SC 8/9/419 and SC 8/9/420, pr. and trn PROME, II, pp. 637–8.

²⁰¹ CPR, 1313–1317, p. 315.

warranto during the eyres of 1299 to 1331, by which the major secular and ecclesiastical landholders were summoned before the justices to show proof of their right to hold certain lands and franchises that were claimed by the king's attorney to be reserved solely to the royal prerogative.²⁰² For instance, during the 1299 eyre, Peter de Samarès of Jersey was summoned to provide proof of title to the manor of Samarès and its appertaining rights, including the rights of wreck and *éperquerie*.²⁰³ Other rights challenged against others included right of warrens and chase, '*verp*' (the right to establish a pound for stray animals), the right to establish and operate mills, and the right to erect gallows. Challenges were also made to the jurisdictional authority of seigneurial courts in the Islands and ecclesiastical courts of the Norman church.²⁰⁴ In some pleas, the king's attorney opportunistically brought claims concerning rights that were not even claimed by local landholders. Drew de Barentin, for example, expressly denied the king's attorney's claims that he ever held pleas of the crown in the seigneurial court of the fief de Rozel or claimed the right to a prison there beyond what was customary, expressly acknowledging that these rights solely belonged to the king.²⁰⁵

The broad and opportunistic sweep of allegations should not mask the fact that there were genuine incidents discovered where the king's rights had been violated. At the 1299 eyre, as an indication of the imprecise and variable remit of the seigneurial courts in this period, in answer to a plea *quo warranto*, Reginald de Carteret, seigneur of St. Ouen, claimed from time immemorial that pleas of life and limb could be heard in the seigneurial court of his fief and that the seigneur could render judgement on those convicted of a felony. Reginald also stated that jurats from the king's court attended his seigneurial court at his bidding, and that he used only eleven jurors rather than twelve to give a verdict. In this matter, the king's attorney, William Payn, effectively argued that the jurats, by virtue of their office as officials of the king, should only attend the king's court in the Island and

²⁰² A *quo warranto* plea is a prerogative writ issued by the chancery at the request of a king's attorney, which requires a person to produce proof of their right to hold a claimed franchise or liberty. For a summary of what franchises and liberties constituted in the context of the pleas *quo warranto*, see Sutherland, *Quo warranto proceedings in the reign of Edward I*, pp. 1–15.

²⁰³ JUST 1/1158, m. 10 d., trn Stevens (ed.) 'Jersey assize roll, 1299', pp. 64–5.

²⁰⁴ On the jurisdiction of the ecclesiastical courts, see Chapter VI.

²⁰⁵ In regard to prisons, Drew stated that sometimes individuals arrested within the fief's boundaries were held by his bailiffs at the manor until they could be handed over to the king's bailiff, as the custom dictated: JUST 1/1158, m. 10 r., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 59–60.

that Reginald was not permitted to hold such pleas. Reginald admitted his error and submitted himself to the king's mercy on this matter.²⁰⁶

A key factor in the *quo warranto* process was the ability of the party challenged to prove his entitlement to the land or rights in question. Many relied upon long usage, claiming their rights from time immemorial. In some cases, no doubt, any written record of a grant of rights was lost in time. However, long use was also a useful argument to mask a lack of title. Some claimed written proof of grant by royal warrant or charter. Interestingly, at the 1299 eyre, Drew de Barentin stated that he was unable to produce his charter for the manor of Rozel because, on account of the war with France, he had deposited it with other deeds in his estates in England for safe-keeping, and he was thus granted additional time to obtain and exhibit his charter before the justices.²⁰⁷ Similarly in 1309, Nicholas de Cheny and Philip his brother stated that the charter legitimising their rights and lands in the parish of St Sampson, Guernsey, which had also been challenged at the 1274 inquiry, was kept in England.²⁰⁸

Even when a landholder possessed written proof in the form of a charter, he might still face difficulties arising from the Islands' ambiguous constitutional position following the loss of Normandy. For instance, in a plea at the 1331 eyre concerning William de Cheny's claim to have right of warren in his lands in Guernsey, William presented a charter granted to his grandfather of the same name by the Lord Edward in 1261. The response of the king's attorney was that such a grant was invalid as only the king of England could grant such a right. William responded that 'the lord king has nothing in the Islands except the status of duke' and 'whoever will be lord of that Island, having the status of duke, has power to grant liberties in the same way as the lord king has in England', and therefore, the Lord Edward's charter was valid.²⁰⁹

²⁰⁶ In the marginalia at the end of the item, it notes that 'one must speak with the lord the king.': JUST 1/1158, m. 10 d., trn Stevens (ed.), 'Jersey assize roll', pp. 65–6.

²⁰⁷ JUST 1/1158, m. 10 r., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 58–9.

²⁰⁸ S.J. *Rolls of the assizes, 1309*, pp. 38–9. *CChR, 1226–1257*, p. 331.

²⁰⁹ '*Et Guillelmus dixit quod dominus Rex Angliae nichil habet in insulis hic nisi statu ducis etc...et dixit quod quicumque dominus fuerit istius Insule statu ducis habens potestatem habet libertates concedendi sicut dominus Rex Angliae in partibus Anglicanis etc.*': JUST 1/1167, m. 4 r. The charter the Lord Edward granted is cited on the same membrane of the roll and also m. 12 r.; Le Patourel, *Admin. C.I.*, pp. 37, 39 n. 6 (iv).

At the 1299 eyre, lands previously possessed by ecclesiastical houses proved something of a quandary. As a result of the Anglo-French war in 1294, all the possessions of the Norman church in the Islands had been seized into the king's hand, who enjoyed their revenues until peace was concluded with the kingdom of France. When pleas *quo warranto* were brought before the justices by the king's attorney concerning these possessions, despite multiple summonses, the former ecclesiastical holders declined to appear or be represented, rightfully arguing that they were not bound to attend nor answer any pleas because they had been dispossessed of their lands on account of the war, and thus did not owe suit of court. That such dispossession was viewed by those representing the king as likely to be temporary is reflected in the fact that some of the pleas *quo warranto*, such as those concerning the titular rights of the priory of St Clement and franchises claimed there by the abbey of Mont-St-Michel, were postponed until the confiscated property was restored to their ecclesiastical owners by the king.²¹⁰ Still, not all matters were postponed. For example, the abbot of Cherbourg, who failed to appear before the justices when summoned, was fined for contempt of court and for having reoccupied his lands on the Island of Herm and taking the revenues of that Island to the value of 20 *l. t.* without the permission of the king and in defiance of the king's confiscation of all ecclesiastical properties.²¹¹

In pleas *quo warranto* concerning the king's right to advowsons, a right held as part of the act of dispossession, the lack of attendance by the relevant ecclesiastical house was remedied by the appointment of the *vicomte*, in Jersey, and the *prévôt* in Guernsey, to act on their behalf. For instance, at the 1299 eyre in Guernsey and Jersey the bishop of Coutances was summoned to answer for unjustly impeding the king in his right of presentation to the benefices of the church of St Peter Port in Guernsey and the church of St Lawrence in Jersey, the right of which in times of peace belonged to the abbeys of

²¹⁰ JUST 1/1158, m. 11 d., trn Stevens (ed.), 'Jersey assize roll, 1299', p. 69.

²¹¹ The abbot was also alleged to have established a prior there and that only two of the five monks who ought to be installed there were present. It was adjudged that the abbot's lands were to remain in the king's hand until the fine was paid, regardless of any end to the wartime confiscation: JUST 1/1158, m. 11 d., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 69–70. It is interesting that this plea was held in Jersey given that Herm was generally regarded to lie within the jurisdiction of the bailiwick of Guernsey. Cf. S.J. *Rolls of the assizes, 1309*, pp. 16–20. This may have been due to the abbot's failure to attend the earlier summons to a hearing in Guernsey, though the abbot did also owe suit of court in Jersey so it may have simply been a matter of practicality: JUST 1/1166, m. 15 r.

Marmoutier and Blanchelande respectively. The *prévôt* and *vicomte* were appointed to act in the bishop's place and, in a formulaic response, denied wrongful impediment. The Guernsey plea was adjourned to be heard before the king and council at the next parliament, whereas in the Jersey plea the *vicomte* was instructed to submit himself to a verdict of the country. This he did, and following an inquisition, the jurors found the bishop to be guilty of hindering the king. It was thus ordered that the bishop be fined for this action, and that a writ be issued under the great seal of the king to demand the bishop accept the king's nominee to the church of St Lawrence.²¹²

The restoration of church properties by the king after the end of the Anglo-French war in 1303 did not prove to be an end to the troubles of the clergy. The bishops and abbots holding lands in Jersey collectively petitioned the king in 1304 complaining about the eyre proceedings held that year. The basis of their complaint was that they had been put in default for failing to attend summonses by the justices much earlier than custom dictated. During their default, they temporarily lost possession of their lands and the profits from them for three whole days during harvest season, when pleas ought not to be held, until they paid a fine. Even a few days of default could constitute a significant loss of profit during this time.²¹³ In response to these petitions during the 1305 parliament, it was said that no answer could be given until the records of previous eyres were examined, which inevitably added further delay.²¹⁴ Again, in the 1309 eyre, the lands and rights of the Norman ecclesiastical establishments were challenged, resulting in further confiscations and adjournments, although a number of cases were adjourned *sine die*.²¹⁵ It is clear from this that at the 1304 eyre, at least, Otto's officials were using pleas *quo warranto* as an excuse to challenge and seize lands and rights, and, through adjournments and inaction, attempted to hold onto them for as long as possible to further increase their lord's profits.

²¹² JUST 1/1157, m. 2 r., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 15–7; JUST 1/1158, m. 11 r., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 66–7. Pleas were also made against the abbots of Marmoutier and Blanchelande concerning the same churches and with similar outcomes: JUST 1/1157, mm. 1 d., trn Le Patourel, 'Guernsey, assize roll, 1299', pp. 10–13; JUST 1/1158, m. 11 r., trn Stevens, 'Guernsey assize roll, 1299', pp. 68–9.

²¹³ SC 8/265/13241, pr. and trn *PROME*, II, pp. 355, 357. For an instructive example of the proceedings at the 1304 eyre that were the source of the complaint, see a plea concerning the property of the abbey of Marmoutier in Guernsey: JUST 1/1159, m. 7.

²¹⁴ *PROME*, II, p. 350.

²¹⁵ For instance, a case in Guernsey relating to the abbey of Marmoutier: S.J. *Rolls of the assizes, 1309*, pp. 111–4.

The pleas *quo warranto* then were not only of great judicial impracticality but were being abused and exploited by Otto's administration, which in turn aroused the animosity of the local elite towards the proceedings of the general eyre.

The pleas *quo warranto* were not limited to challenging the individual rights and property of the secular and ecclesiastical elite. From the 1309 eyre until the last one held in 1331, they were extended to the questioning of 'communal privileges' and the customary law of the Islands.²¹⁶ The origins of this challenge were probably to be found in the numerous complaints made by the Islanders in the 1290s that officials of the administration had frequently infringed upon the Islanders' laws and customs. However, whilst the administration of Otto de Grandison was undoubtedly exploitative and neglectful, it must be observed that discerning the laws prevailing in the Islands was not straightforward, and it was not beyond the Islanders to present them in a manner which best suited their interests. As we shall see, most of the customary law of the Islands was unwritten, had changed over the course of this period without clear official acknowledgement or royal confirmation, and often differed between each Island. In any event, the king was at least prepared to listen. Thus, on 16 September 1299, in response to the Islanders complaints and in order to ensure that the Islanders may enjoy their laws and customs and see them observed in the future, the king of England issued letters patent ordering that the Islanders set down their laws and customs clearly in writing.

These letters patent were presented to the Islanders of Guernsey by Robert de Leysset and Henry de Bonvillars on 16 October shortly before the beginning of the eyre on 19 October. However, any notion of the good intentions of the king are somewhat undermined by the fact that the Islanders were only given until the first day of November to present their laws and customs in writing before the justices of the eyre. This in itself was self-evidently a tall order, but it was exacerbated by the imposition of the condition that a failure to meet the deadline would mean that the Islanders' laws and customs would be 'deemed invalid and held for nought'.²¹⁷

²¹⁶ Le Patourel, *Admin. C.I.*, qt. p. 57.

²¹⁷ The letters patent were presented to the Islanders by Robert de Leysset and Henry de Bonvillars and are included at the end of the roll: JUST 1/1157, m. 8 d., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', p. 78. Enrolment: *CPR, 1292–1301*, pp. 436–7.

The Islanders of Jersey, clearly also served with the letters patent, claimed that they were unable to reduce their laws and customs into writing and render them to the king at the present time as they were preoccupied with the proceedings of the ongoing eyre. A certain date was assigned to them to complete the task and inform the justices, but it was then extended until June 1300 and they subsequently produced some form of statement on their laws and customs.²¹⁸ The men of Guernsey did not provide a statement and, as late as March 1314, a writ issued to the jurats of Guernsey noted that they continued to refuse to explain their laws and customs to Otto's bailiffs unlike the jurats of the other Islands.²¹⁹ The demand to reduce their laws into writing was clearly viewed with considerable hostility by the people of Guernsey, at the least, who resented their rights and laws being questioned and were concerned that they may lose their privileged status. Certainly, the added condition to the king's order in September 1299 that a failure to deliver a written statement of the laws and customs by the stated date would render them invalid and of no effect made the Islanders' fundamental laws appear to be simply another franchise for which title must be presented in the usual manner.

During the 1309 eyre proceedings, the customary law and communal privileges themselves were actively challenged by the king's attorney. The communities of Jersey and Guernsey were summoned separately before the justices to answer a plea *quo warranto* as to what law they used, whether it was the law of England, of Normandy or derived from special customs granted to them by the kings of England.²²⁰ As we have already seen, the community of Jersey, giving an answer almost identical to the community of Guernsey, stated that they mainly used the law of Normandy but had developed certain different customs of their own from time immemorial, most important of which was the role of their twelve jurats of the king. As it was put, the jurats, with the bailiff of the Island and in the absence of, or together with, the itinerant justices, ought to judge all cases arising in the Island except those which remained the sole prerogative of the king and his court. These jurats were said by the communities to be elected by the officers of the king and the magnates of the country.

²¹⁸ JUST 1/1158, m. 9 r., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 55–6. It is unfortunate that this statement is not extant but it is clear they did present one: SC 8/272/13573, trn S.J. *Ancient petitions*, pp. 22–3.

²¹⁹ CCR, 1313–1318, p. 91.

²²⁰ For these cases, including the arguments of the king's attorney, see JUST 1/1160, mm. 4 r. and 9 r., pr. and trn S.J. *Rolls of the assizes, 1309*, pp. 29–34, 69–74.

The king's attorney in Jersey and Guernsey, William Dumaesq, himself an Islander, challenged the Islanders' responses on two main grounds. Firstly, he argued that the royal jurisdiction had been infringed upon by the jurats, who had unlawfully expanded their judicial remit beyond its more limited ambit of advising the itinerant justices on matters of customary law. Secondly, and more fundamentally, it was argued that the Islanders did not in fact use the ancient customs of Normandy at all. The king's attorney's evidence for this was the reality that, despite their shared origins as part of the duchy of Normandy and their shared language, their laws and customs differed from each other in fundamental ways. There existed, he claimed, numerous variations between each Island, citing examples of differences in the laws pertaining to inheritance, dower, crown rights over weights and measures, custom duties, and various legal procedures.²²¹ The king's attorney also highlighted that the Islanders of Jersey had recently adopted a certain Norman legal treatise written after the loss of Normandy called the '*Summe de Mancael*', that is the thirteenth-century legal treatise on the customary law of Normandy, implying that they had used it to modify their ancient customs without royal approval or clear parameters in implementation.

These variations in the laws in each Island, different in certain respects from both earlier Norman law and from each other, were primarily the result of the jurats of each Island holding a monopoly on interpretations of their respective customs, and their assuming of an enhanced judicial remit as the judges of almost all legal cases in both the royal courts and at the assizes with the justices. For instance, Dumaesq argued that the twelve jurats of the king in Jersey had unlawfully altered the law of that Island some twenty years ago in regard to the custom concerning the lands and chattels of a debtor, a law which had been enforced by the itinerant justices of the 1304 eyre to the detriment of many individuals.²²² This interpretation of the custom was reversed by the 1309 justices with the consent of the community of Jersey on the basis that it was unjust and had been unlawfully introduced by the jurats during the later reign of Edward I without the knowledge and consent of the king or the community.²²³ Such action showed the value for ordinary people of the visitations of

²²¹ In the plea in Guernsey, the custom concerning abjuration was also challenged as the king's attorney argued it had been unlawfully changed by the jurats: S.J. *Rolls of the assizes, 1309*, pp. 29–34.

²²² S.J. *Rolls of the assizes, 1309*, pp. 72–3.

²²³ S.J. *Rolls of the assizes, 1309*, pp. 247–8, 216–7, where it is suggested by the present jurats that the custom had been introduced by their predecessors. The present jurats were nonetheless amerced for

itinerant justices with greater judicial powers. In light of all the above, the king's attorney argued that reform was required so that all the Islands may use the same laws and customs and that these customs may be properly known, recorded and acknowledged. The response of both communities, implicitly rejecting the suggestion of reform, was a staunch denial that they had altered the customs of their ancestors or violated the rights of the king, and in Jersey the community additionally stated that they relied greatly upon the '*Summe de Mancael*' because it contained the laws of the Normans.²²⁴

Dumaresq's insistence on the need for certainty of the law is understandable, and hard to argue against. His argument that the evolution of customary law and the development of differences between the Islands meant there was no certainty was, however, deliberately to misunderstand the nature of the customary law, which was mutable over time as it adapted to the changing needs of its community.²²⁵ Drawing on developments of the customary law in the much larger duchy of Normandy, not least now that it had a written treatise on the subject, was an obvious source of law for judicial officials and the courts in the Islands.²²⁶ It is also likely to have been clear to any one well versed in this area that the law differed, often in material respects, within Normandy itself, so there ought to have been no surprise that it might differ between the two Islands.

continuing to maintain the custom knowing it to be unlawful and for concealing this information at the previous assizes.

²²⁴ S.J. *Rolls of the assizes*, 1309, p. 73.

²²⁵ J. Musset, 'Formation et expression formelle de la coutume Normande', *Connaissance de l'Eure*, 46 (1982), pp. 3–9; R. Génestal, 'La formation et le développement de la coutume de Normandie', *Travaux de la semaine du droit Normand tenue à Guernsey en 1927* (Caen, 1928), pp. 37–55. There was still a lack of certainty in the seventeenth century as to which Norman customary laws were followed in the Islands and how they had been modified. J. Poingdestre argued that the Islands could not simply follow Norman customary law as it progressed on the mainland because the customary law expressed in both the *Grand Coutumier* and the revisions of it, such as in the form of the *Coutume réformée* (1583), needed to be considered according to which was more suitable to local circumstances. This, however, was no easy task and Poingdestre noted that '*nos praticiens se trouuoient aussy embarassez entre ce qu'ils auoient a suivre et euite*' (our practitioners find themselves sufficiently embarrassed as to what they should follow and what they should avoid): trn S. C. Nicolle, *The origin and development of Jersey Law. An outline guide* (St Helier, 2009), qt. p. 88, pp. 86–8.

²²⁶ There was in fact an earlier redaction of Norman customary law in the form of the *The Antiqua consuetudo Normannie*, written in the late twelfth or early thirteenth century, though there is no documented evidence that this was known in the Islands: Eves (ed.), *Antiqua consuetudo Normannie*, pp. xlvi–lxi; Nicolle, *The origin and development of Jersey Law*. p. 8.

As an aside, it is worth speculating whether Islanders were aware of the challenges posed by the kings of France to the autonomous institutions and customary law of the duchy of Normandy, notable under the assertive reign of Philip IV (r. 1285–1314). After Philip's death, his successor, Louis X (r. 1314–1316), under pressure from the Norman nobility, granted the *Charte aux Normands* in 1315, a compromise that confirmed the liberties and franchises of the inhabitants of the duchy. If the Islanders were aware of these developments in continental Normandy, the likelihood is that it influenced their response to the challenges of the kings of England to their own customary law. Indeed, like the *Charte aux Normands* and the *Magna Carta* in England, the eventual confirmation of the Islands' customs came to have a central place in the collective consciousness of the Islanders and the interpretation of their customary law.²²⁷

Intriguingly, Dumaresq also denied that the Islanders could base their claims to individual property and rights, and by implication communal privileges and customs, on their existence from time immemorial, because the Islands fundamentally derived their constitutional status from the *novus actus interveniens* of the last conquest of King John, an event which in fact was '*continetur infra tempus memorie*' (contained within the time of memory).²²⁸ It was asserted that King John had reconquered the Islands from the king of France on two occasions and, after the second, had banished and disinherited all Normans, ecclesiastical or lay landholders, who chose to side with the king of France. Subsequently, the king of England held in seisin all their lands and goods until peace was renewed between the kings of England and kings of France.²²⁹

There was an important tenorial aspect to this argument. In the confiscations of the *terrae Normannorum*, the kings of England had regranted much of the land to secular

²²⁷ On the *Charte aux Normands*, see esp. Poirey, 'La Charte aux Normands, instrument d'une contestation juridique', in C. Bougy and Poirey (eds), *Images de la contestation du pouvoir dans le monde en Normandie (X^e–XVIII^e siècle)* (Caen, 2007), pp. 89–106; P. Contamine, 'The Norman 'nation' in the fourteenth and fifteenth centuries', in Bates and Curry (eds), *England & Normandy*, pp. 215–234, pp. 223–7. For discussion of the influence of *Magna Carta* on the *Charte aux Normands*: Vincent, 'Magna Carta (1215) and the *Charte aux Normands* (1315)', pp. 189–197.

²²⁸ This argument was specifically used in pleas against individual franchises but nonetheless can be applied to the communal privileges and customs claimed by the Islanders: JUST 1/1160, m. 7 d., and JUST/1161, m. 30 d., pr. and trn S.J. *Rolls of the assizes, 1309*, qt. pp. 57, 233. See *ibid*, pp. 11–2, 55–8, 231–3.

²²⁹ S.J. *Rolls of the assizes, 1309*, pp. 11–2.

landholders, as well as restoring to the Norman ecclesiastical establishments their possessions and rights after a temporary confiscation, and in the case of the former group many now held their lands directly from the king. These regrants and restorations could be seen as establishing a fresh tenurial relationship for the landholders in question.²³⁰ The view of the king's attorney, however, went further and argued that the recapture of the Islands during John's reign effectively constituted an annexation by which the Islands came to be held directly by the kings of England as opposed to via the ducal title, and this marked the *terminus a quo* in the status of the Islanders vis-à-vis the kings of England. By stating that all rights stemmed from John's reconquest, Dumaresq sought to circumnavigate the Islanders' individual and communal claims to immemorial customs and laws for, at least in England by this time, any franchises and liberties obtained after the accession of Richard I in 1189, had to be authenticated by documentary proof or otherwise were said to be a usurpation of the royal prerogative.²³¹

Unsurprisingly, the *quo warranto* proceedings, previously not used in the Islands with the exception of the experimental inquiries of 1274, proved to be a major source of contention for the Islanders, who resented their individual and collective rights being questioned and feared that they would lose the privilege of being adjudged according to their own laws. The secular and ecclesiastical elite of the Islands, with the most to lose from the threat of the pleas *quo warranto*, understandably led the community in protesting to the king. What made these proceedings even more contentious was their inconsistent procedure and variable approach to the enforcement of sanctions. This lack of uniformity in approach was perhaps because the proceedings were instigated at the request of the king's attorney, and undoubtedly due to the constant adjournment of pleas by the itinerant justices in eyre which were left to be sued anew before the king and council, and during later eyres before the court of the king's bench.²³² For example, all the pleas *quo warranto*

²³⁰ An important point raised in Everard and Holt, *Jersey 1204*, p. 121.

²³¹ This law on this point, as it stood by 1294, undoubtedly was a compromise by Edward I: Sutherland, *Quo warranto proceedings in the reign of Edward I*, pp. 91–110, 176–189, 226–8; Clanchy, *From memory to written record: England 1066–1307* (third edn: Chichester, 2013), pp. 44, 154; Prestwich, *Edward I*, pp. 258–264, 289.

²³² This procedure for the hearing of the pleas *quo warranto* in the Islands was rather inconsistent. At the 1299 eyre, in Jersey they were heard under the heading '*placita pro domino rege de quo warranto*' (king's pleas *quo warranto*): JUST 1/1158, m. 10 r. Only the Jersey records of these proceedings in 1299 are extant, though it is clear they were held in Guernsey also: JUST 1/1158, m. 10 d., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 63–4. Cf. *placita pro rege* (king's pleas), of which many are essentially pleas *quo warranto*:

heard during the 1304 eyre were adjourned, and petitions sent by the Islanders to the Lent Parliament of 1305 asking for the resolution of these pleas were again deferred by the king and council until itinerant justices next visited the Islands in 1309, who then also adjourned them. In a cyclical fashion, then, the Islanders' laws and rights were left in limbo, no doubt to their great frustration.²³³

This cunctation by the royal justices as well as the king and council suggested a hesitancy to make a firm decision on the pleas *quo warranto*, perhaps recognising how deeply such pleas provoked the hostility of an important community, as they had done in England which had forced Edward to cease the proceedings altogether by 1294 and reach a compromise with the affected communities and nobility. It is also possible that the pleas *quo warranto* held in the Islands were never intended to be enforced. Instead, like in England, the chief purpose of the pleas may have been simply to assert the rights of the king of England and remind the Islanders that all of their communal and individual rights were derived from their sovereign and nowhere else. Yet if this was the intention, it was undermined by the infrequency of the visitations of the itinerant justices and the inconsistent use of pleas *quo warranto* and tainted by the involvement of Otto's officials in the proceedings of the eyre. In the eyes of the Islanders, it was the infringement of their rights by the abuses of these officials, aimed at increasing their lord's profits, which required decisive action from the king. The failure of the king to intervene effectively in this regard or reach a compromise with the Islands' communities over their rights, as had been done in England, saw the pleas drag on disjointedly into the reigns of Edward II and Edward III.

After further complaints by the Islanders, in May 1313, Edward II issued a strongly-worded writ to Otto de Grandison and his officials ordering them to cease preventing the Islanders from enjoying their rights and customs as they had been accustomed to do in the

JUST 1/1157, mm. 1 and 2, trn Le Patourel, 'Guernsey assize roll, 1299', pp. 1–19. At the 1309 eyre, they were titled pleas *quo warranto* whereas during both the 1323 and 1331 eyres the pleas *quo warranto* were incorporated into the civil pleas rather than being heard separately, and the procedure became much more formulaic: Crook, *Records of the general eyre*, pp. 192–3.

²³³ For example, concerning the petition of John de Carteret and his wife Lucy: *PROME*, II, p. 350. E.g. in the 1304 eyre, a challenge to the rights of Nicholas de Cheny regarding wreck in the parish of Vale: JUST 1/1159, m. 3 d. Judgement regarding the rights of de Chenys in Guernsey was again adjourned by the justices of the 1309 eyre: S.J. *Rolls of the assizes, 1309*, pp. 21–4, 38–9, 89–92.

time of the king's predecessors. In his return to the writ, Otto argued that the customary laws and rights of Guernsey were difficult to discern and often confusing, rendering it impossible for his officials not to violate them. Moreover, he reminded the king that John de Fressingfield's commission in 1309 had found that the Islanders had abused their own laws and customs to their benefit and to the detriment of the royal prerogative.²³⁴ In an additional letter enclosed with the writ, Otto requested that the jurats of Guernsey be compelled to declare or produce in writing their laws and customs as the men of Jersey had done, so that his officials could observe them as well as the king's writ.²³⁵ The jurats of Guernsey, in turn, obstinately refused to obey the orders of Otto's officials unless they first took an oath to respect the Island's laws and customs. In March 1314, the king ordered the jurats to be intendant to Otto or appear before the king and council to explain why an oath ought to be made, especially because their failure to explain their laws and customs prevented Otto's officials from being able to agree to such an oath.²³⁶

Further complaints by the Islanders about Otto's administration and the conduct of the justices of the 1309 eyre made it necessary for the king to instigate a new commission. In June 1319, John de Stonore, William de Bourne, Nicholas de Cheny and John de Carteret were commissioned to examine and correct any errors made by the justices of the 1309 eyre regarding their inquiry into encroachments of the king's rights and the customs of the Islands, and also to hear and determine complaints against the officials of Otto de Grandison's administration.²³⁷ The commission, conducted in Guernsey, Jersey, and Alderney, began on 22 May 1320 and finished around the end of July.²³⁸ Likely, as a result of the presence

²³⁴ Interestingly, in the return Otto states that it was certified under the seal of the bailiwick of Guernsey that neither he nor his officials intermeddled in the proceedings of the justices of the 1309 eyre: SC 8/272/13572, trn S.J. *Ancient petitions*, pp. 21–2.

²³⁵ SC 8/272/13573, trn S.J. *Ancient petitions*, pp. 22–3.

²³⁶ *CCR, 1313–1318*, p. 91.

²³⁷ John de Stonore did not act: *CPR, 1317–1321*, p. 375. E 101/89/10, pr. and trn *JPB*, II, no. 60, pp. 115–8. See also: Havet, *Les cours royales*, 211–3; S.J. *Cartulaire*, no. 24, pp. 36–9.

²³⁸ JUST 1/1163, m. 2 (badly faded) is pr. *Second report*, pp. 296–8, but using a copy of it in JUST 1/1165, mm. 7 and 8; JUST 1/1163, m. 10 and 14 d. pr. Havet, *Les cours royales*, pp. 214–7, 213–4; JUST 1/1163, mm. 1 and 14 d., pr. *JPB*, II, nos. 62, 61, pp. 119–124 (trn), 118–9. There is some disagreement as to whether this commission constituted an eyre. Le Patourel, *Admin. C.I.*, p. 16, refers to it as an eyre. However, Crook, *Records of the general eyre*, does not include it in his list. The commission was unlike its predecessors because its scope was limited to reviewing the previous judgements of the 1309 eyre and hearing complaints against the administration. The terms of commission also do not include instructions for the justices to hold

of Nicholas de Cheny and John de Carteret as justices and because the judgements of the justices were made jointly with the jurats of each Island, the commission ruled heavily in favour of the Islanders, a complete contrast to the eyre of 1309.²³⁹ Many of the judgements of the 1309 eyre were reversed, notably the considerable number of amercements made by de Fressingfield upon many of the parish juries of presentment, the confiscations of bordages in Guernsey and the higher rents that had been imposed on them. In the complaints against Otto's administration, it ordered that Otto was to pay considerable sums to compensate the Islanders for various transgressions. In addition, diverse lands, rights and possessions that had been unjustly confiscated by Otto's officials were to be returned to Islanders.²⁴⁰ In regard to the customs of the Islands, representatives of the community of each Island appeared before the presiding justices and provided a comprehensive declaration of their nature and extent, including a clear explanation of the functions of the office of jurat and other officials of the king. Their statements were consistent with those made in the '*Copie de franchises*' and during the pleas *quo warranto* at the 1309 eyre, though again there were notable, if minor, differences between each Island. These customs were subsequently confirmed by the justices and the jurats, saving the right of the king to reinvestigate the matter if he wished.²⁴¹

The rulings of the 1320 commission therefore were a significant victory for the Islanders both in terms of undoing the many oppressions of Otto's administration and in protecting the Islands' customary laws. However, the judgements were halted by a writ of supersedeas issued on 20 August that year, which was said by the Islanders to have been instigated by Otto's officials.²⁴² On 15 October, William de Bourne was ordered to send all

the assizes or pleas *quo warranto*: see above footnote and JUST 1/1165, m. 8 r., pr. *Second report*, pp. 298–9. Therefore, the 1320 commission was effectively a commission of oyer and terminer.

²³⁹ Le Patourel highlights that, though there was no general rule, it was only at the 1309 eyre where the itinerant justices did not consult the jurats for assistance in judgements and the issuing of amercements: 'D.Phil.', II, pp. 62–3. Cf. Havet, *Les cours royales*, pp. 113–4.

²⁴⁰ Le Patourel, *Admin. C.I.*, p. 59 n. 2; idem, 'D.Phil.', I, pp. 144–6; S.J. *Rolls of the assizes, 1309*, pp. 170–171; SC 8/202/10066, trn S.J. *Ancient petitions*, pp. 19–20.

²⁴¹ JUST 1/1165, mm. 7 and 8, pr. *Second report*, pp. 296–8, contains the proceedings for the customs of the Island of Guernsey. JUST 1/1163, m. 11 r., contains Jersey's statement. Alderney's customs are stated in JUST 1/1163, m. 10 r., pr. Havet, *Les cours royales*, pp. 214–7.

²⁴² The original writ does not appear to be extant. S.J. *Cartulaire*, no. 25, pp. 39–42; Havet, *Les cours royales*, pp. 217–9; SC 8/53/2648, pr. *Rot. parl.*, I, p. 416, trn S.J. *Ancient petitions*, p. 62. Another petition

the records and processes of the 1320 commission to the king so that they may be scrutinised.²⁴³ The Islanders quickly sought to prevent the undoing of the commission's judgements by petitioning the king and council at the October parliament of 1320.²⁴⁴ The situation was obviously fraught and for Thomas de Estfeld, at least, potentially dangerous. Thomas, who was acting as an attorney of the Islanders, petitioned requesting protection from the king for himself and his companions as Otto's officials had confiscated his lands and chattels in the Islands and attacked him in London in order to prevent him discharging his duties. He sought an inquiry and a finding that Otto be deprived of his custody of the Islands due to the gross extortions of his officials.²⁴⁵ The king's response, during the October parliament, was the repeal of the writ of supersedeas, which permitted the 1320 justices to continue their proceedings and try any outstanding matters, though this did not in fact occur.²⁴⁶

Ultimately, the efforts of the Islanders to uphold the findings of 1320 were unsuccessful. In July 1321, Otto was ordered by the king to surcease the execution of all the judgements of the 1320 commission on the basis that the commissioners had made many 'erroneous judgements' and had exceeded the bounds of their commission, to the detriment of both Otto and the king. Indeed, it was explicitly acknowledged in this order that the judgements against Otto's administration and also in regard to the Islanders customary laws would ultimately diminish royal rights and revenue in the Islands when they returned to the king's direct possession following Otto's death.²⁴⁷ What is evident from this episode is that the king was only willing to counteract Otto's maladministration so far as it did not affect royal interests in the Islands.

also states that not all the complaints had been heard before the writ of supersedeas was issued: SC 8/49/2412, trn S.J. *Ancient petitions*, pp. 30–32.

²⁴³ JUST 1/1163, m. 1, pr. and trn *JPB*, II, no. 62, pp. 119–124.

²⁴⁴ The Islanders also petitioned the queen to request assistance in protecting the Islanders' laws and customs as well as remove Otto de Grandison from the wardenship. This petition details how Otto and his officials had exploited the judicial process to their benefit: SC 1/37/39, extract pr. Le Patourel, 'D.Phil.', I, p. 151.

²⁴⁵ A reference to the parliament in Michaelmas 1320 suggests this is when he petitioned the king. His companions were John du Vivier and Philip de Vinchelez: SC 8/42/2094; SC 8/87/4345 and SC 8/257/12834, trn S.J. *Ancient petitions*, pp. 28–9, 31–2. Protection granted 28 October 1320: *CPR, 1317–1321*, p. 515.

²⁴⁶ *PROME*, III, p. 396. The Islanders claimed that 360 bills remained unheard, a staggering figure: SC 8/257/12834, trn S.J. *Ancient petitions*, pp. 31–2.

²⁴⁷ *CPR, 1321–1324*, pp. 9–10.

Unsurprisingly, the complete suspension of the judgements of the 1320 commission provoked considerable unrest in the Islands, and in the resulting petitions around this time the Islanders now urged that Otto de Grandison be removed as custodian. The hostility of the Islanders to Otto's administration was made starkly apparent when Gerard d'Oron, Otto's sub-warden in the Islands, was forced to flee to Sark after a clash with the Islanders of Guernsey.²⁴⁸ In a letter dated 15 May 1321 from Sark, Gerard reported how the Islanders had refused to recognise his authority and had nominated officials in the Island without either the permission of Otto or the king. Slyly, he lamented how the situation would impact negatively on the revenue of the Islands. Such was the urgency, he claimed that '*il est en point de perdre la dite Isle*' and urged that a sergeant-at-arms of the king should be sent to the Islands forthwith to arrest all persons who had resisted him. The list of his resisters included the *vicomte* of Jersey, the constable of Castle Cornet, and notably Philip de Cheny, brother of the former justice Nicholas de Cheny, a family link that validated the revocation of the judgements of the 1320 commission, at least in the view of Gerard.²⁴⁹ Gerard returned to Guernsey in September of the same year armed with a writ of the king giving him power to distrain any Islanders who resisted his authority as sub-warden.²⁵⁰ At an unknown date, but presumably soon after, during a sitting of the royal court at the king's manor in St Peter Port, he immediately attempted to remove the bailiff of Guernsey, John le Marchant. Yet despite the writs which accompanied his return, he faced further resistance and, in an intense turn of events, was imprisoned for eleven days.²⁵¹ He appears to have then retired from the Islands until Otto de Grandison's arrival in the Islands prior to the 1323 eyre.

In February 1323, Gerard d'Orons and Robert de Kelsey were appointed to report on the extent of the disorder created by the Islanders' resistance to the attempts by Otto's officials to undo the judgements of the 1320 commission.²⁵² This commission was superseded in July by the appointment of Henry de Spigurnel, Master Henry de Clif, John de Ifield,

²⁴⁸ His presence there is attested by the eyre rolls of 1323: JUST 1/1165, mm. 2 and 3.

²⁴⁹ (he is about to lose the said Island): SC 1/31/95, pr. Le Patourel, 'D.Phil.', app., pp. 60–63.

²⁵⁰ CPR, 1321–1324, p. 8.

²⁵¹ This incident was recounted during the 1323 eyre, which means it occurred before February of that year: JUST 1/1165, mm. 2 and 3. It is usefully summarised in Le Patourel, *Admin. C.I.*, pp. 49–51.

²⁵² CPR, 1321–1324, pp. 235–6; Havet, *Les cours royales*, pp. 220–221. It is not clear whether this occurred or was simply superseded by the 1323 eyre. Gerard d'Oron and Robert de Kelsey were granted letters of protection to go to the Islands in January of the same year: CPR, 1321–1324, p. 238.

William de Denum and Robert Kelsey as justices in eyre in the Islands.²⁵³ They were appointed to a separate commission of oyer and terminer to examine and correct errors in the records and processes concerning usurpations of the king's rights in the Islands during the commissions of both 1309 and 1320.²⁵⁴ The eyre was conducted from 19 September until the end of November 1323 with proceedings conducted in Guernsey and Jersey.²⁵⁵

It was during the 1323 eyre that Otto de Grandison, now at around the age of eighty-five, made his only visit to the Islands, arriving at the beginning of June and leaving at the end of the year.²⁵⁶ In a letter dating to 6 June 1323, Gerard d'Oron informed Henry de Clif of Otto's and his own arrival in the Islands.²⁵⁷ It is probable that this letter was written to Henry because in April 1320 he had been appointed alongside John de Ditton to act as Otto's attorney for three years, which may also explain why he was nominated as an itinerant justice in 1323.²⁵⁸ Though the letter suggests that their arrival in the Islands was innocuous, their presence there was undoubtedly related to the proceedings of the eyre and indicated the seriousness of the situation. Thomas de Estfeld claimed that whilst they were in Guernsey, Otto and Gerard committed further transgressions against him and his family out of hatred of him and in all probability due to de Estfeld's frequent litigation against Otto's officials on behalf of the Islanders and himself.²⁵⁹ The king's tenants of the Islands made the serious and unsubstantiated accusation that Otto and his officials had bribed

²⁵³ *CPR, 1321–1324*, p. 370. Letters of protection: *ibid*, pp. 305, 324. Henry de Spigurnel and William de Denum are the only two named on the plea roll headings, suggesting the other two did not act: JUST 1/1164, m. 1 4., and JUST 1/1165, m. 1 r.

²⁵⁴ *CPR, 1321–1324*, p. 329.

²⁵⁵ JUST 1/1164 (Jersey), JUST 1/1165 (Guernsey). For details of the records relating to this eyre: Crook, *Records of the general eyre*, pp. 192–3. JUST 1/1165, mm. 7–8 and JUST 1/1164, m. 22. d., pr. *Second Report*, pp. 295–9, 299–300, respectively. JUST 1/1165, mm. 2 (extracts of 2 d.) and 3, pr. Le Patourel, 'D.Phil.', app., pp. 15–33. JUST 1/1164, m. 22 d. is also pr. and trn *JPB*, II, no. 64, pp. 128–130c.

²⁵⁶ Kingsford persuasively suggests he left on 23 December with d'Oron, after the latter was sent on a diplomatic mission to Burgundy and Savoy by Edward II: 'Otho de Grandison', pp. 167–8.

²⁵⁷ The letter adds that the abbot of Mont-St-Michel intended to send attorneys to the king concerning the detention of the priory of St Clement, which had been repeatedly detained by the king and Otto's officials during the early fourteenth century. Gerard, as far as he was informed of the dispute, believed that the right to the priory lay with the abbot: S.J. *Cartulaire*, no. 60, pp. 101–2. Letters of protection for September for Gerard d'Oron: *CPR, 1321–1324*, p. 339.

²⁵⁸ Henry de Clif had no other official association with Otto de Grandison or the Islands: *CPR, 1317–1321*, p. 435.

²⁵⁹ SC 8/264/13171, trn S.J. *Ancient petitions*, pp. 33–4.

Hugh le Despenser the younger, administrator and a royal favourite of Edward II, and Robert Baldock, chancellor of England (1323–1326), to have Henry de Spigurnel and William de Denum appointed to the 1323 eyre to ensure judgement in Otto's favour.²⁶⁰ Despite this, with the exception of the above letter, there is little to suggest that the justices had any concerning association to Otto or his officials, and their activity during the eyre conveys the impression that they were genuinely attempting to resolve what had become a rather unfortunate and complex dispute.

Most of the judgements of the 1320 commission were in fact reversed by the 1323 itinerant justices, including those concerning the customs and laws of the Islands, which were recited and then recorded in full in the eyre roll.²⁶¹ It was decided by the justices, apparently without consultation with the jurats, that the justices of the 1320 commission had exceeded the terms of their commission because they had not been permitted by the king to render judgements on the customs and laws of the Islands. As argued by the king's attorney, John de Ditton, whilst the terms of the commission of the 1320 itinerant justices permitted them to correct any judgments of the 1309 eyre, the justices of 1309 had not rendered any judgements concerning the Islands' laws and customs. Additionally, the itinerant justices of 1320 had been instructed to hear and determine complaints against the administration and to give judgement against officials who had acted in breach of the Islands' laws and customs, but not to make declaratory judgements as to the laws and customs in and of themselves, and that the judgements they subsequently delivered were made without consulting the king.²⁶² Le Patourel argued that these mistakes in the legal procedure had occurred because the justices Nicholas de Cheney and John de Carteret, two local magnates hostile to the administration, had 'allowed their insular sympathies to run away with them'.²⁶³

²⁶⁰ SC 8/257/12836, trn S.J. *Ancient petitions*, p. 33; SC 8/53/2648, pr. *Rot. parl.*, I, p. 416.

²⁶¹ JUST 1/1165, mm. 7 and 8, pr. *Second report*, pp. 295–9. For an important examination of the proceedings of the 1323 eyre: Le Patourel, 'D.Phil.', I, pp. 154–161. For an example of the annulment of other judgements of the 1320 justices, see JUST 1/1164, m. 2 r. Interestingly, in the rolls of William de Bourne, many items have the word 'error' written in the margins: e.g. JUST 1/1163, m. 4 r.

²⁶² JUST 1/1165, m. 8, pr. *Second report*, pp. 298–9.

²⁶³ Le Patourel, *Admin. C.I.*, qt. p. 55; 'William de Bourne's goodwill to the Islanders had clearly overrun his legal conscience.': idem, 'D.Phil.', I, p. 159.

Putting to one side the fact that it was difficult to hear and determine complaints against officials in breach of the laws and customs if such laws and customs were not laid out clearly and agreed to represent the law by the justices, the rolls of the chief justice William de Bourne, who had no connection to the Islands or its administration, indicate that legal procedure was followed carefully and that he had attempted to act impartially. Firstly, it is important to recognise that as chief justice and the sole royal official, all judgements had to be made in William's presence, and the other two justices were subordinate to him.²⁶⁴ Secondly, the judgements on the Islands' laws and customs were clearly provisional and subject to the king's approval, underscored in the final sentence of judgement '*salve jure domini Regis si alias inde loqui voluerit*'.²⁶⁵ Therefore, whilst the judgements of the 1320 commission were considerably favourable to the Islanders, the idea that the commission was unjustifiably biased in their favour does not hold much water. Ultimately, both the 1320 chief justice and 1323 itinerant justices impartially attempted to undo the damage inflicted by Otto's administration, especially their manipulation of the earlier eyres, and resolve the dispute over the Islanders' laws and customs that had been exacerbated by the proceedings of the 1309 eyre. But the justices had 'the difficult task of having to balance royal policy and judicial efficiency' with the local interests of the community and 'practical convenience'.²⁶⁶ As a result, the 1323 itinerant justices failed to act decisively. After reversing the 1320 judgements, they ruled that the community was '*in eodem statu, quoad leges et consuetudines suas, in quo fuit ante redditionem judicii praedicti*'.²⁶⁷ The situation was left unresolved.

During the proceedings of the 1323 eyre, pleas *quo warranto* were again heard before the justices. It is notable that John de Ditton was appointed to act as the king's attorney during the eyre, which was indicative of the fact that Otto's interests as lord were entwined with those of the king, and it provided another opportunity for Otto's officials to

²⁶⁴ This was explicitly stated in the commission of 1320: E 101/89/10, pr. and trn *JPB*, II, no. 60, pp. 115–8, pr. Havet, *Les cours royales*, p. 212.

²⁶⁵ (Saving the right of the lord the king if he wishes to speak elsewhere): JUST 1/1165, m. 8 r., pr. *Second report*, qt. p. 298.

²⁶⁶ Musson, 'Centre and locality: perceptions of the assize justices in late medieval England', in Kaeuper (ed.), *Law, governance and justice*, qt. p. 239.

²⁶⁷ (In the same position relative to their laws and customs, as they were before the rendering of aforesaid judgement): JUST 1/1165, m. 8 r., pr. *Second report*, qt. p. 299.

undermine the impartiality of the proceedings.²⁶⁸ Some pleas were again adjourned to be heard before the king but, as Le Patourel importantly observes, many more were more or less permanently shelved.²⁶⁹ The justices also introduced a number of ordinances and precepts into Jersey, and presumably Guernsey and the other Islands, ‘*pro utilitate hominum Insulae praedictae*’.²⁷⁰ These included regulations intended to improve the administration of justice, such as standardising when pleas should be held and judgements rendered in the king’s courts in the Islands. They also issued regulations in relation to advocates who pleaded in civil and criminal cases in the royal courts, and this is the first known record that acknowledges the existence of a professional body of advocates in the Islands. Other ordinances and precepts concerned general improvements to local infrastructure including the maintenance of public streets, fresh-water streams, and refuse in towns, as well as various regulations for taverners, brewers and bakers.²⁷¹ These ordinances were to be recited yearly, and the implementation of them shows that the general eyre could be used to improve social and judicial conditions in the Islands.

The itinerant justices of 1323 also dealt with the 1321 incident between Gerard d’Oron and the people of Guernsey. It was alleged before the justices that Gerard had attempted to remove the bailiff of the Guernsey, John le Marchant, because John had not been appointed by Otto de Grandison and had wrongfully assumed the office following the death of his father and former-bailiff, Peter le Marchant, in January 1320. Moreover, the bailiff and the jurats had been hearing pleas of the crown and other pleas, which were not within the remit of the royal court. The jurats of Guernsey stated in response that Peter had appointed his son as his lieutenant and, because Otto had failed to appoint a new bailiff, John assumed the office out of necessity. Furthermore, the hearing of pleas of the crown, whether this was true or not, was necessary due to the infrequency of the eyres and the growing neglect of Otto’s officials in their administrative responsibilities. The justices

²⁶⁸ *CPR, 1321–1324*, p. 329.

²⁶⁹ For example, JUST 1/1165, m. 5 r., in the marginalia; Le Patourel, ‘D.Phil.’, I, p. 158. These pleas nonetheless continued to be a relevant source of information. For example, an exemplification in 1547–8 of a plea *quo warranto* at the 1323 eyre, which challenged the liberties claimed by Peter de St Helier in the parishes of St Clement and St Helier: *JPB*, II, no. 63, pp. 124–8; Cf. JUST 1/1164, m. 2 d.

²⁷⁰ (For the utility of the men of that Island): JUST 1/1164, m. 22 d., pr. *Second Report*, pp. 299–300, pr. and trn *JPB*, II, no. 64, pp. 128–130c.

²⁷¹ For useful discussion of the judicial ordinances, see Havet, *Les cours royales*, pp. 79–81, 134–147; Ogier, *Gov. & law of Guernsey*, p. 91.

were unpersuaded by this explanation and John le Marchant and all twelve jurats were removed from office for their actions.²⁷² They were replaced by new jurats, who appear to have been elected by a combination of officials of the administration and the leading magnates of Guernsey.²⁷³ As Le Patourel importantly observes, this episode highlights that the office of bailiff was now a distinct position from either the warden or sub-warden and that the royal court in each Island, with the bailiff, the jurats and insular magnates in attendance, could act as a hub for communal resistance to the administration.²⁷⁴ Additionally, the decision of Guernsey's judiciary to appoint a bailiff on their own initiative, underscores that the Islands' elite felt that they possessed considerable autonomy in managing their own affairs.

In the circumstances, it was predictable that the cessation of Otto's involvement in the Islands would provide an important opportunity for the Islanders to renew their agitation for recognition of their rights and privileges. And so it proved. Otto's death in 1328 combined with the deterioration of Anglo-French relations since the War of St-Sardos in 1324 was used by the Islanders as an opportunity to press the king to recognise their laws and customs in return for their continued loyalty in the face of a very proximate enemy. The similar timing and wording of the petitions of the communities of Jersey and Guernsey in 1328 that are examined in Chapter II, showed the Islands' elites to be particularly alive to the benefits of presenting a united front and in using the judicial mechanism of petitioning as a political tool to secure their privileged position in the Plantagenet realm.²⁷⁵

Yet it was not until 1331, as part of the administrative overhaul conducted by royal officials to undo the neglect of Otto's administration, that an attempt was again made to settle the question of the Islands' customary laws. In 1331 Robert de Scarborough, Robert de Norton, Richard de Westcott, and Ellis Godley were appointed in February 1331 to hold

²⁷² JUST 1/1165, mm. 2, 3 and 15; Le Patourel, *Admin. C.I.*, pp. 50–51; idem, 'D.Phil.', I, pp. 154–6. The case may also be found in the records of the King's Bench: KB 27/268, m. 59; Le Patourel, *Admin. C.I.*, p. 19.

²⁷³ E 101/89/3, mm. 1 and 2, for a list of names of individuals elected by '*nobilium*' (nobles), which includes the sub-warden, Gerard d'Oron, the bailiff at the time the document was presumably made, and some of the suitors of court. This list partly corresponds with the newly elected jurats of Guernsey in 1323: Cf. JUST 1/1165, m. 15 d. For important discussion: Le Patourel, 'D.Phil.', II, pp. 68–70.

²⁷⁴ Le Patourel, *Admin. C.I.*, pp. 51–2.

²⁷⁵ SC 8/272/13589 and SC 8/272/13590, trn S.J. *Ancient petitions*, pp. 48–9, 49–52.

a general eyre in the Islands.²⁷⁶ The eyre was conducted in July and August in Guernsey and Jersey, respectively.²⁷⁷ This was held at a similar time to the major extents carried out the Islands, which were full assessments of the lands and rights of the king and the state of the administration.²⁷⁸ At the proceedings of the eyre, the communities of Guernsey and Jersey were summoned before the justices to answer a plea *quo warranto* concerning their claims to have twelve jurats, who must be elected by the king's officials and by themselves.²⁷⁹ Comprehensive and similar answers on their laws and customs were given by both communities, including a detailed explanation of the role of the jurats, namely that they ought to judge all cases, with and without the justices, excluding certain matters reserved to the king, and assess all amercements. Moreover, it was asserted that no plea commenced within one Island ought to be adjourned outside that Island but instead must be concluded there. The communities stated that they and their ancestors possessed these rights from time immemorial and had been in peaceful seisin of them without interruption.

²⁷⁶ *CPR, 1330–1334*, pp. 72, 116. John de Travers was originally appointed as chief justice on 8 February 1331 but was replaced by Robert de Scarborough on 10 June 1331: *CPR, 1330–1334*, p. 146. There is little evidence to suggest that Elias Godley sat during the proceedings and there is no record of payment to him in the warden's account in the pipe rolls: Crook, *Records of the general eyre*, p. 193; Le Patourel, 'D.Phil.', I, p. 191. The appointment of this commission superseded instructions in April 1331 to Peter de Pynsole and Laurence du Gaillars, joint-wardens, to inquire into usurpations and encroachments of the king's lands and rights by Islanders and also violations made by the clergy: *CCR, 1330–1333*, pp. 220, 221, 324.

²⁷⁷ JUST 1/1166 and JUST 1/1167. See Crook, *Records of the general eyre*, p. 193. JUST 1167, m. 8 d. pr. *Second report*, pp. 300–301. JUST 1/1166, mm. 1, 2 and extracts of 3–9, 11 and 13 pr. *Second report*, pp. 301–310. Note that Crook, *Records of the general eyre*, p. 193, and Le Patourel, *Admin. C.I.*, p. 16, mistakenly state that *Second report*, pp. 301–310, prints material from JUST 1/1167. JUST 1/1166, m. 1 is also pr. *JPB*, II, no. 66, pp. 139–142. There is also a copy of a plea *quo warranto* concerning the abbey of Mont-St-Michel's rights at Noirmont in Jersey, in S.J. *Cartulaire*, no. 21, pp. 33–4; Cf. JUST 1/1167, m. 19 d. For detailed examination of the 1331 eyre, the rolls of which are some of the most complete, see Le Patourel, 'D.Phil.', I, pp. 189–196.

²⁷⁸ Two commissions were conducted in 1331. The first commission, conducted by Robert de Norton and William de la Rue in March and April, inquired into John de Roches' administration of the king's castles and mills. They began an extent of the Islands before their commission was superseded in April, and in June Robert de Norton and Peter de Hoo were commissioned to finish the extent, which was completed by around August or September 1331: *CPR, 1330–1334*, pp. 130, 145; *CCR*, pp. 207, 244–5, 248, 300, 376–7. Le Patourel, *Admin. C.I.*, pp. 13–5; idem, 'D.Phil.', I, pp. 180–186. The commission on the condition of the castles and mills is catalogued as: E 101/89/16, mm. 3 and 4 for Jersey and Guernsey, m. 3 is pr. Richardson (ed.), 'Report of the commissioners Robert de Norton and William de la Rue', pp. 207–9. The extents of the second commission are pr. S.J. *Extente, Jersey, 1331*, and S.G. *Extentes of Guernsey*, pp. 57–126.

²⁷⁹ JUST 1/1167, m. 8. d. (Guernsey), pr. *Second report*, pp. 300–301; JUST 1/1167, m. 17 r. (Jersey).

Prior to the arrival of the itinerant justices in the Islands, a number of the secular and ecclesiastical elite had met in Jersey at the priory of St Helier, and swore an oath to defend their laws and customs. This '*confederatione et conspiratione*', as the rolls of the 1331 eyre referred to it, among others included one of the current wardens, Laurence de Gaillars, the former bailiffs Peter de Gariz and Ranulph le Gay, the priors of the Vale and of St Clement (representing the interests of the abbot of Mont-St-Michel), Matthew de Sausmarez, Simon de St Martin, and lastly William de Cheny, who despite his involvement with the group was appointed warden for a brief period at the end of August.²⁸⁰ Notably absent from this assembly were the two influential families of de Carteret and de Barentin and it is interesting that those who openly participated were primarily the elite of Guernsey and inter-Island landholders.

At the proceedings in Guernsey, standing before the itinerant justices, these confederates demanded the complete confirmation of the Islands' customs. The justices felt unable to agree to this until they were able to consult with the king. It was then said that the conspirators instigated a riot along with five hundred men in contempt of the king, to the terror of the populace and to the danger of the lives of the justices. The leaders were arrested and tried before the justices but were acquitted by a jury, highlighting the shared resentment of the local inhabitants towards the *quo warranto* proceedings.²⁸¹ Meanwhile, the plea *quo warranto* relating to the laws and customs of Guernsey, despite this interruption, was continued in Jersey, regardless of the assertion that a plea started in one Island could not be adjourned outside of that Island. After failing to attend the adjournment of the plea in Jersey, the people of Guernsey lost their case by default and their liberties were ordered to be taken into the hands of the king.²⁸² What this entailed and whether it was enforced is entirely unclear, although all of the jurors of the Guernsey were dismissed and replaced, as had happened in 1323, in all probability because eleven of the twelve were

²⁸⁰ JUST 1/1166, m. 13 r., pr. *Second report*, p. 310. See also Havet, *Les cours royales*, pp. 12–3. De Cheny's appointment: *CFR*, IV, p. 272; E 372/186, m. 44 d.

²⁸¹ In response, the justices decided to continue this case and make judgement in Jersey, but the named conspirators did not appear before the justices there despite being summoned: JUST 1/1166, m. 13 r., pr. *Second report*, p. 310.

²⁸² JUST 1/1167, m. 8. d., pr. *Second report*, p. 301.

named among the leaders in the ‘*confederatione et conspiratione*’.²⁸³ The plea *quo warranto* for the community of Jersey, and then also concerning Guernsey’s customs, as well as a number of pleas concerning individual landholders were adjourned *coram rege* (before the king), and thereafter were repeatedly adjourned before the court of the king’s bench.²⁸⁴

Against the background of these clashes between the itinerant justices and the Islanders during the eyre proceedings, we see repeated petitions by the Islanders in which they strenuously assert their privileges and customs. The most important of these is a lengthy petition by the communities of Guernsey and Jersey attached to a letter of the king dated 12 February 1333, instructing his justices to examine its contents and in the meantime suspend the proceedings before the court of the king’s bench.²⁸⁵ The petition, which again reminded the king of the Islands’ strategic vulnerability, stated that the Islands were anciently a parcel of the duchy of Normandy and belonged to the king in his capacity as duke, which is why the Islanders continued to use the customary law of Normandy, as expressed in the ‘*Summe Mankael*’. Despite this, the petitioners stated that the itinerant justices of the 1331 eyre, reciting also the actions of the 1309 justices, unlawfully had caused many injustices to the Islanders through the hearing of pleas *quo warranto*. The petitioners argued that the Islanders were not bound to answer a writ of *quo warranto* because such proceedings were an English institution and could only be applied to subjects of the kingdom of England. Nor could these proceedings be adjourned legally outside of the Islands, either to courts in England or to another Island. In light of this, they requested that: the proceedings before the court of the king’s bench concerning their customs be

²⁸³ The only jurat not named was John Nicole. However, his kinsman Guy Nicole was included in the list: JUST 1/1166, m. 2 r. and d.

²⁸⁴ Record of the proceedings before the king’s bench regarding Jersey and Guernsey’s customs may be found in KB 27/286, m. 183 (Jersey), and KB 27/290, m. 185 (Guernsey); extracts pr. Havet, *Les cours royales*, pp. 224–6, 226–233 (Note that Havet lists KB 27/290, m. 185 as m. 181); KB 27/286, m. 183 pr. and trn *JPB*, II, no. 67, pp. 142–153. These two king’s bench records are ‘*mutatis mutandis*, the same.’: Le Patourel, ‘D.Phil.’, I, p. 199, n. 1. Additionally, the justices of 1331 also adjourned to the king’s bench cases concerning the heirs of William de St Remy, the abbey of St-Sauveur-le-Vicomte, and the abbot of Mont-St-Michel: idem, *Admin. C.I.*, pp. 18–9.

²⁸⁵ This petition is not part of the SC 8 series but is in KB 27/286, m. 183 and KB 27/290, m. 185, pr. Havet, *Les cours royales*, pp. 228–233; extract of petition pr. Chaplais (ed.), *EMDP*, I, no. 207, p. 369. For discussion, see Havet, *Les cours royales*, pp. 12–3. The petition was most likely received and answered at the January 1333 parliament: *PROME*, IV, pp. 185, 187.

rescinded; the king confirm their customs by royal charter in order to permanently safeguard them from abuse; or, if the king and his council took the view that the Islands' customs can only be determined in the Islands, to assign new itinerant justices to go there to resolve the matter.²⁸⁶

Attached to the petition was a list of 'articles' in Latin, which explained clearly the Islands' principal laws and how they differed from the laws of Normandy.²⁸⁷ These articles, other than unquestionably being applicable to both Islands, were effectively the same as the previous iterations made by the communities at the earlier eyres, and in which the judicial responsibilities of the jurats were made paramount. It is evident from these articles that the Islanders considered the bailiwicks of Guernsey and Jersey to be distinct legal jurisdictions over which the courts of the kingdom of England, including the king's bench, had no appellate jurisdiction, though importantly this was distinguished from the king's ultimate judicial authority as suzerain to grant special dispensation or favour.²⁸⁸ At no stage had the Islanders opposed in principle the sending of itinerant justices from England to execute royal justice in the Islands. They did, however, oppose their conducting of *quo warranto* proceedings, and were insistent that the justices must respect the customary law and jurisdictions, and that they must judge all cases alongside the jurats. When one considers that Edward III's charter of 1341 was rather general in the terms of its grant, the articles of this petition fundamentally substantiate our understanding of what the laws of the Islands were in the thirteenth and fourteenth centuries, and occupy a place among the most important medieval documents in the constitutional history of the Islands.

²⁸⁶ The Islanders suggested six possible justices including the current warden, Thomas Wake of Lydell, and John de Clyvedon, the latter of whom was appointed as a sub-warden in 1324–5 to counteract Otto's neglectful lordship: KB 27/290, m. 185.

²⁸⁷ KB 27/290, m. 185 d. For a copy of these articles, with some variations, see S.J. *Cartulaire*, no. 2, pp. 2–5.

²⁸⁸ This is seen in second and fifth articles in the petition, which assert that the jurats in the absence of, or together with, the itinerant justices must judge all cases arising in the Islands (excepting arduous cases such as those concerning traitors or assaults on the king's officials), and that pleas could not be adjourned outside of the Island where they were initiated: KB 27/290, m. 185 d. Le Patourel notes that it was the abbot of Mont-St-Michel who, in the same year, first questioned the competence of the king's bench in hearing cases from the Islands. This argument was made despite the fact that the same abbot previously had used this court on many occasions for Channel Islands litigation: *Admin. C.I.*, pp. 18–9, 111–3; T. Thornton, 'The Channel Islands and the courts of Westminster from the fourteenth to the sixteenth centuries', Eleventh Joan Stevens Memorial Lecture, Société Jersiaise (2017), pp. 1–28, pp. 10–11.

Though the 1333 petition was unsuccessful in securing the confirmation of the Islanders' laws and customs, it resulted in the indefinite suspension of the proceedings before the court of the king's bench. What is clear is that during the 1330s, military concerns took precedence and, in order to maintain the loyalty of the Islanders, there were no further challenges to their laws and customs. The king nonetheless was deliberately slow in the making of any concessions. In March 1336, the king ordered the joint-wardens, William de Montacute and Henry de Ferrers, to suspend the levying of all amercements and distrains made by the justices of the 1331 eyre.²⁸⁹ In August 1337, the king wrote to the bailiffs, jurats and communities of Guernsey and Jersey thanking them for their defence of the Islands against the king's enemies and urging them to continue in this task 'knowing that he proposes to do what is fitting for the defence of his rights and the quiet of his lieges'.²⁹⁰ Similarly, in a writ to the people of Jersey in May 1340, it was stated that 'The king has found them constant towards him both in deed and word, and in that they have borne heavy expenses for them, wherefore he will so care for them that they shall rejoice in their behaviour, the king therefore wishes them to act so for the defence of their rights against his adversaries that they may have a riper reward from the king'.²⁹¹ In March 1341, in a letter to all the 'lawful men' of the Islands the king acknowledged that he had examined the Islanders' petitions concerning the defence of the Islands and the desire to have their customs approved, and that he was sending Thomas de Hampton to the Islands to act as warden.²⁹² Finally, in 1341 Edward issued his royal charter to the Islands confirming their laws and customs to ensure the Islanders' continued loyalty and assistance to his cause.²⁹³

The 1341 charter is brief and general in the terms of its grant. It essentially constituted a confirmation of the pre-existing customary laws of the Islands and an affirmation of the jurisdictional competency of the Islands' royal courts, signifying an important relaxation by the crown in its efforts to expand the reach of the central institutions of royal

²⁸⁹ *CCR, 1333–1337*, p. 661.

²⁹⁰ *CCR, 1337–1339*, qt. p. 159.

²⁹¹ *CCR, 1337–1339*, qt. p. 482.

²⁹² *CCR, 1341–1343*, qt. p. 117.

²⁹³ The original charter can be found in C 66/204, m. 38; Cf. *CPR, 1340–1343*, p. 237. The charter is pr. and trn Thornton, *Charters of Guernsey*, pp. 3–4.

government.²⁹⁴ Indeed, after 1341 the general eyre was discontinued altogether in the Islands alongside its terminal decline in England, the pleas *quo warranto* were discontinued, and though later commissions by itinerant justices were instigated, such as in 1343, 1352 and 1368, they were more specific in focus and did not possess the same authority or remit as their predecessors.²⁹⁵ The terms of the charter also constituted the end of the hearing of Channel Islands' litigation before the court of the king's bench, which was reaffirmed in 1368 when the king's bench declared itself incapable of hearing cases from the Channel Islands.²⁹⁶

The issuing of the 1341 charter and its aftermath reflected an important stage in the evolution of the insular institutions of the Islands. The growing sophistication of the royal courts and the offices of bailiff and the jurats in each Island, in many ways accelerated by the neglectful administration of Otto de Grandison, saw the local judicial institutions reach a stage of maturity that enabled them more effectively and independently to resolve disputes and grievances, reducing the direct need for the intervention of the central institutions of royal government in Channel Islands' affairs. The greater reliance on local judicial institutions was additionally the result of a number of shortcomings in a process which entailed invoking assistance from a body that was some distance away and, in certain respects, quite different from the Channel Islands. One issue was the costs involved in pursuing legal process in England and the difficulties of having to travel there when summoned to present petitions before the king and council in parliament or before the court of the king's bench. In a petition in 1324, for instance, Dennis le Marchant and Matthew de Sausmarez lamented the significant expenses they had incurred on two years of legal process in England, seeking to resolve certain defects in a royally issued document

²⁹⁴ For an important reassessment of the 1341 charter as an affirmation of the jurisdictional competency of the Islands' judicial institutions and their laws as distinct from those of the kingdom of England, see Thornton, 'The Channel Islands and the courts of Westminster from the fourteenth to the sixteenth centuries', pp. 1–28.

²⁹⁵ *CPR, 1343–1345*, p. 83; *CPR, 1350–1354*, pp. 279, 280; *CPR, 1367–1370*, pp. 202–3. For a full list of commissions during this period, see Le Patourel, *Admin. C.I.*, pp. 65–6.

²⁹⁶ In this year, in a case from the Island of Jersey, the king's bench declared that the jurats of Jersey were not bound to appear before it and that cases from that Island had to be judged according to the customs of Jersey, effectively confirming the competence of the local judicial institutions: Thornton, 'The Channel Islands and the courts of Westminster', pp. 1–28; Ogier, *Gov. & law of Guernsey*, pp. 152–4; Le Patourel, *Admin. C.I.*, p. 113. This case is no longer extant in the *Coram Rege* rolls but the decision was recited in Coke, *The fourth part of the Institutes of the laws of England*, pp. 286–7.

concerning tenements in Guernsey.²⁹⁷ Furthermore, as the period progressed it became increasingly difficult for English authorities to determine Channel Islands' disputes, owing to a decreasing number of English judges skilled in Norman law, let alone the specific laws and customs of the Islands. As a result, and, as has been seen above, legal process went back and forth, rarely achieving a satisfactory outcome, until the 1341 charter effectively confirmed the first instance jurisdiction of the Islands' royal courts.

From the perspective of the kings of England, a greater reliance on local judicial institutions was a much more practical solution to the resolution of most litigation that required royal attention. Indeed, the now favourable disposition of the kings of England towards the development of the Islands' insular institutions was underscored in the appointment of wardens, beginning with John Mautravers in June 1348, with full judicial powers. This ensured that the king retained his overarching authority over the Islands via the warden, but also pragmatically acknowledged that the warden's military and administrative responsibilities necessitated him relying upon the local courts and their judiciaries in the exercise of his judicial functions.²⁹⁸ Thus from 1341, the king and council reserved only exceptional cases emanating from the Channel Islands for its adjudication, primarily those which were reserved or required the king's special dispensation. A precedent had been set and it was the privy council, the successor to the king and council, that the Channel Islands would continue to use for judicial and political appeals, and ultimately, to obtain sanction for locally initiated legislation.²⁹⁹

²⁹⁷ SC 8/60/2989, trn S.J. *Ancient petitions*, pp. 12–3.

²⁹⁸ 'Appointment for one year of John Mautravers...with full power to do justice on malefactors in them as right requires and according to the laws and customs of those parts': *CPR, 1348–1350*, pp. 115, 299 ('and exercise full jurisdiction there in the king's name'), 441. *CPR, 1350–1354*, p. 59. *CFR*, VI, p. 320. See Le Patourel, *Admin. C.I.*, pp. 66–7, 127–9.

²⁹⁹ For a good description of this evolution, including how it came to be recognised in case law, see W. J. Heyting, *The constitutional relationship between Jersey and the United Kingdom* (St Peter Port, 1977), ch. 6, esp. pp. 55–67, and Lord Sankey's summary of the historical and constitutional position of the Privy Council, pp. 59–60. Heyting was a constitutional lawyer who was settled in Jersey and was commissioned by The Jersey Constitutional Association, a political lobby group set up to address how the UK's intended joining of the European Economic Community (EEC) would affect the Island. In this work, we yet again see the constitutional history of the Channel Islands prayed in aid of contemporary argument. For the early modern period, see Thornton, 'The Channel Islands and the courts of Westminster', pp. 17–28.

In contrast to the view of earlier historical accounts, however, this development was not unquestionably a progressive development in the Islands' history.³⁰⁰ In the case of the general eyre, this Chapter has shown that the judicial visitations of itinerant justices from England constituted an important form of scrutiny over the local judicial structures to ensure that not only were the king's rights maintained, but that justice was being administered fairly and impartially. The problem of entrusting almost all litigation to the bailiff and jurats of each Island after 1341 was revealed in a case in 1378, when a certain Thomas Trym of Jersey petitioned the king for remedy regarding a murder committed in that Island by one of the jurats, Geoffrey de St Martin, on the basis that he would receive no fair justice before the royal court in Jersey. The king directed this case by writ to the warden or his lieutenant, though, when the parties appeared before the sub-warden, Geoffrey and his accomplices stated that by the Island's customs confirmed by Edward III the warden did not have cognizance of the contents of the writ, but only the bailiff and the jurats, and the matter appears to have ended here.³⁰¹

Ultimately, the eyre in the fourteenth century was doomed as an institution in the Islands due the popular association of it with the oppressive *quo warranto* proceedings and Otto's maladministration.³⁰² Aspects of it nonetheless were beneficial, and many of the commissions genuinely attempted to adjudicate civil and criminal cases in respect of the Islands' customary law. Moreover, and another reason for hostility to it, the eyre was effective in forcing the Islanders clearly to explain their customary law and the role of the jurats, which helped to check the inordinate growth of their influence in judicial affairs. The failure to replace the eyre with another form of regular commission that possessed considerable powers and a wide remit was an unfortunate retrograde step in the administration of justice in the Islands.³⁰³

³⁰⁰ See, for instance, the perspectives of J. Poingdestre, *Caesarea or a discourse of the Island of Jersey* (c. 1682; repr. St Helier, 1889), p. 39, and Falle, *account of the Isle of Jersey*, p. 105, who view the proceedings of the itinerant justices in the fourteenth century purely as a persecution of the Islanders and their privileges. Their interpretations of these proceedings remained the standard until the nineteenth century.

³⁰¹ SC 8/257/12823–5, trn S.J. *Ancient petitions*, pp. 77–9. Le Patourel argues that this case shows that by the end of the fourteenth century, the warden's role in the judicial institutions of the Islands had already been significantly eroded in favour of the bailiff and the jurats: *Admin. C.I.*, p. 67.

³⁰² Le Patourel, *Admin. C.I.*, pp. 56–61.

³⁰³ This was the view of the report of royal commissioners in 1848 on the state of criminal law in the Channel Islands: 'One obvious defect in the existing Institutions...is the want of some superior Court capable, not only of reviewing their decisions, but also of controlling the administration of the local tribunal. The

Locally and thenceforth, the 1341 charter was viewed as a hard-earned bundle of rights, achieved during a period of challenge by the king as to the boundaries of royal power and the extent of its rights in the Islands, together with the pushback accomplished by a strong and determined elite intent on recognition of their interests and enjoying the advantages their loyalty gave to the kings of England. It was not the end of challenges to the Islanders' rights: in 1441, the royal court of Guernsey found it necessary to make a formal declaration of the Island's laws and customs, using authoritative documents from the fourteenth century. This was in response to the Islanders' inclusion in the alien subsidy of 1440 in England, and a growing concern regarding the exercise of jurisdiction in the Islands by the courts of the duchy of Normandy and the exchequer at Rouen whilst the duchy was under the control of the Lancastrian kings of England.³⁰⁴

The 1341 charter also further cemented the authority of the kings of England because the use of the charter by the Islanders as a legal basis for their customary laws (many of which remained unwritten) acknowledged that all the laws and customs of the Islands fundamentally derived from the king of England.³⁰⁵ The records of the proceedings of the itinerant justices, the Islanders' statements of their customary law, and the extents of the king's rights and lands, combined together, rationalised the administrative organisation of the Islands, and provided the king's officials with an extensive source of information on the properties and rights of the secular and ecclesiastical elite. If the general eyre and pleas *quo warranto* were ultimately an exercise in lordship, in the king's capacity both as sovereign and the largest landholder in the Islands, then the kings of England were most successful in this endeavour. Overall, the 1341 charter and its confirmation by Edward

existence of such a power is a great check on the proceedings of the inferior Court, and tends to prevent that arbitrary action incidental to the exercise of authority which knows no control. In this point of view the periodical circuits of the Justices in Eyre were of the greatest utility; and we feel little doubt that the unpopularity, which is said to have attached to their proceedings, mainly arose from the control that they exercised upon the irregularities of the Jurats.' : *Second report*, p. xxxviii.

³⁰⁴ This declaration is in a document known as the *précepte d'assise*. Much of the authority of its content relies upon the 1331 extent, though it incorrectly states that the itinerant justices of 1331 approved the Islands' laws and customs. For discussion: Ogier, *Gov. & law of Guernsey*, pp. 154–6, 160; Thornton, *The Channel Islands, 1370–1640*, pp. 32–4. The *précepte* is pr. S.G. *Extentes of Guernsey*, pp. 130–150, repr. H. de Sausmarez (ed.), 'Guernsey's *précepte d'assise* of 1441: translation and notes', *JGLR*, 12 (2008), pp. 207–219.

³⁰⁵ Le Patourel, *Admin. C.I.*, pp. 59–60.

III's successors represented a compromise in a long-running balancing act between maintaining the Islanders' loyalties and royal interests, which enabled the Islanders to continue to enjoy their judicial institutions, enshrined in Norman law, and hence retain and develop their distinct cultural identity.

Chapter VI

A remnant of the ‘Angevin empire’: the Norman church in the Channel Islands

In April 1305, Edward I wrote to Robert de Harcourt, bishop of Coutances (1291–1315), ordering him to desist from summoning any of the inhabitants of the Channel Islands to appear before the bishop or any other judge outside of the Islands, for such action was to the ‘derogation of the king’s royal dignity’. It was also contrary to a special indult that Edward had obtained from the papacy, which prohibited Islanders from being summoned outside of the king’s realm to answer legal suits.¹ This strongly-worded writ, admonishing the bishop of Coutances, characterised the often acrimonious relationship between the kings of England and the Norman church in the Islands in the late-thirteenth and fourteenth centuries. In contrast to the reigns of John and Henry III, where the position of the Norman church in the Islands was generally respected, during Edward I’s reign Norman ecclesiastical establishments faced a growing threat to their authority in the Islands. This was seen, for instance, in the *quo warranto* proceedings, where the ecclesiastical elite found their lands and rights just as much under challenge by royal officials as their secular counterparts. The position of the church was also exacerbated by the deterioration of Anglo-French relations from the 1294 war onwards. Over the course of the fourteenth century this saw the French clergy with possessions in England and the Islands increasingly treated as ‘aliens’, with their property confiscated during wartime and their rights gradually eroded.² However, unlike in England, in the Islands the Norman church was the established ecclesiastical authority and was not rivalled. The Norman clergy were also deeply embedded in the society of the Islands and members of the local elite could be found among their ranks. These clergy were thus ‘aliens’ only in the political sense for, like the Islanders, they were predominantly ethnically and culturally Norman. In contrast to their counterparts in England, then, the Norman clergy

¹ *CCR, 1302–1307*, qt. p. 327.

² Unfortunately the possessions of the Norman church in the Islands are generally omitted from wider studies on the ‘alien’ priories in England: D. Matthew, *The Norman monasteries and their English possessions* (Oxford, 1962), but cf. idem, ‘Le Mont St-Michel et l’Angleterre’, in J. Laporte (ed.), *Millénaire monastique du Mont St-Michel* (vol. 1, Paris, 1967), pp. 677–702; C. W. New, *History of the alien priories in England to the confiscation of Henry V* (Menasha; Wisconsin, 1916); J. Peltzer, ‘The slow death of the Angevin empire’, *HR*, 81 (2007), pp. 553–584.

constituted a more fundamental part of local society in the Islands and, in turn, an essential component to the maintenance of Plantagenet authority there.

The organisation of the Norman church in the Islands

The Norman church was well-established in the Channel Islands from an early stage. The see of Coutances had exercised some form of authority over the Islands from as early as the sixth century, which was strengthened after the Islands came under the rule of the dukes of Normandy in around 933.³ The Islands' effective incorporation into the diocesan structure of Normandy is in evidence from the mid-eleventh century, particularly under the direction of Geoffrey de Montbray, bishop of Coutances (1049–1093), who is credited with the creation of a parochial administration in the Islands.⁴ The organisation of these parishes under Norman direction also may be seen in the eleventh century Anglo-Norman architecture of the parish churches, as well as the gifting of these churches by the dukes of Normandy and other secular lords to various Norman establishments.⁵ As the Islands were part of the diocese of Coutances, the bishop there had jurisdictional authority over ecclesiastical affairs and legal matters reserved to the church. In practice, this meant that litigation relating to the clergy and a limited number of cases involving the laity were heard in and determined by the bishop's court at Coutances.⁶

³ For discussion of the early role of the church, see A. H. Ewen, 'The Breton myth', *RTSG*, 21 (1982), pp. 172–199, who argues that there was only a limited Breton influence in the religious organisation of the Islands.

⁴ There are twelve parishes in Jersey and ten in Guernsey. Sark and Alderney each comprise one parish. J. H. Le Patourel, 'Geoffrey of Montbray, bishop of Coutances, 1049–1093', *EHR*, 59 (1944), pp. 129–161, p. 142; J. N. L. Myers, 'The origins of Jersey parishes: some suggestions', *ABSJ*, 22 (1978), pp. 163–175; D. Ogier, 'The origins of Guernsey's parishes and the ownership and maintenance of their ancient church buildings', *JGLR*, 9 (2005), pp. 315–345, pp. 319–326; Everard and Holt, *Jersey 1204*, pp. 45–51.

⁵ On architecture, see Myers, 'The stone vaults of the Jersey churches; their historical significance', *ABSJ*, 23 (1981 and 1982), pp. 85–96 and 199–200. Examples in the first half of the eleventh century of gifts by the dukes of Normandy of parish churches in Jersey and Guernsey to the abbeys of Cerisy and Marmoutier: S.J. *Cartulaire*, nos. 291, 297, pp. 372–5, 379–381.

⁶ 'Ecclesiastical jurisdiction between parties embraced instance litigation over marriage, divorce, succession at death, tithes and other ecclesiastical dues, defamation, breach of faith or perjury, rights to ecclesiastical property, usury, assaults on the clergy, and ecclesiastical pensions': R. H. Helmholz, *The Oxford history of the laws of England* (vol 1., Oxford, 2004), pp. 229, 213–6.

At some stage prior to King John's reign in the late twelfth century, the Islands were also incorporated into the archdeaconry of Baup'tois in Normandy and divided into two deaneries, with Jersey as one and Guernsey and the adjacent Islands of Sark, Herm, and Alderney as the other.⁷ This organisation may be seen in a register compiled in the mid-thirteenth century at the instigation of Jean d'Essey, bishop of Coutances (1251–1274), that conveniently details the churches within each deanery, their patrons and their annual revenues.⁸ The incumbents of the deaneries in the fourteenth century acted as special commissaries of the bishop of Coutances in the Islands, able to exercise his jurisdiction there. The deans became increasingly important as the thirteenth century progressed due to the Islands' political detachment from Normandy and on account of growing royal and community opposition to the use of courts outside of the Islands to settle ecclesiastical litigation.⁹

The Norman secular church and religious orders, particularly those in western Normandy, received numerous lands and rights in the Islands from benefactions by the dukes of Normandy and the Norman nobility in the eleventh and twelfth centuries, creating a significant link that bound the Islands more closely to the duchy.¹⁰ Ecclesiastical possessions in the Islands have been covered in detail in other studies, especially G. F. B. de Gruchy on Jersey and to a lesser extent A. H. Ewen on Guernsey, and most of the records relating to their properties are usefully compiled in full or as summaries in the

⁷ Prior to this, in c. 1140 an archdeacon of Coutances was referred to as '*archidiaconus de insulis*', suggesting that the Islands may have constituted their own archdeaconry before their incorporation into Baup'tois: S.J. *Cartulaire*, no. 175, pp. 254–6, p. 256; *ibid.*, no. 222, p. 303; Myers, 'The origins of Jersey parishes', pp. 169–172; de Gruchy, *Medieval land tenures*, p. 94. Early references to the deans of Jersey are 1180 and c. 1198: V. Moss (ed.), *Pipe rolls of the exchequer of Normandy for the reign of Henry II, 1180 and 1184* (London, 2004), p. 19; S.J. *Cartulaire*, no. 279, p. 356. The earliest named reference to the dean of Guernsey is to Nicholas Meriene in 1295: *CCR, 1288–1296*, p. 428.

⁸ S.J. *Cartulaire*, no. 337, pp. 429–432. For examples of visits by the archdeacon to the Islands: S.J. *Cartulaire*, nos. 44, 145, pp. 67–8, 223.

⁹ Le Patourel, *Admin. C.I.*, pp. 33–4. Examples of the activity of the deans and their courts in the Islands: S.J. *Cartulaire*, nos. 41, 194, 218, 219, 220, pp. 63–5, 277–8, 298–9, 299–301, 301–2.

¹⁰ In this instance, secular does not mean non-religious. The secular church refers to establishments under the authority of a bishop and staffed by clergy, such as the cathedral of Coutances. In contrast to the religious orders, such as the Benedictine abbey of Mont-St-Michel, the members of the secular church did not observe a monastic rule. Everard and Holt suggest that the patronage of the dukes of Normandy to the Norman church in the eleventh century was part of a deliberate effort to cement ducal authority in the Cotentin and the Islands: *Jersey 1204*, pp. 45, 52–3.

Cartulaire des Îles Normandes.¹¹ Those that acquired possessions in the Islands over the course of the eleventh and twelfth centuries were the cathedrals of Avranches and Coutances and the abbeys of Bellosanne, Blanchelande, Cérisy-la-Forêt, Cormery, la Croix-St-Leufroi, Holy Trinity in Caen, Lessay, Longues, Marmoutier, Montebourg, Montivilliers, Mont-St-Michel, Notre-Dame-du-Voeu in Cherbourg, St Marguerite de Vignatez, St-Sauveur-le-Vicomte, and Val-Richer.¹² Only the abbeys of Marmoutier and Cormery, both near Tours, were not in Normandy, but, as Ewen and Wendy Stevenson have highlighted, these abbeys had properties in continental Normandy as well as in the Islands.¹³ All twenty-four parish churches in the Islands, twelve in Jersey, ten in Guernsey and one apiece in Alderney and Sark, had been granted to Norman establishments. There were no English churches or monastic houses in the Islands and the only independent house, the abbey of St Helier, founded in 1156, was amalgamated with the abbey of Notre-Dame-du Voeu from around 1179 and thereafter had the status of a priory.¹⁴

Most of these ecclesiastical establishments also received manors and lands in England following the Norman Conquest in 1066. The cathedrals of Avranches and Coutances, the

¹¹ G. F. B. De Gruchy, *Medieval land tenures* (St Helier, 1957), ch. 7; A. H. Ewen, 'The fiefs of the Island of Guernsey', *RTSG*, 17 (1961), pp. 173–209. S.J. *Cartulaire*, *passim*; some of the original records compiled in this publication may be found in K. S. B. Keats-Rohan (ed.), *The cartulary of the abbey of Mont-St-Michel* (Donington; Lincolnshire, 2006), e.g. pp. 155–6. A number of ecclesiastical records relating to the Islands are also calendared in Round (ed.), *Calendar of documents preserved in France*, e.g. p. 251. For a valuable analysis of the Norman church in the Islands from the twelfth century to mid-thirteenth century, see esp. Stevenson, 'England and Normandy, 1204–1259', I, pp. 256–276; Everard and Holt, *Jersey 1204*, ch. 5.

¹² See Appendix 3.

¹³ Stevenson notes that, in the early eleventh century, a charter by Henry I confirming his father's grants in Guernsey to the abbey of Marmoutier acknowledges that the grant was intended for the abbey's monks at the priory at Héauville in Normandy: Stevenson, 'England and Normandy, 1204–1259', I, p. 261; S.J. *Cartulaire*, no. 305, pp. 386–7. The grants to the abbey of Cormery appear to have been intended for their priory near Cap La Hague in the Cotentin. Their holdings in Guernsey were minor and were sold in 1292 to William de St Remy: S.J. *Cartulaire*, no. 331, pp. 422–3; Ewen, 'The fiefs of the Island of Guernsey', pp. 188–190.

¹⁴ This amalgamation does not appear to have come into effect until c. 1186: S.J. *Cartulaire*, nos. 229, 237, pp. 308–9, 320–1; L. Delisle and E. Berger (eds), *Recueil des Actes de Henri II, Roi d'Angleterre et Duc de Normandie concernant les provinces française et les affaires de France* (3 vols, Paris, 1916–1927), II, pp. 267–8; de Gruchy, *Medieval land tenures*, pp. 102–6. For an important reassessment of this event, see C. Mauduit, 'La réduction de l'abbaye St-Hélér de Jersey en prieuré, une conséquence de l'affrontement entre Arrouaisiens et Victorins en Normandie', *Annales de Normandie*, 63 (2013) pp. 53–91.

abbeys of Blanchelande, Holy Trinity, Caen, C  risy-la-For  t, Notre-Dame-du-Voeu in Cherbourg, la Croix-St-Leufroi, Lessay, Montebourg, Montivilliers, Mont-St-Michel, and St-Sauveur-le-Vicomte all held possessions in England.¹⁵ Mont-St-Michel held a modest number of possessions in England, including the priory of Otterton in the diocese of Exeter in Devonshire and the priory of St Michael's Mount in Cornwall.¹⁶ The cathedral chapter of Coutances had less extensive interests in England, its most important holding being the manor of Winterbourne Strickland in Dorset.¹⁷ St-Sauveur-le-Vicomte had interests in Hampshire and Somerset, whilst Holy Trinity, Caen, was greatly endowed by the dukes of Normandy with properties in England as well as Normandy.¹⁸ Many of the possessions granted to the cathedrals and abbeys of the Cotentin were situated in south-west England, presumably because of the significant maritime links between these regions throughout the Middle Ages. The properties of the Norman church in England, which in most cases were greater than their Islands' possessions, formed an integral link between England and Normandy and served as the principal reason for the need to continue a direct relationship with the king of England after the loss of Normandy.¹⁹

An indication of the more important ecclesiastical landholders in the Islands may be seen in the records of those who owed suit at the assizes as this gave an indication of their status and the extent of their lands. According to the rolls of the itinerant justices, after the bishop of Coutances, who was listed first on the list of suitors in Guernsey and Jersey on

¹⁵ The abbeys of Bellosanne, Cormery, Longues, Ste Marguerite de Vignatez, and Val-Richer do not appear to have held possessions in England. For much of the following I have relied upon a valuable provisional list of the English possessions of Norman cathedral and abbeys in 1204 in Stevenson, 'England and Normandy, 1204–1259', II, pp. 337–359. For the abbey of Marmoutier's possessions in England, which is not included in Stevenson's list, see Round (ed.), *Calendar of documents preserved in France*, pp. 421–445, e.g. pp. 427, 442.

¹⁶ St Michael's Mount was granted to the abbey before the Norman Conquest by Edward the Confessor, king of England (r. 1042–1066): Round (ed.), *Calendar of documents preserved in France*, pp. 249–280, esp. 252, 264–5, 268–9, 279; *Rot. litt. claus.*, 1204–1224, p. 412; Matthew, *The Norman monasteries and their English possessions*, p. 31; T. Taylor, *St Michael's Mount* (Cambridge, 1932), *passim*.

¹⁷ Round (ed.), *Calendar of documents preserved in France*, pp. 342, 344.

¹⁸ Round (ed.), *Calendar of documents preserved in France*, pp. 346–351. M. Chibnall (ed.), *Charters and custumals of the abbey of Holy Trinity Caen* (Oxford, 1982), *passim*; and J. Walmsley (ed.), *Charters and custumals of the abbey of Holy Trinity Caen, part 2: the French estates* (Oxford, 1994), *passim*. On the abbey's interests in the Islands, see Walmsley, 'A note on the Channel Islands possessions of the abbey of Holy Trinity Caen', *ABSJ*, 24 (1985), pp. 75–80.

¹⁹ Peltzer, 'The slow death of the Angevin empire', pp. 557–8.

account of his spiritual authority, in Guernsey the abbots of Mont-St-Michel, Marmoutier, Blanchelande, la Croix-St-Leufroi, Longues and abbess of Holy Trinity, Caen, owed suit of court. In Jersey, the bishop of Avranches was listed second on account of his spiritual authority, and then the abbots of Mont-St-Michel, St-Sauveur-le-Vicomte and Cherbourg owed suit of court in that Island.²⁰ This meant that they were required to have a permanent presence in the court during the assizes, usually fulfilled by way of attorneys. The abbey of Mont-St-Michel owed suit in both Islands for its properties.

As to the extent of the lands held, the latter was the largest landholder among the religious orders.²¹ The abbey held scattered lands across the north-west of Guernsey and in the small Islands of Jethou and Lihou off its coast. According to a papal bull in 1155 and the 1248 extent, the abbey's lands in Guernsey amounted to a quarter of the Island.²² In Jersey, it held the fief de St Clement and fief de Noirmont, and also the outlying archipelago of Chausey, and many of its benefactions were from the de Carteret family.²³ The abbey of St-Sauveur-le-Vicomte held extensive lands in Jersey, owing suit at court for possession of the fief de St Peter, and notably was the largest holder of advowsons and tithes in the Island. By the mid-twelfth century, it had the right to the advowsons of the churches of the parishes of St Peter, St Clement, St Helier, St Brelade, and St John, and also enjoyed part of the tithes of all twelve parish churches in that Island.²⁴ The abbot of Marmoutier had the right of the advowson in six of the parish churches of Guernsey, the remaining four being in the hands of the abbot of Mont-St-Michel, and held a large area of enfeoffed land covering part of the parishes of St Peter Port and St Martin in that Island.²⁵

By the thirteenth century, the Norman religious orders in the Islands possessed thirteen priories, six of which were in the hands of Mont-St-Michel, and also a number of chapels

²⁰ 1323 eyre: JUST 1/1165, m. 15, JUST 1/1164, m. 13. 1331 eyre: JUST 1/1166, mm. 2 and 15 r.

²¹ The sheer volume of records relating to the abbey's possessions in the Islands is testament to their influence there: S.J. *Cartulaire*, nos. 1–166, pp. 1–243, esp. nos. 10 and 11, pp. 15–19, 19–22.

²² S.J. *Cartulaire*, no. 10, p. 17; S.G. *Extentes of Guernsey*, p. 24. Ewen, 'The fiefs of the Island of Guernsey', pp. 177–187, 197–8.

²³ Gruchy, *Medieval land tenures*, pp. 97–100. S.J. *Rolls of the assizes, 1309*, p. 108.

²⁴ S.J. *Cartulaire*, nos. 167–227, pp. 244–306, esp. nos. 170, 181, pp. 249–250, 260–263; Delisle and Berger (eds), *Recueil des Actes de Henri II*, II, p. 76; De Gruchy, *Medieval land tenures*, pp. 100–102.

²⁵ S.J. *Cartulaire*, nos. 297–305, pp. 379–387; Ewen, 'The fiefs of the Island of Guernsey', pp. 194, 198; J. H. Le Patourel, 'The early history of St Peter Port' (1935), repr. *Feudal empires*, ch. 1, pp. 171–208, p. 177.

belonging to these priories.²⁶ The priors thereof acted as representatives of their respective mother house and, in the case of Mont-St-Michel, the priors of the Vale and St Clement also acted as the abbot's senior representative in Guernsey and Jersey, respectively.²⁷ In a similar pattern to Norman priories in England, the priories in the Islands, with the probable exception of the priory of St Helier (or L'Islet), were mostly dative priories as opposed to conventional ones.²⁸ A conventual priory, generally, was devoted to the observance of the monastic vows of its order and was more independent of its mother house than dative priories in the management of its affairs. In contrast, the mother house had complete control over the affairs and revenues of a dative priory, which had no independent legal identity and very little in the way of identifiable, separate powers. A dative prior was appointed by the abbot and could not make contracts or agreements without the consent of the abbot. In the view of C. W. New, writing of the alien priories in England, a dative prior was essentially an 'administrative officer' of a priory.²⁹ The main distinction to be drawn, then, is that a dative priory was focussed more on the collection of revenues rather than religious purposes, as indicated by the small number of monks installed at these priories and their exportation of revenues, victuals and goods outside of the Islands to the mother houses in Normandy.³⁰ In light of this, the interest of the Norman monasteries in the Islands was predominantly, but not completely, fiscal.

²⁶ In Guernsey there were three priories (Refrerie, Martinvast, and the Vale). In Jersey there were four (Bonne Nuit, Lecq, St Clement, St Helier and St Peter). Sark, Herm, Lihou, Chausey and Les Ecréhous all had one priory each: Stevenson, 'England and Normandy, 1204–1259', I, pp. 262–7. The priory of Noirmont is excluded from this figure as the only evidence for its existence is after the confiscations of the 'alien' priories in 1414. Additionally, the fief de Noirmont appears to have been administered by the prior of St Clement or other subordinate officials of the fief: de Gruchy, *Medieval land tenures*, p. 98; this is suggested by an effort by the abbot to force tenants of the fief to attend the court of the priory of St Clement in the thirteenth century: idem, 'The court of the fief and seigneurie of Noirmont', *ABSJ*, 10 (1926), pp. 237–258, p. 238.

²⁷ S.J. *Cartulaire*, nos. 5, 47, 108, 109, 143, 161, pp. 9–10, 72–4, 174–6, 219–220, 236.

²⁸ De Gruchy, *Medieval land tenures*, p. 105; In 1180, the archbishop of Rouen decreed that there must be a minimum of five canons living and serving God at the priory: S.J. *Cartulaire*, no. 229, pp. 308–9.

²⁹ New, *History of the alien priories in England*, p. 37.

³⁰ Stevenson, 'England and Normandy, 1204–1259', I, pp. 263–4. For instance, there were only two monks in residence at the priories of St Clement, Lecq, Lihou and Chausey in the fourteenth century: S.J. *Cartulaire*, no. 26, pp. 42–3. Exportation of revenues, victuals and goods: ibid, nos. 112, 145, pp. 180–181, 221–3; *CPR*, 1232–1247, pp. 217, 359; S.J. *Rolls of the assizes*, 1309, pp. 47–8; W. B. Stevenson, 'The Middle Ages, 1000–1500', in Jamieson (ed.), *A people of the sea*, pp. 19–43, pp. 25–6. This does not mean that the dative priories did not have religious duties. Ogier, *Gov. & law of Guernsey*, p. 20 n. 3.

It is clear that Norman ecclesiastical influence in the Islands was considerable. However, in striking contrast to Gustave Dupont's assertion that '*Quant aux Îles, leur territoire presque tout entier devint l'apanage des établissements religieux*', the studies of de Gruchy and Ewen emphasise that it is important not to overstate the extent of the property of the Norman church.³¹ The view of Dupont is partly the result of the survival of numerous charters and records relating to the lands of the Norman church, in contrast to the lands held by the secular elite where there is much less evidence. De Gruchy estimates that the Norman church collectively held a third of the land in Guernsey and half in Alderney, whilst its possessions in Sark were inconsequential, and in Jersey were far smaller than the lands held by lay landholders or the king.³² Furthermore, the lands and rights of many religious orders were often small areas dispersed across the various Islands. There were also significant differences in the type of holdings. Many did not hold fiefs or priories, and thus lacked a centre or coherence to their lands including an absence of permanent officials to represent their affairs. The Norman church also cannot be seen as an entirely unified entity in the Islands, evidenced by occasional disputes between religious orders over their lands and rights there.³³ The abbots with minor possessions were particularly vulnerable to encroachments on their rights by royal officials. This was an important contrast to the abbey of Mont-St-Michel, for instance, whose extensive possessions in both the Islands and England gave the abbey greater clout to defend its interests. Tenurial influence aside, however, collectively the Norman church had complete control over the ecclesiastical organisation of the Islands, which proved to be a much stronger ecclesiastical link than the Norman church had with England.

Change and challenge: the impact of the loss of Normandy on the Norman church in the Islands

³¹ (As for the Islands, almost their entire territory became the prerogative of the religious establishments): G. Dupont, *Histoire du Cotentin et de ses Îles* (vol. 1, Caen, 1870), qt. p. 273; de Gruchy, *Medieval land tenures*, qt. p. 92.

³² The view of Dupont is partly the result of the survival of numerous charters and records relating to the lands of the Norman church, in contrast to the lands held by the secular elite: de Gruchy, *Medieval land tenures*, pp. 92–3; Le Patourel, 'The mediaeval administration of Sark', pp. 314–7.

³³ E.g. a dispute in 1267 between the abbeys of Marmoutier and Blanchelande over the church of St Martin in Guernsey: S.J. *Cartulaire*, no. 286, pp. 360–362. On rivalries for patronage, see Mauduit, 'La Réduction de l'abbaye St-Hélier de Jersey en prieuré', pp. 71–3.

The loss of the duchy of Normandy by King John in 1204 and the subsequent changes to the political and constitutional status of the Islands had no immediate impact on the authority of the Norman church in the Islands. Despite the later and unsubstantiated claims by the king's attorney in a plea *quo warranto* at the 1309 eyre that ecclesiastical jurisdiction had been transferred to the bishopric of Exeter during John's reign, the bishop of Coutances had retained his episcopal authority over the Islands.³⁴ However, after the re-establishment of Plantagenet authority in the Islands between about 1205 and 1206, whilst episcopal authority was not wrested from the hands of the bishop of Coutances, the possessions of the Norman church were seized by John in parallel to a series of confiscations in England.³⁵ The evidence of these seizures is based largely on the records of restorations and temporary regrants of ecclesiastical possessions. For instance, in 1208, the king instructed his officials in the Islands to give all the churches in the Islands belonging to monasteries to Hasculf Paine, which showed the possessions of at least some of the monasteries were in the king's hand.³⁶ John's confiscations in the Islands and England likely reflected a concern that revenues and goods from the properties of the Norman church may be exported outside of those territories and deployed to lend support to the king of France. Their seizure also provided the king of England with an additional source of income, although Stevenson argues that the financial exploitation of the Norman clergy in England was not the primary intention of the seizures.³⁷ What the process does exemplify is that the King had a lack of trust in the loyalty of the Norman clergy. Certainly, the eventual acquiescence of the Norman clergy to Philip Augustus' rule over Normandy was a fundamental component to the successful absorption of the duchy into the kingdom of France.³⁸

³⁴ S.J. *Rolls of the assizes, 1309*, pp. 63, 79; Le Patourel, *Admin. C.I.*, p. 28 n. 2.

³⁵ For example, *Rot. litt. claus.*, 1204–1224, pp. 47 (Coutances), 127 (Mont-St-Michel). On the confiscations in England, see Matthew, *The Norman monasteries and their English possessions*, pp. 72–5; Stevenson, 'England and Normandy, 1204–1259', I, pp. 53–63; F. M. Powicke, *The loss of Normandy, 1189–1204* (second edn: Manchester, 1961), pp. 289–9.

³⁶ *Rot. litt. pat.*, 1201–1216, p. 81.

³⁷ Stevenson, 'England and Normandy, 1204–1259', I, pp. 54–8. Powicke, *The loss of Normandy*, pp. 289–9.

³⁸ It has been persuasively argued that, contrary to earlier views, many of the leading Norman clergy remained loyal to the kings of England rather than immediately welcoming Philip Augustus and accepted the rule of the kings of France with reluctance: D. Power, 'The Norman church and the Angevin and Capetian kings', *The Journal of Ecclesiastical History*, 56 (2005), pp. 205–234; Peltzer, 'The Angevin kings and

In any event, permanently seizing these lands was out of the question as the church held them in perpetual alms, that is they held these lands either freely or in exchange for the performance of religious services, and they could not be forfeited in the same way as the *terrae Normannorum*.³⁹ Nor was permanent seizure realistically in the king's best interest in the context of his considerable efforts to restore his authority over the duchy and maintain good relations with the wider church. A more immediate need for the support of the Norman church in maintaining Plantagenet authority was demonstrated in a letter from Henry III to the ecclesiastical elite in 1224 asking them to help the warden defend the Islands.⁴⁰ Moreover, permanent confiscation would have directly contradicted the grants of the king's predecessors to the Norman church. Indeed, John himself had granted lands in the Islands to the abbey of Bellosanne whilst he was count of Mortain, and it is noteworthy that the abbot was among the first to have his lands restored to him after their seizure in October 1207.⁴¹ Thus, the possessions of the church in the Islands were gradually restored to the abbeys in the same state as they were before 1204, and no further seizures took place in either John's or Henry III's reigns.⁴²

The Islanders continued to recognise the Norman church as the legitimate source of ecclesiastical authority in the Islands, as reflected in the continued patronage the Norman church received from them.⁴³ In the period 1217 to 1255, there are records of seven

canon law: episcopal elections and the loss of Normandy' in J. Gillingham (ed.), *Anglo-Norman Studies XXVII* (Woodbridge, 2005), pp. 169–184, pp. 183–4.

³⁹ Everard and Holt, *Jersey 1204*, p. 143.

⁴⁰ *Patent rolls, 1216–1225*, p. 435. Cf. Stevenson, 'England and Normandy, 1204–1259', I, pp. 272–3, who views this letter as a royal threat.

⁴¹ S.J. *Cartulaire*, no. 327 pp. 417–9; S.J. *Rolls of the assizes, 1309*, pp. 234–8. Though it is notable that when John restored the abbot of Bellosanne his lands in Jersey in October 1207, the abbot was required to give security that he and his officials would not harm the king or the royal demesne: *Rot. litt. claus., 1204–1224*, p. 92; Everard and Holt, *Jersey 1204*, pp. 140–141. The abbot of Marmoutier was the first to have his possessions restored in September 1206: *Rot. litt. pat., 1201–1216*, pp. 67, 70.

⁴² Stevenson, 'England and Normandy, 1204–1259', I, pp. 271–4; Everard and Holt, *Jersey 1204*, pp. 141–3.

⁴³ As a further indication of the support that the Norman church had from the secular elite of the Islands, in December 1266 a Ralph de Carteret was appointed as the prior of St Michael's Mount: O. F. Robinson (ed.), *The register of Walter Bronescombe, bishop of Exeter, 1258–1280*, (vol. 2, Woodbridge, 1999), no. 650, p. 21.

separate grants of lands and rights by Islanders to the church.⁴⁴ For instance, in 1218, William de Salinelles (or de Sausmarez) gave the abbey of St-Sauveur-le-Vicomte the tithes of his windmill in Jersey.⁴⁵ In contrast, there is only one example of a proposed alienation by a monastic house of its property. This was a proposed sale in 1237, where the abbot of Marmoutier was given licence by the king to dispose of his tithes and other movables in the Islands, yet there is little to indicate that this was actually carried out.⁴⁶ It is notable, though, that following the above grants, there appears to have been an abrupt decline in patronage to the Norman establishments by the Islanders in the late thirteenth century, possibly due to the fact that many of the remaining lay landholders held their principal interests in the Islands rather than in Normandy, and were thus less willing to make further benefactions to the church.

That the king permitted such grants by Islanders to the Norman church shows a respect for its position in the Islands and there is no suggestion the Norman clergy were treated in a way comparable to their subsequent treatment as 'alien' religious from the later thirteenth century onwards. However, whilst the kings of England themselves granted some concessions to the church, after 1204 there does not appear to have been any form of patronage in the Islands by the king or by those entrusted with the lordship of the Islands to Norman establishments.⁴⁷ This partly may have been due to the fact that by the mid-thirteenth century, if not earlier, the kings of England had accepted that continental Normandy was permanently out of Plantagenet hands, which determined that the political support of the Norman clergy was no longer of great consequence to wider Plantagenet ambitions. But there was also a growing concern by local officials that the Norman church, particularly the abbey of Mont-St-Michel, was becoming too influential in the Islands. In the early 1240s, the jurats of Guernsey expressed to the king that the abbey's recent attempts to purchase land, notably that belonging to the de Vere family, risked the whole

⁴⁴ S.J. *Cartulaire*, nos. 72, 92, 223–4, 281, 283, 284, pp. 129, 161, 304, 357–360. Additionally, a restitution in 1221 by William de Sailinelles to the abbey of Holy Trinity, Caen, of a vavassorie in Jersey, which William acknowledged he and his father had held without right: *ibid*, no. 320, p. 411.

⁴⁵ This windmill was likely near or within the fief de Samarès in St Clement: S.J. *Cartulaire*, nos. 223–4, p. 304.

⁴⁶ *CPR, 1232–1247*, p. 179. Matthew, *The Norman monasteries and their English possessions*, pp. 97–103.

⁴⁷ For instance, a licence in 1243 permitting the abbot of Mont-St-Michel to transport the abbey's crops and goods in the Islands to Normandy for the sustenance of the abbey: *CPR, 1232–1247*, pp. 359, 217. The exportation of victuals outside of the Islands was restricted in this period: S.G. *Extentes of Guernsey*, p. 28.

Island falling under the abbey's control.⁴⁸ Indeed, from 1253 until around 1257, William de Cheny, who had the guardianship of all the land belonging to Robert de Vere until his son and heir reached majority, ceded his rights as guardian to the abbot of Mont-St-Michel for an annual payment of £25. The land in question was the fief du Comte, the largest fief in Guernsey, which for a while gave the abbot control over half of Guernsey.⁴⁹ In 1262, when William de Cheny purchased the fief outright from Baldwin de Vere, the abbey claimed the fief as its own, resulting in a legal dispute that did not end until 1289 when the fief finally was restored to Felicia, William's widow, and his heirs.⁵⁰

The persistent involvement of the local administration and the close interest the Lord Edward paid in resolving this dispute further reflected concerns that, if the abbey successfully obtained the fief du Comte, it would shift the balance of tenurial power away from the king towards the church.⁵¹ The Lord Edward also found himself having to protect his own rights from what his officials believed were direct infringements by the church. For example, in March 1254 a special inquest was held by John de Grey, sub-warden to Richard de Grey, to investigate the rights of the abbey of Mont-St-Michel in regard to wreck in Guernsey and Jersey.⁵² The inquiry occurred after royal officials had seized wreck collected on the fief of Noirmont in Jersey, which fief belonged to the abbot of

⁴⁸ Though this was an exaggeration, Anglo-French hostilities in the early 1240s, including a Breton raid in 1241, must have caused local officials to be concerned about any threat to the king's authority in the Islands. It is possible that the acquisition of lands by William de Cheny and Drew de Barentin in this period was a response to their concerns about the abbey's influence. The jurats also accused the prior of the Vale of seditious activities, and urged that the king order the warden to intervene. Among these alleged activities, there is a reference to the bailiffs of the king of France, although damage to the record makes it difficult to examine this further: SC 1/3/166; *CLR*, II, p. 65.

⁴⁹ S.J. *Cartulaire*, nos. 130, 341, pp. 202–4, 248–9. Ewen, 'The fiefs of the Island of Guernsey', pp. 184–6; T. W. M. de Guérin, 'Feudalism in Guernsey', *RTSG*, 6 (1909), pp. 58–82, pp. 67–8, 78–81.

⁵⁰ S.J. *Cartulaire*, nos. 98, 132–3, pp. 165–6, 205–6. The abbey claimed the fief under a charter of Duke Robert I of Normandy (r. 1027–1035) in c. 1030: S.J. *Cartulaire*, no. 114, pp. 182–4; Rohan-Keats, *Cartulary of the abbey of Mont-St-Michel*, pp. 81–3. Almost all of the documents relating to this case can be found in S.J. *Cartulaire*, see esp. note of explanation, pp. 202–3. On records relating to the legal case: S.J. *Cartulaire*, nos. 98, 101, 111, 131, 133, 137, pp. 165–6, 168, 178–180, 204–5, 206, 210–212.

⁵¹ The efforts to resolve this suit may have been in consideration of de Cheny's long career in the royal household. See Chapter IV.

⁵² John de Grey was Richard de Grey's sub-warden. The inquiry may have occurred before Edward formally assumed lordship of the Islands: S.J. *Cartulaire*, nos. 15 and 20, pp. 26–8, 32–3.

Mont-St-Michel and who protested the seizure.⁵³ The results of the inquiry may be found in a charter in November 1260 where Edward confirmed the rights of the abbey to receive the fourth part of wreck in Guernsey, with the exception of gold, unworked silk and scarlet which were the king's prerogatives. It also confirmed the abbey's rights to wreck in Jersey, but suspended confirmation of the abbey's right to wreck in its lands in the parish of St Clement until a further inquest by Drew de Barentin was concluded.⁵⁴ Whilst the confirmation of the abbey's right to wreck in other parts of the Island was a positive outcome for it, the reservation in relation to those rights in St Clement foreshadowed Edward's ambitious and rigorous challenge to the rights of the Norman church in the Islands upon his assumption as king, including the abbey's right to the priory of St Clement itself.⁵⁵

It was in the later thirteenth century that the split of 1204 began seriously to impact upon the position of the Norman church in the Islands, as its ecclesiastical and tenurial rights came under increasing threat from the royal administration. The reason for the change in the attitude of the king towards the Norman clergy in the Islands may be reduced to two entwined factors. The first was the concerted efforts of an expanding and increasingly sophisticated royal government in this period, most strikingly during Edward I's reign, to enhance royal authority across the Plantagenet realm. In the Islands, efforts at royal administrative reform repeatedly challenged the rights of the secular and ecclesiastical elite alike, notably in the form of *quo warranto* proceedings, where it was believed that royal rights had been usurped by local communities and the elite during the political crises of the later reign of Henry III. The second factor was the growing deterioration of Anglo-French relations from the outbreak of war in 1294. The very apparent presence of the Norman church in the Islands, powerful landholders based outside of the Plantagenet realm in the duchy of Normandy, drawing significant income and purporting to exercise an ecclesiastical jurisdiction *in rem* and *in personam*, exacerbated any nascent tensions between the clergy and the royal administration, and made the properties and rights of the church a prime target for royal encroachment.

⁵³ S.J. *Cartulaire*, no. 20, pp. 32–3.

⁵⁴ S.J. *Cartulaire*, no. 16 *bis.*, pp. 28–30; Studd, 'Acts of the Lord Edw.', no. 713, pp. 547–8; see also *CPR*, 1272–1281, p. 435, for an *inspeximus* and confirmation of this charter by Edward I.

⁵⁵ This charter was cited in a plea *quo warranto* at the 1309 eyre that questioned the abbey's rights to wreck: S.J. *Rolls of the assizes, 1309*, pp. 43–4, 67.

The first significant confrontation concerning royal and ecclesiastical rights occurred in the early years of Edward I's reign when the abbey of Mont-St-Michel and the warden, Arnold, son of John de Contis, both appealed to the king to intervene in a dispute between them, which was subsequently heard before the royal justices John Wyger and Ralph de Broughton as part of their inquiry in the Islands in 1274.⁵⁶ The cause of the dispute was the king's asserted right to have custody over the abbey's possessions in the Islands during the vacancy of the abbey after the death of its abbot. It soon evolved into a wider clash between the administration and the local clergy.⁵⁷ Following a vacancy in the abbey, the priories of the Vale and St Clement had been taken into the king's hand and placed in the custody of the warden.⁵⁸ Before the justices, the jurors of all the parishes of Guernsey and Jersey stated that the priories of the Vale in Guernsey and St Clement in Jersey, and all the lands and chattels of the dependencies of these priories, belonged to the king during the vacancy of the abbot, on condition that they were kept faithfully and then returned when a new abbot was elected and had given homage to the king.⁵⁹ Despite this, the priors of the Vale and St Clement refused to recognise the king's rights and resisted the royal guardians appointed to their priories, resulting in the distraintment of all the abbey's possessions in the Islands, including valuable goods that the abbey had received recently from a ship out of La Rochelle which had been wrecked off the coast of Guernsey. The priors were then accused of wrongfully issuing proceedings in the court of the bishop of Coutances and other courts in Normandy and Brittany against the king's officials for unlawful distraintment of their property, proceedings which it was alleged had resulted in the excommunication of the officials by the bishop.⁶⁰

⁵⁶ S.J. *Cartulaire*, no. 22, pp. 34–5; *Foedera*, I, ii, p. 510. For the perspective of Arnold and the Jurats of Guernsey, see C 47/10/5/2, part of which is summarised in Le Patourel, 'D.Phil.', I, p. 73.

⁵⁷ 'Vacancy' was the interim period following the death, deposition or cession of the abbot until a new abbot was elected and had paid homage to the king of England.

⁵⁸ When exactly this seizure occurred is unclear: *Calendar of inquisitions miscellaneous (chancery), 1219–1307* (vol. 1, London, 1916), no. 2196, p. 585.

⁵⁹ For the proceedings relating to this dispute, see S.J. *Extente, 1274*, pp. 24–5, 36–7, for Jersey and Guernsey respectively. Cf. a letter by Henry III in 1270 which confers the custody of the property of the abbey in England and the Islands during vacancy to the respective prior and community: S.J. *Cartulaire*, no. 5, pp. 9–10.

⁶⁰ S.J. *Extente 1274*, p. 25. Additionally, the prior of the Vale was said to have installed a clerk in the church of the Vale in contempt of the king who had the right of patronage during the vacancy of the abbey: *ibid.*, p. 37.

These accusations were staunchly denied by the prior of St Clement, who claimed that the king's officials had not been sued at his behest, let alone excommunicated, though it was conceded that the bishop had acted *ex officio* to seek to undo the actions of the king's officials who had unfaithfully exploited the rights of the abbey and violated the rights of the church. Such was the friction between those involved that the jurors were even moved to accuse the former prior of St Clement of being a suspected murderer and adulterer.⁶¹

The truth to the latter accusations is unknown, but it appears that the abbey's possessions were restored to them either by the justices of the 1274 inquiry or shortly after. However, the apprehension of the priors in handing control of their priories to the king's officials proved to be well-founded: in May 1276, it was found that many of the goods of the priory of the Vale that had been detained by the former warden, Arnold, including the goods from the wrecked ship, had never been returned to the prior. The king, recognising the injustice of the situation, ordered the current warden, Otto de Grandison, to distrain Arnold of all his chattels in the Islands and ensure that all the possessions of the abbey were restored to it.⁶² The intensity of this dispute, the first of many prolonged disputes between the abbey of Mont-St-Michel and the royal administration in the Islands, highlighted the problems caused by a combination of royal officials who were perhaps over-zealous in asserting the king's rights and increasing the revenues of the administration, and the determination of the Norman clergy to defend their possessions and use their not insignificant resources to appeal directly to the king.

Jurisdictional clashes between the king and the Norman church

A significant area of dispute between the Norman church and the kings of England concerned the jurisdiction of the court Christian of the bishop of Coutances, normally

⁶¹ It was said that, some six years before the inquiry, William Mabil had been murdered in the priory and Peter du Moustier had been exiled for this yet the former prior, Thomas d'Anneville, was suspected of the murder as Thomas had committed adultery with Peter's wife: S.J. *Extente 1274*, pp. 24–5.

⁶² The quantity of goods was significant: 50 quarters of wheat, 220 quarters of barely, and 8 tuns of wine from the wrecked ship, and 65 *s. t.* for the sale of the timber of the same ship; 2 ½ tuns of wine and 35 *s. t.* for their share of another wrecked ship; 20 *s. t.* for part of a tun of wine found afloat; and their share of the profits from three porpoises: *CCR, 1272–1279*, p. 292. See also, for an earlier instruction to the warden to enquire if Arnold had taken goods to the value of 180 marks and compel him to restore them: *Calendar of inquisitions miscellaneous*, I, no. 2196, p. 585.

situated at Coutances, which handled all the ordinary ecclesiastical litigation of the diocese, that is litigation relating to the clergy and a limited number of cases involving the laity. At the 1274 inquiry, the jurors of all the parishes of Jersey complained that the Islanders were being mistreated and impoverished by the local clergy, who were summoning them outside of that Island to ecclesiastical courts in Normandy and sometimes even Brittany to participate in lawsuits which properly belonged within the remit of the king's court.⁶³ In Guernsey, Robert du Vivier, clerk, was accused of wrongfully suing multiple individuals in the court of the bishop of Coutances and, when summoned before the justices, refused to answer before a secular court. As a result, all of his lands and goods in the Islands were taken into the king's hand until he provided satisfaction and recognised himself as justiciable before the king's court.⁶⁴ Certainly, the inconvenience and financial costs of travelling to Normandy alone were enough to warrant protest, and throughout this period there were a number of petitions to the king by the Islanders and local officials complaining of being summoned to ecclesiastical courts outside of the Islands.⁶⁵

From the records of the itinerant justices in eyre, the ecclesiastical court that was primarily used was the court Christian of the bishop of Coutances, but there are also a few references to Islanders being sued at a court at Haye du Puits in the Cotentin.⁶⁶ Additionally, in the 1309 eyre records, there are two obscure references concerning summonses by the Norman clergy for Islanders to appear before '*justicibus delegatis*' (delegated justices) at Paris, and also before the conservators of the privileges of the University of Paris.⁶⁷ Whilst it was mainly the clergy who invoked the jurisdiction of the ecclesiastical courts, Islanders also opportunistically used them, or simply the threat of such, as an alternative source of remedy for their own legal disputes, including for matters that did not even superficially fall under ecclesiastical jurisdiction, although the precise extent of that jurisdiction is unclear from the eyre rolls. Such forum shopping could have unexpected consequences. At the 1299 eyre, for instance, Drew de Barentin was fined for

⁶³ S.J. *Extente*, 1274, p. 26.

⁶⁴ S.J. *Extente*, 1274, pp. 46–7.

⁶⁵ For a few examples of this type of complaint: SC 8/266/13250; SC 8/266/13252 and SC 8/53/2642, trn S.J. *Ancient petitions*, pp. 27, 57.

⁶⁶ S.J. *Rolls of the assizes*, 1309, pp. 102, 119, 135, 143, 165, 182–5, 203, 211, 213–5, 227, 256–8, 261, 263, 264, 268–9, 273, 282–4, 286–7, 292, 294, 301, 310.

⁶⁷ JUST 1/1161, mm. 28 d., 41 r., pr. S.J. *Rolls of the assizes*, 1309, pp. 215, 268–9.

wrongfully suing William Payn in the court Christian at Coutances on a number of pleas that were claimed to lie in the exclusive jurisdiction of the king's courts.⁶⁸ Importantly, it seems that the ecclesiastical courts were used as an alternative to the royal courts in the Islands rather than as an appellate court from them.

The kings of England viewed this activity as a serious encroachment on their jurisdictional authority. This was not simply a question of the proper jurisdiction of the courts involved. Symbolically, it tended to undermine the authority of the king's courts and, financially, it had the propensity to hit the king's pocket due to the significant revenue he derived from court proceedings.⁶⁹ The level of seriousness was also undoubtedly influenced by the deterioration of Anglo-French relations from 1294, where the kings of England actively sought to deny that the Islands lay within the jurisdiction of the kingdom of France, and asserted that they held their continental possessions in full sovereignty. At the 1299 and 1309 eyres, the primary objection of the itinerant justices to the use of the court Christian at Coutances for both secular and ecclesiastical pleas was the fact the king's subjects were being compelled to attend a court outside of the realm, a blatant affront to the sovereignty of the king of England.⁷⁰

In c. 1304–5, Otto de Grandison, in his capacity as lord of the Islands, petitioned Edward I requesting that a general prohibition be ordered to restrict the bishop and clergy from harassing Islanders both through summonses issued out of courts in Normandy, and also from summonses issued within the Islands unless they concerned ecclesiastical matters.⁷¹ In response, in April 1305 Edward issued a strongly-worded writ to Robert de Harcourt, bishop of Coutances, ordering him to desist from citing any of the inhabitants of the Islands to appear before the bishop or any other judge outside of the Islands, stating that it

⁶⁸ Ironically, William Payn was the king's attorney at the same eyre: JUST 1/1158, m. 1 d., trn Stevens (ed.), 'Jersey assize roll, 1299', p. 3.

⁶⁹ The king's advocate in the 1309 assize claimed that the crown was deprived of 1000 *l. t.* as a result of the court of Coutances hearing such a wide remit of cases: S.J. *Rolls of the assizes, 1309*, p. 64.

⁷⁰ Everard and Holt highlight an important distinction in the form of these pleadings at the 1299 eyre whereby the injured party pleaded that the plaintiff had 'dragged him' (*ipsum traxit*) into the court Christian at Coutances, and reference was usually made to the fact that the court was in the kingdom of France: *Jersey 1204*, pp. 147–8. For examples, see JUST 1/1158, mm. 1 d. and 4 d., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 3–4, 6, 25, 46–7; S.J. *Rolls of the assizes, 1309*, *passim*.

⁷¹ This petition was heard at the 1305 Lent Parliament: SC 8/114/5662, pr. and trn *PROME*, II, pp., 355–6, 358; and response to petition, *ibid*, p. 351.

was in violation of a special indult that the king had obtained from the papacy, which prohibited Islanders from being summoned outside of the king's realm to answer legal suits, including ecclesiastical causes.⁷² The papal indult Edward referred to has not been found, but an indication of its terms can be found in Otto's petition which stated that the actions of the bishop and clergy in summoning Islanders before courts in Normandy were contrary to a bull of Pope Honorius, presumably Honorius IV (1285–1287). This bull was said by Otto to have granted that the Islanders could not be summoned outside of the Islands to answer pleas any more than the people of England could be summoned outside of the realm of England. The exact terms of the bull were said to be written on the dorse of the petition. This has not survived, but the fact of its existence indicates that Edward may have taken steps much earlier in his reign to try to prevent lawsuits from being heard outside of the king's realm, perhaps in response to the complaints of the Islanders during the 1274 inquiry about unlawful use of ecclesiastical courts in Normandy.⁷³ In any event, Edward's prohibition seems to have been ineffective and it was necessary for the king to obtain a decree to similar effect from Pope Clement V (1305–1309), which was granted in September 1308.⁷⁴ If that had worked, it had but a limited effect overall for in April 1309, Edward II was driven once more to reprimand the bishop of Coutances, this time threatening to revoke any judgements of the bishop concerning pleas that belonged solely to the royal prerogative.⁷⁵

The challenge to the jurisdictional authority of the Norman church sparked a dramatic confrontation between local officials and the Norman clergy during the 1309 eyre. In a

⁷² It is interesting that the writ states the king and his progenitors used the papal indult, suggesting it was obtained before Edward I's reign, although this may refer to a general indult concerning the king's subjects rather than exclusively the Islanders: *CCR, 1302–1307*, p. 327. That this included ecclesiastical causes may be seen in a plea in the 1309 eyre rolls: S.J. *Rolls of the assizes, 1309*, pp. 182–5.

⁷³ SC 8/114/5662, pr. and trn *PROME*, II, 355–6, 358. I have been unable to find the papal bull or any other reference to it.

⁷⁴ *Calendar of papal registers relating to Great Britain and Ireland* (vol. 2, London, 1895), p. 45. It is quite possible that Otto was responsible for the obtainment of this indult, due to his activity and influence in the papal curia on behalf of the king of England and as a crusader. Furthermore, on the same date as the papal indult, at the request of Otto de Grandison, John de Ditton secured a licence from the pope to hold a rectory in the diocese of Rochester, one other benefice, and a canonry and prebend of London: *ibid*, p. 45. Kingsford argues securing an indult was one of Otto's few positive contributions to the condition of the Islanders: 'Otho de Grandison', p. 170.

⁷⁵ *CCR, 1307–1313*, p. 149; S.J. *Cartulaire*, no. 6, pp. 10–11.

plea *quo warranto* in Guernsey, the king's attorney, William Dumaresq, raised a number of complaints against the bishop of Coutances. The first was that the bishop purported unlawfully to extend his court's jurisdiction to any pleas where a member of the clergy was involved, including those concerning chattels and debts which did not relate to wills or marriages, and also pleas of trespass against the king's peace. The second was the very serious allegation that the clergy had become a threat to public order in the Islands. Whilst it appeared to be accepted that the bishop properly reserved unto himself the right to judge the clergy of his diocese, Dumaresq argued that the bishop was not following the proper procedure for the delivery of detained clergymen to the ecclesiastical authorities, which required a writ of the bishop to be produced to the king's officials. He stated that officials were threatened with excommunication for merely taking a member of the clergy into custody, and that they now were too fearful to act against them. Moreover, clergy who were taken into the custody of the bishop's officials were then taken outside of the realm for adjudication of the charges against them, including for trespasses made against the king, and were there shown partiality and favour and not adequately punished. This allowed church officials to abuse their protected status in Guernsey to the detriment of the king's peace and the community of the Island. This plea, like most pleas *quo warranto* in 1309, was adjourned to be heard before the king.⁷⁶

However, during a separate plea concerning unlawful use of the court Christian at Coutances by a king's tenant, the dean of Guernsey came before the itinerant justices and admonished them for trespassing upon the bishop's authority. He also demanded immediate delivery of an imprisoned clerk to his custody on pain of excommunication, though he had no writ from the bishop to authenticate such action. In response, the dean was imprisoned and fined for contempt of court.⁷⁷ Tensions spilled over into the proceedings in Jersey, where the dean of Jersey, supposedly on behalf of the bishop of Coutances, demanded the surrender of any members of the clergy arrested in Guernsey and the revocation of the king's prohibition against use of courts outside of the Islands, arguing it was wrongfully prejudicial to ecclesiastical rights. The justices refused both demands and, citing Edward II's prohibition in full before the court, stated they had no authority let alone desire to revoke a mandate of the king. The dean, in the presence of the court, then

⁷⁶ S.J. *Rolls of the assizes, 1309*, pp. 63–6. For discussion of the legal procedure for criminal causes relating to the clergy in England: Helmholz, *The Oxford history of the laws of England*, I, pp. 511–4.

⁷⁷ S.J. *Rolls of the assizes, 1309*, pp. 182–5.

pronounced the justices excommunicated and warned the community of the Islands, on behalf of the bishop and under pain of excommunication, not to obey the justices. Unsurprisingly, the dean also was found to be in contempt and was imprisoned, only to be violently rescued from there by prominent Islanders, clerical and lay, who were all subsequently found guilty by the justices of criminal conduct and amerced or outlawed for their involvement.⁷⁸

Unfortunately, there are no further records relating to this incident and we are reliant on the eyre rolls for an account of the events. Nonetheless, it is tolerably clear that the local clergy were immensely hostile to the royal prohibition and, whether they had authority to do so from the bishop of Coutances or not, attempted to prevent its enforcement. But, as has been examined in Chapter V, the credibility of the itinerant justices of the 1309 eyre is in doubt, due to their connections with Otto de Grandison and their pronouncing of unfair judgements against the Islanders, which may explain why members of the elite of Jersey went to such extreme lengths to release the dean from captivity. It is also quite probable, given what we know about Otto's administration, that local officials were over-zealous in their campaign against the ecclesiastical courts, and used the royal prohibition as an excuse to infringe upon church rights and properties to enhance the revenues of their lord.

The prohibitions of the king against use of the court Christian at Coutances and other ecclesiastical courts in Normandy aimed to assert the superior jurisdiction of the king of England over judicial affairs and deny any possible competitors, and this was no different from the activity of the kings of France in their own realm during this period.⁷⁹ The peculiarity of the situation in the Islands, with the court of the bishop of Coutances and the mother houses of the Norman monasteries situated within the kingdom of France added an additional layer of difficulty and, of course, provided any canny Island litigants with opportunities for alternative sources of justice outside of the Plantagenet realm. This

⁷⁸ Those involved included members from the prominent families of de Carteret, Payn, L'Evêque, de St Martin, de la Hougue, and Horman. The involvement of Robert L'Evêque and Jordan Horman is of particular significance given that Robert's kinsman, Philip L'Evêque, was the bailiff, and Jordan's father, Philip, was a jurat at the times of the eyre: S.J. *Rolls of the assizes, 1309*, pp. 319–325. The prior of Bonne Nuit in Jersey was also amerced for falsely proclaiming that the bishop of Coutances was planning to send eighty men-at-arms to seize the justices of the king and imprison them at Coutances: S.J. *Rolls of the assizes, 1309*, p. 210.

⁷⁹ J. R. Strayer, *The administration of Normandy under St Louis* (Cambridge; Massachusetts, 1932), pp. 26–31; idem, *The reign of Philip the Fair* (Princeton; New Jersey, 1980), pp. 237–240.

explains why the king was so determined to keep the resolution of all legal disputes, including ecclesiastical litigation, within the Islands, although ironically this argument would be turned on its head in the 1330s when the abbot of Mont-St-Michel questioned the competence of the king's bench to hear lawsuits from the Islands.⁸⁰

In matters of ecclesiastical jurisdiction, the king of England did not seek to deny the bishop of Coutances his authority altogether. This was as one with other strategically-important territories situated on the political boundaries of the Plantagenet realm, such as Berwick-Upon-Tweed and Calais, which were under an episcopal authority based outside of the realm and where this state of affairs was, to varying degrees, respected by the king.⁸¹ The attitude of royal government in the Islands in this respect is evidenced at the 1299 eyre in a claim brought by Marguerite, the widow of William de Sausmarez, against William's heir concerning a deed of assignment of her dower. Notwithstanding that she was now making a claim before the king's itinerant justices in Jersey, she had also issued proceedings to the same end before the court Christian at Coutances. As the case concerned dower, an ecclesiastical matter, the justices found no objection in principle to Marguerite's use of the court at Coutances, a position perhaps influenced by the fact that William's heir does not appear to have challenged on this point. However, after they ruled in her favour, Marguerite acknowledged that she must withdraw her plea before the ecclesiastical court. Marguerite's case, though, suggests a significant overlap in secular and ecclesiastical jurisdiction over the estate of a deceased person and widows, and perhaps in part explains why so many pleas were being brought before the court Christian at Coutances.⁸²

⁸⁰ Le Patourel, *Admin. C.I.*, pp. 18–9, 111–3; T. Thornton, 'The Channel Islands and the courts of Westminster from the fourteenth to the sixteenth centuries', Eleventh Joan Stevens Memorial Lecture, Société Jersiaise (2017), pp. 1–28, pp. 10–11.

⁸¹ Berwick-Upon-Tweed was under the authority of the bishop of St Andrews, based in the kingdom of Scotland: A. Tuck, 'a medieval tax haven', in R. Britnell and J. Hatcher (eds), *Progress and problems in medieval England* (Cambridge, 1996), pp. 148–167, p. 162. Calais was within the diocese of Thérouanne, only part of which was under English control: Le Patourel, 'L'occupation Anglaise de Calais au XIV^e Siècle' (1951), repr. *Feudal empires*, ch. 14, pp. 228–241, p. 240. Cf. The experience of the bishopric of Man, the successful subjugation of which by the king of England was an important step in asserting English influence in the Isle: W. M. Ormrod, 'Man under the Montacutes, 1333–1392', in S. Duffy and H. Mytum (eds), *A new history of the Isle of Man: the medieval period, 1000–1406* (vol. 3, Liverpool, 2015) pp. 151–169, p. 161.

⁸² JUST 1/1158, m. 3 r., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 15–7; Everard and Holt, *Jersey 1204*, pp. 146–7.

The eventual solution to resolve the jurisdictional tensions between the king and bishop of Coutances, especially as periods of war with the kingdom of France prohibited Islanders from travelling to Normandy, appears to have been to allow the deans of Guernsey and Jersey or other church officials to act as special commissaries of the bishop of Coutances, and simultaneously extend the authority of his court, so that ecclesiastical matters might be judged by the deans within the Islands.⁸³ For instance, around the time of the 1323 eyre, we see Geoffrey de Carteret described by the bishop as '*canonici Constanciensis, decani et comissarii nostri specialis in Insula Gerseii nostre Constanciensis diocesis*'.⁸⁴ There are also two cases concerning members of the clergy during the 1331 eyre proceedings in Jersey, where the procedure of the trial of clergy in the dean's court was recited before the itinerant justices. The cases show that the dean and local clergy had the authority to judge an indicted clergyman and then reported the verdict to the bishop via letter under the seal of the dean, so that it could be examined and certified. Moreover, to prevent a member of the clergy being tried for the same indictment before the king's officials, as was the case in the two cases at the 1331 eyre, the dean's letter and the certification by the bishop could be produced as proof that it had already been adjudicated upon.⁸⁵ Nonetheless, complaints continued to be made by Islanders about the use of ecclesiastical courts in Normandy as late as 1368, demonstrating that the matter of ecclesiastical jurisdiction was not resolved entirely.⁸⁶

Wartime confiscations and the erosion of the rights of the Norman church

⁸³ On this, see esp. Le Patourel, *Admin. C.I.*, pp. 33–4.

⁸⁴ (canon of Coutances, our dean and special commissary in the Island of Jersey in our diocese of Coutances): JUST 1/1166, m. 11 r., pr. Le Patourel, 'D.Phil.', app., pp. 107–111, qt. p. 109. A writ 'directed to the bishop of Coutances or his vicar general in the island of Guernsey': *CPR, 1338–1340*, p. 3; *CPR, 1345–1348*, p. 56; *CPR, 1358–1361*, p. 251. Example in which the dean and general proctor are held by separate individuals: S.J. *Rolls of the assizes, 1309*, pp. 63–6, 182–5, 319–325. For an earlier example of the dean acting on behalf of the bishop: JUST 1/1157, m. 5 r., trn Le Patourel (ed.), 'Guernsey assize roll, 1299', pp. 40–41.

⁸⁵ JUST 1/1166, m. 11 r., the first case on the roll is pr. *Second report*, pp. 308–9, the second is pr. Le Patourel, 'D.Phil.', app., pp. 107–111, and neatly summarised in *ibid*, II, pp. 116–7. Other judgements in the dean's court relating to debts: S.J. *Cartulaire*, nos. 194, 218, 219, pp. 277–8, 298–9, 299–301. See also S.J. *Cartulaire*, nos. 41, 220, pp. 63–5, 301–2, for additional responsibilities of the dean.

⁸⁶ *CPR, 1367–1370*, p. 199. Le Patourel notes that Islanders also tried to use the dean's court for lawsuits: 'D.Phil.', II, p. 116.

The explosive reaction of the clergy at the 1309 eyre, related above, was no doubt heavily influenced by the impact of the confiscation of their properties and rights during the Anglo-French war of 1294.⁸⁷ As has been examined in Chapter II, wartime necessitated the severing of links between England and France. In parallel with royal proclamations across England after the outbreak of war, all persons in the Islands, lay and religious, whose loyalty lay with the king of France in the Islands were ordered to be distrained and all of their lands and chattels were seized into the king's hand.⁸⁸ The Norman clergy, referred to as 'alien' religious in royal documents from the 1294 war onwards, bore the brunt of these restrictions due to their cross-Channel landholdings. During periods of Anglo-French hostilities in 1294–1303, 1324–1327 and 1337–1360, all the benefices, lands, chattels and other rights belonging to Norman ecclesiastical establishments in the Islands were confiscated by the kings of England.⁸⁹ These possessions were only fully restored when peace, as opposed to a truce, was achieved, such as in 1303.⁹⁰ The motivation behind these confiscations, superficially, was the security of the realm. Like similar orders issued in England, for the safe-guarding of the Islands, the warden was ordered to remove to a more secure location any suspected clergymen or other individuals living near the sea in the Islands in areas where they might be able to help the king's enemies to land.⁹¹ The Islands' proximity to Normandy perhaps made the threat of assistance to the king's enemies a more realistic basis for the detainment of clergy and seizure of their properties. The overriding reason for the seizures, however, was fiscal exploitation. The properties of the 'alien' religious were a valuable source of revenue to supplement royal coffers during wartime and also to provide patronage to the king's servants.

Over the course of the fourteenth century these confiscations became increasingly severe, especially as royal officials pounced on the opportunity created by the seizures to

⁸⁷ For important discussion of the wartime confiscations, see K. Kim, *Aliens in medieval law* (Cambridge, 2000), pp. 89–102.

⁸⁸ E.g. *CFR*, III, p. 411.

⁸⁹ Edward I's confiscations did not begin until late 1295. For elaborative writs on the specifics of the confiscations: *CFR*, I, pp. 362–6; *CFR*, III, p. 411; *CFR*, V, pp. 36–7, 366.

⁹⁰ There is an absence of records relating to Edward I's restoration of ecclesiastical properties in the Islands in 1303. 1327: *CCR*, 1327–1330, pp. 179, 252–3 (February 1328 orders to restore all Islands' properties), 278–9. 1361: *CPR*, 1358–1361, pp. 558–561; S.J. *Cartulaire*, nos. 191, 364, pp. 271, 463.

⁹¹ *CCR*, 1288–1296, p. 428. The names and total number of the clergy were also recorded. Clergymen were required to stay within the bounds of their priories and houses, and were not allowed to send any letters without permission to lands in the power of the king of France: *CFR*, III, p. 411.

erode the tenurial rights of the Norman ecclesiastical establishments in England and the Islands. It is important to recognise that the confiscations, though, were based primarily on immediate political and financial royal interests rather than any sort of uniform royal policy towards the 'alien' religious. Confiscations and restorations, when made, were inconsistently effected and varied considerably across the reigns of each monarch.⁹² Additionally, Alison McHardy highlights that this inconsistency was exacerbated by a 'terminological inexactitude' as to what constituted an 'alien priory' and therefore what could be seized, a description which was even more problematic in the Islands due to the overlapping loyalties and identities of the local population.⁹³ Subjective exceptions were also made on occasion that indicated an assuaging of royal outlook: in June 1342, special favour was shown to all of the Norman rectors, vicars, and chaplains who remained in the Islands and showed themselves to be faithful to the king, whereby they were restored to their benefices, in part to ensure that the Islanders were not deprived of essential religious ceremonies.⁹⁴ Such exceptions as were made, simply served to reinforce the key problem for the 'alien' religious during wartime, namely that they were completely dependent on the goodwill and protection of the king as to whether they could enjoy their properties and rights.

A particularly exasperating aspect of the wartime confiscations for the Norman church was that, whilst their properties were confiscated, the king controlled the right to the presentation of clerical appointments to parish churches, priories and other ecclesiastical benefices. For example, from 1295 to 1298 appointment to benefices of the churches of St Brelade, St Helier, St Lawrence, St Martin, St Mary, and Trinity in Jersey, and St Peter Port and St Sampson in Guernsey were all granted by letters patent of the king.⁹⁵ The

⁹² On the royal approach to French residents in England, see especially B. Lambert and Ormrod, 'A matter of trust: the royal regulation of England's French residents during wartime, 1294–1377', *HR*, 89 (2016), pp. 208–226; idem, 'Friendly foreigners: international warfare, resident aliens, and the early history of denization in England, c. 1250–c. 1400', *EHR*, 130 (2015), pp. 1–24.

⁹³ A. K. McHardy, 'The effects of war on the church: the case of the alien priories in the fourteenth century', in Jones and Vale (eds), *England & her neighbours*, pp. 277–296, qt. p. 280.

⁹⁴ *CCR*, 1341–1343, pp. 452, 72. *CFR*, VI, p. 213; cf. p. 78. In relation to this, see the appointment of the dean of Guernsey to ensure a chantry for the souls of the king's progenitors was continued, as the canons of the abbey of Blanchelande who had this responsibility had left the Islands on account of the war: *CCR*, 1288–1296, p. 428. See also, orders on the same date instructing the warden to ensure the dean of Guernsey is not impeded in exercising his jurisdiction in that Island: *CCR*, 1288–1296, p. 427.

⁹⁵ *CPR*, 1292–1301, pp. 133, 167, 312, 330, 331; *CCR*, 1288–1296, p. 427, 443; *CCR*, 1296–1302, p. 12.

stated reasons for these grants varied: the vacancy of the church after the death of its former parson; to show favour to a clerk who had greatly suffered from the attack on Jersey in 1295; but most in most cases presentations were said to be made simply because it was the king's right to do so owing to wartime confiscations of church properties.

It is tempting to conclude that the king's only motivations in installing royal clerks to these benefices were both to reward them for their service and in turn increase royal influence in the Islands. This is clear in the case of the church of St Peter Port, which is discussed below. Similarly, Robert de Comberwell, a clerk of the king and parson of the church of Tyberton, Herefordshire (or Tiverton, Devon), appears to have been sent specially to the Islands during the 1294 war, possibly acting as bailiff of Guernsey during Henry de Cobham and Nicholas de Cheny's wardenships, and given custody of the churches of St Ouen, St Brelade and St Andrew to maintain him in the king's service.⁹⁶ His kinsman, Nicholas, was also presented to the benefice of the church of Trinity.⁹⁷ Robert's position, however, was undermined when administration was returned to Otto de Grandison in c. 1297–8, and he had left the Islands by the time of the 1299 eyre.⁹⁸ The churches of St Helier and St Martin were granted to Geoffrey de Carteret and his brother Robert respectively, rather than royal clerks, further strengthening this family's influence in Jersey.⁹⁹ Generally though, there does not appear to have been any consistent royal policy to replace the clergy in the Islands with followers of the king, as is seen in the

⁹⁶ *CPR, 1292–1301*, pp. 222, 296, 330, though cf. p. 331, where he is described as a chaplain; SC 8/83/4148, SC 8/104/5152, trn S.J. *Ancient petitions*, pp. 36–8, 38–40. In 1299, Robert was indicted for allowing victuals to be taken over to the king's enemies in Normandy during wartime whilst he was bailiff of Guernsey: JUST 1/1157, m. 4 r., trn Le Patourel, 'Guernsey assize roll, 1299', p. 35.

⁹⁷ *CPR, 1292–1301*, p. 331. Robert's son, John, served in the garrison of the Gorey Castle and as Robert's attorney in the Islands 1298: *CPR, 1292–1301*, p. 367; and JUST 1/1158, m. 7 r., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 35–6.

⁹⁸ An intense dispute seems to have broken out around 1298 between Robert and Henry de Bonvillars, prior of Wenlock, whereby a ship and its cargo belonging to Robert was distrained by Henry on account of Robert's failure to render an account for his time as bailiff. It is difficult to make sense of the dispute but it was undoubtedly caused by the tensions that arose during the transfer of the administration from direct royal control back to Otto de Grandison's officials: SC 8/83/4148, SC 8/104/5152, trn S.J. *Ancient petitions*, pp. 36–8, 38–40; SC 8/265/13234; JUST 1/1158, mm. 1 r. and 2 d., trn Stevens (ed.), 'Jersey assize roll, 1299', pp. 1–3, 13.

⁹⁹ *CPR, 1292–1301*, pp. 133, 167. To say the de Carterets were wholly on the king's side would be mistaken for both Geoffrey and Robert were among those who violently rescued the dean of Jersey from prison at the time of the 1309 eyre: S.J. *Rolls of the assizes, 1309*, pp. 321, 323–4.

special favour shown by Edward III in 1342, where members of the Norman church were permitted by the king to retain their benefices.

Notwithstanding the war, the Norman church continued to assert its right of nomination for, although presentations to churches nominally still had to be confirmed by the bishop of Coutances, there was a concern that the king was gaining too much influence over ecclesiastical affairs in the Islands. In c. 1298, William de Spissa, clerk, petitioned the king complaining that he had not been able to accept the king's gift of the church of St Sampson as the bishop of Coutances had installed someone else to the benefice.¹⁰⁰ Contrary to the king's right, the abbot of Mont-St-Michel had installed his own appointee to the church of St Ouen.¹⁰¹ In one protracted dispute, Edward I attempted to reward Robert de Leysset, a senior royal clerk and chief justice at the 1299 eyre, with the benefice of the church of St Peter Port in October 1297, an effort that was opposed by the abbot of Marmoutier, who normally controlled this right, and the bishop of Coutances.¹⁰² This was not the first time the benefice of St Peter Port was challenged: in November 1281, Otto de Grandison's administration was reprimanded for unlawfully attempting to install William de St Remy as parson of the church.¹⁰³ During the 1299 eyre proceedings, the abbot of Marmoutier failed to reply to repeated summons to answer why he impeded the king's right of presentment at the church of St Peter Port. After the *prévôt* of Guernsey was appointed to represent him and a verdict was given by the jurors of the parish in the king's favour, the abbot was placed at the king's mercy for unlawful impediment.¹⁰⁴ The king eventually

¹⁰⁰ SC 8/72/3566, trn S.J. *Ancient petitions*, p. 40; CPR, 1292–1301, p. 331. Like Robert de Comberwell, William de Spissa also encountered difficulties with Otto's officials: CCR, 1296–1302, p. 418. See also similar complaints regarding the churches of St Clement, St Lawrence, and St Mary: SC 8/118/5874A, SC 8/118/5874B; SC 8/81/4016; SC 8/127/6316.

¹⁰¹ JUST 1/1158, m. 7 d., trn Stevens (ed.), 'Jersey assize roll, 1299', p. 41.

¹⁰² CPR, 1292–1301, pp. 312 (15 October 1297), 329 (20 December 1297). The bishop asserted that appointment to the benefice had devolved to him by lapse of time, suggesting the church had been vacant for some time whilst it was in the king's hand: CCR, 1296–1302, pp. 224, 394.

¹⁰³ CPR, 1281–1292, p. 2.

¹⁰⁴ Interestingly, the jurors stated that the advowson was also the king's right due to the vacancy of the abbey of Marmoutier from 10 September 1298: JUST 1/1157, m. 1 d., pr. Le Patourel, 'Guernsey assize roll, 1299', pp. 10–13. See also a similar case concerning the abbey of Blanchelande and its rights to the church of St Lawrence: JUST 1/1158, m. 11 r., pr. Stevens (ed.), 'Jersey assize roll, 1299', pp. 66–9. In a subsequent petition, the abbot of Blanchelande claimed that presentment was his right on account of the truce with the king of France: SC 8/264/13185.

relinquished the right to make an appointment and released possession of the church and all of its lands and issues to its rector, Robert Lyont, in February 1301, despite the fact peace had not been reached with the kingdom of France. This decision was made after Robert de Leysset, at the request of Margaret of France (1279–1318), queen of England (r. 1299–1307), renounced all rights to the property.¹⁰⁵ Margaret's involvement not only draws to our attention just how important a figure Robert was in the royal household, but also raises the question of whether there was any intention that he would be required to fulfil his pastoral duties as parson of the church.¹⁰⁶ In any event, appointments to benefices continued to be made by the king during periods of war with the kingdom of France, a matter which became more problematic for the Norman church on account of the longevity of these conflicts from the mid-fourteenth century.¹⁰⁷

The wartime confiscations paved the way for further encroachments on, and even outright challenges to, the possessions and rights of the Norman church. The local administration, especially under Otto de Grandison's lordship, now that it had enjoyed the revenues and rights of the church, was unwilling to relinquish its control over them.¹⁰⁸ This was illustrated in the opportunistic actions of Otto's officials in the *quo warranto* proceedings during the 1304 and 1309 eyres, as examined in Chapter V. Many of the claims against the church during these proceedings, including claims that the Norman clergy had altogether usurped the king's rights of advowson during Henry III's reign, were unsubstantiated.¹⁰⁹ Fortunately for the church, unlike many landholders, it carefully

¹⁰⁵ *CCR, 1296–1302*, p. 420; *CPR, 1292–1301*, p. 564.

¹⁰⁶ He was constable of Bordeaux in 1304: *CPR, 1301–1307*, p. 265. As an indication of his absence from the Islands, in April 1300, William Viventis, recently installed by the king as parson of the church of St Lawrence, was nominated as Robert de Leysset's attorney in the Islands: *CPR, 1292–1301*, p. 510.

¹⁰⁷ The benefice of the church of St Peter Port proved to be a recurrent source of dispute between the king and church in the fourteenth century: *CPR, 1350–1354*, pp. 135, 170, 534–5; *CPR, 1370–1374*, pp. 128, 182, 239–40; SC 8/218/10854 and SC 8/163/8149, trn S.J. *Ancient petitions*, pp. 79–81; and *CPR, 1381–1385*, p. 424; SC 8/222/11090.

¹⁰⁸ See a petition by the abbot of Blanchelande complaining that only some of his lands had been returned to him by local officials after peace with the kingdom of France in 1303: SC 8/288/14353, pr. and trn *PROME*, II, p. 639.

¹⁰⁹ On pleas *quo warranto* concerning advowsons, some of which were specific to this right: S.J. *Rolls of the assizes, 1309*, pp. 11–4, 41–2, 53–5, 61, 66, 86–7, 111–4, 195–6, 228–9, 229–231, 243–4. The right of advowson was among the most common causes of dispute between the king and the church in England: Helmholz, *The Oxford history of the laws of England*, I, pp. 477–490.

retained charters of the king and other records to evidence the legal provenance of their lands and rights, which they produced before the itinerant justices or the king when necessary.¹¹⁰

Seemingly endless litigation throughout Otto's lordship must have come at a significant cost to the Norman ecclesiastical establishments. A case in point was the intense and protracted legal dispute beginning as early as the 1274 inquiry between local officials and the abbey of Mont-St-Michel over the abbey's right to the priory of St Clement in Jersey.¹¹¹ At the 1305 Lent Parliament, the abbot petitioned the king for redress over a plea *quo warranto* at the 1304 eyre where the priory had been seized into the king's hand after the wrongful claims of the king's attorney that the priory, which the attorney said was a manor, had belonged to King John before being usurped by the abbot's predecessors.¹¹² The abbot was able to produce before the king and council in parliament a charter of Richard II, duke of Normandy (996–1026), and a confirmation of this charter by Henry II, that demonstrated the claim of the king's attorney to be false. In response, the king and council ordered an inquiry by the warden into the matter.¹¹³ This inquiry, conducted by Nicholas de Cheny, John de Ditton and John de Carteret did little to remedy the situation,

¹¹⁰ For example, in a challenge to the rights of the abbey of Mont-St-Michel in Guernsey at the 1309 eyre, the abbot was able to produce before the court a charter of Robert I, duke of Normandy (r. 1027–1035): S.J. *Rolls of the assizes, 1309*, pp. 44–5. Cf. S.J. *Cartulaire*, no. 114, pp. 182–4. Similarly, the abbot of Blanchelande produced a charter of John, whilst he was count of Mortain and lord of the Islands, to prove the abbey's right to the advowson of the church of St Lawrence: S.J. *Rolls of the assizes, 1309*, pp. 53–5. S.J. *Cartulaire*, no. 279, p. 356.

¹¹¹ S.J. *Extente, 1274*, pp. 24–5. The abbey's right to the priory of St Clement was challenged in a plea *quo warranto* at the 1299 eyre, but the plea was adjourned until the wartime confiscation of the abbey's possessions ended: JUST 1/1158, m. 11 d., pr. Stevens (ed.), 'Jersey assize roll, 1299', p. 69. The priory was valued by the king's officials at 90 *l. t.* in 1304, and 120 *l. t.* by the abbot in 1337: *PROME*, II, p. 353 and S.J. *Cartulaire*, no. 26, pp. 42–3; de Gruchy, *Medieval land tenures*, pp. 41–3. For some discussion of this legal dispute in the fourteenth century: Matthew, 'Le Mont St-Michel et l'Angleterre', in Laporte (ed.), *Millénaire monastique du Mont St-Michel*, pp. 694–6.

¹¹² *PROME*, II, pp. 351–4. The Jersey returns of the 1304 itinerant justices in Jersey have not survived but the record and process of the plea concerning the priory of St Clement was enrolled in the parliament roll entry: *ibid*, pp. 352–3. See also Havet, *Les cours royales*, pp. 202–5; S.J. *Cartulaire*, no. 51, pp. 81–5.

¹¹³ *PROME*, II, pp. 353–4; S.J. *Cartulaire*, no. 52, pp. 85–8. The charter of Duke Richard II survives in a *vidimus* of 1334 by Philip VI, king of France (r. 1328–1350). For this and the other charters the abbot refers to see S.J. *Cartulaire*, nos. 3, 14, 119, pp. 5–8, 25–6, 188–9. For Richard's Charter, see also: Round (ed.), *Calendar of documents preserved in France*, pp. 249–250.

and the abbey found it necessary to continue to petition the king.¹¹⁴ In the meantime, it seems that the local clergy took matters into their own hands. In the 1309 eyre rolls, after the clash between the deans of the Islands and the itinerant justices over ecclesiastical jurisdiction, it was recorded that in 1306 the dean of Jersey, the general proctor of the bishop of Coutances and other named men, violently entered the priory of St Clement and kidnapped Laurence de Sevenok, clerk of the king, and imprisoned him outside of the king's realm, presumably in an attempt to permanently evict him from the priory.¹¹⁵ Given the intensity of tensions at the 1309 eyre it is probable this incident occurred in some form, though again the shortage of further records beyond the eyre rolls leaves the story incomplete.

The restitution of the priory to the abbey of Mont-St-Michel was greatly obstructed by the maladministration of Otto de Grandison's officials, further confiscations of ecclesiastical possessions during the War of St-Sardos, and presumably the disruption caused by Edward II's fall from power in 1326.¹¹⁶ In 1320, the abbey secured a favourable ruling from William de Bourne's commission in the Islands, but execution of the judgement was halted along with all other judgements after it was decided that de Bourne and his colleagues had exceeded the terms of their commission.¹¹⁷ Part of the problem lay in the fact that the king's officials argued that the priory was in fact a manor belonging to the king, which created some confusion in the legal record with unfortunate consequences. At the 1323 eyre, in response to a petition by the abbot, the king issued a writ instructing the itinerant justices Henry de Spigurnel and his colleagues to investigate whether the abbey had right to the priory. The investigation found that the abbey held the manor of St Clement from time immemorial but had been wrongfully dispossessed of it by Henry de Guildford and his colleagues at the 1304 eyre. However, because the king's writ specified

¹¹⁴ S.J. *Cartulaire*, nos. 53–6, 59, 160, pp. 88–97, 100–101, 235–6; *CPR, 1313–1317*, p. 315.

¹¹⁵ S.J. *Rolls of the assizes, 1309*, pp. 322, 318. Laurence had been appointed to administer the priory for the king after its seizure in 1304: *PROME*, II, p. 353.

¹¹⁶ Hostility to Otto's administration is evident in c. 1313–4 when the abbot outright refused to participate in an inquiry ordered by the king to investigate the abbey's right to the priory because Otto's officials were responsible for conducting it: C 47/10/9/7.

¹¹⁷ JUST 1/1163, m. 13. r. S.J. *Cartulaire*, no. 67, pp. 113–4. See Chapter V.

them to restore the priory rather than manor of St Clement, the justices were unable to make a judgement and the case was adjourned *coram rege*.¹¹⁸

Whilst the abbey had the means to pursue its claim, prolonged litigation in England and the Island, spanning the reigns of three kings of England and successive abbots and their attorneys came at a significant cost.¹¹⁹ The abbey was finally restored to the priory during the wardenship of John de Roches (1328–1330), after it persuaded Edward III to refer the matter to the king's bench, which ruled in the abbey's favour in 1328.¹²⁰ Yet victory was but temporary for the abbot's right to the priory was challenged in a plea *quo warranto* at the 1331 eyre, which was adjourned *coram rege* and postponed before the court of the king's bench along with many other pleas *quo warranto* relating to the Islands.¹²¹

The ending of the general eyre and *quo warranto* proceedings in the Islands after 1331, removed the threat of a permanent seizure of church possessions by the king in this period. It is significant that the challenge to the properties and tenurial rights of the church, at its most intense during the 1304 and 1309 eyres, came primarily at the initiative of officials under Otto de Grandison's administration rather than the king. Indeed, in the case of the priory of St Clement, the actions of the king exemplified a genuine if haphazard effort by the overarching machinery of royal government to resolve an injustice against the abbot of Mont St Michel. An examination of the wartime confiscations and judicial challenges to the Norman church in the Islands, then, reinforces the view that there was no uniform royal policy towards the 'alien' religious.

The attitude of the Islanders in these disputes between the kings of England and the Norman church was mixed. The rulings of the jurors at the 1274 inquiry and at eyres at times indicated an entrenched animosity by the local population towards members of the Norman clergy, particularly concerning the immunity of the clergy from secular justice.

¹¹⁸ JUST 1/1164, m. 1. S.J. *Cartulaire*, nos. 61, 67, 68, pp. 102–4, 113–4, 117. SC 8/287/14304, pr. *Rot. parl.*, I, pp. 421–2, trn S.J. *Ancient petitions*, pp. 42–3.

¹¹⁹ In 1327, the abbot of Mont-St-Michel's prior of Otterton was relied upon to conduct the abbey's litigation in England: S.J. *Cartulaire*, nos. 62–6, pp. 104–113.

¹²⁰ KB 27/271, m. 114. *CCR, 1327–1330*, p. 270; SC 8/290/14456, trn S.J. *Ancient petitions*, pp. 43–4. Important records relating to the restoration: S.J. *Cartulaire*, nos. 62, 68, 69, 71, pp. 104–7, 123–4, 125, 127–8.

¹²¹ JUST 1/1167, m. 16 r; KB 27/286, mm. 189–190. S.J. *Cartulaire*, no. 70, pp. 126–7.

Islanders also clearly resented being summoned to ecclesiastical courts in Normandy, though the initiative for use of these courts often came from Islanders themselves. Overall, it is difficult to see the tensions between the local population and the church in the Islands as different from England or France in this period. Indeed, most local disputes between the Norman clergy and the Islanders were typically tenurial quarrels no different than those concerning lay landholders and their tenants.¹²²

The key point to be drawn is that, in contrast to England over the course of the fourteenth century, there was no sharp distinction between Islanders and the Norman clergy: they came from the same ethnic and cultural background and spoke the same language, a matter of particular importance to the ability of the clergy to fulfil their religious responsibilities to the community. Many of clergy were drawn from the members of the local elite, notably for example Geoffrey de Carteret, the dean of Jersey and special commissary of the bishop of Coutances in 1323 and 1331, and also a significant landholder in his own right as the seigneur of the fief de Melesches in Jersey in 1309.¹²³ Moreover, when it came to the matters that affected all Islanders, such as the maladministration of Otto's officials or the *quo warranto* proceedings, the secular and ecclesiastical elite came together to defend their laws and customs against royal encroachment, most strikingly seen in the '*confederatione et conspiratione*' of 1331.¹²⁴ Furthermore, the ability of the church to fund sustained legal challenges to the usurpation of its rights must have contributed to the eventual termination of the *quo warranto* proceedings in the Islands.

Thus, although the Norman clergy in the Islands politically were treated as 'alien' religious by the king, the evidence does not suggest that they were viewed as such by the Islanders themselves. Cultural differences, a significant factor in which the growing hostility in the English parliament to the French clergy in England which pressed the king

¹²² See for instance, an interesting tenurial dispute between the abbey of Mont-St-Michel and their tenants on the fief de Noirmont in the late thirteenth century: S.J. *Cartulaire*, nos. 73 and 74, 76–86, pp. 129–134, 135–152; de Gruchy, *Medieval land tenures*, pp. 44–7.

¹²³ JUST 1166, m. 11. r. Geoffrey was the younger brother of Philip de Carteret, seigneur of St Ouen: S.J. *Rolls of the assizes, 1309*, pp. 56, 58–61; *CPR, 1301–1307*, p. 483. A Geoffrey de Carteret also was prior of the Vale in 1359 and 1364–8: *CFR*, VII, p. 87; S.J. *Cartulaire*, nos. 109, 110, 138, pp. 175–6, 176–8, 212–5. A list of clergy involved in a judgement of the dean of the Jersey before 1331 many of whom are from prominent local families in that Island: JUST 1/1166, m. 11. r., pr. *Second report*, p. 309.

¹²⁴ See Chapter V.

to make harsher restrictions on the 'alien' religious, such as the expulsion orders of 1378, were not present in the Islands.¹²⁵ This state of affairs determined that, whilst the kings of England undoubtedly sought to expand their rights at the expense of the ecclesiastical establishments in the Islands, it was not in the king's best interest to attempt to remove the influence of the Norman church altogether. To have done so would have risked provoking opposition by the local population. Moreover, there were no rival English religious houses that the king could support to exert English influence and undermine the authority of the bishop of Coutances and Norman monasteries. Paradoxically then, recognition of the position of the Norman church was an important aspect in maintaining Plantagenet authority in the Islands.

The ability of the Norman clergy from 1331 to enjoy their properties and rights in the Islands without interruption was short-lived. As devastating naval raids on the Islands became more frequent in the later 1330s, to the ruination of the local economies, and with the renewal of wartime confiscations from 1337 that lasted until after the Treaty of Brétigny in 1360, the tenurial position of the Norman church in the Islands became increasingly untenable.¹²⁶ The general deterioration of the influence of the Norman church in the Islands is reflected in the relative absence of ecclesiastical records from 1337 to 1360, although the renewal of their role in the Islands until the outbreak of war again in 1369 shows that this decline was not terminal.¹²⁷ The experience of the previous wars and confiscations persuaded some religious establishments pre-emptively to dispose of their possessions in England and the Islands. In 1336, Pope Benedict XII (1334–1342) authorised the bishop of Avranches to sell any tithes, rents, lands or other chattels not exceeding the value of 110 *l. t.* in Jersey, Herm, and Sark, in view of the remoteness of the Islands and perils of the sea and any other reasons that prevented the bishop from enjoying

¹²⁵ The primary driving force behind demands for the expulsion of 'alien' religious in mid-1370s was the English commons in parliament rather than the king of England: Lambert and Ormrod, 'Friendly foreigners', pp. 14–8; McHardy, 'The alien priories and the expulsion of aliens from England in 1378', in *Studies in Church History*, 12 (1975), pp. 133–141.

¹²⁶ *CFR*, V, pp. 36–7, 366; *CPR, 1358–1361*, pp. 558–561; S.J. *Cartulaire*, nos. 191, 364, pp. 271, 463.

¹²⁷ E.g. S.J. *Cartulaire*, nos. 88, 90, 109, 113, 129, pp. 154–7, 159–160, 175–6, 181–2, 201–2.

full possession, and which, as it was put, often brought more labour and burden than benefit.¹²⁸ In September of the same year, the cathedral chapter of Coutances sold its manor and advowson of Winterbourne Strickland in Dorset.¹²⁹ This decision was hardly surprising. Already in 1337, the monks of Mont-St-Michel lamented the difficulties the impending war between the kingdoms of England and France posed to their properties in England and the Islands, and that even when peace was reached or the war subsided, the monks would be forced to expend great amounts of money to persuade the king of England to remove a host of legal obstacles preventing the restitution of their properties.¹³⁰ Indeed, in 1359, 1369, and 1378, for instance, the possessions of the abbot of Mont-St-Michel in Guernsey were restored by the king but at the price of an annual rent of £60 so long as the war should last.¹³¹

Wartime conditions clearly were being used to extort the 'alien' religious, and the longer the conflict, the more the Norman clergy's position in the Islands and England was diminished. Eventually, as an indication of the growing cultural divide between England and France, in 1414 many of the properties of the 'alien' religious in England were permanently seized and redistributed by the kings of England. However, the confiscations of 1414 were not carried out conclusively in England nor did they expressly extend to the Channel Islands.¹³² In fact, the fluctuation of English military fortunes in France had the potential to reverse the deterioration of Norman ecclesiastical influence in the Islands. Importantly, as Tim Thornton has highlighted, Henry V's conquest of the duchy of Normandy in 1419 created a situation in which the Norman church was once again able to maintain an active interest in the Islands for much of the fifteenth century.¹³³ From this it is evident that the end of the tenurial connections between the Norman church and the Islands

¹²⁸ S.J. *Cartulaire*, no. 339, p. 436–7.

¹²⁹ *CPR, 1334–1338*, p. 344.

¹³⁰ S.J. *Cartulaire*, no. 27, pp. 44–5.

¹³¹ In 1359, this excluded advowsons of churches: *CFR*, VII, p. 87; *CFR*, VIII, p. 18; *Foedera*, IV, p. 36; SC 8/48/2374A and 8/48/2374B, trn S.J. *Ancient petitions*, p. 82, which clearly show that Mont-St-Michel accepted this annual sum. See also a similar regrant of the priory of Bonne Nuit in 1375 to the abbey of St-Sauveur-Le-Vicomte for £4 per annum: *CFR*, VIII, p. 309.

¹³² M. Morgan, 'The suppression of the alien priories', *History*, 26 (1941), pp. 204–212; McHardy, 'The effects of war on the Church', in Jones and Vale (eds), *England & her neighbours*, p. 287; Ogier, 'The origins of Guernsey's parishes', pp. 335–6.

¹³³ Thornton, *The Channel Islands*, pp. 26–7, 30–31, 56–8.

was never an inexorable outcome nor wholly dependent on the progression of events in England.

A further complication to the position of the Norman church in the Islands was added with the papal schism from 1378 to 1417, a split which became a significant component to Anglo-French relations as the kings of England supported the Roman papacy whilst the kings of France recognised the authority of the Avignon papacy. The position of the Islands, under the authority of the king of England but also within the diocese of Coutances was obviously problematic. Thus, during the papacy of the Roman Pope Urban VI (1378–1389), the ecclesiastical administration of the Islands was transferred from the bishop of Coutances, notably not to an English diocese but to the Romanist bishop of Nantes until the Schism was ended, though in reality the situation in the Islands was far from straightforward.¹³⁴ This also affected appointments to benefices. In September 1396, the abbot of Mont St Michel regained control over the appointments to his priories in England and the Islands, formerly in the hands of clerks acting in the king's name, but only on condition that such appointments were adherents of the current pope in Rome, Boniface IX (1389–1404).¹³⁵ Importantly, after the end of the schism, the bishop of Coutances resumed exercising ecclesiastical jurisdiction in the Islands, which did not ultimately end until the advent of the Protestant Reformation in the sixteenth century, when ecclesiastical jurisdiction was transferred to the bishop of Winchester in 1568 by Elizabeth I (r. 1558–1603), and confirmed by an Order in Council in 1569.¹³⁶ Overall then, the complications caused by the position of the Norman church in the Islands is testament to the durability of the Islands' links to Normandy despite them being firmly within the political orbit of the kings of England.

¹³⁴ *Calendar of papal registers relating to Great Britain and Ireland, 1362–1404* (vol. 4, London, 1902), p. 539. SC 8/251/12548. For discussion, see Thornton, *The Channel Islands*, pp. 15–7, 24; and E. Perroy, *L'Angleterre et le grand schisme d'occident: étude sur la politique religieuse de l'Angleterre sous Richard II (1378–1399)* (Paris, 1933), pp. 105–110. A transfer of ecclesiastical jurisdiction also occurred in the Isle of Man, Berwick-upon-Tweed and Calais. In all three of these cases jurisdiction was placed in the hands of an English bishop: Ormrod, 'Man under the Montacutes, 1333–1392', in Duffy and Mytum (eds), *A new history of the Isle of Man*, III, p. 161; Tuck, 'a medieval tax haven', in Britnell and Hatcher (eds), *Progress and problems in medieval England*, p. 162; Le Patourel, 'L'occupation Anglaise de Calais au XIV^e Siècle', repr. *Feudal empires*, p. 240; Perroy, *L'Angleterre et le grand schisme d'occident*, p. 104.

¹³⁵ *CPR, 1391–1396*, p. 625.

¹³⁶ Ogier, *Gov. & law of Guernsey*, pp. 20–21; A. J. Eaglestone, *The Channel Islands under Tudor government, 1485–1642* (Cambridge, 1949), pp. 49–54.

Conclusion

In 1378, the minority council of Richard II issued a royal charter to the Channel Islands which confirmed the Islanders' ancient customs and privileges in acknowledgement for the 'great danger to their bodies as well as costs to their property they have borne for the safety of said Islands'.¹ Much like Edward III's 1341 charter to the Islands, the favour Richard showed to the Islanders was closely linked to wider events, in which the difficulties of a minority reign combined with catastrophic setbacks in the war with the kingdom of France, placed England under direct threat of invasion.² Once again the king was driven to focus on the importance of the Islands within the greater context of his territories and so acknowledge that they formed part of that larger whole.

If we return to the construct of 'empire' discussed at the beginning of this thesis, the composite monarchy of the Plantagenets was an intelligible and dynamic political structure, one with its own 'meaningful political and constitutional narrative' rather than being a remnant of its Angevin predecessor or simply a transitional phase of development.³ It was regarded as a single entity by its rulers but was organised into multiple political units, each with their own administrations, and distinct in culture and law, which this thesis has argued generally served to strengthen rather than weaken Plantagenet power.

What, then, can one draw from the experience of the Channel Islands in the Plantagenet realm in the thirteenth and fourteenth centuries? As a starting point, the very reason these Islands had a role at all in this political formation was, very simply, their location: close to, but separate, from France. They were strategically important to the kings of England for interlinked military and economic reasons, in particular their value as a staging post on the shipping lanes between north-west Brittany and the south coast of England. Their importance to the wider affairs of the realm necessitated closer integration with, or at least oversight and intermittent intervention by, the central institutions of the kingdom of England, but the reliance on the local elite to maintain royal authority there accorded the Islands a devolved administration that evoked their Angevin past as part of the duchy of

¹ Thornton (ed.), *Charters of Guernsey*, pp. 7–9.

² N. Saul, *Richard II* (New Haven and London, 1999), chs 2 and 3.

³ J. Watts, *The making of polities: Europe, 1300–1500* (Cambridge, 2009), qt. p. 1, see esp. pp. 23–34.

Normandy. Their Norman origins and their distance from England meant the Islands were bound to be something of a distinct political entity within the Plantagenet realm. Yet the parallels in their organisation with the dominions and other 'frontier' lands under Plantagenet control suggests that there was a considered and integral approach by the kings of England to the management of their possessions where direct royal authority was more limited, even if this approach was to treat them on an individual basis. This was a political structure that showed great recognition for the need to modify the modes of governance according to the constraints of royal power and the political realities in each constituent part of the realm.

The integrity of the Plantagenet realm was sustained by an overarching and unitary political structure, centred around the king and the central institutions of royal government in England. The political and constitutional basis of the relationship between the kings of England and their diverse possessions was reconfigured over the course of this period, most notably in the assertions that their outlying territories were inalienably attached to the English crown and, against the background of Anglo-French relations, that the king's continental lands were held in full sovereignty. These claims were buttressed by the evolution of a Plantagenet bureaucracy that brought with it a degree of institutional uniformity throughout the realm. It was visible, for instance, in the exercise of an appellate legal jurisdiction by the king of England, the greater fiscal accountability of devolved administrations to the English exchequer, and the effectiveness in allocating resources from one part of the realm to another. Alongside these institutional advances were a variety of formal and informal modes of communication, such as those stimulated by the diffusion of royal personnel. The wardenship of the Islands, for instance, was predominantly held by trusted officials of the king, most notably Henry III's household knights in the thirteenth century, the circulation of which constituted an important network of administrators that bolstered royal authority throughout the dominions by maintaining the link between the king and his more distant subjects. The same also applies to the socio-economic links created by trade between England and Gascony. The intimate role of the Islands in this trade and the attendant administrative organisation to regulate it, constituted another communicative and institutional network which further bound the realm together.

The development of this unitary structure was not geared towards achieving greater centralisation or political uniformity, for this would have been contradictory to the organisation and composition of the realm, as well as beyond the means of the medieval

English monarchy. Even the ambitious governmental reforms under Edward I were not applied indiscriminately across his realm, and showed consideration for the differences in rule between each dominion and recognition of how far royal authority could realistically be augmented. In the Islands, for instance, the introduction of the general eyre and *quo warranto* proceedings at the end of the thirteenth century did not represent a move towards integrating the Islands' judicial institutions and laws with those of the kingdom of England itself. A close study has shown that these commissions were instead an exercise of royal lordship and oversight, in many ways designed to ensure that the Islands' administration was maintaining the king's rights as well as fulfilling his obligations to his subjects. Such examples of authoritative royal intervention, whilst evidencing that the Islands were never too far removed from the centres of royal power, nonetheless acknowledged the importance of the devolved administration in exercising the king's authority, as the limitations of royal resources determined that it could only directly intervene occasionally and in a supervisory way.

As with elsewhere in the realm, direct royal engagement ebbed and flowed according to the imperatives of royal power. Priorities changed and so too did the shape of the administration in response. This was apparent in the Islands when, during peace with the kingdom of France, the king was content to use the Islands by way of patronage for what proved to be the extended usufruct of Otto de Grandison from 1277 to 1328. Otto's administration, characterised by exploitation and, in its later phase, outright neglect, was ultimately to the serious detriment of Plantagenet authority in the Islands. Nonetheless, it served the useful function of financially sustaining an indispensable follower of the king. Then in times of war, there followed an intense rebuilding of relations and investment, when direct royal focus was again brought to bear on the Islands in recognition of their strategic importance.

The net effect of the fluctuation of royal engagement with the Islands, whilst highly disruptive, eventually proved beneficial to the Islanders. When the Islands became of particular strategic importance to Plantagenet ambitions, the king found himself driven to reinforce the loyalty of the Islanders by confirming and extending their rights. The Islanders cherished these royal privileges and were shrewd in their efforts to preserve them, often by reminding the king of their loyalty in the face of a proximate enemy. Once a right was conceded it was greatly difficult to reverse, an issue which John de Roches perceptively observed when trying to persuade the king not to abandon the use of the old

valuation of the *livres tournois* in the Islands in the late 1320s. Additionally, the confirmation of these rights allowed the Islanders to continue to exercise the considerable agency they had in the development and distinctiveness of the Islands' administrative and judicial institutions, which had been accelerated by Otto's absenteeism and supine periods of royal intervention. This agency was most evident in the use of their own customary law and in the exercise of a distinct legal jurisdiction administered by the local judicial offices in the form of the bailiff, as a senior civil administrator, and the jurats, as local judges of fact and law, all of which together John Le Patourel considered to be the origins of the Islands' self-government.⁴ These events show that not all aspects of the Islands' institutions were the result of a considered approach by the king of England. Instead, they often came at the initiative of the local community, spearheaded by the Islands' elite, who saw it fit to adapt their judicial institutions and officials according to practical necessity as well as their own interests, although it is of significant relevance that they saw greater benefit to working within the administration of the king rather than seeking to develop their own civic organisation.⁵

The development of the Islands' institutions reflect the balance struck between the ultimate power of the king and his subjects. The king was the dominant and unequivocal power in the realm but was not entirely dominant. Royal authority was reliant on a continual 'dialogue' with the other political bases of power throughout the realm as well as considerations of the polities and communities outside of it. In the case of the Islands, these powers were primarily the Islands' elite and the Norman church and, to a lesser degree, commercial groupings such as the fishermen of Guernsey. These powers were all interconnected and could act in unison when royal activity was too exacting, seen in the circumstances of the 1331 eyre, or conversely, too neglectful, made manifest when Islanders reacted against the unscrupulous activities of certain officials to whom the stewardship of the Islands was entrusted.⁶ The risk of pushing the loyalties of the Islands' elite too far was made manifest during times of severity, such as in 1328 and when many

⁴ Le Patourel, *Admin. C.I.*, ch. 5; idem 'The origins of the Channel Islands legal system' (1962), repr. *Feudal empires*, ch. 2, pp. 198–210.

⁵ Idem, 'The early history of St Peter Port' (1935), repr. *Feudal empires*, ch. 1, pp. 171–208, pp. 191–3; idem, *Admin. C.I.*, pp. 104–5.

⁶ A term used by the French historian B. Guenée in his examination on state growth: Guenée, *States and rulers in later medieval Europe*, trn J. Vale (Oxford, 1985), see part 3; Watts, *The making of polities*, pp. 25–7.

of them fled to Normandy in 1343, which illustrate the ever-present possibility that the Islanders, guided by the elite, might seek an alternative source of political power to safeguard their rights. In light of this, the Islands were ultimately part of the realm because of the military might of the king of England, but the durability of Plantagenet rule there was undoubtedly due to the effectiveness of finding a pragmatic balance between the interests of the king and those of the community.⁷

This was achieved primarily because the Islanders were granted an advantageous status by the king, one that acknowledged the duality of their position on a 'frontier' and which underscored that rule over subject territories did not have to be based on coercion by the dominant partner. In one sense, some of the privileges the Islanders were accorded, such as favourable trading rights, enabled them to play an active, if small part, in the Plantagenet realm, further investing them in the preservation of the king's rule over the Islands. Simultaneously, the Islands' status allowed its inhabitants to belong to socio-cultural networks outside of the realm, seen in their enduring and deep-rooted connections with Normandy which influenced almost every aspect of Islands' life. Of course, there were numerous problems that arose as a result of these links and which showed the limitations to the flexibility of Plantagenet rule, such as the infrequent treatment of Islanders as foreigners in England, the complications of wartime restrictions, and the competing jurisdiction of the Norman church. However, such problems, and the novel solutions to them, emphasises that the Islanders' distinct position as subjects of the king of England but culturally and ethnically Norman 'acted both to bring together the Islands and their neighbours and to accentuate insular difference', and this juxtaposition was critical to their development as independent micro-communities in the English Channel.⁸

The place of the Channel Islands in the Plantagenet realm, then, serves to reinforce the view that the composite monarchy of the kings of England was an effective and diverse political entity, consciously structured around the political constraints of the thirteenth and fourteenth centuries. Whilst it was undoubtedly complex, it was not inherently fragile or contradictory, and cannot be seen as a collection of anomalous territories only loosely

⁷ 'Collaborative elites made Plantagenet rule viable even while rendering it intensely vulnerable': P. Crooks, 'Before Humpty Dumpty: the first English empire and the brittleness of bureaucracy, 1259–1453', in Crooks and T. H. Parsons (eds), *Empires and bureaucracy in world history: from late antiquity to the twentieth century* (Cambridge, 2016), pp. 250–287, qt. p. 287.

⁸ Thornton, *The Channel Islands*, qt. p. 152.

associated by a shared allegiance to the same ruler. The course and direction of its development was perforated by multifaceted and overlapping influences from within and without the realm, in which local and regional factors could be just as instrumental as the overarching directives of its monarchy, especially in how they counterbalanced one another to create a workable political structure. The Channel Islands exemplify that smaller political units can make a significant contribution to the integrity of the Plantagenet realm, and can offer a fruitful and reinvigorating insight into understanding political development and devolved governance. They should not be overlooked.

Appendix 1

A list of the wardens and sub-wardens of the Channel Islands, c. 1195–1354

The following is based on J. H. Le Patourel's valuable list of wardens and sub-wardens from 1199 until 1399 in *Admin. C.I.*, pp. 121–130, which includes footnotes for each entry. The following is intended to be illustrative and I have made only a few additions to Le Patourel's list, which are represented by an asterisk (*). It also remains useful to consult J. Havet's chronological list, and H. M. Godfray's notes and additions to Havet's list: 'Série chronologique des gardiens et seigneurs des Îles Normandes (1198–1461)', pp. 183–237, 581; Godfray, 'Notes et additions à 'La série chronologique des gardiens et seigneurs des Îles Normandes, 1198–1461', *ABSJ*, 1 (1885), pp. 30–48.

John, count of Mortain, subsequently king of England (r. 1199–1216), lord of the Islands (c. 1195–January 1200)

Peter de Préaux (January 1200–c. June 1204)

The exact tenure of the wardens appointed immediately after the loss of Normandy is difficult to discern due to the two conquests of the Islands by the kings of France. The office of warden was also in its early stages of development, and multiple wardens were appointed to the custody of each Island with no apparent hierarchy between them:

- **Geoffrey de Lucy**, warden of Guernsey and Alderney (before May 1206–August 1207)
- **Hasculf de Subligny**, warden of Jersey, (before May 1206–November 1212)
- **Philip d'Aubigny**, warden of Guernsey and Alderney (August 1207–June 1219); warden of Jersey (November 1212–June 1219); warden of Sark (December 1214–June 1219)

Philip d'Aubigny (the younger), warden of the Islands (June 1219–October 1224)

Geoffrey de Lucy, warden of the Islands (October 1224–May 1226)

Subordinate:

- **Hugh de St Philibert**, warden of Jersey (February–May 1226)

Richard de Grey, warden of the Islands (May 1226–May 1227)

William de St Jean, warden of the Islands (May 1227–November 1229)

Richard de Grey and **John de Grey**, joint-wardens of the Islands (November 1229–July 1230)

Henry de Trubleville, warden of the Islands (July 1230–c. September 1232)

Philip d'Aubigny, warden of the Islands (September 1232–May 1234)

Henry de Trubleville, warden of the Islands (May 1234–November 1234); lord of the Islands (November 1234–December 1239)

Sub-wardens:

- Nicholas de Molis (or Meules) (May 1234–c. January 1235)
- Gerard de Lambrusard, William de Dampere and William Blom (March, 1235)
- Drew de Barentin (c. April 1235)

William de Bueil, warden of the Islands (December 1239–July 1240?)

Drew de Barentin, warden of the Islands (July 1240–April 1252)

Richard de Grey, warden of the Islands (April 1252–February 1254)

Sub-warden:

- John de Grey (c. 1254)

The Lord Edward, subsequently king of England (r. 1272–1307), lord of the Islands (February 1254–January 1277)

Sub-wardens¹:

- Richard de Grey (c. February 1254–April 1256)*
- Payn de la More, (c. April 1256)
- Drew de Barentin, (c. 1258)
- William de Barentin, (c. 1267)
- Hugh de Trubleville (c. 1269–1270)
- Arnold son of John de Contis, (June 1271–March 1275), although upon Edward I's assumption as king he was effectively the warden of the Islands.

Arnold son of John de Contis, warden of the Islands (March–November, 1275)

Otto de Grandison, warden of the Islands (November 1275–January 1277); lord of the Islands (January 1277–June 1294)

Sub-wardens:

- Ralph de Broughton (November 1275–c. June 1276)
- Philip Burnell (c. 1276)
- Denis of Tilbury (c. 1278; 1290, 1292)
- Otto de Bonvillars (c. 1278)
- William de Saint Remy (c. 1278–1292)

¹ Sir Gilbert Talbot and Thomas Boulton are excluded from this figure: see Chapter V. Cf. Le Patourel, *Admin C.I.*, p. 123.

- Reginald of Ashwell (*c.* 1282–1288)
- William de Grandison and Henry de Bonvillars, prior of Wenlock (1294)

Henry de Cobham, warden of the Islands (June 1294–July 1297)

Sub-warden:

- Nicholas de Cheny (*c.* 1294–)*

Nicholas de Cheny, warden of the Islands (July 1297–April 1298)

Otto de Grandison, resumption of lordship of the Islands (April 1298–June 1328)

Sub-wardens:

- Henry de Bonvillars, prior of Wenlock (April, 1298–)
- Denis of Tilbury (November, 1299)
- John de Newent (*c.* 1302)
- John de Ditton (*c.* 1304, 1308, 1309, 1320–1323)*
- There are very few records relating to the following, making it difficult to determine their dates of tenure: William de Ousyngton, Robert de Haddy, Peter de Petitfe, Drew de Barentin, Peter and William de Baumes, all of whom acted on Otto's behalf in the Islands between *c.* 1302 and 1320.
- Gerard d'Oron (June 1320– *c.* July 1326)
- John de Clyvedon (*c.* 1324–1325)
- Ralph Basset of Drayton and John de Roches (July 1326–1327)
- John de Roches and Robert du Norton (March 1327–April 1328)

John de Roches, warden of the Islands (June 1328–August 1331)

Peter son of Bernard de Pynsole and Laurence de Gaillars, joint-wardens of the Islands (August 1330–August 1331)

William de Cheny, warden of the Islands (August–September 1331)

Thomas Wake of Lydell, warden of the Islands (September 1331–April 1333)

Sub-wardens:

- Walter de Weston (September 1331–)

Henry, Lord Ferrers, warden of the Islands (April 1333–March 1334)

Henry, Lord Ferrers, and William de Montacute, earl of Salisbury (1337–1344), joint-wardens of the Islands (March 1334–May 1337)

Sub-wardens:

- Walter de Weston (*c.* 1334–1335)

Thomas de Ferrers, warden of the Islands (May 1337–March 1341)

Sub-wardens:

- Walter de Weston (October 1338–November 1340)

Thomas de Hampton, warden of the Islands (March 1341–July 1343)

Sub-wardens:

- Henry de la More (*c.* 1342–1343)

Thomas de Ferrers, warden of the Islands (July 1343–April 1348)

Sub-wardens:

- Ralph de Hermesthorp (*c.* 1347)

Robert Wyvill and **Thomas de Clifford**, joint-wardens of the Islands (April–June 1348)

John Mautravers, warden of the Islands (June 1348–April 1354)

Sub-wardens:

- John Mautravers, his son (*c.* 1351)
- Ralph de Horsy (*c.* 1353)

Appendix 2

A select list of the rolls of the itinerant justices in eyre in the Channel Islands

The rolls of the itinerant justices in eyre in the Channel Islands from 1299 to 1331 are of great importance to the history of the Islands. These rolls, located in The National Archives, Kew, are remarkably complete. They are primarily organised into the miscellaneous series JUST 1, although a number of related records are in E 101/89 and C 47/10. A comprehensive list of these rolls and attendant records has been provided in Crook, *Records of the general eyre*, pp. 191–3, and cf. Le Patourel, *Admin. C.I.*, pp. 15–7, which also note the printed editions of these sources. The following is intended as a simplified list of the key rolls of the itinerant justices and where they are printed. I have chosen to include unpublished transcriptions and translations in this list that I have found particularly instructional when examining the rolls.

TNA reference(s)

Printed editions/unpublished material¹

1. The 1299–1300 eyre

JUST 1/1157 (Guernsey), JUST 1/1158 (Jersey)

JUST 1/1158, m. 5, extract of kalendar pr. Havet, *Les Cours Royales*, pp. 194–5.

JUST 1/1157 trn Le Patourel, ‘Guernsey assize roll, 1299’ (unpublished), which may be found in Guernsey Island Archives (AS/LC 03-07).

JUST 1/1158 trn Stevens, ‘Jersey assize roll, 1299’ (unpublished), available to consult in the Société Jersiaise Library.

¹ Printed unless otherwise stated.

2. The 1304 eyre

JUST 1/1159 (Guernsey and Alderney only)

m. 3, item 3, and m. 6, extract of kalendar pr. Havet, *Les Cours Royales*, pp. 123–4, 196–7 respectively.

The Jersey returns of this eyre are no longer extant with the exception of copies of a case relating to the priory of St Clement: *PROME*, II, pp. 351–4; Havet, *Les Cours Royales*, pp. 202–5; S.J. *Cartulaire*, no. 51, pp. 81–5.

3. The 1309 eyre

JUST 1/1160 (Guernsey and Jersey),
JUST 1/1161 (Guernsey, Sark, Jersey and Alderney) (badly damaged)

JUST 1/1160 and JUST 1/1161 pr. and trn S.J. *Rolls of the assizes, 1309*, pp. 2–94, 95–338.²

JUST 1/1160, mm. 2–12 pr. W. Illingworth (ed.), *Placita de quo warranto temporibus Edward I., II., and III.* (London, 1818) pp. 822–840.

4. The 1320 commission³

JUST 1/1163 (Guernsey, Jersey, Alderney)

m. 2 (badly faded) pr. *Second report*, pp. 296–8, but using a copy of it in JUST 1/1165, mm. 7 and 8.

m. 10 and 14 d. extracts pr. Havet, *Les Cours Royales*, pp. 214–7, 213–4.

mm. 1 and 14 d., pr. *JPB*, II (unpublished), pp. 119–124 (trn), 118–9, respectively.

5. The 1323 eyre

² Most of the marginalia in the 1309 eyre rolls was omitted from S.J. publication. Additionally, parts that were illegible in JUST 1/1161 at the time of publication have since been repaired: Le Patourel, *Admin. C.I.*, p. 16 n. 2; Crook, *Records of the general eyre*, p. 192.

³ This was effectively a commission of oyer and terminer rather than an eyre, but nonetheless is worth including in this list. See Chapter V.

JUST 1/1164 (Jersey), JUST 1/1165 (Guernsey) JUST 1/1165, mm. 7–8 and JUST 1/1164, m. 22. d. pr. *Second Report*, pp. 295–9, 299–300, respectively.

JUST 1/1165, m. 15 extract pr. Havet, *Les Cours Royales*, pp. 221–2.

JUST 1/1165, m. 2 (extracts of 2 d.) and 3 pr. Le Patourel, ‘D.Phil.’, app., pp. 15–33.

JUST 1/1164, m. 22 d. pr. and trn *JPB*, II (unpublished), pp. 128–130c.

6. The 1331 eyre

JUST 1/1166 and JUST 1/1167 (Guernsey and Jersey) JUST 1/1166 mm. 1, 2 and extracts of 3–9, 11 and 13 pr. *Second report*, pp. 301–310.⁴

JUST 1/1167, m. 8 d. pr. *Second report*, pp. 300–301.

JUST 1/1167, m. 19 d.; cf. a copy in S.J. *Cartulaire*, no. 21, pp. 33–4.

JUST 1/1166, mm. 11 r. and 14 r. extracts pr. Le Patourel, ‘D.Phil.’ (unpublished), app., pp. 107–111, 63–71.

JUST 1/1166, m. 1 articles of the eyre pr. *JPB*, II (unpublished), pp. 139–142.

⁴ Note that Crook, *Records of the general eyre*, p. 193, and Le Patourel, *Admin. C.I.*, p. 16, mistakenly state that *Second report*, pp. 301–310 prints extracts from JUST 1/1167.

Appendix 3

A list of the establishments of the Norman church with interests in the Channel Islands

The following table is based on a valuable list provided by W. B. Stevenson in ‘England and Normandy, 1204–1259’, I, pp. 258–9. The references provided below are intended to be illustrative rather than comprehensive. A blue highlight indicates that an establishment held lands in the relevant Island.

	<u>Jersey</u>	<u>Guernsey</u>	<u>Alderney</u>	<u>Sark</u>	<u>Herm</u>	<u>Jethou</u>	<u>Lihou</u>	<u>Ecréhou</u>	<u>Chausey</u>
1. Cathedrals									
Avranches									
Coutances									
2. Abbeys¹									
Bellosanne ²									
Blanchelande									
Cérisy-la-Forêt									

¹ The two abbeys that were not situated in Normandy are indicated by an asterisk (*).

² Stevenson, ‘England and Normandy, 1204–1259’, p. 259, lists that abbot of Bellosanne held interests in Guernsey citing *Gallia christiana in provincias ecclesiasticas distributa* (vol. 11; Paris, 1894), 334. However, the reference is obscure and is not supported by other records relating to the abbey’s possessions in the Islands.

A list of the establishments of the Norman church with interests in the Channel Islands

	<u>Jersey</u>	<u>Guernsey</u>	<u>Alderney</u>	<u>Sark</u>	<u>Herm</u>	<u>Jethou</u>	<u>Lihou</u>	<u>Ecréhou</u>	<u>Chausey</u>
Cormery*									
La Croix-St-Leufroi									
Holy Trinity, Caen									
Lessay									
Longues									
Marmoutier*									
Montebourg									
Montivilliers									
Mont-St-Michel									
Notre-Dame-du-Voeu ³									
St Marguerite de Vignatez									
St-Sauveur-le-Vicomte									
Val-Richer									

Select references in support of the above:

³ In Cherbourg.

A list of the establishments of the Norman church with interests in the Channel Islands

- Avranches: S.J. *Cartulaire*, nos. 337, 339, pp. 429–432, 436–7.
- Coutances: S.J. *Cartulaire*, nos. 312–5, 337, pp. 393–9, 430; S.J. *Rolls of assizes, 1309*, pp. 159.
- Bellosanne: S.J. *Cartulaire*, no. 327, pp. 417–9; S.J. *Rolls of the assizes, 1309*, pp. 234–8, 260.
- Blanchelande: S.J. *Cartulaire*, nos. 279–290, pp. 356–362.
- Cérisy-la-Forêt: S.J. *Cartulaire*, nos. 291, 296, pp. 374, 378.
- Cormery: S.J. *Cartulaire*, no. 331, pp. 422–3.
- La Croix-St-Leufroi: S.J. *Cartulaire*, no. 330, p. 422; S.J. *Rolls of the assizes, 1309*, p. 159; S.G. *Extentes of Guernsey*, p. 26.
- Holy Trinity, Caen: S.J. *Cartulaire*, nos. 319–323, pp. 410–414; S.J. *Rolls of the assizes, 1309*, pp. 159
- Lessay: S.J. *Cartulaire*, nos. 255–262, 267, 276, pp. 338–342, 345, 354.
- Longues: S.J. *Cartulaire*, nos. 310–311, pp. 392–3; S.J. *Rolls of the assizes, 1309*, p. 141.
- Marmoutier: S.J. *Cartulaire*, nos. 297, 300, 302–5, pp. 379–381, 383–4, 385–7.
- Montebourg: S.J. *Cartulaire*, nos. 306–9, pp. 388–391; S.J. *Rolls of the assizes, 1309*,
- Montivilliers: S.J. *Cartulaire*, no. 326, pp. 416–7.
- Mont-St-Michel: S.J. *Cartulaire*, nos. 10, 11, pp. 15–22.
- Notre-Dame-du-Voeu in Cherbourg: S.J. *Cartulaire*, nos. 229, 231–4, 237, 251–2, pp. 308–9, 310–318, 320–321, 334–6.
- St Marguerite de Vignatez: S.J. *Cartulaire*, no. 325, p. 416.
- St-Sauveur-le-Vicomte: nos. 167, 170, 174, 181, pp. 244–7, 249–250, 253–4, 260–263.
- Val-Richer: S.J. *Cartulaire*, no. 328, pp. 419–420; S.J. *Rolls of the assizes, 1309*, pp. 239–240.

Appendix 4

Indicative succession lists

The following is an indicative succession list of the de Carteret, de Cheny and de Barentin families in the Channel Islands and other members of the families named in the thesis. The information provided is only provisional rather than comprehensive, particularly as the source material relating to the genealogy of these families is limited and often contradictory.

1. The family of de Carteret

Philip de Carteret (*c.* 1130–*c.* 1178–9)

Reginald de Carteret († *c.* 1215)

Philip de Carteret, married *c.* 1212–5 to Margaret, the niece of Philip d'Aubigny

Reginald de Carteret († 1306–1309)

Philip de Carteret († before 1331)

His brothers John de Carteret, Master Geoffrey de Carteret and Robert de Carteret, clerk

Reginald de Carteret, possibly son of Philip

2. The family of de Cheny

William de Cheny († 1269), household knight, married to Felicia

Nicholas de Cheny († 1326), warden of the Islands (1297–1298)

His brother Master Philip de Cheny († before 1331)

William de Cheny († 1346), son of Nicholas, and warden of the Islands (August–
September 1331)

Edmund de Cheny, warden of the Islands (1358–1367)

His half-brother Nicholas de Cheny, sub-warden of William (1365), and half-sister

Alienor de Cheny, married to John de Gariz

3. The family of de Barentin

Drew de Barentin (†1265), household knight, married to Joan

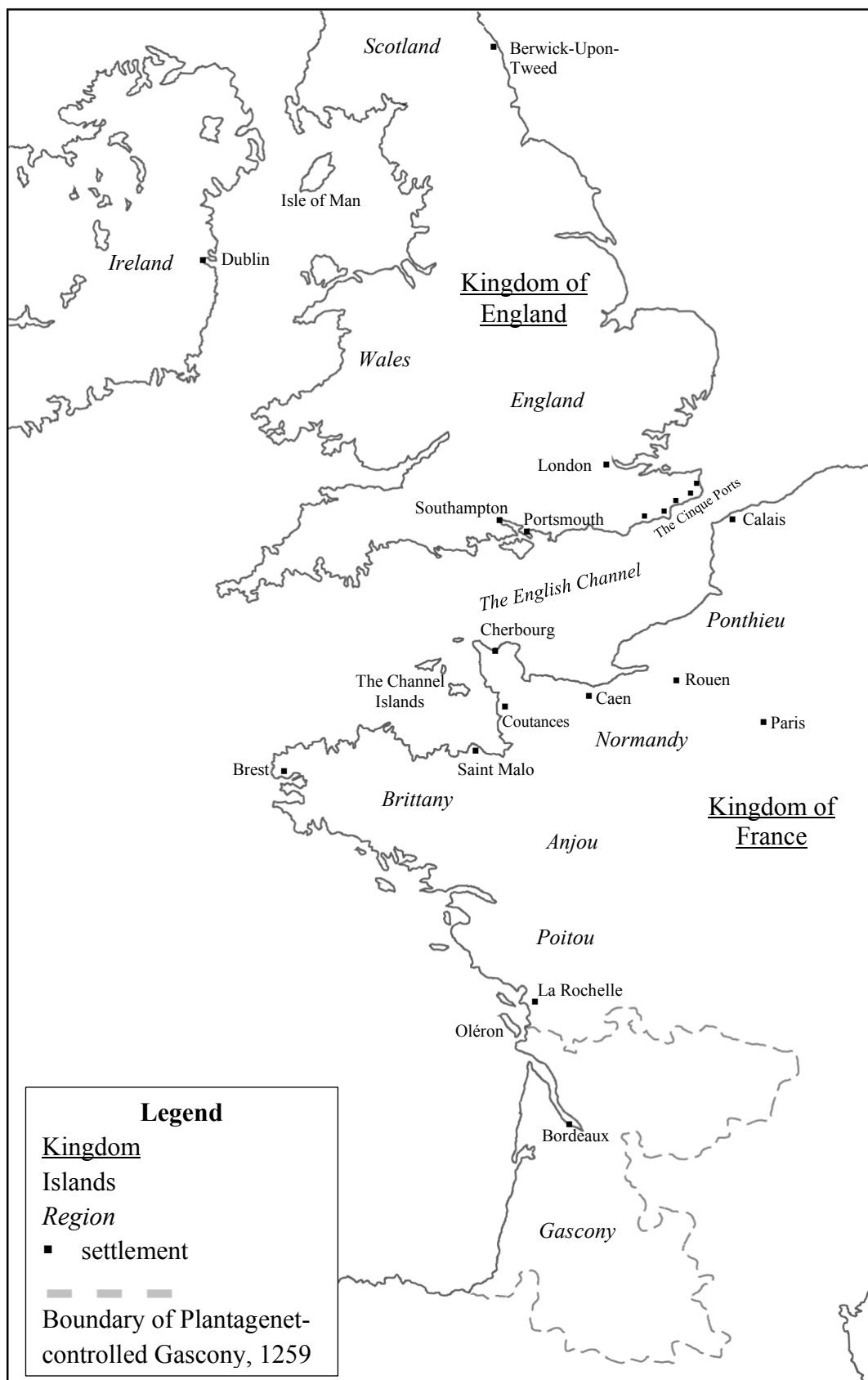
William de Barentin (*c.* 1230–*c.* †1290), sub-warden of the Lord Edward (*c.* 1267)

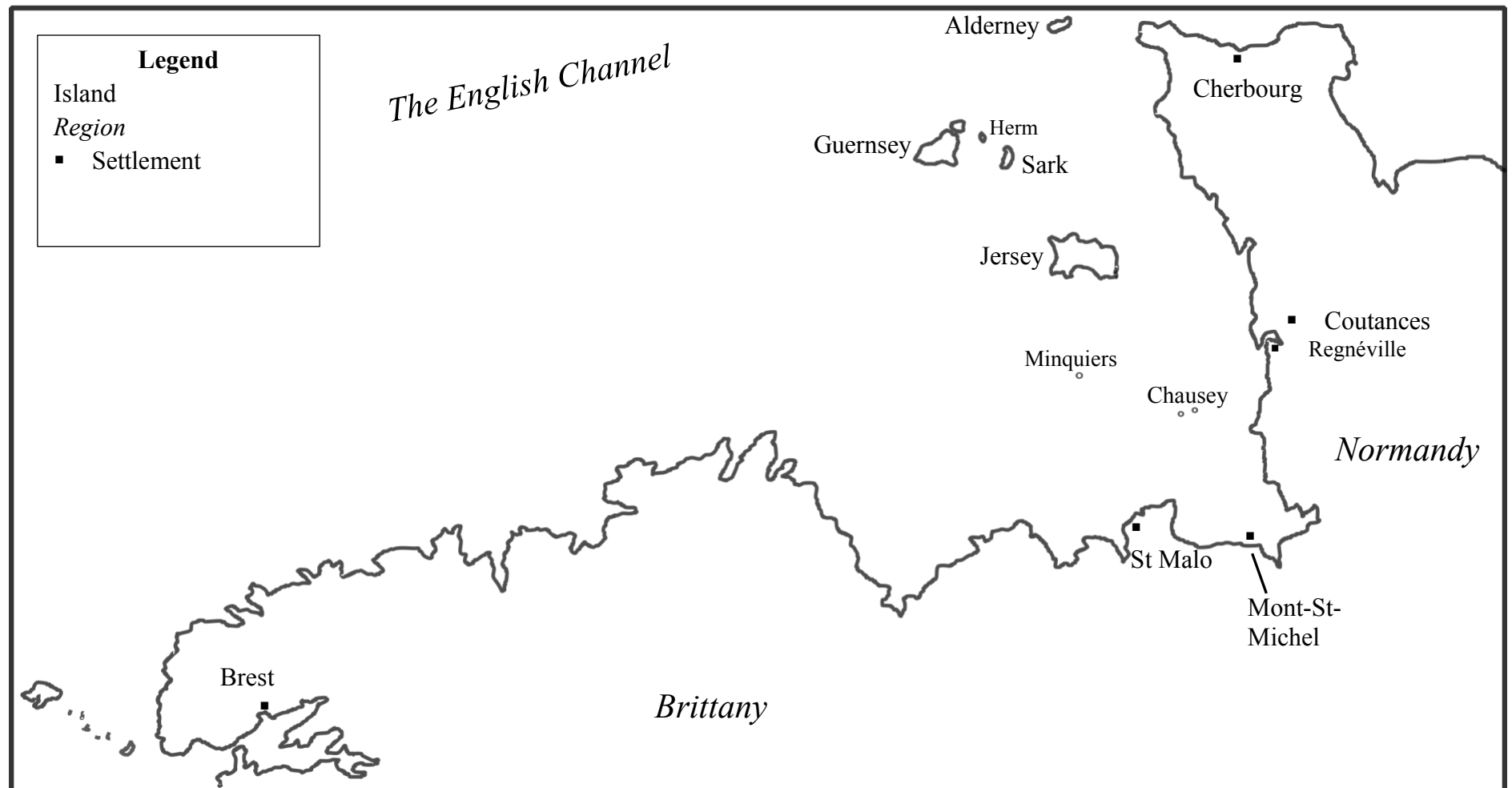
Drew de Barentin (*c.* 1265–*c.* †1329), sub-warden of Otto de Grandison (*c.* early
fourteenth century), married to Petronella¹

His brother John de Barentin, constable of Gorey castle (1337), married to Joan

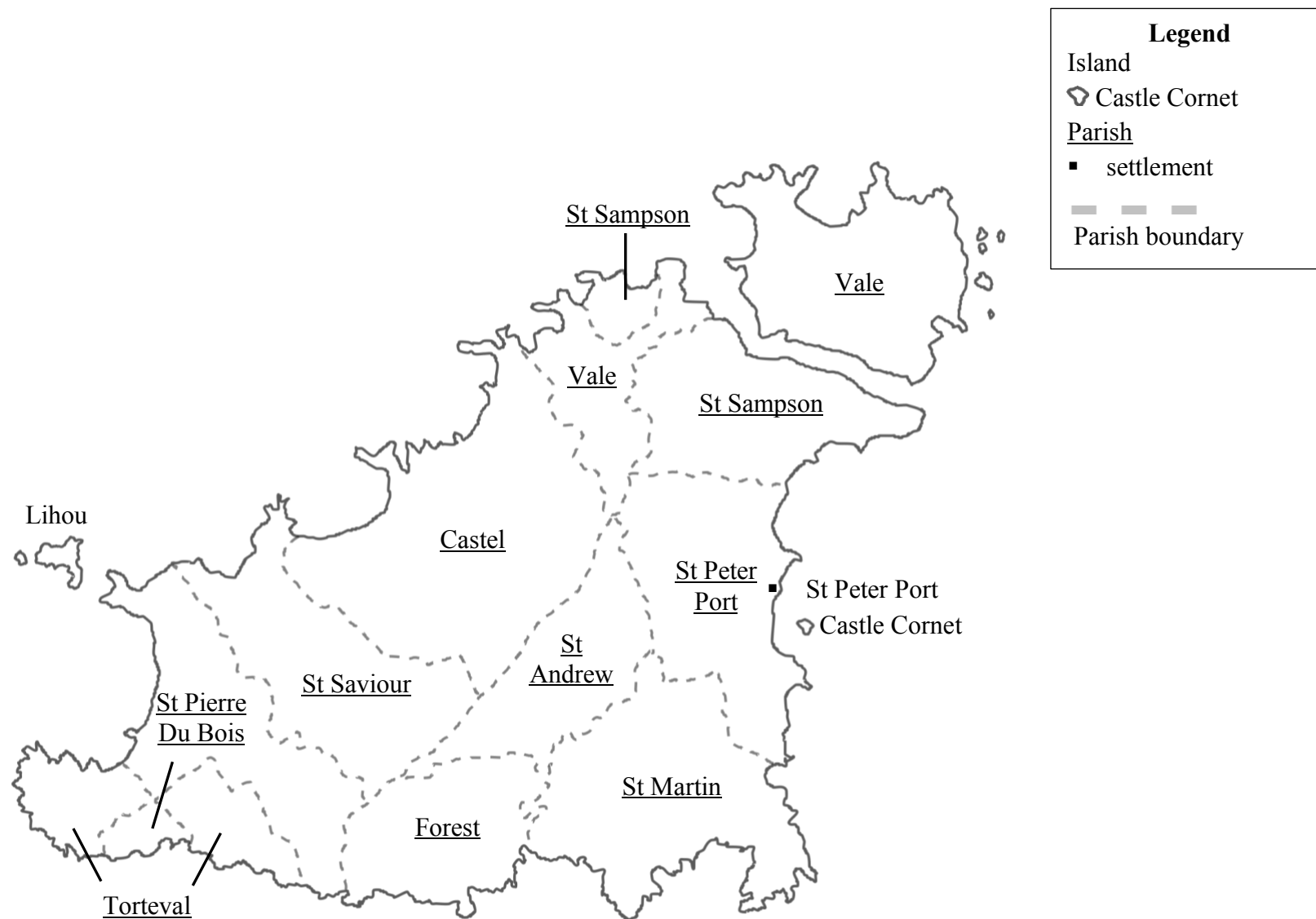
William de Barentin, son of John

Jordan de Barentin and Drew de Barentin, possibly brothers of William





Map 2: the Channel Islands, the Cotentin peninsula and Brittany





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Kew, The National Archives (UK)

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C 47	Chancery miscellanea
C 54	Close rolls
C 66	Patent rolls
C 145	Miscellaneous inquisitions

(ii) Exchequer

E 101	King's remembrancer: accounts various
E 372	Pipe rolls

(iii) JUST

JUST 1	Records of itinerant justices and other court records: rolls and files of justices in eyre, of assize, of oyer and terminer, and of the peace, etc.

(iv) KB

KB 27	Records of the court of the king's bench and other court records

(v) Special Collections

SC 1	Ancient correspondence of the chancery and the exchequer
SC 8	Ancient petitions

University of Leeds, Brotherton Library

(i) MS 822: 'John Le Patourel Archive'

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