‘The King’s Other Islands of the Sea’: The Channel Islands in the Plantagenet Realm, 1254–1341

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Abstract
This article examines the relationship between the Plantagenet kings of England and the Channel Islands from 1254–1341. Notwithstanding a rich volume of accessible record material to consult, the history of the Channel Islands has been omitted from studies of the Plantagenet kings of England and in comparative studies of their wider ‘dominions’ on account of the Islands complex political status and cultural differences. It is argued here that the Islands, rather than being dismissed as political anomalies, were viewed by the kings of England as an integral entity and make an important contribution to understanding the larger construct of the Plantagenet realm. The first half of this article explores the maintenance of Plantagenet control in the Islands following the loss of Normandy and the significance of their inclusion in Henry III’s 1254 appanage to his eldest son Edward. The second half of the article surveys the position of the Islands in the context of the Anglo-French relations between the Treaty of Paris and the Hundred Years’ War. Paradoxically, strategic location was the key reason for the rights and privileges granted to the Islands which went well beyond what otherwise insignificant territories could have reasonably achieved but was also the cause of its long-term militarisation and subjection to periodic attacks and counter attacks by the kingdom of France.

In 1328, in the midst of increasing hostilities between the kingdoms of England and France, the people of the island of Jersey petitioned Edward III to warn him of the impending threat of invasion from Normandy, a land so close to them that ‘our enemies in time of war … may twice
in a day cross the sea’.¹ This petition, in which the Islanders urgently requested the strengthening of the defences of the island, after decades of what they considered to be their neglect under the lordship of Otto de Grandison (1275–1328), encapsulated the precarious position of the Channel Islands. As small, isolated ‘English’ outposts off the coast of Normandy, they were under constant threat of attack and occupation by the forces of the king of France. The strategic importance of the Islands formed the kernel of the petition: that the Islands were the only refuge for shipping between England and Gascony and if they were seized the kings of France would be the ‘Lords of the Sea’.² Such concerns would have resonated with those responsible for English strategic planning where fear of French naval superiority in the English Channel, ‘the march between the two kingdoms’, and the necessity of maintaining maritime links between England and Gascony, including the profitable wine trade, were a constant focus in the period of Anglo-French hostility.³

Notwithstanding long-established and enduring ties to Normandy, the Islanders did not consider themselves part of the kingdom of France. The petition was an express recognition by the Islanders not only of their own important role in linking the kingdom of England to its more distant continental possessions, but that they were also an intimate part of a wider Plantagenet realm, an entity which has in more recent historiography been categorised as an ‘empire’.⁴ In fact, as the preceding century had demonstrated, the Channel Islands were just as much as part of this realm as the duchy of Aquitaine or the lordship of Ireland.

It is curious, then, that the Channel Islands have consistently been excluded from wider English scholarship, particularly that vein which examines the nature and extent of royal power and also comparative studies of the wider ‘dominions’ of the Plantagenet kings of England.⁵ Historians rarely mention the Islands and when they do the Islands are only accorded a passing reference with little in the way of analysis. It is only recently, for instance, that the experience of the Channel Islands in

¹ Jersey is 18 miles west of the Cotentin peninsula in Normandy, whereas the second-largest island Guernsey is 36 miles away. The distance between Jersey and Guernsey is 20 miles. The National Archives [hereafter TNA], SC 8/272/13589; translated into English in E. T. Nicolle (ed.), ‘Ancient Petitions of the Chancery and Exchequer’ Ayant trait aux Iles de la Manche conserves au ‘Public Record Office’ à Londres (St Helier, 1902), pp. 48–9.

² Ibid. For a similar petition by the people of Guernsey in 1328, which was probably written in close coordination with the Jersey petition: TNA SC 8/272/13590; Nicolle (ed.), Ancient Petitions, pp. 49–52.

³ P. Chaplais (ed.), English Medieval Diplomatic Practice (2 vols in 3 parts; London, 1975–82) [hereafter EMDP], I, I, no. 208, p. 370.

⁴ For discussion of the term ‘empire’ see: P. Crooks, ‘State of the union: perspectives on English imperialism in the Late Middle Ages’, Past & Present, 212 (2011), pp. 3–42; and Crooks, D. Green and W. M. Ormrod (eds), The Plantagenet Empire, 1259–1453: Proceedings of the 2014 Harlaxton Symposium (Donington, 2016).

⁵ ‘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’, History, 1 (1965), reprinted in Le Patourel, Feudal Empires: Norman and Plantagenet, ed. M. Jones (London, 1984), pp. 289–308, at p. 289.
the Hundred Years War has been considered in wider academic analysis. Why is this the case? An obvious answer may lie in the Islands’ small size and a concomitant lack of relevance to their wider environment, perhaps coupled with the incorrect assumption that there is a lack of historical records. Yet places of similar geopolitical importance in the medieval period, such as the Isle of Man, have in recent times received noteworthy historical attention. In part, the omission of the Islands is the result of history: as the 1328 petitioners implicitly acknowledged, 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’.

However, the Islands’ omission fundamentally 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 historical categorisations or narratives. 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. As a result, the Islands are often simply avoided as political anomalies, best placed out of sight and out of mind in wider historical discussions and viewed, in the words of John Le Patourel, himself a native of Guernsey, as ‘local history’.

Le Patourel urged the contrary: 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 wider political structures at work in the Middle Ages. He addressed this lacuna by placing the Channel Islands within his analysis of the territories of the kingdom of England, in which he stressed the need to view them

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6 See Jonathan Sumption’s multi-volume work the Hundred Years’ War (4 vols; London, 1990). For instance: Trial by Battle: Hundred Years’ War, I (London, 1990), pp. 168, 200, 226, 246–7, 260, 346–7, 363, 454, 459, 471. His interest may be partially explained by his appointment as a judge of the Courts of Appeal of the Bailiwicks of Jersey and Guernsey in 1995.

7 S. Duffy and H. Mytum (eds), A New History of the Isle of Man, III: The Medieval Period, 1000–1406 (Liverpool, 2015).

8 P. Bailhache, ‘Foreword’, in J. Everard and J. C. Holt, Jersey 1204: The Forging of an Island Community (London, 2004), pp. 7–8, at p. 7.

9 The crown dependencies of the Bailiwicks of Jersey and Guernsey are not legally part of United Kingdom but are self-governing dependent territories of the British (via the English) crown with their own legislative assemblies, legal and fiscal systems. The Isle of Man is also a crown dependency but has many differences in its relationship with the United Kingdom, further underscoring the anomalous title accorded to these territories. For discussion: D. Ogier, The Government and Law of Guernsey (St Peter Port, 2012), pp. 205–31.

10 This statement is not intended to undervalue the importance of local studies. J. H. Le Patourel, ‘Guernsey, Jersey and their environment in the Middle Ages’, RTSG, 19 (1974), in Feudal Empires, pp. 435–61, at p. 435.

11 Idem, ‘The Plantagenet dominions’, in Feudal Empires, p. 308.
collectively and highlighted the political continuity from the Angevin kings to the Plantagenets. A part of this integrated approach, advanced notably by R. R. Davies and Robin Frame in their comparative studies of the British Isles, importantly rests on the idea of integrating 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 excluded the king’s continental territories in their examinations. Though Le Patourel’s injunction to consider the Plantagenet’s territories collectively has been followed through to its apotheosis of examining the Plantagenets’ insular and continental lands as an ‘empire’, little has been done in the way of developing the history of the Channel Islands and incorporating them into that larger construct. There are a few important exceptions to this, not least of which a number of historians whom Le Patourel supervised at the University of Leeds and whose wider studies appropriately include the Channel Islands. Certain phases of the Islands’ medieval history have also received good historical attention, most notably the immediate impact of the loss of Normandy in 1204 on the Islands, work by Tim Thornton on the later medieval period and his important translations of the Islands’ royal charters.

However, overall, detailed studies of the Channel Islands are lacking and areas of its history, in particular a comprehensive narrative of its political development, remain totally neglected despite a rich volume of record material to consult, much of which has already been transcribed and printed.

It is therefore the aim of this article to seek to address the omission of the Channel Islands by examining the extent to which the Islands were part of the Plantagenet realm from 1254 to 1341. It will do so through a close analysis of the development of the Islands’ political and

12 See especially a collection of his articles reprinted in J. H. Le Patourel, Feudal Empires: Norman and Plantagenet, ed. M. Jones (London, 1984).
13 ‘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, at pp. 81–2). On this approach, see especially: R. Frame, The Political Development of the British Isles, 1100–1400, 2nd edn (Oxford, 1995); and R. R. Davies, The First English Empire: Power and Identities in the British Isles, 1093–1343 (Oxford, 2000).
14 Davis 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. Davies, ‘The medieval state: the tyranny of a concept?’ Journal of Historical and Sociology, 16 (2003), pp. 280–300, at pp. 292–5. Cf. 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, 1988), pp. 68–83, who highlights the problems caused by the general omission of the king’s continental territories in the comparative studies of Frame and Davies. Crooks, ‘State of the union’, pp. 3–9.
15 W. B. Stevenson, ‘England and Normandy, 1204–1259’ (Unpublished doctoral thesis; University of Leeds, 1974), pp. 238–319; J. R. Studd, ‘A catalogue of the acts of the Lord Edward, 1254–1272’ (Unpublished doctoral thesis; University of Leeds, 1971).
16 For the most recent discussion of 1204–1254 period: Everard and Holt, Jersey 1204. T. Thornton, The Channel Islands, 1370–1640: Between England and Normandy (Woodbridge, 2012); Thornton (ed.), The Charters of Guernsey (St Peter Port, 2004).
constitutional status with the kings of England and their significance in Anglo-French relations during this period. What may be seen is that the Islands were not merely political anomalies, but that their status was carefully considered by the kings of England and developed both in accordance with internal changes within the Plantagenet realm and in reaction to the changing state of relations between the kingdoms of England and France.

II

The origins of the Channel Islands’ status within the Plantagenet realm lay in their close integration with the duchy of Normandy prior to the Norman Conquest of England in 1066, and the Islands’ administrative organisation and effective inclusion into the ducal domain is in evidence from the early eleventh century. However, as is clear from studies of continental Normandy from the tenth to twelfth centuries, there are unfortunately limited contemporary records relating to the Islands until at least the late twelfth century: historians are reliant on a small number of charters, the fragmentary records of the Norman exchequer, and records of the Norman ecclesiastical establishments in the Islands. While this evidence is insufficient to form a complete picture of the Islands in the pre-1204 period, it is enough safely to conclude that by the close of the twelfth century, the Islands were effectively ‘part and parcel of the duchy’, and integrated into the Norman administration, ecclesiastically, economically and judicially. Yet, in contrast to the situation from the thirteenth century onwards, where the Islands were viewed as a valuable geostrategic possession by both the kingdoms of England and France, in this earlier period the Islands were relatively insignificant to the wider affairs of the Angevin kings of England.

16 The Islands, having previously been part of an enlarged Breton kingdom, were probably brought under the rule of the dukes of Normandy when William Longsword (r. 927–42) acquired the Cotentin in 933. Le Patourel, ‘Guersey, Jersey and their environment in the Middle Ages’, in Feudal Empires, pp. 439–43; idem, ‘The origins of the Channel Islands legal system’, Solicitor Quarterly, 1 (1962), in Feudal Empires, pp. 198–210, at pp. 198–9.

17 The earliest Norman document concerning the Islands is a charter of donation by Richard II, Duke of Normandy (996–1026) to the abbey of Mont-Saint-Michel and dates between 1025 and 1026. G. F. B. de Gruchy, R. R. Marrett and E. T. Nicolle (eds), Cartulaire des Iles Normandes (St. Helier, 1924), nos 3 and 114, pp. 5–8, 182–4. Norman exchequer records relating to the Islands, though limited in content, can be found in the publications of the Pipe Roll Society: e.g. V. Moss (ed.), Pipe Rolls of the Exchequer of Normandy: For the reign of Henry II. 1180 and 1184 (London, 2004), pp. 18–20.

18 T. W. M. De Guérin, ‘Notes on the early constitutional history of the Channel Islands’, Annual Bulletin de Société Jersiaise [hereafter ABSJ], 9 (1921), pp. 256–71, at p. 271. For an overview of the Channel Islands from the tenth to twelfth centuries: Everard and Holt, Jersey 1204, pp. 39–78; J. H. Le Patourel, ‘Guersey, Jersey and their environment in the Middle Ages’, in Feudal Empires, pp. 435–51.

19 There are some limited examples that indicate the Islands had a place in wider affairs, most notably Henry II’s interest in the development of the abbey of St Helier in Jersey, which may be gauged by his charters to the abbey: de Gruchy, Marrett and Nicolle (eds), Cartulaire des Iles Normandes, no. 252, p. 336, no. 236, p. 319, no. 237, pp. 320–1.

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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 the Islands and the realm as a whole. The origins of this dramatic event were the complex feudal relationship and growing tensions between the Angevin monarchs and the Capetian kings of France, which came to a climax when Philip Augustus (Philip II, r. 1180–1223), without obvious basis in precedent, seized upon a political opportunity to declare King John’s lands within the kingdom of France confiscate in 1202. This action, followed by intermittent military campaigns in Normandy and elsewhere, ultimately culminated in the near-total collapse of Angevin power in western France, notably after the loss of Poitou in 1224 and with the failure of Henry III’s 1242 military campaign, which constituted the last serious attempt to recover his lost continental possessions.

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. At this time the Islands had been 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. Peter was in command of the defence of Rouen and 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 Channel Islands, and, in any event, the Islands seem to have fallen under the control of the kings of France around this time.

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 of offensive operations, recaptured them on two occasions, in about 1205–6 and again in 1216–17, and invested

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20 This opportunity arose when Hugh Lusignan appealed to the court of Philip Augustus regarding John’s aggressions against the Lusignans in Poitou, namely John’s marriage to Isabella d’Angoulême in 1200, who had been engaged to Hugh, and the subsequent crushing of a Lusignan rebellion in response to 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, but refused to do so, and in response Philip declared John’s land forfeit. Maurice Powicke’s *The Loss of Normandy, 1189–1204: Studies in the History of the Angevin Empire*, 2nd edn (Manchester, 1961) remains one of the best narratives of these events. See esp. chs 6 and 9.

21 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. 245–72.

22 There is, unfortunately, a significant lack of documentary evidence on the Channel Islands during the years 1203–6. A good narrative of events can be found in: Everard and Holt, *Jersey 1204*, pp. 79–119; Stevenson, ‘England, France and the Channel Islands, 1204–1259’, *RTSG*, 19 (1975), pp. 569–76.

23 T. D. Hardy (ed.), *Rotuli Chartarum in Turri Londinensi Asservati, 1199–1216*, I (London, 1837), pp. 33, 71.

24 On the fall of Rouen: Powicke, *The Loss of Normandy*, pp. 261–3. 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 S. Church (ed.), *King John: New Interpretations* (Woodbridge, 1999), pp. 117–36, at 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. 82–4.
considerable resources towards their defence, notably in the construction of the formidable castles of Gorey Castle and Castle Cornet in Jersey and Guernsey, respectively.\textsuperscript{25} 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 stipulated that the Islands were to be returned to the kings of England, and the Islands fell back into their hands in the same year.\textsuperscript{26}

The ramifications of Philip Augustus's conquest of Normandy were neither immediate nor straightforward. Connections between England and Normandy persisted, and the impact of conquest was slow to take effect and by no means permanent. Indeed, it is sometimes overlooked that the Capetian monarchy faced a considerable task in cementing its authority in the duchy following its conquest. In the history of the Channel Islands, 1204 has been traditionally (and to some extent is presently) portrayed 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.\textsuperscript{27} The events of 1204 cast these relatively inconsequential parts of the duchy of Normandy into a strategically (both militarily and economically) and symbolically important territory. However, an undue emphasis on the impact of 1204 on the Channel Islands has the potential to understate the continued relationship between the Islands and Normandy, many of which proved to be long-enduring, and whose histories remained connected for some centuries to come.\textsuperscript{28}

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 the dukes of Normandy. It has been persuasively argued 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 local customary law and judicial institutions.\textsuperscript{29} For instance, in a writ

\textsuperscript{25} Everard and Holt, \textit{Jersey 1204}, pp. 82–91; Stevenson, ‘England, France and the Channel Islands, 1204–1259’, pp. 569–76.

\textsuperscript{26} 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, appears 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, though this was seemingly never imposed. T. Rymer (ed.), \textit{Foedera, Conventions, Literae et Cujuscunque Generic Acta Publica} [hereafter \textit{Foedera}], (3 vols in 6 parts; London, 1816–30), I, I, p. 148. On 22 Sept. 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. Hardy (ed.), \textit{Rotuli Litterarum Clausarum} [hereafter \textit{Rot. Litt. Claus.}], 1204–1224 (2 vols; London, 1833 and 1844), I, p. 323.

\textsuperscript{27} This is evident in the titles to Everard and Holt’s work, \textit{Jersey 1204: The Forging of an Island Community}, and in the commemorative volume: P. Bailhache (ed.), \textit{A Celebration of Autonomy}, 1204–2004: 800 years of Channel Islands’ Law (St Helier, 2005).

\textsuperscript{28} An exemplary work, which sought to highlight the long-enduring interlinked histories of the Islands and Normandy, is G. Dupont, \textit{Histoire du Cotentin et de ses Îles} (2 vols; Caen, 1870–8).

\textsuperscript{29} Stevenson, ‘England and Normandy’, ch. 4; Everard and Holt, \textit{Jersey 1204}, \textit{passim}. 

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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, and John. 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, though curiously such a claim was never visibly invoked.

The importance of trade and kinship links to Normandy for Channel Islanders was recognised and contact was thus permitted, no doubt another means of maintaining loyalties, although it was conducted in a regular and restricted way. In 1223, for instance, it was ordered by the king 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. In 1235, Philip de Carteret, lord of St Ouen, Jersey, 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’. Trade with Normandy was also permitted during times of truce, and new regulations were introduced to adapt to the circumstances, such as the imposition of customs on goods and ships that came from outside the realm of the kings of England, including mainland Normandy. The possessions of the Norman ecclesiastical establishments in the Islands were temporarily seized in parallel to the confiscations in England, but were shortly restored after the first reconquest of the Islands. 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, and this was reflected in the continued patronage the Norman ecclesiastical establishments received from the Islanders.

30 Rot. Litt. Claus., 1224–1227, II, p. 114. See also a writ in 1217–18, 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, I, p. 352; and CPR, 1216–1225, p. 290.
31 In fact, the first time such an argument was directly 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), p. 286; Ogier, The Government and Law of Guernsey, pp. 145–6.
32 Interestingly the order is silent on members of the clergy or other Islanders. Rot. Litt. Claus., 1204–1224, I, p. 534.
33 CPR, 1232–1247, p. 106.
34 H. de Sausmarez (ed.), The Extentes of Guernsey, 1248 and 1331, and Other Documents relating to Ancient Usages and Customs in that Island (St Peter Port, 1934), p. 28.
35 On the impact of the 1204 loss of Normandy on the Norman ecclesiastical establishments see: Power, ‘The Norman Church and the Angevin and Capetian kings’, Journal of Ecclesiastical History, 56 (2005), pp. 205–34; J. Peltzer, ‘The slow death of the Angevin empire’, Bulletin of the Institute © 2022 The Author(s). History published by The Historical Association and John Wiley & Sons Ltd
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, however, 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 confirm the effective continuation of the ducal administration and execution of justice in the Islands.\(^3\) This included, for instance, the institution of (or perhaps a confirmation of) twelve coronatores juratos (sworn coroners), experts on the laws of the Islands and entrusted as finders of fact, to watch over pleas and rights pertaining to the king.\(^3\) These ‘constitutions’, as part of an undue emphasis on the events of 1204, have been traditionally viewed as of great constitutional significance. However, they were essentially modifications to pre-existing institutions and liberties that originated in Norman customary law.

A further notable development was the emergence 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 constitutiones et provisiones, he was given the authority to initiate legal process and render judgement in the ducal courts of each Island on a variety of pleas without writ following a verdict of the coroners, a matter of great administrative practicality.\(^3\) During this period, the wardenship of the Islands was held primarily by Henry III’s household knights, or the curiales regis. Those

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\(^3\) Examples of continued patronage in the Islands: de Gruchy, Marrett, and Nicolle (eds), Cartulaire des Iles Normandes, no. 72, p. 129, no. 92, p. 161, no. 213, pp. 294–5, no. 227, p. 306, no. 281, p. 357.

\(^3\) No extant original of these ‘constitutions’ survive, but their substance is reflected in part of a return of a writ following an inquisition in 1248 conducted by the warden. The 1248 inquiry is catalogued as TNA PRO C145/2, no. 2.22, though it is in poor condition. Printed in: Calendar of Inquisitions Miscellaneous (Chancery), 1219–1307, I (London, 1916), pp. 15–18; translated into English in de Sausmarez (ed.), The Extentes of Guernsey, 1248, pp. 23–8. ‘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 Baillech (ed.), A Celebration of Autonomy, 1204–2004, pp. 121–4.

\(^3\) These coroners have long been identified with the office of Jurat in the Islands, whose holders were widely seen as ‘personifications of the Islands’ legal identity’ and exist to this day as lay judges of the Royal Courts of Jersey and Guernsey. Ogier, The Government and Law of Guernsey, pp. 110–19, 146; J. Havet, Les Cours Royales des Iles Normandes (Paris, 1878), pp. 49–51; J. H. Le Patourel, The Medieval Administration of the Channel Islands (London, 1937), pp. 90–2, 113–18; Everard and Holt, Jersey 1204, pp. 167–71. It is possible, though speculative, that the office existed prior to 1204, and that John simply adapted an older institution: Le Patourel, ‘The origins of the Channel Islands legal system’, in Feudal Empires, pp. 204–6.

\(^3\) The ‘constitutions’ constitutional significance has often been overstated partly due to their association to the so-called ‘Constitutions of King John’, a rather problematic document with an ‘apocryphal’ status, contained only 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), pp. 200–6. Havet, Les Cours Royales, pp. 3–8, 50–2. For recent discussion: A. Kelleher, ‘Petitions from the Channel Islands in the thirteenth and fourteenth centuries’, The Jersey and Guernsey Law Review, 25 (2021), pp. 31–61, at pp. 56–8.

\(^3\) Sausmarez (ed.), The Extentes of Guernsey, 1248 and 1331, pp. 27–8. Le Patourel, The Medieval Administration of the Channel Islands, pp. 42–3.
most active in the Islands, at least in length of term and frequency of their appointment, were Richard de Grey, Henry de Trubleville and Drew de Barentin, and it is notable that all three served as the seneschal of Gascony at various stages in their careers. As they were highly competent and versatile administrators, often acting as extensions of the king himself, their appointment to the Islands highlighted the underdeveloped state of the administration during Henry's reign, where an official with omnipotent powers and all-encompassing responsibilities that were not clearly delineated was viewed as the most effective way of managing politically unique and geographically distanced parts of the king's realm.

Yet, while the involvement of the king's household knights highlights the importance attached to the Islands, it also underlines that the wardenship was viewed as one position of many in the eyes of royal government.

Another significant change to the local political and economic landscape following 1204 was the composition of the seigneurial elite of the Islands. Members of the nobility with cross-Channel interests were forced to choose between allegiance to the kings of England or France. The majority of landholders in the Islands, many of whom were absentee and whose Norman lands were larger and more profitable, unsurprisingly chose to side with the king of France, and their lands in the Islands were subsequently confiscated. The impact of these confiscations in the Islands, known in England as the terræ Normannorum (the land of the Normans), a term not entirely apposite to the Channel Islands where the elite were primarily ethnically and culturally Norman, has been discussed in-depth elsewhere. For this discussion, it is notable that the majority of the confiscated lands remained in the king's hand, in some cases indefinitely, which ensured that that there was no one dominant lord in the Islands, other than the king himself. The remainder of confiscated lands and associated rights were cautiously handed to loyal members of the remaining local elite, such as the de Carteret family, or generously to Henry's household knights, most notably William de Cheny and Drew de Barentin, whose families were to have a lasting impact on the Islands in the thirteenth and fourteenth centuries. These men owed their position entirely to the kings of England, thus ensuring their loyalty and entwining their own interests with those of the king.

40 ‘Grey [Gray], Richard de (d. before 1272)’, R. C. Stacey, ODNB (2004); ‘Trubleville [Turberville], Sir Henry de (d. 1239)’, C. J. Tyerman, ODNB (2004); Le Patourel, The Medieval Administration of the Channel Islands, pp. 122–3; Havet, ‘Série chronologique des gardiens et seigneurs des îles Normandes (1198–1461)’, Bibliothèque de l’École des chartes, 37 (1876), pp. 183–237, at pp. 193, 194, 196–7, 198–9.
41 Confiscations made by the kings of England were initially only temporary but proved permanent following John and Henry III's failure to recover their continental possessions. Powicke, The Loss of Normandy, pp. 281–91; T. K. Moore, The Loss of Normandy and the invention of “Terriæ Normannorum” 1204, The English Historical Review, 125 (2010), pp. 1071–109, 1086–7; Carpenter, Henry III, pp. 245–72.
42 Stevenson, ‘England and Normandy’, ch. 4 and app. 5.
43 For discussion of the lands granted to them: Stevenson, ‘England and Normandy’, pp. 303–6, 310–13, 315–16, 487, 490, 496–7, 510–51. Unlike Drew, William was not actively involved in the Islands' administration. A significant body of records relating to the de Cheny family may be found in de Gruchy, Marrett and Nicolle (eds), Cartulaire des îles Normandes, pp. 438–59.

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In the half-century after 1204, then, the Channel Islands had been preserved within the Plantagenet sphere of control. Yet by the mid-thirteenth century, the reality dawned on the kings of England that mainland Normandy was indefinitely out of their hands. The constitutional status of their remaining continental territories had become increasingly 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 for the kings of England as staging posts to Gascony made maintaining royal authority there all the more essential. It was clearly considered necessary to reconfigure the constitutional relationship between the kings of England and their continental possessions. This may be seen in the decision of Henry III in 1254 to include the Islands as part of an extensive appanage granted to his eldest son Edward, along with Ireland, Chester, 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.

The 1254 grant was ‘the most extensive ever granted by an English king for the maintenance of a member of his family’. 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. An administration separate from the royal household was created for the management of Edward’s possessions and affairs, and the administration of the Islands was directly incorporated into this. Writs to officials in the Islands now 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. Nonetheless, it appears that Edward’s administration in the Islands remained under close

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44 Foedera, I, I, p. 297; CPR, 1247–58, pp. 270–1, 272. The 1249 grant of Gascony and Oléron was renewed in 1252, with the added condition that Edward was forbidden to alienate anything and that the allegiance of the men of Gascony was reserved to the king. Calendar of Charter Rolls, I, pp. 345, 389.

45 Studd, ‘The Lord Edward and King Henry III’, Bulletin of the Institute of Historical Research, 50 (1977), pp. 4–19, at p. 4.

46 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, 578–83, 589–90; Studd, ‘The Lord Edward and King Henry III’, p. 6.

47 For Channel Islands’ records from Edward’s chancery: Studd, ‘A catalogue of the acts of the Lord Edward’, passion; Le Patourel, The Medieval Administration of the Channel Islands, p. 39 n. 6.

48 There are no close rolls references. The few references in the patent rolls primarily concern pardons, letters of protection and notifications to the Islanders of various matters, such as the collection of the tenth granted to the Papaïn in aid of the Holy Land. For example: CPR, 1247–1258, pp. 456, 469, 471, 507, 566.
royal oversight during the early years of his lordship, especially in terms of the appointment of officials, which required royal sanction.\(^\text{49}\)

Parental oversight aside, the grant was designed as a powerful statement of royal authority, which sought to underscore the ‘perceived unity’ of the king’s dominions.\(^\text{50}\) In the grant, it was asserted that:

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.\(^\text{51}\)

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’.\(^\text{52}\) 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.\(^\text{53}\) 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.\(^\text{54}\)

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 were 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.\(^\text{55}\) These

\(^{49}\) 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. Studd, ‘The Lord Edward and King Henry III’, esp. pp. 4–9. Cf. M. Prestwich, Edward I (London, 1997), pp. 10–13; and H. A. Wait, ‘The household and resources of the Lord Edward, 1239–1272’ (Unpublished doctoral thesis; University of Oxford, 1988), pp. 170–95, 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.

\(^{50}\) Ruddick, ‘Gascony and the limits of medieval British Isles history’, in Smith (ed.), Ireland and the English World, pp. 70–5, at p. 70.

\(^{51}\) ‘& quod nullus, ratione istius donationis eidem Edwardo factœ, aliquid juris vel clamœ aliquot tempore sibi vendicare possit in terries & castris prædictis: set integer remancant regibus Angliae in perpetuum’. Foedera, I, I, p. 297; translated into English in Le Patourel, ‘The Plantagenet dominions’, in Feudal Empires, pp. 301–2.

\(^{52}\) Le Patourel, ‘The Plantagenet dominions’, in Feudal Empires, p. 302.

\(^{53}\) 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 it is almost certain that this was 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 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.

\(^{54}\) Le Patourel, ‘The Plantagenet dominions’, in Feudal Empires, pp. 301–2. See also: J. R. 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 Crooks, Green and Ormrod (eds), The Plantagenet Empire, pp. 384–402.

\(^{55}\) 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,

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conditions were of 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.  

The 1254 grant was all the more significant given that many of the lands granted to Edward were ‘the most troublesome of his dominions’. 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 (unsurprisingly, the kings were never present in the Islands) as the centre of Plantagenet authority shifted to England, with London and Westminster increasingly 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’. Henry’s intention 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. In the case of the Channel Islands, it draws an important parallel with Richard 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 collectively bound them to the crown and showed to the communities of these territories that they were viewed as integral parts of the Plantagenet realm and not as 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 terra Normannorum in England. The lands in Wales he received in 1254 comprised the lands ceded to the crown 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. 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.

English power in Ireland was at its greatest extent and, in the years 1239–51, a number of extensive Irish estates had reverted to crown hands by escheat, providing Henry with a much-needed source for exercising royal patronage. In the king’s continental territories, the 1254 grant did much towards denying 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

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60 Exactly when John was granted the Islands is unknown as the original grant is not extant. It is likely the lordship was granted to John between 1195 and 1198 as there is no mention of John’s lordship in a Norman exchequer account relating to Guernsey in 1195, and in February 1198 John issued a charter of donation to the abbey of Blanchelande of the church of St. Lawrence in Jersey. Everard and Holt, Jersey 1204, pp. 74–5; Havet, ‘Série chronologique des gardiens et seigneurs des îles Normandes (1198–1461)’, Bibliothèque de l’École des chartes, 37 (1876), pp. 183–237, at p. 187; de Gruchy, Marrett and Nicolle (eds), Cartulaire des Îles Normandes, no. 279, p. 356.

61 Studd, ‘A catalogue of the acts of the Lord Edward’, pp. 27–30; Powicke, The Loss of Normandy, p. 338.

62 Carpenter, Henry III, pp. 233–5, 433–44. Studd, ‘The Lord Edward’s Lordship of Chester, 1254–72’, Transactions of the Historic Society of Lancashire and Cheshire, 128 (1979), pp. 1–25.

63 M. Brown, Disunited Kingdoms: Peoples and Politics in the British Isles, 1280–1460 (Harlow, 2013), pp. 1–27; Davies, The First English Empire, pp. 18–30. Edward I’s activity draws certain parallels with Richard II’s (r. 1377–99) 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. 270–92; 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. 256–79.

64 However, despite these opportunities in Ireland, 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, English political instability and resistance by the native polity. R. Frame, ‘King Henry III and Ireland: the shaping of a peripheral lordship’, in Ireland and Britain, 1170–1450 (London, 1998), pp. 31–58, esp. pp. 46–58.

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royal authority and resolve the persistent instability of the region. In some ways, Henry III’s grant to the Lord Edward laid the foundations for Edward I’s later expansionist ambitions 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 kings 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. The effect of the 1254 grant could be viewed as an ‘annexation’ by which the kings of England became the Islands’ legitimate rulers. There was a basis to view the recapturing of the Islands in 1205–6 and again in 1216–17 as a conquest by the kings of England, which may have enabled them to treat the Islands as a conquered rather than 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. In fact, to have done so would have challenged John’s and Henry III’s own earlier confirmations to the Islands of the preservation of their laws and customs. The position of the Islands as distinct from the kingdom of England is underscored in the existence of the title dominus insularum (the lord of the isles), 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.

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 when political uniformity of

65 Henry’s grant to Edward in 1254 was granted during this expedition whilst Henry was in Bazas, south-east of Bordeaux, under the small seal carried with the King. Carpenter, Henry III, pp. 568–98; Studd, ‘The Lord Edward and King Henry III’, p. 4; Prestwich, Edward I, pp. 11–15.
66 Le Patourel, ‘Guernsey, Jersey and their environment in the Middle Ages’, in Feudal Empires, p. 454; idem, ‘Jersey’s political status during the Middle Ages’, The Jersey Society in London (1961), pp. 4–10, 8–10; Ogier, The Government and Law of Guernsey, pp. 206–7.
67 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 it was claimed by the king’s attorney that King John had reconquered the Islands on two occasions. TNA JUST 1/1160, 1/1161, 1/1170, printed and translated into English in E. M. Walford (ed.), Rolls of Assizes held in the Channel Islands in the Second Year of the Reign of King Edward II, A. D. 1309 (St Helier, 1903), pp. 11–12, 231–3.
68 In the thirteenth and fourteenth centuries, there were five lords of the Islands: John, Count of Mortain (c.1195–Jan. 1200), subsequently king of England (r. 1199–1216); Peter de Préaux (Jan. 1200–June 1204); Henry de Trubleville (Nov. 1234–Dec. 1239); the Lord Edward (Feb. 1254–Jan. 1277), subsequently king of England (r. 1272–1307); and Otto de Grandison (Jan. 1277–June 1294, April 1298–April 1328). Le Patourel, The Medieval Administration of the Channel Islands, pp. 121–6. The first distinguishable use of this title was by Henry de Trubleville, though his predecessors clearly held what amounted to a lordship of the Islands. de Gruchy, Marrett and Nicolle (eds), Cartulaire des Iles Normandes, no. 97, p. 165, and no. 112, pp. 180–1.
these dominions was not viewed as necessary let alone as essential. 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’ liberties and customs and constitutes ‘the true origins of the Channel Islands’ constitutional status as crown dependencies’. 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.

III

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. Peace and the resolution of the enduring problems caused by the breakdown in relations since 1202 was much desired by both sides for a variety of political factors, and was facilitated by the personal and familial relationship between Louis and Henry. In the immediate sense, the agreed interpretation by historians was 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 had left the king in a seriously weakened position. 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. In return, Henry was...
to be made ‘a peer of France’ and his renunciations and 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.\footnote{Annales du Midi, 69 (1957), repr. In Chaplais (ed.), Essays in Medieval Diplomacy and Administration (London, 1981), pp. 5–38.} This collection of lands and rights had the potential to be a very profitable source of income for the kings of England, though 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.\footnote{Foedera, I, I, pp. 383–4, Articles I, IV.}

The Treaty of Paris had significant long-term consequences in Anglo-French relations. It has often been identified in the historiography as a 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.\footnote{Le Patourel, ‘The origins of the Hundred Years’ War’, in Feudal Empires, pp. 28–50, at 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.} 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.\footnote{C. Allmand, The Hundred Years’ War: England and France at War c. 1300–c.1450 (Cambridge, 1988), p. 8. For discussion: Vale, The Angevin Legacy, pp. 49–63; idem, ‘England and France and the origins of the Hundred Years’ War’, in M. Jones and M. Vale (eds), England and her Neighbours, 1066–1433 (London, 1989), pp. 199–216; J. H. Le Patourel, ‘The origins of the Hundred Years’ War’, in K. Fowler (ed.), The Hundred Years’ War (London, 1971), reprinted in Feudal Empires, pp. 28–50; Cuttino, ‘Historical revision’, pp. 463–77.}

Nonetheless, the overarching problem of the Treaty of Paris was that it created an unequal relationship between the kings of England and the kings of France. Despite the fact that Henry held a royal title of equal status to Louis, the terms of the treaty clearly placed the king of England in a subordinate position in relation to the relevant territories to the king of France, who acknowledged no superior. 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 enemies 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

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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’.  

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, that is they acknowledged no feudal superior for possession of it. 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 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. The king of France, especially from the late thirteenth century onwards, was increasingly eager to accept Gascon cases as it reinforced 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 ducal government. 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.

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’. Though these lands had been out of Plantagenet hands for some time, the treaty provided legality to Philip Augustus’s confiscation of King John’s lands in 1202, which had been decreed on dubious grounds, and greatly reduced any future opportunities for Plantagenet ambitions.

78 Vale, The Angevin Legacy, p. 51; Le Patourel ‘The origins of the Hundred Years’ War’, in Feudal Empires, pp. 30–2.
79 P. Chaplais, ‘Le duché-pairie de Guyenne’, in Essays in Medieval Diplomacy and Administration, pp. 5–38; Vale, The Angevin Legacy, pp. 57–63.
80 Vale, The Angevin Legacy, pp. 49, 67–8.
81 P. Chaplais, ‘English arguments concerning the feudal status of Aquitaine in the fourteenth century’, Bulletin of the Institute of Historical Research, 21 (1948), pp. 203–13, at pp. 203–5; Vale, ‘England and France and the origins of the Hundred Years War’, in Jones and Vale (eds), England and 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.
82 Vale, The Angevin Legacy, ch. 8; Le Patourel, ‘Origins of the Hundred Years’ War’, in Feudal Empires, pp. 37–46; Cuttino, ‘Historical revision’, p. 472.
83 Le Patourel, ‘The Plantagenet dominions’, in Feudal Empires, pp. 299–300.

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in these regions. 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. Henry’s renunciation of the title of Duke of Normandy ended any lingering constitutional link the Channel Islands had with Normandy. However, on one interpretation the Channel Islands were now acknowledged as falling within the kingdom of France. 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’. 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 though. 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 unaware 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 an integral part of the English crown. As a result, it is possible that there may have been reservations on the English side to 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 part of the duchy of Aquitaine 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 ‘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’.

84 Ormrod, ‘England and Normandy and the beginnings of the Hundred Years’ War’, in D. Bates and A. Curry (eds), England and Normandy in the Middle Ages (London, 1994), pp. 197–215, at p. 198; Vale, The Angevin Legacy, pp. 53–4.
85 Chaplais, ‘The making of the Treaty of Paris’, pp. 248–51.
86 ‘Et de ce, que li Rois de France donnra al Roi de Angleterre, ou a ses heires, en fiez, ou en demaines, li Rois de Angleterre, & si heirs feront hommage lige au Roi de France, & a ses heires Rois de France … des Iles, s’aucune en ia que li Rois de Angleterre tiegne, qui soient de roiaume de France, & tendra de lui com pers de France & dux de Aquitaigne’ (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 hommage … 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; translated into English in Rothwell (ed.), English Historical Documents, pp. 376–9, at p. 377.
87 ‘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’. Foedera, I, II, p. 665; EMDP, I, I, no. 198, p. 359; Chaplais, ‘Le
by the lands ‘below the sea’? This probably refers to ‘below the English Channel’, but whether this statement includes the Islands that are in the Channel itself and that are again not mentioned by name was open to interpretation.

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. Le Patourel stated that in this period Islanders were using courts in Normandy to have their cases heard, but the evidence only points to usage of the ecclesiastical courts in Normandy of the major Norman churches that held lands in the Islands, rather than secular courts of the duchy, and it seems these ecclesiastical courts were used as an alternative to the two Royal Courts of the Islands rather than as an appellate court from them. 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 the successful policies of John and Henry III that had ensured the Islands’ political elite were largely unified in their loyalty 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 (1229–90) who opportunistically and with relative impunity used the Parlement to undermine the ducal administration in Aquitaine. The newly installed elite in the Islands, such

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88 Le Patourel, ‘Guernsey, Jersey and their environment in the Middle Ages’, in Feudal Empires, p. 455. Le Patourel was unfortunately vague about the courts to which he was referring. The only courts that the Islanders used in Normandy that can be identified were the ecclesiastical court at Coutances, and there are also some references to a court at La Haye du Puits. TNA JUST 1/1160, 1/1161, 1/1170; Rolls of Assize held in the Channel Islands, 1309, pp. 256, 282–3, 286–7, 294. The use of the ecclesiastical courts 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. For example, Calendar of Close Rolls [hereafter CCR], 1302–1307, p. 327; CCR, 1307–1313, p. 149. For discussion of the Islanders’ claims against the jurisdiction of the duchy of Normandy and the exchequer at Rouen in the Islands in the fifteenth century see: Thornton, The Channel Islands, 1370–1640, pp. 32–3.

89 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. 15–18; Prestwich, Edward I, pp. 300–1.
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 and 1324, an immediate assertion of ownership of the Islands was manifested when the Islands were attacked in considerable force by the kings of France, though in neither attempt were they able to capture the Islands.\(^90\)

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 friend, Otto de Grandison, a Savoyard knight and Lord of Grandson, a ‘man of European importance’ as a crusader and diplomat.\(^91\) Otto’s lordship of the Islands was effectively a sinecure, ‘granted on account of his intimacy with the king, and his long

\(^{90}\) The main attacks on the Islands occurred during the Anglo-French War (1294–1303), the War of Saint-Sardos (1324) and from 1337 onwards with the opening of the Hundred Years War. For instance, Sumption, *Trial by Battle*, I, pp. 168, 200, 226, 246–7, 260, 346–7, 363, 454, 459, 471; Ormrod, *Edward III*, pp. 189, 208.

\(^{91}\) Le Patourel, *The Medieval Administration of the Channel Islands*, p. 46. Grant of the Islands: *CPR, 1272–1281*, pp. 125, 188, 193; *Calendar of Fine Rolls, 1272–1307*, p. 65. For full accounts of Otto’s life and career, see: C. L. Kingsford, ‘Otto de Grandison 1238?–1328’, *Transactions of the Royal Historical Society*, 3 (1909), pp. 125–95; E. R. Clifford, *A Knight of Great Renown: The Life and Times of Sir Otto de Grandson* (Chicago, 1961); M. Ray, ‘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. 148–78.
and faithful service from an early age’. The terms of his grant, though somewhat laconic, effectively constituted a non-alienable personal right freely to enjoy the fruits and profits of the royal demesne in the Islands, a significant concession by the king, which he enjoyed for just over half a century.

Otto’s lordship, in the course of time, came to be deeply opposed by the Islanders as fundamentally it removed them from their direct relationship to the kings of England for the duration of his lordship. 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 been out of the direct hands of the kings of England. Shortly after Otto’s death, the 1328 petition by the people of Jersey, carefully avoiding offence to the crown by directly criticising Otto by name, nevertheless thanked God that they were once again under the lordship of the king, which they had ‘for a long time desired out of our great affection’. There was clearly a local belief that there was advantage to be gained from 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 lordship of Ireland to his favourite Robert de Vere. 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.

The administration under Otto de Grandison’s lordship substantiated this view. Otto was unsurprisingly an absentee lord. However, his officials were frequently accused of maladministration, namely the gross neglect of their administrative and judicial responsibilities and, worse, their aggressive efforts to extract as much revenue from the Islands as possible. So much so that, in 1302, Otto and his officials were summoned to appear before the king and council to respond to complaints that they had inflicted ‘diverse wrongs, damages and grievances’ on the Islanders. Notwithstanding numerous complaints by the Islanders and the fact that several commissions of inquiry were sent to the Islands, there is little evidence of any sanction being imposed on Otto and his officials, perhaps due to Otto’s proximity to the royal household and his importance to wider Plantagenet affairs.

92 CPR, 1272–1281, p. 188.
93 Kingsford claims that this grant made Otto ‘practically supreme lord’ in the Islands, this but evidence shows this to be an overstatement. Kingsford, ‘Otto de Grandison 1238?–1328’, p. 161. It is notable that Otto is not explicitly acknowledged as lord of the Islands in any documents emanating from the royal chancery. Havet, ‘Gardiens et seigneurs des îles Normandes’, pp. 200–3.
94 TNA SC 8/272/13589; E. T. Nicolle (ed.), Ancient Petitions, pp. 49–50.
95 Ruddick, ‘Gascony and the limits of medieval British Isles history’, in Smith (ed.), Ireland and the English World, pp. 70–2; Crooks, ‘State of the union’, p. 15; Bennett, ‘Richard II and the wider realm’, in Goodman and Gillespie (eds), Richard II and the Art of Kingship, pp. 192–5; Saul, Richard II, pp. 274–6.
96 CCR, 1296–1302, p. 591.

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From the fourteenth century, the kings of England themselves became increasingly eager to return the Islands directly to their hand, especially after Otto’s detachment from Plantagenet affairs and return to Savoy following Edward I’s death in 1307, which made his lordship appear all the more ‘alien’ and unaccountable. In 1318, when it was mistakenly reported that Otto had died, the Islands were granted to Edward II’s eldest son, Edward, but this grant had to be subsequently disregarded. Efforts were also made in the 1320s to alleviate the impact of Otto’s neglectful and exploitative administration and to ensure that the Islands were well-defended during this period of Anglo-French hostility. 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 July 1326, Ralph Basset of Drayton and John de Roches were appointed to the custody of the Islands because, as recorded in the notification of their appointment, 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. When Otto died in 1328, the king of England took immediate possession of the Islands. 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 ‘unfortunate experiment’ which reflected poorly on both Otto and the crown, and this was recognised by the kings of England. Indeed, Edward III would later admit in a letter to the Islanders that Otto did not maintain ‘sufficient wardship’.

IV

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.

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97 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 it had not been for his lordship of the Islands. Kingsford, ‘Otto de Grandison’, pp. 158–61.
98 Calendar of Charter Rolls, III, p. 407.
99 CPR, 1324–1327, p. 302, p. 306; TNA, SC 8/166/8295; E. T Nicolle (ed.), Ancient Petitions, pp. 47–8. A similar statement was made in the appointment of John de Roches and Robert of Norton in 1327: CPR, 1327–1330, p. 63.
100 Otto died on 5 April 1328. Kingsford, ‘Otto de Grandison’, pp. 170–1. On 14 June 1328, John de Roches was appointed as warden. CPR, 1327–1330, p. 301.
101 Havet, ‘Gardiens et seigneurs des îles Normandes’, p. 202; Kingsford, ‘Otto de Grandison’, p. 170. The next Lord of the Islands was John, Duke of Bedford, from 1415 to 1435. Havet, ‘Gardiens et seigneurs des îles Normandes’, p. 218.
102 This is in fact a patent roll record rather than a petition but can nevertheless be found in the SC 8 series. TNA SC 8/166/8296; E. T. Nicolle (ed.), Ancient Petitions, p. 47.
103 Vale states that the 1294 war ‘marked a watershed in relations’. The Angevin Legacy, p. 227.
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. Throughout these negotiations what may be called the ‘English’ side consistently sought to restore Gascony to its alodial status, that is, they contended that the kings of England owed no homage to the kings of France and held sovereignty over the duchy. 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.

It appears that the Islands were also asserted to be held freely by and with fully sovereignty the kings of England. The status of the Islands as outside the sovereign authority of the kings of France was to be closely associated with the developing notion that the kings of England held sovereignty of the ‘sea of England’, that is the English Channel, and all islands situated within it. 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 at the 1259 treaty. The English side emphasised the fact that the Islands were not expressly mentioned in

104 On the circumstances surrounding the peace of Montreuil see: J. G. Black, ‘Edward I and Gascony in 1300’, English Historical Review, 17 (1902), pp. 518–27; and Rothwell, ‘Edward I's case against Philip the fair over Gascony in 1298’, English Historical Review, 42 (1927), pp. 572–82. For discussion of the processes of Montreuil (1306), Périgueux (1311), and Agen (1332), see: G. P. Cuttino, English Diplomatic Administration, 2nd edn (Oxford, 1971), pp. 62–87; idem, ‘Le duché-pairie de Guyenne’, Annales du Midi, 70 (1958), reprint in Essays in Medieval Diplomacy and Administration, pp. 135–60.
105 Chaplais, ‘English Arguments concerning the feudal status of Aquitaine in the fourteenth century’, pp. 203–13; idem, ‘Le duché-pairie de Guyenne: l’hommage et les services féodaux de 1259 à 1303’, in Essays in Medieval Diplomacy and Administration, pp. 5–38; idem, ‘Le duché-pairie de Guyenne’, Annales du Midi, 70 (1958), reprint in Essays in Medieval Diplomacy and Administration, pp. 135–60.
106 Vale, The Ancevin Legacy, pp. 67–70.
107 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 and Normandy in the Middle Ages, pp. 197–215.
108 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. Chaplais, EMDP, I, I, nos 206, pp. 367–9; Cuttino, English Diplomatic Administration, pp. 62–87.
the Treaty of Paris or any other treaty since then. 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, although they were not altogether unresolvable as the conclusion of hostilities in the 1294 and 1324 wars 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 interpenetrating’ one another, most visibly in Aquitaine. 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, which sought to rein in its powerful ducal vassals, among them the duke of Aquitaine. 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.

The development of these political structures and their extension to the king of England’s continental dominions provided a way which the kings of England could give political reality to their claims to hold full sovereignty of them. This is most visible in the exercise of king’s appellate jurisdiction by allowing Islanders the right to petition the king and council in parliament directly to air their grievances with a view

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109 It was argued by the French side that the Islands lay within the authority of the bailiff of the Cotentin and the appellate jurisdiction of the exchequer of Rouen. Le Patourel, ‘Guernsey, Jersey and their environment in the Middle Ages’, in Feudal Empires, pp. 454–5; Cuttino, English Diplomatic Administration, pp. 97–9. In 1316, the French side seems to have reverted to the argument that homage was owed for the Islands rather than outright possession. Chaplais ‘Le duché-pairie de Guyenne’, in Essays in Medieval Diplomacy and Administration, p. 32 n. 117.

110 Le Patourel, ‘The Plantagenet dominions’, in Feudal Empires, p. 308.

111 This point is not to be confused with modern ideas of a nation-state nor the growth of national sentiment, which as Vale rightly states was a result rather than a cause of the Hundred Years War, in ‘England and France and the origins of the Hundred Years War’, in Jones and Vale (eds), England and her Neighbours, pp. 199–216, at p. 216; idem, The Angevin Legacy, pp. 5, 59; Le Patourel, ‘The origins of Hundred Years’ War’, pp. 28–50; idem, ‘The Plantagenet dominions’, in Feudal Empires, pp. 289–308.

112 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 persuasively argues 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 and her Neighbours, pp. 202–3, 207–16.
to redress or seek special favour. 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. 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, further attempts to strengthen royal jurisdictional authority and emphasise the Islands’ independence from the kingdom of France may be seen in the introduction of the English general eyre to the Islands from 1299 onwards, which were presided over by itinerant justices from England. It may additionally be seen in the conducting of *extentes* in 1274 and 1331, which sought to assess crown rights and clarify the Islands’ laws so cases could be properly judged and to discourage Islanders from using alternative sources of justice. It is notable that these efforts to strengthen royal control over the Islands often 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.

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

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113 Some 233 petitions from the Channel Islands are extant, the majority of which can be found in TNA ‘Special Collections: Ancient Petitions’ (SC 8). For discussion: Kelleher, ‘Petitions from the Channel Islands in the thirteenth and fourteenth centuries’, pp. 31–61.

114 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, at pp. 187–9, 199.

115 It has been argued that from the period 1290–1360 the kings of England engaged in an ambitious, but ultimately short-lived and unrealistic, programme of administrative and judicial reform that sought to expand the reach of royal government. See especially: M. Ormrod, ‘The English state and the Plantagenet Empire’, 1259–1360’, in J. R. Maddicot and D. M. Palliser (eds), *The Medieval State: Essays presented to James Campbell* (London, 2000), pp. 197–215, 197–8, 206–8, 214–15; and R. Frame, ‘Overlordship and reaction, c. 1200–c. 1450’, in Grant and Stringer (eds), *Uniting the Kingdom?*, pp. 65–85.

116 The 1299, 1304, 1309, 1320, 1323 and 1331 assize proceedings in the Islands were conducted by itinerant justices from England. Appointments to hold a general eyre also occurred in 1282 and 1285, but we do not possess the records of these proceedings and they were not conducted by itinerant justices. D. Crook, *Records of the General Eyre* (London, 1982), pp. 191–3; Havet, *Les Cours Royales*, pp. 43–8, 112; 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.

117 The extentes are printed in full in the following: C. Le Feuvre (ed.), *Extentes de Iles de Jersey, Guernsey, Aurigny et Serk: suivie des Inquisitions dans les Jersey et Guernsey.1274* (St Helier, 1877); idem (ed.), *Extente de L’Ile de Jersey, 1331* (St. Helier, 1876); de Saussure (ed.), *The Extentes of Guernsey, 1248 and 1331*.

118 The *quo warranto* proceedings mostly concerned franchises held by secular and ecclesiastical lords in the Islands but were also directed at the laws and customs of the communities of Guernsey and Jersey as a whole, such as during the 1309 eyre. Walford (ed.), *Rolls of Assizes held in the Channel Islands*, 1309, pp. 29–34, 69–74; Le Patourel, *The Medieval Administration of the Channel Islands*, pp. 56–60.
an ambitious servant of the king.\textsuperscript{119} 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 \textit{Minquiers and Écréhous} case (1953) between France and the United Kingdom over which country possessed sovereignty over the two islets near Jersey.\textsuperscript{120} 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 through the exercise of de facto authority in the Islands, especially through military action and the exercise of territorial jurisdiction.\textsuperscript{121}

In 1337, after a complete breakdown in Anglo-French relations, Philip VI (r.1328–50), king of France, in a position of relative strength but also concerned of the threat Edward III posed to his overarching 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 war of 1294 or that of 1324.\textsuperscript{122} 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’.\textsuperscript{123} 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.\textsuperscript{124} Edward would later renounce his claim to the title

\textsuperscript{119} For instance, Robert Bertrand, Marshal of France and lord of Bricquebec in the Cotentin was granted the lordship of the Islands by the king of France around 1338 as an incentive to seize and hold them. Sumption, \textit{Trial by Battle}, pp. 246–7, 260, 417.

\textsuperscript{120} The Minquiers are around 9 miles south of Jersey and the Écréhous are 6 miles north-east of Jersey.

\textsuperscript{121} D. H. N. Johnson, ‘The Minquiers and Écréhos case’, \textit{The International and Comparative Law Quarterly}, 3 (1954), pp. 189–216, at pp. 209–15.

\textsuperscript{122} As Vale importantly highlights, Philip VI’s motivations in 1337 were fundamentally over 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. Vale, \textit{The Angevin Legacy}, pp. 54, 259–60.

\textsuperscript{123} Vale, \textit{The Angevin Legacy}, p. 260; idem, ‘England and France and the origins of the Hundred Years War’, pp. 199–216; Jones, ‘Relations with France, 1337–1399’, in Vale and Jones (eds), \textit{England and her Neighbours}, pp. 239–58. Le Patourel, ‘The origins of Hundred Years War’, in \textit{Feudal Empires}, pp. 28–50.

\textsuperscript{124} C. Taylor, ‘Edward III and the Plantagenet claim to the French throne’, in J. S. Bothwell (ed.), \textit{The Age of Edward III} (Woodbridge, 2001), pp. 155–69; C. J. Rogers, ‘Edward III and the dialectics of strategy, 1327–1350’, \textit{Transactions of the Royal Historical Society}, 4 (1994), pp. 83–102; idem, ‘The Anglo-French peace negotiations of 1354–1360 reconsidered’, in Bothwell (ed.), \textit{The Age of Edward III}, pp. 193–214. Cf. J. H. Le Patourel, ‘Edward III and the kingdom of France’, \textit{History}, 43 (1958), reprinted in \textit{Feudal Empires}, pp. 173–89; Crooks ‘State of the union’, p. 10.

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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 to be held in complete sovereignty by the king of England.\textsuperscript{125} 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.\textsuperscript{126} Nonetheless, the decision not to specifically 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.\textsuperscript{127} 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.\textsuperscript{128} There is no evidence to suggest that the Islands would 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 Mark Ormrod considered the real possibility that Edward planned to reclaim the duchy of Normandy after his military successes there in the campaign of 1346–7, 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 observed, it was interesting that Edward does not appear to have used the continued possession of the Channel Islands to support his claim to the duchy.\textsuperscript{129} Whatever Edward’s intentions, it seems that the Islands’ status was to remain unchanged despite their changing political environment.

\textsuperscript{125} J. H. Le Patourel, ‘The Treaty of Brétigny, 1360’, \textit{Transactions of the Royal Historical Society}, 10 (1960), in \textit{Feudal Empires}, pp. 19–39; Ormrod, \textit{Edward III}, pp. 404–13. For the treaty see: \textit{Foedera}, III, I, pp. 487–94, Article VI, p. 488.

\textsuperscript{126} \textit{Foedera}, III, I, pp. 514–18, Article VI, p. 515; E. Cosneau, \textit{Les grands traités de la guerre de cent ans} (Paris, 1889), pp. 33–68, esp. 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, see: First Treaty of London (1358), \textit{EMDP}, I, I, no. 201, p. 363; Second Treaty of London (1359), Cosneau, \textit{Les grands traités de la guerre de cent ans}, pp. 1–32, at pp. 8–9.

\textsuperscript{127} Le Patourel, ‘The origins of Channel Islands legal system’, in \textit{Feudal Empires}, p. 202.

\textsuperscript{128} Ormrod, ‘A problem of precedence: Edward III, the double monarchy, and the royal style’, in Bothwell (ed.), \textit{The Age of Edward III}, pp. 133–54, esp. pp. 142–53; Crooks, ‘State of the union’, pp. 15–16.

\textsuperscript{129} Ormrod, ‘England and Normandy and the beginnings of the Hundred Years’ War’, in Bates and Curry (eds), \textit{England and Normandy in the Middle Ages}, pp. 197–215, at p. 203.
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. The 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 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 government in the Islands. Locally and thenceforth, the charter was viewed as a hard-earned bundle of rights, achieved during a period of challenge by the crown 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 the advantages their loyalty gave to the kings of England in the face of the territorial ambitions of the kingdom of France. 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. It further cemented the sovereign 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 were unwritten) acknowledged that all the privileges and customs of the Islands fundamentally derived from the king of England. 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 the validity of the Islanders’ rights to self-government.

130 The original charter can be found in TNA C 66/204 (Patent Roll, 13 Edward III, Part 2), m 38. CPR, 1340–1343, p. 237. Most recently printed and translated into English in Thornton, Charters of Guernsey, pp. 3–4; digitised copies of the charters with transcription and translation are readily accessible on the Jersey Law website, <https://www.jerseylaw.je/laws/charters/Pages/default.aspx>.

131 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: 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.

132 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. Chaplais, 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. 133–54.

133 Le Patourel, The Medieval Administration of the Channel Islands, pp. 59–60.

134 The royal charters issued to the Channel Islands are already a well-established part of the Islands’ constitutional history. T. Thornton (ed.), The Charters of Guernsey; idem, ‘Jersey’s royal charters of

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In 1378, the minority council of Richard II (r.1377–99) 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 the said Islands’. Again the issuing of this charter was closely linked to wider events, in which the difficulties of a minority reign combined with catastrophic setbacks in the war with France, where the territorial gains of Edward III in the Treaty of Brétigny had virtually been undone, placed England under direct threat of invasion. Once again the crown was driven to focus on the importance of the Islands within the greater context of its territories and so acknowledged that they formed a part of that larger whole. The distinct place of the Islands as both subjects of the king of England but not part of the kingdom itself was further underscored in Richard II’s second charter to the Islands in 1394, which greatly extended the Islanders’ privileges by exempting them 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’.

What, then, can one draw from this brief survey of the political and constitutional status of the Channel Islands during this period? It is clear that the Islands were perceived and treated as part of a larger conglomeration of territories controlled by the kings of England. The reason why these rather small Islands had a role at all in the Plantagenet realm 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 the former role, they served as a useful military outpost close to the French frontier, a useful springboard for attack and a guardian of important shipping lanes between north-west Brittany and the south coast of England. In the latter aspect, despite their small size, the Islands had the potential to produce an income sufficient to be viewed as a reward worthy enough of high-ranking followers of the king, but their real economic importance was their role as safe haven for participants in the trade between Gascony and England.

In the turbulent period following the loss of Normandy, as mere pawns in a larger game, the Channel Islands could as easily have found themselves as a permanent part of the kingdom of France, which over the centuries was the ultimate fate of all the islands off France’s Atlantic coast. But the kings of England took active steps to acquire and control them. After a clarification of the loyalties of the landed elite and steps

liberties’, *The Jersey and Guernsey Law Review*, 13 (2009), pp. 186–97; idem, ‘The Channel Islands and the courts of Westminster from the fourteenth to the sixteenth centuries’, pp. 1–28; Ogier, *The Government and Law of Guernsey*, pp. 180–4.

135 Thornton (ed.), *Charters of Guernsey*, pp. 7–9.
136 Saul, *Richard II*, chs 2 and 3.
137 Thornton (ed.), *Charters of Guernsey*, pp. 9–10.
taken to fill the administrative vacuum caused by the separation of Normandy, the first half-century was ruled by the king of England with a light touch. Customary law was maintained, local officials given a role to play in everyday administration of justice, the Norman Church permitted to keep its lands and, albeit on more restricted terms, trade and communication with Normandy allowed. By then, the Islanders cannot have been in any doubt that they were being treated as subjects of the king of England.

That the Channel Islands were viewed by the kings of England as a small part of a greater whole was evident in their inclusion in key developments of the larger construct of the Plantagenet realm. Along with Ireland, Chester, parts of Wales, Gascony and Oléron, they formed part of Henry III’s 1254 grant to his eldest son, Edward. As ‘islands, if there were any’, they were part of the 1259 Treaty of Paris, a defining moment in Anglo-French relations. It was also evident in the personnel who played a role in the life of the Islands, which included men like Henry de Trubleville and Drew de Barentin, loyal to the kings of England and who had served him in similar other capacities in the realm. Likewise, as the machinery of Plantagenet administration evolved, aspects of it, such as appeals by way of petition to the king, the itinerant justices in eyre and the comprehensive _extentes_ of 1274 and 1331, were extended to the Islands. And as with elsewhere in the larger realm, direct royal engagement ebbed and flowed according to the imperatives of royal power. At times of threat from France, an active and direct management of the Islands’ defences was evident, backed up with reassurances by confirmatory charters, beginning with Edward III’s of 1341, which signified a growing relaxation of control by the central institutions of royal government in favour of the Islands’ local institutions. And when such threats retracted, 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.

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 the 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.

**PEER REVIEW**

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