

## **Royal Policy and Local Initiative in Challenges to Autonomy under James VI and I: Church and State in Jersey and Guernsey**

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I am grateful for the assistance of the numerous people who have assisted with access to documentation and advice upon it: in Jersey, Valérie Noël, Librarian at the Lord Coutanche Library, Société Jersiaise, and the staff of the Jersey Archive; and in Guernsey, HM Greffier Jon Torode and his predecessor Ken Tough, and their assistants Keith Robilliard and Steven Payne, and the staff at the Priaulx Library. I am particularly grateful to Dr Darryl Ogier, along with his colleagues at the Island Archive Service in St Peter Port for their assistance with this work, and to Dr Ogier for his advice and insight which have aided in making many connections and avoiding not a few errors. Those which remain are mine alone.



## **Royal Policy and Local Initiative in Challenges to Autonomy under James VI and I: Church and State in Jersey and Guernsey**

Major disruptions and challenges to local ecclesiastical and other arrangements in Jersey and Guernsey in the late 1610s have been seen as part of a wider initiative to bring order and system to the churches and realms over which James VI and I held sway. This article explores the full range of these developments, and their local context, to understand the degree to which central and local initiative interacted. This allows for consideration of the coherence of the sequence of events, and their development in narratives which became part of the wider interplay between territories of the English crown, both at the time and in the following two decades, as experienced and constructed from the perspectives of Presbyterian and Laudian controversialists. The evidence advanced suggests both the extent of potential disruption, and the degree to which it was locally driven and only later integrated into narratives of centrally-directed unification.

**Keywords:** James VI & I; Jersey; Guernsey; Presbyterianism; Privy Council; centralisation

In a few months in the late 1610s, the previously highly autonomous ecclesiastical and civil jurisdictions of Jersey and Guernsey were threatened with fundamental disruption for the first time in generations. These challenges have been widely referenced as part of what has been seen as a wider initiative to bring order and system to the churches and realms over which James VI and I held sway. Elements of the episode have become, in fact, exemplars of his government's alleged approach to the divergent inheritance in church and state which he faced in 1603. For Conrad Russell, writing on the nature of James's regimes interaction with his "three kingdoms", that James turned to Jersey and its religious settlement after he had

addressed episcopacy in Scotland in 1606 indicated that for him its re-establishment was “a British, and not just a Scottish, policy”.<sup>1</sup> Focused as it was on shorter-term causes to the conflicts of the mid-century, Russell’s formulation tends to emphasise less consistency and insistence in James’s policies in Scotland and elsewhere than has, for example, Laura Stewart’s – in particular in connection with the Perth Articles.<sup>2</sup> This has significant implications for subsequent explanations of the behaviour of opponents of the crown, in particular if some continuity can be established between their attitudes and the policies which provoked them over two more decades, from their dealings with James right through to the crisis at the end of the 1630s and into the 1640s.<sup>3</sup> James’s policies in his non-English dominions and their interconnections are therefore an important consideration, especially where they have not received the attention which has been the case in Scotland and Ireland.<sup>4</sup>

In the Channel Islands, the major elements of this period of apparent crisis are simple to delineate. Both Jersey and Guernsey had developed since the middle of the sixteenth century an ecclesiastical settlement which was Presbyterian and Norman-French in nature, and this had been accepted and confirmed under Elizabeth. The overthrow of papal authority had resulted not in the reinforcement of the very tentative steps towards the influence, at the expense of the bishop of Coutances, of the bishop of Winchester, initiated under Henry VII in 1500 – but the emergence of a reformed congregation in St Peter Port (Guernsey) in 1559 and probably more rapid and extensive changes in Jersey at the start of Elizabeth’s reign, based on more thorough Protestantization achieved under Edward VI influencing leading families, and of the creation of Calvinist church government in St Peter Port and in St Helier (Jersey) in 1563. Recognition was given by the English Privy Council to the new Calvinist arrangements in both places in August 1565. A decade of vigorous consolidation involving the work of civil and ecclesiastical authorities and shaped by the extensive involvement of

immigrant French clergy looking to emulate what they saw as the best Genevan models saw the spread across the islands of consistories at parish level, a colloquy in each of Jersey and Guernsey drawing together representatives in the form of the ministers and two elders from each parish, and from 1564 a synod, composed of those colloquies and also representatives from the other islands of Alderney and Sark. This culminated in 1576 with the drawing up and signing of the *discipline ecclésiastique* for the islands.<sup>5</sup> This settlement is usually seen as being targeted by James's church establishment, with particular emphasis given to the effort to impose a Dean on the church in Jersey in 1613 and 1617-19, as part of an effort to subordinate it to English episcopal hierarchy through the diocese of Winchester.

In civil government, the islands had each developed their local jurisdiction based on a system of local courts and the use of Norman law even after the separation of the islands from Normandy in 1204 and again once any possible continental context for such a jurisdiction as might have applied during the Hundred Years' War had ceased to exist. Locally, in each island the crown was represented by a captain, or his lieutenant, who had responsibilities which were primarily related to defence and some other administrative functions. Law and order, and the bulk of internal administration, however, fell to each island's Royal Court, presided over by the bailiff, appointed by the crown for life: the chief magistrate and the island's leading citizen. The Court was the guardian of each island's liberties and customs, guaranteed at each sovereign's accession by a charter grant of confirmation of liberties, which also from 1394 covered the important right to exemption from English taxes and other charges. This ensured a high degree of autonomy in practice. The crown's ultimate supremacy had been channelled through the Privy Council, with other conciliar courts such as Chancery and Star Chamber having little influence, and that conciliar influence had been diminished in the later part of the sixteenth century. The Council's involvement saw the

consolidation of respect for the local judicial structures and for Norman law as observed in the islands, as seen in edicts such as the Order in Council for Guernsey of October 1580. This had the effect of ensuring that appeal from the islands' courts was effectively limited to the Privy Council, and that it was managed through local mechanisms. Numbers of such appeals remained low, and they were generally referred back to local resolution.<sup>6</sup> The major challenge of James's reign in this context, running very closely in chronological alignment with the ecclesiastical one, saw an attempt to revive and expand a means of appeal known as the *doléance*, circumventing local controls, which was acknowledged by the Privy Council in a Guernsey case in 1617. This is far less well understood than the ecclesiastical cases:<sup>7</sup> it is the intention here to explore it, and by probing both episodes and their interconnections to get a better sense of the reasons why these highly exclusive jurisdictions were challenged in the way that they were in the mid-1610s – and why these challenges ultimately had limited impacts. As will be seen, the common factors, and the contrasts, suggest this was not simply about royal religious policy, which was not inherently unifying, but arose from factors that also included the domestic religious and political situations in the islands.

The best known element of the challenge is that to ecclesiastical government in Jersey, which has been described at some length elsewhere. The issue was first triggered by the long-serving governor of the island, Sir John Peyton, who in 1609 appointed a Lancastrian in Anglican orders, Alexander Chaderton, to the chaplaincy of Elizabeth Castle, in what may have been a deliberate provocation of the island's ecclesiastical establishment represented in its Colloquy. It responded by ordering that the minister of St Helier take charge of the castle services, and Peyton redoubled the provocation by sending the chaplain to be his representative at Colloquy meetings. Given the significance for the strength and independence of the island church of its interactions with mainland Normandy, it was also

significant that in July 1612, the lieutenant governor ordered that no “Ministre estranger” should be allowed to preach without his consent, a clear challenge to that relationship.<sup>8</sup> It was, however, the local appointment of an islander in Anglican orders, Elie Messervy, which prompted the well-known crisis in ecclesiastical government in Jersey. Here Peyton overruled the initially preferred candidate for the parish of St Peter on 25 June 1613.<sup>9</sup> The Colloquy refused to recognise his episcopal ordination and would not accept him unless he subscribed, as he would not do, to the island Discipline. They wanted to refer the matter to a synod of both islands, but Peyton would not allow it to meet, and Messervy petitioned the Privy Council, which on 2 November 1613 prompted its statement that the king had “setled all the Churches within his domynions in a uniformity of government”, referring especially to Scotland, the only exceptions being Guernsey and Jersey, and so intended to introduce Anglicanism to both islands as opportunity allowed – the Messervy case offering precisely such a chance “to make an overture”.<sup>10</sup> Representatives were called to present their case, and the issue was referred to George Abbot, archbishop of Canterbury, Edward, Lord Zouch, who had briefly been lieutenant governor of Guernsey, and Secretary Sir John Herbert. They ruled that the office of dean should be restored, an Anglican liturgy in French translation be used, excepting for the time being the use of the surplice, cross in baptism, and kneeling communion, and Canons be introduced as near to those of the Church of England as Jersey’s laws and usages would allow. None of this was enforced immediately, but Messervy was to be instituted to his benefice, the Colloquy consenting to this in July 1614<sup>11</sup> on the basis of a compromise by which he was to make no change in his church without express order from the king or Council.<sup>12</sup>

Jean Hérault, bailiff of Jersey since 1614, prompted the next phase of development, with a petition of 1615-16 centred on the poor state of the island’s castles, but also proposing that

the royal arms should be erected in all churches, and that a dean should be appointed.<sup>13</sup> In this he was opposed by Jersey's procureur, Philippe Maret. His miscalculated aggression simply allowed the Royal Court to suspend him and refer him to the Council. The overall matter came before the Council in the autumn of 1616, with a commission being appointed in March 1617 consisting of Sir Edward Conway and Sir William Bird, Master in Chancery.<sup>14</sup> The move to select a dean was prefigured in 1617 in interim arrangements for jurisdiction associated with the commission of that year.<sup>15</sup> As a result of the commissioners' work, the Council on 14 June 1618 indicated that the States should nominate three ministers from whom a dean might be chosen,<sup>16</sup> and on 18 March 1619 the States submitted to the king's decision and nominated three ministers; in reality the choice of David Bandinell had already been made at the end of the previous year. There now arose a further delay thanks to the bishop of Winchester insisting that although the king might nominate and present, it was the bishop who had the right of admitting the dean. Bishop Thomas Bilson had been relatively quiet in the disputes of the previous two decades: although he was noted for his strong defence of episcopacy, he experienced increasing difficulties with ill-health prior to his death in 1616. His successor James Montagu, was influential and close to the king, but Montagu himself also died in July 1618. His successor, Lancelot Andrewes, was only confirmed in February 1619 – again close to the king, he was at the same time promised the deanery of the Chapel Royal. Andrewes was a noted defender of the rights of bishops, including the apostolic succession of Anglican episcopacy.<sup>17</sup> In spite of this delay, Bandinell nonetheless returned to Jersey, and was finally sworn as dean, in April 1620. Just two ministers, and two lay members, formally protested. The new dean introduced churchwardens within a couple of months. Finally, canons were approved by the king in 1623 which were Anglican in tone. The Ecclesiastical Court, which had ceased to exist in the late 1560s, was reintroduced, and the Dean's jurisdiction now echoed in many ways that of a bishop, for example in regular



visitation in the absence of episcopal intervention.<sup>18</sup> Ten years had passed since the appointment of Messervy to St Peter, but this appears in most accounts to be an example of the centralising impact of royal ecclesiastical policy under James.

Yet an immediate contrast is provided by the experience of Guernsey, where the presbytery proved significantly more resilient. This was not for lack of a potentially similar stimulus, at almost the same time as the Messervy case in Jersey, and since the Guernsey case has received less attention recently it is worth exploring in more detail. The issue first arose in 1615, when one Thomas le Page's intransigent resistance to church discipline in St Martin caused minister Simon Hearne to refer the issue on to the Colloquy. As he stood in the pulpit announcing le Page's suspension from the Lord's supper (the *cene*), Hearne was faced by le Page's open and intentional defiance. As a result, on 4 November the Royal Court sent le Page to the *basse fosse* (dungeon) for the customary "twice twenty-four hours", restricting his diet to bread and water.<sup>19</sup> Unusually for a person in such a position, le Page refused to submit, and at the ordinary meeting of the Colloquy of 29 December 1615 Herne asked about the conduct of le Page, who he said refused to live with his wife and attend the *cene*.<sup>20</sup> The issue was referred for consideration to the next meeting. That meeting, on 22 March 1616, decided that le Page should be excommunicated.<sup>21</sup> When the sentence was carried out, le Page's vigorous resistance had significant consequences.

By September 1616, le Page had taken his case to the Archbishop of Canterbury's Court of Arches, and the States were considering their response to what they recognised to be a fundamental challenge to the island's position. They wrote to the governor, stating their belief that the action was prejudicial to "l'Estat de ceste Isle, lequel a de longue main esté,

comme il est encore à present, entièrement dinstingué d'avec celuy du dit Royaulme". Hearne was sent to England but his mission was unsuccessful, and it was later noted, in April 1617, that there was little point in him immediately returning given the absence in Scotland of both the king and the bishop of Winchester.<sup>22</sup> The Colloquy itself was not directly involved in the discussion of the case in the intervening months, noting the absence of parties on 27 September and 27 December 1616. An extraordinary meeting of the Colloquy took place on 12 March 1617, and ordinary ones on 11 April and 27 June that year, none of which had any business related to the affair,<sup>23</sup> but on 19 July 1617 there was an extraordinary meeting of the Colloquy, mainly composed of ministers and only a small group of six elders, which gathered to consider the outcome of the Court of Arches process begun by le Page. In a dramatic and unprecedented intervention in the affairs of the island's church, Hearne had been excommunicated by the Court of Arches. But the Colloquy resolved to refuse to recognise this, giving Hearne authority to continue in his position.<sup>24</sup>

The States on 30 August 1617 wrote to the governor, enclosing letters for the archbishop, appealing for the continuation of the ecclesiastical discipline.<sup>25</sup> But a further extraordinary Colloquy meeting, on 6 September, this time very well attended and only lacking ministers from Sark and Alderney and including 11 *anciens*, decided to send Jean de la Marche to plead the case for Guernsey's ecclesiastical settlement in England. Just 20 days later a routine meeting of the Colloquy saw de la Marche putting in place measures to ensure his interests were protected during his absence.<sup>26</sup> De la Marche was able to make direct contact with the king, and in two interviews on 17 and 20 October achieved complete success. James had returned from Scotland in August 1617, and it was evidently the monarch's personal intervention which allowed for the revocation of the challenge to Guernsey's ecclesiastical settlement.<sup>27</sup>

The role of Winchester is worthy of comment. The case had been taken initially to the Court of Arches, and not to Winchester, although it was Winchester which had the potential historic claim to jurisdiction. As has already been observed, neither Thomas Bilson, in the two decades to his death in June 1616, nor his successor James Montagu appear to have been a driving force in the initiatives to challenge jurisdiction in Jersey or Guernsey.<sup>28</sup>

By 26 December 1617 Jean de la Marche was back in the island,<sup>29</sup> and there is no sign of the case in the Colloquy's business until 26 June of the following year. Then something of the underlying tensions behind the action became clearer. In the Colloquy of that month, Helier Gosselin was accused of being absent from the *cene* for two or three years and supporting le Page in his actions.<sup>30</sup> In the September of 1618, six *anciens* censured Gosselin for his actions and asked the lieutenant for his assistance.<sup>31</sup> And yet the critical juncture for island liberties at which all this was taking place was recognised, and just a fortnight later a delegated assembly of the Colloquy, a very unusual formulation of its activity, taking account of the uncertainties of the state of the churches in the isles, decided that the examination of the affair of Gosselin should be suspended. At the same time, they were keen to understand the state of play with regard to the establishment of a Dean in Jersey, indicating the centrality of this imposition of new forms of church government in the minds of all of those involved in affairs late in 1618.<sup>32</sup> When the Colloquy next met it was on 4 December, in extraordinary sitting, and specifically to consider the question of the request for assistance from the ministers of Jersey in respect of the imposition of a Dean – and one which it felt sufficiently pressured not to be able to respond to.<sup>33</sup> The next ordinary meeting, on 28 December, deferred discussion of the Gosselin case.<sup>34</sup>

By the middle of March 1619, however, the Colloquy was ready to look again at the Gosselin issue, including the remonstrance of his brother Pierre, which had first been presented at the delegated assembly of the previous October. In spite of these submissions, the Colloquy's position remained firm, whatever Gosselin's resistance, and so although he was unwilling to acknowledge his fault then, and again in the next sitting in June, by September 1619 he had been brought into line and returned to the peace of the church.<sup>35</sup>

In all of this, Thomas le Page's role rapidly dropped into the background: he personally is hard to identify for certain.<sup>36</sup> Evidently, the members of the Colloquy understood that the real challenge to their authority was being presented by Gosselin, since it was against him that action was taken across the period from June 1618 to September 1619, through the height of the crisis over the Jersey Deanery. He too is not easy to identify for certain, but it is most likely that as the brother of Pierre he was the Helier who was baptised in the Town church on 27 February 1596/7, one of the children of the first marriage of Helier Gosselin, to Laurence Effart.<sup>37</sup> This made him the son of Guernsey's procureur, and someone who might have the means to sponsor le Page's activity in the Court of Arches. Helier junior's prominence might have made his conduct, in absenting himself from the *cene* for two or three years, notable enough to scandalise the parish and wider community, and to have provoked a clash with Hearne as minister there. We might speculate that he saw in the violent aggression of le Page an instrument with which he might humble the minister, and perhaps even that the enmity might have run back as far as an encounter at Elizabeth College, where Hearne might have commenced as master early enough to teach Gosselin if he was sent to school there.<sup>38</sup>

Helier Gosselin is not recorded as having had children, nor was he apparently an office-holder even at junior levels, which is perhaps unusual for someone whose father was able to achieve the ranks of procureur, controller and jurat.<sup>39</sup> It might be argued that he was already in his early 20s behaving as an outsider, and it is in this context that he was willing to use such an unconventional mechanism as the Court of Arches against his enemy, the minister Simon Hearne. Instances of change of this kind, in which central courts were brought to bear on the island for the first time, required litigants who were willing and able to take such steps. And yet Gosselin was not a complete outsider. He remained part of the networks and culture of the island, and continued to engage with the Colloquy's efforts to bring him to conformity. Helier's father was still alive, and would live on until late in 1625. Helier's eldest brother Peter was willing to speak up for him, and he was already a more considerable figure: born early in 1587, Peter was therefore in his early thirties when the case reached its critical phase, and he had become Greffier (clerk of the court) in 1610, several years before. While this degree of integration, albeit qualified, remained the case, the potential for a more extensive breakdown in the autonomy of the ecclesiastical jurisdiction remained limited.

This provides an immediate contrast with the situation in Jersey, which helps to explain the differences in the islands' experience. Jersey was characterised during this period by an increasing tension between the island's ministers and many members of the laity. As Evans has shown, while there were many strengths to the ecclesiastical government of the island in the later part of Elizabeth's reign, from the 1590s tensions became more evident in Jersey. In December 1609, when the Colloquy appealed to the governor for support in defence of church jurisdiction, Peyton cited the views of the jurats and others in responding that the Colloquy should "walke humble before your Laye brethren", saying that he had been told they had trespassed into the jurisdiction of the lay magistracy.<sup>40</sup> Although there has been a

tendency to exaggerate its speed and intensity, there was undeniably a decline in the authority of the church courts in Jersey in these years, manifest in lower levels of attendance by elders and offenders.<sup>41</sup> Through the midst of the crisis of the late 1610s, Jean Hérault effectively led an element of the civil administration against the established island church. All these aspects of internal division were not present to anything like the same degree in Guernsey.

Equally, however, there are clearly important qualifications to make to a picture of rapid centrally-imposed change in Jersey itself. Most immediately, there is evidence of stronger local opposition to changes to the liturgy than might have been acknowledged in the past: Evans, for example, has pointed out the length of time that an opponent like Samuel de la Place was able to remain active on the island, not leaving until 1623. He was practising medicine, and being well paid for doing so by a range of well-placed clients including the Greffier and Procureur, and the wife of the seigneur of St Ouen, in 1620 and probably beyond, and received the support of fellow ministers in 1623.<sup>42</sup> Further, perhaps because of an understanding of the likelihood of this opposition, the new order was not imposed in as far-reaching a form as its initial announcement might have implied. Concessions and clear limitations in enforcement are to be found: the bishop of Winchester was given no more than an appellate jurisdiction over the dean's court (and that only after a definitive judgement had been reached), and it was indicated that, whatever the powers of the dean's court over offences against religion and morality, these were not to conflict with the power of the Royal Court in the physical punishment for such crimes. The dean was also in Court required to ask the advice of ministers – although not specifically to take it – and had to have the consent of two ministers before moving to suspension and sequestration of another minister, and of the majority of those present in the island if it was a question of deprivation. Evans' observation of the lack of presentments for divergences from the new liturgy indicates that Dean

Bandinell was extremely cautious in his enforcement of the new regime, and so there were limits to what might on the face of it be seen as the reversal of the previous ecclesiastical regime in the island.<sup>43</sup> Taking place over a decade, and with significant scope for local negotiation, even in Jersey this was far from simply an externally imposed blue-print of immediate revolution facing universal resistance.

The parallel case of central intervention in civil jurisdiction affected the islands' status in relation to the king's Privy Council. Edward III's grant of a charter of liberties to the Channel Island communities in 1341 had fundamentally shaped access to royal justice for the king's subjects there. In response in part to the increasing intrusion of the English judicial eyre over the previous half century, the charter's affirmation of the rights of the islanders to receive justice according to their own customs did not preclude attempts to address the crown directly, but it led over the following two centuries to a notably restricted pattern of island litigation in England. It has recently been established that the charter of 1341 ended the involvement of King's Bench with the islands; an outlying engagement in 1368 was exceptional, not the last of a subsequent declining trail of activity. If there was any English court which replaced King's Bench, it was Chancery, given that tribunal's role in handling petitions to the crown and the king's personal rights and responsibilities in doing justice for his subjects, wherever they lived, those same rights and responsibilities as had lain behind the jurisdiction of King's Bench, originally a peripatetic bench of justices *coram rege*, sitting in the presence of the king himself. There might have been a similar role for parliament, but that fell away after the 1270s, probably, as has been suggested for Gascony, because of the increasing effectiveness of local arrangements.<sup>44</sup>

It is not surprising, therefore, that even in the fifteenth century, as the volume of Chancery business more generally grew dramatically, its impact on the islands remained minimal.<sup>45</sup> It is only in the last decade of the century that a greater readiness on the part of those with strong island connections to use Chancery, and for Chancery to welcome island cases, becomes clear. Chancery was used in the disputes over the succession to the fiefs, including St Germain, which Robert Willoughby, Lord Broke, a favourite of Henry VII's, claimed as the ultimate heir of Edmund de Garys, in the years leading up to his death in 1502.<sup>46</sup> This was the first dispute over landed property in the islands to be heard there, and it suggests closer personal ties between leading islanders and the crown might draw them to use Westminster equity courts to resolve disputes. The controversies around Jersey governor Sir Hugh Vaughan brought cases to Chancery from 1513, involving Bailiff Thomas Lemprière.<sup>47</sup> And Vaughan's erstwhile ally, Helier de Carteret used both Chancery and Star Chamber when the two fell out.<sup>48</sup> These were high-profile disputes with wider political ramifications, but litigants like De Carteret used the courts for other purposes, and lesser litigants also found their way there, in increasing numbers.<sup>49</sup> Phyllyppyn daughter of Laurence Prowden complained in 1533-8 against a priest, Thomas Arthur, for rape and false imprisonment, as well as for refusal of forty gold crowns he allegedly offered towards her marriage.<sup>50</sup>

Local concern at the expanding role of these equity courts, manifest early in Edward VI's reign in a petition from all of the islands' communities to Protector Somerset (for the captain, bailiff, dean and others to decide causes of lesser importance, with restrictions on the use of Chancery writs and commissions), may not have been responded to in the charter of liberties granted to the islands in 1547,<sup>51</sup> but early in Elizabeth's reign the islanders were successful in this goal. The Council gave judgement on 22 June 1565 after what Eagleston rightly represented as a joint undertaking between Jersey governor Hugh Paulet and leading islanders. The two chief



justices confirmed the position on legal jurisdiction which had been described in the charters, ending Chancery's role.<sup>52</sup> Reference was to be to the Council alone, and even this process was restricted. The boundaries around conciliar justice have always appeared more clearly defined to modern legal authorities than to historians: the Privy Council's role was "marked by lack of formalism and by absence of predictability".<sup>53</sup> But there was evidently an understanding of a process which represented appeal to the Council which was considered customary when confirmed in 1565. This situation was maintained, for example in a Council decision in 1572 which limited appeals in matters of small value, and ensured that they were only entered once process had completed locally and been accurately certified, or in the major Order in Council relating to Guernsey in October 1580.<sup>54</sup>

The late 1610s are, therefore, again distinctive in the history of the islands for the way in which a well-established relatively autonomous settlement was challenged. The islands' courts, for half a century subject to only very limited processes of appeal in England, were abruptly faced with a potentially novel and intrusive mechanism for review: that of *doléance*, or complaint against judge or court. This interlocutory appeal had its origins in Normandy. Robert Besnier suggested that actions of *doléance* in mainland Norman law originated in 1318 or a little earlier, as a result of the way that the *Charte aux Normands* (1315) had created challenges to the resolution of complaints about the operation of justice.<sup>55</sup> *Doléances* were described in the *Ancien Style* (1386 x 90), and by the commentator on the old Norman law, Guillaume Terrien (1574), although as Darryl Ogier has observed, the *doléance* was falling out of use in Normandy by the early sixteenth century, replaced by other means of appeal, and therefore it is mentioned only by the first of the commentators on the *Coutume Reformée* (1583), Jacques Le Bathelier, sieur d'Aviron (1599), in any traditional sense. By

1648 Josias Bérault reported the Norman *doléance* to be disused completely; and yet the concept was to prove relevant in the islands.

In Jersey, *doléance* retained some continuity of usage across the sixteenth century. Philippe Le Geyt noted records of security given for the pursuit of *doléances* on 18 December 1545 and 25 November 1553, and reference to a “*doléance sur une interlocatoire*” on 9 June 1563, with security being given three days later, with the action in 1553 at least being to a superior court but not necessarily the Privy Council.<sup>56</sup> An act of the governor, Royal Court and States, dated 6 October 1554, arising from a suit between Guillaume le Blond and Jean de Tyeuille, the latter described as esquire of Normandy, indicated that save in matters of *lèse majesté* no causes were to be sent out of the island other than to the Privy Council “whether by appeal or *doléance* formally made after sentence given and delivered by the judge”.<sup>57</sup> None of these leave any trace of the concept of *doléance* on the English conciliar or other judicial record until the early seventeenth century, however. In Guernsey, there was an apparently simple situation in which appeals from the judgements of the islands’ courts were to the king’s Privy Council, when leave was given. This situation was neatly summarised in the *Approbation des Loix* of 1583 which affirmed that the island did not use the *doléances et apeaulx* described in Terrien’s eleventh book, but instead was subject to orders laid down by the Privy Council: “Au lieu du Livre Onzième en cas de *doléances et apeaulx*, nous usons des ordonnances qu’il a pleu à Messieurs du Conseil établir pour cet effet”. The chief one of these was an Order in Council of 9 October 1580, which explains the procedures for appeals at length but does not mention *doléances*.<sup>58</sup>

It was therefore a relative novelty, particularly for Guernsey, when on 31 March 1617 the Privy Council wrote to Lord Carew as governor of Guernsey, concerning a complaint by one Jean Briard that he was being debarred from appealing, indicating “forasmuch as this matter commeth not before us by way of appeale from which the [complainant] was debarred ... Wee have been contented to take notice of it as a Doléance”.<sup>59</sup>

Briard was a man with widespread interests. In the late 1590s, he had come to the Council’s notice when a ship of his was lost to a Breton privateer; he responded by attempting to take, under letters of marque, Breton ships laden with Spanish iron in Limerick. In 1605, he was acting as agent for another Guernseyman in Spain; within England and Wales, by the late 1610s, his interests reached as far as Oswestry.<sup>60</sup> His later litigation in Chancery at Westminster was to illustrate his involvement in Spain and with the East India Company, and elsewhere.<sup>61</sup> He was a Jerseyman, the son of another Jean, and referred to in terms of his Jersey origins across the period from the 1570s into the seventeenth century in Guernsey transactions.<sup>62</sup> An established position in Guernsey is, however, clear from the fact that Jean and his wife Rachel Martin bought their house in St Peter Port in 1594.<sup>63</sup> Not only were Briard’s trading interests wide: he can also be shown to be someone with an interest in law, administration and history, as the owner of texts such as the *Dédicace des Eglises ou Temples de cette Isle de Guernezé* (which allegedly described the foundations of the churches of the island) and the licence issued by Queen Elizabeth’s commissioners on petit customs on August 1563.<sup>64</sup>

Briard’s use of doléance in March 1617 was followed by its appearance in a separate case from Jersey in July 1618.<sup>65</sup> But it is then not mentioned again for a Guernsey case until 1622-

3, and only again for Jersey in 1626.<sup>66</sup> Then, in 1627, the use of doléances prompted a response from Guernsey, in the form of a petition from the States requesting limits of £40 annual rent and £10 moveables, on the basis of an order of 9 June 1605.<sup>67</sup> There having been no doléance entered on the register from the island since 1623, this would suggest either an under-recording of activity or, more likely, sensitivity to this instrument of central interference in local judicial control. It is also important to note the context for the petition, which was the negotiation for the grant of the charter of the island's privileges, a focus to bring together all the recent and likely future concerns relating to the interactions between the local courts and those in England. The next recorded doléance is a Jersey one in 1630.<sup>68</sup> It does not seem that it became a normal process at all quickly, and it appears that it remained controversial in its early years.

The appearance of the first doléance also needs to be placed in the context of a pattern of straightforward appeals from the islands which, from the Privy Council Register record, seems not to grow rapidly, or even to follow a particularly predictable upward path. Looking at the period around the time of the first recorded doléance, there were two new cases of appeal initiated at Westminster in 1615,<sup>69</sup> none at all in 1616, four in 1617,<sup>70</sup> seven in 1618,<sup>71</sup> three in 1619,<sup>72</sup> eight in 1620,<sup>73</sup> and five in 1621.<sup>74</sup>

The gap in appeals to the Privy Council allowed before March 1617 is significant. In February 1617 the Council had received a (different) Guernsey case even though the “appellant”, John Gardener, had not technically been given leave to appeal. The issue identified was with the behaviour of jurat Eleazar le Marchant, whose actions were said to be more akin to those of an advocate than a judge, and the Council suggested that it was not

reasonable that “his Majesty’s subjectes should, for matter of forme want redresse if there be cause of greevance”. Gardener had been convicted of a violent assault on Thomas le Marchant, junior, son of Pierre – Eleazar was both one of the jurats present when judgement was given and one of the those involved in the complaint. Gardener’s action is, however, not called a doléance in the record.<sup>75</sup> The previous Guernsey case which had succeeded through to a proper appeal had surfaced in the Council record as long previously as June 1613: Thomas le Marchant junior litigating against his elder brother, also Thomas, for failure to complete the outcome of an arbitration, on the alleged grounds of the slackness and favour of some of the arbitrators, whom the Council ordered the bailiff and jurats to summon and hear before making a final end in the case. The Council was then led by the elder Thomas, the following March, 1614, to make an order to the bailiff for arbitration.<sup>76</sup> The issue was at least partially resolved in subsequent months, as in October 1616 the elder Thomas renounced his inheritance to Sarah de Beauvoir, wife of the younger Thomas.<sup>77</sup> Yet the case reappeared in the Privy Council record, in August 1617, specifically referring back to the appearance of the issue in March 1614 in Privy Council. On that occasion in August 1617, the Council indicated that an order had been obtained in February by the elder Thomas for the hearing and determining of the case by Sir John Peyton, governor of Jersey, and others – and indicating that Lord Carew had told the Council that there were no grounds for this.<sup>78</sup> Resort to the Privy Council was being used as a disruptive measure once again in island justice and politics. But more importantly, this was occurring alongside efforts to block appeals or pseudo-appeals. In October 1620 a Guernsey case was again treated by the Council, if only in referring it back to the bailiff and jurats, in the absence of a formal appeal – and on this occasion the Council made a clear point of the fact that it was not a formal appeal.<sup>79</sup>

The case at issue in March 1617 which provoked the appearance of the *doléance* arose as a result of a sentence passed against Briard in a dispute with Mistress Beauvoir relating to the former's house in St Peter Port, and Briard had been barred from appeal.<sup>80</sup> Also in connection with the construction of his house, by 13 August the Privy Council had received a representation from nine Guernsey jurats to the effect that their order on another *doléance*, for the bailiffs of Jersey and Guernsey to take a view on Briard's complaint that Jean Baudin and others in a judgement had kept a yard or court from him, was very prejudicial to their charter and the king's court there. The Council's view was that as this was a *doléance* it should be heard further before the king's learned counsel, and the jurats should send representatives.<sup>81</sup> Briard's behaviour so provoked the local establishment that by the end of the year they felt they had no alternative but to imprison him. And therefore on 8 February 1618, the Council wrote to the bailiff and jurats, again on the basis of a complaint from Briard, this time in relation to his imprisonment by Eleazar Marchant over the house-building dispute: Briard was freed on 17 February, allowing him to pursue damages for his imprisonment. Eleazar appeared before the Council on 25 July, and Briard on 31 July.<sup>82</sup> At the very end of the year, the Council wrote to the bailiff and jurats, describing how the appeal had been referred to Zouche, Carew and Attorney General Yelverton – and indicating that they should reverse the sentence which had been passed on Briard. But they only awarded £30, in place of the £742 10s. which had been requested, and they left the rest of the complaint to the discretion of the Council.<sup>83</sup> Carew and Zouche nominated five men to consider Briard's complaint against Eleazar in February 1619.<sup>84</sup> Yet the case was not resolved, because many months later, on 31 October 1620, the Privy Council wrote to the bailiff, Amias de Carteret, and four jurats, the group to whom the case had been committed (on Zouche and Carew's advice) on 23 May 1619, commanding them to proceed because they had not done so.<sup>85</sup> On 12 November, the jurats led by the bailiff who had been given the decision in the case petitioned that the whole

affair should be dismissed as “unlawfully drawne from that jurisdiction... [and damaging to laws] specially grounded for the preserving of the publique peace and unitye, unto the vyolating of which (in that most frontire place) by any meanes to give the least waye, were most dangerous”. Briard and Le Marchand petitioned in like manner.<sup>86</sup> By 28 February 1621, a certificate of their findings had been compiled and was available for Zouche and Carew to examine.<sup>87</sup>

The dominant group in Guernsey had therefore effectively blocked conventional appeal access for some litigants to the Privy Council from the island, and thereby provoked the “innovation” of what in one case was specifically called a *doléance*. Although this specific case was fought to a standstill by that group, one result of the assertive intervention by Gardener and Briard in 1617-18 was that appeals from Guernsey to the Council resumed in their conventional form and in greater numbers than in the previous few years, as with that noted on 2 July 1618, and again on 13 July. Helier de Jersey in right of Anne his wife, and Richard de Jersey, attorney of Margaret Lee, appealed in a case against Collinette Brehault widow of Anthony Lee over his moveable goods; James Gallienne, Collinette’s attorney, responded on the 13<sup>th</sup>.<sup>88</sup>

The volume of cases handled as traditional appeals in 1618 was particularly notable. It may be that this was partially responsible for the slow growth of the *doléance* and the continued effective management of resort to the Privy Council through more or less traditional routes of appeal. Neither the Council, nor those with power in Guernsey or Jersey, had a fundamental interest in disrupting the relationships between the islands and the king’s council.

The context for Jean Briard's challenge, in the actions in the ecclesiastical sphere discussed earlier in this article, is also relevant here. March 1617, when the Council initially responded to him, was the point at which the Commission of Edward Conway and William Bird was appointed to consider matters in Jersey, leading amongst other things to the order for the appointment of a Dean; that spring also fell several months into the conflict in Guernsey prompted by Thomas le Page's complaint to the Court of Arches, during the previous year, against the minister Simon Hearne, which soon after culminated in his excommunication. The willingness of the Council to receive Briard's complaint, but also the responses from the local establishment and the result, in restoring something like a more normal process of appeal to the Council, without the innovation of *doléance*, should be read in that context. In all of this sequence of events, there is no indication of a coherent royal, or even wider central English government or ecclesiastical agenda to undermine local autonomy, or at least of one with any coherence. It was James' personal intervention in the autumn of 1617 which was pivotal in reversing the course of events in Guernsey and anchoring the Presbyterian settlement there. In each case, it is a local dynamic of conflict and connection, and the strength of the local community in its commitment to established ecclesiastical, judicial, governmental, and political norms which dictated the outcome of events. It may be tempting to find continuities in the experience, for example, of Samuel de la Place, who could recount stories of his parents' arrival in Jersey from Normandy in the late 1560s soon after the creation of its new religious settlement, and his own experience of service as a minister in Jersey, resistance to the establishment of a Dean from 1614 until leaving the island for Guernsey in the 1620s, and then later service in the Westminster Assembly in the 1640s, in that instance alongside a vigorously propagandizing Jean de la Marche.<sup>89</sup> No doubt both men's memories were strong across that period – the latter expressing this very clearly in his *Complaint of the False Prophets Mariners* presented to the House of Commons on 28 July 1641, referring to events



as presaged in Revelation, leading towards the fall of hierarchy and the establishment of Presbyterianism, including the struggle of those in the “remote Islands beyond seas, viz. of Garnezey Jarzey and Syllie, against whom” the “great Hierarchicall whore” had “made warre”.<sup>90</sup> De la Marche’s intervention was well timed to provide illustrations of the confrontations between Presbyterianism and hierarchy during the root and branch controversy: the bill for root and branch reform was introduced to the Commons on 27 May 1641 and was a focus of interest until late July and even into August.<sup>91</sup> From a contrary perspective, the islands were subject to the creation of a powerful narrative by Peter Heylyn, who spent time there in 1629 as chaplain to the governor, the earl of Danby, at a formative stage in Heylyn’s development as one of the most influential anti-Calvinist polemicists of the following decades.<sup>92</sup> Yet the initiatives of the 1610s which de la Place and de la Marche experienced and of which Heylyn provided a compelling account did not have the coherence which they might have appeared to possess in retrospect.<sup>93</sup> We may have come in the past couple of decades to appreciate the degree to which the conflicts of the period were the stuff of propaganda and the media of a newly powerful public sphere. That public sphere might be correctly characterised as predominantly English – albeit with preoccupations that were not necessarily primarily English.<sup>94</sup> The Channel Islands (as with Ireland and Scotland) which were represented there were not simply to be imagined as a threatening backdrop for the dramas, for example, of the Channel Island imprisonment of a London minister, in Henry Burton, or a West Country lawyer, in William Prynne.<sup>95</sup> Nor should this encourage us to read back into the first decades of the century the coherence of narrative which later undoubtedly emerged. The degree of change experienced in Jersey was primarily due to the extent of diversity in local opinion across a range of issues, and the shape of the new settlement can be argued to be as much determined by a rebalancing of local views as it was by the imposition of external norms from a monarchy with an allegedly unifying imperial agenda.



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<sup>1</sup> *Fall of the British Monarchies*, 33; *Causes of the English Civil War*. For similar accounts of the unifying, and disruptive, approach allegedly adopted by James (and more especially his son), see Perceval-Maxwell, *Outbreak of the Irish Rebellion*; Morrill, "British Problem". An even more Anglo-centric approach to the connections between the high-political and ecclesiastical players in this drama is to be found in e.g. Adamson, *Noble Revolt*. For James's religious policy in Scotland, see MacDonald, *Jacobean Kirk*.

<sup>2</sup> Stewart, "Brothers in Treuth"; eadem, *Urban Politics and the British Civil Wars, 172-222*; eadem, "Political Repercussions of the Five Articles of Perth"; eadem, "Politics and Government in the Scottish Burghs," 444-45.

<sup>3</sup> Wells, "Constitutional Conflict," 95-100.

<sup>4</sup> For connections across the decades from plantation in Ulster after the flight of the earls to the Rebellion of 1641, see e.g. Canny, "What Really Happened in Ireland in 1641?"; idem, *Making Ireland British*, 461-550.

<sup>5</sup> Ogier, *Reformation and Society*; Davies, "International Politics"; Evans, "Religious History of Jersey"; Thornton, *Channel Islands*, ch. 4-5; Eagleston, *Channel Islands*.

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<sup>6</sup> Ogier, *Government and Law of Guernsey*, 102-04; Thornton, *Channel Islands*, 22-23, 33-34, 62, 66-68, 70, 83, 104-05, 153-58; Thornton, *Charters of Guernsey*; idem, “Jersey’s Royal Charters of Liberties”; idem, “English King’s French Islands.”

<sup>7</sup> The sources for the islands’ ecclesiastical history have been relatively well understood for some time, many being used e.g. by De Schickler, *Les églises du refuge en Angleterre*, in the 1890s. Those for the islands’ civil courts and administration have been less accessible and widely used, esp. by historians from outside the islands, with e.g. most of those for Guernsey still being held in the Greffe as part of the ongoing record of the island’s courts and government, and those for Jersey moved to a purpose-built archive building only in 2000.

<sup>8</sup> Cambridge University Library, Dd.11.43, f. 170v; Evans, “Religious History of Jersey,” 133; Eagleston, *Channel Islands*, 131.

<sup>9</sup> Cambridge University Library, Dd.11.43, ff. 175<sup>r-v</sup>.

<sup>10</sup> *Acts of the Privy Council of England* [hereafter APC], 1613-1614 [-1630-1631], vol. 1: 1613-14, 251-53.

<sup>11</sup> Cambridge University Library, Dd.11.43, f. 179<sup>v</sup>.

<sup>12</sup> Eagleston, *Channel Islands*, 130-33; Evans, “Religious History of Jersey,” 131-38.

<sup>13</sup> This phase of the conflict is covered in Eagleston, *Channel Islands*, 119-40; Evans, “Religious History of Jersey,” 140-57.

<sup>14</sup> Kew, The National Archives of the United Kingdom [hereafter TNA], SP 14/110/117, /122 (*Calendar of State Papers Domestic, 1611-18*, 445, 446-47). The king seems to have taken a personal interest, in Jan. 1618, in Conway and Bird’s views on Jersey: TNA, SP 14/95/4 (*Calendar of State Papers Domestic, 1611-1618*, 511).

<sup>15</sup> Evans, “Religious History of Jersey,” 140-44.

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<sup>16</sup> *APC 1617-19*, 190-91.

<sup>17</sup> Richardson, “Bilson, Thomas”; McCullough, “Montagu, James”; idem, “Andrewes, Lancelot”; Fincham, *Prelate as Pastor*, 10, 25, 38-39, 43-44, 53, 113-14, 165-67.

<sup>18</sup> *Canons and Constitutions Ecclesiastical for the Island of Jersey*, 1-30.

<sup>19</sup> St Peter Port, Greffe, Crime, vol. 3, p. 47 (*List of Records in the Greffe*, i. 32, no. 26, p. 47); Ogier, *Reformation and Society*, 145.

<sup>20</sup> St Peter Port, Priaulx Library, MS ref. SR, “Papier ou livre des colloques des églises de Guernezey” [hereafter Colloquy], f. 107.

<sup>21</sup> Colloquy, f. 108b.

<sup>22</sup> De Schickler, *Les églises du refuge en Angleterre*, iii. 486-7; *Actes des états de l’Ile de Guernesey*, i. 42-43 (16 Sept), 44-45 (5 Apr: no need to return). James and his party, Winchester being one of 3 bishops travelling, had left Whitehall in Mar. 1617: Sinclair, “Scottish Progress of James VI,” 24-25.

<sup>23</sup> Colloquy, ff. 110, 110b, 111b-12b.

<sup>24</sup> Colloquy, ff. 112b-13; *Les églises du refuge en Angleterre*, iii. 487-88.

<sup>25</sup> *Actes des états de l’Ile de Guernesey*, i. 46

<sup>26</sup> *Les églises du refuge en Angleterre*, iii. 488-89; Colloquy, ff. 113-14.

<sup>27</sup> St Peter Port, Greffe, Greffe Collection, Diary, no. 83, *sub anno* 1617 (*List of Records in the Greffe*, i. 54, no. 83, p. 227); cf. Ogier, *Reformation and Society*, p. 92.

<sup>28</sup> Above, n. 17.

<sup>29</sup> *Les églises du refuge en Angleterre*, iii. 489; Colloquy, f. 114. States fees for him 27 Dec: *Actes des états de l’Ile de Guernesey*, i. 46-47.

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<sup>30</sup> Colloquy, ff. 115b-16. *Les églises du refuge en Angleterre*, iii. 489-90, briefly covers the involvement of Gosselin.

<sup>31</sup> Colloquy, f. 116b.

<sup>32</sup> Colloquy, f. 118.

<sup>33</sup> Colloquy, f. 118.

<sup>34</sup> Colloquy, ff. 118b-19.

<sup>35</sup> Colloquy, ff. 119-19b, 120b, 122b.

<sup>36</sup> The original record of his offence simply records him as Thomas le Page son of Jean, of the parish of St Martin: St Peter Port, Greffe, Crime, vol. 3, p. 47 (*List of Records in the Greffe*, i. 32, no. 26, p. 47).

<sup>37</sup> St Peter Port, Priaulx Library, St Peter Port, Register of Baptisms, unfoliated: the mother's name is given as Laurence Ethur; 'presente par Thomas Fautrat'.

<sup>38</sup> Collenette, *Elizabeth College, 1563-1963*, 51.

<sup>39</sup> Information on Helier junior and Pierre is taken from St Peter Port, Island Archives, Reserson Pedigrees, vol. 2, ff. 113ff..

<sup>40</sup> Eagleston, *Channel Islands*, 128-30; Evans, "Religious History of Jersey," 85-89, 120-21, 127-30, and part 2; Cambridge University Library, Dd.11.43, ff. 155<sup>r-v</sup> (29 Dec. 1609); 155v-157r (1 Jan. 1610).

<sup>41</sup> Eagleston (*Channel Islands*, 128-30) noted that of 7 offenders cited to appear before the Colloquy in Mar. 1613, not one appeared; this may be an atypical month, given that 3 elders were absent, one through illness, and two of the accused are also identified as ill: Cambridge University Library, Dd.11.43, ff. 173<sup>v</sup> -74<sup>r</sup>. June 1613 (ff. 175<sup>r</sup>-175<sup>\*r</sup>) saw slightly greater



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engagement, with all the elders attending, and again *excused* absences, this time for ‘la saison du vraic’ [the seaweed harvest, for the purpose of manuring the land]. 1612: *ibid.*, f. 170<sup>v</sup>.

<sup>42</sup> “Recettes de M. Samuel de la Place,” 115-16; St Helier, Société Jersiaise, Lord Coutanche Library, PEO/I/A-E (copy of a document then in the possession of Alan le Maistre, les Prés Manor, Grouville; formerly catalogued under the shelfmark X4/15); Evans, “Religious History of Jersey,” 150-51.

<sup>43</sup> Evans, “Religious History of Jersey,” 154-56.

44 TNA, SC 8/257/12823-25 (1377-78; “*Ancient Petitions of the Chancery and the Exchequer*” *ayant trait aux Iles de la Manche, conservées au “Public Record Office” à Londres*, Publication Special, Société Jersiaise (1902), 77-79, and *passim* for editions of a range of these island petitions). Pépin, “Petitions from Gascony,” 121-23, 132-34; Dodd, “Parliamentary Petitions?” 19; Brand, “Petitions and Parliament in the Reign of Edward I”; Baker, *Introduction to English Legal History*, 137, 207-08.

45 Esp. early in the century: there is nothing to suggest activity in TNA, C 1; and see an example of a failed attempt to bring a case to Chancery in *Calendar of the Patent Rolls ... Henry IV, iv: 1408-13*, 227.

46 TNA, C 1/178/40-1 (1486-93); /190/8 (1493-1500). “Family of Walsh or Wallis and the Seigneurie of St. Germain,” 299-300.

47 *Les Chroniques de Jersey*, ch. xv-xxii, provides an extended account of this struggle.

48 Eagleston, *Channel Islands*, 22-25; Gwyn, *King's Cardinal*; Balleine, *Biographical Dictionary of Jersey*, 142-46; TNA, C 1/486/29. Later action: TNA, C 1/624/43; /616/20 (1529-32); 844/10 (1533-38).

49 TNA, C 1/491/15.

50 TNA, C 1/867/72.

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51 Historical Manuscripts Commission, *Calendar of the Manuscripts of the Marquis of Salisbury*, xiii. 31. Charter: Thornton, *Charters of Guernsey*, 58-67.

52 *Acts of the Privy Council of England, 1558-1570* [hereafter *APC 1558-70*], 211, 223-24 (22 June); *Calendar of State Papers Domestic Series, of the Reign of Elizabeth, 1601-03, with Addenda 1547-65*, 566 (xii.65). NB the apparent very limited presence of Channel Island cases from TNA, C 2, the only exceptions being C 2/Eliz/N3/54; /JasI/A7/47. For the changes to Chancery and Star Chamber activity in comparable territories, see Thornton, *Cheshire and the Tudor State*, 103-15.

53 *In the Privy Council ... In the Matter of a Representation of the States of the Island of Jersey*, ii. 179-93; Howell, *Judicial Committee of the Privy Council*, 5; Baker, *Introduction to English Legal History*, 29-30, 140-41; Davies, "Richard III, Henry VII and the Island of Jersey," 339. Smith, *Appeals to the Privy Council*, 12-25 (pp. 24-25, quotation, for the role of the Elizabethan council).

54 *APC, 1558-70*, 211; *Acts of the Privy Council of England, 1571-1575*, 75; *Second Report of the Commissioners Appointed to Inquire into the State of the Criminal Law in the Channel Islands: Guernsey*, 313-14.

<sup>55</sup> Besnier, "La doléance"; Ogier, "Doléance"; Le Bathelier, *Les Coustumes du pays et duché de Normandie*, ff. 21r, 22r.

<sup>56</sup> Le Geyt, *Les manuscrits de Philippe Le Geyt*, iii. 339, 344 (compare the records of cases in the Samedi court: St Helier, Jersey Archive, D/Y/F1/2, f. 16v; /3, ff. 28-9; /6, ff. 25v-26v.)

<sup>57</sup> Poingdestre, *Caesarea*, 64: 'si non par appel ou doléance formellement faicte apres sentence donnee et proferee par le Juge'.

<sup>58</sup> Ogier, *Government and Law*, 106-07.

<sup>59</sup> *APC 1616-17*, 213-14.

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<sup>60</sup> *Acts of the Privy Council of England, 1597-1598*, 498-99; Oswestry, The Guildhall, Oswestry Town Council, OB/A75/1/20; Carey, “Notes Concerning the Owners of the Various Merchants’ Marks,” 305-07.

<sup>61</sup> Briard v Nicholas Cornew, Ballowe et al.: TNA, C 2/ChasI/B79/2, /B85/9, /B101/21, /B170/1; C 3/334/70; C 21/B53/14. Briard v Rookes: C 2/ChasI/B96/39, /B114/4; C 21/B62/18. Briard v Whetcombe: C 2/ChasI/B106/8. Briard v Bull: C 2/ChasI/B162/55. Briard v East India Company: C 2/ChasI/B1/60. Bonamy v Briard: C 2/ChasI/B3/40. Briard v Webber: C 2/ChasI/B19/1. Briard v Michell: C 2/ChasI/B96/24.

<sup>62</sup> St Peter Port, Greffe, Guernsey, Contrat, vol. 2, ff. 37r., 259r., 263v.

<sup>63</sup> McCormack, *Channel Island Houses*, 246; Lukis, “Growth of St Peter Port,” 165.

<sup>64</sup> St Peter Port, Greffe, Greffe Collection, IV/76/91; 16(c)11/3; Clark, *Great Guernsey Hoax*.

<sup>65</sup> *APC 1618-19*, 237, 274.

<sup>66</sup> *APC 1621-3*, 351; *APC 1623-5*, 84, 220-21. *APC June-December 1626*, 424.

<sup>67</sup> *APC January – August 1627*, 370-71. *Actes des états de l’Ile de Guernesey*, i. 98-99 (a petition from the negotiation for the 1627 charter, including issues related to doléance).

<sup>68</sup> *APC May 1629 – May 1630*, nos 420; 837; 1299; *APC June 1630 – June 1631*, no. 167.

<sup>69</sup> Michael Burton v. Francis Amy (Jersey); John v. Nicholas Baillehache (Jersey): *APC 1615-16*, 3, 96-97.

<sup>70</sup> Hugh Hue v. Thomas Lempriere tutor of children of Peter de Soulemont, and Peter Bisson in right of wife (Jersey); Gardener v Marchant (Guernsey); Briard v. Beauvoir (Guernsey); John Durrell v. Thomas Poingdextre (Jersey): *APC 1616-17*, 128-29, 137-38, 213-14, 321.

<sup>71</sup> Judith Messervie widow of Edward Messervie v. John Mattingley (Jersey): *APC 1618-19*, 6, 230-31; *APC 1619-21*, 12, 195; *APC 1621-23*, 13, 144. Thomas Oliver, minister of St Helier v. John Bisson, farmer of tithes (Jersey): *APC 1618-19*, 13. Helier de Jersey in right of

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Anne his wife, and Richard de Jersey, attorney of Margaret Lee v. Collinette Brehault widow and late wife of Anthony Lee (Guernsey): *APC 1618-19*, 201, 209. Hugh de Soulemont, of Jersey, eldest son of Peter de Soulemont, decd v. Aron Stocall (Jersey): *APC 1618-19*, 213. Phillippine, wife of Thomas Bertram v. Elias Dumaresque of La Haule (Jersey): *APC 1618-19*, 270. Philippe de Carteret (Jersey): *APC 1618-19*, 237, 274. Clement Grin and wife v. Thomas Poindexter and Benjamin Gavey (Jersey): *APC 1618-19*, 311.

<sup>72</sup> Wm Poindexter v. wife of Clement Gallie (Jersey): *APC 1618-19*, 370; *APC 1619-21*, 100, 213-14. Eliah Dumaresq of La Haule v. John Payne alias Edwards (Jersey): *APC 1619-21*, 20. King's officers of Jersey v. Eliah Dumaresq of Vincheles, curator of Daniel Dumaresq, lord of Samares (Jersey): *APC 1619-21*, 63.

<sup>73</sup> John Bayllehache v. HM's attorney in Jersey (Jersey): *APC 1619-21*, 115, 265-66. George Kellett v. Edward Dumaresq (Jersey): *APC 1619-21*, 160, 323-24; 1623-25, 150. Elie Dumaresq gent of Jersey v. John Mahault (Jersey): *APC 1619-21*, 181. Eliah de Carteret, HM procureur in Jersey v. John Perin seigneur of Rosel, Hugh Lempriere seigneur of Dielament, and Clement Hampton, seigneur of Savale (Jersey): *APC 1619-21*, 198, 280-81. Samuel Alford of Exeter merchant v. John Guile and Thomas Guile (Guernsey): *APC 1619-21*, 223, 408; 1621-23, 235; 1623-25, 189-90. John de Rues of Jersey tutor of Francis de Carteret gent. v. John Lenglois son and heir to Raulin Lenglois decd (Jersey): *APC 1619-21*, 240; 1621-23, 319. Benjamin la Cloche of Jersey as seigneur of fees of Longueville and Buisson and their dependencies v. John Durell son of Nicholas Durell (Jersey): *APC 1619-21*, 243. Simon Effart of Guernsey v. Thomas de Lisle (Guernsey): *APC 1619-21*, 296 (noted as not an appeal, and referred back).

<sup>74</sup> Children of John Deuick [i.e. Devic], decd v. John Gardiner, as sole heir and executor to Henry Macham, decd (Guernsey): *APC 1619-21*, 371. Hugh Hue of Jersey, yeoman v. Peter Renouse [i.e. Renouf] (Jersey): *APC 1619-21*, 390; 1621-23, 42; *APC 1625-26*, 101. Nicholas

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le Roulx and John le Roulx alias Petevins, of Jersey, yeomen v. John Baillehache (Jersey): APC 1621-23, 38. Isaac Messervy, guardian and tutor to children of Edward le Porc, of Jersey, decd, petitioner (Jersey): APC 1621-23, 63. Jasper Chapman, gent, porter of Elizabeth Castle v. Noe le Geyt (Jersey): APC 1621-23, 70, 494.

<sup>75</sup> The penalty having been £100 livres tournois to the victim, and £20 to the crown, beyond le Marchant's costs and medical treatment: St Peter Port, Greffe, Crime, vol. 3, p. 69 (transcribed in St Peter Port, Island Archives, Judicial Proceedings, vi, f. 5; *List of Records in the Greffe*, i. 32, no. 26, p. 69); APC 1616-17, 137-8. Gardener was heir of Henry Macham: *Actes des états de l'Île de Guernesey*, 48 (12 June 1619).

<sup>76</sup> APC, 1613-14, 91, 387-8. This was a very long-running conflict: earlier stages are brought together in the notes in St Peter Port, Island Archives, Judicial Proceedings, vi, ff. 146-53.

<sup>77</sup> St Peter Port, Island Archives, Reserson Pedigrees, vol. 5, f. 17.

<sup>78</sup> APC 1616-17, 326.

<sup>79</sup> APC 1619-21, 296. Simon Effard complained of the hard dealing towards his father by Thomas de Lisle. See the case involving Edmond Effart and Thomas de Lisle, 27 Oct. 1618, transcribed in St Peter Port, Island Archives, Judicial Proceedings, vi, f. 67 (saisi).

<sup>80</sup> The case originated in a sentence against Briard of 27 July 1616: St Peter Port, Island Archives, Judicial Proceedings, vi, f. 194. The house had passed to him in right of his wife Rachel Martyn, and is recorded in his possession in 1603: St Peter Port, Island Archives, AQ 0774, Livres de perchage, fief le Roi, parish of St Peter Port, p. 191.

<sup>81</sup> APC 1616-17, 325-26 (transcribed in judicial proceedings vi, ff. 223-25 – the view is that of C. Edmondès); St Peter Port, Island Archives, Judicial Proceedings, vi, ff. 202-13 (Clameur de Haro raised on 24 May, with initial action in the island 28 May 1616), ff. 214-15 (17 July 1617: representation). The depositions of the witnesses in the case are at ff. 216-19,

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with the response of the bailiffs of Guernsey & Jersey (dated 17 July 1617), as commissioners in this case appointed 31 Aug. 1616; they refer to the local judgement, and report that majority of the jurats indicate that to continue with the commission would be prejudicial to the charters and authority of the king's court here (ff. 220-21).

<sup>82</sup> *APC 1618-19*, 32-33, 224, 239. The imprisonment arose from action on 30 Dec. 1617: St Peter Port, Island Archives, Judicial Proceedings, vi, ff. 234-35. Freedom: *ibid.*, ff. 240-41. Further action: ff. 242-47

<sup>83</sup> *APC 1618-19*, 335-36. St Peter Port, Island Archives, Judicial Proceedings, vi, f. 250.

<sup>84</sup> St Peter Port, Island Archives, Judicial Proceedings, vi, f. 254.

<sup>85</sup> *APC 1619-21*, 296.

<sup>86</sup> St Peter Port, Island Archives, Judicial Proceedings, vi, ff. 266-70; 272-73.

<sup>87</sup> *APC 1619-21*, 354.

<sup>88</sup> *APC 1618-19*, 201, 209.

<sup>89</sup> Evans, "Place, Samuel de la"; Balleine, *Biographical Dictionary*, 210-13; Ogier, "Marche, Jean de la".

<sup>90</sup> *Complaint of the False Prophets Mariners*, esp. 48-49.

<sup>91</sup> Shaw, *History of the English Church*, i. 78-102; Fletcher, "Concern for Renewal".

<sup>92</sup> Milton, *Laudian and Royalist Polemic*, ch. 1, esp. pp. 22-25; Heylyn, *Survey of the Estate of France*, 279-424.

<sup>93</sup> Milton, *Laudian and Royalist Polemic*, 96, rightly challenges Foster, *Notes from the Caroline Underground*, for his assertion that this narrative effectively created the 'Puritan' movement, on the basis of Heylyn's encounters with the reality of Presbyterianism in Guernsey – but this still underestimates Heylyn's role in giving shape and coherence to the phenomenon he describes in the islands (and elsewhere).

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<sup>94</sup> Initiated with e.g. Bellany, *Politics of Court Scandal*; Raymond, *Invention of the Newspaper*; Lake with Questier, *Antichrist's Lewd Hat*; Peacey, *Politicians and Pamphleteers*.

<sup>95</sup> Cressy, "Puritan Martyrs in Island Prisons".