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ORIGINAL ARTICLE

The Isle of Man, Channel Islands and Statutes of the English Parliament, to 1640: Development and Change in Territorial Extent

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Abstract

Recent authorities emphasize the longstanding inclusion of the Isle of Man in the territorial extent of English/British parliamentary legislation. This aligns with views of the territorial ambition of ministers of the crown and members of parliament in their operation of parliament's role in receipt of petitions and especially in the shaping of legislation. While contemporary authorities on Channel Island law, especially those in the islands themselves, are more cautious about the territorial extent of such legislation, it remains, at least by implication, the norm to assert that all of these territories, now Crown Dependencies, could be included by express provision in English/British statute law, and that there might be strong assumptions of inclusion even when they were not expressly named. The evidence for the period before 1640 does not tend to support these arguments. Instead, the Anglo-centric instincts of the English parliament from the mid-fourteenth century to the 1530s are clear. And even in the 1530s and 1540s, in legislation spurred by jurisdictional and administrative imperatives in ecclesiastical matters, as a result of the Break with Rome, there was only tentative and limited change to the territorial extent of English law.

One important recent authority has been categorical about the status of the Isle of Man and its historical and contemporary relationship to English and British statute and parliament. "There are numerous examples of Parliament seeming to legislate for the Isle of Man before Revestment [in 1765, when the feudal rights of the lords of Man were transferred to the British crown]. Many of these extended to the Isle of Man by implication rather than express

words, an implication that would not exist if Parliament could not legislate for the Isle of Man."[1]

This categorical opinion stands in tension with the views of legal authorities at two points in the sixteenth century, which gained added authority by inclusion in Coke's *Institutes*.[2] Coke referenced the judgment of Trinity 40 Elizabeth (1598) by Lord Keeper Egerton, lords of the Council, Sir John Popham CJQB, Edmund Anderson CJCP, and William Peryam LCB, that the Isle of Man was an ancient kingdom and not part of the kingdom of England. This in turn confirmed a judgment from Michaelmas 1522 reported in Keilway and given by Sir Robert Brudenell JKB, Sir Richard Broke JCP, and Sir Anthony Fitzherbert JCP and all the king's Council, that Man was not part of the realm of England and was not governed by the law of England. This 1522 judgment compared the island to Tournai and Gascony which were not under the jurisdiction of Chancery, and stated that no "general Act of Parliament did extend to the Isle of Man" but "by special name an Act of Parliament may extend to it." The judgment of 1598 therefore found that the statutes of Uses (27 Henry VIII, c.10) and of Wills (32 Henry VIII, c.1, and 34&35 Henry VIII, c.5) did not extend to the Isle of Man.[3] While it may now be generally accepted that the fundamental contest between the British parliament and other parliaments in the king's realms and dominions was identified and resolved early in the

[1] Peter W. Edge, "David, Goliath, and Supremacy: The Isle of Man and the Sovereignty of the United Kingdom Parliament," *Anglo-American Law Review* 24 (1995): 1–30, at 4. For the purposes of this article, however, he does significantly note: "This reservation does not explain those Acts of Parliament which refer to the Isle of Man by express words." See also Kenneth F. W. Gumbley, *Chronological Table of Acts of Parliament Extending to the Isle of Man, with Subject Guide*, 4th ed. (Douglas, Isle of Man: Isle of Man Government, 1998); idem, "Extension of Acts of Parliament to the Isle of Man," *Manx Law Bulletin* 8 (1987): 78–88; Augur Pearce, "When is a Colony not a Colony? England and the Isle of Man," *Common Law World Review* 32 (2003): 368–98; Ralph A. Griffiths, "The English Realm and Dominions and the King's Subjects in the Later Middle Ages," in *Aspects of Late Medieval Government and Society*, ed. John G. Rowe (Toronto: University of Toronto Press, in association with the University of Western Ontario, 1986), 83–106, esp. 99.

[2] Edward Coke, *The Fourth Part of the Institutes of the Laws of England* (London: printed by M. Flesher, for W. Lee and D. Pakeman, 1644), 284 (cf. for Jersey and Guernsey, 287 (not bound by acts "unlesse they be specially named"). Wood and Blackstone followed Coke: Thomas Wood, *An Institute of the Laws of England*, 6th ed. (London: printed by E. and R. Nutt and R. Gosling for Henry Lintot and Thomas Osborne, 1738), 1; William Blackstone, *Commentaries on the Laws of England in Four Books*, ed. William Draper Lewis (2 vols, Philadelphia: Geo. T. Bisel Co., 1922), i. 92–93.

[3] The earlier case was reported by John Caryll, although the work was long associated with the name of Robert Keilwey in editions that reached a wide readership: see e.g. *Reports d'ascuns cases*, 3rd ed. (London: Charles Harper, William Crooke & Richard Tonson, 1688; STC K134), 202b; *Reports of Cases by John Caryll*, ed. John H. Baker, Selden Soc., 115–16 (London: Selden Society, 1999–2000), ii. 731–32. Sixteenth-century judges understood aspects of Manx law as clearly distinct from English law: *Reports of Cases from the Time of King Henry VIII*, ed. John H. Baker, Selden Soc., 120–1 (London: Selden Society, 2003–4), 62–63 (Sir William Shelley JCP (d. 1549) refers to Manx law on the taking of horses).

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eighteenth century,[4] there continues to be interest in the precursors to that resolution. The tensions between the views of recent authorities favoring extensive English parliamentary authority, on the one hand, and this evidence from the sixteenth century, on the other, suggest there is value in reconsidering the relationship between the English parliament and the Isle of Man, and further of other territories with similar contexts, especially the Channel Islands (the bailiwicks of Jersey and Guernsey) in the period before 1640. The echoes of the McIlwain-Schuyler controversy[5] mean this consideration has wider implications for the situation of other territories ultimately controlled by the English crown, especially the American colonies.[6] While McIlwain and Schulyer's initial formulation of their arguments focused on Ireland, some subsequent contributions to the debate on the implications for America included reference to the Isle of Man and the Channel Islands.[7] The focus of these authorities tends to be to underline the interest of the English parliament in and its ultimate authority over these wider dominions, but without detailed scrutiny of the body of relevant legislation.

The evidence of this legislation also allows us to address the important recent historiography arising from the so-called "new British history," which places these questions about the role of parliament and statute in a wider context. Rees Davies and others have argued the high-water mark of assertions of English control across these islands and beyond was reached at the end of the thirteenth century and in the decades to about 1340. In these years, the English parliament aspired to make practical interventions in Wales and other non-English territories, and at the same time English courts were most assertive of wide-ranging geographical authority, the role of the core English royal kin-group and associated court circle was most expansive, and Anglo-centric networks of crown servants and of noble families encompassing

[4] Martin Stephen Flaherty, "Note: The Empire Strikes Back: Annesley v. Sherlock and the Triumph of Imperial Parliamentary Sovereignty," *Columbia Law Review* 87 (1987): 593–622.

[5] Charles H. McIlwain, *The American Revolution: A Constitutional Interpretation* (Ithaca: Cornell University Press, 1923); Robert L. Schuyler, *Parliament and the British Empire: Some Constitutional Controversies Concerning Imperial Legislative Jurisdiction* (New York: Columbia University Press, 1929).

[6] Harvey Wheeler, "Calvin's Case (1608) and the Mcllwain-Schuyler Debate," *American Historical Review* 61 (1955–56): 587–97; A. Frederick Madden, "1066, 1776 and All That: The Relevance of English Medieval Experience of 'Empire' to Later Imperial Constitutional Issues," in *Perspectives of Empire: Essays presented to Gerald S. Graham*, eds. John E. Flint and Glyndwr Williams (London: Longman, 1973), 9–26; Barbara A. Black, "The Constitution of Empire: The Case for the Colonists," *University of Pennsylvania Law Review* 124 (1976): 1157–211; Jack P. Greene, *Peripheries and Center: An Interpretation of British-American Constitutional Development, 1607–1788* (Athens: University of Georgia Press, 1986), 55–57; Ian K. Steele, "The British Parliament and the Atlantic Colonies to 1760: New Approaches to Enduring Questions," 29–46, and Jack P. Greene, "Competing Authorities: The Debate Over Parliamentary Imperial Jurisdiction, 1763-1776," 46–64, both in *Parliament and the Atlantic Empire*, ed. Philip Lawson (Edinburgh: Edinburgh University Press, 1995).

[7] Frederick Madden, ed., *Select Documents on the Constitutional History of the Empire*, i: *"The Empire of the Bretaignes," 1175–1688* (Westport, CT: Greenwood Press, 1985), 1–13, 79–103, 164–77, 178–203, esp. 10.

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communications and service spanned across Ireland, Wales, and England.[8] From the middle of the fourteenth century, however, it has been suggested that while relationships (founded on shared rule, aristocratic lordship, trade, military activity, service and ultimately violence) between the territories ultimately controlled by the crown remained powerful enough to warrant the term "Plantagenet Empire," "national shutters" came down around England, the crown and royal kin, a nationally centralizing legal and administrative machinery, an English court-centered political and elite social system—and an Anglo-centric parliament.[9] And then a variety of perspectives on the sixteenth century as a period of increasing (re)assertion of English control over the crown's other territories can be tested, for the extent, confidence and coherence of legislative and other parliamentary engagements. To earlier theses of "Tudor revolution" bringing centralization and unification most prominently espoused by Geoffrey Elton and (for Ireland) Brendan Bradshaw[10] can now be added arguments about the birth of English imperialism in the 1530s and 1540s, tried initially in France but implemented forcefully in Ireland and elsewhere soon after—and both tested against the evidence of the role of the English parliament and its legislation.[11]

[8] R. Rees Davies, *The First English Empire: Power and Identities in the British Isles 1093–1343* (Oxford: Oxford University Press, 2000); Robin Frame, *The Political Development of the British Isles, 1100–1400*, new ed. (Oxford: Clarendon Press, 1995).

[9] E.g. *The Plantagenet Empire, 1259–1453: Proceedings of the 2014 Harlaxton Symposium*, eds. Peter Crooks, David Green, and William Mark Ormrod (Donington: Shaun Tyas, 2016); Simon Egan, "Richard II and the Wider Gaelic World: A Reassessment," *Journal of British Studies* 57 (2018): 221–52; Brendan Smith, "The British Isles in the Late Middle Ages: Shaping the Regions," in *Ireland and the English World in the Late Middle Ages: Essays in Honour of Robin Frame*, ed. Brendan Smith (Basingstoke: Palgrave Macmillan, 2009), 7–19; idem, "Late Medieval Ireland and the English Connection: Waterford and Bristol, ca. 1360–1460," *Journal of British Studies* 50 (2011): 546–65; S. J. Drake, *Cornwall, Connectivity and Identity in the Fourteenth Century* (Woodbridge: Boydell, 2021); Gwilym Dodd, "Law, Legislation, and Consent in the Plantagenet Empire: Wales and Ireland, 1272–1461," *Journal of British Studies* 56 (2017): 225–49, esp 242–43, 248–49 ("English statutes no longer readily translated into an Irish context").

[10] Geoffrey R. Elton, *England under the Tudors*, 2nd ed. (London: Methuen, 1974), 175–80; idem, *Reform and Reformation: England 1509–1588* (London: Arnold, 1977), 203–11; idem, "'The Body of the Whole Realm': Parliament and Representation in Medieval and Tudor England," in his *Studies in Tudor and Stuart Politics and Government* (4 vols, Cambridge: Cambridge University Press, 1974–92), ii. 19–61, at 51 ("all the king's dominions were truly present"; note acknowledges Ireland had its own parliament); idem, "English National Self-Consciousness and the Parliament in the Sixteenth Century," in *Studies in Tudor and Stuart Politics and Government* (4 vols, Cambridge: Cambridge University Press, 1974–92), iv. 131–43, at 137; idem, "Wales in Parliament, 1542–1581," in his *Studies in Tudor and Stuart Politics and Government* (4 vols, Cambridge: Cambridge University Press, 1974–92), iv. 91–108; Brendan Bradshaw, *The Irish Constitutional Revolution of the Sixteenth Century* (Cambridge: Cambridge University Press, 1979); idem, "The Tudor Reformation and Revolution in Wales and Ireland: The Origins of the British Problem," in *The British Problem, c.1534–1707: State Formation in the Atlantic Archipelago*, eds. Brendan Bradshaw and John Morrill (Basingstoke and London: Macmillan, 1996), 39–65.

[11] Neil Murphy, *The Tudor Occupation of Boulogne: Conquest, Colonisation and Imperial Monarchy, 1544–1550* (Cambridge: Cambridge University Press, 2019). For a focus on security fears and violence in the Irish context, see David Edwards, "Early Modern Ireland: A History of Violence," in *Age of Atrocity: Violence and Political Conflict in Early Modern Ireland*, eds. David Edwards, Padraig Lenihan

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Although parliament had provided a forum for some petitioning of the crown relating to the Isle of Man during the period from the 1290s to the 1310s when the island was contested between various noble families, this was limited in scope and soon ended. The island had passed from the suzerainty of the king of Norway to the king of Scots in 1266. One of the few examples of that petitioning relates to John de Waldeboef's claims to the Isle of Man and adjacent islands, in right of his wife Maria, widow of Magnus last king of Man, and formerly countess of Strathearn.[12] By the time the Montacutes established lasting control of the island in the 1330s, Manx business was no longer being taken through the English parliament. Their kingship and that of their successor, William le Scrope, earl of Wiltshire, was ultimately subject to the king of England, but the island was not part of England and was viewed by many as a continuing element of the kingdom of Scotland. Even though the death of Scrope at the hands of the forces of Henry of Bolingbroke, as they overthrew him and his ally Richard II, allowed the English king to claim lordship by conquest, the island was soon granted away, first to Henry Percy, earl of Northumberland, and then Sir John Stanley through whose family it then descended. There is no indication of petitioning regarding the island, still less of any legislation identified as affecting the island, or excluding the island from its effect, until the middle of the sixteenth century.[13]

The first mention of the island in the English parliament at that point is in 1542. This saw an act concerning crossbows and handguns, designed to encourage traditional longbow archery, which included a proviso for those living near sea coasts, on the Scottish border, in Calais, Jersey and Guernsey, and on the isles of Anglesey, Wight, and Man. They were to have handguns, demihakes and hagbuts of specified lengths, the use of which was restricted.[14] In the

and Clodagh Tait (Dublin: Four Courts, 2005), 9–33; idem, "Ireland: Security and Conquest," in *The Elizabethan World*, eds. Susan Doran and Norman Jones (London: Routledge, 2011), 182–200.

[12] *The Parliament Rolls of Medieval England, 1275–1504*, eds. Chris Given Wilson et al. (16 vols, Woodbridge: Boydell; London: The National Archives, 2005) [hereafter *PROME*], i. 65 (no. 29): 294, ii. 108, 303; *Calendar of Close Rolls, 1288–96*, 290; Colm McNamee, "The Isle of Man under Scottish Rule, 1266–1333," in *A New History of the Isle of Man*, vol. 2: *The Medieval Period, 1000–1406*, eds. Sean Duffy and Harold Mytum (Liverpool: Liverpool University Press, 2015), 118–50, at 124, 128; Constance M. Fraser, *A History of Antony Bek: Bishop of Durham, 1283–1311* (Oxford: Clarendon Press, 1957), 108–9, 220–21; William Mark Ormrod, "Man under the Montacutes, 1333–1392," in *New History of the Isle of Man*, vol. 2: *The Medieval Period*, eds. Seán Duffy and Harold Mytum (Liverpool: Liverpool University Press, 2015), 151–69, at 151.

[13] This negative evidence is based on a survey of the *PROME* volumes. Michael J. Bennett, "English Rule Confirmed: The Isle of Man 1389–1406," in *A New History of the Isle of Man*, vol. 2: *The Medieval Period, 1000–1406*, eds. Sean Duffy and Harold Mytum (Liverpool: Liverpool University Press, 2015), 170–84; Tim Thornton, "Scotland and the Isle of Man, c. 1400–1625: Noble Power and Royal Presumption in the Northern Irish Sea Province," *Scottish Historical Review* 77 (1998): 1–30; Stephen Boardman, *The Campbells, 1250–1513* (Edinburgh: John Donald, 2006), 144.

[14] Parliamentary Archives, Westminster, U.K., HL/PO/PU/1/1541/33H8n6; 33 Hen. VIII, c.6, s 18 (*The Statutes of the Realm* (9 vols in 10, London, 1810–22) [hereafter *SR*], iii. 835); Madden, ed., *Select Documents*, i. 10; Stanford E. Lehmberg, *The Later Parliaments of Henry VIII, 1536–1547* (Cambridge: Cambridge University Press, 2008), 149–50, notes the Commons spent a month on this bill and rewrote it extensively, probably including the provisions. *Journals of the House of Lords* (London: [s.n.], 1771?-) [hereafter *Lords Journals*], i. 175, 187–88 (after a first appearance on February 8,

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same session, an act established the association of the dioceses of Sodor & Man, and of Chester, with the archbishopric of York.[15]

Then in March 1553, in the last weeks of Edward VI's reign, parliament passed an act against regrators of tanned leather (speculators in commodities who sold them at profit, especially in a crisis). This included a proviso for Calais and the Isle of Man, allowing for the export of boots to them. As this was provision for any royal subject not to be subject to the restrictions imposed by the act if they were exporting leather *to* Man or Calais, this cannot be included in a count of parliamentary statutes binding Man and the Manx.[16] Early in Elizabeth's reign, an act for the maintenance of the navy was passed in the parliament that assembled in January 1563. The act imposed restrictions on shipping in foreign ships, including for French wines and Toulouse woad only to be imported in the ships of the king's subjects. The act included a proviso for the Isle of Man, to allow up to 100 tons of French wine to be imported there.[17] This is therefore the first clear indication since 1542 of legislation regulating the behavior of people in the Isle of Man, in this case with an apparent assumption that trade between France and the island would be made illegal, were it not for the explicit exemption. But it was the only such indication in Elizabeth's reign.[18] In fact, after the navy act of 1563, the only legislation for the island in the English parliament until the English Civil War is the private act of 1610 establishing the title to the island, at the end of the disputed period of succession following the death in 1594 of Ferdinando, 5th earl of Derby.[19]

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and a first reading as a bill for the maintenance of archery on February 18, it returned from the Commons on March 18 as for crossbows & handguns and rapidly concluded on March 20). For context see Steven Gunn, "Archery Practice in Early Tudor England," *Past & Present* 209 (November 2010): 53–81, esp. 58–59.

[15] Parliamentary Archives, Westminster, U.K., HL/PO/PU/1/1541/33H8n29; 33 Hen. VIII, c.31 s 2 (*SR* iii. 870–71; Madden, ed., *Select Documents*, i. 10); *Lords Journals*, i. 174–84 –bill read in the Lords during February 1542, without mention of Sodor, returning from the Commons on March 9 with reference to the island diocese added. Lehmberg, *The Later Parliaments*, 159–60, 326, notes the act began as a petition to the king.

[16] Parliamentary Archives, Westminster, U.K., HL/PO/PU/1/1551/5E6n15; 5&6 Edw. VI, c.15 s 6 (*SR* iv. 151).

[17] Parliamentary Archives, Westminster, U.K., HL/PO/PU/1/1562/5Eliz1n2; 5 Eliz c 5, s 29 (*SR* iv. 427).

[18] The mention of Manx people in the poor laws of 1572 and 1597–8 (banning importation of Manx vagabonds into England) is again an example of law applicable in England and other territories which mentions Man but does not attempt to regulate affairs in the Island itself: Parliamentary Archives, Westminster, U.K., HL/PO/PU/1/1572/14Eliz1n5; 14 Eliz c.5, s 33 (s 34 required such vagabonds to be sent back); 39 Eliz c.4, s 6 (*SR* iv. 596, 900).

[19] Parliamentary Archives, Westminster, U.K., HL/PO/PB/1/1609/7J1n28; 7 Jas. I, private acts 4, an act for the assuring and establishing of the Isle of Man (*SR* iv. 1154; printed in John Parr, *An Abstract of the Laws, Customs, and Ordinances of the Isle of Man*, ed. James Gell, Manx Soc., 12 (Douglas: Manx Society, 1867), 61–64; Madden, ed., *Select Documents*, i. 170–71). The 4th session of James I's 1st English parliament began on February 9, 1610 (7 Jas. I) and was eventually prorogued on July 23, 1610. Barry Coward, *The Stanleys, Lords Stanley, and Earls of Derby, 1385–1672: The Origins, Wealth, and Power of a Landowning Family*, Chetham Soc., 3rd ser., 30 (Manchester: Manchester University Press for the Chetham Society, 1983), 45–49; *The History of Parliament: The House of*

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There are therefore just four examples of English statutes which extended explicitly to the Isle of Man before the Civil War, two of which do not in practice bind the island or its inhabitants, and one of the remainder is a private act for the succession to the lordship. This pattern aligns with the judgments given in 1522 and 1598. It does, therefore, raise a wider question about the ambition of the English parliament in its legislative activity during the period.

It is also evident, for example, that the Channel Islands are specifically referred to in English legislation only slightly less infrequently than the Isle of Man in the two centuries before the Civil War. The bailiwicks of Jersey and Guernsey exhibit a different pattern of development in relation to parliament, and with different present-day implications. The islands were a portion of the duchy of Normandy ruled by William the Conqueror when he invaded England in 1066, and his successors retained them even when the rest of the duchy was taken by the French king Philip Augustus in 1204. Unlike in the case of the Isle of Man, the English parliament was more often engaged with island issues from the second half of the thirteenth century and through into the fourteenth century, especially through petitioning. As Alexander Kelleher has recently written:

> The development of these [Plantagenet, predominantly English] 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 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.[20]

It is undoubtedly correct that the petitions of Channel Islanders are well represented in the records of parliament; the structure of committees to receive and try petitions from a range of specified territories was functional and explicitly inclusive of the islands in response to this demand, and it took on a more regular form as the fourteenth century progressed covering Gascon, Irish and Channel Islands, and Scottish business.[21] In 1295 and 1305 petitions were received in this way, and in the latter case a separate roll

Commons 1604–1629, eds. Andrew Thrush and John P. Ferris (6 vols, Cambridge University Press for the History of Parliament Trust, 2010), i. xxxvi.

[20] Alexander Kelleher, "'The King's Other Islands of the Sea': The Channel Islands in the Plantagenet Realm, 1254–1341," *History* 107 (2022): 453–83, at 477–78; idem, "Petitions from the Channel Islands in the Thirteenth and Fourteenth Centuries," *Jersey and Guernsey Law Review* (2021): 31–62. See also John H. Le Patourel, *The Medieval Administration of the Channel Islands, 1199–1399* (London: Oxford University Press, 1937); Judith A. Everard and James C. Holt, *Jersey, 1204: The Forging of an Island Community* (London: Thames and Hudson, 2004).

[21] Albert F. Pollard, "Receivers of Petitions and Clerks of Parliament," *English Historical Review* 57 (1942): 202–26; Gwilym Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford: Oxford University Press, 2007), 91–108.

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summarizing Channel Island petitions survives.[22] This is continued in the parliaments of Edward II, with for example a petition being received in the parliament beginning in October 1320 from the men of Jersey, Guernsey, Alderney and Sark about various miscarriages of justice and other offences against them, and also in the parliaments of the first years of Edward III.[23] But from the 1330s while the islands continued to be discussed in parliament (especially in relation to their defense at the start of the Hundred Years War), the frequency of petitions from them reduced.[24] It appears that from the early 1340s the level of activity in parliament relating to the islands dropped away significantly.[25] In the November parliament of 1355 members were informed that the king of Navarre had reneged on his promise to join the English king, noting that the monarchs had intended to meet in the Channel Islands. In 1373 Esmon Rose petitioned about his expenses for the keeping of Mont Orgueil Castle in Jersey.[26] There was a passing mention of the islands in the parliament of 1376, in an account of William, Lord Latimer's loss of money in a ship in Jersey. More substantially, the parliament of November 1390 received a petition from the men of the islands about their exemption from tolls and charges in England.[27]

This pattern of a withdrawal of the English parliament from the affairs of the Channel Islands from about 1340, as was seen even more completely with the Isle of Man, therefore aligns with wider trends in the historiography. It is a stark illustration of the narrowed horizons of the English parliament and the degree to which it could withdraw from the complex relationships with some of the English king's dominions and territories.[28] From the end of the fourteenth century onwards, therefore, the visibility of the Channel Islands in the records of parliament reduces significantly. Under Richard II, the only remaining reference was in 1397, when John, Lord Cobham (d. 1408) was sentenced to exile in Jersey, emphasizing not so much the island's inclusion as its "otherness." There appears to have been no parliamentary engagement with

[22] *PROME*, i. 8; ii. 347–54; Richard L. Atkinson, "The Channel Islands Petitions of 1305," *English Historical Review* 36 (1921): 554–56; Paul Brand, "Petitions and Parliament in the Reign of Edward I," in *Parchment and People: Parliament in the Middle Ages*, ed. Linda Clark (Edinburgh: Edinburgh University Press for the Parliamentary History Yearbook Trust, 2004), 14–38, at 18–20. For a similar view on the "surprising amount of business" from the islands in the English parliament in the early fourteenth century, see Le Patourel, *The Medieval Administration of the Channel Islands*, 19–20, 111–12. I am grateful to Dr Alexander Kelleher for discussion on this point.

[23] *PROME*, iii. 396, 459; iv. 88, 146.

[24] *PROME*, iv. 242–43, 251, 255, 269, 290.

[25] A broadly similar picture is apparent for the wider body of petitions (e.g. Dodd, *Justice and Grace*, 116–25), but the general decline is not as stark as that seen for the islands, where by the fifteenth century there are few petitions surviving other than those mentioned here in relation to parliamentary processes. Just The National Archives of the United Kingdom, Kew [hereafter TNA], SC 8/307/15342 (1430) might be referred to as an island petition, but in fact it related to an attempt to recover shipping losses, with action being directed through the sheriff of Cornwall.

[26] *PROME*, v. 120–21, 288; TNA, SC 8/294/14672. For Rose, see also TNA, SC 8/206/10300.

[27] *PROME*, v. 303; vii. 184.

[28] See above, 4–5 and nn. 8–9, esp. Dodd, "Law, Legislation, and Consent in the Plantagenet Empire."

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island issues in the reign of Henry IV, and then under Henry V there was only, in November 1414, legislation to protect the Calais staple which mentioned the behavior of merchants from Jersey and Guernsey, who with people from Brittany and Guyenne allegedly bought unsmelted tin ore in Cornwall and took it to France, Normandy, Brittany, Guyenne and elsewhere, and not to the staple at Calais.[29]

Across the whole of the long reign of Henry VI, the Channel Islands were mentioned in a significant way for the jurisdiction of parliament just once, in the attainder of the Yorkist lords enacted in November 1459. The act specified that their estates were forfeit in England, Wales, Ireland, Calais and its marches, and in the islands of Jersey and Guernsey—probably the most explicit impact of the power of parliament in the islands since the reigns of Edward I and his son. It is notable that this precedent was not followed in the many subsequent parliamentary attainders, which usually extended to a range of specified territories (typically England, Ireland, Wales, and Calais and its marches.)[30] Otherwise, the reign saw a couple of parliamentary petitions which related to activity in or near the islands, when William Warwick of Salisbury won the right to damages against a French lord, explicitly allowing the taking of his goods in England, Jersey or Guernsey, and when John Nanfan sought a grant of the customs of the islands following his appointment as governor there.[31] While these indicated the potential to deal with property and taxation in the islands, this was not true of action to address extortion by water bailiffs in Fowey, Plymouth, Dartmouth, and Poole, the victims of which had been in particular the king's subjects who were merchants of Gascony, Guyenne, Ireland, and Guernsey and Jersey.[32] Islanders did feature in two important acts of the 1440s, in legislation on the taxation of aliens present in England, which included specific confirmation of exemptions for their people in the acts of 1442 and 1449—and followed the possible implicit inclusion of islanders in the scope of the initial act of 1440 (in the face of which an exemption was confirmed in the Exchequer almost immediately), thereby paradoxically demonstrating the "otherness" of Jersey and Guernsey and the readiness of parliament to recognize the islands' privileged

[29] *PROME*, ix. 108–9. The petition which generated this action is TNA, SC 8/23/1142.

[30] *PROME* xii. 461. The territorial reach of attainder is not considered in the main literature on the subject, e.g. Jack R. Lander, "Attainder and Forfeiture, 1453 to 1509," *Historical Journal* 4 (1961): 119–51 (although at 132–33 he recognizes the way in which attainder in England and in Ireland might not work in step); Michael Hicks, "Attainder, Resumption and Coercion, 1461–1529," *Parliamentary History* 3 (1984): 15–31; *Year Books of 12 Edward II (1319):* eds. John P. Collas and Theodore F. T. Plucknett, Selden Soc., 70 (Year Books, XXIV) (1951), xxi–xl. Later attainders which were specific about their territorial reach but did not include the islands (unless they are taken to be covered by reference to France; neither was the Isle of Man referenced) include those on leading Lancastrians, in the parliament of November 1461, which specified at their most extensive the realm of England, Ireland, Wales, Calais and its marches, France or Guyenne, and at other times just England, Ireland, Wales, and Calais and its marches: *PROME*, xiii. 47, 50.

[31] *PROME*, xi.156, xii. 323; TNA, SC 8/23/1303, /27/1304, /118/5892 (*"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), 89–90); *Calendar of Patent Rolls, 1429–36*, 457.

[32] *PROME*, xii. 146.

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position.[33] After 1459, the only mention of the islands for the remainder of the fifteenth century and before the accession of Henry VIII was under Henry VII, in the parliament of November 1487 in an act confirming the statute of 1478 against carrying money out of the realm for goods brought into the same, which in the confirmation referenced merchants of Ireland, Jersey and Guernsey who brought merchandise into the realm, requiring them to spend any money received, after expenses, on commodities of England, or on due payment there.[34] Once again, however, this tended to regulate the behavior in England of subjects of the crown who were being treated as outsiders, and it did not assume the right to legislate for the communities involved in their own territories.

One instance of reference to the Channel Islands in English statutes under Henry VIII has already been mentioned, in their inclusion in the act concerning crossbows and handguns, 33 Henry VIII, c.6.[35] Further exploration of the texts of statutes does, however, highlight the degree to which a novel ambition to cover territories beyond England such as the Isle of Man, Jersey, and Guernsey did not begin to be apparent until the 1530s and 1540s and remained circumscribed. The first decades of the sixteenth century saw the English parliament making law with specific applicability in Wales, Ireland, Calais and elsewhere, but less frequently than might be expected. This was most often the case with statutes affecting lands in those territories being confiscated from or restored to Englishmen.[36] Beyond that, parliament did increase the scope of legislative extent through the use of formulae such as "this Realme of Englonde Irlande and Wales & the Marches of the same & in the Towne of Barwyke" seen in the statute on customs, or "the Realme of Englonde Wales or the Marches of the same" in the legislation designed to prevent escheators and others making false returns, both in Henry VIII's first parliament.[37] Most often, however, it was just Wales that was additionally referenced, as in the act against carrying coin, plate or jewels out of the realm of the same parliament or that on woollen cloths in the parliament of 1515.[38]

Generic reference in statutes to otherwise unspecified "dominions" of the crown or associated with the realm of England was a clear potential sign of an extension of the territorial ambition of legislation from the Westminster parliament. In this connection it is worth reinforcing the point that the Isle

[33] *PROME*, xi. 330, xii. 48. For these statutes, see *Resident Aliens in Later Medieval England*, eds. W. Mark Ormrod, Nicola F. McDonald and Craig Taylor, Studies in European urban history, 42 (Turnhout: Brepols, 2017), esp. William Mark Ormrod and Jonathan Mackman, "Resident Aliens in Later Medieval England. Sources, Contexts and Debates," 3–31; *The Alien Communities of London in the Fifteenth Century: The Subsidy Rolls of 1440 and 1483–4*, ed. James L. Bolton (Stamford: Richard III & Yorkist History Trust in association with Paul Watkins, 1998), esp. 3–4. Exemption (November 22, 1440): TNA, E 159/217, Brevia directa baronibus, Michaelmas, r. 61d.

[34] *PROME*, xv. 385. Neither the 1478 text, nor the act which it itself continues (5 Hen. IV, c.9), includes reference to Jersey or Guernsey merchants (*PROME*, xiv. 387–90; viii. 274–75).

[35] See above, 6–7.

[36] E.g. 3 Hen. VIII cc.17, 23; 4 Hen. VIII cc.9, 13, 14, 16, 18 (*SR* iii. 36–37, 45, 54, 58–63, 65, 68).

[37] 1 Hen. VIII cc.5, 8 (*SR* iii. 3, 4–5).

[38] 3 Hen. VIII c.1; 6 Hen. VIII c.9 (*SR* iii. 23, 130).

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of Man was not a dominion of England (or of Scotland), but was subject to the English crown. Once again, however, it is important to recognize that this ambition to extend control to the dominions of the crown was a development only of the fourth decade of the sixteenth century. Territories like the Isle of Man and the Channel Islands were not represented in the House of Commons,[39] and as we have seen acts of parliament rarely made direct and specific reference to them. The first instance in the sixteenth century of a less specific reference to the crown's dominions in a form that suggested an all-embracing applicability outside the realm of England came in the act in conditional restraint of annates, passed in the third session of the Reformation parliament, which convened in January 1532. This act threatened the papacy that annates, one third of the first year's revenue in a diocese with a newly appointed bishop, would no longer go to the Pope if there were to be inadequate progress in handling the King's petition for annulment of his marriage. While the core of the act itself referring to the potential impact on payment specified relevance to the "Realme of England," s 5 of the act indicated that a counterstrike from the papacy, in the form of an interdict, would have no force in stopping church services in England or "all other the Domynions and Territories belonging or apperteyning thereunto."[40]

This very tentative first extension of interest in comprehending all of the crown's dominions on the part of the English parliament saw further development after Lords and Commons reassembled for the fourth session of the parliament in the following January, in the Act of Appeals, which passed in the first days of April 1533. The act forbad all appeals to Rome in religious matters, and specified in doing so that it had effect in the realm and "in any the Kynges saide Dominions or Marches of the same." There was one further specification of this provision, in s 3, which indicated that outside the archdioceses of Canterbury and York, the appropriate route to escalate appeals was up to archbishops "in other the Kynges Dominions."[41] This legislation, inspired and authored in large

[39] Alasdair Hawkyard, "The Enfranchisement of Constituencies, 1509–1558," *Parliamentary History* 10 (1991): 1–26; Clifford S. L. Davies, "Tournai and the English Crown, 1509–1519," *Historical Journal* 41 (1998): 1–26, esp. 7–12; idem, "Tournai MPs at Westminster?" *Parliamentary History* 20 (2001): 233–35.

[40] 23 Hen. VIII c.20 (*SR* iii. 385–88, at 388; the statute is missing from the Parliamentary Archives); Stanford E. Lehmberg, *The Reformation Parliament, 1529–1536* (London: Cambridge University Press, 1970), 135–38. The petition from early weeks of the debate (BL, Cotton MS Cleo. E. VI, ff. 232–3 (*LP* v. 721(5)) makes no mention of territorial scope. This session coincided with the maneuvers leading to the Submission of the Clergy; it is frequently overlooked that this was the act of the Southern Convocation, although it was induced to speak for "your clergy of England," implying a more general engagement, and the role of the York Convocation is relegated to a footnote at most: *Concilia Magnae Britanniae et Hiberniae*, ed. David Wilkins (London: R. Gosling et al., 1737), iii. 754–55; Michael Kelly, "The Submission of the Clergy," *Transactions of the Royal Historical Society* 5th ser., 15 (1965): 97–119 (e.g. 117 n. 5 on York Convocation); John P. Cooper, "The Supplication against the Ordinaries Reconsidered," *English Historical Review* 72 (1957): 616–41. *LP* v. 721(1) is a bill from Cromwell to outlaw clerical legislation; but there was no effort yet to have submission ratified by statute.

[41] Parliamentary Archives, Westminster, U.K., HL/PO/PU/1/1532/24H8n13; 24 Hen. VIII c12 (*SR* iii. 427–29, at 428, 429); Lehmberg, *The Reformation Parliament*, 163–69, 174–76; Geoffrey R. Elton,

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part by Thomas Cromwell, was a key step in establishing jurisdictional autonomy, and it did so from the start not just in relation to England, but also to associated territories under the crown. In doing so, the act might have applied an effective solution for all those territories which were subject either to Canterbury or York, but appears unaware of the challenge arising from the location of Jersey and Guernsey in the diocese of Coutances and the province of Rouen and from continuing uncertainty as to the position of the diocese of Sodor and Man.[42]

Evidence that those drafting and amending legislation were becoming more sensitive to implications for territories outside England is provided by a reference in one of the acts in the following (fifth) session of the Reformation parliament, for which Lords and Commons reconvened in January 1534. This was the act depriving the bishops of Salisbury and Worcester, both of them Italian cardinals whose potential contribution to the successful progress of the English king's priorities in church and state was becoming less and less meaningful. The act referred to what it described as existing requirements that those promoted to bishoprics should be born under the king's dominions, apparently recognizing the inclusive nature of this privilege across all those territories and not just the realm of England.[43]

Even though the jurisdictional revolution of the Henrician Reformation was commencing, however, this still amounts to only three references in statutes in the parliament, from a total of over 150 individual pieces of legislation since the start of the reign. It was only in the following, sixth session, in the later months of 1534 (November–December), that references to the territorial ambition of parliament's jurisdiction over all the king's dominions become more frequent. Then, the acts of First Fruits and Tenths, for the nomination and consecration of suffragan bishops, and for the subsidy all made this explicit claim. References in the act of First Fruits and Tenths were extensive and relatively systematic: the act applied to all benefices and other offices in the church in the realm "or els where within any of the Kynges domynions," with all first fruits now being due to the king.[44] All other first fruits were to cease, if they were paid to others in the realm or other dominions. While

"The Evolution of a Reformation Statute," *English Historical Review* 64 (1949): 174–97. The assertion that the realm of England is an empire appears in draft E (the earliest): ibid., 178 (though the focus is on preventing appeals, rather than providing for resolution at home; this draft was not yet directly authored or corrected by Cromwell); at 180 Elton refers to the bill's coverage of summons etc. in any of the king's dominions.

[42] This complication is explored for Coutances in Darryl M. Ogier, *Reformation and Society in Guernsey* (Woodbridge: Boydell Press, 1996); 21–24, 41–44; Clifford S. L. Davies, "International Politics and the Establishment of Presbyterianism in the Channel Islands: The Coutances Connection," *Journal of Ecclesiastical History* 50 (1999): 498–522, esp. 500–501; and for Sodor and Man in Thornton, "Scotland and the Isle of Man, c. 1400–1625," 13–16.

[43] 25 Hen. VIII c.27 (*SR* iii. 483–84, at 483); Lehmberg, *The Reformation Parliament*, 185. On the format of government bills, see Geoffrey R. Elton, "Parliamentary Drafts, 1529–40," *Bulletin of the Institute of Historical Research* 25 (1952): 117–32, at 132, who argues it followed a regular form of legal draft.

[44] 26 Hen. VIII c.3 (*SR* iii. 493–99, at 494–96); Lehmberg, *The Reformation Parliament*, 206–7; the draft in Cromwell's hand in TNA, SP 2/Q, ff. 52–3 (*LP* vii. 1380(2)) interestingly uses a less inclusive formula, "huius Regni vel in Wallia."

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commissioners were to assess the value of benefices across England and Wales, and therefore not explicitly across the other royal dominions, the act made provision for the tenth to be calculated by commissioners in any part of the realm and other royal dominions. The act for suffragans was similarly clear in its application to the realm or "els where within the Kinges Domynions."[45] But it was the 1534 subsidy which made the most ambitious extension to the principle that parliament was legislating not just for England but for the other dominions. The act specifically indicated that the subsidy was to be levied on all lands and goods "within this Realme of Englande & other his Domynions."[46] Earlier subsidy legislation in the reign had either not referenced areas outside England at all, or had begun to specify their exemption. The act of 1513 had been explicit at least in that commissions were not appointed to collect the subsidy in Cheshire and some other counties which had not, at least for some centuries, been subject to English parliamentary taxation.[47] Then in 1514 a specific exemption was included in the statute itself to cover Durham and Cheshire (along with the other northern counties normally exempt, and Brighton). This process could be argued as representing some further ambition, or at least an ambiguity, as to the further reach of the English parliament.[48] In 1523, the list of specific exemptions was extended into other territories that had long been free from any suggestion that English parliamentary taxation might touch them: adding Ireland, Wales, Calais, Jersey, and Guernsey.[49] The extent of innovation in the subsidy of 1534 is controversial, but its novel impact in parts of England has been noted elsewhere, and to this needs to be added an aspiration, at least, to extend English parliamentary taxation into areas previously exempt.[50] Another important step was taken in

[45] 26 Hen. VIII c.14 (*SR* iii. 509–10, at 509); Lehmberg, *The Reformation Parliament*, 211.

[46] Parliamentary Archives, Westminster, U.K., 26 Hen. VIII c.17, s 3 (*SR* iii. 517); Lehmberg, *The Reformation Parliament*, 207–9.

[47] 5 Hen. VIII, c.17 (*SR* iii. 105–19, esp. 119, which listed the shires in question: "Thies be the Shires [and Townes—interlineated] wherof there be no Commissioners returned and assiled to this acte"—Cumberland, Northumberland, Westmorland, the Isle of Wight, and Cheshire. The towns of Shrewsbury and Southampton were also listed here, but struck through. NB Durham was not so listed.) For the previous lack of coverage of Cheshire and Durham, see Tim Thornton, *Cheshire and the Tudor State, 1480–1560* (Woodbridge: Boydell, 2000), 63–76; idem, "Fifteenth-Century Durham and the Problem of Provincial Liberties in England and the Wider Territories of the English Crown," *Transactions of the Royal Historical Society* 5th ser., 11 (2001): 83–100, esp. 89–93. The initiative of 1513 and subsequent subsidies in summarized briefly in Roger Schofield, *Taxation under the Early Tudors, 1485–1547* (Oxford: Blackwell, 2004), 63, 94.

[48] 6 Hen. VIII, c.26 (*SR* iii. 156–75, esp. s 17 and s 18, at 167). The original statute is missing from the Parliamentary Archives.

[49] 14&15 Hen. VIII, c.16 (*SR* iii. 230–41: "of every persone borne under the Kynges obeysaunce and chargeable to this subsidy"; exemptions for Ireland, Wales, Calais, Jersey, Guernsey, the Cinque Ports, Northumberland, Cumberland, Westmorland, Chester, Durham, Brighton and Westbourne (Sussex) (ss 16, 17, 18; 239)).

[50] Geoffrey R. Elton, "Taxation for War and Peace in Early Tudor England," in *War and Economic Development: Essays in Memory of David Joslin*, ed. Jay M. Winter (Cambridge: Cambridge University Press, 1975), 33–48; Richard W. Hoyle, "Resistance and Manipulation in Early Tudor Taxation: Some Evidence from the North," *Archives* 20 (1993): 158–76; idem, "Crown, Parliament and Taxation in Sixteenth-Century England," *English Historical Review* 109 (1994): 1174–96;

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the session of 1534 in the general pardon that was granted. Previous similar statutes had, at most, referred to the realm of England when explaining the scope of the grant, as in 1515 and 1529.[51] Some did not even do that, the 1513 and 1523 statutes leaving the question entirely implicit.[52] The pardons for praemunire of 1530 and 1531 applied, for the clergy, specifically to the provinces of Canterbury and York, and for the laity for subjects in England and Wales, Calais and marches of the same.[53] In 1534, however, the pardon statute indicated that it applied to the king's subjects in the realm of England, Wales, Jersey, Guernsey, Berwick, Calais and the marches. In doing so it implicitly identified only the subjects of the lordship of Ireland and those of the lord of Man in the Isle of Man as not being covered by the pardon, with the possible theoretical addition of the king's subjects elsewhere in his kingdom of France.[54]

The example set in the previous session of the Reformation Parliament was followed in four of the acts of the following, seventh and final session during the months from February to April 1536. They made inclusive reference to the king's dominions, and in at least two cases this accompanied what appear to be deliberate attempts to extend the reach of Westminster statute. An act concerning the custom on leather focused particularly on Wales, Cheshire and Cornwall, and this meant a significant extension of the impact of Westminster statute for the first and second areas.[55] The session also saw the passage of the so-called first act of union with Wales, and in this statute there was specific provision that the measures to exclude Welsh speakers from office should apply not just in Wales but also the realm of England and

Michael L. Bush, "'Enhancements and Importunate Charges': An Analysis of the Tax Complaints of October 1536," *Albion* 22 (1990): 403–19; idem, "'Up for the Commonweal': The Significance of Tax Grievances in the English Rebellions of 1536," *English Historical Review* 106 (1991): 299–318, esp. 299–300; idem, "Tax Reform and Rebellion in Early Tudor England," *History* 76 (1991): 379–400, esp. 385–86, 389–90; Thornton, *Cheshire and the Tudor State*, 76–77.

[51] Parliamentary Archives, Westminster, U.K., HL/PO/PU/1/1515/7H8n12; 7 Hen. VIII c.11; 21 Hen. VIII c.1 (*SR* iii. 203–5, 282–84). On pardons more generally, see Helen Lacey, *The Royal Pardon: Access to Mercy in Fourteenth-Century England* (York, Woodbridge: York Medieval Press; Boydell Press, 2009); Susanne Jenks, "Exceptions in General Pardons, 1399–1450," in *The Fifteenth Century XIII: Exploring the Evidence: Commemoration, Administration and the Economy*, ed. Linda Clark (Woodbridge: Boydell & Brewer, 2014), 153–82, esp. 154; Krista J. Kesselring, *Mercy and Authority in the Tudor State* (Cambridge: Cambridge University Press, 2003); eadem, "To Pardon and to Punish: Mercy and Authority in Tudor England" (unpubl. PhD diss., Queen's University at Kingston, 2000). This literature tends to assume the geographical coverage of pardons, and so although it makes important points about pardon allowing the crown to present an image of an unforced act of mercy, providing an opportunity to reawaken a sense of duty among the polity, the identity/extent of that polity is assumed.

[52] 5 Hen. VIII, c.8; 14&15 Hen. VIII c.17 (*SR* iii. 96, 242–45).

[53] 22 Hen. VIII, c.15, 16 (*SR* iii. 334–38).

[54] 26 Hen. VIII c.18 (*SR* iii. 514–16; not mentioned by Lehmberg in his treatment of the session: *The Reformation Parliament*, 201–13).

[55] 27 Hen. VIII c.14 (*SR* iii. 546–47, at 546–47); discussed in Thornton, *Cheshire and the Tudor State*, 125–29; Madden, ed., *Select Documents*, i. 9. Lehmberg, *The Reformation Parliament*, 235, mentions the act without referencing its application to these territories. The earlier statute on leather, 24 Hen. VIII c.1, had impacted Cheshire in 1533 in spite of its phrasing and in the face of local protests: *SR* iii. 417–19; Thornton, *Cheshire and the Tudor State*, 126.

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other royal dominions.[56] Two other statutes had drafting designed to extend to all the king's dominions: the poor law whereby all were required to direct vagrants according to the act, in the realm and any of the king's dominions, and the act limiting sanctuary, which also extended one of its provisions, requiring all sanctuary men to wear a badge, to any sanctuary in the king's dominions. The latter statute was notable in simply referring to the king's dominions, with no reference to the realm of England at all.[57]

Extensive though it might now have become, this tendency to draft using inclusive language covering some at least of the king's dominions outside England was far from universal, and there were major pieces of government legislation on religious change and other reforms in this session of the Reformation Parliament which did not specifically cover these territories. In the act for the Suppression of Monasteries, for example, reference is made to the realm and to the Church of England; the furthest this might have gone was in the requirement that Justices of the Peace in every shire should deal with offences against the act.[58] Similarly, the Statute of Uses was stated to be a response to the situation under the "common Lawes of this Realme," and the act made many mentions of the realm, but no more. There was a hint as to the expectation of a wider relevance, if only to Wales, in the final proviso (s 15), which was for persons born in Wales and the marches who had estate executed to them under the act.[59] The indication that the recording of uses was to be undertaken by the Court of Common Pleas reinforces the sense that this act was created within an Anglo-centric frame of reference,

[56] 27 Hen. VIII, c.26 s 17 (*SR* iii. 563–69, esp. 567). The act consistently refers to Wales as a dominion, e.g. ss 28, 29, 31 (569). Lehmberg, *The Reformation Parliament*, 241–42.

[57] 27 Hen. VIII c.19, c.25 (*SR* iii. 551–52, esp. 551; 558–62, esp. 558); Lehmberg, *The Reformation Parliament*, 230–33. Geoffrey R. Elton, "An Early Tudor Poor Law," *Economic History Review* 6 (1953): 55–67, discusses the act, and the draft which is his immediate subject, solely in terms of England or "the realm," as does subsequent debate considered in Nicholas Dean Brodie, "Reassessing 27 Henry VIII, c.25 and Tudor Welfare: Changes and Continuities in Context," *Parergon* 31 (2014): 111–36. Shannon McSheffrey, *Seeking Sanctuary: Crime, Mercy and Policy in English Courts, 1400–1550* (Oxford: Oxford University Press, 2017), 156–57, refers to 27 Hen. VIII c.19 but does not consider its territorial extent. Darryl Ogier observes that an earlier act (22 Hen. VIII, c.14; *SR* iii. 332–34) appears to have had the effect of ending sanctuary on Guernsey in 1531, even though it was written to apply to England: *Reformation and Society in Guernsey*, 21.

[58] 27 Hen. VIII c.28 (*SR* iii. 575–78); Lehmberg, *The Reformation Parliament*, 223–29. The consequent survey of church property (in the *Valor Ecclesiasticus*) does, however, extend to Guernsey, albeit in different ways to the rest of the diocese of Winchester, although there is no trace of commissioners' activity in Jersey or the Isle of Man: Ogier, *Reformation and Society in Guernsey*, 42; Tim Thornton, *The Channel Islands, 1370–1640: Between England and Normandy* (Woodbridge: Boydell Press, 2012), 74. The only reference to the Isle of Man in the *Valor* is to tithes from island churches which formed part of the revenues of Furness Abbey, then in Lancs.: *Valor Ecclesiasticus* (6 vols, London: Record Commission, 1810–34): v. 270.

[59] 27 Hen. VIII c.10 (*SR* iii. 539–42; proviso at 542); Lehmberg, *The Reformation Parliament*, 236–38; Eric W. Ives, "The Genesis of the Statute of Uses," *English Historical Review* 82 (1967): 673–97; neither of these discussions of the act recognize its specifically English context. A subsidiary act on enrolments, 27 Hen. VIII c.16 (*SR* iii. 549; Lehmberg, *The Reformation Parliament*, 238), also referred only to the realm, and to English practices such as the role of the custos rotulorum.

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and Eric Ives noted the impracticability even for England of a 1529 draft with this purpose.[60]

The king's ministers were, however, evidently becoming more aware by this stage that some measures, especially concerning taxation and the customs, jurisdiction over the church and in support of the king's new marriage, and some aspects of security, might require or at least benefit from explicit extension beyond the realm of England. The subsequent parliament, meeting in June 1536, saw further examples of the kind, including reference to both the realm and dominions in the act for the establishment of the succession, ensuring that the offence of treason created there applied in all the dominions, that subjects were to treat any sentence against the king's marriage as void, in any of the dominions, that offenders could not benefit from sanctuary anywhere in the realm of England or other king's dominions, and even that the consequential extension of prohibited degrees of marriage should apply across the realm and dominions.[61] In the same parliament, the act which extinguished the authority of the pope applied across an extensive and apparently deliberately widely-drafted list of the king's "Realme Domynions Seignoreis or Countreis," and made upholding the pope's authority an offence of praemunire for an even more extensive list which also included "the Marchies of them." The Act was notable for a proviso which ensured that it was not to be applied to Jersey, Guernsey, or Alderney until the king and Council had had the opportunity to examine their "state and disposicion," after which time the act could be introduced there by letters patent. This was a recognition of the reality of the continuing jurisdiction of the Bishop of Coutances in the islands. Although some, including Lehmberg, have emphasized the application in the Channel Islands of all statutes decreeing change to ecclesiastical jurisdiction, the reality is more complex, and as we have seen only some Reformation Parliament legislation specified even a general application in the king's dominions, and certainly none had yet mentioned the islands specifically. An ongoing respect for the bishop of Coutances' role in the islands on the part of the English regime, which has been charted by Darryl Ogier and C. S. L. Davies, is the counterpart to this effort, tentative at best, to extend legislation on ecclesiastical jurisdiction into the islands.[62] The act for the release of those who had obtained licenses and dispensations from the pope made general statements about how the papacy had impoverished the realm and dominions, and now the king's dispensations and similar were to be accepted "in all Courtes and Places of this Realme, and in all other the Kynges Domynions."[63] The act for the restitution of first fruits and tenths attempted to address uncertainties

[60] "Genesis of the Statute of Uses," 677–78.

[61] 28 Hen. VIII c.7 (*SR* iii. 655–62, at 658–59, 661); Lehmberg, *The Later Parliaments*, 20–25.

[62] 28 Hen. VIII c.10 (*SR* iii. 663–66, at 663, 664, 665, 666); Lehmberg, *The Later Parliaments*, 25–28; Ogier, *Reformation and Society in Guernsey*, 41–44; Davies, "International Politics and the Establishment of Presbyterianism in the Channel Islands," 500–1. See above, 19–20, for the earlier impact of legislation to suppress the lesser monasteries, and the failure of the Act of Appeals in 1533 to provide for the islands' situation.

[63] 28 Hen. VIII, c.16 (*SR* iii. 672–73); Lehmberg, *The Later Parliaments*, 29.

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in the First Fruits and Tenths statute (26 Henry VIII, c.3), and indicated its provisions applied to the realm and dominions as its predecessor had done.[64]

The parliament of 1536 also saw one of the few explicit references to Jersey and Guernsey in the legislation of Henry's reign, in an act for the assurance of the lands of the earldom of Warwick. Here the islands appear as part of a long list of lands granted by Anne, countess of Warwick in 3 Henry VII—amongst which they appear as "Isles or Lordshyps" in the "Countye of Dorsett," a device which artificially blurs the jurisdictional questions around them.[65] In this, the act highlights from a different perspective the constraints on the use of the English parliament for matters of this kind in the islands.

Against this background, it is still worth noting that very few of the acts passed in these sessions of parliament referenced dominions beyond the realm of England. In 1536 it was four of 52. The 1539 parliament continued this pattern, and one of the two instances (amongst fourteen acts) there demonstrates the partial and tentative nature of the extension. While the act to abolish diversity of opinions, known as the Act of Six Articles, explicitly addressed the realm of England and other dominions,[66] the Proclamations Act suggests a less confidently inclusive agenda. The preamble to the Proclamations Act is explicit in aspiring to address religion, unity, concord and good order across England, Wales and other dominions. Further, it addresses anyone concealing themselves anywhere in the realm or king's dominions, and the issues arising in a minority being covered by councillors sending proclamations into the king's realm and dominions. But where the act includes a proviso to protect laws, estates etc, it does so for the realm; an interlineation adds the king's other dominions.[67]

In the parliament of 1540–1, there were inclusive references to the king's dominions in thirteen acts. These addressed tithes, maintenance, sanctuary, the navy and shipping, commissions under the Act of Six Articles, aliens, and the franchises of monasteries now in the king's hands. There was also reference in the acts for the possessions of the hospital of St John of Jerusalem, the dissolution of the king's marriage to Anne of Cleves, religion, pre-contracts and consanguinity, the Court of First Fruits and Tenths, and the general pardon.[68] This was the first pardon enacted in parliament since the innovatively

[64] 28 Hen. VIII c.11 (*SR* iii. 666–67, at 666); Lehmberg, *The Later Parliaments*, 19. See above 22 for 26 Hen. VIII, c.3.

[65] 28 Hen. VIII c.22; *SR* iii. 677–79, at 678 (for the act in general, see Lehmberg, *The Later Parliaments*, 32. For the device of describing the islands as part of Dorset or another English shire (often Hampshire, probably given commercial and social ties to Southampton), see Tim Thornton, *The Channel Islands and the Courts of Westminster from the Fourteenth to the Sixteenth Centuries* (St Helier, Jersey: Société Jersiaise, 2016), 20.

[66] Also, the act provided for commissions specific in including not just the realm but other dominions. 31 Hen. VIII c.14 (*SR* iii. 739–43, at 740–41, 742, 743); Lehmberg, *The Later Parliaments*, 68–74.

[67] 31 Hen. VIII c.8 (*SR* iii. 726–28, at 726–27; interlineation in s 2); Lehmberg, *The Later Parliaments*, 75–79.

[68] 32 Hen. VIII cc.7, 9, 12, 14, 15, 16, 20, 24, 25, 26, 38, 45, 49, 51 (*SR* iii. 751–52, at 751; 753–54; 756–58, at 758; 760–63; 764; 765–66; 770–73, at 772; 778–81, at 778, 779, 780; 781–83, at 782; 783–84, at 784; 792; 798–801, at 798, 801; 809–12, at 812; 824–25, at 824). 32 Hen. VIII c.14, restricting sanctuary,

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specific act of 1534. The 1540–1 pardon carried forward similar provisions to cover subjects in England and Wales, Jersey, Guernsey, Berwick, and Calais and the marches of the same, and it added, in much more specific provisions, an exemption excluding from its scope all who had fled for treason out of the realm and the king's dominions.[69] There were 51 public acts in total in the parliament, so reference to dominions beyond England featured in nearly one in four pieces of legislation. This was a higher level that previously seen in general, and the evidence suggests a pattern of such references was becoming established. In the parliament of 1541, eight of 39 acts referenced the dominions, in that of 1542 four of 28, in 1543 six of eighteen, and in 1545 six of 25, confirming the indications that somewhere in the region of 15–30% of statutes now did so.

Before the 1530s and 1540s, the English parliament was, therefore, implicitly (and often explicitly) English in its focus of activity and legislation, and even from that point forwards there were significant limits to the territorial scope of the ambition of those with influence on the legislative process. But the norms of drafting responded to the precedents set in the 1530s, and so phrases including the dominions appeared in acts with as varied a scope as those for great horses, for worsted yarn in Norfolk, for the attainder of Katherine Howard and the king's future marriages, for the succession, for the reform of canon law, and for the dissolution of colleges.[70]

This limited and tentative change to the territorial extent of Westminster legislation has implications for the context for this legislative activity, including in the composition of the House of Commons. There has recently been renewed debate about the process by which the House was expanded to include members from territories which had not been represented there since at least the early fourteenth century. A long-standing historiographical orthodoxy saw the inclusion of representatives for these areas as a purposeful initiative of Tudor ministers from the time of Thomas Cromwell onwards, and an initiative which was largely welcomed and capitalized upon by local elites. As part of his broader argument about the increasing assertiveness of English control over the king's other territories and dominions, Geoffrey Elton was a prime mover in the advance of this historiographical tendency, which has been particularly pronounced in relation to Wales' new found role in the Commons, and he was succeeded by leading authorities such as Alasdair Hawkyard.[71] More recently, however, caution has been urged, in case-studies of Tournai and

typifies an issue with this more ambitious language of a statute's extent, since the eight sanctuary towns which were instituted were all in England and none further north than York: McSheffrey, *Seeking Sanctuary*, 192–97.

[69] 32 Hen. VIII c.49 (*SR* iii. 809–12, at 810, 812); Lehmberg, *The Later Parliaments*, 118–19.

[70] 33 Hen. VIII cc. 5, 16, 21; 35 Hen. VIII, cc. 1, 16; 37 Hen. VIII, c. 4 (*SR* iii. 830, 852, 859, 955, 958, 976, 989–90).

[71] Elton, "Wales in Parliament"; Charles G. Cruickshank, "Parliamentary Representation of Tournai," *English Historical Review* 83 (1968): 775–76; Thomas F. Mayer, "Tournai and Tyranny: Imperial Kingship and Critical Humanism," *Historical Journal* 34 (1991): 257–77, esp. 262–63; Alasdair Hawkyard, "The Enfranchisement of Constituencies, 1504–1558," *Parliamentary History*, 10 (1991): 1–26; idem, *The House of Commons 1509–1558: Personnel, Procedure, Precedent and Change* (Chichester: Wiley Blackwell for the Parliamentary History Yearbook Trust, 2016). Elton's position

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some areas in England and Wales. Policy on the use of parliament was less consistent and less impactful in these territories, and local communities were less immediately proactive in seeking integration in the English parliament, or in attempting to capitalize on its achievement.[72] That said, some of the most recent contributions on this topic have been forceful in urging the early, positive adoption of extended representation, suggesting (for example) that there may have been "something of a parliamentary 'apprenticeship' served by Welshmen, but it was not as prolonged nor as profound as has been thought."[73] Meanwhile, arguments have been advanced that such expansion of parliament's scope of operation represented not so much a negotiation with local communities expanding the "English state" as the increasingly forceful imposition of the control of the English elite.[74]

Consideration of the limited evidence for legislation addressing the Isle of Man and the Channel Islands specifically, or "dominions" and "territories" more generically, does not, however, support arguments for the ambition of local communities outside the core parliamentary sphere of England itself for parliamentary engagement and direct access to the use of parliamentary statute. Nor is it suggestive of the English regime's more or less benign interest in the use of parliament and statute to engage or oppress those communities. On the one occasion when the communities of the Channel Islands were instructed to send representatives to England on the occasion of a parliament (in 1541–2), almost certainly because of the prominence in their government of Edward Seymour and his role in English politics, there is no evidence that they complied with the request or that it was intended to initiate ongoing conventional parliamentary representation.[75]

It is therefore also relevant to comment on the implications of this study for the extent of the bounds of the "state" articulated in the territorial scope of this legislation. Speculations on this theme are often strikingly inexact in their territorial definition, in the recent past as in the early modern period. For example, explorations of the control and articulation of resources through taxation agreed in parliament, such as those by Roger Schofield or Mike Braddick, explore the reach and impact of taxation but rarely problematize

was, to a degree, a challenge to the caution alleged in Arthur H. Dodd, "Wales's Parliamentary Apprenticeship (1536–1625)," *Transactions of the Honourable Society of Cymmrodorion* (1942): 8–72.

[72] Davies, "Tournai and the English Crown," 7–12; idem, "Tournai MPs at Westminster?" 233–35. Esp. in this connection, Neil Murphy, "Tournai under Tudor Rule: Cooperation or Opposition?" *Mémoires de la Société royale d'histoire et d'archéologie de Tournai* 14 (2014): 35–70; Tim Thornton, "Dynasty and Territory in the Early Modern Period: The Princes of Wales and their Western British Inheritance," *Welsh History Review* 20 (2000): 1–33, at 18–19; idem, *Channel Islands*, 73; idem, *Cheshire and the Tudor State*, 132–42.

[73] Lloyd Bowen, "Wales at Westminster: Parliament, Principality and Pressure Groups, 1542–1601," *Parliamentary History* 22 (2003): 107–20.

[74] Murphy, *The Tudor Occupation of Boulogne*; Brendan Kane, "Human Rights and the History of Violence in the Early British Empire," *History* 99 (2014): 383–402.

[75] *Actes des États de l'Île de Jersey 1524–1596*, ed. James A. Messervy (St Helier, Jersey: Société Jersiaise, 1897), 9–10; Thornton, *The Channel Islands*, 73.

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the territories within which it was effective.[76] By the end of the sixteenth century ideas of the fully representative role of the House of Commons could indicate (in the words of Sir Thomas Smith in 1565) "euerie Englishman is entended to bee there present, either in person or by procuration and attornies,"[77] and that has been taken to support the assertion that parliament was an exercise in "absorption and representation" of England. But what was included in and beyond "England" remained poorly defined and was less aggressively inclusive of other territories controlled by the English king than might be expected.[78] The steps that were taken regarding these territories were limited, unsystematic and tentative, and chiefly a consequence of the working out of attempts to achieve security and limited compliance forced on the regime by their attempts to assert control of the church and address dynastic crisis. They also sprang from the stirrings of interest in commanding resources, including through taxation, although this was a poor shadow of the revolutionary impact of fiscal innovation in England in the early sixteenth century.[79]

Given that Coke made similar comments about the relevance of English statute law in Jersey and Guernsey as he did about the Isle of Man, it is significant that unlike in the case of Man there has in recent decades been far less certainty about the role of English parliamentary legislation in the Channel Islands.[80] As Darryl Ogier has observed, "Parliament did continue for many years in certain areas to legislate for the Islands by Act.... It remains the case, to a degree, that Governments still assert a power to do this. The extent of this power for the Channel Islands, particularly in domestic and taxation

[76] Roger Schofield, "Taxation and the Political Limits of the Tudor State," in *Law and Government under the Tudors: Essays Presented to Sir Geoffrey Elton*, eds. Claire Cross, David Loades and John J. Scarisbrick (Cambridge: Cambridge University Press, 1988), 227–55; Michael J. Braddick, *The Nerves of State: Taxation and the Financing of the English State 1558–1714* (Manchester: Manchester University Press, 1996); idem, *State Formation in Early Modern England: c. 1550–1700* (Cambridge: Cambridge University Press, 2000).

[77] Thomas Smith, *De republica Anglorum: The Maner of Gouernement or Policie of the Realme of England* (London: printed by Henrie Midleton for Gregorie Seton, 1583), 35.

[78] Oliver Arnold, "Absorption and Representation: Mapping England in the Early Modern House of Commons," in *Literature, Mapping and the Politics of Space in Early Modern Britain*, eds. Andrew Gordon and Bernhard Klein (Cambridge: Cambridge University Press, 2001), 15–34. Some corrective to the argument that increased geographical coverage of constituencies inevitably broadened and extended representation is found in Simon Payling, "The Rise of New Boroughs and the Decline of Electoral Localism: The Evolving Composition of the House of Commons, 1386–1558," *Parliamentary History* 40 (2021): 261–76.

[79] Richard W. Hoyle, "Crown, Parliament and Taxation in Sixteenth-Century England," *English Historical Review* 109 (1994): 1174–96; idem, "Resistance and Manipulation in Early Tudor Taxation: Some Evidence from the North," *Archives* 20 (1993): 158–76; Tim Thornton, "Taxing the King's Dominions: The Subject Territories of the English Crown in the Late Middle Ages," in *Crises, Revolutions and Self-sustained Growth: Essays in European Fiscal History, 1130–1830*, eds. William Mark Ormrod, Margaret Bonney and Richard Bonney (Stamford: Shaun Tyas, 1999), 97–109.

[80] Coke, *The Fourth Part of the Institutes of the Laws of England*, 287 (not bound by acts "unlesse they be specially named").

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matters, has been much debated."[81] Ogier notes the deliberate avoidance in Guernsey of the implications of the Act for Chantries Collegiate of 1547, which sought to close those organizations down in England and other of the king's dominions. He points out that the example given by W. J. Heyting, of a lack of resistance to the Act prohibiting the sowing of tobacco of 1660 and its extension to Guernsey and Jersey, fails to recognize cultivation had already been banned there not by statute but by an Order in Council of 1631.[82] If there is today a difference in the authority of parliamentary statute in the respective Crown Dependencies, its origins do not lie in their experience of English parliamentary interactions in the years before the wars of the mid-seventeenth century. But if there is a possible doubt as to that authority, or very significantly as to its extent, then that doubt might arise at least indirectly and in part from the limited territorial extent of medieval and early modern legislation.

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[81] Darryl Ogier, *The Government and Law of Guernsey*, 2nd ed. (St Peter Port, Guernsey: States of Guernsey, 2012), 185–86, 225–31, quotation at 226. For other views on the role of English/British statute law in the islands, see Francis de L. Bois, *A Constitutional History of Jersey* (Jersey: States' Greffe 1970), 154–71 (from the island's submission to the Kilbrandon Commission on the Constitution of 1969); Richard Southwell, "The Sources of Jersey Law," in *A Celebration of Autonomy, 1204–2004: 800 Years of Channel Islands' Law*, ed. Philip Bailhache (St Helier, Jersey: Jersey Law Review Ltd, 2005), 31–40; Gordon Dawes, *Laws of Guernsey* (Oxford: Hart, 2003), esp. 17–23; Stéphanie Nicolle, *The Origin and Development of Jersey Law: An Outline Guide*, 5th ed. (St Helier, Jersey: Jersey and Guernsey Law Review, 2009), 58–70, esp. 69.

[82] Ogier, *Government and Law of Guernsey*, 226, W. J. Heyting, *The Constitutional Relationship between Jersey and the United Kingdom* (St Helier, Jersey: Jersey Constitutional Association, 1977), 75; 1 Ed. VI, c.14 (*SR* iv/1. 26–31); Arthur C. Saunders, *Jersey in the Seventeenth Century, Containing a History of the Island Before and During the Rebellion of 1642–60 and After the Restoration, 1660–1700* (Jersey: J. T. Bigwood Limited, 1931), 14.

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